

AN ORDINANCE

AN ORDINANCE TO AMEND ORDINANCE NO. 3079, AS LAST AMENDED BY ORDINANCE NO. 3301, TO PROVIDE FOR ADDITIONAL BUILDING SETBACK LINES TO PRESERVE THE GREENVILLE COUNTY PORTION OF CORRIDORS IDENTIFIED BY THE GPATS 2010-2015 TRANSPORTATION IMPROVEMENT PLAN.

BE IT ORDAINED BY GREENVILLE COUNTY COUNCIL:

Section 1. Title. This ordinance shall be known as the "Transportation Corridor Preservation Ordinance of Greenville County, South Carolina".

Section 2. Authority. This ordinance is adopted pursuant to the authority conferred upon the County of Greenville, South Carolina, by the Code of Laws of South Carolina (1979), as amended.

Section 3. Findings: Purpose. The Greenville County Council finds that additional setbacks for road improvement identified in the Greenville County portion of GPATS 2010-2015 Transportation Improvement Plan:

- (a) assist in the preservation of public health, safety, and welfare, and to aid in the harmonious, orderly, and beneficial development of the county in accordance with the comprehensive plan.
- (b) provide for the preservation and protection of corridors where transportation improvements are scheduled to occur.
- (c) minimizes impacts associated with road widening and new road construction.

Section 4. Scope. This ordinance shall apply to all land within Greenville County, which abuts or is located within corridors identified in the Greenville County portion of GPATS 2010-2015 Transportation Improvement Plan.

Section 5. Relation to Generally Required Setback. When determining the cumulative setback requirement for property within the identified corridors, the setback requirement provided in this ordinance would be in addition to the setback requirement of the zoning district, if applicable, in which the property is located.

Section 6. Administration. Any proposed structure or development which abuts or is located within the Greenville County portion of a corridor identified by the GPATS 2010-2015 Transportation Improvement Plan will require the review of the Building Safety Section of the Codes Enforcement Division prior to issuing a building permit, in order to assess the impact of any proposed structure or development on the road improvement and to ensure that the cumulative setback requirement is being met.

Section 7. Variance Procedure. The Board of Zoning Appeals may authorize, upon written appeal, such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship or peculiar and exceptional practical difficulties.

An applicant shall file a written request for a variance with the Zoning Administrator, or his designee, with then (10) days after such applicant has received written notification that a violation of this article has been committed. The request shall specify the nature of the variance being sought and the reasons for such request.

Notice shall be given at least fifteen (15) days in advance of a public hearing. The owner of the property for which the variance is requested or his agent shall be notified by mail. Notice of hearings shall be made in a newspaper of general circulation, posted on the property for which a variance is requested, and posted at Greenville County Square.

When an applicant requests a variance from the terms of this ordinance, the Zoning Administrator shall provide the applicant or his designated representative with an application and adequate number of Notice of Public Hearings signs to allow the applicant or his designated representative to properly post and maintain on the property a notice of public hearing at least 10 days prior to the date of the Board of Zoning Appeals hearing. Only such signs as provided by the Zoning Administrator shall be used and such signs shall be placed in a conspicuous place or places on the affected premises. Failure to comply with the posting requirements will result in removal of the application from the public hearing agenda and forfeiture of the application fee. All signs must be removed within 30 days after the public hearing.

A variance from the terms of this ordinance may be granted by the Board upon finding that:

- (1) The variance requested is the minimum variance that will make possible the legal use of the land.
- (2) Owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship or peculiar and exceptional practical difficulties.
- (3) The variance requested will be in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighbor or otherwise detrimental to the public welfare.

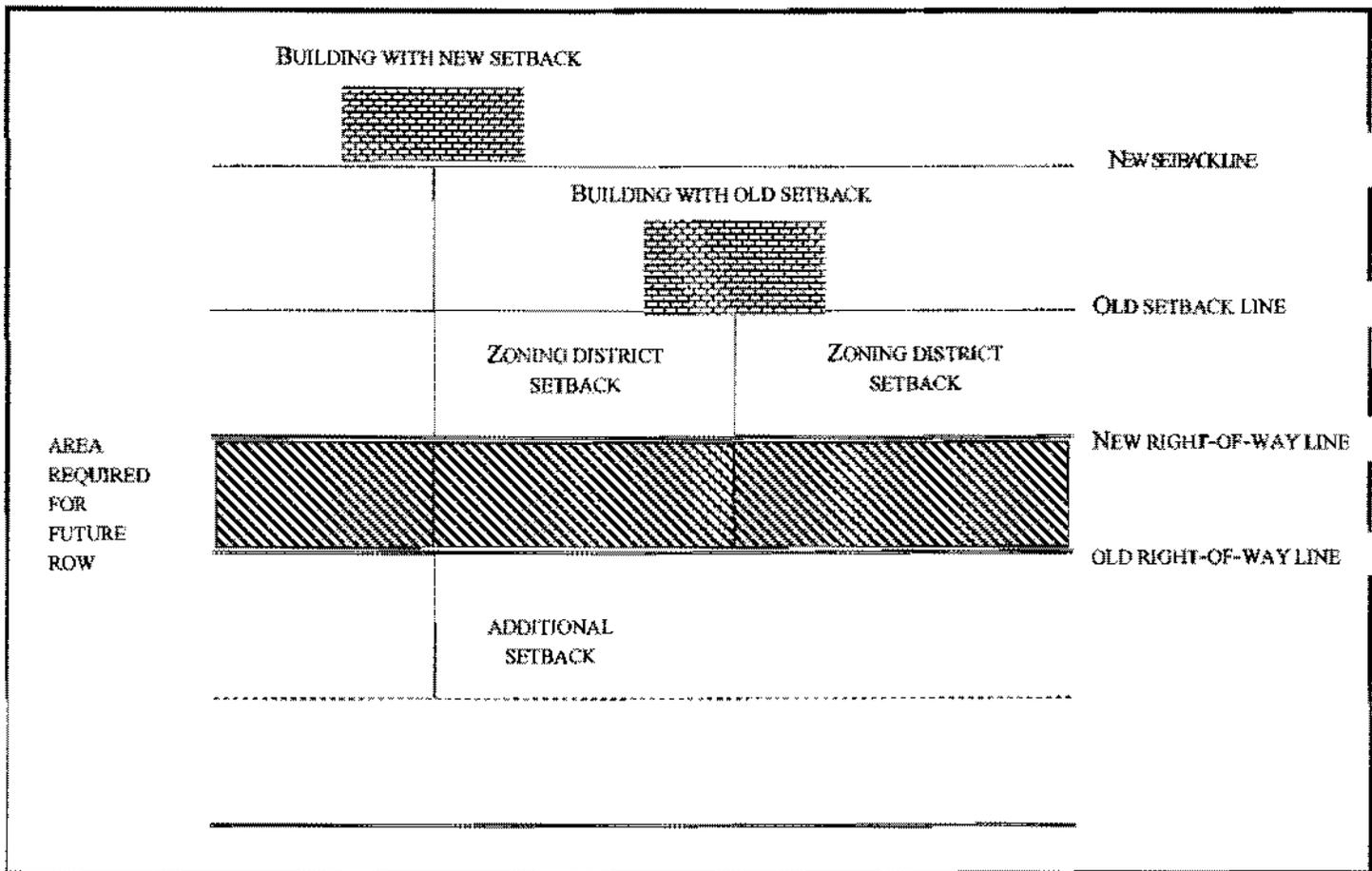
Section 8. Protection from Encroachment. No building, structure, or drainage facility shall be erected, constructed, reconstructed, moved, added to, or structurally altered within or adjacent to the future right-of-way of any proposed street or highway improvement included in the Greenville County portion of the GPATS 2010-2015 Transportation Improvement Plan.

The following uses, directly and indirectly related to the primary use of the affected property, may be allowable within the setback area on an interim basis if also allowed in the zoning district.

- (1) The construction of parking is allowed, however, any parking spaces constructed within the area required for future right-of-way shall not be considered toward the fulfilling of the required off-street parking of the Zoning Ordinance.
- (2) Signage, landscape fencing
- (3) Temporary sales or leasing offices
- (4) Produce stands, farmers markets
- (5) Agricultural uses
- (6) Storage yards
- (7) Other uses that are considered to be compatible with the aforementioned uses.

Section 9. Establishment of Setbacks. Where a future alignment for a road improvement has been established by the South Carolina Department of Transportation, setback requirement shall be applied to the approved alignment. Where an alignment has not been determined, an approximate alignment shall be established based on the existing street centerline. The setbacks prescribed by this ordinance are based on the right-of way cross section established for each project.

EXAMPLE SETBACK APPLICATION



Section 10. List of Roads. The following roads have been identified for additional setbacks.

Project	Location	Setback
Batesville Road	SC 14 to Anderson Ridge Road	45 ft.
North Buncombe Road	Wade Hampton Blvd to Locust Hill Road	45 ft.
Roper Mountain Road	Garlington Road to Feaster Road	45 ft.
Butler Road (County portion)	Mauldin High School to Bridges Road	45 ft.
Woodruff Road widening	Scuffletown Road to Bennetts Bridge Road	45 ft.
SC 101 and Fews Chapel	Intersection improvement	45 ft.
Locust Hill and Mountain View	Intersection improvement	45 ft.
Woodruff Road and I-85	Interchange improvement	(see SCDOT plans)
Woodruff Road and Garlington/Miller	Intersection improvement	45 ft.
Woodruff Road and Bennetts Bridge Road	Intersection improvement	45 ft.

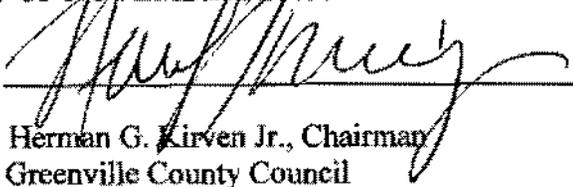
Section 13. Penalties for Non-compliance. Any person, firm, corporation or agent, who shall violate the provisions of this ordinance shall be guilty of a misdemeanor and shall be punished within the jurisdictional limits of magistrate's court. Each such person, firm, corporation or agent shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this ordinance is committed, or continued.

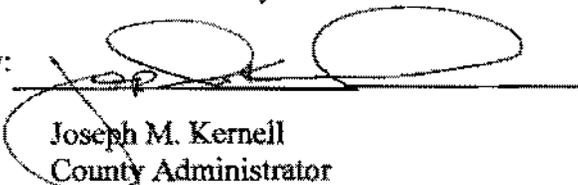
Section 14. Separability and Validity. Should any section, paragraph, clause, phrase, or provision of this ordinance be adjudged invalid or held unconstitutional by a court of competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

Section 15. Repeal of Conflicting Ordinances. All ordinances or part of ordinances in conflict herewith are repealed to the extent necessary to give this ordinance full force and effect.

Section 16. Effective Date. This ordinance shall take effect upon the date of its adoption.

DONE IN REGULAR MEETING THIS 3rd DAY OF NOVEMBER, 2009.

By: 
 Herman G. Kirven Jr., Chairman
 Greenville County Council

By: 
 Joseph M. Kernell
 County Administrator

ATTEST: 
 Theresa B. Kizer, Clerk to County Council