

# Planning Commission City of Greer

March 18, 2019

New Business Meeting

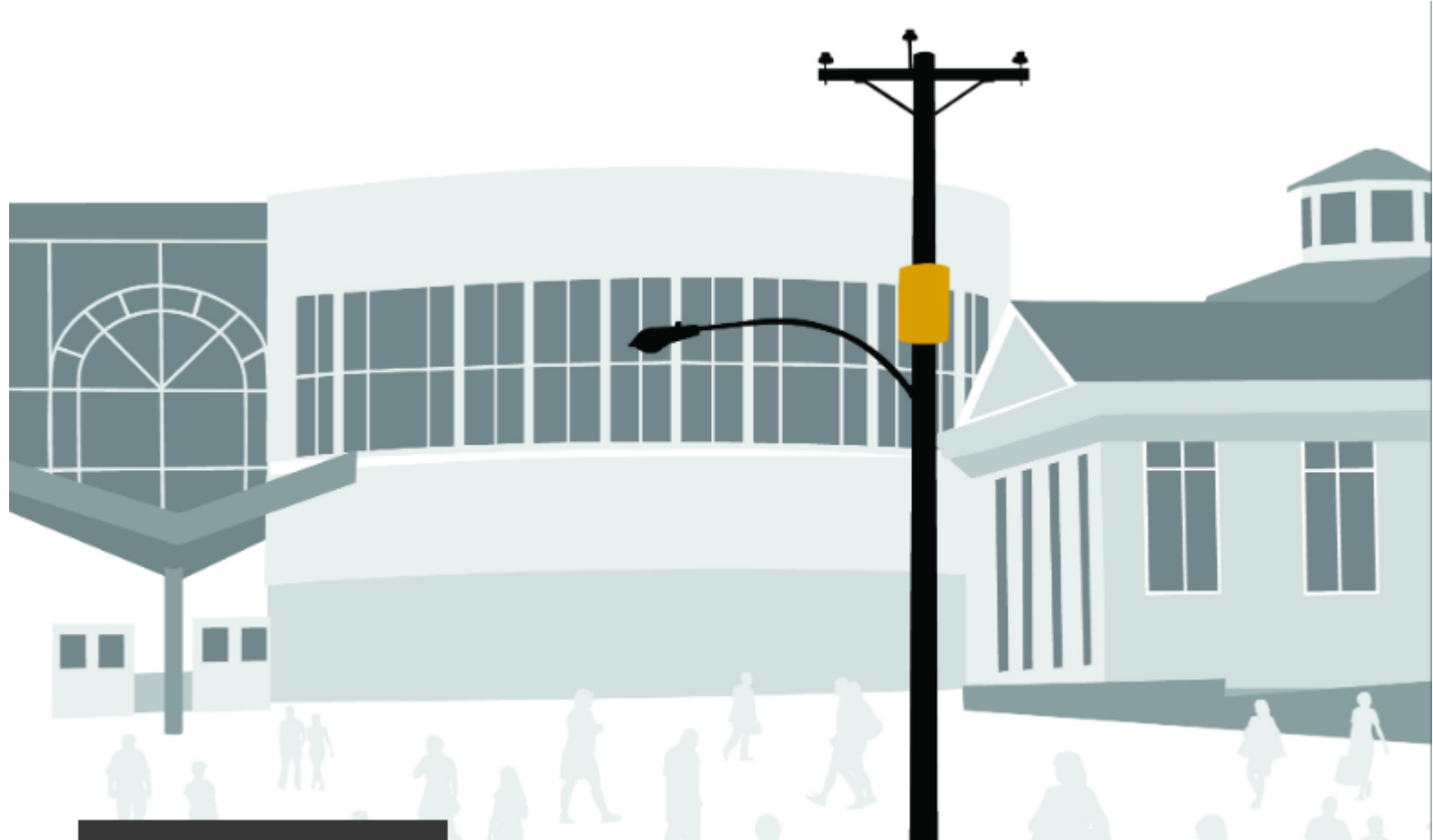


DOCKET NUMBER:

TXT 2019-01

REQUEST:

Establish Standards and Requirements for  
Small Cell Technology



# DOCKET NUMBER: TXT 2019-01

## Background Information

- Residents and businesses are increasingly reliant on handheld wireless devices to communicate and transmit data
- **Advanced wireless technology (5G and greater)**
  - Requires a denser antenna network deployed near street level
  - Antennas and support equipment are referred to as Small Wireless Facilities or Small Cell
- **Small Wireless Facilities**
  - Have limited coverage area
  - Enhance and supplement existing wireless network
  - Require a larger number of SWFs compared to cell towers
- Local governments cannot prohibit SWFs
- Must approve or deny permit requests in a timely manner ( # of days)
- **FCC Policy**
  - Requires nondiscriminatory and competitively neutral SWF permitting
  - Prohibits policies and practices, including moratoriums, that effectively prohibiting SWF deployment
  - Supports attaching SWFs to poles or structures in public rights-of-ways

## DOCKET NUMBER:      TXT 2019-01

**TXT 2019-01** is an amendment to add a new Article 6:17, titled Standards for Placement of Small Wireless Facilities in Covered Areas. This ordinance is based off the modeled ordinance that the Municipal Association sent out for municipalities to use to create their own ordinance. The intent of the ordinance is to establish uniform standards including, but not limited to:

1. Prevention of interference with the use of streets, sidewalks, alleys, parkways, traffic light poles or other light poles, and other public ways and places;
2. Prevention of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;
3. Prevention of interference with other facilities and operations of facilities lawfully located in Covered Areas or public property;
4. Preservation of the character of neighborhoods where facilities are installed;
5. Preservation of the character of historic structures, or historic neighborhoods, including but not limited to such structures or neighborhoods listed on the National Register of Historic Places or locally designated Historic Districts; and,
6. Facilitation of the rapid deployment of Small Wireless Facilities to provide the citizens with the benefits of advanced Wireless Services.

DOCKET NUMBER:

TXT 2019-02

REQUEST:

Establish new standards for Accessory  
Building in residentially zoned properties

## Without Short Term Rental (STR)

**Amend Article § 5:3.3 and § 5:5.4-5** of the City of Greer, SC Zoning Ordinance to state: Accessory buildings must be located behind the front plane of the principal structure, provided that they are set back no less than 5 feet from any lot line, are no closer than 10 feet to the principal dwelling. All accessory structures cannot exceed 30% of the floor area of the principal dwelling, cannot exceed the height of the principal structure, and constructed of similar material of the principal structure. Accessory dwelling units must not be leased or rented for occupancy and must not be sold apart from the principal dwelling unit upon the same lot where it is located.

DOCKET NUMBER:

TXT 2019-02

REQUEST:

Establish new standards for Accessory  
Building in residentially zoned properties

With Short Term Rental (STR)

**Amend Article § 5:3.3 and § 5:4-5** of the City of Greer, SC Zoning Ordinance to state: Accessory buildings must be located behind the front plane of the principal structure, provided that they are set back no less than 5 feet from any lot line, are no closer than 10 feet to the principal dwelling. All accessory structures cannot exceed 30% of the floor area of the principal dwelling, cannot exceed the height of the principal structure, and constructed of similar material of the principal structure.

### **Accessory Dwelling Unit**

1. **Prohibited forms:** Mobile homes, manufactured homes, recreational vehicles, and travel trailers must not be used as accessory dwelling units.
2. **Limit on number:** There must be no more than once accessory dwelling unit on a lot in addition to the principal single-family detached dwelling.
3. **Off-street parking:** at least one off-street parking space must be provided for each bedroom located in an accessory dwelling unit.
4. **Resale:** Accessory dwelling units must not be sold apart from the principal dwelling unit upon the same lot where it is located.
5. **Rental: Refer to Short Term Rentals (STR)**
6. **Home-based businesses:** Offices for home-based businesses are allowed within an accessory dwelling unit. No other type or components of home-based businesses are allowed to take place within an accessory dwelling unit.
73. **Size:** Accessory dwellings units must be at least 480 square feet.
8. **Other standards:** An accessory dwelling unit must comply with all other applicable standards for principal dwelling units in the zone district in which the accessory dwelling is located.

**STAFF RECOMMENDATION: Approval**



DOCKET NUMBER:

TXT 2019-03

REQUEST:

Establish standards for Short Term Rental (STR) as Accessory use

The following provisions shall apply to all residential short-term rentals ("STR") **Amend Article § 5:3.1 and § 5:5.1**

- a. **General Requirements.** A residential short-term rental use may be permitted as a STR permit, if the zoning administrator determines the STR to be an accessory use to the principle residential use on a property, and issue a permit for such STR use.
- b. **Operational Requirements.** In all cases, STR uses shall adhere to the following operational requirements
  1. Property owner must own and live on the property full time and reside overnight on the property while the STR guests are present.
  2. The property shall not contain signs advertng the STR use.
  3. The resident owner shall keep a current guest register including names, addresses, telephone numbers and dates of occupancy of all guest
  4. The resident owner shall comply will all business license and revenue collection laws of the City of Greer, Greenville County or Spartanburg County, whichever is applicable, and the State of South Carolina.
  5. The resident owner and owner's agent shall lit the Residential STR Permit number on all advertisements, listing with booking services, and marketing materials. Including without limitations, Airbnb, VRBO/Homeaway, FlipKey, and any other online website and listing or booking platforms or services.
  6. The residential STR shall not be expanded in any respect beyond the specific rooms which were designated as part of a residential STR unit on plans relied upon by the city in approving a residential STR permit or beyond the maximum number of guests listed on the residential STR permit, nor shall the use be changed to any other use not permitted by the Zoning Ordinance without reapplication to and approval by the zoning administrator.

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REQUEST:

Establish standards for Short Term Rental (STR) as Accessory use

c. **Application Procedure.**

1. New Applications. Application for new STR Permits shall be notarized and include the following:

- a) The location and name of the record owner of the property; and
- b) An application fee; and
- c) Floor plans drawn to scale of the habitable structures on the property that clearly designate all rooms to be used by STR guest, and the specific room or rooms to be used by guests for sleeping; and
- d) A site plan of the lot showing the location of the proposed Residential STR unit and the required off-street parking spaces and driveways; and
- e) A photograph or photographs of the current principal view or views of the structure where the residential STR unit is to be located; and
- f) A statement which the resident-owner must sign acknowledging that he or she has reviewed and understands the requirements of this section and the applicable section for the category of permit requested.

Upon receiving a complete application and prior to the issuance of a new STR permit, the zoning administrator shall cause notice to be posted on the property upon which the proposed STR use is to be located for fifteen (15) consecutive calendar days, advising that the Resident-owner of the property has applied for a zoning permit to establish a STR use at the location and supplying a phone number to call for further information. During this fifteen (15) calendar day period, the zoning administrator shall determine if the application meets the requirements as set forth in this section. If, at the end of the fifteen (15) day posting period, the zoning administrator determines that the application meets the requirements for the STR use requested, the zoning administrator shall notify the applicant that the application is approved and shall, after waiting an additional five business days to allow for appeals, issue the STR Permit, which shall be valid for one (1) year from the date of issuance, and shall be renewable annually unless revoked. Any appeals filed within the five-day period shall cause the issuance of the STR Permit to be stayed pending resolution of the appeal.



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**2. Renewal Applications:**

- a) For renewal of an STR permit, a property owner shall be required to recertify compliance with this section for the STR use with the zoning administrator. An application for annual recertification of the STR permit must include the application fee, an affirmation by the applicant that the nature of the STR use at the property has not changed, and must be notarized, filed with, and approved by the zoning administrator to continue the STR use.
  - b) Upon a change in ownership of a property, and prior to the issuance of a new business license to allow continuation of an existing, permitted STR use upon said property, the new property owner shall be required to recertify compliance with this section for the STR use and submit plans reaffirming the specific room or rooms to be used for the STR unit with the zoning administrator. An application for recertification of the STR use must include the required plans and be notarized, filed with, and approved by the zoning administrator prior to the STR use by the new property owner.
3. On an annual basis the zoning administrator shall determine whether each STR use permitted under this section remains in compliance with all the terms of this chapter, and shall initiate such enforcement procedures as may be appropriate. All operators of STR uses permitted under this Section shall cooperate fully with the zoning administrator and his designees, including, but not limited to, providing pertinent information upon request and affording access to that portion of the property which is used for the STR use for reasonable site inspections.

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Establish standards for Short Term Rental  
(STR) as Accessory use

**d. Violations and Penalties.**

1. Violations. It shall be a violation of this Chapter for an owner, his agent or manager to:
  - a) Operate a STR use, a bed and breakfast use or other accommodation use without complying with the requirements of this section; or
  - b) Expand an STR use or bed and breakfast use without obtaining a new permit; or
  - c) Advertise a property as being available for an STR use, bed and breakfast use or other accommodation use or other accommodations use without first complying with the requirements of this Section; or
  - d) Represent or submit for advertising or marketing, or to otherwise hold out an STR unit, bed and breakfast unit or other accommodations unit as being available for use or occupancy unless the STR or bed and breakfast has been permitted pursuant to this Section and the permit number is displayed in the materials used to represent, advertise, market or otherwise hold out the property as available for STR or bed and breakfast use or occupancy; or
  - e) Represent or submit for advertising or marketing, or otherwise to hold out the availability of a STR or bed and breakfast for use or occupancy by more than the number of occupants that are permitted pursuant to this Section; or
  - f) Represent or submit for advertising, or marketing, or to otherwise hold out more STR or bed and breakfast units or other accommodations type units on a property than are permitted pursuant to this Section.

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(STR) as Accessory use

2. Penalties. A violation of this Section is a misdemeanor punishable by a fine and/or incarceration. Each day the unlawful erection, construction, reconstruction, alteration, conversion, maintenance, use, or other violation under this Chapter continues is considered a separate offense. Any violation of this Section entitles the zoning administrator to revoke the STR or bed and breakfast permit.

DOCKET NUMBER:

TXT 2019-04

REQUEST:

To establish new standards for Commercial and Residential requirement for sidewalks

New Developments, subdivision, and renovations – Commercial and Residential  
Pedestrian access shall be provided for all new developments and renovations or remodeling equaling 50% of the existing building's value and for subdivisions, either through the construction of concrete sidewalks or pedestrian path/bikeway systems, or a combination of the both. Sidewalks will be provided along both sides of roadways used for pedestrian access to schools, parks, shopping areas, transit stops and along all roadway with a commercial, service, and industrial designation. In residential areas sidewalks will be provided on one side of the roadway. The sidewalks should be located as far as practical from the traffic lanes; the outer edge of the sidewalk should be placed one foot from the property line, in the dedicated right-of-way. All new construction, addition or modification of sidewalks, driveways with through sidewalks and wheel chair ramps, must meet current ADA standards and SCDOT Standards.

Responsibility and Maintenance:

1. Concrete-paved sidewalks constructed within the right-of-ways of public streets shall become owned and maintained by the City, subject to a standard two-year warranty provision.
2. Pedestrian access systems other than concrete paved sidewalks, either constructed inside or outside of the right-of-way on a public street, shall be maintained by the subdivision's local homeowners' association.
3. The construction of the pedestrian access system shall be the responsibility of the developer.

The minimum width of sidewalk is to be five feet or current ADA requirements in residentially zoned areas. Commercially zoned areas shall have a minimum width of sidewalk of six feet.

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