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2 - Land Management Ordinance Update

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[2 - LAND MANAGEMENT ORDINANCE UPDATE.PDF](#)



CITY COUNCIL OF THE CITY OF GREENVILLE WORK SESSION MEETING

Monday, June 14, 2021 - 3:30 p.m.

**Meeting Location:
Greenville Convention Center
1 Exposition Drive, Room 102**

The city of Greenville seeks input from citizens while adhering to public health and safety guidelines. All attendees at the location will be subject to a temperature screening. Attendees will be required to wear a covering over their mouth and nose, unless it violates a religious tenant or belief or causes difficulty breathing.

Citizens may also access the meeting at the following web address:

<https://www.greenvillesc.gov/1694/Online-Meetings>

CITY COUNCIL: Mayor Knox White; Councilmember Wil Brasington; Councilmember John DeWorken, Councilmember Dorothy Dowe, Councilmember Lillian Flemming; Councilmember Ken Gibson; Councilmember Russell Stall

CITY STAFF: City Manager John McDonough; City Attorney Michael S. Pitts; Deputy City Clerk Lori Sondov

AGENDA

- 1. Call to Order** **3:30 p.m.**
- 2. Land Management Ordinance Update (Text Amendments)** **3:30 p.m.**
(Presented by Assistant City Manager Shannon Lavrin, Planning and Development Services Director Jay Graham and Planning Administrator Courtney Powell)
- 3. Executive Session:** **4:00 p.m.**
NOTE: City Council will leave the Work Session to conduct an Executive Session which is not open to the public. The Work Session meeting will adjourn following the completion of the Execution Session. No action will be taken prior to adjourning the meeting.
 - a. Economic Development / Legal Briefing**
 - 1. West End Parking (Deputy City Manager Eden Freeman)** **4:00 p.m.**
 - 2. Unity Park Land Swap (Assistant City Manager Shannon Lavrin)** **4:15 p.m.**
 - b. Boards and Commissions** **4:30 p.m.**
- 4. Adjourn** **5:15 p.m.**

Protecting Neighborhoods Text Amendment Updates

June 14, 2021

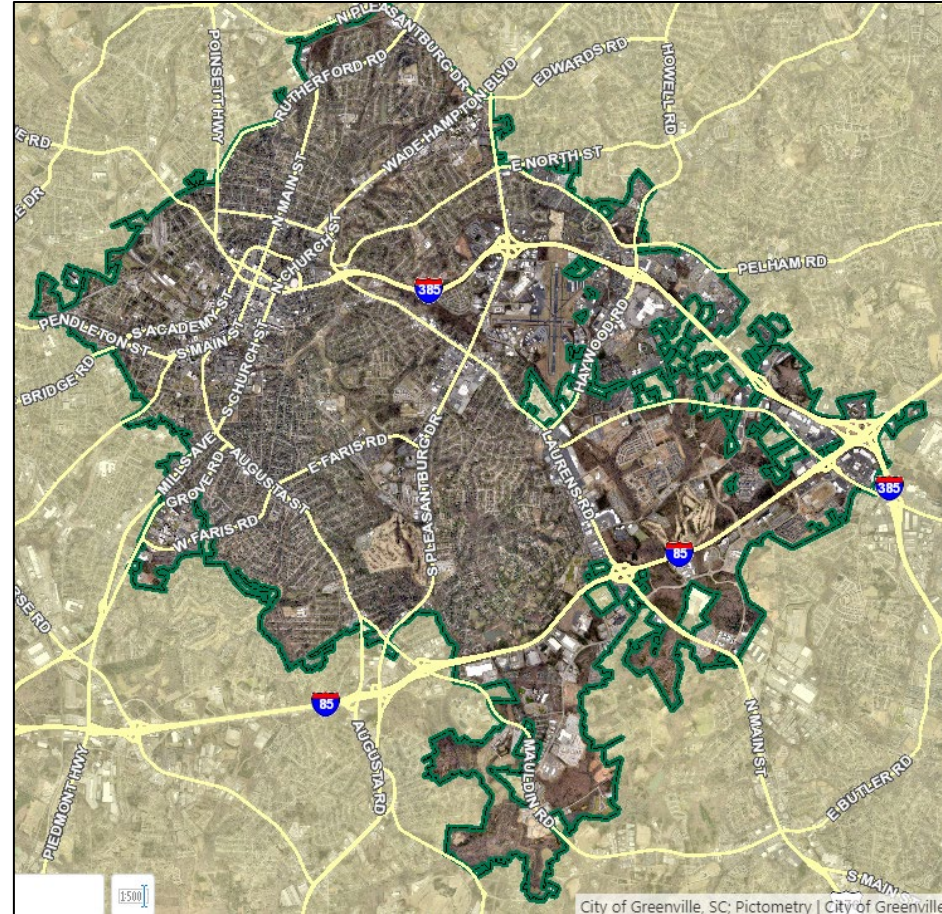


APPLICANT

City of Greenville

REQUEST

TEXT AMENDMENT to Section 19-6.5.7 in order to limit orientation of outdoor dining and other outdoor activities adjacent to residential uses.



OUTDOOR DINING AND OTHER OUTDOOR ACTIVITIES



Current Ordinance

Currently, outdoor dining and other outdoor activities that generate noise, like amplified music, shall be located on a building side away from residential districts.

Sections [19-6.5.7](#) and [19-6.5.8.9](#)

Proposed Change Z-11-2021

We propose prohibiting the orientation of outdoor dining and other outdoor activity uses on any building side that is directly adjacent to any single-family residential use and requiring that they be positioned in such a manner that the building shields the dining or activity from any single-family residential use.

REVISION: The proposed revision clarifies that requirements pertain to uses that abut a property line of a single-family detached use and identifies this as an interim process to address non-conforming situations.

STAFF RECOMMENDATION

- Recommend approval of text amendment

PLANNING COMMISSION RECOMMENDATION

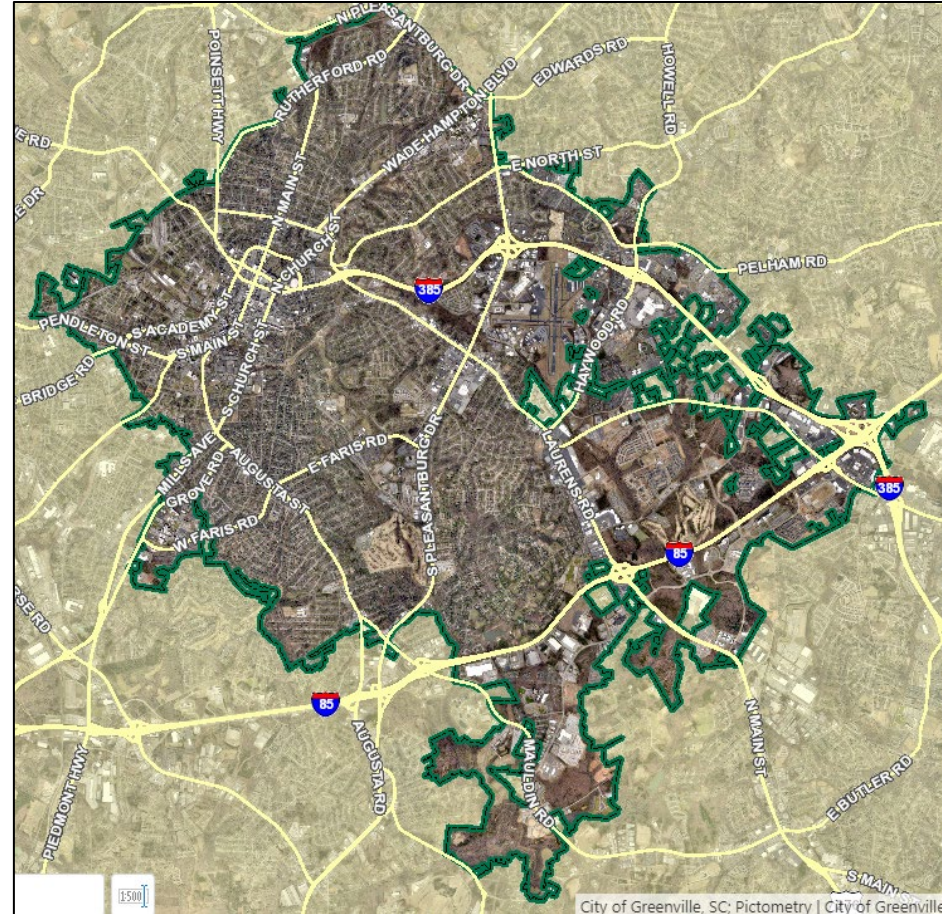
- Recommend approval of text amendment by a vote of 6-0 at their June 9, 2021 special meeting

APPLICANT

City of Greenville

REQUEST

TEXT AMENDMENT to Sections 19-6.5.7 and 19-6.8.9 to prohibit commercial refuse containers between building and adjacent residential use.



Z-12-2021 | Text Amendment

COMMERCIAL TRASH COLLECTION



Current Ordinance

Currently, dumpsters can be located between a commercial or multi-family building and single-family residences and no screening is required.

Sections [19-6.5.7](#) and [19-6.5.8.9](#)

Proposed Change Z-12-2021

We propose prohibiting commercial refuse containers from being located between a non-residential or multi-family building and adjacent residential use. Additionally, the amendment requires:

- Above-ground refuse containers to be located a minimum of 15 feet from the boundary of any adjacent residential use
- Above-ground refuse containers to be fully screened from adjoining property, public streets and thoroughfares
- In-ground refuse systems to be screened with evergreen plantings

Service of the area will also be restricted between the hours of 10 p.m. and 6 a.m.

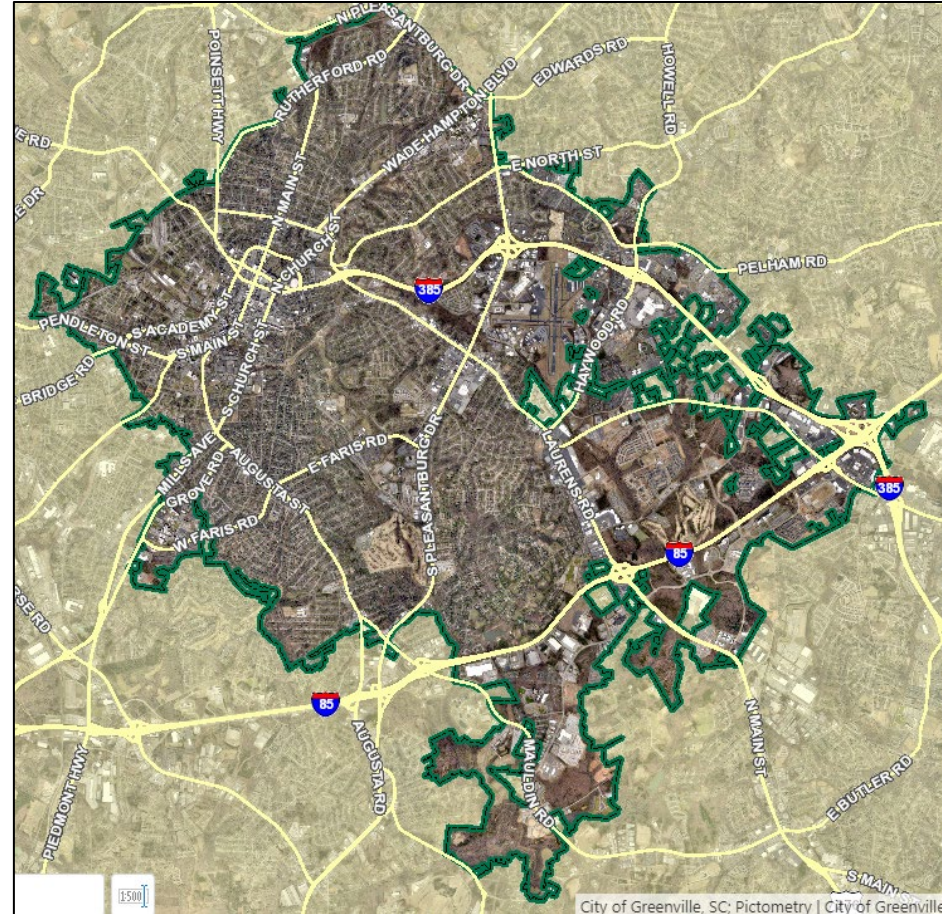
REVISION: The proposed revision removes "grease traps" language, adds requirements that pertain to uses that abut a property line of a single-family detached use, adds screening illustrations and identifies this as an interim process to address non-conforming situations.

APPLICANT

City of Greenville

REQUEST

TEXT AMENDMENT to Sections 19-1.11; 19-4.3; 19-6.4; 19-6.6; and 19-6.8.9 to provide maximum lighting levels at property lines; to require reduction of lighting levels after business hours and to provide “pre” and “menu” board illumination and noise standards.



LIGHT POLLUTION



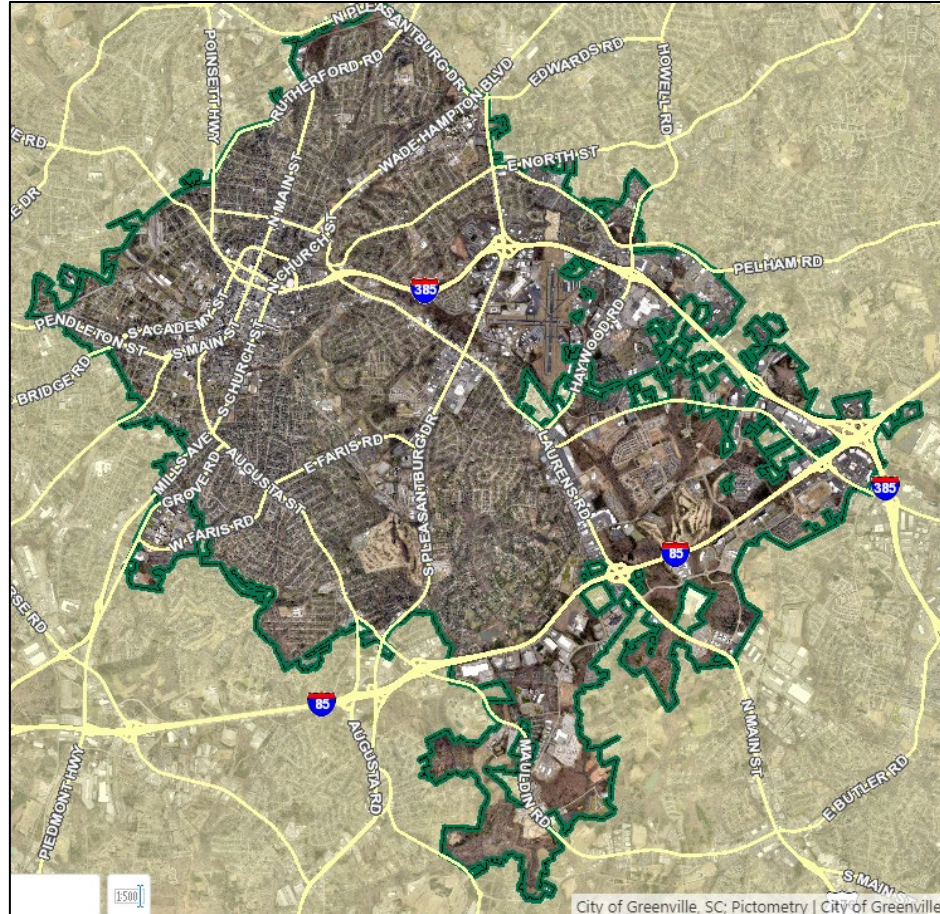
Current Ordinance	Proposed Change Z-13-2021
Currently, businesses can have lights as bright as 30 foot-candles anywhere on their property (a foot-candle is one lumen per square foot); there is no minimum setback for drive-thru menu boards located adjacent to residential uses; and there are no standards for menu board illumination and speaker systems. Sections 19-1.11; 19-4.3; 19-6.4; 19-6.6; and 19-6.8.9	We propose providing maximum lighting levels of 0.3 foot-candle at property lines, requiring reduction of lighting levels after business hours and providing regulations for “pre” and “menu” board signs pertaining to illumination and noise of speaker systems. <i>REVISION: The proposed revision clarifies that the requirements pertain to commercial and multi-family uses that abut a property line of a single-family detached use.</i>

APPLICANT

City of Greenville

REQUEST

TEXT AMENDMENT to Sections 19-1.11 and 19-2.3.14 in order to provide requirement for a notarized affidavit of substantial compliance be received from the property owner or the person signing on his/her behalf in order to certify exterior of structures and site work comply with approved plans.



FIELD CHANGES TO CONSTRUCTION



Current Ordinance

Currently, the City does not require a notarized affidavit from the project architect or engineer certifying that completed structures and site work comply with the approved plans.

[Section 19-2.3.14](#)

Proposed Change Z-14-2021

We propose requiring a notarized affidavit for substantial compliance to be received from the general contractor or the person signing on his/her behalf in order to certify that the completed structures and site work substantially comply with the City's approved plans on projects that require approval from the Design Review Board, the Board of Zoning Appeals or the Planning Commission.

REVISION: The proposed revision changes "General Contractor" to "Owner" and defines "substantial compliance."

STAFF RECOMMENDATION

Approval of text amendment

PLANNING COMMISSION RECOMMENDATION

- Recommend approval with staff comments and an added condition to the text amendment by a vote of 5-1 at their June 9, 2021 special meeting
- The Commission's condition was to clarify certification under penalty of perjury, to the best of the affiant's knowledge and the affidavit must be executed and submitted by the owner or his/her authorized agent signing the affidavit on his/her behalf

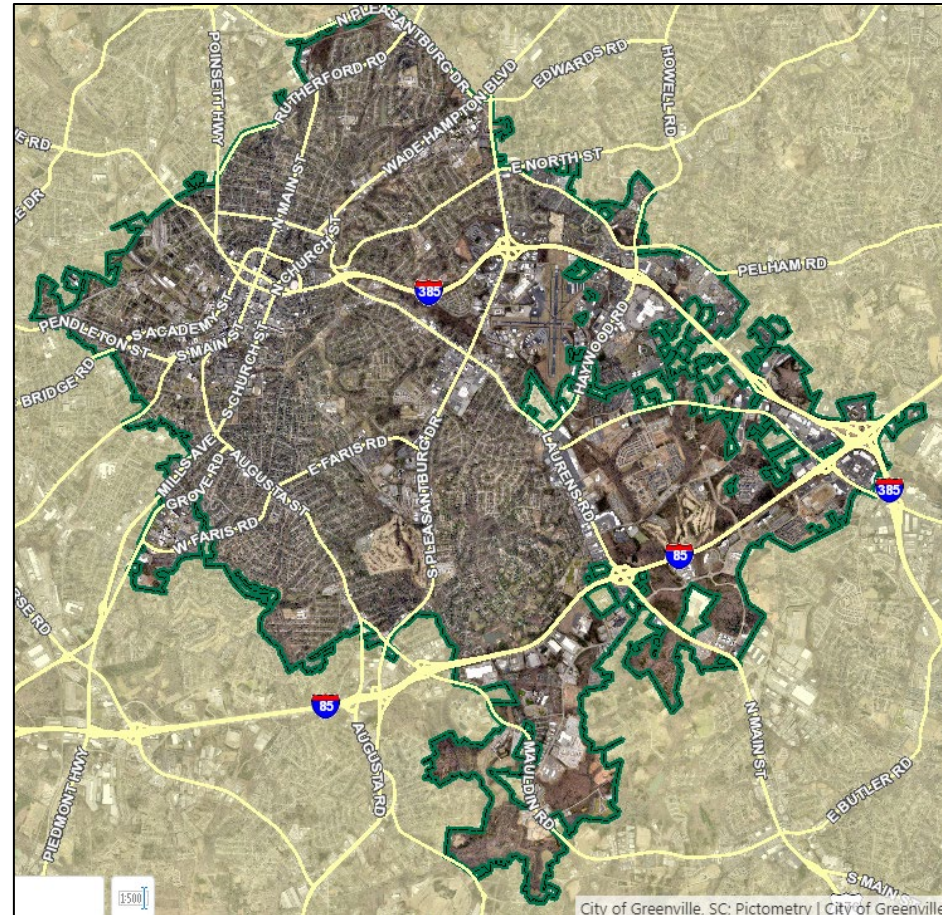


APPLICANT

City of Greenville

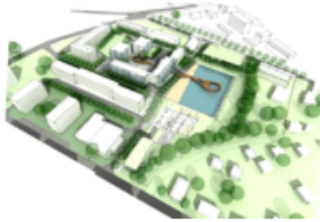
REQUEST

TEXT AMENDMENT to Sections 19-1.11, 19-4.3.3; 19-6.2.2; Tables 19-6.2-1; 19-6.2.3; 19-6.5.7; 19-6.8.9; Figure 19-6.8.11; and Figure 19-6.5.14 in order to amend existing buffering and screening requirements for all nonresidential or multi-family developments that abut single-family uses.



Z-15-2021 | Text Amendment

LANDSCAPE BUFFER REQUIREMENTS FOR NON-RESIDENTIAL AND MULTI-FAMILY PROPERTIES



Current Ordinance

Currently, the requirement for all non-residential and multi-family developments adjacent to single-family residences is to provide one of the following:

- A five-foot-wide buffer yard with at least a six-foot-high solid masonry wall and canopy trees planted 20 feet apart along the outside perimeter
- A 10-foot-wide buffer yard with an alternating double row of various six-foot-high evergreen shrubs planted five feet apart (may include a berm to meet required height)
- A 20-foot-wide buffer yard with the following vegetative screening per 100 linear feet: 8 canopy trees (at least two evergreens); 4 understory trees (at least one evergreen); 25 shrubs (at least 16 evergreens)

Sections [19-4.3.3](#); [19-6.2.2](#); Table [19-6.2-1](#); [19-6.2.3](#); [19-6.5.7](#); [19-6.8.9](#); Figure [19-6.8.11](#); and Figure [19-6.5.14](#)

Proposed Change Z-15-2021

We propose amending the existing buffering and screening requirements for all non-residential and multi-family developments that abut single-family uses to require a buffer depth that is equal in width to 10 percent of the lot depth, and is at least 10 feet but no more than 20 feet in width.

REVISION: The proposed revision clarifies that buffer yard requirements pertain to the rear and side lot lines that abut adjacent single-family detached uses, and that the buffer yard wall is to be constructed within the buffer area at the abutting property line.

[View the proposed revision](#)



CITY COUNCIL

STAFF RECOMMENDATION

Approval of text amendment

PLANNING COMMISSION RECOMMENDATION

- Recommend approval with staff comments of the text amendment by a vote of 6-0 at their June 9, 2021 special meeting

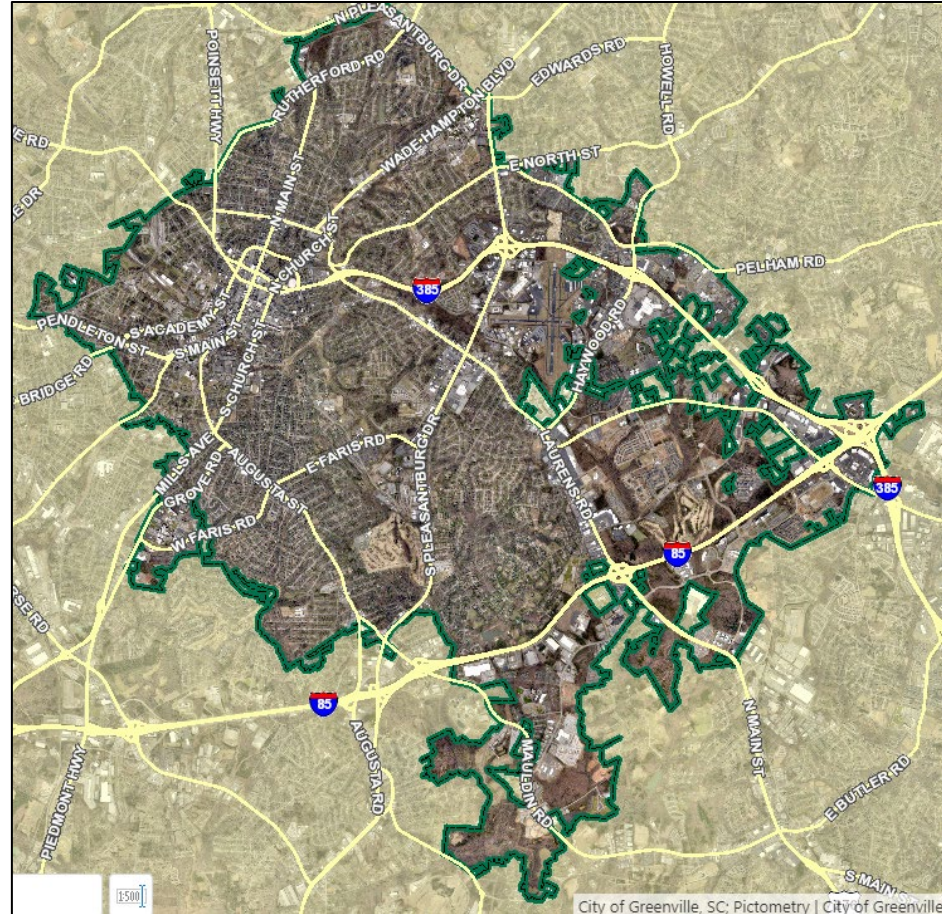


APPLICANT

City of Greenville

REQUEST

TEXT AMENDMENT to Sections 19-4.3; 19-5.1; 19-5.2; 19-6.5.7; 19-6.8.9; Tables 19-4.3-1 and 19-5.1-1 in order to provide a maximum building height and introduces a step-back provision for any nonresidential or multifamily structure adjacent to a single-family use (excluding C-4).



Z-16-2021 | Text Amendment

HEIGHT TRANSITION FOR MULTI-FAMILY AND NON-RESIDENTIAL BUILDINGS



Current Ordinance

Currently, there is no maximum building height for multi-family, non-residential and single-family attached buildings adjacent to single-family detached residences and the building height can be increased by increasing the rear and side setbacks.

Sections [19-5.2](#); Table [19-5.1-1](#);
Table [19-4.3-1](#); [19-6.8.9](#)

Proposed Change Z-16-2021

We propose introducing design options to exceed maximum building height standards and introducing a maximum building height for non-residential and multi-family structures adjacent to existing single-family uses.

Specifically, the proposed amendments introduce building design approaches for building sides that face non-single-family uses and separate design approaches for building sides that face single-family uses. Building facades that face a single-family use can either increase building height through a step-back approach that can occur at least 20 feet from the building façade and no more than a 20-foot vertical distance in between step-backs or through an entire building wall setback and a 1-to-1 ratio beginning at the 45-foot setback line.

REVISION: The proposed revision includes illustrations to convey height standards and clarifies the requirement pertaining to commercial and multi-family uses that abut a property line of a single-family detached use.



CITY COUNCIL

STAFF RECOMMENDATION

Approval of text amendment

PLANNING COMMISSION RECOMMENDATION

- **Recommend approval with staff comments** of the text amendment by a vote of 6-0 at their June 9, 2021 special meeting

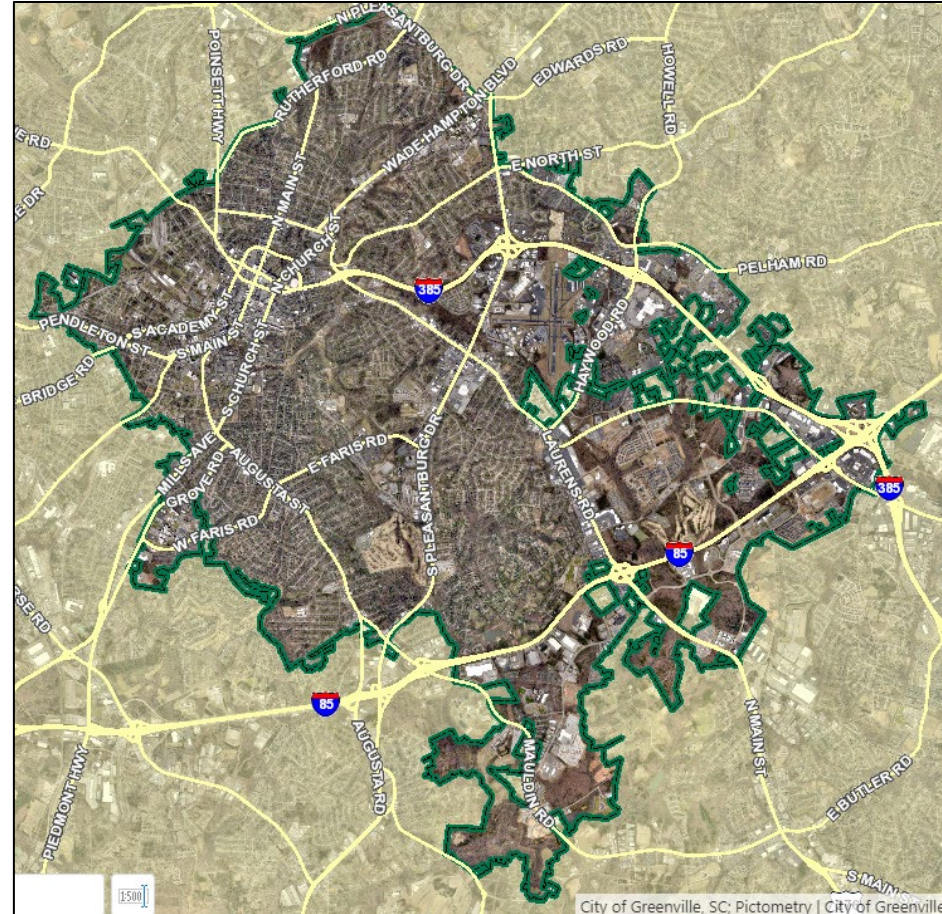


APPLICANT

City of Greenville

REQUEST

TEXT AMENDMENT to Sections 19-1.11 and 19-5.1 and Table 19-5.1-1 in order to modify maximum impervious coverage for all non-residential zoning districts, except for C-4, for projects adjacent to single-family uses.



LOT COVERAGE ALLOWANCES FOR NON-RESIDENTIAL PROPERTIES



Current Ordinance	Proposed Change Z-17-2021
Currently, non-residential properties adjacent to single-family residences can have 100% of their lot covered by impervious surfaces (any type of man-made or stone surface that doesn't absorb rainfall). <u>Sections 19-5.1 and Table 19-5.1-1</u>	We propose modifying the maximum allowed impervious and minimum pervious coverage for all non-residential zoning districts, except for C-4, for projects adjacent to single-family uses from 100% impervious coverage to 75% impervious and 25% pervious coverage. <i>REVISION: The proposed revision clarifies the definition of "abut" based on applicability to development standards, clarifies that requirements pertain to uses that abut a property line of a single-family detached use and identifies this as an interim process to address non-conforming situations.</i>

STAFF RECOMMENDATION

Approval of text amendment

PLANNING COMMISSION RECOMMENDATION

- Recommend approval with staff comments of the text amendment by a vote of 4-2 at their June 9, 2021 special meeting

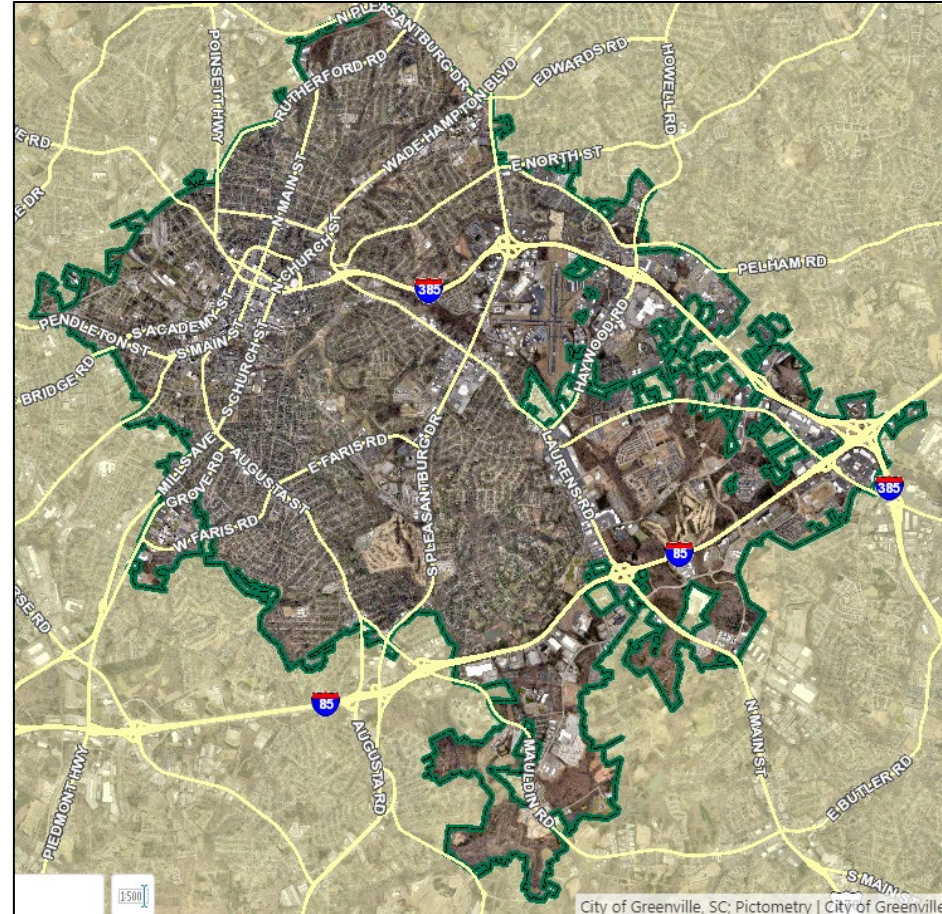


APPLICANT

City of Greenville

REQUEST

TEXT AMENDMENT to Sections 19-5.1, 19-6.5.7; 19-6.8.9; and Table 19-5.1-1 in order to provide an increased rear setback for nonresidential and multifamily projects adjacent to single-family uses.



SETBACK REQUIREMENTS



Current City Ordinance	Proposed Change Z-18-2021
Currently, the rear setback for non-residential and multi-family buildings adjacent to single-family residences ranges from 10 to 15 feet. Sections 19-6.5.7; 19-6.8.9; and Table 19-4.1-2	We propose providing an increased rear setback of 25 feet for non-residential and multi-family projects adjacent to single-family uses. <i>REVISION: The proposed revision clarifies that requirements pertain to commercial and multi-family uses that abut a property line of a single-family detached use and identifies this as an interim process to address non-conforming situations.</i>

STAFF RECOMMENDATION

Approval of text amendment

PLANNING COMMISSION RECOMMENDATION

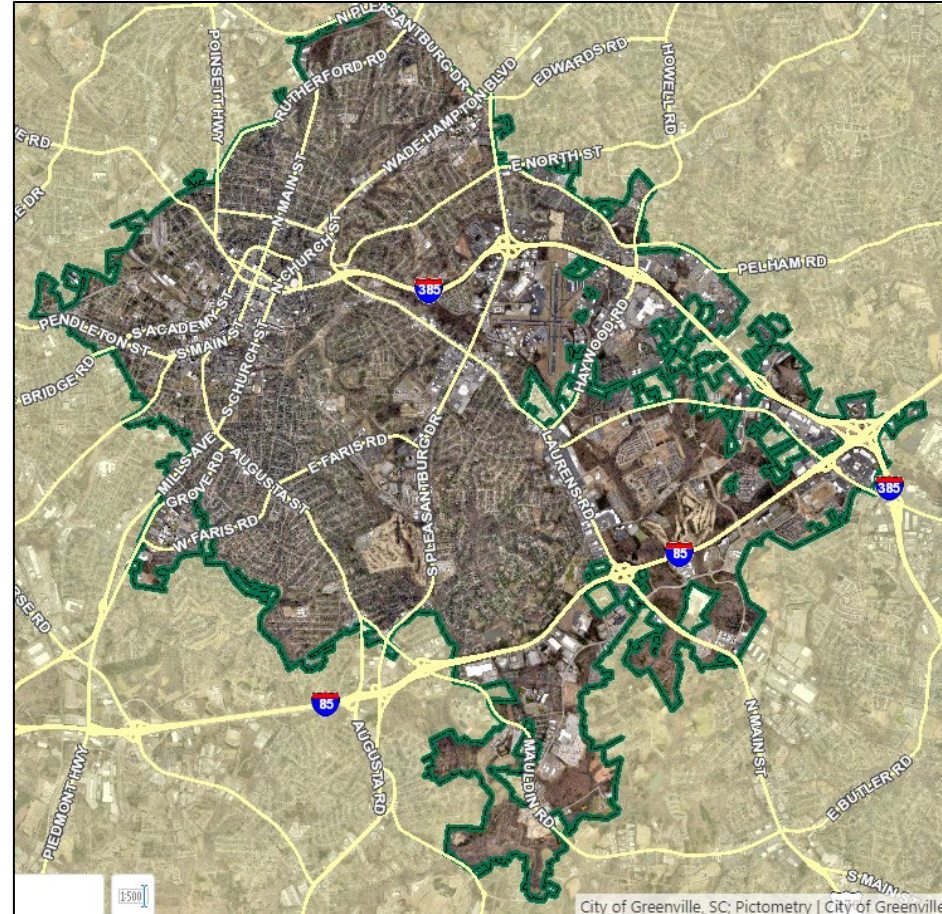
- **Recommend approval with staff comments** of the text amendment by a vote of 6-0 at their June 9, 2021 special meeting

APPLICANT

City of Greenville

REQUEST

TEXT AMENDMENT to Tables 2.60; 2.70; 2.80; 2.90; and Section 5.60(C) of the Unity Park Neighborhood District Code to remove maximum lot width and depth requirements.



UNITY PARK CHARACTER CODE MODIFICATION



Current City Ordinance	Proposed Change Z-19-2021
Currently, the code includes a minimum and maximum lot size.	We propose removing the maximum lot size requirement.
	STATUS: Passed 5-0 by Planning Commission

STAFF RECOMMENDATION

Approval of text amendment

PLANNING COMMISSION RECOMMENDATION

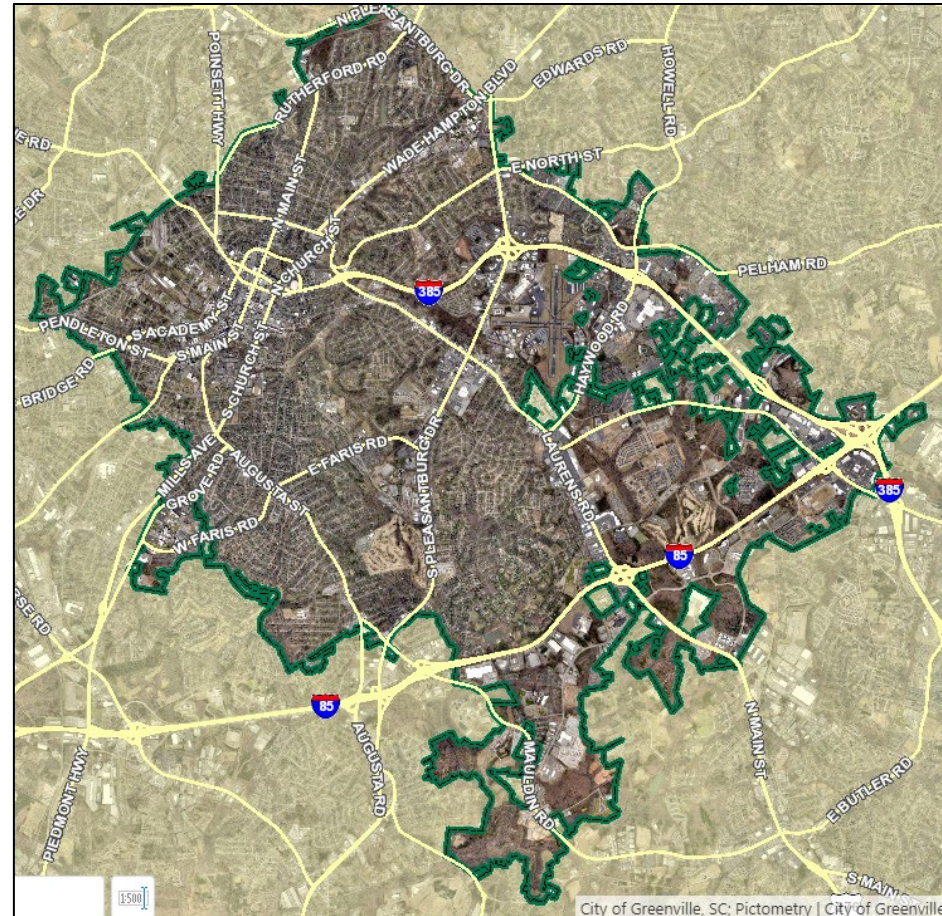
- Recommend approval with staff comments of the text amendment by a vote of 5-0 (Commissioner Terry recused) at their June 9, 2021 special meeting

APPLICANT

City of Greenville

REQUEST

Application by City of Greenville for a **TEXT AMENDMENT** to Section 19-2.3.18 in order to provide a process to adjudicate undue hardships for properties adjacent to single-family detached uses.



ALTERNATIVE EQUIVALENT COMPLIANCE



Current City Ordinance	Proposed Change Z-20-2021
Currently, an alternative equivalent compliance is available only for matters that pertain to Sections 19-6.5 and 19-6.8. Sections 19-2.3.18	We propose modifying the applicability to also include matters that pertain to Sections 19-4; 19-5, 19-6.2, 19-6.4 and 19-6.6, as they specifically relate to text amendments adopted to protect single-family detached residential uses from proposed commercial and multi-family developments when abutting the protected use. Additionally, we propose providing the opportunity, process and standards to adjudicate the matter.

STAFF RECOMMENDATION

Approval of text amendment

PLANNING COMMISSION RECOMMENDATION

- Recommend approval with staff comments and an added condition to the text amendment by a vote of 6-0 at their June 9, 2021 special meeting
- The Commission's condition was to clarify that the requirements pertain to developments that abut the protected use of single-family detached residential; and

Text Amendment Updates – Questions and Discussion

June 14, 2021

