

Application # _____	Fees Paid _____
Date Received: _____	Accepted by _____
Date deemed complete _____	App Deny Conditions _____



APPLICATION FOR ORDINANCE TEXT AMENDMENT CITY OF GREENVILLE, SOUTH CAROLINA

APPLICANT INFORMATION

City of Greenville	(864) 467-4510
NAME	FAX
206 S Main Street	planning@greenvillesc.gov
ADDRESS	EMAIL
Greenville, SC 29601	SIGNED (City Manager)
(864) 467-4476	DATE
PHONE	

REQUEST

PERTINENT CODE SECTION(S):

Amendment to Article(s) 19-4.3.2, 19-4.3.3, and 19-4.3.4 of the Land Management Ordinance

NARRATIVE DESCRIPTION/PROPOSED REVISION(S):

This text amendment will amend existing provisions in the Land Management Ordinance for use-specific standards for public and institutional uses, commercial uses, and service and industrial uses. Specifically, this would amend Section 19-4.3.2, "Public and institutional uses" to add the C-3 and S-1 zones to these provisions and prohibit delivery, waste, collection, and similar traffic until 6am; Section 19-4.3.3, "Commercial uses" to add the C-3 and S-1 zones to these provisions and prohibit delivery, waste, collection, and similar traffic until 6am; and Section 19-4.3.4, "Service and industrial uses" to add the C-3 and S-1 zones to these provision and prohibit delivery, waste, collection, and similar traffic until 6am; and corresponding "Notes" at the end of Table 19-4.1-2: Table of Uses.

INSTRUCTIONS

1. THE APPLICATION AND FEE, **MADE PAYABLE TO THE CITY OF GREENVILLE**, MUST BE RECEIVED BY THE PLANNING AND DEVELOPMENT OFFICE NO LATER THAN 5:00 PM OF THE DATE REFLECTED ON THE ATTACHED SCHEDULE.
2. THE APPLICANT MUST RESPOND TO THE "STANDARDS" QUESTIONS ON PAGE 2 OF THIS APPLICATION (YOU MUST ANSWER "WHY" YOU BELIEVE THE APPLICATION MEETS THE TESTS FOR GRANTING A TEXT AMENDMENT). SEE ALSO **SECTION 19-2.3.2, AMENDMENTS TO TEXT AND ZONING DISTRICT MAP**, FOR ADDITIONAL INFORMATION. YOU MAY ATTACH A SEPARATE SHEET ADDRESSING THESE QUESTIONS.
3. YOU MUST ATTACH THE REQUIRED APPLICATION FEE: \$ 100.00.
4. THE ADMINISTRATOR WILL REVIEW THE APPLICATION FOR "SUFFICIENCY" PURSUANT TO **SECTION 19-2.2.6, DETERMINATION OF SUFFICIENCY**, PRIOR TO PLACING THE APPLICATION ON THE PLANNING COMMISSION AGENDA. IF THE APPLICATION IS DETERMINED TO BE "INSUFFICIENT", THE ADMINISTRATOR WILL CONTACT THE APPLICANT TO REQUEST THAT THE APPLICANT RESOLVE THE DEFICIENCIES. **YOU ARE ENCOURAGED TO SCHEDULE AN APPLICATION CONFERENCE WITH A PLANNER, WHO WILL REVIEW YOUR APPLICATION FOR "SUFFICIENCY" AT THE TIME IT IS SUBMITTED. CALL (864) 467-4476 TO SCHEDULE AN APPOINTMENT.**

APPLICANT RESPONSE TO SECTION 19-2.3.2(E)(1), AMENDMENTS TO TEXT (YOU MAY ATTACH A SEPARATE SHEET)

1. DESCRIBE THE WAYS IN WHICH THE PROPOSED AMENDMENT IS CONSISTENT WITH THE COMPREHENSIVE PLAN.

The GVL2040 Comprehensive Plan describes "quality of life" as the key to community and economic vitality and that efforts to positively impact this precondition are the plan's highest priority. The adoption of

this proposed amendment would enhance the quality of life of city residents living near non-residential uses by requiring further review of businesses operating between midnight and 5:00 a.m. and reducing noise pollution associated with these businesses.

2. DESCRIBE THE WAYS IN WHICH THE PROPOSAL IS CONSISTENT WITH THE PROVISIONS OF THE ORDINANCE AND RELATED CITY REGULATIONS.

The proposal amends existing provisions related to public and institutional uses, commercial uses, and service and industrial uses operating between the hours of midnight and 5:00 a.m. by increasing the applicability of the provisions to the C-3 and S-1 zones and prohibiting waste collection and similar activity for an additional hour. These changes continue to maintain the premises of the overall Land Management Ordinance purpose by ensuring neighborhood protection and creating a more harmonious community.

3. DESCRIBE THE CONDITIONS THAT HAVE CHANGED FROM THE CONDITIONS PREVAILING AT THE TIME THAT THE ORIGINAL TEXT WAS ADOPTED.

Greenville has experienced considerable growth in both commercial and residential development throughout the city over the past decade. When new development occurs near differing land uses, land use compatibility issues follow. Noise related to early morning trash collection at commercial properties has been one of the more prevalent issues raised by city residents. This proposal seeks to alleviate that concern.

4. DESCRIBE THE WAYS IN WHICH THE PROPOSAL ADDRESSES A DEMONSTRATED COMMUNITY NEED.

The proposal addresses a demonstrated community need by attempting to reduce the number of early morning noise complaints the city receives from residents involving commercial properties near their residence. The city continues to see considerable growth in both residential and commercial development and redevelopment and believes this proposal will promote greater land use compatibility when these uses abut each other.

5. DESCRIBE THE WAYS IN WHICH THE PROPOSAL IS CONSISTENT WITH THE PURPOSE AND INTENT OF THE ZONING DISTRICTS IN THE ORDINANCE, WILL PROMOTE COMPATIBILITY AMONG USES, AND WILL PROMOTE EFFICIENT AND RESPONSIBLE DEVELOPMENT WITHIN THE CITY.

The proposal is consistent with the purpose and intent of the Ordinance which is to guide development in accordance with the existing and future needs of the city and to promote the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare of the property owners and residents of the city, and other members of the public. The proposal is particularly consistent with Land Management Ordinance "Purpose and Intent" Section 19-1.3.4, "Promote diverse quality housing, protect neighborhoods" and Section 19-1.3.10, "Create harmonious community", as the amendment promotes land use compatibility among uses by reducing noise during the early morning hours that could negatively impact residents living near commercial zones.

6. DESCRIBE THE WAYS IN WHICH THE PROPOSAL PROMOTES A LOGICAL AND ORDERLY DEVELOPMENT PATTERN.

The proposal will ensure a logical and orderly development pattern of the city by further evaluating public and institutional, commercial, and service and industrial uses operating between midnight and 5:00 a.m. for land use compatibility.

7. DESCRIBE THE WAYS IN WHICH THE PROPOSED AMENDMENT WILL RESULT IN BENEFICIAL IMPACTS ON THE NATURAL ENVIRONMENT AND ITS ECOLOGY, INCLUDING BUT NOT LIMITED TO: WATER; AIR; NOISE; STORMWATER MANAGEMENT; WILDLIFE; VEGETATION; AND, WETLANDS.

The proposed amendment will limit the hours in which delivery, waste collection, and similar traffic can occur and will apply these and other limitations to a greater number of properties by applying them to two additional zoning districts. These changes are expected to reduce noise complaints. The proposed amendment is not anticipated to have any other affects on the natural environment.

8. DESCRIBE THE WAYS IN WHICH THE PROPOSED AMENDMENT WILL RESULT IN DEVELOPMENT THAT IS ADEQUATELY SERVED BY PUBLIC FACILITIES AND SERVICES (ROADS, POTABLE WATER, SEWERAGE, SCHOOLS, PARKS, POLICE, FIRE, AND EMERGENCY FACILITIES).

The proposed amendment is not anticipated to negatively affect the adequate provision of public facilities and services. Late night and early morning uses in the C-3 and S-1 zones will be evaluated through greater review under the proposal. Deliveries, trash pickup, and similar services will be able to operate during the remaining 18 hours in the day.

19-4.3.2. *Public and institutional uses.*

(A) *General.*

- (1) Design standards. Except where specifically exempted by this chapter, nonresidential uses shall comply with the standards in subsection 19-6.5.
- (2) Public and institutional uses located within the OD, C-1, C-2, C-3, C-4, S-1, RDV, and PD districts open to the public between the hours of 12 midnight and 5:00 a.m. require a special exception permit, except when a conditional use permit is required, and, at a minimum, are subject to the following standards:
 - (a) The standards for granting a special exception permit.
 - (b) On-site traffic shall be directed away from abutting residential uses or residential districts between the hours of 12:00 midnight and 5:00 a.m.
 - (c) Delivery, waste collection, and similar commercial traffic is prohibited between the hours of 12:00 midnight and 5:00 a.m. 6:00 a.m.
 - (d) Loitering, solicitation, and disorderly conduct is prohibited at all times; rules consistent with the provisions of the Greenville Code of Ordinances shall be posted in conspicuous locations and shall be enforced by the proprietors.
 - (e) Exterior sound amplification is prohibited except in areas specifically authorized on the approved site plan and/or floor plan; all amplified sound shall be directed inward toward the facility and away from any adjoining use or public property. No exterior amplified sound shall be permitted between the hours of 10:00 p.m. and 11:00 a.m. Interior sound amplification shall be located only as reflected on an approved floor plan and shall be directed away from the principal entrance or directed toward the interior of the building.
 - (f) Drive-through facilities shall be closed between the hours of 12:00 midnight and 5:00 a.m.
 - (g) Exterior doors shall remain closed except to provide ingress and egress between the hours of 10:00 p.m. and 5:00 a.m.
 - (h) The required permit, either special exception permit or conditional use permit, shall be limited to the applicant and shall not be transferrable. A copy of the special exception permit or the conditional use permit shall be maintained on the premises with other related inspection, licensing, and occupancy information.

19-4.3.3. *Commercial uses.*

(A) *General.*

- (1) Design standards. Except where specifically exempted by this chapter, nonresidential uses shall comply with the standards in subsection 19-6.5.
- (2) Commercial uses located within the OD, C-1, C-2, C-3, C-4, S-1, RDV, and PD districts open to the public between the hours of 12 midnight and 5:00 a.m. require a special exception permit, except when a conditional use permit is required, and, at a minimum, are subject to the following standards:
 - (a) The standards for granting a special exception permit.
 - (b) On-site traffic shall be directed away from abutting residential uses or residential districts between the hours of 12:00 midnight and 5:00 a.m.
 - (c) Delivery, waste collection, and similar commercial traffic is prohibited between the hours of 12:00 midnight and ~~5:00 a.m.~~ 6:00 a.m.
 - (d) Loitering, solicitation, and disorderly conduct is prohibited at all times; rules consistent with the provisions of the Greenville Code of Ordinances shall be posted in conspicuous locations and shall be enforced by the proprietors.
 - (e) Exterior sound amplification is prohibited except in areas specifically authorized on the approved site plan and/or floor plan; all amplified sound shall be directed inward toward the facility and away from any adjoining use or public property. No exterior amplified sound shall be permitted between the hours of 10:00 p.m. and 11:00 a.m. Interior sound amplification shall be located only as reflected on an approved floor plan and shall be directed away from the principal entrance or directed toward the interior of the building.
 - (f) Drive-through facilities shall be closed between the hours of 12:00 midnight and 5:00 a.m.
 - (g) Exterior doors shall remain closed except to provide ingress and egress between the hours of 10:00 p.m. and 5:00 a.m.
 - (h) The required permit, either special exception permit or conditional use permit, shall be limited to the applicant and shall not be transferrable. Copy of the special exception permit or the conditional use permit shall be maintained on the premises with other related inspection, licensing, and occupancy information.

19-4.3.4. *Service and industrial uses.* Service and industrial uses located within the OD, C-1, C-2, C-4, RDV, and PD districts open to the public between the hours of 12:00 midnight and 5:00 a.m. require a special exemption permit, except when a conditional use permit is required, and, at a minimum, are subject to the following standards:

(A) *General.*

- (1) Design standards. Except where specifically exempted by this chapter, nonresidential uses shall comply with the standards in subsection 19-6.5.
- (2) Service and industrial uses located within the OD, C-1, C-2, C-3, C-4, S-1, RDV, and PD districts open to the public between the hours of 12:00 midnight and 5:00 a.m. require a special exemption permit, except when a conditional use permit is required, and, at a minimum, are subject to the following standards:
 - (a) The standards for granting a special exemption permit.
 - (b) On-site traffic shall be directed away from abutting residential uses or residential districts between the hours of 12:00 midnight and 5:00 a.m.
 - (c) Delivery, waste collection, and similar commercial traffic is prohibited between the hours of 12:00 midnight and 5:00 a.m. ~~6:00 a.m.~~
 - (d) Loitering, solicitation, and disorderly conduct is prohibited at all times; rules consistent with the provisions of the Greenville Code of Ordinances shall be posted in conspicuous locations and shall be enforced by the proprietors.
 - (e) Exterior sound amplification is prohibited except in areas specifically authorized on the approved site plan and/or floor plan; all amplified sound shall be directed inward toward the facility and away from any adjoining use or public property. No exterior amplified sound shall be permitted between the hours of 10:00 p.m. and 11:00 a.m. Interior sound amplification shall be located only as reflected on an approved floor plan and shall be directed away from the principal entrance or directed toward the interior of the building.
 - (f) Drive-through facilities shall be closed between the hours of 12:00 midnight and 5:00 a.m.
 - (g) Exterior doors shall remain closed except to provide ingress and egress between the hours of 10:00 p.m. and 5:00 a.m.
 - (h) The required permit, either special exemption permit or conditional use permit, shall be limited to the applicant and shall not be transferrable. A copy of the special exemption permit or the conditional use permit shall be maintained on the premises with other related inspection, licensing, and occupancy information.

19-4.1.2 *Table of uses.*

Table 19-4.1-2: Table of Uses

NOTES:

¹ Multiple-family dwellings, high-rise multiple-family dwellings, single-family attached dwellings, and cottage subdivisions require a land development permit to be reviewed by the Planning Commission, according to subsection 19-2.1.2(A).

² Public and institutional uses located within the OD, C-1, C-2, C-3, C-4, S-1, PD, and RDV districts open to the public between the hours of 12:00 midnight and 5:00 a.m. require a special exception permit, except when a conditional use permit is required, and shall, at a minimum, comply with subsection 19-4.3.2(A).

³ Commercial uses located within the OD, C-1, C-2, C-3, C-4, S-1, PD, and RDV districts open to the public between the hours of 12:00 midnight and 5:00 a.m. require a special exception permit, except when a conditional use permit is required, and shall, at a minimum, comply with subsection 19-4.3.3(A).

⁴ Service and industrial uses located within the OD, C-1, C-2, C-3, C-4, S-1, PD, and RDV districts open to the public between the hours of 12:00 midnight and 5:00 a.m. require a special exception permit, except when a conditional use permit is required, and shall, at a minimum, comply with subsection 19-4.3.4(A).

⁵ All uses with drive-through facilities located within the C-4 district require a special exception permit.

⁶ No self-service storage facilities shall be authorized at street level with street frontage.

⁷ Nonresidential development, as applicable, shall be subject to the standards in subsection 19-6.5, design standards for nonresidential development.

⁸ Uses within the Unity Park Neighborhood District shall comply with the Table of Uses in the Unity Park Neighborhood District Code.