



**Planning Staff Report to
Greenville Planning Commission
May 14, 2021
for the May 20, 2021 Public Hearing**

Docket Number: Z-11-2021
Applicant: City of Greenville
Proposal: **TEXT AMENDMENT** to **MODIFY** Article(s) 19-6.5.7(J) of the Land Management Ordinance

Staff Recommendation: **Recommend Approval with Staff Comments to City Council**

Applicable Sections of the City of Greenville Code of Ordinances:

Sec. 19-6.5.7(J) *Outdoor dining*

Background

Planning and Development staff submits this text amendment to amend existing provisions in the Land Management Ordinance for outdoor dining and activities adjacent to residential uses. Specifically, this would amend Section 19-6.5.7(J) *Outdoor dining* to limit orientation of outdoor dining and other outdoor activities as they relate to adjacent residential uses, and also incorporate excessive lighting language.

The proposal addresses a demonstrated community need by attempting to reduce noise and light impacts involving commercial outdoor dining and activities near single-family residences. 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.

Proposed amendment applies to the Land Management Ordinance only, and is not applicable to other established regulations, such as Planned Developments and Unity Park Neighborhood District Character Code.

Staff Analysis:

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.

Specifically, 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 allowing outdoor dining and activities away from residential, reducing potential noise and light that could negatively impact residents living near commercial zones and use

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 outdoor dining and activities to be positioned in such a manner that the building shield the dining or activity from any single-family residential use.

Staff Comments:

Staff recommends, in addition to the proposed text amendment, to research a potential interim process, until the LMO re-write is completed, to appropriately address and adjudicate non-conforming situations/exception to design standards/undue hardships and bring forth in the next round of proposed text amendments.

Application # <u>Z-11-2021</u>	Fees Paid _____
Date Received: _____	Accepted by _____
Date deemed complete _____	App Deny Conditions _____



**APPLICATION FOR ORDINANCE TEXT
AMENDMENT
CITY OF GREENVILLE, SOUTH CAROLINA**

APPLICANT INFORMATION

<u>City of Greenville</u> NAME	<u>(864) 467-4510</u> FAX
<u>206 S Main Street</u> ADDRESS	<u>planning@greenvillesc.gov</u> EMAIL
<u>Greenville, SC 29601</u>	<u><i>John McOz</i></u> SIGNED (City Manager)
<u>(864) 467-4476</u> PHONE	<u><i>5/5/2021</i></u> DATE

REQUEST

PERTINENT CODE SECTION(S):

Amendment to Article(s) 19-6.5.7(J) of the Land Management Ordinance

NARRATIVE DESCRIPTION/PROPOSED REVISION(S):

This text amendment will amend existing provisions in the Land Management Ordinance for outdoor dining and activities adjacent to residential uses. Specifically, this would amend Section 19-6.5.7(J) "Outdoor dining" to limit orientation of outdoor dining and other outdoor activities as they relate to adjacent residential uses, and also incorporate reference to noise and lighting language.

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 outdoor dining and activities to be positioned in such a manner that the building shield the dining or activity from any single-family residential use.

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

The amendment proposes modification to existing provisions related to outdoor dining and activities adjacent to residential. 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, light, and other impacts related to outdoor dining and activities at commercial properties has been a prevalent issue 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 noise and light impacts involving commercial outdoor dining and activities near single-family residences. 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 allowing outdoor dining and activities away from residential, reducing potential noise and light that could negatively impact residents living near commercial zones and uses.

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 imposing higher standards for outdoor dining and activities where adjacent to single-family residential to promote 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 noise emanating from restaurants and similar uses and will have limited impact upon other stated factors. 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 and should maintain the current high level of services within the City of Greenville.

Section 19-6.5.7(J) Nonresidential Design Standards

(J) Outdoor dining and activities.

- (1) Outdoor dining or other outdoor activities that generate noise, **as defined by noise standards, Chapter 16, Article II, Division 3 like amplified music, or excessive lighting, as defined by lighting standards, Section 19-6.4,** shall **not** be located on **a-any** building side ~~away from residential districts~~ **that abuts any property improved with a residential use. Any such outdoor dining or activity areas shall be positioned in such a manner that the building shall shield the dining or other outdoor activity from such residential use.**

TABLE OF CHANGES

Existing Text

New Text