



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

Docket Number: Z-12-2021
Applicant: City of Greenville
Proposal: **TEXT AMENDMENT** to **MODIFY** Article(s) 19-6.5.7(H)(2), and 19-6.8.9(E) 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(H) [Nonresidential] *Service areas*.
Sec. 19-6.8.9(E) [Multifamily] *Service areas*.

Background

Planning and Development staff submits this text amendment to amend existing provisions in the Land Management Ordinance for nonresidential and multifamily design standards as they relate to refuse containers. Specifically, this would amend Section 19-6.5.7(H)(2), *Nonresidential design standards* and Section 19-6.8.9(E) *Multifamily design standards* to prohibit commercial refuse containers between buildings and adjacent residential property.

The proposal addresses a demonstrated community need by prohibiting commercial refuse containers between buildings and adjacent residential property. 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 prohibiting commercial refuse containers between buildings and adjacent residential property that could negatively impact residents living near commercial/multifamily zones/uses.

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 prohibiting commercial dumpsters between buildings and adjacent residential property.

Staff Comments:

Staff recommends, in addition to the proposed text amendment:

- To further clarify screening material requirements through the inclusion of diagrams and illustrations; and
- To remove the existing language of “grease traps” from the ordinance Sec. 19-6.5.7 (H)(2); and
- 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 #	Z-12-2021	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 NAME	(864) 467-4510 FAX
206 S Main Street ADDRESS	planning@greenvillesc.gov EMAIL
Greenville, SC 29601	<i>John McElroy</i> SIGNED (City Manager)
(864) 467-4476 PHONE	5/5/2021 DATE

REQUEST

PERTINENT CODE SECTION(S):

Amendment to Article(s) 19-6.5.7(H.2), and 19-6.8.9(E) 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 19-6.5.7 H.2, "Nonresidential design standards" and Section 19-6.8.9(E) "Multifamily design standard" to prohibit commercial refuse containers to be located between a nonresidential or multifamily building and adjacent residential use; requires above-ground refuse containers to be located a minimum of 15 feet from the boundary of any adjacent residential use; requires above-ground refuse containers to be fully screen from adjoining property, public streets, and thoroughfares and requires in-ground refuse systems to be screened with evergreen plantings; and restricts service of the area between the hours of 10:00 pm and 6:00 am.

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 to prohibits commercial dumpsters to be located between a nonresidential or multifamily building and adjacent residential use; requires above-ground dumpsters to be located a minimum of 15 feet from the boundary of any adjacent residential use; requires above-ground dumpsters to be fully screen from adjoining property, public streets, and thoroughfares and requires in-ground refuse systems to be screened with evergreen plantings; and restricts service of the area between the hours of 10:00 pm and 6:00 am.

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 and proposes new text related to commercial dumpster. 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. Commercial dumpster is being built close to adjacent single-family residential uses. 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 prohibiting commercial dumpster between building and adjacent to single-family residential uses. 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 prohibiting commercial dumpster between building and adjacent single-family residential uses that could negatively impact residents living near commercial/multifamily zones/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 commercial dumpster 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 prohibit commercial dumpster between building and adjacent single-family residential uses. These changes are expected to reduce foul smell/odor 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 and should maintain the current high level of services within the City of Greenville.

19-6.5.7 Nonresidential design standards

(H) *Service areas.*

- (1) Refuse collection and service areas shall be fully screened from view from public streets or off-site public open space areas. These areas shall be integrated into the principal building architecture to the maximum extent practicable (see Figure 19-6.5-9).
- (2) Above-ground refuse containers Dumpsters, grease traps, etc. ~~shall be located away from adjacent residential dwellings~~ **shall not be permitted between a building and any abutting property improved with a residential use.**

a. Above-ground refuse containers shall comply with the setback requirements. No above-ground refuse container shall be located less than fifteen (15) feet from the property line of any abutting property improved with a residential use.

b. Above-ground refuse containers shall be fully screened from the view of adjoining property, public streets, and thoroughfares. Above-ground refuse containers shall be screened on three sides with a permanent building, decorative masonry wall, wood fencing or landscaping, not less than six (6) feet in height or at least one (1) foot above the height of the enclosed dumpster, whichever is greater. In-ground refuse containers shall be screened with evergreen plantings.

(3) Times of Service. Deliveries, waste collection, and similar commercial activity is prohibited between the hours of 10:00 p.m. and 6:00 a.m.

[...]

19-6.5.8.9 Multifamily design standards

(A) *Orientation.*

[...]

(E) *Service areas.*

- (1) Private storage space shall be provided within, or immediately adjacent to, each dwelling.
- (2) Exterior mechanical equipment, vending machines, service and delivery areas, outdoor storage, ~~trash storage~~, and accessory uses and structures that may produce noise, odors, glare, vibration, etc:
 - a. Shall be screened from view of public and common areas and adjacent properties (see Figure 19-6.8-5), and
 - b. Shall be located away from adjacent residential dwellings or integrated into the building's architecture.

(3) Above-ground refuse containers shall not be permitted between any building and any abutting property improved with a residential use.

a. Above-ground refuse containers shall comply with the setback requirements. No above-ground refuse container shall be located less than fifteen (15) feet from the property line of any abutting property improved with a residential use.

b. Above-ground refuse containers shall be fully screened from the view of adjoining property, public streets, and thoroughfares. Above-ground refuse containers shall be screened on three sides with a permanent building, decorative masonry wall, wood fencing or landscaping, not less than six (6) feet in height or at least one (1) foot above the height of the enclosed dumpster, whichever is greater. In-ground refuse containers shall be screened with evergreen plantings.

4. Times of Service. Deliveries, waste collection, and similar commercial activity is prohibited between the hours of 10:00 p.m. and 6:00 a.m.

TABLE OF CHANGES

Existing Text

New Text