



**Planning Staff Report to
Greenville Planning Commission
May 14, 2021**

for the May 20, 2021 Public Hearing

Docket Number: Z-13-2021
Applicant: City of Greenville
Proposal: **TEXT AMENDMENT** to **MODIFY** Section(s) 19-1.11; 19-4.3; 19-6.4; and 19-6.6 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. 19-1.11 *Definitions.*
Sec. 19-4.3 *Use-specific standards.*
Sec. 19-6.4 *Exterior lighting.*
Sec. 19-6.6 *Sign regulations.*

Background

Planning and Development staff submits this text amendment to strengthen exterior lighting standards by adding maximum lighting levels at property lines and requiring the reduction of lighting levels after business hours based on detailed research and comparison analysis with other jurisdictional requirements. Further, proposed amendments pertaining to drive-through menu boards will introduce regulations pertaining to illumination and speaker systems.

The proposal addresses a demonstrated community need by attempting to reduce the impact of exterior lighting from non-residential and multi-family uses on adjacent single-family 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.

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 the impacts of exterior lighting 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 and multi-family uses by reducing the impact of exterior lighting and providing additional review of menu board lighting and speaker systems.

Staff Comments:

Staff recommends, in addition to the proposed text amendment, to further clarify Sec. 19-6.4.4 (D)(2) that the requirement pertains to commercial and multifamily uses that abut a property line of a single-family detached use.

Application #	Z-13-2021	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 Malyk</i> SIGNED (City Manager)
(864) 467-4476 PHONE	5/5/2021 DATE

REQUEST

PERTINENT CODE SECTION(S):

Amendment to Section(s) 19-1.11; 19-4.3; 19-6.4; and 19-6.6 of the Land Management Ordinance

NARRATIVE DESCRIPTION/PROPOSED REVISION(S):

This text amendment will strengthen exterior lighting standards by adding maximum lighting levels at property lines and requiring the reduction of lighting levels after business hours. Further, proposed amendments pertaining to drive-through "pre" and "menu" boards will require regulations pertaining to illumination and noise of speaker systems.

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 and multi-family uses by reducing the impact of exterior lighting and providing additional review of menu board lighting and speaker systems.

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 exterior lighting. 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. Exterior lighting at commercial and multi-family 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 the impact of exterior lighting from non-residential and multi-family uses on adjacent 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 the impacts of exterior lighting 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 exterior lighting 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 text amendments are expected to reduce lighting complaints. Further, the proposed standards aim to reduce light pollution. 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 19-1.11 Definitions

Footcandle (FC) means a quantitative unit measuring the amount of light cast onto a given point, measured as one lumen per square foot.

[...]

Lamp means the component of a luminaire that produces the light.

[...]

Light pole means a structure that is designed specifically for and used to provide lighting.

Light source means the element of a lighting fixture that is the point of origin of the lumens emitted by the fixture.

Light trespass means effects of light that stray from the intended purpose and becomes an annoyance, a nuisance, or a deterrent to visual performance. As such, light trespass should always be considered negative, unlike spill light, which can have positive or negative attributes. Light trespass is the encroachment of light causing annoyance, loss of privacy, or other nuisance.

[...]

Lumen means a unit of luminous flux.

Luminaire means a complete lighting system, including a lamp and a fixture.

Luminaire, full-cutoff means a luminaire where no light occurs above the horizontal plane and no more than 10 percent of the lamp lumens occur above 80 degrees.

Luminaire, semi-cutoff means a luminaire where less than 5 percent of the lamp lumens occur above the horizontal plane.

[...]

Sign, Electronic Message Board means a sign that utilizes computer-generated messages or some other electronic means of fixed or changing sign copy. Electronic message boards include, but are not limited to, displays using incandescent lamps, LEDs, or LCDs.

Sign, Menu Board means a sign erected in conjunction with a use that incorporates a drive-through or drive-in and is generally used to provide service and/or product options and pricing for patrons who remain in a vehicle.

[...]

Wall pack feature means a type of lighting fixture typically flush-mounted on a vertical wall surface.

Section 19-4.3 Use-Specific Standards

[...]

19-4.3.3. Commercial Uses

[...]

(F) Retail Sales and Service

[...]

(5) Convenience Store

[...]

(d) Accessory structures for convenience stores with gasoline sales.

1. Fuel pump canopies.

- a. A fuel pump canopy shall not be located between the principal structure and a residential district.
- b. A canopy covering fuel pumps shall not exceed the façade length of the principal structure by more than 200 percent.
- c. A fuel pump canopy and the supporting columns shall maintain the same exterior materials, colors, and roof form as the principal building.
- d. Neon tubing or other comparable material is prohibited.
- e. Canopy lighting shall ~~be recessed into the underside of the canopy~~ **comply with exterior lighting standards, Section 19-6.4.**
- f. Display of products for sale (other than fuel products) shall not be permitted beneath a canopy.

Section 19-6.4 Exterior Lighting

[...]

19-6.4.3. General design standards. All exterior lighting shall meet the following design standards:

- (A) No blinking, flashing or fluttering lights or other illuminated device that has a changing light intensity, brightness, or color is permitted in any district except for temporary holiday displays.
- (B) Neither the direct nor reflected light from any outdoor light source shall create a traffic hazard to operators of motor vehicles or to operators of aircraft and no colored lights may

be used in such a way as to be confused or construed as street-traffic control or air-traffic control devices.

- (C) Background spaces such as parking lots shall be illuminated as unobtrusively as possible to meet the functional needs of safe circulation and protection of people and property. Foreground spaces, such as building entrances and outside seating areas, shall utilize local lighting that defines the space without glare.
- (D) Light sources shall be concealed or shielded to the maximum extent feasible to minimize the potential for direct glare and unnecessary diffusion on adjacent property and rights-of-way. ~~On site parking areas, pedestrian walkways and sidewalks, and on site streets and driveways shall use full cut-off type lighting that provides consistent illumination of at least one footcandle.~~
- (E) The style of light standards and fixtures shall be consistent with the style and character of architecture proposed on the site.
- (F) All outdoor lighting not necessary for security purposes shall be reduced, activated by motion sensors devices, or turned off during non-operating hours.
- (G) Light fixtures used to illuminate flags, statutes, or any other objects mounted on a pole, pedestal, or platform shall use a narrow cone beam or light that shall not extend beyond the illuminated object.
- (H) For upward-directed architectural, landscape, and decorative lighting, direct light emissions shall not be visible above the building roof line.
- (I) Light fixtures shall be located on the periphery of the areas with light sources directed into parking areas. No light sources shall be located on building facades directed outward toward property boundaries or adjacent rights-of-way.

19-6.4.4. Specific standards for lighting.

- (A) Light fixtures within residential districts shall be wall-mounted or mounted on wood, concrete, fiberglass, or painted metal poles no higher than 15 feet above finished grade. Bollard-type lighting fixtures shall have a height not less than three feet nor more than four feet.
- (B) Light fixtures within nonresidential districts shall be wall-mounted or mounted on wood, concrete, fiberglass, or painted metal poles; with the exception of outdoor entertainment uses and SCDOT interstate interchange high-mast lighting, mounting heights shall not exceed ~~42~~**30** feet above finished grade. Bollard-type lighting fixtures shall have a height not less than three feet nor more than four feet.

(C) ~~**Shielding.** Luminaires (regular or flood lamps) 175 watts or less may be used without restriction to light distribution except that no direct glare shall be perceptible to persons on a public right-of-way.~~

(1) Luminaires of 175 watts or less may be used without cutoff except that no direct glare shall be perceptible to persons on a public right-of-way.

(2) Luminaires of between 175 watts and 400 watts shall feature, at a minimum, semi-cutoff.

(3) Luminaires in excess of 400 watts shall feature full cut-off and shall not emit any direct light above the horizontal plane of the fixture.

(4) Shielding shall not be required for lamps which accent entranceways, art, water features/fountains, landscaping, sculptures, statuary, and other similar objects provided the light is concealed and narrowly focused on the object of interest.

(5) Wall pack fixtures shall be full-cutoff.

(6) Luminaires lighting vertical surfaces from the "bottom up" (building facades, steeples, trees, billboards, signs, flags, etc.) shall not exceed 175 watts with the exception of SCDOT highway signage luminaires.

~~(D) Luminaires (regular or flood lamps) between 175 watts and 400 watts shall be, at a minimum, semi-cutoff~~

~~(E) Luminaires (regular or flood lamps) in excess of 400 watts shall not emit any direct light above the horizontal plane of the fixture~~

~~(F) Wall pack fixtures shall be full-cutoff.~~

~~(D) Luminaires lighting vertical surfaces from the "bottom up" (building facades, steeples, trees, billboards, signs, flags, etc.) shall not exceed 175 watts (with the exception of SCDOT highway signage luminaires).~~ Lighting Levels.

(1) Lighting for on-site parking areas, pedestrian walkways and sidewalks, and on-site streets and driveways shall provide maintain an average illumination of at least one (1) footcandle.

(2) Light level shall be no greater than 0.3 footcandle when measured at the abutting property line to property improved with a residential use and one (1) footcandle when measured at the property line abutting property improved with a non-residential use or the public right-of-way.

(3) The maximum light level at any point on a property shall not exceed 20 maintained footcandles.

(4) For property improved with non-residential uses, exterior illumination levels shall be reduced to 25% or less of the normal permitted levels one hour after business closing to one hour before business opening. Security lighting may be used within these restricted time periods. Security lighting shall be reduced to 25% or less of the normal permitted levels. Motion sensor activation may be allowed to cause the light to resume normal permitted illumination levels only when activated and shall be programmed to be reduced back to 25% or less of normal illumination levels within five (5) minutes after activation has ceased. Motion sensors must be configured such that they are not triggered by activity off of the property.

(E) ~~Outdoor entertainment uses shall comply with the following standards:~~

~~(1) Luminaire mounting heights shall not exceed 80 feet above finished grade.~~

~~(2) Luminaires shall be equipped with glare control packages (louvers, shields, visors, or similar); the fixtures shall be aimed to direct their beams within the primary performance area.~~

~~(1) Luminaires shall be extinguished within one hour of the end of an event, or as soon as all patrons exit the premises.~~

(F) ~~Areas under vehicular canopies shall have a maximum point of horizontal illuminance of 20 maintained footcandles. The sides or top of the canopy shall not be illuminated, except as permitted by permanent sign standards, Section 19-6.6.4. Lighting under canopies shall be designed so as to not create glare beyond the outside edge of the canopy; acceptable methods include the following:~~

~~(1) The use of recessed fixtures incorporating lens covers that are recessed or flush with the bottom surface (ceiling) of the canopy; or~~

~~(2) The use of light fixture shields (or the canopy edge itself).~~

Outdoor entertainment uses shall comply with the following standards:

(1) Luminaire mounting heights shall not exceed 80 feet above finished grade

(2) Luminaires shall be equipped with glare control packages (louvers, shields, visors, or similar) and the fixtures shall be aimed to direct their beams within the primary performance area.

(3) Luminaires shall be extinguished within one hour of the end of an event, or as soon as all patrons exit the premises, whichever is earlier.

(G) ~~The maximum light level at any point on a property shall not exceed 30 maintained footcandles. ***Canopy lighting.*** Areas under vehicular canopies shall have a maximum point of horizontal illuminance of 20 maintained footcandles. The sides or top of the canopy shall not be illuminated, except as permitted by permanent sign standards, Section 19-6.6.4. Lighting under canopies shall be designed so as to not create glare beyond the outside edge of the canopy; acceptable methods include the following:~~

(1) The use of recessed fixtures incorporating lens covers that are recessed or flush with the bottom surface (ceiling) of the canopy; or

(2) The use of light fixture shields or the canopy edge itself.

19-6.4.5 *Light measurement.* Light measurements shall be made with an approved metering device at ground level (finished grade) consistent with manufacturer's specifications. The meter shall have an accuracy tolerance of no greater than plus or minus five percent and shall have been calibrated within one year of use. Light levels are specified, calculated, and measured in footcandles (FC). All FC values referenced in this section are maintained footcandles.

Section 19-6.6 *Sign Regulations*

[...]

19-6.6.3. *Signs exempt from permit requirement.* A permit shall not be required for the following types of signs, provided all applicable provisions of this section are met. Such signs shall not be considered in determining the allowable number or size of signs on a lot.

[...]

~~(W) Outdoor menu boards provided there is not more than one per outdoor ordering station.~~

19-6.6.4. *Permanent Signs*

(C) *Freestanding signs.* Freestanding signs are those types of signs that are supported by a structure secured to the ground and are wholly independent of any building, other than a sign structure, for support. Freestanding signs include monument signs, decorative post signs, freestanding suspended signs, and pylon or pole signs. Allowances for the number and size of freestanding signs are provided in table 19-6.6-3, freestanding signs. Applicants are encouraged to submit sign plans for evaluation during the site plan permit review process.

[...]

(4) *Electronic message boards and "pre" and "menu" boards.* Electronic message boards and "pre" and "menu" boards shall incorporate a photo cell, or similar technology, that adjusts brightness of the sign relative to outdoor ambient light, and may be included on monument and pylon signs, subject to the following conditions.

~~(a) When such signs are to be located within the OD, C-1, C-2, C-3, C-4, S-1, RDV, or I-1 districts, the area of the electronic sign face shall not exceed 30 percent of the overall sign face, and the electronic message shall maintain a static message for at least six seconds, and shall not utilize any of the techniques prohibited by subsection 19-6.6.2(B).~~ *Electronic message boards.*

1. When such signs are to be located within the OD, C-1, C-2, C-3, C-4, S-1, RDV, or I-1 districts, the area of the electronic sign face shall not exceed 30 percent of the overall sign face, and the electronic message shall maintain a static message for at least six seconds, and shall not utilize any of the techniques prohibited by subsection 19-6.6.2(B).
2. When such signs are to be located in the R-9, R-6, RM-1, RM-1.5, RM-2, or RM-3 districts, such signs may be approved only as a special exception by the board of zoning appeals, and the area of the electronic sign face shall not exceed 30 percent of the overall sign face area, the electronic message shall maintain a static message for at least 12 seconds, the sign shall display no message between 9:00 p.m. and 6:00 a.m., and shall not utilize any of the techniques prohibited by subsection 19-6.6.2(B). The size of such signs may not exceed the limits provided in subsection 19-6.6.4(C)(6)(d), unless an exception to the sign standards is granted pursuant to subsection 19-6.6.4(C)(7).

~~(b) When such signs are to be located in the R-9, R-6, RM-1, RM-1.5, RM-2, or RM-3 districts, such signs may be approved only as a special exception by the board of zoning appeals, and the area of the electronic sign face shall not exceed 30 percent of the overall sign face area, and the electronic message shall maintain a static message for at least 12 seconds, and the sign shall display no message between 9:00 p.m. and 6:00 a.m., and shall not utilize any of the techniques prohibited by subsection 19-6.6.2(B). The size of such signs may not exceed the limits provided in subsection 19-6.6.4(C)(6)(d), unless an exception to the sign standards is granted pursuant to subsection 19-6.6.4(C)(7).~~ **“Pre and “Menu” boards. One (1) pre-menu board and one (1) menu board in conjunction with each drive-through lane use and shall not count toward the maximum signage for a property, subject to the following standards:**

1. Maximum sign area shall be 48 sq. ft.
2. Maximum sign height shall be 8 ft.
3. “Pre” and “Menu” boards shall be set back a minimum of 15 feet from the street right-of-way line and from lot lines of abutting property improved with non-residential uses.
4. At any time when the drive-through use is closed to the public, the “pre” and “menu” board shall be turned off and shall remain off until the drive-through use is open to the public.
5. Speakers shall be directed away from adjacent residential dwellings and noise shall be subject to provisions of Chapter 16, Article II, Division 3 Noise.

6. “Pre” and “Menu” boards shall be skirted to the ground with permitted materials.

Section 19-6.8 Design Standards for Multi-family Residential Development

[...]

19-6.8.9. Multifamily design standards.

(M) Exterior Lighting

- (1) The lighting of all parking areas, pedestrian walkways, entrances, and exterior portions of the site shall be designed for its specific task and shall comply with the provisions of section 19-6.4, exterior lighting.
- (2) Exterior lighting fixtures shall be:
 - (a) Vandal-resistant;
 - (b) Compatible with building architecture; and
 - (c) Scaled (dimension and intensity) to complement its context.
- (3) Adjacent to single-family dwellings:
 - (a) Exterior lighting heights, whether pole-mounted or wall-mounted, shall not exceed a maximum height of 15 feet above grade.
 - (b) ~~Lighting levels at lot lines shall not exceed three footcandles, as measured 30 inches above grade.~~ **Lighting levels shall be consistent with the provisions of section 19-6.4, exterior lighting.**
 - (c) Uplighting of building or site features shall be directed away from adjacent properties.
 - (d) Internally illuminated signage or awnings are prohibited.

Summary of Text Amendment:

Existing Text

New Text