



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

Docket Number: Z-15-2021
Applicant: City of Greenville
Proposal: **TEXT AMENDMENT to MODIFY** Article(s) 19-4.3.3; 19-6.2.2; 19-6.2.3; 19-6.5.7; and 19-6.8.9 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. 19-4.3.3 *Use-specific standards.*
Sec. 19-6.2.2 *Landscaping requirements.*
Sec. 19-6.2.3 *Buffering and screening requirements.*
Sec. 19-6.5.7 *Nonresidential design standards.*
Sec. 19-6.8.9 *Multifamily design standards.*

Background

Planning and Development staff submits this text amendment to amend existing provisions in the Land Management Ordinance for buffering and screening requirements for all nonresidential or multi-family developments which abut single-family uses. Specifically, this would 1) increase the required height of walls and shrubs used for screening purposes; 2) decrease the allowable spacing between shrubs used for screening; 3) eliminate the five foot, ten foot, and twenty foot screening options, in favor of requiring screening within the entirety of the required setback; and 4) provide administrator discretion on side and rear property lines based upon meeting the findings of extreme constraints. Additionally, this amendment simplifies the ordinance by the removal of the screening requirement redundancy found in sections 19-4.3.3, 19-6.5.7, and 19-6.8.9; and to place all redundant descriptions of screening alternatives under section 19-6.2.3 *Buffering and Screening Requirements*.

The proposal addresses a demonstrated community need by attempting to reduce the deleterious impacts upon single-family homes associated with an adjacent development of a non-residential or multi-family nature such as higher traffic counts, light pollution, noise pollution, etc. 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 reducing noise and visual disturbance 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 by requiring more robust and effective landscape buffering between single family residential uses and non-residential or multi-family uses.

Staff Comments

Staff recommends, in addition to the proposed text amendment:

- To further clarify that the buffer requirements pertain and apply to rear and side lot lines that abut adjacent single family detached uses; and
- To further clarify that the landscape and/or wall is to be constructed within the buffer area; and
- To research and include a definition of “masonry wall” within Sec. 19-1.11 *Definitions* and provide in second round of text amendments: 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-15-2021	Fees Paid	
Date Received:		Accepted by	
Date deemed complete		App Deny Conditions	



APPLICATION FOR ORDINANCE TEXT AMENDMENT CITY OF GREENVILLE, SOUTH CAROLINA

APPLICANT INFORMATION

<u>City of Greenville</u>	<u>(864) 467-4510</u>
NAME	FAX
<u>206 S Main Street</u>	<u>planning@greenvillesc.gov</u>
ADDRESS	EMAIL
<u>Greenville, SC 29601</u>	
	SIGNED (City Manager)
<u>(864) 467-4476</u>	<u>5/5/2020</u>
PHONE	DATE

REQUEST

PERTINENT CODE SECTION(S):

Amendment to Article(s) 19-4.3.3; 19-6.2.2; 19-6.2.3; 19-6.5.7; and 19-6.8.9 of the Land Management Ordinance

NARRATIVE DESCRIPTION/PROPOSED REVISION(S):

This text amendment will amend existing provisions in the Land Management Ordinance for buffering and screening requirements for all nonresidential or multi-family developments which abut single-family uses. Specifically, this would 1) increase the required height of walls and shrubs used for screening purposes; 2) decreasing the allowable spacing between shrubs used for screening; and 3) provide a buffer width equal to 10 percent of the lot depth, not to be less an 10 feet and not to exceed 20 feet in depth, as well as to be design accordingly; and 4) provide administrator determination. Additionally, this amendment simplifies the ordinance by removing the screening requirement redundancy found in 19-4.3.3, 19-6.5.7, and 19-6.8.9; and placing all redundant descriptions of screening alternatives under section 19-6.2.3 *Buffering and Screening Requirements*.

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 by requiring more robust and effective landscape buffering between single family residential uses and non-residential or multi-family uses.

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

The amendment proposes modifications to existing provisions and simplifies the ordinance from an administrative perspective to ensure easier interpretation and application of screening requirements. 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. Non-residential and multi-family development of parcels adjacent to residential uses has increased dramatically since the time that the original text was adopted. This proposal seeks to alleviate the undesirable conditions which arise when such development occurs.

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 deleterious impacts upon single-family uses associated with an adjacent development of a non-residential or multi-family use such as higher traffic counts, light pollution, noise pollution, etc. 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 and visual disturbance 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 outdoor screening and design where adjacent to single-family uses 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 provide for larger buffering zones between single family uses and non-residential / multifamily uses. These larger zones will be screened with a number of natural enhancements including trees, shrubs, and lawns. As such these larger areas will be more permeable to rain water and water table infiltration, will support greenery vegetation, and wildlife, and will abate air, light, noise, and water pollution.

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.

19-4.3.3 Commercial uses

(F) Retail sales and service.

(5) Convenience store.

(b) Site configuration for convenience stores with gasoline sales.

1. Lot area.

b. Interior lots. Interior lots containing a convenience store with gasoline sales shall have a lot area of at least 30,000 square feet and a lot width of at least 120 feet.

12. Buffer screening per 19-6.2.3 (D) shall be required. ~~Screening of residential districts. A convenience store with gasoline sales abutting a residential district shall provide one of the following screening treatments along the lot line shared with the residential district (see Figure 19-4.3.3-2):~~

~~(a) A buffer yard with a minimum width of five feet that includes a solid masonry wall measuring at least six eight feet in height, meeting the requirements of section 19-5.2.7, and canopy trees, meeting the requirements of table 19-6.2-1, planted along the outside perimeter with a maximum on-center spacing of 20 15 feet; or~~

~~(b) A buffer yard with a minimum width of ten feet that includes an alternating double row of various evergreen shrubs and may include a berm to achieve a minimum height at time of planting of six eight feet, planted a maximum of 60 48 inches on-center; or~~

~~(c) A buffer yard with a minimum width of 20 feet that includes vegetative screening meeting the following standards per 100 linear feet and the requirements of table 19-6.2-1:~~

~~i. Eight canopy trees (at least two evergreen); and~~

~~ii. Four understory trees (at least one evergreen); and~~

~~iii. 25 shrubs (at least 16 evergreen shrubs).~~

19-6.2.2 Landscaping requirements

(A) General.

(5) Any shrub used to comply with ~~a six~~ **the eight-foot-tall** screening requirement shall be evergreen, and at least four feet in height at the time of planting. Exception: Shrubs used to screen non-**residential single-family** uses ~~proposed for the C-3, S-1, and RDV~~ **from abutting single-family uses** shall be six feet tall at the time of planting. Cultivars of evergreen shrubs that do not increase in spread size and provide a full natural screen at maturity shall not be used to meet screening requirements.

(B) *Minimum planting size/height requirements.* All landscape planting materials shall conform to the minimum size or height standards in table 19-6.2-1 at the time of planting as well as meet the standards of ANSI Z60.1 American Standard for Nursery Stock.

Table 19-6.2-1: Minimum Planting Size/Height Requirements/Spacing	
Type of Planting Material	Minimum Size/Height/Spacing
Shade trees	3-inch caliper, 12-foot height
Ornamental and understory street trees	2-inch caliper, 10-foot height, 5-foot clear trunk
Multi-stemmed street trees	5 canes maximum, 10-foot height,
Evergreen buffer vegetation	4-foot height at planting, plant spacing 5 feet on-center <u>(or as noted in 19-6.5.7 non-residential screening requirement)</u> , 10' maximum mature width, 6' <u>8'</u> minimum mature height
Evergreen shrubs	18-inch height
Deciduous shrubs	24-inch height
Additional screening requirement	48-inch height, evergreen, plant spacing 4 feet on-center

19-6.2.3 Buffering and screening requirements

~~(D) Screening standard. With the approval of the administrator, a developer may use any combination of the screening materials referenced in subsection 19-6.2.3(C), provided the screen provides complete opacity pursuant to the requirements of this section.~~

~~(E) Multifamily developments abutting detached single family residential dwellings shall follow the buffer standards in Section 19-6.8.9 (L) (8)~~

~~(F) Nonresidential developments abutting detached single family residential dwellings shall follow the buffer standards in Section 19-6.5.7 (M) (4)~~

(D) All nonresidential or multi-family developments shall provide a buffer yard equal to ten (10) percent of the lot depth, not to be less than ten (10) feet and not to exceed twenty (20) feet in width.

(a) Buffers that are ten (10) feet in width shall include a solid masonry wall measuring at least eight (8) feet in height, meeting the requirements of section 19-5.2.7, and canopy trees, meeting the requirements of table 19-6.2-1, planted along the outside perimeter with a maximum on-center spacing of fifteen (15) feet.

(b) Buffers that are over ten (10) feet and within twenty (20) feet of depth shall include one (1) of the following options:

i. A buffer yard that includes an alternating double row of various evergreen shrubs and may include a berm to achieve a minimum height at time of planting of eight (8) feet, planted a maximum of forty-eight (48) inches on-center; or

ii. A buffer yard that includes vegetative screening meeting the following standards per a hundred (100) linear feet and the requirements of table 19-6.2-1:

1. Eight (8) canopy trees (at least two evergreen); and

2. Four (4) understory trees (at least one evergreen); and

3. Twenty-five (25) shrubs (at least sixteen (16) evergreen shrubs).

(c) The following are prohibited within the buffer zone:

(a) Principal or accessory structures associated with the development;

(b) Driveways, drive aisles, surface parking areas, or alleys;

(c) Outdoor storage areas;

(d) Outdoor dining or gathering areas;

(e) Heating, cooling, or other mechanical equipment;

(f) Signs;

(g) Any other structure or use that would unduly interfere with the use and enjoyment of the adjacent single-family use as determined by the Administrator.

(d) The administrator may reduce the buffer depth on side and/or rear property lines to a minimum of ten (10) feet upon finding that provision of required buffering is overly constraining to accommodate reuse of an existing structure. This allowance is not applicable for any project including expansion of a structure or new construction. Constraints may include, but are not limited to:

1) Location of existing building within an otherwise required entire buffer yard;

2) Existing parking/driveway areas or required parking and/or driveway access prevents provision of entire buffer depth;

3) Location of existing significant or heritage trees to be protected on site; or

4) High slope areas or other topographic considerations.

19-6.5.7 Nonresidential design standards

(M) *Landscaping and screening.*

- (3) Nonresidential development shall incorporate foundation plantings along building facades that face public streets or single-family dwellings. Foundation plantings shall consist of evergreen and deciduous shrubs spaced no farther than **five three** feet on-center and located within three feet of the building wall.
- (4) **Buffer screening per 19-6.2.3 (D) shall be required.** Nonresidential development shall provide one of the following screening treatments along all lot lines abutting single-family detached dwellings (see Figure 19-6.5-14):
- (a) A buffer yard with a minimum width of five feet that includes a solid masonry wall measuring at least six feet in height, meeting the requirements of section 19-5.2.7, and canopy trees, meeting the requirements of table 19-6.2-1, planted along the outside perimeter with a maximum on-center spacing of 20 feet; or
 - (b) A buffer yard with a minimum width of ten feet that includes an alternating double row of various evergreen shrubs and may include a berm to achieve a minimum height at time of planting of six feet, planted a maximum of 60 inches on-center; or
 - (c) A buffer yard with a minimum width of 20 feet that includes vegetative screening meeting the following standards per 100 linear feet and the requirements of table 19-6.2-1:
 - i. Eight canopy trees (at least two evergreen); and
 - ii. Four understory trees (at least one evergreen); and
 - iii. 25 shrubs (at least 16 evergreen shrubs).
- (5) **The setback widths and use restrictions for buffer zones shall be considered the minimum standard for nonresidential development abutting property improved with a single-family use and shall supersede lesser requirements applicable to development generally.**

19-6.8.9 Multifamily design standards

(L) Landscaping and screening.

- (8) **Buffer screening per 19-6.2.3 (D) shall be required.** One of the following buffer yards shall be provided along all lot lines abutting single-family detached dwellings and between any adjacent residential dwelling and multifamily common areas, driveways, and parking areas in order to screen traffic, headlights, and other adverse impacts (see Figure 19-6.8-11):
- ~~(a) A buffer yard with a minimum width of five feet that includes a solid masonry wall measuring at least six feet in height, meeting the requirements of section 19-5.2.7, and canopy trees, meeting the requirements of table 19-6.2-1, planted along the outside perimeter with a maximum on-center spacing of 20 feet; or~~
 - (b) A buffer yard with a minimum width of ten feet that includes an alternating double row of various evergreen shrubs and may include a berm to achieve a minimum height at time of planting of six eight feet, planted a maximum of 60 inches on-center; or
 - (c) A buffer yard with a minimum width of 20 feet that includes vegetative screening meeting the following standards per 100 linear feet and the requirements of table 19-6.2-1:

(9) The setback widths and use restrictions for buffer zones shall be considered the minimum standard for multi-family development abutting property improved with a single-family use and shall supersede lesser requirements applicable to development generally.

- i. ~~Eight canopy trees (at least two evergreen); and~~
- ii. ~~Four understory trees (at least one evergreen); and~~
- iii. ~~25 shrubs (at least 16 evergreen shrubs).~~

Figure 19-6.8-11

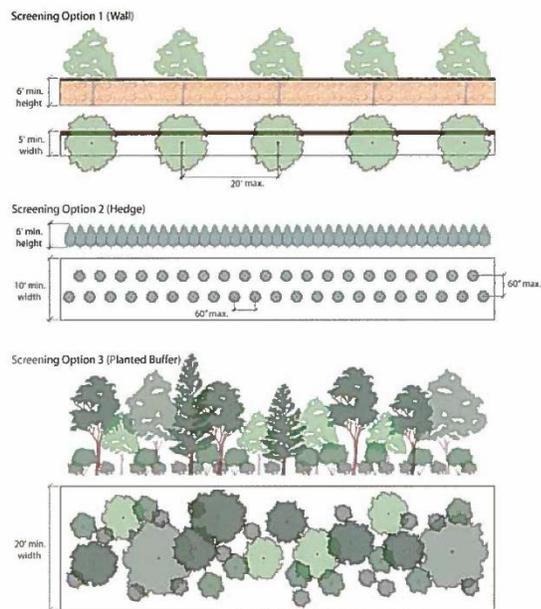
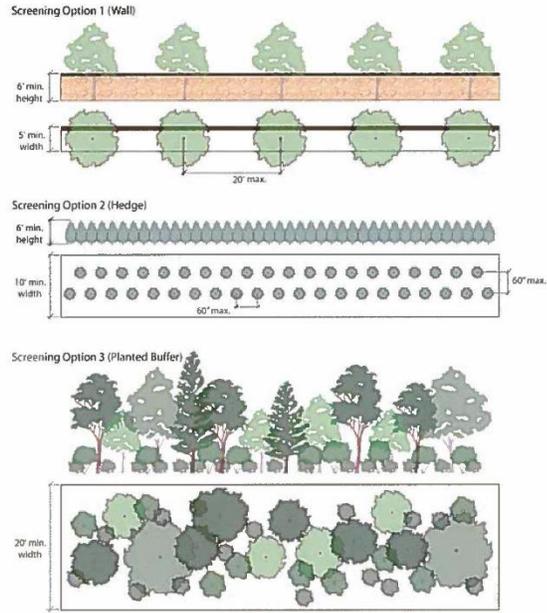


Figure 19-6.5-14



Summary of Text Amendment:

Existing Text

New Text