



REQUEST FOR COUNCIL ACTION

City of Greenville, South Carolina

Agenda Item No.

15h

TO: Honorable Mayor and Members of City Council

FROM: John F. McDonough, City Manager

Ordinance/First Reading Ordinance/Second & Final Reading Resolution/First & Final Reading Information Only

AGENDA DATE REQUESTED: June 14, 2021

ORDINANCE/RESOLUTION CAPTION:

ORDINANCE TO AMEND SECTIONS 19-1.11, DEFINITIONS; 19-4.3.3, COMMERCIAL USES; 19-6.2.2, LANDSCAPING REQUIREMENTS; 19-6.2.3, BUFFERING AND SCREENING REQUIREMENTS; 19-6.5.7, NONRESIDENTIAL DESIGN STANDARDS; 19-6.8.9, MULTIFAMILY DESIGN STANDARDS; TABLE 19-6.2-1; FIGURES 19-6.8.11; AND 19-6.5.14 OF THE CODE OF ORDINANCES OF THE CITY OF GREENVILLE TO MODIFY BUFFER AND SCREENING STANDARDS FOR NONRESIDENTIAL USES AND MULTIFAMILY USES ADJACENT TO DETACHED SINGLE-FAMILY RESIDENTIAL USES (Z-15-2021)

SUMMARY BACKGROUND:

Staff submits these text amendments to amend Sections 19-1.11, Definitions; 19-4.3.3, Commercial Uses; 19-6.2.2, Landscaping Requirements; 19-6.2.3, Buffering and Screening Requirements; 19-6.5.7, Nonresidential Design Standards; 19-6.8.9, Multifamily Design Standards; Table 19-6.2-1; Figures 19-6.8.11 and 19-6.5.14 to strengthen buffering and screening requirements for all nonresidential or multifamily 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.

These amendments are intended to enhance the quality of life of City residents by requiring more robust and effective landscape buffering between single family residential uses and nonresidential or multifamily uses.

The City Planning Commission, pursuant to public notice, held a public hearing on June 9, 2021, to consider the proposed text amendments. The application was recommended for approval by a vote of 6-0.

Planning Staff Recommendation: Approve

Planning Commission Recommendation: Approval by a vote of 6-0

IMPACT IF DENIED:

The text amendments will not be approved, and the buffering and screening standards for nonresidential and multifamily developments will remain regulated by the existing standards of the Land Management Ordinance.

FINANCIAL IMPACT:

None

REQUIRED SIGNATURES

Department Director Jonathan B. Graham
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OMB Director _____

City Attorney Michael Pitts
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City Manager John McDonough
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AN ORDINANCE

TO AMEND SECTIONS 19-1.11, DEFINITIONS; 19-4.3.3, COMMERCIAL USES; 19-6.2.2, LANDSCAPING REQUIREMENTS; 19-6.2.3, BUFFERING AND SCREENING REQUIREMENTS; 19-6.5.7, NONRESIDENTIAL DESIGN STANDARDS; 19-6.8.9, MULTIFAMILY DESIGN STANDARDS; TABLE 19-6.2-1; AND FIGURES 19-6.8.11 AND 19-6.5.14 OF THE CODE OF ORDINANCES OF THE CITY OF GREENVILLE TO MODIFY BUFFER AND SCREENING STANDARDS FOR NONRESIDENTIAL USES AND MULTIFAMILY USES ADJACENT TO DETACHED SINGLE-FAMILY RESIDENTIAL USES (Z-15-2021)

WHEREAS, Chapter 19 of the Code of Ordinances of the City of Greenville, commonly referred to as the Land Management Ordinance (the “LMO”), contains regulations for the establishment of commercial uses, service and industrial uses, and multiple-family dwelling uses; and

WHEREAS, the city of Greenville (the “City”) provides municipal planning and land use services including, but not limited to, land development regulation, zoning, land use planning, permitting, and licensing of businesses and properties, which are vital to the public health, safety, welfare, and quality of life in the City; and

WHEREAS, the City recently adopted its decennial comprehensive plan, entitled GVL2040 (the “GVL2040”); and

WHEREAS, GVL2040 envisions Greenville’s future growth will be directed into higher density nodes or centers located throughout the City and connected by major corridors; and

WHEREAS, City Council desires to protect the character of existing single-family neighborhoods and quality of life for neighborhood residents; and

WHEREAS, GVL2040 recognizes the LMO required substantial revision in response to the rapid growth the City has experienced since the LMO was last revised almost 14 years ago; and

WHEREAS, GVL2040 calls for an immediate update to the City’s land management regulations and states this as the most critical step to take on the path toward implementation of the node and corridor growth framework; and

WHEREAS, the City has been faced with pressures created by multifamily and commercial development along the City’s major corridors that abut neighborhoods, as well as development of properties within existing neighborhoods; and

WHEREAS, the current LMO does not adequately protect neighborhoods from the impacts associated with concentrated development, including issues related to construction impact, noise, lighting, traffic, design, neighborhood character, height, massing, and form; and

WHEREAS, the City desires to modify Sections 19-4.3.3, 19-6.2.2, 19-6.2.3, 19-6.5.7, and 19-6.8.9, Table 19-6.2-1; and Figures-6.8.11 and 19-6.5.14 of the Code of Ordinances of the City of Greenville (the “City Code”), as shown in the attached Exhibit A; and

WHEREAS, the City Planning Commission, pursuant to public notice, held a public hearing on June 9, 2021, to consider the proposed text amendments, and

WHEREAS, the Planning Commission voted unanimously to recommend approval of the proposed text amendments as proposed; and

WHEREAS, City Council finds the text amendments to be compatible with the City's Comprehensive Development Plan;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GREENVILLE, SOUTH CAROLINA, Sections 19-1.11, Definitions, 19-4.3.3, Commercial uses; 19-6.2.2, Landscaping requirements, 19-6.2.3, Buffering and screening requirements, 19-6.5.7, Nonresidential design standards, 19-6.8.9, Multifamily design standards, Table 19-6.2-1; and Figures 6.8.11; and 19-6.5.14, of the City Code are hereby amended as set forth in Exhibit A, which is attached hereto and incorporated herein by reference. This Ordinance shall be effective upon second and final reading.

DONE, RATIFIED AND PASSED THIS THE _____ DAY OF _____, 2021.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

REVIEWED:

CITY MANAGER

EXHIBIT A

Sec. 19-1.11. Definitions

[...]

Manufacturing, light means manufacturing uses that do not produce odor, vibration, dust, or hazard discernible beyond the property. Examples include, but are not limited to, assembly of pre-fabricated parts, manufacture of electric, electronic, or optical instruments or devices; manufacture and assembly of artificial limbs, dentures, hearing aids, and surgical instruments; manufacture, processing, and packing of food products, cosmetics, and manufacturing of components, jewelry, clothing, trimming decorations, and any similar item. This use type is regulated under the "manufacturing and production" use category in article 19-4, use regulations.

Masonry wall means a structural wall to be built with stone, brick, or other natural or similar material.

Marquee means a permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building.

[...]

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 detached 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.

| 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 commercial 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, along a rear and/or side lot line that abuts a single family detached use.
- (a) Buffer yards that are ten (10) feet in width shall include a solid masonry wall located at the abutting property line and 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) Buffer yards 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 yard depth on side and/or rear property lines that abut a single-family detached use to a minimum of ten (10) feet upon finding that provision of the required buffer yard 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 detached use and shall supersede lesser requirements applicable to development generally.

19-6.8.9 Multifamily design standards

(L) *Landscaping and screening.*

(8) Buffer yard 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

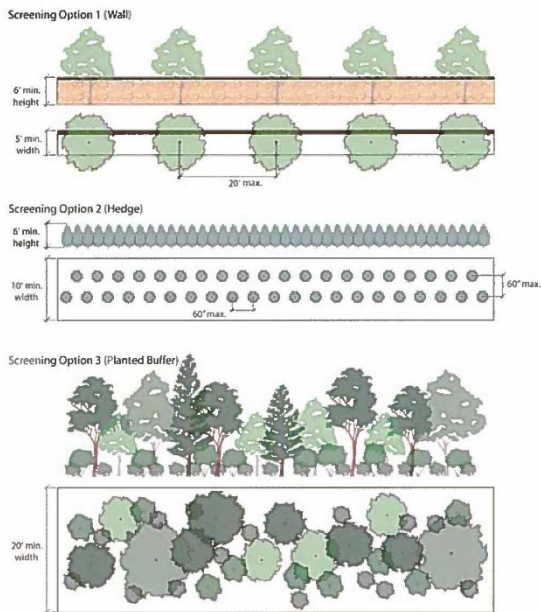


Figure 19-6.5-14

