



## REQUEST FOR COUNCIL ACTION

### City of Greenville, South Carolina

Agenda Item No.

14c

**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 12, 2023

**ORDINANCE/RESOLUTION CAPTION:**

ORDINANCE TO TO REPEAL CHAPTER 19, LAND MANAGEMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF GREENVILLE, SOUTH CAROLINA, AND TO REPLACE WITH NEW CHAPTER 19, GREENVILLE DEVELOPMENT CODE (Z-1-2023A) (REVISED)

**SUMMARY BACKGROUND:**

This Ordinance will replace the existing Land Management Ordinance in Chapter 19 of the Code of Ordinances with the new Greenville Development Code. The code text has been prepared following an extensive public engagement and review process and is intended to implement the goals and policies of the GVL 2040 Comprehensive Plan including affordable housing, open space preservation, and transportation and mobility. The code and the new corresponding zoning map promote a node-and-corridor development pattern that facilitates intentional growth throughout the City while protecting existing neighborhoods. The Greenville Development Code also includes voluntary market-based incentives for the provision of affordable housing and open space.

Procedurally, this Ordinance (Z-1-2023A) adopts the new code and establishes the new zoning districts. Its corresponding ordinance (Z-1-2023B) applies the new zoning districts to real property across the city through the adoption of the new zoning map.

Planning Staff Recommendation: Approve with Modifications

Planning Commission Recommendation: Approve with Modifications and Planning Commission Recommendations

REVISED FOR SECOND READING to include City Council amendments passed during First Reading and to include final language for the development code (included in Exhibit B).

**IMPACT IF DENIED:**

The new code will not be adopted. The new map cannot be adopted until this ordinance is adopted. Development will continue to occur under the existing Land Management Ordinance and zoning map.

**FINANCIAL IMPACT:**

N/A

**REQUIRED SIGNATURES**

**Department Director**

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**City Attorney**

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**OMB Director**

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**City Manager**

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on existing open spaces in the City, including parks and other active and passive recreation spaces. As stated in the GVL2040 Comprehensive Plan:

- a. “The foreseeable trend on open space is clear: as population grows, the amount of parkland and preserved open space, per capita, will inevitably decline unless additional land is preserved. With most of Greenville’s vacant land currently zoned for development, opportunities to add to the inventory of land off-limits to development will be quite limited unless more preservation is actively pursued.” (p.38);
  - b. “A diminishing supply of vacant land, most of which is currently zoned for development, [has] raised concerns about the long-term environmental and quality of life costs if recent land consumption rates continue.” (p.81); and
  - c. “Greenville’s supply of vacant land has been steadily dwindling and that opportunities to preserve land and create new open space amenities are diminishing year by year.” (p.111).
- 5) The open space easement component and open space fee-in-lieu associated with voluntary density bonuses for residential and non-residential projects is reasonable and proportionate to the burden on the City, as a result of the increased demand on existing parks and open spaces that comes with increased density, to provide increased maintenance of existing parks and open spaces and to expand the system of such spaces.

WHEREAS, adoption of the Greenville Development Code is supplemented by the adoption of Ordinance No. \_\_\_\_\_ (Z-1-2023B) to adopt the associated new City of Greenville Official Zoning Map; and

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GREENVILLE, SOUTH CAROLINA, as follows:

1. Chapter 19, Land Management Ordinance, of the City of Greenville Code of Ordinances is hereby repealed and shall be replaced with the adopted Chapter 19, Greenville Development Code, as set forth in Exhibit A ~~and as modified by the~~, subject to and as modified by the changes and modifications applicable to the Greenville Development Code as set forth in Exhibit B, and further subject to the following amendments approved by City Council during first reading:
  - a. Amend Section 19-3.2.1.B, Use Restrictions in All Districts, as follows: “~~Delivery, waste collection, and similar commercial traffic is prohibited between the hours of 12:00 midnight and 5:00 a.m.~~ With the exception of BG, BH, and IG zones which do not abut residential districts, delivery, waste collection, and similar commercial traffic is prohibited between the hours of 10:00 p.m. and 7:00 a.m.”
  - b. Amend Section 19-3.4.4.H, Vehicle Sales and Service, as follows: “Fueling stations that existed as of the effective date of this ordinance may demolish and reconstruct their facilities in the same general configuration and general footprint (no more than 25% expansion).”
  - c. Amend Section 19-5.1.2.C.2, Preparation of Traffic Impact Analysis, as follows: “All existing traffic counts must be conducted within the 12-month period prior to application submittal and include an annual growth factor determined by the administrator prior to submitting the report. Traffic counts shall be taken on Tuesdays, Wednesdays, or Thursdays when Greenville Public Schools are open with students and staff on site and operating on a normal schedule after Labor Day and ~~before Memorial Day~~ on or before May 1st, not prior to or following a holiday or during the week of a

holiday, and not during the last two weeks of December, unless otherwise requested. Turning movement counts must be collected from 7:00 am to 9:00 am and from 4:00 pm to 6:00 pm at 15-minute intervals, unless otherwise requested. To eliminate unnecessary analysis, consultation between the Administrator and those preparing the traffic counts for the TIA is recommended during the early planning stages of a project.

These Council Amendments and other clarifying language are included in revised Exhibit B.

2. This Ordinance shall be effective on July 15, 2023, following second and final reading, after which all development and permits shall comply fully with the new Greenville Development Code subject to the Transitional Provisions in Section 19-1.1.6. of the new code.
3. The Administrator shall publish a final document free of any edits or mark-up that fully incorporates all adopted modifications on or before July 15, 2023, a copy of which shall be provided to the Office of the City Clerk.
4. Within three (3) months of the effective date, the Administrator shall provide a review of fueling stations, nonconformities, and Table 4.1.1 standards pertaining to adaptive reuse projects, with recommendations submitted to the Planning Commission and City Council as may be appropriate.
5. At six (6) months after the effective date, the Administrator shall conduct a thorough review of the Greenville Development Code to address any technical issues or concerns, with recommendations submitted to the Planning Commission and City Council as may be appropriate. The purpose of this review is to ensure the Code remains operational for Greenville, is responsive to development as it occurs throughout the City, and delivers on the goals and priorities of the Comprehensive Plan.
6. At twelve (12) months after the effective date, and annually thereafter, the Administrator shall conduct a review of the Greenville Development Code to address any technical issues or concerns, with recommendations submitted to the Planning Commission and City Council as may be appropriate. The purpose of this annual review is to ensure the Code remains operational for Greenville, is responsive to development as it occurs throughout the City, and delivers on the goals and priorities of the Comprehensive Plan.
7. City Council acknowledges and intends that this Ordinance be subject to the “Pending Ordinance Doctrine,” which provides that a municipality may refuse a permit for a land use when such use is repugnant to a pending and later enacted zoning ordinance. *Sherman v. Reavis*, 273 S.C. 542, 545, 257 S.E.2d 735, 737 (1979) (“An ordinance is legally pending when the governing body has resolved to consider a particular scheme of rezoning and has advertised to the public its intention to hold public hearings on the rezoning.”).

DONE, RATIFIED AND PASSED THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

REVIEWED:

\_\_\_\_\_  
CITY MANAGER

EXHIBIT A

Greenville Development Code

[https://www.greenvilleesc.gov/DocumentCenter/View/22949/2023-03-15\\_Draft\\_Development-Code](https://www.greenvilleesc.gov/DocumentCenter/View/22949/2023-03-15_Draft_Development-Code)

Published March 15, 2023



EXHIBIT B

The section titled “Proposed Changes to Development Code Text,” contained on pages 4 through 20 of Exhibit B, has been revised for Second Reading to include the amendments from City Council and to provide final text for adoption. The revised pages are included here with changes indicated in red text. All other parts of Exhibit B, as linked below, remain unmodified from First Reading.

[Proposed Modifications to  
Draft Greenville Development Code  
& Draft Zoning Map  
\(Z-1-2023 A & B\)](#)

<https://www.greenvillesc.gov/DocumentCenter/View/23229/Code-and-Map-Changes-for-051523---Final>

Published April 28, 2023

## Proposed Changes to Development Code Text

### General Changes

Section	Page	Proposed Modification	Comments
Whole Document		Update Section numbers format to include "19."	Formatting update to include Chapter 19 reference in Section numbers.
Whole Document		Update spelling of "drive-through" to "drive-thru."	Update to ensure spelling is consistent throughout document.

### Changes to Article 19-1: Introductory Provisions

No changes.

### Changes to Article 19-2: Zoning Districts

Section	Page	Proposed Modification	Comments
19-2.1.2.B	2-4	Delete "and restriping" from list of activities that trigger site modifications.	Remove restriping of parking lots as a Site Modification.
19-2.1.2.E.	2-4	Adjust the first sentence under Interior Renovation to read "Modification of the interior of any building or structure that does not expand the building or structure and requires a building permit."	Clarification of work qualifying as interior renovation
19-2.2.2.A.4.G.	2-6	In RH-A, reduce accessory structure rear setback to 5 feet.	Consistent with RH-B
19-2.2 thru 19-2.4	2-5 thru 2-33	Change minimum finish floor elevation in all RH, RN, and RC districts to zero feet (0')	Changed at request of Planning Commission
19-2.3.3.B.1.	2-9	In RH-B district, update accessory structure height to 1.5 stories, 20' max height, and 16' side wall height	Proposed to address ADU concerns; would make RH-B accessory structure standards consistent with those in RH-C and RH-D districts
19-2.2.5.A.4. and 19-2.3.3.A.4.	2-12 and 2-16	Increase side yard setback from 4 to 5 feet for RH-D and RN-A districts.	Increased at request of property owners and Planning Commission.

19-2.4.3.B.2.	2-31	In RC-3, remove "Street step-back," "Stories without step-back (max)," and "Step-back depth (min)" language.	Step-back map not yet produced, will require 6-month review
19-2.4.4.B.2.	2-33	In RC-5, remove "See Street Type Map"	Step-back map not yet produced, will require 6-month review
19-2.5.3.B.2.	2-39	In MX-3, remove "Street step-back," "Stories without step-back (max)," and "Step-back depth (min)" language.	Step-back map not yet produced, will require 6-month review
19-2.5.4.B.2.	2-41	In MX-5, remove "See Street Type Map"	Step-back map not yet produced, will require 6-month review
19-2.5.5.B.2.	2-43	In MX-D, remove "Street step-back," "Stories without step-back (max)," and "Step-back depth (min)" language.	Step-back map not yet produced, will require 6-month review (DRB step-backs will still apply)
19-2.6.3.B.2.	2-49	In MXS-3, remove "Street step-back," "Stories without step-back (max)," and "Step-back depth (min)" language.	Step-back map not yet produced, will require 6-month review
19-2.6.4.B.2.	2-51	In MXS-5, remove "See Street Type Map"	Step-back map not yet produced, will require 6-month review
19-2.6.5.B.2.	2-53	In MXS-D, remove "Street step-back," "Stories without step-back (max)," and "Step-back depth (min)" language.	Step-back map not yet produced, will require 6-month review (DRB step-backs will still apply)
19-2.9.2.B.4.D.	2-69	In CM District, reduce ground story transparency minimum to 20%	Allows greater flexibility to meet building requirements in Campus Districts
19-2.9.5.	2-74	<p>Insert new section for Campus District:</p> <p>Section 19-2.9.5. Campus District Supplemental Design Considerations</p> <p>A. Purpose:</p> <p>These supplemental standards are intended to provide flexibility for large educational, institutional, business, medical, or entertainment complexes which are already in place; and for new complexes over 10 acres, which require flexibility due to the scale of the buildings, previous master planning, or the nature of the use, which cannot be fully integrated into the form-based code.</p> <p>B: Standards</p> <ol style="list-style-type: none"> <li>1. General Character: The district is established to allow for flexible placement of buildings and unified treatment of signs, open space, landscaping, and other site and building elements while providing compatible transitions between the campus and adjacent neighborhoods.</li> <li>2. Building Placement and Location: Buildings may be oriented toward an internal public space or roadway.</li> </ol>	<p>Allows greater flexibility for design and development within Campus Districts, taking into account existing architecture and design standards.</p>

	<p>with the expectation that the primary front facade will face any public roadways to the extent feasible.</p> <p>3. Building Height: Building may achieve additional heights, as referenced in Section 2.11.10.5.b.</p> <p>4. The Zoning Administrator shall have the flexibility and oversight to determine the interior building height, design, mass, transparency, and other site requirements, such as parking (automobile and bicycle), signage, lot coverage, lighting, and landscaping to ensure the campus is able to function as one cohesive district, understanding that this flexibility is not intended to reduce the overall quality of the development.</p> <p>5. These Campus District Supplemental Design Considerations must be reviewed annually to ensure the overall development results align with the intended as-built expectations.</p>		<p>19-2.11.4.B.3.a.iv. 2-91</p> <p>19-2.11.5. 2-94</p> <p>19-2.11.5.5.b.vii 2-98</p>	<p>For outdoor amenity space, reduce minimum dimension from 15 to 12 feet. Requires update to illustration.</p> <p>Update numbering format of this section from "1, 2, 3" to "A, B, C," etc.</p> <p>Remove the term "Natural" and add language to include steep slopes for detention and underground detention. <b>Language to read:</b> <b>vii. Stormwater devices including steep slopes for detention and underground detention.</b></p> <ul style="list-style-type: none"> <li>Remove "steeple" from list of Architectural Elements subject to Limited Encroachment provisions.</li> <li>Increase Allowed Encroachment for Mechanical/Electrical Equipment to 5' for base height and 7' for bonus height.</li> </ul>	<p>Requested by Planning Commission.</p> <p>Needed to correct formatting error.</p> <p>Requested by Planning Commission</p>
			<p>19-2.11.10.A.5.a. 2-110</p>	<p>Within the Unlimited Encroachments subsection, delete the Campus District exception.</p>	<p>Traditional steeple heights exceed allowable encroachment.</p> <p>Additional encroachment allowed for HVAC equipment to accommodate larger units.</p> <p>No longer needed due to supplemental Campus District regulations.</p>
			<p>19-2.11.10.5.b.ii. 2-111</p>	<p>Add provision to allow additions to existing primary structures in RH and RN districts that would exceed maximum building width. Additions exceeding maximum building width must be set back from the primary facade a distance equal to or greater than one-half the building depth.</p>	<p>Proposed as Part 5, existing Part 5 (Relief) would be renumbered as Part 6.</p>
			<p>19-2.11.11.A.5. 2-114</p>	<p>In the Public Art section, add the following underlined language: "A noncommercial image attached to the blank wall. Murals located on public property, within a public easement, or which receive funding from the City must be approved by Arts in Public Places."</p>	<p>Modified during legal review process.</p>
			<p>19-2.11.13.B.3.b. 2-129</p>		

**Changes to Article 19-3: Use Regulations**

Section	Page	Proposed Modification	Comments																																				
19-3.2.1.B.2.	3-3	Change "Special Use Permit" to "Special Exception Permit"	Scrivener's error																																				
19-3.2.1.B.	3-3	Add provision to this subsection that delivery, waste collection, and similar commercial traffic is prohibited between the hours of 12:00 midnight and 5:00 a.m. <b>Amendment by Council to read: "3. Delivery and Waste Collection Hours With the exception of BG, BH, and IG zones which do not abut residential districts, delivery, waste collection, and similar commercial traffic is prohibited between the hours of 10:00 p.m. and 7:00 a.m."</b>	Consistent with current ordinance <b>Amended by City Council</b>																																				
19-3.2.1.C.8.	3-4	Change "fowl" to "foul"	Scrivener's error																																				
19-3.2.2.	3-5	<i>Please see next section for proposed changes to Table of Uses</i>																																					
19-3.3.4.B.1.	3-14	Add "Includes ancillary alcohol sales" to General Food and Beverage Use Definition.	Added as clarifying language in response to questions about alcohol sales at restaurants.																																				
19-3.3.4.J.3.	3-18	Add language that a car wash is permitted as an accessory use at a fueling station. <b>Additional language to read: "Automobile washes are permitted as an accessory use to fueling stations."</b>	Car wash will be allowed at fuel stations.																																				
19-3.4.2.A.1.a.ii.	3-21 3-22	Amend first sentence to read: "The accessory dwelling unit gross square footage maximum shall be subject to the table at 19-3.4.2.A.1.a.x."	Changed in response to request from Planning Commission to add ADU size table.																																				
19-3.4.2.A.1.a.x.	3-22	Add the following table <b>Permitted ADU Size (Attached or Detached)</b>	Directed to add a sliding scale of maximum gross area for ADUs based on square footage of primary dwelling. This effectively sets the maximum ADU size at 80% of the primary dwelling, as directed by Planning Commission, with a cap of 1,000 sf.																																				
		<table border="1"> <thead> <tr> <th>Size of Primary Dwelling (Heated Square Feet)</th> <th>Maximum of 80% Up to 1,000 Square Feet</th> <th>% of Primary Dwelling</th> </tr> </thead> <tbody> <tr> <td>600</td> <td>480</td> <td>80%</td> </tr> <tr> <td>700</td> <td>560</td> <td>80%</td> </tr> <tr> <td>800</td> <td>640</td> <td>80%</td> </tr> <tr> <td>900</td> <td>720</td> <td>80%</td> </tr> <tr> <td>1,000</td> <td>800</td> <td>80%</td> </tr> <tr> <td>1,200</td> <td>960</td> <td>80%</td> </tr> <tr> <td>1,400</td> <td>1,000</td> <td>71%</td> </tr> <tr> <td>1,600</td> <td>1,000</td> <td>63%</td> </tr> <tr> <td>1,800</td> <td>1,000</td> <td>56%</td> </tr> <tr> <td>2,000</td> <td>1,000</td> <td>50%</td> </tr> <tr> <td>Over 2,000</td> <td>1,000</td> <td>&lt;50%</td> </tr> </tbody> </table>	Size of Primary Dwelling (Heated Square Feet)	Maximum of 80% Up to 1,000 Square Feet	% of Primary Dwelling	600	480	80%	700	560	80%	800	640	80%	900	720	80%	1,000	800	80%	1,200	960	80%	1,400	1,000	71%	1,600	1,000	63%	1,800	1,000	56%	2,000	1,000	50%	Over 2,000	1,000	<50%	
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19-3.4.4.B.1.	3-29	<p>Update this subsection pertaining to hours of operation for Food and Beverage establishments at follows:</p> <p><b>1. General Food and Beverage (Up to 4,000 SF)</b></p> <p>a. Permitted hours of operation are <del>from</del> <b>between 6:00 5:00</b> a.m. and 10:00 12:00 a.m. (midnight) and 5:00 a.m. <u>require a special exception permit.</u></p> <p>b. Hours of operation between 12:00 a.m. (midnight) and 5:00 a.m. <u>require a special exception permit.</u></p>	Updated hours of operation recommended by staff. All restaurants must still comply with the City of Greenville Noise Ordinance.
19-3.4.2.A.1.a.	3-21 3-22	<p>Add language that ADUs must comply with residential lighting standards in Div. 19-4.11. <b>Language will read in Section 19-3.4.2.A.1.a.xi: "ADUs must comply with residential lighting standards in Div. 19-4.11."</b></p>	This reference emphasizes the need for ADUs to comply with residential lighting requirements.
19-3.4.2.A.1.a.	3-21 3-22	<p>Add owner occupancy requirement for ADUs. Clarify that both structures may not be rented separately. <b>Language will read in Section 19-3.4.2.A.1.a.xii: "To establish and maintain use of an accessory structure as an ADU, the property owner(s) of the legal lot of record must occupy, as their primary residence, either the principal dwelling unit or the ADU."</b></p>	Adds requirement that primary dwelling or ADU must be occupied by the property owner. Prevents both units from being leased.
19-3.4.4.H.	3-31	<p>Update the number format of this subsection to match the others. Add additional Use Standards for Fueling Stations as follows:</p> <ul style="list-style-type: none"> <li>Fueling stations that existed as of the effective date of this ordinance may perform facade modifications, interior renovations, and maintenance and repair activities under Div. 19-2.1, without triggering the nonconforming use standards of Div. 19-6.3.</li> <li>Additions and site modifications made to nonconforming fueling stations that trigger the nonconforming use standards of Div. 19-6.3, must comply with the applicable standards of this chapter except the Build-To Width requirements.</li> <li>Fueling stations that existed as of the effective date of this ordinance may demolish and reconstruct their facilities in the same <b>general configuration and general footprint (no more than 25%-expansion).</b></li> <li>New construction must comply with all applicable standards of this Chapter.</li> </ul>	Language proposed to help facilitate improvements to existing fueling stations given significant underground infrastructure at these locations and potential environmental impacts. <b>Amended by City Council</b>
19-3.5.2.A.7.	3-34	<p>Alter text to read "Devices for the transmission or broadcasting of voices or music must be so directed or muffled so as to minimize impacts to any adjacent residential properties and must comply with the City's noise ordinance." Delete "A sound attenuation study may be required by the Administrator if deemed necessary"</p>	Proposed to strike a balance among multiple interests.

19-3.5.2.A.8.a.	3-34	Alter text to read "Drive-thru windows and stacking lanes cannot be placed between the primary street and the building." Keep remaining text.	Removed "lanes" and "drive aisles" due to known site / design constraints.
19-3.5.2.A.8.b.	3-34	Updated this provision so that no drive-thru window or ordering area is permitted on the side of a building facing any RH- or RN- district.	Concerns standards for drive-thrus and orientation of order windows. These cannot face an RH or RN district.

### Changes to Article 19-4: Development Standards

Section	Page	Proposed Modification	Comments
19-4.1.1.A	4-3	In the Applicability General Table: Pedestrian Access Bubbles and Street Bubbles should be filled to include "New Construction," "Addition," "Site Modification," and "Change of Use."	Per request of Engineering
19-4.1.1.A	4-3	Vehicle Access Bubbles should be filled to include "Addition" and "Change of Use."	Per Request of Engineering
19-4.2.1	4-4	Replace entire section with revised language in Development Bonus section	Revised wording based on legal input
19-4.3.2.B.	4-14	Add language that sublots are not permitted in RH districts. <b>Additional language will read in Section 19-4.3.2.B.: "Sublots are not permitted in the RH districts."</b>	This is proposed to prevent separate ownership of an ADU.
19-4.4.C.2	4-17	Under Dimensional Standards table for Thoroughfares, change Pedestrian Zone (min) to 8'	Per Engineering Request
19-4.4.C.3.a.v.	4-21	Add language regarding placement of utility poles in pedestrian zones: "unless an alternative location is not feasible, as determined by the Administrator."	Deals with situations where an alternative utility pole location is not available.
19-4.6.1.C.4.	4-33	Insert the word "final" before "approval" in this sentence, which concerns jurisdictional authority over driveways on County and States roads.	Added to address permitting along state and county roads.
19-4.6.1.E.2.a.	4-35	In the General Standards table for Driveway Design, insert an asterisk (*) next to "1" in first column ("Number of driveways per lot (max)"), second row ("Driveway serving 7 to 50 on-site parking spaces"), and add the following note under the table: " *Secondary driveway may be permitted subject to Engineering review. Access to sites along state routes is subject to SCDOT review."	Engineering would review additional driveway requests for safety impacts, effects on traffic movements, pedestrian and bicycle safety, sight triangles, and other technical factors.
19-4.6.2.C.1.c.	4-39	Rewrite requirements for EV charging to require infrastructure including conduit, wiring, and electrical capacity for:	Reduced from 20% and consistent with standards for Tallahassee, FL.

		<ul style="list-style-type: none"> <li>10% of surface or garage parking spaces in a multi-unit dwelling development; and</li> <li>10% of surface or garage parking spaces in a non-residential development with more than 25 parking spaces.</li> </ul>	These standards may be increased or decreased during the 6-month and annual code reviews.
19-4.6.3.C.7.	4-45	For this section regarding screening for parking structures, insert text so that the first sentence reads: "Where a parking structure is visible from a public right-of-way or residential property, it must..."	Added to reduce garage impacts on surrounding residential properties. Parking structures in MX-D and MXS-D must comply with the Downtown Design Guidelines.
19-4.6.4.C.3.a.	4-49	Amend number of required stacking spaces as follows: <ul style="list-style-type: none"> <li>Food and beverage drive-thru <ul style="list-style-type: none"> <li>Reduce On-site ordering to 6 spaces</li> <li>Keep off-site ordering at 5 spaces</li> </ul> </li> <li>Reduce ATM or banking service to 3 spaces</li> <li>Reduce Pharmacy to 3 spaces</li> <li>Reduce Other drive-thrus to 3 spaces</li> </ul>	Updated to reduce vehicle stacking requirements for certain land uses. These are the minimum requirement and certain projects may provide more stacking spaces.
19-4.6.4.C.3.b.iv.	4-49	For this provision requiring escape lanes for drive-thrus, add "With the exception of adaptive reuse projects," to the beginning of the sentence. Correct typo of "pane" to "lane."	Added to reduce tear-downs of existing buildings that are converting to drive-thrus.
19-4.6.5.C.3.	4-52	This section concerns garage doors on lots less than 40 feet in width. In part "a," end sentence after "rear of the building." Delete remainder of sentence. Delete part "b." altogether.	Removes overly burdensome language for garage doors on narrow lots.
19-4.7.4.C.1.	4-67	In this section concerning screening for waste receptacles, rewrite "b" to say "In-ground waste receptacles must be painted neutral and screened with plant material." Add language to "c" as follows: "Outdoor waste receptacles, with the exception of in-ground waste receptacles, with any above-ground..."	Updated to reduce screening requirements for in-ground waste containers.
19-4.7.4.C.2.a.	4-68	Amend language regarding screening of roof-mounted equipment to read "Equipment that is visible from the public realm must be screened..."	Lessen burden of development when there is no discernable negative public impact
19-4.8.C.1.	4-72 4-73	Reduce Fence Type C to Maximum Height of 6' Reduce Fence Type E to Maximum Height of 6' Update maximum heights for Type C & E Fences in district pages to 6'	Standard fence sizes available for consumer purchase and do not require building permit (which is 7' and above)
19-4.8.2.C.2.	4-77	Delete the word "completely" from this requirement for screening of certain retaining walls.	Still requires screening of retaining walls to reduce visual impact.
19-4.10.1.A.	4-85	Delete and replace this section regarding Intent of the sign division with the following: A. Intent	Modified during legal review process. Additional language proposed to explain legal basis for sign



		<p>The intent of this section is to promote the public health, safety, and welfare; and regulate the markets through a comprehensive system of reasonable, effective, consistent, content-neutral, and nondiscriminatory sign standards and design requirements. With these concepts in mind, the purpose and intent of this section is:</p> <ol style="list-style-type: none"> <li>1. To protect property values, the local economy, and the quality of life by preserving and enhancing the appearance of the streetscape which affects the image of the city;</li> <li>2. To promote the free flow of traffic and protect pedestrians, cyclists, and motorists from injury and property damage caused by, or which may be partially attributable to, cluttered, distracting, and/or illegible signs;</li> <li>3. To promote the use of signs which are aesthetically pleasing, of appropriate scale, and integrated with the surrounding buildings and landscape, in order to meet the community's expressed desire for quality development;</li> <li>4. To promote and accomplish the goals, policies, and objectives of the comprehensive plan;</li> <li>5. To balance public and private objectives by allowing adequate signage for business identification;</li> <li>6. To provide design standards which are consistent with other applicable provisions of the development code; and</li> <li>7. To prevent property damage and personal injury from signs which are improperly constructed or poor maintained.</li> </ol> <p>In order to achieve these purposes, this section provides reasonably uniform standards while allowing functional flexibility, encouraging variety, and providing incentives to relate signage to basic principles of good design. This section is further intended to assure that public benefits derived from expenditures of public funds for the improvement and beautification of streets and other public structures and spaces are protected by exercising reasonable control over the character and design of sign structures that are near rights-of-way. Finally, this section is intended to provide an improved visual environment for the citizens of, and visitors to, the city.</p>	<p>regulations. Mostly based on language in existing LMO.</p>
<p>19-4.10.1.B.</p>	<p>4-85</p>	<p>Add the following after the existing text regarding Applicability of the sign standards: "These standards apply to design elements and architectural features for signage, not the speech or message conveyed by any individual sign.</p>	<p>Modified during legal review process.</p>

		Terms such as "letters," "symbols," or "copy" may be used interchangeably to apply the operative standards of this Division to various design elements or architectural features of a sign, but must not be construed to restrict, require, or otherwise regulate the speech or message of a sign."	
19-4.10.2.	4-86	Add to the Prohibited Signs list: "O. Obscene signs that contain profanity, explicit symbols or images, or other obscenities."	Modified during legal review process.
19-4.10.3.F.	4-87	Delete "... which is placed to advertise, announce, or pertains to a specific event or occurrence." from the first sentence.	Modified during legal review process.
19-4.10.3.F.2.c.	4-88	Delete "by the Administrator" from the second sentence regarding extension of posting time for Small Temporary Signs.	Modified during legal review process.
19-4.10.3.G.	4-88	Delete the strikethrough text and add the underlined text as follows: "One non-illuminated sign is permitted <u>for</u> at each <u>dwelling with a home</u> occupation provided..."	Modified during legal review process.
19-4.10.3.H	4-88	Delete and replace this section with the following: "Works of public art when not displayed in conjunction with a commercial enterprise and through which an enterprise may not receive direct commercial gain."	Modified during legal review process.
19-4.10.3.I.3.	4-88	Insert the following underlined language: "Signs installed by the City under 10 square feet..."	Modified during legal review process.
19-4.10.4.G.2.a.	4-94	Amend language to read "Must be located on the second story or above"	Modified during legal review process.
19-4.10.4.G.4.	4-94	Update to allow a crown sign on a two-story building. Size maximums as follows: 1-2 stories 10% of wall area, not to exceed 200 SF 3-4 stories 200 SF 5+ stories 350 SF	Allow signage maximums to respond to building height Allow signage maximums to respond to building height
19-4.10.4.H.2.b.	4-95	Insert the following underlined language: "Painted wall signs located within a mural that is located on <u>public property</u> , <u>within a public</u> easement, or which receive funding from the City must be approved by Arts in Public Places."	Modified during legal review process.
19-4.10.4.N.2.e.	4-101	New provision "e" to add language to read "Sign must include street address."	Consistency between freestanding signs
19-4.10.4.P.	4-102	Delete the strikethrough text and add the underlined text as follows: P. Landmark Signs A sign that exhibits unique design characteristics that enhance the streetscape or identity of a neighborhood and as such contributes to the historical or cultural character of the area or the community at large.	Modified during legal review process.

		<p>1. In order the be designated a landmark sign, a sign must meet at least 1 of the following criteria:</p> <ol style="list-style-type: none"> <li>a. It was expressly designed for <del>the business, institution or other establishment</del> at that location, meaning it contains design features or other architectural elements that distinguish it from signs found generally throughout the city, or</li> <li>b. It bears a national emblem, logo or other graphic that is no longer used by the company; or includes materials, lighting techniques, or other components not commonly associated with contemporary sign construction.</li> <li>c. <del>It is a remnant of an advertising program that is no longer used by the parent company.</del></li> </ol> <p>2. The sign must be approved by the Historic Review Board as a landmark sign, which will review it based on the criteria of this section.</p> <p>3. The sign must have been erected 50 years prior to the current calendar year.</p> <p>4. The sign must comply with all provisions of <u>Sec. 4.10.1.D.</u></p> <p>5. The sign does not count toward total sign area or number of signs on a lot.</p>	
19-4.10.4.O.2.	4-102	Delete "by the Administrator" from the second sentence regarding extension of posting time for Large Temporary Signs.	Modified during legal review process.
19-4.10.4.Q.1.	4-102	Add the following language as a second sentence: "The Administrator will consider any applicable overlay district standards, surrounding design precedents, and applicable master plans as part of the review for Alternative Design Signs and may require modifications of color, font style, sign size, structure, lighting, location, or other content-neutral elements in order to ensure consistency with these precedents."	Modified during legal review process.
19-4.10.4.R.2.	4-103	<p>This section concerns Pre-Menu and Menu Boards for drive-thrus. Delete the strikethrough text and add the underlined text as follows:</p> <ol style="list-style-type: none"> <li>a. <del>One pre-menu board and one menu board in conjunction with each drive-thru lane count toward the maximum signage for a property, subject to the following standards:</del> <ol style="list-style-type: none"> <li>a. <u>Each drive-thru lane is entitled to one pre-menu board, which may be erected at the entrance of the stacking lane, and one menu board at the point of order. All pre-menu boards and menu boards count toward the maximum signage for a property and must comply with the following standards:</u></li> </ol> </li> </ol>	Modified during legal review process.

<p>19-4.10.5.</p>	<p>4-104</p>	<p>Delete subsections C, D, and E, and replace with the following:  C. Relief 1. Administrative relief is not available for sign standards. A variance from a sign standard may be requested in accordance with Sec. 6.2.15.</p>	<p>Modified during legal review process.</p>
<p>19-4.10.6.A.</p>	<p>4-105 &amp; 106</p>	<p>This section applies to Type I Outdoor Advertising Signs (i.e. billboards). Changes are required to make this section consistent with Sec. 6-29-780 of the South Carolina Code of Laws and the quasi-judicial process reserved for the Board of Zoning Appeals.  <b>Change to #2. "Districts Where Permitted" -- Delete the strikethrough text and add the underlined text as follows:</b>  <ul style="list-style-type: none"> <li>a. Type I outdoor advertising signs are permitted in BG, BH, IX, and IG districts, subject to the conditions of this section.</li> <li>b. <u>Within the MX-D district, Type I outdoor advertising signs are permitted in the following locations only, subject to the conditions of this section:</u> <ul style="list-style-type: none"> <li>i. <u>A maximum of 1 roof-mounted Type I outdoor advertising sign is permitted with visibility from South Church Street between East McBee Avenue and East Washington Street and</u></li> <li>j. <u>A maximum of 1 Type I outdoor advertising sign is permitted along East North Street between North Academy Street and Lavinia Avenue.</u></li> </ul> </li> </ul> <p><b>Change to #11. -- Delete the strikethrough text and add the underlined text as follows:</b>  <del>11. Zoning Amendments for Type I Sign Locations</del>  <b>11. Special Exception Permit Required for Type I Sign</b>  a. The owner of a Type I sign may apply to <del>City Council</del> <u>the Board of Zoning Appeals for authorization a special exception</u> permit under Sec. 19-6.2.15 to remove the sign and to replace it with another Type I sign at the same or different location <del>when the site of the replacement sign would not otherwise permit the use under this section, provided the application is submitted in accordance with the process for zoning amendments under this Code.</del></p> </p>	<p>Modified during legal review process.</p>

	<p>b. <del>The owner of a Type I sign may apply to City Council for authorization to remove the sign and replace it with another Type I sign at the same location or at a comparable location without the necessity of treating the matter as a zoning amendment for action by City Council, which may be taken by resolution. The City Council Board of Zoning Appeals in its discretion may also authorize the use of LED lighting, or comparable digital luminance, for the face of the sign in such instances with due regard to nearby land uses and the compatibility of the proposed luminance with those uses. If the application for the replacement of Type I signs results in a reduction in the total number of sign faces in the City, then City Council the Board of Zoning Appeals may allow an increase in the height and face size of individual replacement signs beyond what is otherwise permitted under this section.</del></p> <p>c. No approval will be granted for a proposed new location of the replacement sign unless the sign owner first makes an affirmative showing that the replacement sign will be "aesthetically compatible" with the area where it is to be located and that the sign will not adversely impact public safety as a consequence of its design, construction, or placement. Approval for a replacement sign at the same location will consider factors similar to those provided in this section for a new location, but also take into consideration the benefits arising from the improved appearance of a nonconforming sign at the same location or the removal of signs at other locations.</p> <p>d. For purposes of determining whether the proposed sign will be "aesthetically compatible", <del>City Council the Board of Zoning Appeals</del> must consider the following:</p> <ul style="list-style-type: none"> <li>i. The height of the sign in relation to the height of surrounding structures and vegetation;</li> <li>ii. The vertical elevation of the sign site in relation to the elevation of nearby properties;</li> <li>iii. The sight distance from nearby properties to the sign's site;</li> <li>iv. The sign's potential for blocking views otherwise available to occupants of nearby properties;</li> <li>v. The sign's potential for blocking views otherwise available to motorists and pedestrians on nearby streets and sidewalks;</li> </ul>



	<p>vi. The extent of the sign's reasonably anticipated impact on the values of nearby properties;</p> <p>vii. The suitability of the sign's proportions and structural design for the character of nearby uses authorized under existing zoning and the City's land use plan; and</p> <p>viii. Other comparable and reasonable considerations relevant to the proposed sign site and the uses and designs of nearby properties and nearby rights-of-way.</p> <p>e. The <del>City Council's</del> Board of Zoning Appeal's approval may establish conditions on the appearance, location, and positioning of the replacement sign needed to ensure compliance with the purposes of this subsection.</p>	
19-4.11.3.B.1.	Delete "to the maximum extent feasible" from this provision regarding concealment or shielding for light sources.	4-109
19-4.11.3.B.2.	Reduce light level measured at ROW line to <u>0.25</u> footcandles	4-109

**Changes to Article 19-5: Environmental Protection**

Section	Proposed Modification	Page	Comments
19-5.1.1.A.	Add "Stormwater Management" following the Div. 19-5.3. references in parts 5-7.	5-2	Requested by Engineering to add clarity to section references.
19-5.1.1.B.	Rename this section "B. Streets and Access Standards" and move the section to Div. 19-4.4. Renumber the remaining sections accordingly.	5-3	Requested by Engineering. This renamed section will simply be relocated to the appropriate location within Div. 19-4.4.
19-5.1.1.C.	Move this section ("C. Utility Standards") to Article 19-4. Renumber the remaining sections accordingly.	5-5	Requested by Engineering. The section will simply be relocated to the appropriate location within Art. 19-4. May require number updates.
19-5.1.2.	<p>Replace the existing Traffic Impact Analysis language with the following:</p> <p><b>5.1.2. TRAFFIC IMPACT ANALYSIS</b></p> <p><b>A. Purpose</b> A traffic impact analysis assesses the effects of the projected traffic generation from a proposed development on the surrounding transportation network. These studies range in detail and complexity depending</p>	5-7	<p>Requested by Engineering. The section will simply be relocated to the appropriate location within Art. 19-4. May require number updates.</p> <p>Wording slightly revised from March 15 draft at request of Engineering to be consistent with forthcoming EDSM. <b>Amended by City Council</b></p>

	<p>upon the type, size, and location of the development. These studies are used to evaluate whether a development is appropriate for a site given its projected impact and the type of transportation improvements required to accommodate the development.</p> <p><b>B. Requirement for Analysis</b></p> <ol style="list-style-type: none"><li>1. A traffic impact analysis must be submitted by a developer in support of an application if the Administrator determines that a proposed development involving new construction, change in use, or an addition will generate new peak hour traffic trips as defined by the Institute of Transportation Engineers Trip Generation Manual and as outlined below, or as otherwise required by the Administrator:<ol style="list-style-type: none"><li>a. City thoroughfare: 100 new trips</li><li>b. District street: 75 new trips</li><li>c. Neighborhood street: 50 new trips</li><li>d. Alley: n/a</li></ol></li><li>2. The Administrator's determination will be based upon reasonable expectations of time-of-day usage for similar developments. When developments are projected to have an intensity of use which varies from day-to-day, week-to-week, or month-to-month, the Administrator must base the determination of peak hour upon maximum utilization.</li></ol> <p><b>C. Preparation of Traffic Impact Analysis</b></p> <p>The analysis must be prepared by a registered engineer licensed in the state. It must utilize trip generation data reflected in the latest edition of the Trip Generation report published by the Institute of Transportation Engineers (ITE), however, the Administrator may approve the use of alternative data resulting from analysis deemed to be more consistent with the subject development.</p> <ol style="list-style-type: none"><li>1. The study area must be defined by the Administrator and, depending on the size and intensity of the development and surrounding development, may be identified by parcel boundary, area of immediate influence, impact to an existing traffic signal system.</li></ol>	
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19-5.3.5.C.	5-27	<p>Replace proposed Stormwater Permit Classifications (Major Stormwater Permit, Minor Stormwater Permit, Soil Erosion and Sediment Control Permit) with the existing language from the current Land Management Ordinance (Sections 19-7.5.(C)(1), (2), and (3)) <b>as last amended July 12, 2021</b>.</p>	Per request of City Engineering Department
19-5.2.7.D.7.	5-56	<p>Add as parts within this section (#7) concerning stormwater discharges and buffers:</p> <ul style="list-style-type: none"> <li>a. Buffers are to be measured laterally using State Plane (2D).</li> <li>b. Buffers are to be illustrated on all plats.</li> <li>c. Allowable buffer activities include those permitted with appropriate 404/401 permits.</li> </ul>	Clarifying language requested by Engineering.



**Changes to Article 19-6: Administration**

Section	Page	Proposed Modification	Comments
19-6.2.1.B.1.c.i.a.	6-8	Add "except those associated with an annexation application" to this section regarding Development Public Meetings.	Updated to match neighborhood meeting policy recently amended by city council.
19-6.2.3.B.	6-20	For Minor Subdivisions, add as #3 to subsection B: "3. <b>Site Plan Required.</b> As part of the application process, the applicant must submit an approved site plan."	Per request of engineering
19-6.2.3	6-20	For Minor Subdivisions, add blue bubble in graphic with the text reading "SITE PLAN REQUIRED" after the "PRE-APPLICATION CONFERENCE" bubble	To be in alignment with process
19-6.2.12.C.1.b.	6-41	Delete the current language and replace with the following:  "Within 30 days of submittal of an application for a sign permit determined to be complete pursuant to Sec. 19-6.2.1.B.3, the Administrator will either approve or deny the application. If additional information or modifications are required to determine compliance with this chapter, the Administrator will notify the applicant in writing that additional information or modifications are required. Submission of a revised application will initiate a new 30-day review period. If the Administrator does not take action on the original or modified application within 30 days, then the application will be deemed denied as of the day immediately following such time period, provided that the applicant and Administrator may mutually agree to extend the review period without a denial determination. Denial of any application for a sign permit may be appealed to the Board of Zoning Appeals in the same manner as other appeals from a decision of the Administrator." Delete this subsection	Modified during legal review process.
19-6.2.15.A.3.	6-44	Delete this subsection	Clean-up edit to be consistent with other sections of code.
19-6.3.1.C.	6-48	Add a provision for the Administrator to allow reconstruction of a nonconforming residential dwelling containing no more than 3 units in the event it is destroyed by fire or other natural disaster. <b>Language to read under Section 19-6.3.1.C.4: "The Administrator may allow reconstruction of a nonconforming residential dwelling containing no more than 3 units in the event it is destroyed by fire or other natural disaster."</b>	This will allow the administrator to grant relief and allow reconstruction of certain homes if destroyed by a natural disaster.
19-6.3.2.B.1	6-49	Adjust language to read "A use is considered abandoned when the use is discontinued for 12 months or greater, and during that period utilities	Clarification needed for properties undergoing renovations

	have been disconnected and no permit applications or renovations have been initiated.”	
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**Changes to Article 19-7: Definitions**

Section	Page	Proposed Modification	Comments
19-7.2.	7-4	Add the following language to the definition of Accessory Structure: “Accessory structures include, but are not limited to, non-commercial greenhouses, detached garages, carports, sheds, gazebos, patios, decks, and swimming pools.”	Added to ensure these are treated appropriately under the district standards for accessory structures (setbacks, height, etc.)