

Application #	Z-24-2021	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>
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<u>206 S Main Street</u>	<u>planning@greenvillesc.gov</u>
ADDRESS	EMAIL
<u>Greenville, SC 29601</u>	<u>John McDonough</u> Signed by: _____ FDCZAC15940F440...
<u>(864) 467-4476</u>	<u>6/1/2021</u>
PHONE	DATE

REQUEST

PERTINENT CODE SECTION(S):

Amendment to Article(s) 19-1.11, 19-4.1.2 and Table 19-4.1-2 of the Land Management Ordinance

NARRATIVE DESCRIPTION/PROPOSED REVISION(S):

This text amendment will amend existing provisions in the Land Management Ordinance for Table 19-4.1-2 – Table of Uses and associated use definitions. Proposed amendments are aimed primarily at increasing specific uses compatibility with residential by eliminating the use in a district, requiring it to obtain a Special Exception Permit, or modifying/splitting a based on its expected impacts on adjacent properties. This amendment also proposes a “Brewery, winery, and distillery” use.

INSTRUCTIONS

1. THE APPLICATION AND FEE, **MADE PAYABLE TO THE CITY OF GREENVILLE**, MUST BE RECEIVED BY THE PLANNING AND DEVELOPMENT OFFICE NO LATER THAN 5:00 PM OF THE DATE REFLECTED ON THE ATTACHED SCHEDULE.
2. THE APPLICANT MUST RESPOND TO THE “STANDARDS” QUESTIONS ON PAGE 2 OF THIS APPLICATION (YOU MUST ANSWER “WHY” YOU BELIEVE THE APPLICATION MEETS THE TESTS FOR GRANTING A TEXT AMENDMENT). SEE ALSO **SECTION 19-2.3.2, AMENDMENTS TO TEXT AND ZONING DISTRICT MAP**, FOR ADDITIONAL INFORMATION. YOU MAY ATTACH A SEPARATE SHEET ADDRESSING THESE QUESTIONS.
3. YOU MUST ATTACH THE REQUIRED APPLICATION FEE: \$ 100.00.
4. THE ADMINISTRATOR WILL REVIEW THE APPLICATION FOR “SUFFICIENCY” PURSUANT TO **SECTION 19-2.2.6, DETERMINATION OF SUFFICIENCY**, PRIOR TO PLACING THE APPLICATION ON THE PLANNING COMMISSION AGENDA. IF THE APPLICATION IS DETERMINED TO BE “INSUFFICIENT”, THE ADMINISTRATOR WILL CONTACT THE APPLICANT TO REQUEST THAT THE APPLICANT RESOLVE THE DEFICIENCIES. **YOU ARE ENCOURAGED TO SCHEDULE AN APPLICATION CONFERENCE WITH A PLANNER, WHO WILL REVIEW YOUR APPLICATION FOR “SUFFICIENCY” AT THE TIME IT IS SUBMITTED. CALL (864) 467-4476 TO SCHEDULE AN APPOINTMENT.**

APPLICANT RESPONSE TO SECTION 19-2.3.2(E)(1), AMENDMENTS TO TEXT (YOU MAY ATTACH A SEPARATE SHEET)

1. DESCRIBE THE WAYS IN WHICH THE PROPOSED AMENDMENT IS CONSISTENT WITH THE COMPREHENSIVE PLAN.

The GVL2040 Comprehensive Plan describes “quality of life” as the key to community and economic vitality and that efforts to positively impact this precondition are the plan’s highest priority. The adoption of this proposed amendment would enhance the quality of life of city residents living near non-residential uses

by requiring a public hearing and Special Exception Permit for high impact/nuisance uses requesting to locate adjacent to single-family detached residential.

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 various eating establishment, office, outdoor entertainment, commercial parking, retail sales and service, vehicle sales and service, manufacturing and production, and waste-related services uses. These changes continue to maintain the premises of the overall Land Management Ordinance purpose by ensuring neighborhood protection and creating a more harmonious community. Further, the proposed amendments reinforce the purposed of the individual nonresidential districts by ensuring that the identified uses are appropriately listed as permitted, conditional, special exception, or not permitted.

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. Adjustment of specific use types within the ordinance to reflect current characteristics of such uses is necessary to ensure protection of residential properties from potential nuisances caused by nonresidential uses.

4. DESCRIBE THE WAYS IN WHICH THE PROPOSAL ADDRESSES A DEMONSTRATED COMMUNITY NEED.

The proposal addresses a demonstrated community need by appropriately restricting use types that are most likely to cause nuisances and negative impacts near 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 requiring special exception permits and public hearings to fully understand and mitigate foreseeable negative impacts of specific use types where adjacent to single-family residential.

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 more appropriately categorizing use types in the appropriate zoning districts and allowing a public hearing for specific high impact uses where adjacent to single-family residential, promoting 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 is anticipated to reduce noise and visual impact of particular nonresidential use types where adjacent to residential. 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.

Sec. 19-1.11. Definitions

[...]

Barbershop, beauty shop or spa means an establishment engaged in the provision of personal services including haircutting and styling, skin health, facial aesthetics, foot care, nail manicures, aromatherapy, steam baths, mud baths, massage, aromatherapy, and other similar recreational health services for women and men. This use type is regulated under the "retail sales and service" use category in article 19-4, use regulations.

[...]

Brewery, winery, or distillery means a facility where beer, wine, liquor, or other alcoholic spirits are manufactured for wholesale distribution. This does not include establishments manufacturing these products for on-site distribution accessory to permitted principal uses like restaurants or bars and where no wholesale trade takes place. This use type is regulated under the "manufacturing and production" use category in article 19-4, use regulations.

[...]

Health club or spa means a building or portion of a building designed and equipped for the conduct of sports, exercise, ~~leisure time activities~~, or other customary and usual recreational activities. It may be operated for profit or not-for-profit and may be open only to bona fide members and guests of the organization or open to the public for a fee. This use type is regulated under the "retail sales and services" use category in [article 19-4](#), use regulations.

Section 19-4.1.2. Table of uses

Table 19-4.1-2: Table of Uses																
Key: "P" = Permitted Use; "S" = Special Exception Use; "C" = Conditional Use; Blank Cell = Prohibited Use																
Use Category	Use Type	Residential						Nonresidential							Additional Regulations	
		R6	R9	RM 1	RM 1.5	RM2	RM3	OD	C1	C2	C3	C4	S1	I1		RDV
[...]																
COMMERCIAL USES^{2, 3, 4, 5, 6, 7}																
Eating establishments	Drive-in restaurant									S	S		S			19-4.3.3(C)(1)
	Restaurant, with drive-through								S	S	P P ⁹	S	P		C S	19-4.3.3(C)
	Restaurant, with indoor and outdoor seating and/or food service areas							S	C*	P	P	P	P		C	19-4.3.3(C)

	Restaurant, with indoor seating only							S	p*	P	P	P	P		P	19-4.3.3(C)(2)
	Restaurant with no seating							S	p*	P	P	P	P		P	19-4.3.3(C)(2)
	*Restaurants serving alcoholic beverages in C-1 require a special exception permit															
Offices	Bail bonding							P		P	P	P	P			
[...]																
Outdoor entertainment	All uses										P <u>S</u>	S	P		S	
Parking commercial	Parking lot	C	C	C	C	C	C	P		P	P	P	P	P	P	19-4.3.3(E)
	Parking structure							P			P <u>P⁹</u>	P	P			
[...]																
Retail sales and services	Barbershop, beauty shop, <u>or spa</u>							P	€ <u>P</u>	P	P	P	P		P	<u>19-4.3.3(F)(11)</u>
[...]																
Retail sales and services	Check cashing establishment title loan lenders, deferred presentment lenders											€		P		19-4.3.3(F)(6)
	Convenience store <u>without gasoline sales</u>								S	S <u>P⁹</u>	P	P	P	P	S	<u>19-4.3.3(F)(5)</u>
	<u>Convenience store with gasoline sales</u>								<u>S</u>	<u>S</u>	<u>P⁹</u>	P <u>S</u>	<u>P</u>	<u>P</u>	<u>S</u>	<u>19-4.3.3(F)(5)</u>
[...]																
Retail sales and services	Health club or spa							S	P <u>P⁹</u>	P <u>P⁹</u>	P <u>P⁹</u>	<u>P</u>	<u>P</u>		P <u>P⁹</u>	
	Indoor entertainment facility, general									S	P <u>P⁹</u>	S	P			
	Kennel or veterinary clinic, indoor and outdoor										P <u>P⁹</u>		P		S	
[...]																

Retail sales and services	Liquor store									S	P P ⁹	S	P			19-4.3.3(F)(9)	
	Nightclub or bar									€ S	€ S	€ S	€ S			19-4.3.3(F)(10)	
[...]																	
Retail sales and services	Retail sales and services exceeding 25,000 gross square feet									S	P P ⁹	P	P			€ S	
[...]																	
Vehicle sales and service	Automobile servicing									S	P P ⁹	€ S	P	P		S	19-4.3.3(G)
	Automobile wash and detailing										S		S				19-4.3.3(G)
	Tire sales and installation									S	P P ⁹		P			€	19-4.3.3(G)
[...]																	
SERVICE AND INDUSTRIAL USES ^{5, 7}																	
[...]																	
Manufacturing and production	Artisan production establishment										P	S	P		P		
	Brewery, winery, distillery										S		S	P			
	Heavy manufacturing													P			
	Light manufacturing, general										C	C	P	P	C		
[...]																	
Waste-related services	Recycling drop-off center									S	S	S	S			S	
	Waste disposal or treatment operation													P			
[...]																	
NOTES: 1 Multiple-family dwellings, high-rise multiple-family dwellings, single-family attached dwellings, and cottage subdivisions require a land development permit to be reviewed by the Planning Commission, according to subsection 19-2.1.2(A). 2 Public and institutional uses located within the OD, C-1, C-2, C-4, PD, and RDV districts open to the public between the hours of 12:00 midnight and 5:00 a.m. require a special																	

exception permit, except when a conditional use permit is required, and shall, at a minimum, comply with subsection 19-4.3.2(A).

3 Commercial uses located within the OD, C-1, C-2, C-4, PD, and RDV districts open to the public between the hours of 12:00 midnight and 5:00 a.m. require a special exception permit, except when a conditional use permit is required, and shall, at a minimum, comply with subsection 19-4.3.3(A).

4 Service and industrial uses located within the OD, C-1, C-2, C-4, PD, and RDV districts open to the public between the hours of 12:00 midnight and 5:00 a.m. require a special exception permit, except when a conditional use permit is required, and shall, at a minimum, comply with subsection 19-4.3.4(A).

5 All uses with drive-through facilities located within the C-4 district require a special exception permit.

6 No self-service storage facilities shall be authorized at street level with street frontage.

7 Nonresidential development, as applicable, shall be subject to the standards in subsection 19-6.5, design standards for nonresidential development.

8 Uses within the Unity Park Neighborhood District shall comply with the Table of Uses in the Unity Park Neighborhood District Code.

9 Special exception permit required where abutting a single-family detached residential use.

TABLE OF CHANGES

Existing Text

New Text