



## REQUEST FOR COUNCIL ACTION

### City of Greenville, South Carolina

Agenda Item No.

11c

**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 28, 2021

**ORDINANCE/RESOLUTION CAPTION:**

ORDINANCE TO AMEND SECTION 19-4.3.2, PUBLIC AND INSTITUTIONAL USES, SECTION 19-4.3.3, COMMERCIAL USES, SECTION 19-4.3.4, SERVICE AND INDUSTRIAL USES, AND TABLE 19-4.1.2, TABLE OF USES, OF THE CODE OF ORDINANCES OF THE CITY OF GREENVILLE TO MODIFY USE-SPECIFIC STANDARDS AFTER MIDNIGHT (Z-8-2021) (REVISED)

**SUMMARY BACKGROUND:**

Staff submits a text amendment to amend Section 19-4.3.2, Public and institutional uses, Section 19-4.3.3, Commercial uses, Section 19-4.3.4, Service and industrial uses, and Table 19-4.1.2, Table of uses, to modify use-specific standards after midnight.

This amendment will add the C-3 and S-1 zones to the existing provisions and will prohibit delivery, waste, collection, and similar traffic for an additional hour (from 5:00 a.m. to 6:00 a.m.). This amendment is intended to enhance the quality of life of city residents living near non-residential uses by requiring further review of uses operating between midnight and 5:00 a.m. and to reduce early morning noise complaints associated with these uses.

The City Planning Commission, pursuant to public notice, held a public hearing on April 15, 2021, to consider the proposed text amendment. The application was recommended for approval by a vote of 5-0.

Planning Staff Recommendation: Approve

Planning Commission Recommendation: Approval by a vote of 5-0

**IMPACT IF DENIED:**

The text amendment will not be approved, and the use-specific standards will remain regulated by the existing standards of the Land Management Ordinance.

**FINANCIAL IMPACT:**

None

#### REQUIRED SIGNATURES

DocuSigned by:  
**Department Director** Jonathan B. Graham  
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**OMB Director** \_\_\_\_\_

DocuSigned by:  
**City Attorney** Michael Pitts  
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**City Manager** John McDonough  
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A N O R D I N A N C E

TO AMEND SECTION 19-4.3.2, PUBLIC AND INSTITUTIONAL USES, SECTION 19-4.3.3, COMMERCIAL USES, SECTION 19-4.3.4, SERVICE AND INDUSTRIAL USES, AND TABLE 19-4.1.2, TABLE OF USES, OF THE CODE OF ORDINANCES OF THE CITY OF GREENVILLE TO MODIFY USE-SPECIFIC STANDARDS AFTER MIDNIGHT (Z-8-2021)

WHEREAS, the city of Greenville (the “City”) desires to modify use-specific standards for the purposes set forth in Section 19-4.3.2, Section 19-4.3.3, Section 19-4.3.4, and Table 19-4.1.2 of the Code of Ordinances of the City of Greenville (the “City Code”), as shown in Exhibit A which said purposes are incorporated herein as if set forth verbatim; and

WHEREAS, the City Planning Commission, pursuant to public notice, held a public hearing on April 15, 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, Section 19-4.3.2, Public and institutional uses, Section 19-4.3.3, Commercial uses, Section 19-4.3.4, Service and industrial uses, and Table 19-4.1.2, Table of Uses, 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

19-4.3.2. *Public and institutional uses.*(A) *General.*

- (1) Design standards. Except where specifically exempted by this chapter, nonresidential uses shall comply with the standards in subsection 19-6.5.
- (2) Public and institutional uses located within the OD, C-1, C-2, C-3, C-4, S-1, RDV, and PD districts open to the public between the hours of 12 midnight and 5:00 a.m. require a special exception permit, except when a conditional use permit is required, and, at a minimum, are subject to the following standards:
  - (a) The standards for granting a special exception permit.
  - (b) On-site traffic shall be directed away from abutting residential uses or residential districts between the hours of 12:00 midnight and 5:00 a.m.
  - (c) Delivery, waste collection, and similar commercial traffic is prohibited between the hours of 12:00 midnight and ~~5:00 a.m.~~ 6:00 a.m. 7:00 a.m.
  - (d) Loitering, solicitation, and disorderly conduct is prohibited at all times; rules consistent with the provisions of the Greenville Code of Ordinances shall be posted in conspicuous locations and shall be enforced by the proprietors.
  - (e) Exterior sound amplification is prohibited except in areas specifically authorized on the approved site plan and/or floor plan; all amplified sound shall be directed inward toward the facility and away from any adjoining use or public property. No exterior amplified sound shall be permitted between the hours of 10:00 p.m. and 11:00 a.m. Interior sound amplification shall be located only as reflected on an approved floor plan and shall be directed away from the principal entrance or directed toward the interior of the building.
  - (f) Drive-through facilities shall be closed between the hours of 12:00 midnight and 5:00 a.m.
  - (g) Exterior doors shall remain closed except to provide ingress and egress between the hours of 10:00 p.m. and 5:00 a.m.
  - (h) The required permit, either special exception permit or conditional use permit, shall be limited to the applicant and shall not be transferrable. A copy of the special exception permit or the conditional use permit shall be maintained on the premises with other related inspection, licensing, and occupancy information.

19-4.3.3. *Commercial uses.*(A) *General.*

- (1) Design standards. Except where specifically exempted by this chapter, nonresidential uses shall comply with the standards in subsection 19-6.5.
- (2) Commercial uses located within the OD, C-1, C-2, C-3, C-4, S-1, RDV, and PD districts open to the public between the hours of 12 midnight and 5:00 a.m. require a

special exception permit, except when a conditional use permit is required, and, at a minimum, are subject to the following standards:

- (a) The standards for granting a special exception permit.
- (b) On-site traffic shall be directed away from abutting residential uses or residential districts between the hours of 12:00 midnight and 5:00 a.m.
- (c) Delivery, waste collection, and similar commercial traffic is prohibited between the hours of 12:00 midnight and ~~5:00 a.m.~~ 6:00 a.m. 7:00 a.m.
- (d) Loitering, solicitation, and disorderly conduct is prohibited at all times; rules consistent with the provisions of the Greenville Code of Ordinances shall be posted in conspicuous locations and shall be enforced by the proprietors.
- (e) Exterior sound amplification is prohibited except in areas specifically authorized on the approved site plan and/or floor plan; all amplified sound shall be directed inward toward the facility and away from any adjoining use or public property. No exterior amplified sound shall be permitted between the hours of 10:00 p.m. and 11:00 a.m. Interior sound amplification shall be located only as reflected on an approved floor plan and shall be directed away from the principal entrance or directed toward the interior of the building.
- (f) Drive-through facilities shall be closed between the hours of 12:00 midnight and 5:00 a.m.
- (g) Exterior doors shall remain closed except to provide ingress and egress between the hours of 10:00 p.m. and 5:00 a.m.
- (h) The required permit, either special exception permit or conditional use permit, shall be limited to the applicant and shall not be transferrable. Copy of the special exception permit or the conditional use permit shall be maintained on the premises with other related inspection, licensing, and occupancy information.

19-4.3.4. *Service and industrial uses.* ~~Service and industrial uses located within the OD, C-1, C-2, C-4, RDV, and PD districts open to the public between the hours of 12:00 midnight and 5:00 a.m. require a special exemption permit, except when a conditional use permit is required, and, at a minimum, are subject to the following standards:~~

(A) *General.*

- (1) Design standards. Except where specifically exempted by this chapter, nonresidential uses shall comply with the standards in subsection 19-6.5.
- (2) Service and industrial uses located within the OD, C-1, C-2, ~~C-3~~, C-4, ~~S-1~~, RDV, and PD 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, at a minimum, are subject to the following standards:
  - (a) The standards for granting a special exception permit.
  - (b) On-site traffic shall be directed away from abutting residential uses or residential districts between the hours of 12:00 midnight and 5:00 a.m.
  - (c) Delivery, waste collection, and similar commercial traffic is prohibited between the hours of 12:00 midnight and ~~5:00 a.m.~~ 6:00 a.m. 7:00 a.m.

- (d) Loitering, solicitation, and disorderly conduct is prohibited at all times; rules consistent with the provisions of the Greenville Code of Ordinances shall be posted in conspicuous locations and shall be enforced by the proprietors.
- (e) Exterior sound amplification is prohibited except in areas specifically authorized on the approved site plan and/or floor plan; all amplified sound shall be directed inward toward the facility and away from any adjoining use or public property. No exterior amplified sound shall be permitted between the hours of 10:00 p.m. and 11:00 a.m. Interior sound amplification shall be located only as reflected on an approved floor plan and shall be directed away from the principal entrance or directed toward the interior of the building.
- (f) Drive-through facilities shall be closed between the hours of 12:00 midnight and 5:00 a.m.
- (g) Exterior doors shall remain closed except to provide ingress and egress between the hours of 10:00 p.m. and 5:00 a.m.
- (h) The required permit, either special exception permit or conditional use permit, shall be limited to the applicant and shall not be transferrable. A copy of the special exception permit or the conditional use permit shall be maintained on the premises with other related inspection, licensing, and occupancy information.

#### 19-4.1.2 *Table of uses.*

Table 19-4.1-2: Table of Uses

#### NOTES:

<sup>1</sup> 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).

<sup>2</sup> Public and institutional uses located within the OD, C-1, C-2, C-3, C-4, S-1, 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).

<sup>3</sup> Commercial uses located within the OD, C-1, C-2, C-3, C-4, S-1, 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).

<sup>4</sup> Service and industrial uses located within the OD, C-1, C-2, C-3, C-4, S-1, 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).

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

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

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

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