



REQUEST FOR COUNCIL ACTION

City of Greenville, South Carolina

Agenda Item No.

11f

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 SECTIONS 19-1.11, DEFINITIONS; 19-4.3, USE-SPECIFIC STANDARDS; 19-6.4, EXTERIOR LIGHTING; 19-6.6, SIGN REGULATIONS; AND 19-6.8.9, MULTIFAMILY DESIGN STANDARDS, OF THE CODE OF ORDINANCES OF THE CITY OF GREENVILLE TO MODIFY EXTERIOR LIGHTING STANDARDS FOR NONRESIDENTIAL USES AND MULTIFAMILY USES ADJACENT TO DETACHED SINGLE-FAMILY RESIDENTIAL USES (Z-13-2021)

SUMMARY BACKGROUND:

Staff submits these text amendments to amend Sections 19-1.11, Definitions; 19-4.3, Use-Specific Standards; 19-6.4, Exterior Lighting; 19-6.6 sign regulations; and 19-6.8.9, Multifamily design standards, to strengthen exterior lighting standards by adding maximum lighting levels at property lines and requiring the reduction of lighting levels after business hours based on detailed research and comparison analysis with other jurisdictional requirements. Further, proposed amendments pertaining to drive-through menu boards will introduce regulations pertaining to illumination and speaker systems.

These amendments are intended to enhance the quality of life of city residents living near nonresidential and multifamily uses by reducing the impact of exterior lighting and providing additional review of menu board lighting and speaker systems.

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 lighting 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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DocuSigned by:
City Attorney Michael Pitts
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 DocuSigned by:

OMB Director _____

DocuSigned by:
City Manager John McDonough
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A N O R D I N A N C E

TO AMEND SECTIONS 19-1.11, DEFINITIONS; 19-4.3, USE-SPECIFIC STANDARDS; 19-6.4, EXTERIOR LIGHTING; 19-6.6, SIGN REGULATIONS; AND 19-6.8.9, MULTIFAMILY DESIGN STANDARDS, OF THE CODE OF ORDINANCES OF THE CITY OF GREENVILLE TO MODIFY EXTERIOR LIGHTING STANDARDS FOR NONRESIDENTIAL USES AND MULTIFAMILY USES ADJACENT TO DETACHED SINGLE-FAMILY RESIDENTIAL USES (Z-13-2021)

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 19-1.11, Definitions; 19-4.3, Use-Specific Standards; 19-6.4, Exterior Lighting; 19-6.6, Sign Regulations; and 19-6.8.9, Multifamily design standards, 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, Use-Specific Standards; 19-6.4, Exterior Lighting; 19-6.6, Sign Regulations; and 19-6.8.9, Multifamily design standards, 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

Section 19-1.11 Definitions

Footcandle (FC) means a quantitative unit measuring the amount of light cast onto a given point, measured as one lumen per square foot.

[...]

Lamp means the component of a luminaire that produces the light.

[...]

Light pole means a structure that is designed specifically for and used to provide lighting.

Light source means the element of a lighting fixture that is the point of origin of the lumens emitted by the fixture.

Light trespass means effects of light that stray from the intended purpose and becomes an annoyance, a nuisance, or a deterrent to visual performance. As such, light trespass should always be considered negative, unlike spill light, which can have positive or negative attributes. Light trespass is the encroachment of light causing annoyance, loss of privacy, or other nuisance.

[...]

Lumen means a unit of luminous flux.

Luminaire means a complete lighting system, including a lamp and a fixture.

Luminaire, full-cutoff means a luminaire where no light occurs above the horizontal plane and no more than 10 percent of the lamp lumens occur above 80 degrees.

Luminaire, semi-cutoff means a luminaire where less than 5 percent of the lamp lumens occur above the horizontal plane.

[...]

Sign, Electronic Message Board means a sign that utilizes computer-generated messages or some other electronic means of fixed or changing sign copy. Electronic message boards include, but are not limited to, displays using incandescent lamps, LEDs, or LCDs.

Sign, Menu Board means a sign erected in conjunction with a use that incorporates a drive-through or drive-in and is generally used to provide service and/or product options and pricing for patrons who remain in a vehicle.

[...]

Wall pack feature means a type of lighting fixture typically flush-mounted on a vertical wall surface.

Section 19-4.3 Use-Specific Standards

[...]

19-4.3.3. *Commercial Uses*

[...]

(F) *Retail Sales and Service*

[...]

(5) *Convenience Store*

[...]

(d) *Accessory structures for convenience stores with gasoline sales.*

1. *Fuel pump canopies.*

a. A fuel pump canopy shall not be located between the principal structure and a residential district.

- b. A canopy covering fuel pumps shall not exceed the façade length of the principal structure by more than 200 percent.
- c. A fuel pump canopy and the supporting columns shall maintain the same exterior materials, colors, and roof form as the principal building.
- d. Neon tubing or other comparable material is prohibited.
- e. Canopy lighting shall ~~be recessed into the underside of the canopy~~ comply with exterior lighting standards, Section 19-6.4.
- f. Display of products for sale (other than fuel products) shall not be permitted beneath a canopy.

Section 19-6.4 Exterior Lighting

[...]

19-6.4.3. *General design standards.* All exterior lighting shall meet the following design standards:

- (A) No blinking, flashing or fluttering lights or other illuminated device that has a changing light intensity, brightness, or color is permitted in any district except for temporary holiday displays.
- (B) Neither the direct nor reflected light from any outdoor light source shall create a traffic hazard to operators of motor vehicles or to operators of aircraft and no colored lights may be used in such a way as to be confused or construed as street-traffic control or air-traffic control devices.
- (C) Background spaces such as parking lots shall be illuminated as unobtrusively as possible to meet the functional needs of safe circulation and protection of people and property. Foreground spaces, such as building entrances and outside seating areas, shall utilize local lighting that defines the space without glare.
- (D) Light sources shall be concealed or shielded to the maximum extent feasible to minimize the potential for direct glare and unnecessary diffusion on adjacent property and rights-of-way. ~~On site parking areas, pedestrian walkways and sidewalks, and on site streets and driveways shall use full cut-off type lighting that provides consistent illumination of at least one footcandle.~~
- (E) The style of light standards and fixtures shall be consistent with the style and character of architecture proposed on the site.
- (F) All outdoor lighting not necessary for security purposes shall be reduced, activated by motion sensors devices, or turned off during non-operating hours.
- (G) Light fixtures used to illuminate flags, statutes, or any other objects mounted on a pole, pedestal, or platform shall use a narrow cone beam or light that shall not extend beyond the illuminated object.

- (H) For upward-directed architectural, landscape, and decorative lighting, direct light emissions shall not be visible above the building roof line.
- (I) Light fixtures shall be located on the periphery of the areas with light sources directed into parking areas. No light sources shall be located on building facades directed outward toward property boundaries or adjacent rights-of-way.

19-6.4.4. Specific standards for lighting.

- (A) Light fixtures within residential districts shall be wall-mounted or mounted on wood, concrete, fiberglass, or painted metal poles no higher than 15 feet above finished grade. Bollard-type lighting fixtures shall have a height not less than three feet nor more than four feet.
- (B) Light fixtures within nonresidential districts shall be wall-mounted or mounted on wood, concrete, fiberglass, or painted metal poles; with the exception of outdoor entertainment uses and SCDOT interstate interchange high-mast lighting, mounting heights shall not exceed 4230 feet above finished grade. Bollard-type lighting fixtures shall have a height not less than three feet nor more than four feet.
- (C) Shielding. Luminaires (regular or flood lamps) 175 watts or less may be used without restriction to light distribution except that no direct glare shall be perceptible to persons on a public right of way.
 - (1) Luminaires of 175 watts or less may be used without cutoff except that no direct glare shall be perceptible to persons on a public right-of-way.
 - (2) Luminaires of between 175 watts and 400 watts shall feature, at a minimum, semi-cutoff.
 - (3) Luminaires in excess of 400 watts shall feature full cut-off and shall not emit any direct light above the horizontal plane of the fixture.
 - (4) Shielding shall not be required for lamps which accent entranceways, art, water features/fountains, landscaping, sculptures, statuary, and other similar objects provided the light is concealed and narrowly focused on the object of interest.
 - (5) Wall pack fixtures shall be full-cutoff.
 - (6) Luminaires lighting vertical surfaces from the "bottom up" (building facades, steeples, trees, billboards, signs, flags, etc.) shall not exceed 175 watts with the exception of SCDOT highway signage luminaires.
- ~~(D) Luminaires (regular or flood lamps) between 175 watts and 400 watts shall be, at a minimum, semi-cutoff~~
- ~~(E) Luminaires (regular or flood lamps) in excess of 400 watts shall not emit any direct light above the horizontal plane of the fixture~~
- ~~(F) Wall pack fixtures shall be full-cutoff.~~

(D) ~~Luminaries lighting vertical surfaces from the "bottom up" (building facades, steeples, trees, billboards, signs, flags, etc.) shall not exceed 175 watts (with the exception of SCDOT highway signage luminaires).~~ Lighting Levels.

- (1) Lighting for on-site parking areas, pedestrian walkways and sidewalks, and on-site streets and driveways shall provide maintain an average illumination of at least one (1) footcandle.
- (2) Light level shall be no greater than 0.3 footcandle when measured at the abutting property line to property improved with a residential use and one (1) footcandle when measured at the property line abutting property improved with a non-residential use or the public right-of-way.
- (3) The maximum light level at any point on a property shall not exceed 20 maintained footcandles.
- (4) For property improved with non-residential commercial and multi-family uses that abut a property line of a single-family detached use, exterior illumination levels shall be reduced to 25% or less of the normal permitted levels one hour after business closing to one hour before business opening. Security lighting may be used within these restricted time periods. Security lighting shall be reduced to 25% or less of the normal permitted levels. Motion sensor activation may be allowed to cause the light to resume normal permitted illumination levels only when activated and shall be programmed to be reduced back to 25% or less of normal illumination levels within five (5) minutes after activation has ceased. Motion sensors must be configured such that they are not triggered by activity off of the property.

(E) ~~Outdoor entertainment uses shall comply with the following standards:~~

- ~~(1) Luminaire mounting heights shall not exceed 80 feet above finished grade.~~
- ~~(2) Luminaires shall be equipped with glare control packages (louvers, shields, visors, or similar); the fixtures shall be aimed to direct their beams within the primary performance area.~~
- (1) Luminaires shall be extinguished within one hour of the end of an event, or as soon as all patrons exit the premises.

(F) ~~Areas under vehicular canopies shall have a maximum point of horizontal illuminance of 20 maintained footcandles. The sides or top of the canopy shall not be illuminated, except as permitted by permanent sign standards, Section 19-6.6.4. Lighting under canopies shall be designed so as to not create glare beyond the outside edge of the canopy; acceptable methods include the following:~~

- ~~(1) The use of recessed fixtures incorporating lens covers that are recessed or flush with the bottom surface (ceiling) of the canopy; or~~
- ~~(2) The use of light fixture shields (or the canopy edge itself).~~

Outdoor entertainment uses shall comply with the following standards:

- (1) Luminaire mounting heights shall not exceed 80 feet above finished grade

- (2) Luminaires shall be equipped with glare control packages (louvers, shields, visors, or similar) and the fixtures shall be aimed to direct their beams within the primary performance area.
- (3) Luminaires shall be extinguished within one hour of the end of an event, or as soon as all patrons exit the premises, whichever is earlier.
- (G) ~~The maximum light level at any point on a property shall not exceed 30 maintained footcandles.~~ Canopy lighting. Areas under vehicular canopies shall have a maximum point of horizontal illuminance of 20 maintained footcandles. The sides or top of the canopy shall not be illuminated, except as permitted by permanent sign standards, Section 19-6.6.4. Lighting under canopies shall be designed so as to not create glare beyond the outside edge of the canopy; acceptable methods include the following:
- (1) The use of recessed fixtures incorporating lens covers that are recessed or flush with the bottom surface (ceiling) of the canopy; or
- (2) The use of light fixture shields or the canopy edge itself.

19-6.4.5 Light measurement. Light measurements shall be made with an approved metering device at ground level (finished grade) consistent with manufacturer's specifications. The meter shall have an accuracy tolerance of no greater than plus or minus five percent and shall have been calibrated within one year of use. Light levels are specified, calculated, and measured in footcandles (FC). All FC values referenced in this section are maintained footcandles.

Section 19-6.6 Sign Regulations

[...]

19-6.6.3. *Signs exempt from permit requirement.* A permit shall not be required for the following types of signs, provided all applicable provisions of this section are met. Such signs shall not be considered in determining the allowable number or size of signs on a lot.

[...]

~~(W) Outdoor menu boards provided there is not more than one per outdoor ordering station.~~

19-6.6.4. *Permanent Signs*

(C) *Freestanding signs.* Freestanding signs are those types of signs that are supported by a structure secured to the ground and are wholly independent of any building, other than a sign structure, for support. Freestanding signs include monument signs, decorative post signs, freestanding suspended signs, and pylon or pole signs. Allowances for the number and size of freestanding signs are provided in table 19-6.6-3, freestanding signs. Applicants are encouraged to submit sign plans for evaluation during the site plan permit review process.

[...]

(4) *Electronic message boards and "pre" and "menu" boards.* Electronic message boards and "pre" and "menu" boards shall incorporate a photo cell, or similar technology, that adjusts brightness of the sign relative to outdoor ambient light, and may be included on monument and pylon signs, subject to the following conditions.

- (a) ~~When such signs are to be located within the OD, C-1, C-2, C-3, C-4, S-1, RDV, or I-1 districts, the area of the electronic sign face shall not exceed 30 percent of the overall sign face, and the electronic message shall maintain a static message for at least six seconds, and shall not utilize any of the techniques prohibited by subsection 19-6.6.2(B): Electronic message boards.~~
1. When such signs are to be located within the OD, C-1, C-2, C-3, C-4, S-1, RDV, or I-1 districts, the area of the electronic sign face shall not exceed 30 percent of the overall sign face, and the electronic message shall maintain a static message for at least six seconds, and shall not utilize any of the techniques prohibited by subsection 19-6.6.2(B).
 2. When such signs are to be located in the R-9, R-6, RM-1, RM-1.5, RM-2, or RM-3 districts, such signs may be approved only as a special exception by the board of zoning appeals, and the area of the electronic sign face shall not exceed 30 percent of the overall sign face area, the electronic message shall maintain a static message for at least 12 seconds, the sign shall display no message between 9:00 p.m. and 6:00 a.m., and shall not utilize any of the techniques prohibited by subsection 19-6.6.2(B). The size of such signs may not exceed the limits provided in subsection 19-6.6.4(C)(6)(d), unless an exception to the sign standards is granted pursuant to subsection 19-6.6.4(C)(7).
- (b) ~~When such signs are to be located in the R-9, R-6, RM-1, RM-1.5, RM-2, or RM-3 districts, such signs may be approved only as a special exception by the board of zoning appeals, and the area of the electronic sign face shall not exceed 30 percent of the overall sign face area, and the electronic message shall maintain a static message for at least 12 seconds, and the sign shall display no message between 9:00 p.m. and 6:00 a.m., and shall not utilize any of the techniques prohibited by subsection 19-6.6.2(B). The size of such signs may not exceed the limits provided in subsection 19-6.6.4(C)(6)(d), unless an exception to the sign standards is granted pursuant to subsection 19-6.6.4(C)(7).~~ **“Pre and “Menu” boards. One (1) pre-menu board and one (1) menu board in conjunction with each drive-through lane use and shall not count toward the maximum signage for a property, subject to the following standards:**
1. Maximum sign area shall be 48 sq. ft.
 2. Maximum sign height shall be 8 ft.
 3. “Pre” and “Menu” boards shall be set back a minimum of 15 feet from the street right-of-way line and from lot lines of abutting property improved with non-residential uses.
 4. At any time when the drive-through use is closed to the public, the “pre” and “menu” board shall be turned off and shall remain off until the drive-through use is open to the public.

5. Speakers shall be directed away from adjacent residential dwellings and noise shall be subject to provisions of Chapter 16, Article II, Division 3 Noise.
6. “Pre” and “Menu” boards shall be skirted to the ground with permitted materials.

Section 19-6.8 *Design standards for multifamily residential development*

[...]

19-6.8.9. *Multifamily design standards.*

(M) Exterior Lighting

- (1) The lighting of all parking areas, pedestrian walkways, entrances, and exterior portions of the site shall be designed for its specific task and shall comply with the provisions of [section 19-6.4](#), exterior lighting.
- (2) Exterior lighting fixtures shall be:
 - (a) Vandal-resistant;
 - (b) Compatible with building architecture; and
 - (c) Scaled (dimension and intensity) to complement its context.
- (3) Adjacent to single-family dwellings:
 - (a) Exterior lighting heights, whether pole-mounted or wall-mounted, shall not exceed a maximum height of 15 feet above grade.
 - (b) ~~Lighting levels at lot lines shall not exceed three footcandles, as measured 30 inches above grade.~~ Lighting levels shall be consistent with the provisions of section 19-6.4, exterior lighting.
 - (c) Uplighting of building or site features shall be directed away from adjacent properties.
 - (d) Internally illuminated signage or awnings are prohibited.