



REQUEST FOR COUNCIL ACTION

City of Greenville, South Carolina

TO: Honorable Mayor and Members of City Council
FROM: John F. McDonough, City Manager

Agenda Item No.

15d

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 19-1.11, DEFINITIONS, AND TABLE 19-4.1.2, TABLE OF USES, OF THE CODE OF ORDINANCES OF THE CITY OF GREENVILLE MODIFYING THE TABLE OF USES TO PROMOTE LAND USE COMPATIBILITY BETWEEN CERTAIN NONRESIDENTIAL USES AND EXISTING RESIDENTIAL (Z-24-2021)

SUMMARY BACKGROUND:

Staff submits these text amendments to amend Section 19-1.11, Definitions, and Table 19-4.1-2, Table of Uses, to increase compatibility with residential uses by eliminating certain uses in some districts, requiring certain use to obtain a Special Exception Permit, or modifying/splitting a use type based on its expected impacts on adjacent properties. This amendment also proposes a new defined "Brewery, winery, and distillery" use.

These changes are needed to maintain the premises of the Land Management Ordinance's purpose which, among other things, is to ensure compatibility between neighborhoods and surrounding uses as well as to create a more harmonious community. Further, the proposed amendments reinforce the purpose of the individual nonresidential districts by ensuring that the identified uses are appropriately listed as permitted, conditional, special exception, or not permitted. These amendments are intended to enhance the quality of life city residents living near non-residential uses by requiring a public hearing and Special Exception Permit for certain uses requesting to locate adjacent to single-family detached residential.

The City Planning Commission, pursuant to public notice, held a public hearing on June 17, 2021, to consider the proposed text amendments. The application was recommended for approval by a vote of 5-0.

Planning Staff Recommendation: Approve

Planning Commission Recommendation: Approval with an added condition by a vote of 5-0. Commissioner Gardner was absent. The Commission recommended modifying check cashing uses to require a special exception permit in the C-3 zone.

IMPACT IF DENIED:

The text amendments will not be approved.

FINANCIAL IMPACT:

None

REQUIRED SIGNATURES

Department Director Jonathan B. Graham
DocuSigned by:
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OMB Director _____

City Attorney Michael Pitts
DocuSigned by:
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City Manager John McDonough
DocuSigned by:
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AN ORDINANCE

TO AMEND SECTION 19-1.11, DEFINITIONS, AND TABLE 19-4.1.2, TABLE OF USES, OF THE CODE OF ORDINANCES OF THE CITY OF GREENVILLE MODIFYING THE TABLE OF USES TO PROMOTE LAND USE COMPATIBILITY BETWEEN CERTAIN NONRESIDENTIAL USES AND EXISTING RESIDENTIAL (Z-24-2021)

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 Section 19-1.11, Definitions, and Table 19-4.1.2, Table of uses, 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 17, 2021, to consider the proposed text amendments, and

WHEREAS, the Planning Commission voted unanimously to recommend approval of the proposed text amendments with the added modification that check cashing uses require a special exception permit in the C-3 zoning district; 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, that Section 19-1.11, Definitions, 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

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	RM1	RM1.5	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	S	P		CS	19-4.3.3 (C)

											$\frac{P}{2}$						
	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		$\frac{P}{2}$	P	P	P				
[...]																	
Outdoor entertainment	All uses										$\frac{P}{S}$	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			$\frac{P}{\frac{P}{2}}$	P	P				
[...]																	
Retail sales and services	Barbershop, beauty shop, or spa							P	$\frac{C}{P}$	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										$\frac{S}{C}$		P				19-4.3.3 (F)(6)
	Convenience store <u>without gasoline sales</u>							S	$\frac{S}{\frac{P}{2}}$	P	P	P	P	S			<u>19-4.3.3 (F)(5)</u>
	Convenience store <u>with gasoline sales</u>							$\frac{S}{S}$	$\frac{S}{S}$	$\frac{P}{2}$	$\frac{P}{S}$	$\frac{P}{P}$	$\frac{P}{P}$	$\frac{S}{S}$			<u>19-4.3.3 (F)(5)</u>
[...]																	

Retail sales and services	Health club or spa									S	<u>P</u> <u>P</u> ⁹	<u>P</u> <u>P</u> ₂	<u>P</u> <u>P</u> ₂	<u>P</u>	<u>P</u>		<u>P</u> <u>P</u> ₂	
	Indoor entertainment facility, general											S	<u>P</u> <u>P</u> ₂	S	P			
	Kennel or veterinary clinic, indoor and outdoor												<u>P</u> <u>P</u> ₂		P		S	
[...]																		
Retail sales and services	Liquor store											S	<u>P</u> <u>P</u> 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	<u>P</u> <u>P</u> ₂	P	P		€ S	
[...]																		
Vehicle sales and service	Automobile servicing											S	<u>P</u> <u>P</u> 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	<u>P</u> <u>P</u> ₂		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												<u>S</u>		<u>S</u>	<u>P</u>		
	Heavy manufacturing															P		
	Light manufacturing, general												C	C	P	P	C	
[...]																		
	Recycling drop-off center											S	S	S	S		S	

Waste-related services	Waste disposal or treatment operation												P
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[...]

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.