

City of Greenville

ZONING ORDINANCE

Approved
May 27 , 2008

Ordinance No. 08-059
Effective June 6, 2008

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Amendments		
Ordinance	Date	Description
09-011	3/10/2009	An ordinance of the City Council of the City of Greenville, Texas, amending Chapter 28, Section 5-1 of the Code of Ordinances of the City of Greenville, by adding Section 5-1.14 adopting regulations for setback requirements ; providing for a repealing, severability and penalty clause and providing that this ordinance shall be effective from and after February 20, 2009.
09-012	3/10/2009	An ordinance of the City Council of the City of Greenville, Texas, amending Chapter 28, Section 2-2, Section 4-1, and Section 5-2, providing regulations related to the sale of alcohol of the Code of Ordinances of the City of Greenville; providing for a repealing, severability, and penalty clause and providing that this ordinance shall be effective from and after February 20, 2009.
09-021	3/24/2009	An ordinance of the City Council of the City of Greenville, Texas, correcting ordinance 09-012 by changing references of "Beer and Wine Retail Sales" to "Pre-packaged Beverage Sales" ; providing for a repealing and severability clause; providing that this ordinance shall be effective from and after March 24, 2009.
09-025	4/14/2009	An ordinance of the City Council of the City of Greenville, Texas, amending Chapter 28, Section 5-7, Exterior Construction Requirements and Standards of the City of Greenville Code of Ordinances; providing for a repealing clause, a severability clause; a penalty clause and providing that this ordinance shall be effective from and after April 14, 2009.
09-047	7/28/2009	An ordinance of the City Council of the City of Greenville, Texas, amending Chapter 28, Section 5-4 Sign Regulations of the Code of Ordinances of the City of Greenville, by amending regulations related to freestanding signs and monument signs ; providing for a repealing, severability, and penalty clause and providing that this ordinance shall be effective from and after July 28, 2009.
09-089	12/8/2009	An ordinance of the City Council of the City of Greenville, Texas, amending the City of Greenville Code of Ordinances, Chapter 28, Zoning Regulations, Section 5-1 Dimensional Requirements; amending the regulation of height in non-residential zoning districts ; providing for a repealing, severability, and penalty clause and providing that this ordinance shall be effective from and after December 8, 2009.
09-090	12/8/2009	An ordinance of the City Council of the City of Greenville, Texas, amending the City of Greenville Code of Ordinances, Chapter 28, Zoning Regulations, Article IV language regarding the size and density requirements of a Planned Development District ; providing for a repealing, severability, and penalty clause and providing that this ordinance shall be effective from and after December 8, 2009.
10-006	1/12/2010	An ordinance of the City Council of the City of Greenville, Texas, authorizing an amendment to the City of Greenville Code of Ordinances, Chapter 28, Zoning Regulations, Section 5-4 sign Regulations, providing regulations for temporary signs in the Central Area (CA) Zoning District ; providing for a repealing, severability, and penalty clause and providing that this ordinance shall be effective from and after January 12, 2010.
10-017	2/9/2010	An ordinance of the City Council of the City of Greenville, Texas, amending City of Greenville Code of Ordinances, Chapter 28 Zoning Regulations, Article V, Site Development Standards, Section 5-4 Sign Regulations ; providing for a repealing clause, a severability clause, a penalty clause and providing that this ordinance shall be effective from and after February 9, 2010. (Digital Billboards)
10-018	2/9/2010	An ordinance of the City Council of the City of Greenville, Texas, amending City of Greenville Code of Ordinances, Chapter 28 Zoning Regulations, Article IV, Permitted Uses; providing for a repealing clause, a severability clause, a penalty clause and providing that this ordinance shall be effective from and after February 9, 2010. (Kennel)
10-026	3/9/2010	An ordinance of the City Council of the City of Greenville, Texas, amending Chapter 28 Zoning Regulations, Section 5-2, Supplementary Regulations, concerning the regulation of Check Cashing Businesses, Payday Advance/Loan Businesses, Money Transfer Businesses, Car Title Loan Businesses, or other similar businesses engaged in non-traditional short-

		term lending, otherwise known as Alternative Financial Services ; providing for a repealing clause, a severability clause, a penalty clause and providing that this ordinance shall be effective from and after March 19, 2010.
10-099	10/12/2010	An ordinance of the City Council of the City of Greenville, Texas, amending Chapter 28 Zoning Regulations, Section 5-2, Supplementary Regulations, concerning the regulation of fences and screening walls ; and amending Appendix A; providing for a repealing clause, a severability clause, a penalty clause and providing that this ordinance shall be effective from and after October 22, 2010
11-005	01/11/2011	An ordinance of the City Council of the City of Greenville, Texas, amending Chapter 28 Zoning Regulations, Section 5-2, Supplementary Regulations, concerning the regulation of alternative financial services, tattoo parlors, massage parlors, fortunetellers, head shops, pawn shops and bail bond services, otherwise collectively known as Non-Traditional Businesses ; providing for a repealing clause, a severability clause, a penalty clause and providing that this ordinance shall be effective from and after January 11, 2011
11-009	01/25/2011	An ordinance of the City Council of the City of Greenville, Texas, amending Section 5-2, Chapter 28 of the City of Greenville Code of Ordinances, concerning the regulation of exterior lighting ; providing for a repealing clause, a severability clause, a penalty clause and providing that this ordinance shall be effective from and after February 5, 2011
11-024	04/12/2011	An ordinance of the City Council of the City of Greenville, Texas, amending Chapter 28 of the City of Greenville Code of Ordinances, Article V – Site Development Standards, concerning the City’s Landscaping Requirements in Section 5-8 ; providing for a repealing clause, a severability clause, a penalty clause and providing that this ordinance shall be effective from and after April 22, 2011.
11-025	04/12/2011	An ordinance of the City Council of the City of Greenville, Texas, amending Chapter 28 of the City of Greenville Code of Ordinances, Article V – Site Development Standards, concerning the regulation of Hotels and Motels ; providing for a repealing clause, a severability clause, a penalty clause and providing that this ordinance shall be effective from and after April 22, 2011.
11-069	11/22/2011	An ordinance of the City Council of the City of Greenville, Texas, changing the zoning from (C) Commercial District to (PD) Planned Development district on a 1.465-acre property comprised of a parcel known as Lot 1, Block 1 of the Northeast Texas Travel Centers Addition, and situated along the north side of IH-30 and east side of US Highway 69 Business (Moulton Street); providing for a repealing clause, a severability clause, a penalty clause and providing that this ordinance shall be effective from and after November 2011. PD-27
12-073	11/27/2012	An ordinance of the City Council of the City of Greenville, Texas, amending Article III: Districts of the City of Greenville Code of Ordinances, specifically to add Section 3-7 Overlay Districts and to create Section 3-7.1 IH-30 Overlay District ; providing for a repealing clause, a severability clause, a penalty clause and providing that this ordinance shall be effective from and after December 7, 2012.
13-091	12/10/2013	An ordinance of the City Council of the City of Greenville, Texas, approving a change in zoning from (C) Commercial District to (SF-3) Single-Family (Small Lot) District , and to approve an amendment to the City of Greenville Future Land Use Map from “Commercial” to “Single Family” on a 0.143 acre property located between Bois D’Arc and Henderson Streets at 1914 Stanford Street ; providing for a repealing clause, a severability clause, a penalty clause and providing that this ordinance shall be effective from and after December 10, 2013.

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ZONING ORDINANCE

City of Greenville , Texas

Ordinance No. 08-059

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE, TEXAS, PROVIDING FOR THE AMENDMENT TO CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY, COMMONLY REFERRED TO AS THE ZONING ORDINANCE OF THE CITY, TO PROVIDE NEW ZONING REGULATIONS, ESTABLISHING DISTRICTS, MAP AND BOUNDARIES IN ACCORDANCE WITH THE COMPREHENSIVE PLAN; PROVIDING THE PURPOSE AND AUTHORITY THEREFOR; PROVIDING FOR PERMITTED USES; PROVIDING FOR SITE DEVELOPMENT STANDARDS; PROVIDING FOR PLANNED UNIT DEVELOPMENT; PROVIDING FOR AIRPORT ZONING AND REGULATIONS ASSOCIATED THERETO; PROVIDING FOR PROCEDURES AND ADMINISTRATION FOR APPLICATIONS FOR ZONING AMENDMENTS, ANNEXATION AND TEMPORARY ZONING, SPECIFIC USE AND BUILDING PERMITS; PROVIDING FOR A PLANNING AND ZONING COMMISSION AND ITS POWERS; PROVIDING FOR NONCONFORMING SITUATIONS INCLUDING WAIVERS AND TERMINATIONS THEREOF; PROVIDING FOR A BOARD OF ADJUSTMENT AND DELEGATING POWERS THERETO; PROVIDING FOR ENFORCEMENT FOR VIOLATIONS BY ESTABLISHING A PENALTY FOR EACH VIOLATION, AND EACH DAY A VIOLATION CONTINUES WILL BE DEEMED A SEPARATE OFFENSE; AND PROVIDING FOR SEXUALLY ORIENTED BUSINESSES TO BE MOVED TO CHAPTER 6 ARTICLE 6.14 OF THE CODE OF ORDINANCES; AND PROVIDING FOR THIS ORDINANCE TO BE EFFECTIVE WITHIN 10 DAYS AFTER PUBLICATION THEREOF; PROVIDING FOR SEVERABILITY AND REPEALING CLAUSES.

WHEREAS, under the laws of the State of Texas, authority is conferred upon the City of Greenville to establish districts or zones within the City for the purpose of regulating the use of land and controlling the density of population to serve the public health, safety, convenience and general welfare of the community; and

WHEREAS, the Planning and Zoning Commission has recommended the boundaries of districts and appropriate regulations to be enforced therein, and public hearings as, required by law, have been held; and

WHEREAS, the passage, promulgation and enforcement of the provisions herein contained in Exhibit "A", "Zoning Ordinance", are deemed to be necessary for the promotion of the public health, welfare, safety, morals and general welfare of the people of the City; and

WHEREAS, a public hearing was held where people had an opportunity to be heard, and such hearing was held not less than fifteen 15 days after publication in the Herald Banner;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENVILLE, TEXAS:

SECTION 1. The City Council adopts the recitals set forth in Exhibit "A" as true and correct and are adopted herein verbatim as if fully set forth as length.

SECTION 2. The City Council approves this Ordinance, including Exhibit "A" attached, "Zoning Ordinance" and the same is adopted as if fully set forth herein.

SECTION 3. That Ordinances #333, 423, 706, 808, 1185, 1213, 1627, 1678, 1696, 1721, 2149, 2293, 2398, 2400, 2454, 2481, 90-100, or any other ordinances or part ordinances in conflict herewith (with the exception of Article VII A Sexually Oriented Businesses) are expressly repealed to the extent of such conflict with this ordinance.

SECTION 4. That Article VII-A, Sexually Oriented Businesses, is moved to Chapter 6, Business Regulations, Article 6.14 of the Code of Ordinances.

SECTION 5. That if any section, provision, subsection, paragraph, sentence, clause, phrase or word in this Ordinance or application thereof to any person or circumstance is held invalid by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council of the City of Greenville, Texas hereby declares it would have enacted such remaining portions, despite such invalidity.

SECTION 6. This Ordinance shall be in full force and effect on June 6, 2008.

PASSED AND APPROVED, this the 27th day of May, 2008.



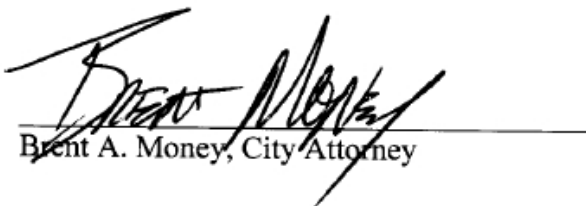
Thomas B. Oliver, Mayor

ATTEST:



Debra Newell, City Secretary

APPROVED AS TO FORM:



Brent A. Money, City Attorney

Article I. PURPOSE & AUTHORITY

Section 1-1: Short Title

This ordinance shall be known and may be cited as the "Greenville Zoning Ordinance," except as it may be referred to herein as the "Ordinance".

Section 1-2: Repeals and Enactment

- 1-2.1 This Ordinance is hereby enacted and shall be the zoning ordinance ~ for Greenville, Texas.
- 1-2.2 All ordinances, or parts of ordinances, inconsistent or in conflict with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.
- 1-2.3 The repeal of any ordinance does not revive any other ordinance, or portion thereof, repealed by said ordinance.
- 1-2.4 Such repeals shall neither affect nor prevent the prosecution or punishment of any person for the violation of any resolution repealed thereby, for an offense committed prior to repeal.

Section 1-3: Purpose

- 1-3.1 The zoning districts and regulations herein have been established in accordance with a comprehensive plan.
- 1-3.2 The purpose of this Ordinance is to promote the health, safety, community- accepted standard of morals, and general welfare of the residents of Greenville through the stated regulations of this Ordinance, with a view toward conserving the value of buildings and encouraging the most appropriate use of land throughout the city.
- 1-3.3 These regulations shall be the minimum requirements for administration, enforcement, procedures, restrictions, standards, uses, variances, and all other areas addressed by this Ordinance.

Section 1-4: Conflicting Provisions

- 1-4.1 Where a conflict exists between any limitation or requirement in this Ordinance and any applicable limitation or requirement contained elsewhere in this Ordinance, the more restrictive limitation or requirement shall prevail.
- 1-4.2 Where a conflict exists between the provisions of this Ordinance and any other ordinance, rule or regulation of the City of Greenville, the provisions of this Ordinance shall control.

Section 1-5: Jurisdiction

This Ordinance shall apply to all land located within the corporate boundaries of the City of Greenville.

Section 1-6: Authority

1-6.1 This Ordinance and the portions thereof are adopted pursuant to one or more of the following authorities: Articles 211, 801, 827, 961, 977, 991, 995, 996, 997, 1011, 1015, 1067, 1071, 1105, 1143, 1175, 1176, 4425, 4477, 5221, 6243, 6698, 6701, 6710, Vernon's Texas Civil Statutes and Articles 2.05, 3.05, 5.05, 6.02, Vernon's Annotated Texas Statutes, Election Code.

1-6.2 This Ordinance may be amended from time to time in accordance with the provisions of this Ordinance as required or allowed by subsequent legislative enactments.

Section 1-7: Compliance

1-7.1 No building, premises, or structure shall be constructed, erected, modified, converted, occupied, placed, maintained, or moved, and no land use shall be commenced, maintained, or modified except as specifically, or by necessary implication, authorized by this Ordinance.

1-7.2 Except as herein provided, no applicable permit shall be issued or granted that does not conform to the requirements of this Ordinance.

1-7.3 For development which has received any form of approval prior to the effective date of this Ordinance, this Ordinance shall not apply to that development to the extent that compliance with this Ordinance would require substantial changes in that approval already granted.

1-7.4 Nothing contained in this Ordinance shall require any change in the plans, construction or designated use of a building actually under construction at the time of the passage of this Ordinance and which entire building shall be completed within one year from the date of passage of this Ordinance.

Section 1-8: Severability

1-8.1 If any section, paragraph, clause, subsection, phrase or provision of this Ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

1-8.2 If any section, sentence, clause, phrase, or word of this Ordinance be held invalid or unconstitutional in its application to a particular case, such decision shall not affect or prejudice its application to other cases.

1-8.3 There shall be a conclusive presumption when an administrative officer or board authorizes regulatory action, that such officer or board would not have authorized such action except in the belief that such action was lawful.

Section 1-9: Cumulative

- 1-9.1 The requirements of this Ordinance are cumulative, and all requirements for development must be complied with prior to development.
- 1-9.2 In cases of mixed occupancy, the regulations for each use shall apply to that portion of the structure or land so used.
- 1-9.3 The applicable governing authority may approve any part of an application, approve other parts in stages, and/or deny other parts.

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Article II. DEFINITIONS & INTERPRETATIONS

Section 2 -1: Construction

2-1.1 For the purpose of this Ordinance, the terms in Section 2-2.3, phrases, words and their derivations shall have the meaning given therein. When not inconsistent with the context, words used in the present tense shall include the future tense; words in the plural number shall include the singular number (and vice versa); and words in the masculine gender shall include the feminine gender (and vice versa). When words and terms are defined therein, and are also defined in another City ordinance, they shall be read in harmony unless there exists an irreconcilable conflict, in which case the definition contained in this ordinance shall control. Definitions not expressly prescribed herein are to be determined in accordance with the City Subdivision Ordinance, with the definitions provided in specific sections of this Zoning Ordinance, or with customary usage in municipal planning and engineering practices. If no such customary usage exists, the definition found within the latest edition of Webster's Dictionary shall be used. The word "shall" is always mandatory, while the word "may" is merely directory.

2-1.2 Definitions Elsewhere Within This Ordinance. There may exist other definitions elsewhere within this Zoning Ordinance, in which case Subsection 2-2.1 shall also apply to the interpretation of those definitions. Refer to Section 5-4 for definitions pertaining to signage and sign regulations, and to Section 5-6 for definitions pertaining to telecommunications and related regulations.

Section 2 -2 Definitions

2-2.1 General Definitions.

- 1: ABANDONMENT: As related to nonconforming uses and structures, having been abandoned as described in Section 9-8 of this Ordinance.
- 2: ABUTTING: Having property or district lines in common, or two objects in immediate contact.
- 3: ACCESS: Means of approaching or entering a property. Includes a right of passage to and from an adjacent street, alley, or property.
- 4: ACCESSORY BUILDING: A building which is incidental and secondary to the primary use of the property and complies with all applicable building and zoning requirements.
- 5: ACCESSORY BUILDING, FARM: A structure, other than a dwelling, on a farm as herein defined, for the housing, protection or storage of the usual farm equipment, animals and crops.
- 6: ACCESSORY BUILDING, RESIDENTIAL: A subordinate building, the use of which is incidental to that of a principle building on the same plot. In a residential district, a subordinate building, attached or detached and used for a purpose customarily incidental to the main structure, such as a private garage for automobile storage; tool house, lath or greenhouse as a hobby, home workshop, children's playhouse, storage house or garden shelter, but not involving conduct of a business.
- 7: ACCESSORY DWELLING: A subordinate building that is detached from the primary on-site structure, is used as a residence, is incidental to the main structure (i.e., the building area must be significantly less

in square footage than the main structure), and is not involved in the conduct of a business. Such building complies with all applicable building and zoning requirements.

- 8: **ACCESSORY RESIDENTIAL USE OR STRUCTURE:** An accessory use or structure in a non-residential zoning district used to provide a residence for the owner, operator, manager, or caretaker of a business located on the premises.
- 9: **ACCESSORY USE:** A use subordinate to and incidental to the primary use of the main building or to the primary use of the premises.
- 10: **ADDITION:** As related to a building, an extension or increase in floor area or height of an existing building or structure.
- 11: **ADULT ENTERTAINMENT ENTERPRISE:** A Sexually Oriented Business as defined in State Law.
- 12: **AIRPORT, LANDING FIELD OR HELIPORT:** A landing facility for fixed and rotary wing aircraft. Such facility is subject to approval by the City of Greenville and includes a terminal, fueling and repair facilities, and storage facilities.
- 13: **ALLEY:** A public space or thoroughfare which affords only secondary means of access to property whose principal frontage is on a public street or officially approved place.
- 14: **ALTERED or ALTERATION:** Any change, modification or transformation.
- 15: **ALTERNATIVE FINANCIAL SERVICES:** A check cashing business, payday advance or loan business, money transfer business, car title loan business, or any other similar businesses engaged in non-traditional short-term lending.
- 16: **AMENDED SITE PLAN:** A site plan that is approved by the Community Development Director and that is based on minor changes to a previously approved site plan. See Section 8-3.
- 17: **AMUSEMENTS, COMMERCIAL (INDOORS):** An amusement enterprise wholly enclosed in a building that is treated acoustically so the noise generated by the enterprise is not perceptible at the bounding property line. Such enterprises include, but are not limited to, bowling alleys or billiard parlors.
- 18: **AMUSEMENTS, COMMERCIAL (OUTDOORS):** An amusement enterprise offering entertainment or games of skill to the general public for a fee or charge wherein any portion of the activity takes place in the open. Such enterprises include, but are not limited to, golf driving ranges, archery ranges and miniature golf courses.
- 19: **ANTIQUÉ SHOP:** An establishment offering for sale, within a building, articles such as glass, china, furniture or similar furnishings and decorations which have value and significance as a result of age, design or sentiment.
- 20: **APARTMENT:** See MULTI-FAMILY DWELLING.
- 21: **ARCHITECTURAL PRODUCTS MANUFACTURE:** Establishments primarily engaged in the manufacture of a variety of cast stone architectural products including: door and window surrounds, fountains, planters, statuary mantels, wall caps, finials, quoins, keystones, lintels, arches, interior products,

molding, ceilings medallions, niches, bollards, benches, pool copings, sundials, and paving.

- 22: **ART GALLERY OR MUSEUM:** An institution for the collection, display and distribution of objects of art or science, sponsored by a public or quasi-public agency and open to the general public.
- 23: **ART STUDIO AND/OR GALLERY:** Where objects of art are created or displayed for the public enrichment or where said objects of art are displayed for sale (including the teaching of both painting and sculpting).
- 24: **ARTICULATION:** An interruption/differentiation of the building wall plane with either a recess (concavity) or an offset (convexity) that projects away from the building wall plane by a measurable distance.
- 25: **ASSISTED LIVING FACILITY:** A congregate residence facility for four (4) or more elderly (over 55 years of age) persons, regardless of legal relationship, who need limited assistance with daily living activities. A limited number of support services such as meals, laundry, housekeeping, transportation, social/recreational activities, hairdressing, etc. may be provided or associated with the assisted living facility. Units may be attached or detached, single- or double-occupancy, and may include limited or full kitchen facilities. Full-time medical or nursing care is not typically provided by the facility, but may be privately arranged for by individual residents on a part-time or temporary basis (e.g., visiting nurses, etc.).
- 26: **AUTO ACCESSORIES AND/OR PARTS, RETAIL SALES (ONLY):** The use of any building or other premises for the primary inside display and sale of new or used accessories and/or parts for automobiles, panel trucks or vans, trailers, or recreation vehicles. This definition expressly does not include a “Wrecking or Salvage Yard”; this is separately defined herein.
- 27: **AUTO LUBRICATION:** A business primarily engaged in furnishing automobile oil changes, state inspections, and emission testing, without repair offering auto repair services
- 28: **AUTO RENTAL:** A business establishment that provides for the renting of automobiles and light trucks on a short-term basis (differentiated from leasing, which is on a long-term basis). This may also involve the incidental storage of the automobiles and light trucks being rented.
- 29: **AUTOMOBILE REPAIR GARAGE:** Any building or part thereof in which automobiles and light trucks are repaired or maintained. An automobile repair garage does not include any facility at which customer's vehicles are refueled.
- 30: **AUTO/BOAT SALES, NEW OR USED:** A paved area for the display for sale of motorized and non-motorized vehicles and/or boats accompanied by an on-site office with staffing during normal business hours.
- 31: **AUTOMOBILE STORAGE YARD:** A business in which a building or parcel of land is used for temporary storage of vehicles or small boats., provided that there shall be no dismantling on the premises and all outside storage areas shall be enclosed by a screening device.
- 32: **AUTOMOBILE WASH, FULL-SERVICE/DETAIL SHOP:** Washing, waxing or cleaning of automobiles or light duty trucks where the owner of the vehicle does not actually wash the vehicle. The owner either leaves the vehicle and comes back to retrieve it later, or the owner waits in a designated area while employees of the car wash facility vacuum, wash, dry, wax and/or detail the vehicle for a fee.

- 33: **AUTOMOBILE WASH, SELF-SERVICE:** Washing, waxing or cleaning of automobiles or light duty trucks where the owner of the vehicle causes the vehicle to become washed. One type of unattended car wash facility utilizes automated self-service (drive-through/rollover) wash bays and apparatus in which the vehicle owner inserts money or tokens into a machine, drives the vehicle into the wash bay, and waits in the vehicle while it is being washed. The other type of unattended facility is comprised of wand-type self-service (open) wash bays in which the vehicle owner drives the vehicle into the wash bay, gets out of the vehicle, and hand washes the vehicle with a wand-type apparatus by depositing coins or tokens into a machine.
- 34: **ALTERNATIVE PERSONAL SERVICES:** An establishment where the primary use of the building or lease space includes any of or any combination of the following: fortunetelling establishment, tattoo parlor, body or piercing parlors, or head shops. This definition shall not include massage therapy or acupuncture clinics, cigar or cigarette shops, or permanent cosmetics as part of a beauty salon. An Alternative Personal Services establishment must possess a Certificate of Occupancy and thus cannot operate as a use secondary to a primary business.
- 35: **BAIL BOND SERVICES:** The use of a site by a licensed bail bond surety to provide bail bond services regulated by Texas Occupations Code Chapter 1704. The use does not include bail bond services that are provided by an attorney and that are exempt from the state licensure requirement under Texas Occupations Code Section 1704.163.
- 36: **BARBER OR BEAUTY SHOP:** A commercial business establishment wherein cosmetology is offered or practiced on a regular basis for compensation. Services may include hair cutting, hair coloring and styling, manicure/pedicure services, facial make-up services, body hair removal using techniques including but not limited to electrolysis or waxing techniques, and the occasional application (i.e., as an accessory use) of “permanent cosmetics” involving injecting dyes/inks into the skin for the sole purpose of adding typical facial features and details such as eyebrows, eyeliners and lip-lines. Injection of dyes is limited to the face only, and any use of inking artistic designs to any other part of the body is not included within this definition. All services offered must be properly permitted through the appropriate governmental agency(s) such as the Texas Department of Health, etc.
- 37: **BASEMENT:** A building story which is partly underground, but having at least one-half of its height above the average level of the adjoining ground.
- 38: **BED AND BREAKFAST INN:** An owner occupied or manager occupied residential structure where temporary lodging is provided and meals are prepared for overnight guests only.
- 39: **BIRTHDAY PARTIES (CHILDREN’S):** A business primarily involved in hosting birthday parties for children ages thirteen (13) and under.
- 40: **BLOCK:** An area enclosed by streets and occupied by or intended for buildings. If used as a term of measurement, it shall mean the distance along a side of a street between the nearest two streets which intersect said street on said side.
- 41: **BOARD:** The Zoning Board of Adjustment.
- 42: **BOARDING OR ROOMING HOUSE:** A building, other than a hotel, where lodging for four (4) or more persons, with or without meals, is provided for compensation. Lodging is usually provided for an extended period of time, such as a week or more.

- 43: **BUILDING:** Any structure built for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind. When subdivided by dividing walls without openings, each portion so subdivided may be deemed a separate building.
- 44: **BUILDING COVERAGE:** The percent of a lot or tract covered by the roof or first floor of all buildings or structures located on the lot or tract. Roof eaves to the extent of two (2) feet from the walls of a building shall be excluded from building coverage computations.
- 45: **BUILDING ENDS:** Those sides of a building having the least dimension as compared to the front or rear of a building. With regard to multi-family dwelling units, may be interpreted as being the most narrow side of a building regardless of whether it fronts upon a street, faces the rear of the lot or is adjacent to the side lot line or another building.
- 46: **BUILDING HEIGHT:** The vertical distance of a building measured from the average established grade at the street line or from the average natural front yard ground level, whichever is higher, to: (1) the highest point of the roofs surface if a flat surface; (2) the deck line of mansard roofs; or (3) the mean height level between eaves and ridge for hip and gable roof. Measurements shall exclude chimneys, cooling towers, elevator bulkheads, penthouses, tanks, water towers, radio towers, ornamental cupolas, domes or spires, and parapet walls not exceeding ten (10) feet in height. If the street grade has not been officially established, the average front yard grade shall be used for a base level.
- 47: **BUILDING LINE:** A line parallel or approximately parallel to the street line at a specified distance therefrom marking the minimum distance from the street line that a building may be erected.
- 48: **BUILDING, PRINCIPAL:** A building in which the principal use of the plot on which it is situated is conducted. In any residential district any structure containing a dwelling unit shall be deemed to be the principal building on the plot on which the same is situated.
- 49: **BUILDING STORY:** The height between the successive floors of a building, or from the top floor to the roof.
- 50: **CARGO TRAILER SALES OR RENTAL:** A lot or area for the storage of trailers designed to be towed behind passenger cars for the transport of cargo.
- 51: **CERTIFICATE OF OCCUPANCY:** An official certificate issued by the City of Greenville through the enforcing official, indicating conformance with or approved conditional waiver from zoning regulations, and authorizing legal use of the premises for which it is issued.
- 52: **CHILD DAY CARE CENTER (BUSINESS):** A licensed operation providing care for seven (7) or more children under fourteen (14) years of age for less than 24 hours a day at a location other than the permit holder's home. This definition is in conformance with Texas State law, Chapter 745, Licensing, Subchapter B, Child Day-Care Operations Chart.
- 53: **CHILD DAY NURSERY:** Also commonly referred to as a *Registered Family Home* or *Child Care in a Place of Residence*. A facility that regularly provides care in the caretaker's own residence for not more than six (6) children under thirteen (13) years of age, excluding the caretaker's own children. Child day care can be provided for six (6) additional children before and/or after the customary school day. However, the total number of children, including the caretaker's own, provided care at such facility does not exceed twelve (12) at any given time. This definition is in conformance with Texas State law,

Chapter 745, Licensing, Subchapter B, Residential Child-Care Operations Chart.

- 54: CHURCH/TEMPLE/PLACE OF WORSHIP: A building or site designed and used for regular assembly for religious public worship, along with accessory activities which are customarily associated therewith, such as a place of residence for ministers, priests, nuns or rabbis on the premises, and that is tax exempt as defined by State law. For the purposes of this ordinance, Bible study and other similar activities which occur in a person's primary residence shall not apply to this definition. Also see *Institution of Religious or Philanthropic Nature*.
- 55: CITY: The City of Greenville, Texas.
- 56: CITY COUNCIL: The governing body of the City of Greenville.
- 57: CITY MANAGER: Chief administrative officer of the City of Greenville.
- 58: CITY OR GOVERNMENT BUILDING, SHOP, OR YARD: Facilities such as office buildings, maintenance yards, or shops required by branches of local, state, or federal government for service to an area, such as highway department yard or city service center.
- 59: CITY PLANNER: The person designated as the one responsible for the administration and enforcement of the City of Greenville's zoning and building codes, or his designee. Also referred to within this Ordinance as the Community Development Director.
- 60: CLEANING OR LAUNDRY, DRYCLEANING BUSINESS: See LAUNDRY/DRY CLEANING (RETAIL - DROP OFF/PICK UP).
- 61: CLEANING OR LAUNDRY, SELF-SERVICE: See LAUNDROMAT (SELF-SERVICE LAUNDRY).
- 62: COLLEGE, UNIVERSITY OR PRIVATE SCHOOL: An academic institution of higher learning accredited or recognized by the state and offering a program or series of programs of academic study.
- 63: COMMISSION: The Planning and Zoning Commission of the City of Greenville.
- 64: COMMUNITY CENTER (PUBLIC): A building and grounds owned and operated by a governmental body for the social, recreational, health or welfare of the community served.
- 65: COMMUNITY DEVELOPMENT DIRECTOR: The Director of the City's Community Development Department, and the person designated as the one responsible for the administration and enforcement of the City of Greenville's zoning and building codes, or his designee. Also referred to within this Ordinance as the City Planner.
- 66: COMMUNITY HOME FOR DISABLED PERSONS: A residential living facility that provides food and shelter, personal guidance, care, habilitation services, and supervision for not more than six (6) persons with disabilities. No more than two (2) supervisors reside within the facility with the six disabled persons at the same time. Such facility meets the requirements of the Texas Human Resources Code (Chapter 123, Community Homes for Disabled Persons Location Act), and/or other applicable State laws.
- 67: CONTRACTOR STORAGE YARD: An outside portion of the lot or parcel upon which a construction contractor maintains its principal office or a permanent business office. This outside portion is used to

store and maintain construction equipment and other materials customarily used in the trade carried on by the construction contractor.

68: CONVALESCENT HOME: See Nursing Home.

69: CONVENIENCE STORE, WITH OR WITHOUT GASOLINE SALES: Retail establishment selling food for off-premises consumption and a limited selection of groceries and sundries, including gasoline if pumps are provided. Does not include or offer any automobile repair services.

70: COUNTRY CLUB (PRIVATE): An area of twenty (20) or more acres containing a golf course and a club house, and available only to private, specific membership. Such a club may contain adjunct facilities such as a private club, dining room, swimming pool, tennis courts and similar recreational or service facilities.

71: COVERAGE: See Building Coverage.

72: CUL-DE-SAC: A minor street having but one vehicular access to another street and terminated by a vehicular turn-around.

73: CUSTOM CRAFT (FABRICATION AND ASSEMBLY): Businesses primarily involved in crafting, fabricating, or assembling finished goods where the crafting, fabrication, or assembly, requires the application of an individual's craft or skill. Examples include but are not limited to saddle shops, sewing shops, and custom cabinetry or furniture manufacture. This category does not include the fabrication, assembly, or manufacture of products or materials that do not constitute finished goods or that must be further assembled, altered, or processed, before they can be purchased, used, and enjoyed by the end consumer.

74: CUSTOM PERSONAL SERVICE: Tailor, dressmaker, shoe shop or similar shop offering custom service.

75: DANCE HALL OR NIGHT CLUB: An establishment offering to the general public facilities for dancing and entertainments for a fee and subject to licensing and regulation by the City of Greenville.

76: DAY CAMP FOR CHILDREN: A facility arranged and conducted for organized recreation and instruction of children on a daytime basis. Such recreation includes outdoor activities.

77: DAY CARE FACILITY, ADULT: A facility that provides services under an adult day-care program on a daily or regular basis, but not overnight, to four (4) or more elderly or handicapped persons who are not related by blood, marriage, or adoption to the owner of the facility. This facility conforms to all regulations set forth by the Texas Human Resources Code (Chapter 103, Adult Day Care), and/or other applicable State laws.

78: DEPTH OF LOT: See Lot Depth.

79: DISTRIBUTION FACILITY FOR RECYCLING CONTAINERS: A facility or center used for the distribution of trash bags or recycling containers not exceeding ninety (90) gallons.

80: DISTRICT: As used in relation to zoning, a section of the city for which the regulations governing the area, height or use of the land and buildings are uniform..

- 81: **DRY DOG AND CAT FOOD MANUFACTURING FACILITIES:** Establishments primarily engaged in manufacturing dry dog and cat food from cereal, meat products, and other ingredients.
- 82: **DWELLING UNIT:** A building or portion of a building which is arranged, occupied, or intended to be occupied as living quarters and includes facilities for food preparation and sleeping.
- 83: **ERECT:** To build, construct, attach, hang, place, suspend or affix. The term includes the painting of wall signs.
- 84: **FAMILY:** Any number of individuals living together as a single housekeeping unit, in which not more than three (3) individuals are unrelated by blood, marriage or adoption.
- 85: **FAMILY CARE HOME:** A facility providing 24-hour care in a protected living arrangement for not more than six (6) residents with certain physical or mental impairments and not more than two (2) supervisory personnel. This classification is limited to homes for the care of persons suffering from orthopedic, visual, speech, or hearing impairments, Alzheimer's disease, pre-senile dementia, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, autism, or emotional illness. This classification does not include homes for persons with the above-listed impairments located within one-half mile of a previously-existing family care home.
- 86: **FARM AND PET STORES:** A business primarily engaged in the housing and selling of small household animals and common farm animals; however this business is specifically prohibited from selling 1) any wild animal as defined by the Code of Ordinances of the City of Greenville; 2) any exotic animal as that term is defined by the United States Department of Agriculture; and 3) any large exotic bird including, but not limited to, ostriches and emus. This business may also include the sale of feed and some produce, including fruits, vegetables, hay and other types of similar produce.
- 87: **FARM, RANCH, GARDEN OR ORCHARD:** An area of five (5) acres or more which is used for growing usual farm products, vegetables, fruits, trees and grain and for the raising thereon of the usual farm poultry and farm animals such as horses, cattle and sheep. Such activity includes necessary accessory uses for raising, treating and storing products raised on the premises, but does not include the feeding of offal and garbage to swine and other animals. Such use does not include any type of agriculture or husbandry specifically prohibited by ordinance or law.
- 88: **FINAL PLAT** (also may be referred to as a “RECORD PLAT” or “AS-BUILT PLAT”): The one official and authentic map of any given subdivision of land prepared from actual field measurement and staking of all identifiable points by a Registered Professional Land Surveyor (RPLS) with the subdivision location referenced to a survey corner, and with all boundaries, corners and curves of the land division sufficiently described so that they can be reproduced without additional references. An Amending Plat is also a Final Plat The one official and authentic map of any given subdivision of land prepared from actual field measurement and staking of all identifiable points by a Registered Professional Land Surveyor (RPLS) , with the subdivision location referenced to a survey corner, and with all boundaries, corners and curves of the land division sufficiently described so that they can be reproduced without additional references. An Amending Plat is also a Final Plat.
- 89: **FLOOR AREA:** The total square feet of floor space within the outside dimensions of a building, including each level but excluding cellars, carports or garages.

- 90: FLOOR AREA RATIO (FAR): The ratio between the total square feet of floor area in a structure and the total square feet of land in the lot or tract on which the structure is located.
- 91: FURTUNETELLING ESTABLISHMENT: Any establishment where any person, firm, association, or corporation engages in, carries on, or permits to be engaged in or carried on, any of the following activities: the telling of fortunes, forecasting of futures, or reading the past, by means of any occult, psychic power, faculty, force, clairvoyance, cartomancy, psychometry, phrenology, spirits, tea leaves, tarot cards, scrying, coins, sticks, dice, sand, coffee grounds, crystal gazing or other such reading, or through mediumship, seership, prophecy, augury, astrology, palmistry, necromancy, mindreading, telepathy or other craft, art, science, talisman, charm, potion, magnetism, magnetized article or substance, or by any such similar thing or act.
- 92: FOSTER GROUP HOME: A private group home that provides foster care to children in Texas Department of Family Protective Services conservatorship and is certified to care for at least seven (7) but no more than twelve (12) children, including the children of the foster family and children for whom the family provides regular part-time day care.
- 93: GASOLINE OR FUEL SERVICE STATION: A building or parcel of land at which customer's vehicles are refueled from a system of underground tanks and pipes and at which other automotive service are available.
- 94: HALFWAY HOUSE: A residential facility licensed by the State of Texas providing shelter, supervision and residential rehabilitation services for persons who have been inmates of any county, state or federal correctional institution or residents in a mental hospital, and released, and require a group setting to facilitate the transition to a functional member of society.
- 95: HAULING OR STORAGE COMPANY: A company using trucks or other heavy load vehicles to transport goods, equipment and similar products. This definition includes companies that move residential or commercial belongings.
- 96: HEAD SHOP: A retail outlet which specializes in drug paraphernalia related to consumption of cannabis, other recreational drugs, and New Age herbs, as well as counterculture art, magazines, music, clothing, and home décor.
- 97: HEAVY LOAD VEHICLE: A self-propelled vehicle having a Manufacturer's Recommended Gross Vehicle Weight (GVW) of greater than 11,000 pounds (including trailers), such as large recreational vehicles (originally manufactured as RVs, not converted), tractor-trailers, buses, vans, and other similar vehicles. The term "truck" shall be construed to mean "Heavy Load Vehicle" unless specifically stated otherwise.
- 98: HEIGHT: See Building Height.
- 99: HOME OCCUPATION: An occupation carried on in the home by a member of the occupant's family residing on the premises, without the employment of additional persons, where the use is carried on in the main structure only and there is no separate entrance for the use.
- 100: HOSPITAL (ACUTE CARE): An institution where sick or injured patients are given medical or surgical treatment intended to restore them to health and an active life, and which is licensed by the state.

- 101: HOSPITAL (CHRONIC CARE): An institution where those persons suffering from illness, injury, deformity, or deficiency of age are given care and treatment on a prolonged or permanent basis and which is licensed by the state.
- 102: HOTEL OR MOTEL: A building or group of buildings designed and occupied as a temporary abiding place of individuals. To be classified as a hotel or motel, an establishment shall contain a minimum of six (6) individual guest rooms or units and shall furnish customary hotel services such as linen, maid service, telephone, use and upkeep of furniture.
- 103: HUD-CODE MANUFACTURED HOME: A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one (1) or more sections, which, in the traveling mode is eight (8) body feet or more in width or forty (40) feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and including the plumbing, heating, air-conditioning, and electrical systems.
- 104: INDUSTRIALIZED HOUSING (Also referred to as MODULAR PREFABRICATED STRUCTURE or MODULAR HOME): A structure or building module as defined under the jurisdiction and control of the Texas Department of Labor and Standards, that is transportable in one or more sections on a temporary chassis or other conveyance device, and that is designed to be installed and used by a consumer as a fixed residence on a permanent foundation system. The term includes the plumbing, heating, air-conditioning and electrical systems contained in the structure. The term does not include mobile homes or HUD-Code manufactured homes as defined in the Texas Manufactured Housing Standards Act (Article 5221f, V.A.C.S.)
- 105: INDUSTRIAL PROCESSES NOT PROHIBITED: Any manufacturing, industrial servicing or storage process not prohibited by law or classified otherwise by this Ordinance; provided that the following uses are prohibited:
- (1) Poultry Processing;
 - (2) Acid manufacture;
 - (3) Ammonia manufacture;
 - (4) Carbon black manufacture;
 - (5) Cement, lime, gypsum or plaster of Paris manufacture;
 - (6) Chlorine manufacture;
 - (7) Cotton gin or compress;
 - (8) Explosives storage or manufacture;
 - (9) Petroleum and petroleum products refining and manufacture;
 - (10) Glue or fertilizer manufacture;

- (11) Petroleum tank farm;
- (12) Petrochemical plant;
- (13) Rendering plant;
- (14) Tanning, curing, treating or storage of skins or hides;
- (15) Any use which, due to the possible emission of excessive smoke, noise, gas, fumes, dust, odor or vibration or danger of explosion or fire, is presently or in the future determined a hazard and subject to special control.

106: INDUSTRIAL USE: Any use permitted by this Ordinance in the 1-2, Heavy Industrial District.

107: JUNK: Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

108: JUNKYARD: See Automobile Salvage or Wrecking Yard.

109: KENNEL, COMMERCIAL: Any business or establishment, not otherwise defined herein, whether operated separately or in connection with another business or establishment that keeps, boards, sells, shows, and/or trains dogs and/or cats for profit.

110: KINDERGARTEN OR NURSERY: See CHILD DAY CARE CENTER (BUSINESS) and CHILD DAY NURSERY.

111: LANDSCAPING AND IRRIGATION CONTRACTOR SHOP: Businesses primarily engaged in providing a variety of landscaping services including the installation of outdoor irrigation systems. All equipment and materials (except vehicles), shall be stored in a manner so that they are concealed from public view. Business primarily engaged in retail sales of lawn, garden, and irrigation supplies are classified separately; see NURSERY (in relation to landscaping sales).

112: LAUNDROMAT (SELF-SERVICE LAUNDRY): A facility where patrons wash, dry or dry clean clothing and other fabrics in machines that are operated by the patron.

113: LAUNDRY/DRY CLEANING (RETAIL-DROP OFF/PICK UP): A facility used for the purpose of receiving articles or goods of fabric to be subjected to the on-site processes of laundering and/or pressing of any such articles or goods that have been subjected to laundering. The process of dry cleaning does not occur on-site, dry cleaning occurs elsewhere.

114: LIGHT FABRICATION AND ASSEMBLY PROCESSES: Including the manufacture of jewelry, trimming decorations and any similar item not involving the generation of noise, odor, vibration, dust or hazard.

115: LIGHT FABRICATION AND ASSEMBLY – RETAIL: Businesses using light fabrication and assembly processes to produce goods such as jewelry, trimming decorations, clothing, and other products fabricated by cutting and sewing purchased textile fabrics, leather, and other related or similar materials; where no more than eighty (80) percent of the floor area of any building occupied by such a business is used for

fabrication and assembly, and at least twenty (20) percent of the floor area is devoted to the display and retail sales of fabricated goods and other merchandise.

116: LIGHT MANUFACTURING PROCESSES: Manufacturing process which do not emit detectable dust, odor, smoke, gas or fumes beyond the bounding property lines of the lot or tract upon which the use is located and which do not generate noise or vibration at the boundary of the lot or tract which is generally perceptible in frequency or pressure above the ambient level of noise in the adjacent areas. Such uses include but are not limited to:

- (1) Woodworking and planing mill with dust and noise control;
- (2) Textile manufacture with dust and odor control;
- (3) Ceramic and pottery manufacture with dust, odor and fume control;
- (4) Plastic products manufacture with dust and fume control;
- (5) Grain processing with hoods, dust and odor controls;
- (6) Paint, oil, shellac and lacquer manufacture when hoods and fume destructors are used in the cooking process;
- (7) Electroplating or battery making with acid, fume and odor controls; and
- (8) Manufacturing or industrial operations of any type which meet the general conditions set forth above and which are not offensive by the reason of emission of noise, odor, smoke, gas, fumes, dust, glare or the creation of a hazard, but specifically excluding the prohibited uses listed under the definition Industrial Uses Not Prohibited.

117: LIVING UNIT: A room or rooms occupied by a family and including cooking facilities.

118: LOCAL UTILITY LINE: The facilities provided by a municipality or a franchised utility company for the distribution or collection of gas, water, surface drainage water, sewage, electric power, cable service, internet service, and/or telephone service.

119: LODGING HOUSE: See Boarding or Rooming House.

120: LOT: Land occupied or to be occupied by a building and its accessory buildings, and including such open spaces as are required under this Ordinance and with its principal frontage upon a public street or, in the case of a single-family attached residential development or in the case of office or business development in a Planned Development District, with its principal frontage upon a public street or officially approved place.

121: LOT AREA: The net horizontal area of the lot, not including portions of streets and alleys.

122: LOT DEPTH: The mean distance between the front and rear lot lines.

123: LOT LINES: The lines bounding a lot as defined herein.

124: LOT OF RECORD: A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Clerk of Hunt County, or a parcel of land, the deed for which is recorded in the office of the County Clerk of Hunt County prior to the adoption of ordinance number 706.

125: LOT WIDTH: The width of a lot at the front building line.

126: MAIN BUILDING: See Building, Principal.

- 127: MAJOR PLAT: Any plat not classified as a Minor Plat, including but not limited to subdivisions of more than four (4) lots, or any plat that requires the construction of a new street (or portion thereof) or the extension of a municipal facility as required by City ordinance.
- 128: MESSAGE ESTABLISHMENT: Any place of business in which massage therapy is practiced by a licensed massage therapist, as defined and licensed by the Texas Department of State Health Services; or a school, which is accredited or certified by a national academic accreditation organization, and which maintains an educational program training persons in the necessary skills and knowledge to obtain a state license as a massage therapist. The term includes a place of business that advertises or offers any service described by a derivation of the terms "massage therapy" or "other massage services."
- 129: MESSAGE THERAPY: The manipulation of soft tissue by hand or through a mechanical or electrical apparatus for the purpose of body massage and includes effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes, and Swedish gymnastics. Massage therapy may include the use of oil, lubricant, salt glow, a heat lamp, a hot and cold pack, or a tub, shower, jacuzzi, sauna, steam, or cabinet bath. Massage therapy may include therapeutic procedures, but specifically do not include the diagnosis or treatment of illness or disease, or a service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.
- 130: MINOR PLAT: A subdivision resulting in four (4) or fewer lots, provided that the plat does not create any new street nor the extension of any municipal facilities to serve any lot within the subdivision.
- 131: MANUFACTURED HOUSING: Any one of three types of prefabricated housing products which are typically manufactured or assembled at a location other than the end user's permanent site, and which are regulated by the Texas Manufactured Housing Standards Act (Article 5221f and 5221f-1, V.A.C.S.). For the purpose of this Ordinance, there are three types of manufactured homes:
- a. MOBILE HOME - A movable dwelling designed to be transported on its own chassis on the highway (either intact or in major sections) by a prime mover, which is constructed with a base section so as to be independently self-supporting, and which does not require a permanent foundation for year-round living. A mobile home is also defined as any manufactured home that was constructed prior to June 15, 1976.
 - b. HUD-CODE MANUFACTURED HOME - A movable dwelling designed to be transported on the highway, either intact or in major sections, by a prime mover, which can be used as a residential dwelling either with or without a permanent foundation. A HUD-Code manufactured home is also defined as a movable manufactured home that was constructed after June 15, 1976.
 - c. SINGLE-FAMILY INDUSTRIALIZED HOME (also called Modular Prefabricated Structure or Modular Home) - A structure or building module as defined under the jurisdiction and control of the Texas Department of Labor and Standards, that is transportable in one or more sections on a temporary chassis or other conveyance device, and that is designed to be installed and used by a consumer as a fixed residence on a permanent foundation system. The term includes the plumbing, heating, air-conditioning and electrical systems contained in the structure. The term does not include mobile homes or HUD-Code manufactured homes as defined in the Texas Manufactured Housing Standards Act (Article 5221f, V.A.C.S.). Industrialized homes must meet all applicable local codes and zoning regulations that pertain to construction of traditional site constructed ("stick built") homes.

- 132: **MATERIAL RECYCLING COLLECTION CONTAINER:** An accessory structure used solely for the collection and/or temporary storage of used clothing, aluminum or tin cans, glass, paper or plastics which will be distributed to a material recycling facility or other processing or distribution facility. A material recycling collection container shall be located and maintained in the manner prescribed in Section 5-2.12.
- 133: **MATERIAL RECYCLING FACILITY:** A facility or establishment used for, or involved in, the collecting, storage, sorting, crushing, breaking up, shredding, compacting, baling, palletizing or wholesale distribution of waste or scrap aluminum or tin cans, glass, paper or plastics and for the collection of tires, motor oil and batteries. Such facility shall not accept or process motor vehicles or motor vehicle parts or accessories (except as noted above), ferrous metal scrap, textile waste or hazardous waste. A material recycling facility shall be located and maintained in the manner prescribed in Section 5-2.12.
- 134: **MEDICAL OR DENTAL CLINIC:** A group of offices for one or more physicians, surgeons, or dentists, to treat sick or injured outpatients who do not remain overnight.
- 135: **MOBILE COLLECTION CENTER FOR SECONDHAND GOODS:** A truck, van, trailer or other vehicle used solely for the collection, sorting and/or temporary storage of used clothing, furniture and appliances which will be distributed to persons or other processing centers for secondhand goods. A collection center for secondhand goods shall be located and maintained in the manner prescribed in Article VIII, Section 8-8.
- 136: **MANUFACTURED HOME PARK:** A parcel of land not less than three (3) acres nor greater than thirty-five (35) acres which is designed, improved, or intended to be used for short- or long-term occupancy by Permitted manufactured homes in designated spaces. The park may include a residence for the owner or manager of the premises, utility hook-ups, accessory structures, playgrounds and open space areas, fenced yard areas for pets, and other similar amenities.
- 137: **MANUFACTURED HOME SPACE:** An area within a manufactured home park which is designed and designated as the location for a single Permitted manufactured home and the exclusive use of its occupants.
- 138: **MOBILE REDEMPTION CENTER:** A truck, van, trailer or other vehicle used solely for the collection, sorting and/or temporary storage of used aluminum or tin cans, plastic, glass or paper and for which cash refund or redeemable coupons may be issued. A mobile redemption center shall be located and maintained in the manner prescribed in Article VIII, Section 8-8.
- 139: **MOVIE (MOTION PICTURE) THEATER:** An indoor establishment charging admission to the general public for the privilege of observing a motion picture performance. Live or televised performances may also be shown to the public on a limited basis.
- 140: **MOTEL:** See Hotel or Motel.
- 141: **MULTI-FAMILY DWELLING:** A room or suite of rooms in a multi-family project or apartment house arranged, designed or occupied as a place of residence by a single family, individual or group of individuals.
- 142: **MULTI-FAMILY USE:** Any building or portion thereof, which is designed, built, rented, leased or let to be occupied as three (3) or more dwelling units or apartments, or which is occupied as a home or place of residence by three (3) or more families living in independent dwelling units.

- 143: MUSEUM: See Art Gallery or Museum.
- 144: NAME PLATE: See Sign, Name Plate.
- 145: NIGHT CLUB: See Dance Hall or Night Club.
- 146: NONCONFORMING STRUCTURE: A structure lawfully occupied at the time of the effective date of this Ordinance or amendments thereto, and which does not conform to the use regulations of the district in which it is situated. Refer to Section 9-2 of this Zoning Ordinance.
- 147: NONCONFORMING USE: A use of land that was lawful at the time of the effective date of this Ordinance or amendments thereto, and which does not conform to the use regulations of the district in which it is situated. Refer to Section 9-2 of this Zoning Ordinance.
- 148: NURSERY (in relation to child care): See Kindergarten or Nursery.
- 149: NURSERY (in relation to landscaping sales): A business establishment, including a building, part of a building or outdoor area, primarily engaged in the growth, display or sale of plants, shrubs, trees, irrigation supplies, and other materials used in indoor or outdoor planting.
- 150: NURSING HOME: (Also referred to as *Convalescent Home*, *Long-Term Care Facility* or *Skilled Nursing Facility*.) A facility providing primarily in-patient health care, personal care, or rehabilitative services over a long period of time to persons who are chronically ill, aged or disabled and who need ongoing health supervision but not hospitalization. Also see ASSISTED LIVING FACILITY.
- 151: OCCUPANCY: The use or intended use of the land of buildings by proprietors or tenants.
- 152: OFF-STREET PARKING (ACCESSORY): Off-street parking spaces provided in accordance with the requirements specified by this Ordinance.
- 153: OPEN SPACE: Property designated for recreational use, including a public park, private park, play lot, plaza or ornamental area intended for use or enjoyment by people. Open space does not include streets, alleys, utility easements, or required setbacks.
- 154: ORCHARD: See Farm, Ranch, Garden or Orchard.
- 155: OUTSIDE DISPLAY: Outside temporary display of finished goods that are specifically intended for retail sale.
- 156: OUTSIDE STORAGE: The keeping, displaying or storing, outside a building, of any goods, materials, merchandise or equipment on a lot or tract for more than twenty-four (24) hours. Also referred to as outside storage. For the purpose of this definition, “outside” shall mean any area without a roof covering, regardless of whether the area is enclosed or partially enclosed with walls.
- 157: PARK OR PLAYGROUND (PUBLIC): An open recreation facility or park owned and operated by a public agency, such as the municipal park department or school board and available to the general public.
- 158: PARKING (COMMERCIAL): An area or structure devoted to the parking or storage of motor vehicles or trailers for a fee, but not including an auto impoundment yard, a wrecking yard or an auto salvage yard.

Such use may include, in the case of a parking structure only, a facility for servicing of motor vehicles, provided such facility is primarily an internal function for use only by motor vehicles occupying the structure and creates no special problems of ingress or egress:

- 159: PARKING SPACE: An enclosed or unenclosed all-weather, dust-free, surfaced area of not less than one hundred eighty (180) square feet, measuring approximately nine (9) feet by twenty (20) feet, not on a public street or alley, together with an all-weather surfaced driveway connecting the area with a street or alley permitting free ingress and egress, without encroaching on the street or alley.
- 160: PATIENT HOME (DRUGS OR MENTAL): An institution offering resident or out patient treatment to chemically-dependent or mental patients.
- 161: PATIO HOME DWELLING: A single-family detached dwelling constructed with one wall on the lot line, but not physically connected to a building located on any other lot.
- 162: PAVEMENT WIDTH: The improved portion of a street as measured from the back of one curb, extending across the paved surface to the back of the opposite street curb.
- 163: PAWNSHOP: An establishment licensed by the Consumer Credit Commissioner under Chapter 371 of the Texas Finance Code that is in the business of lending money on the security of pledged goods or purchasing goods on condition that the goods may be redeemed or repurchased by the seller for a fixed price within a fixed period.
- 164: PERSON: Any individual, association, firm, corporation, government agency or political subdivision.
- 165: PET SHOP (SMALL ANIMALS): An establishment offering for sale household pets and supplies and grooming service, but excluding the boarding of dogs, cats or other similar animals.
- 166: PLANNED DEVELOPMENT: A land development project comprehensively planned which permits flexibility in various elements of the developed site, including building siting, mixtures of housing types and land uses, usable open spaces, and the preservation of significant natural features. Such development project adheres to the standards of Article VI of this Zoning Ordinance.
- 167: PLANNING AND ZONING COMMISSION: The agency appointed by the City Council as an advisory body to it and which is authorized to recommend zoning changes.
- 168: PLAT: Refer to Major Plat or Minor Plat.
- 169: PLAYFIELD OR STADIUM (PUBLIC): An athletic field or stadium owned and operated by a public agency for the general public, including a baseball field, golf course, football field or stadium.
- 170: PLAYGROUND: See Park or Playground, Public.
- 171: PRE-PACKAGED BEVERAGE RETAIL SALES (NO DRIVE THROUGH): Business whose primary activity is the sale of pre-packaged beverages, for off-premise consumption, with no drive-through facility. (Adopted Ordinance 09-021; March 24, 2009)
- 172: PRE-PACKAGED BEVERAGE RETAIL SALES (DRIVE THROUGH): Business whose primary activity is the sale of pre-packaged beverages, for off-premise consumption, with a drive-through facility

including a drive-up window, drive-through building or any other means of conducting sales without requiring customers to exit their vehicles. (Adopted Ordinance 09-021; March 24, 2009)

- 173: PRIVATE CLUB: A club room or suite of rooms or a building available to a restricted membership composed of an association of persons, whether incorporated or unincorporated. The purpose of any such association shall be for the promotion of some common object, and members must be passed upon and elected as individuals by a committee or board made up of members of such club. Said association shall be licensed or permitted by the Alcoholic Beverage Commission of the State of Texas, and as further defined in Article 666 of Vernon's Annotated Penal Code of the State of Texas, as presently written or as the same be amended or rewritten from time to time hereafter.
- 174: PRIVATE EVENT/MEETING HALL: A privately owned building (excluding churches) or portion of such building, regularly used or leased as a location for a variety of privately sponsored events such as receptions, meetings, classes, reunions, parties, tournaments, fund raisers, exhibitions, and other similar events. A civic or conference center owned and operated by a governmental entity is classified in this Section as a COMMUNITY CENTER.
- 175: PRIVATE GARAGE: An accessory building housing vehicles owned and used by occupants of the main building; if occupied by vehicle of others, it is a storage space.
- 176: PRIVATE SCHOOL: See College, University, or Private School.
- 177: PROPANE SERVICE STATION: An area or structure devoted to servicing automobiles, other vehicles, or other devices which utilize propane for fuel.
- 178: RADIO, TELEVISION, OR MICROWAVE TOWER: Refer to Section 5-6 of this Zoning Ordinance.
- 179: RAILROAD TRACK AND RIGHT-OF-WAY: Parallel tracks and associated land for the operation of trains, but not including railroad stations, sidings, team tracks, loading facilities, docks, yards, or maintenance areas.
- 180: RAILROAD TEAM TRACK: A siding for spotting, unloading, or loading box cars or other railroad cars. Such area shall be connected to a public street by a drive for access.
- 181: RECREATIONAL VEHICLE (RV): A vehicle that is:
- (a) Built on a single chassis;
 - (b) Four hundred (400) square feet or less when measured at the largest horizontal projection;
 - (c) Designed to be self-propelled or permanently tow-able by a light-duty truck; and
 - (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.
- 182: RECREATIONAL VEHICLE PARK AND CAMPSITES: An area or commercial campground for users of recreational vehicles, travel trailers, and similar vehicles to reside, park, rent or lease on a temporary basis. For the purpose of this definition, "temporary" means a maximum three-month time period.

183: RECTORY: See Church/Temple/Place of Worship.

184: RESIDENCE: Same as Dwelling.

185: RESIDENCE HOME FOR THE AGED: See Nursing Home.

186: RESIDENTIAL LOFT DWELLING: A residential living space that is located on the second floor (or above) of a structure that has a nonresidential use, such as an office or retail shop, operating on the first floor. This definition includes a similarly located space within a structure that has been converted into a residential living area from some other originally intended use.

187: RESIDENTIAL USE: Any use permitted by this Ordinance in a residential district.

188: RESTAURANT (WITH DRIVE-IN SERVICE OR DRIVE-THROUGH SERVICE): An eating establishment where food or drinks are primarily served to customers in motor vehicles, or where facilities are provided on the premises which encourage the serving and consumption of food in automobiles on or near the restaurant premises. An area may also be provided for the consumption of food the premises.

189: RESTAURANT (WITH NO DRIVE-IN OR DRIVE-THROUGH SERVICE): An eating establishment where customers are primarily served at tables or are self-served, where food is consumed on the premises, and which do not have a drive-through window.

190: REVERSE VENDING MACHINE: A fully enclosed automated machine which accepts and issues a cash refund or redeemable coupons for used aluminum or tin cans, plastic, glass, or paper. A reverse vending machine shall be located and maintained in the manner prescribed in Section 5-2 of this Ordinance.

191: REVISED SITE PLAN: A site plan that is approved by the City Council and that is based on major changes to a previously approved site plan. See Section 8-3.

192: RIGHT-OF-WAY: A tract of land used or intended to be used, wholly or in part, as a public street, alley, walkway, drain, or utilities access.

193: ROOMING HOUSE: See Boarding or Rooming Houses.

194: ROUTES OR PROGRAMS USING CURB-SIDE CONTAINERS: Residential curb-side recycling containers must be approved according to city contract guidelines when applicable for franchises or other circumstances, rules, and regulations.

195: SADDLE SHOPS. Establishments primarily engaged in the assembly, repair, and/or sale of leather saddles, except that tanning, currying, and finishing hides into leather is prohibited.

196: SCHOOL, BUSINESS, OR TRADE: A business organized to operate for a profit and offering instruction and training in a service or art, such as a secretarial school, barber college, beauty school, or commercial art school.

197: SCHOOL, ELEMENTARY, OR SECONDARY: A school under sponsorship of a public or religious agency having a curriculum generally equivalent to public elementary or secondary schools, but not including trade or commercial schools.

- 198: **SCRAP METAL SALVAGE YARDS:** An establishment primarily engaged in collecting, sorting, breaking up, crushing, and wholesale distribution of metal scrap material.
- 199: **SCREENED:** Shielded, concealed, and effectively hidden from the view of a person standing at ground level on an abutting site, or outside the area or feature so screened, by a fence, wall, hedge, berm or similar architectural or landscape feature.
- 200: **SCREENING DEVICE:** A visual and/or physical barrier intended to separate and limit visibility between that which is on either side of the barrier, for example adjacent land uses or particular site elements. Examples of screening devices include walls of stone, brick, block, uniformly colored wood, wroughtiron, or other permanent material of equal character; landscaping materials; and berms.
- 201: **SERVICE STATION:** See Gasoline or Fuel Service Station; Propane Service Station.
- 202: **SETBACK:** The minimum distance from the property line to the nearest part of a building or structure. Such distance is measured by a line which is perpendicular to the lot line. Where a “yard” or “yard setback” is required, the setback dimension is the same as the minimum yard dimension.
- 203: **SINGLE-FAMILY ATTACHED DWELLING:** An attached dwelling unit, separated by a fire-rated wall. Such dwelling is designed for occupancy by one family and is located on a separate lot delineated by front, side and rear lot lines. Such dwelling is differentiated from a Two-Family (Duplex) dwelling in that there are at least three single-family attached dwellings per grouping.
- 204: **SINGLE-FAMILY DETACHED DWELLING:** A dwelling designed and constructed for occupancy by one family. Such dwelling is located on a lot or separate building tract and has no physical connection to a building located on any other lot or tract. Same as single-family dwelling.
- 205: **STABLE (PRIVATE):** An accessory building for quartering horses or other livestock.
- 206: **STADIUM:** See Playfield or Stadium, Public.
- 207: **STORAGE WAREHOUSE (INCLUDES MINI-WAREHOUSE):** A structure or group of structures containing separate storage spaces that are leased to individuals, organizations, or businesses for the storage of property. No commercial transactions occur on-site with a storage warehouse, other than the rental of the storage spaces. Also commonly referred to as a Self-Service Storage Facility.
- 208: **STREET:** A public right-of-way, other than an alley, which provides vehicular access to adjacent land.
- 209: **STREET LINE:** A dividing line between a lot, tract or parcel of land and a contiguous street, the right-of-way line.
- 210: **STRUCTURAL ALTERATIONS:** Any change in the supporting member of a building, such as a bearing wall, column, beams or girders.
- 211: **STRUCTURE:** See Building.
- 212: **SUBDIVISION:** A division or re-division of any tract of land situated within the City’s corporate limits, or within the extraterritorial jurisdiction of the City, into two (2) or more parts for the purpose, whether immediate or future, of sale, division of ownership, or building development. "Subdivision" includes

re-subdivisions of land or lots which are part of a previously recorded subdivision.

213: SUBDIVISION, MAJOR: Refer to MAJOR PLAT.

214: SUBDIVISION, MINOR: Refer to MINOR PLAT.

215: SWIM OR TENNIS CLUB: A private recreational club with restricted membership, usually of less area than a country club but including a club house and swimming pool, tennis courts and similar recreational facilities, none of which are available to the general public.

216: SWIMMING POOL (PRIVATE): A swimming pool constructed for the exclusive use of the residents of a single-family, two-family or multi-family dwelling and located and fenced in accordance with the regulations of the City of Greenville. A private swimming pool is not operated as a business nor maintained in a manner to be hazardous or obnoxious to adjacent property owners.

217: TATOO PARLOR: An establishment whose principal business activity is the practice of one or more of the following: 1) the placing of designs, letters, figures, symbols or other marks upon or under the skin of any person, using ink or other substances which result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin; and/or 2) the creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration. This term does not include the accessory use of establishing permanent makeup, as described under the definition herein of BARBER OR BEAUTY SHOP.

218: TELEPHONE EQUIPMENT: Refer to Section 5-6 of this Zoning Ordinance.

219: TEMPORARY CONSTRUCTION OFFICE: A structure or shelter, subject to removal by order of the City Planner, used in connection with a development or building project for on site housing of temporary administrative and supervisory function and for sheltering employees and equipment.

220: THOROUGHFARE: See street.

221: TRUCK STOP: A facility for the parking, refueling and/or minor repair of heavy load tractor-trailer trucks. Additional facilities such as retail sales of food and/or other items, restaurant(s), restroom/showers facilities, and/or temporary sleeping quarters may be included as part of a truck stop subject to the conditions of a Conditional Use Permit

222: TRAVEL TRAILER SALES OR DISPLAY: A lot or area for trailers of rigid frame construction and designed for recreational use.

223: TWO-FAMILY DWELLING (DUPLEX): A residential building containing two attached dwelling units, each designed to be occupied by one family (i.e., the building is occupied by not more than two families). Such building is designed and constructed with two dwelling units under a single roof for occupancy by two families.

224: UNIVERSITY: See College.

225: VARIANCE: An adjustment in the application of the specific regulations of the zoning ordinance to a particular parcel of property which, because of special circumstances or conditions peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed

by other parcels in the same vicinity and zoning district.

- 226: VIDEO ARCADE: An amusement enterprise that is wholly enclosed in a building that contains ten (10) or more amusement game devices. An amusement game device means any electrical or mechanical apparatus or device for which payment is charged for use as a game or contest, including video games and pinball machines. This definition expressly does not include any type of adult or sexually oriented business. The building in which this enterprise is operated is treated acoustically so the noise generated by the enterprise is not perceptible at the bounding property line.
- 227: WELDING SUPPLY STORE (Without Gas): A business primarily engaged in the sale and distribution of welding supplies, including wire and electrodes, torches, regulators, safety supplies and equipment, abrasives, welding machines, and power and hand tools.
- 228: WELDING SUPPLY STORE (With Gas): Welding supply businesses that include the sale of industrial, specialty, and medical gases, including Oxygen, Acetylene, Nitrogen, Argon, Carbon Dioxide, Helium, Chlorine, Liquid Nitrogen, Nitrous Oxide. For stores adhering to this definition, pressurized gas containers are not filled on site.
- 229: WRECKING OR SALVAGE YARD: Any lot or parcel, or part thereof, including automobile graveyards where a salvage vehicle, or parts thereof, are located for the purposes of resale as parts or parts as salvage only.
- 230: YARD: An open space other than a court, on the lot in which a building is situated and which is not obstructed from a point of forty (40) inches above the general ground level of the graded lot to the sky, except as provided for roof overhang and similar special architectural features and plant material.
- 231: YARD, FRONT: An open, unoccupied space on a lot facing a street extending across the front of a lot between the side lot lines and from the main building to the front lot or street line with the minimum horizontal distance between the street line and the main building line as specified for the district in which it is located.
- 232: YARD, REAR: An open, unoccupied space or spaces on one side or two sides of a main building and on the same lot with the building, situated between the building and a side line of the lot and extending through from the front yard to the rear yard. Any lot line, not the rear line or a front line, shall be deemed to be a side line.
- 233: YOUTH SPORTS AND RECREATIONAL FACILITIES: An establishment operated by a non-profit organization, such as the Boys & Girls Club or YMCA, whose primary purpose is to offer youth sports and recreation services including, but not limited to, swimming, basketball, tennis, soccer, and baseball.
- 234: ZONING DISTRICT MAP: The official certified map upon which the boundaries of the various zoning districts are drawn and which is an integral part of the zoning ordinance.

Article III. DISTRICTS

Section 3 -1: District Establishment

3-1.1 In order to implement the intent of this Ordinance, the City of Greenville is hereby divided into nineteen (19) districts with the designations and general purposes listed below. The standards shall be uniform throughout each district.

3-1.2 The districts established herein shall be known as:

Abbreviated Designation	Zoning District Name
A	Agricultural District
SF-E	Single-Family (Estate Lot) District
SF-1	Single-Family (Large Lot) District
SF-2	Single-Family (Medium Lot) District
SF-3	Single-Family (Small Lot) District
SF-4	Single-Family (Average Lot) District
PH	Patio Home District
SF-A	Single-Family Attached District
2F	Two-Family District
MHP	Manufactured Home Park District
MF-1	Multi-Family District
O	Office District
NS	Neighborhood Service District
GR	General Retail District
HR	Highway Retail District
C	Commercial District
CA	Central Area District
I-1	Light Industrial District
I-2	Heavy Industrial District
PD	Planned Development District
NCD	Neighborhood Conservation Overlay District

3-1.3 District Hierarchy Established – The zoning districts, as listed in Section 3-1.2 above, are ranked in a hierarchy of land use intensity, with the A, Agricultural District, the least intensive (or most restrictive) and the I-2, Heavy Industrial District, the most intensive (or least restrictive). The Planned Development (PD) and Neighborhood Conservation (NCD) Districts are not included in the hierarchy.

Section 3-2: District Purposes

3-2.1 A, Agricultural District

Primarily a district for agricultural purposes and temporary classification, until permanent zoning is established by the City Council, of all territory hereafter annexed to the City of Greenville.

3-2.2 SF-E, Single-Family (Estate Lot) District

Primarily a district for single-family detached dwellings on large lots having a minimum area of one (1) acre, and including customary secondary uses.

3-2.3 SF-1, Single-Family (Large Lot) District

Primarily a district for single-family detached dwellings on large lots having a minimum area of 12,000 square feet, and including customary secondary uses.

3-2.4 SF-2, Single-Family (Medium Lot) District

Primarily a district for single-family detached dwellings on medium sized lots having a minimum area of 9,000 square feet, and including customary secondary uses.

3-2.5 SF-3, Single-Family (Small Lot) District

Primarily a district for single-family detached dwellings on small lots having a minimum area of 5,000 squarefeet, and including customary secondary uses.

3-2.6 SF-4, Single-Family (Average Lot) District

Primarily a district for single-family detached dwellings on lots having a minimum area of 6,000 square feet and an overall average lot size of 7,000 square feet, and including customary secondary uses.

3-2.7 PH, Patio Home District

Primarily a district for the orderly development of patio homes consisting of single-family detached dwellings with zero lot lines on small lots having a minimum area of 5,000 square feet, and including customary secondary uses.

3-2.8 SF-A, Single-Family Attached District

Primarily a district for single-family attached dwellings on small lots having a minimum area of 2,500 square feet, and including customary secondary uses.

3-2.9 2F, Two-Family District

Primarily a district for two-family dwellings on small lots having a minimum area of 3,000 square per dwelling, and including customary secondary uses.

3-2.10 MHP, Manufactured Home Park District

Primarily a district for residential manufactured home parks, with site development regulations and design standards which are intended to ensure a safe and attractive living environment for mobile home park residents and compatibility with surrounding areas.

3-2.11 MF-1, Multi-Family District

Primarily a district for multi-family structures creating a density of not more than 24 units per acre, and including the customary secondary uses.

3-2.12 O, Office District

A district for professional offices, including the customary secondary uses, and not including retail or wholesale trade or other general business uses.

3-2.13 NS, Neighborhood Service District

Primarily a district for the conduct of retail trade with emphasis on the provision of convenience goods and services for nearby residential areas.

3-2.14 GR, General Retail District

Primarily a district for the conduct of retail trade, including the customary secondary uses, and including wholesale trade or other general business uses.

3-2.15 HR, Highway Retail District

Primarily a district for the conduct of administrative and professional offices and retail trade, including the customary secondary uses. This district differs from the GR District in that buildings are permitted to be of a greater height and developments are intended to be highway-oriented (i.e., need high visibility).

3-2.16 C, Commercial District

Primarily a district for the conduct of retail trade, administrative and professional offices, and service to the general public, with emphasis upon large-scale stores and specialized shops serving a trading area of the entire City of Greenville and surrounding area.

3-2.17 CA, Central Area District

Primarily a district for the conduct of retail trade, administrative and professional offices, and service to the general public, specifically designed and intended for application in the downtown area.

3-2.18 1-1, Light Industrial District

Primarily a district for light manufacturing processes.

3-2.19 I-2, Heavy Industrial District

Primarily a district for manufacturing, industrial servicing or storage processes.

3-2.20 PD, Planned Development District

Primarily a district for unified development intended to further the following purposes:

- (A) To encourage more efficient and aesthetic use of open land;
- (B) To encourage the reservation of open space for scenic and recreational use of a private or public nature;
- (C) To encourage the preservation of wetlands and other sensitive lands as part of a development plan;
- (D) To encourage the reservation of land for schools or other public buildings;
- (E) To provide incentives for development to encourage and create a wide range of choices to satisfy the changing needs of the community; and,
- (F) To offer flexibility to the developer in his approach and solution to land development problems.

3-2.21 NCD, Neighborhood Conservation Overlay District

Primarily a district for unique and distinctive residential neighborhoods or commercial districts which contribute significantly to the overall character and identity of the City. This district is intended to preserve, protect, enhance, and perpetuate the value of these residential neighborhoods or commercial districts.

Section 3-3: Zoning Map

3-3.1 The City of Greenville zoning district map shall be known as the "Greenville, Texas Official Zoning Map" and is hereby made part of this Ordinance as fully as if set forth herein in detail.

3-3.2 Three original, official and identical copies of the zoning district map are hereby adopted, each bearing the signature of the mayor and the attestation of the city clerk and shall be filed and maintained as follows:

- (A) One copy shall be filed for permanent record in the office of the city clerk and shall be designated as "Exhibit A". This copy shall not be changed in any manner
- (B) One copy shall be filed in the office of the City Planner and shall be designated "Exhibit B". The map shall be kept current by posting thereon all subsequent changes and amendments for use in building permits, certificates of compliance and occupancy and enforcing the zoning ordinances.
- (C) One copy shall be filed with the Planning and Zoning Commission and shall be designated as "Exhibit C". The map shall be kept current by posting thereon all subsequent changes and amendments.

3-3.3 Reproductions for information purposes only may be made of the official zoning district map.

Section 3-4: District Boundaries

3-4.1 Zoning district boundaries are usually along streets, alleys, property lines, or extensions thereof. Where uncertainty exists, the following guidelines shall be used:

- (A) Boundaries indicated as approximately following the centerlines of streets, alleys, highways or streams shall be construed as following such centerlines.
- (B) Boundaries indicated as approximately following platted lot lines or city limits shall be construed as following such lines.
- (C) Boundaries indicated as following railroad lines shall be construed to be the centerline of the right-of-way or if no centerline is established, the boundary shall be interpreted to be midway between the right-of-way lines of such railroad.

- (D) Boundaries indicated as following shore lines shall be construed to follow such shore lines and in the event of change in the shore line shall be construed as moving with the actual shore line.
- (E) Boundaries which are shown as parallel to existing or extended lines enumerated in subparagraphs (A) through (D) above shall be so construed. Distances not specifically indicated shall be determined by the scale of the map.
- (F) Whenever any street, alley or other public way is vacated by the official action of the city council or whenever such is franchised for building purposes, the zoning district line adjoining each side of the public way shall be automatically extended to the centerline of such vacated public way. All area so involved shall be subject to all regulations of the extended districts.

3-4.2 If the physical features of the parcel on the ground are at variance with the information shown on the official zoning map, and the discrepancy cannot be resolved by the use of the above guidelines, the City Planner shall interpret the district boundaries.

Section 3-5: Neighborhood Conservation District

3-5.1 Purpose

- (A) Within the City of Greenville there are a number of unique and distinctive residential neighborhoods or commercial districts which contribute significantly to the overall character and identity of the City. As a matter of public policy, the City Council encourages the establishment of Neighborhood Conservation Districts to preserve, protect, enhance, and perpetuate the value of these residential neighborhoods or commercial districts.
- (B) The purposes of a Neighborhood Conservation District in residential neighborhoods or commercial districts are as follows:
 - (1) To protect and strengthen desirable and unique physical features, design characteristics, historic characteristics, and recognized identity and charm;
 - (2) To reduce the potential for land use conflicts;
 - (3) To promote new compatible development;
 - (4) To stabilize property values;
 - (5) To provide residents and property owners with a tool for conservation of their neighborhoods;
 - (6) To promote and retain affordable housing;
 - (7) To regulate demolition;
 - (8) To encourage and strengthen civic pride;
 - (9) To promote economic revitalization; and
 - (10) To encourage harmonious and compatible redevelopment that conforms to the size, orientation and setting of the buildings of the neighborhood.

3-5.2 Designation Criteria

- (A) Criteria: To be designated as a Neighborhood Conservation District, the area must meet the following criteria:
 - (1) The area must contain a minimum of one block face, meaning all the lots on one side of a block;
 - (2) The area must have been platted or developed at least twenty-five (25) years ago; and possess one or more of the following distinctive features that create a cohesive identifiable setting, character, or association:

- a. Scale, size, type of construction, or distinctive building materials;
- b. Lot layouts, setbacks, street layouts, alleys or sidewalks;
- c. Special natural or streetscape characteristics, such as creek beds, parks, gardens or street landscaping;
- d. Land use patterns, including mixed or unique uses or activities; or
- e. Abuts or links designated historic landmarks or districts.

3-5.3 Zoning Process for Neighborhood Conservation Overlay Districts. Neighborhood Conservation Districts are designed as overlay zoning districts to be superimposed upon the regular zoning districts.

- (A) Designation: The zoning designation for property located within a Neighborhood Conservation District shall consist of the overlay district symbol (NCD) as a prefix. Neighborhood Conservation Districts shall be numbered sequentially to distinguish among different districts, such as NCD-1, NCD-2, etc. Each separate neighborhood conservation district area may also include the neighborhood name in its description for further delineation, such as *NCD-1 Happy Hills Neighborhood*.
- (B) Conflicting Regulations: In the event of a conflict between the provisions of a specific Neighborhood Conservation District (NCD) ordinance and the base zoning district regulations, the provisions of the NCD ordinance shall control.
- (C) Zoning Change: The designation of property within an NCD effectively changes the zoning of the specified property, and therefore all procedures and requirements for a zoning change must be followed. Except as modified by this Section, the procedures for zoning amendments set forth in Article VIII shall apply to the designation of an area as a Neighborhood Conservation District.

3-5.4 Application Procedures.

- (A) Who May Initiate: A proposal for designation as a Neighborhood Conservation District may be initiated:
 - (1) At the direction of City Council, or
 - (2) At the written request of owners representing 51% of the land area within the proposed district, or
 - (3) At the written request of 51% of property owners in a proposed district.
- (B) Neighborhood Conservation Plan Required: Following initiation for designation of a Neighborhood Conservation District, the Planning Department, in cooperation with the neighborhood organization responsible for the written request, shall develop supporting documentation in the form of a *Neighborhood Conservation Plan* for the proposed district that includes:
 - (1) A map(s) indicating the boundaries, age of structures and land use of the proposed district;
 - (2) Graphic and written materials identifying and describing the distinctive neighborhood and building characteristics of the proposed district, such as identification of recognized historic structures/areas; and
 - (3) Design standards for new construction, additions or alterations to the street facades of existing buildings or structures within the proposed district.
 - (4) Land use regulations outlining the permitted uses within the proposed district.
- (C) Neighborhood Participation: All property owners within the proposed district shall be afforded the opportunity to participate in drafting a *Neighborhood Conservation Plan* that will serve as the planning basis for the applicable NCD; there shall be at least one neighborhood meeting for this purpose. A Neighborhood Conservation Plan shall be approved as part of the zoning amendment

that creates a Neighborhood Conservation District.

3-5.5 Design Standards.

- (A) Neighborhood Conservation Plan as Part of the Ordinance: A *Neighborhood Conservation Plan* shall be approved as part of the ordinance creating a Neighborhood Conservation District. The Plan shall include design standards for new construction or placement of any building, structure, foundation, sign, public art or outdoor apparatus or equipment (including visible utility boxes or mechanical equipment; trucks; playground equipment; or sports equipment), and any additions, alterations, relocation or rehabilitation to the street facades of existing buildings, structures, foundations, sign, public art, or outdoor apparatus or equipment.
- (B) Ordinary Repair & Maintenance: The *Neighborhood Conservation Plan* and requisite design standards shall not apply to those activities which constitute ordinary repair and maintenance, which shall be defined for the purpose of these regulations as:
 - (1) The maintenance and/or replacement of materials located on the external portion of a building or structure with materials that are the same in terms of appearance, quality, design, and color. The replacement of a sign, building, object or structure in its entirety does not constitute ordinary repair and maintenance.
- (C) Design Standards Required: The design standards for the Neighborhood Conservation District shall, at a minimum, include the following elements in order to effectively oversee the physical characteristics and features of all property within the NCD:
 - (1) Building height, number of stories;
 - (2) Building size, massing (frontage, entrance location/features);
 - (3) Lot size, coverage;
 - (4) Front and side yard setbacks;
 - (5) Off-street parking and loading requirements;
 - (6) Roof line and pitch;
 - (7) Paving.
- (D) Design Standards Optional: In addition, the design standards may include, but shall not be limited to, the following elements:
 - (1) Building orientation;
 - (2) General site planning (primary, accessory structures);
 - (3) Density;
 - (4) Floor area ratio;
 - (5) Signage;
 - (6) Architectural style and details;
 - (7) Building materials;
 - (8) Garage entrance location;
 - (9) Size and location of windows and/or dormers;
 - (10) Landscaping;
 - (11) Fences and walls;
 - (12) Driveways and sidewalks;
 - (13) Satellite dishes, utility boxes;
 - (14) Street furniture
 - (15) Demolition (see Section 3-5.6 (A,1a below);

3-5.6 Administration of Ordinance.

(A) Design Plans & Certificate of Appropriateness:

- (1) No building permit shall be issued for new construction or an alteration or addition to an existing building or structure within a designated Neighborhood Conservation District without the submission and approval of design plans and the issuance of a Certificate of Appropriateness by the Planning & Zoning Commission.
 - a. No permit shall be issued for the following specific activities within a Neighborhood Conservation District without issuance of a Certificate of Appropriateness:
 1. Demolition;
 2. Construction of a primary or accessory building, structure or other additions to real estate;
 3. The addition of space to an existing primary or accessory building.
- (2) If the Planning & Zoning Commission determines that the design plans are in conformance with the design standards contained in the Neighborhood Conservation Plan adopted as part of the related NCD, the following shall subsequently occur:
 - a. The Planning & Zoning Commission shall approve the design plans;
 - b. The Planning & Zoning Commission shall issue a Certificate of Appropriateness within thirty (30) days, certifying that the design plans are appropriate for completion within the NCD;
 - c. The Building Official may issue a building permit.
- (3) If the Planning & Zoning Commission determines that the design plans are not in conformance with the design standards adopted for the district, the plans shall be denied, and the applicant shall be informed of the specific design standards that were not adequately met.
- (4) The applicant may appeal the Planning & Zoning Commission's determination to the City Council.

Section 3-6: Design Requirements for the Central Area (CA) District

3-6.1 Definitions.

For the purposes of this section, the following definitions apply:

- (A) *Alteration.* Any exterior change or modification of any property located within the Central Area (CA) Zoning District, including but not limited to, exterior changes to or modifications of a building or structure, architectural details or visual characteristics such as surface texture, grading, surface paving, new structures, removal of mature trees and natural features, disturbance of archeological sites or areas, and the placement or removal of any exterior objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings and landscape accessories affecting the exterior visual qualities of the property as viewed from the public right-of-way.
- (B) *Construction.* Any work for which a building permit is required, including the erection of fences, substantial grading or landscaping, and the erection, installation or painting of signs.
- (C) *Demolition.* The complete destruction of a building or structure, or removal of more than thirty percent (30%) of the perimeter walls, or removal of any portion of a street-facing facade.

- (D) *Design Guidelines*. The principles contained in a document titled *Design Guidelines for Downtown Greenville* and adopted by the City Council in this section, which illustrate appropriate and inappropriate methods of rehabilitation, alteration and construction.
- (E) *Feature*. Fixtures, components or appurtenances attached to, contiguous to or otherwise related to a building, structure or property, including, without limitation, materials, landscaping, setbacks, distinguishing aspects, roof attributes, overlays, moldings, sculptures, fountains, light fixtures, windows and monuments.
- (F) *Integrity*. The survival of a sufficient amount of an historic resource's character-defining materials, design features and building fabric, in a manner that allows the observer to interpret an historic resource during its period of significance.
- (G) *Ordinary Maintenance and Repair*. Any work, the sole purpose and effect of which is to correct deterioration, decay or damage, including repair of damage caused by fire or other disaster and which does not result in a change in the existing appearance and materials of a property. Examples of this work shall include, but not be limited to, the following:
 - (1) Caulking or reglazing windows;
 - (2) Minor repairs to windows, doors, siding, gutters, etc;
 - (3) Replacement of existing mechanical equipment;
 - (4) Repairing or repaving of flat concrete work in side and rear yards;
 - (5) Repairing or repaving of existing front yard paving, concrete work and walkways, if the materials the same or similar in appearance are used;
 - (7) Roofing work, if no change in appearance occurs; or
 - (8) Chimney work, if no change in appearance occurs.
- (G) *Period of Significance*. The time in which a building, structure or neighborhood gained historical significance.
- (H) *Rehabilitation*. The act or process of returning a building or structure to a state of unity, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions or features of an historic resource that are significant to its historical, architectural and cultural value.
- (I) *Restoration*. The act or process of accurately recovering the form and details of a building or structure and its setting as it appeared at a particular period of time, by means of the removal of later work or by the replacement of missing earlier work.
- (J) *Substantial*. That which would alter the architectural appearance and basic architectural design of the building, structure, site, area or district within the Central Area (CA) Zoning District.

3-6.2 Applicability.

This section applies to all properties located within the Central Area (CA) Zoning District

3-6.3 Design Guidelines Adopted.

A document titled *Design Guidelines for Downtown Greenville* is hereby adopted by reference, a true, accurate and correct copy of which is hereby ordered and directed filed as a public document with the City Secretary, in whose office the same shall be kept and maintained for inspection by anyone.

3-6.4 Conflict with Other Ordinances.

Where there is conflict between the requirements of the design standards adopted by this section and the requirements of the Zoning Ordinance or Building and Fire Safety Codes adopted by the City of Greenville, the more restrictive requirements of the Zoning Ordinance and Building and Fire Safety Codes apply.

3-6.5 Certificate of Design Compliance Required.

It shall be unlawful for any person or entity to make any external alterations or external repairs of any substantial nature in any manner whatsoever to any area, site, building or structure within the confines of the Central Area (CA) Zoning District, without first obtaining a Certificate of Design Compliance as provided in this section. External alterations and external repairs include, but are not limited to, the following:

- (A) The construction of a new structure;
- (B) The alteration or restoration of any exterior features of an historic resource;
- (C) An addition to a structure;
- (D) The removal or demolition, in whole or in part, of any building or structure (unless ordered by the City's Substandard Structures Rehabilitation Board)
- (E) The construction or erection of a new sign;
- (F) The removal or substantial alteration of existing signs where such signs are considered an historic resource;
- (G) Applying a new exterior siding material;
- (H) Addition of a new window, door or dormer;
- (I) Installation of burglar bars on interior or exterior of windows;
- (J) Creating a driveway or parking facility;
- (K) Adding a satellite dish;
- (L) Building a deck, fence or garage;
- (M) Enclosing a porch.

3-6.6 Ordinary Maintenance and Repair.

Ordinary Maintenance and Repair, as defined in subsection 3-6.1 of this section, shall not require a Certificate of Design Compliance. The City Manager or his or her designee shall determine whether or not the definition of ordinary maintenance and repair applies to any given project.

3-6.7 Applications for Certificates of Design Compliance.

Applications for Certificates of Design Compliance shall be reviewed by the Main Street Advisory Board. The Board is authorized to issue such certificates when in their judgment an application meets the general review criteria outlined in subsection (h) of this section.

3-6.8 General Review Criteria.

The following general review criteria shall be met in issuing any Certificate of Design Compliance.

- (A) The proposed work complies with the Design Guidelines;
- (B) The integrity of an individual historic structure is preserved;
- (C) New buildings or additions are designed to be compatible with surrounding historic properties; and
- (D) The overall character of the Central Area Zoning District is protected.

3-6.9 Certificate of Design Compliance Application Procedure.

A Certificate of Design Compliance application shall be made by the owner of the subject property, or his or her designated agent. An application must be filed with the City Manager or his or her designee, in writing, on forms provided by the city, and shall contain at least the following information:

- (A) Name of the applicant and property owner;
- (B) Mailing address of applicant and permanent address of the property owner;
- (C) Legal description and address of the subject property;
- (D) A detailed description of the nature of the proposed construction, including external alterations or repairs to be made;
- (E) The intended and desired starting date and completion date of the construction, alteration, or repairs to be made;
- (F) A to-scale drawing or sketch of the proposed external alteration;
- (G) A written statement describing how the proposed construction, external alteration or repair meets the intent of the design guidelines;
- (H) The Main Street Advisory Board may require submission of product samples and other technical information pertinent to design review decisions.
 - (1) Upon receipt of an application for a Certificate of Design Compliance, the City Manager or his or her designee shall determine the completeness of such application. Upon receipt of a complete application, the City Manager or his or her designee shall refer the application to the chairperson of the Main Street Advisory Board.
 - (2) Incomplete applications, or applications not in compliance with design standards, building and zoning codes, or other ordinances will be returned to the applicant for correction.
 - (3) At least seventy-two (72) hours prior to the date of a meeting of the Main Street Advisory Board, notice of an application for a Certificate of Design Compliance shall be posted at the project site in such a manner that it is visible from the public right-of-way. The notice shall include contact information and the meeting date at which the application will be considered.
 - (4) Upon receipt of an application, the chairperson of the Main Street Advisory Board shall place the item on the agenda of the next meeting of the Main Street Advisory Board to be held within thirty-five (35) calendar days. After due consideration of the application, the Board shall approve or disapprove the application by a majority vote. In a motion to approve or disapprove an application, the Board shall set forth the reasons consistent with the general review criteria for approval or denial of the application set forth in subsection (h).

3-6.10 Approval of Application.

Upon approval of an application for a Certificate of Design Compliance, the applicant may submit for review and approval other permit applications (including building, sign, and demolition permit applications) that are necessary for the proposed project, in accordance with the city's standard processes for reviewing and approving such permit applications. All such applications shall be consistent in every way with the Certificate of Design Compliance.

3-6.11 Right to Appeal.

Upon having an application for a Certificate of Design Compliance denied, an applicant may appeal such decision to the City Council within thirty (30) days from the date the decision to deny the application is rendered by the Board. A written request to appeal the decision shall be filed with the City Secretary within the thirty (30) day period.

3-6.12 Limits of Resubmission.

No application for the same project shall be considered within 180 days of the denial of the application by the Main Street Advisory Board. At any time, the applicant may resubmit a design for an entirely new project or a revised design that substantially addresses the reasons for denial as set forth by the Main Street Advisory Board.

Article IV. PERMITTED USES

Section 4 -1: Permitted Use Schedule

- 4-1.1 The uses permitted by right or with a use permit in each district shall be determined from the Permitted Use Schedule hereby adopted in this Article.
- 4-1.2 Uses shown as "Use By Right" in any district, which are denoted with a "P" in the Permitted Use Schedule, shall be permitted in such district, subject to the other requirements of this Ordinance.
- 4-1.3 Uses shown as "Allowed by Conditional Use Permit" in any district, which are denoted with a "C" in the Permitted Use Schedule, shall be permitted in such district only upon issuance of a Conditional Use Permit in accordance with the procedures and standards of this Ordinance, and subject to other requirements of this Ordinance.
- 4-1.4 Uses not shown as a "Use by Right" ("P") or as "Allowed by Conditional Use Permit" ("C") in a district, meaning that the corresponding cell is blank or vacant of any letter, are not permitted in such district unless otherwise expressly permitted under this Ordinance, in accordance with this Section.
- 4-1.5 Other than those uses expressly allowed by Section 4-1.1 and the Permitted Use Schedule which it adopts, the only lawful uses of property in the City of Greenville are uses which were legally established prior to the adoption of this Ordinance or its predecessors but which now are inconsistent with the requirements of this Ordinance if such uses meet the requirements of this Ordinance for a valid nonconforming use.
- 4-1.6 Classification of New and Unlisted Uses. It is recognized that new types of land use will arise in the future, and forms of land use not presently anticipated may seek to locate in the City of Greenville. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use in the Permitted Use Schedule (Section 4-1.7) shall be made as follows.
- (A) The City Planner shall refer questions concerning any new or unlisted use to the Planning and Zoning Commission requesting an interpretation as to the appropriate use classification.
 - (1) Referral of the use interpretation question shall be accompanied by a statement of facts listing the nature of the use.
 - (2) Referral of the use interpretation question shall be accompanied by statement describing the following characteristics of the proposed use: dwelling activity, sales, processing and type of product, storage and amount or nature thereof, enclosed or open storage, anticipated employment, and transportation requirements.
 - (3) Referral of the use interpretation question shall be accompanied by a statement of the amount of noise, odor, fumes, dust, toxic material and vibration likely to be generated by the use.
 - (4) Referral of the use interpretation question shall be accompanied by statement of the general requirements for public utilities such as water and sanitary sewer.
 - (B) The Planning and Zoning Commission shall consider the nature and described performance of the proposed use, its compatibility with the uses permitted in the various districts and determine the listed use to which the new or unlisted use is most similar.
 - (C) The Planning and Zoning Commission shall transmit its findings and recommendations for the classification proposed for any new or unlisted use to the City Council.

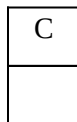
- (D) The City Council shall, by resolution, approve the recommendation of the Planning and Zoning Commission or make such determination concerning the use classification as is determined appropriate. If approved, the new or unlisted use shall be amended in the Permitted Use Schedule in the same manner as a zoning amendment (as a text amendment).
- (E) A new and unlisted use may be interpreted by the Community Development Director, in accordance with the following, as similar to a use that is listed within the Permitted Use Schedule.
 - (1) The unlisted use shall possess the majority of characteristics of the listed use.
 - (2) If the unlisted use is deemed similar to a listed use, no amendment of the Permitted Use Schedule is required.
 - (3) If the use is not found to be substantially similar to a listed use, it must be considered unlisted and must be submitted to the Planning and Zoning Commission and City Council as outlined previously herein.

4-1.7 Permitted Use Schedule. The Permitted Use Schedule begins on the following page. The legend for interpreting the land uses in the Permitted Use Schedule in terms of in which district they are permitted shall be as follows:



The land use is permitted by right in the zoning district indicated.

- (A) Many of the land uses have been defined within this Zoning Ordinance in Section 2-2. Such uses are denoted in the Permitted Use Schedule with the following symbol: .



The land use may be approved as a conditional use (CUD) in the zoning

- (B) For any definition not listed within this Zoning Ordinance, the definition found within the latest edition of Webster's Dictionary shall be used.
- (C) Uses listed with an asterisk (*) have supplemental regulations associated with them. See Section 5-2.

USE TYPE	CC	EC	FC	GC	HC	IC	MC	NC	OC	PC	SC	TC	UC	VC	WC	XC	YC	ZC
RESIDENTIAL USES																		
Single-Family Detached Dwelling* 📖	P	P	P	P	P	P	P										P	
Patio Home Dwelling* 📖							P	P										
Single-Family Attached Dwelling* 📖								P	P									
Two-Family Dwelling (Duplex) 📖								P		P								
HUD-Code Manufactured Home* 📖									P									
Mobile Home 📖																		
Single-Family Industrialized Home 📖	P	P	P	P	P	P				P								
Multi-Family Dwelling* 📖											P						P	
Residential Loft Dwelling 📖														C		C	P	
Family Care Home 📖	P	P	P	P	P	P	P	P	P	P	P	P						
Foster Group Home 📖	P	P	P	P	P	P	P	P	P	P	P	P	C	C				
AGRICULTURAL AND ACCESSORY USES																		
Accessory Building* 📖	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Accessory Building, Farm 📖	P																	
Accessory Dwelling 📖	C	C	C	C	C	C												
Accessory Residential Use or Structure 📖													P	P	P	P	P	P
Farm, Ranch, Garden or Orchard 📖	P																	
Greenhouse or Plant Nursery	P														P	P	P	P
Home Occupation* 📖	P	P	P	P	P	P	P	P	P	P	P	P						
Off-Street Parking (Accessory)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Stable (Private)* 📖	P	C	C															
Swimming Pool (Private)* 📖	P	P	P	P	P	P	P	P	P	P	P	P						
Temporary Construction Office 📖	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Temporary Subdivision Sales Office	P	P	P	P	P	P	P	P	P	P	P	P						
SIGN AND IDENTIFICATION USES																		
Attached Sign	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Agricultural Sign	P																	
Apartment Sign											P							
Billboard Sign															P	P		P
Construction Sign	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Development Sign											P	P	P	P	P	P	P	P
Digital Billboard Sign															P	P		P
Electronic Sign	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Flag Sign	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Free-Standing Sidewalk Sign (temporary)																P		
Free-Standing Sign	P														P	P	P	P

USE TYPE	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Homebuilder/Real Estate Directional Sign	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Institutional Sign	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Model Home Sign		P	P	P	P	P	P	P	P	P	P							
Monument Sign	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Multi-Tenant Sign (free-standing)														P	P	P		P
Multi-Tenant Sign (monument)														P	P	P	P	P
Occupational Sign	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Political Sign	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Portable (Temporary) Sign														P	P	P	P	P
Promotional (banner, flag, pennant) Sign	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Promotional (non-profit) Sign	P											P		P	P	P	P	P
Promotional (civic) Sign	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Real Estate Sign	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Sandwich Board Sign (temporary)																P		
Subdivision Development Sign		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Subdivision Directional Sign	P														P	P	P	P
Subdivision Identification Sign		P	P	P	P	P	P	P		P								
Traffic Control Sign	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Window Sign (Temporary)														P	P	P	P	P
EDUCATIONAL AND INSTITUTIONAL USES																		
Art Gallery or Museum 📖														P	P	P	C	P
Assisted Living Facility 📖												P		C	C		P	P
Charitable Institution	C		C	C	C		C	C	C	C	C	C	C	C	P	P	C	P
Child Day Care Center (Business) 📖	C													P	P	P		P
Child Day Nursery 📖	C	C	C	C	C	C	C	C	C	C	C			P	P	P		P
Church/Temple/Place of Worship 📖	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
College, University or Private School 📖	P	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P
Community Center (Public) 📖	P	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P
Community Home for Disabled Persons 📖	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	C		C
Convent or Monastery	P	C	C	C	C	C	C	C	C	C	C	P		P	P	P	P	P
Day Care Facility, Adult 📖	C	C	C	C	C	C	C	C	C	C	C	C		P	P	P		
Decorator Studio or Art Display														P	P	P	C	P
Fire Station	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Fraternity, Lodge or Civic Club														C	C	C	C	P
Halfway House 📖												C		C	C	C		C
Hospital (Acute Care) 📖														P	P	C	C	P
Hospital (Chronic Care) 📖														P	P	C	C	P

USE TYPE	U-1	U-2	U-3	U-4	U-5	U-6	U-7	U-8	U-9	U-10	U-11	U-12	U-13	U-14	U-15	U-16	U-17	U-18
Library (Public)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Medical or Dental Clinic 📖															P	P	P	P
Medical or Dental Laboratory															P	P	P	P
Nursing Home 📖	C													C	C	C	C	P
Office, General															P	P	P	P
Patient Home (Drugs or Mental) 📖	C														C		C	P
City or Government Building, Shop or Yard 📖	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P
School, Elementary or Secondary 📖	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
School, Business or Trade 📖															C	C	P	C
Women's Shelter																P	P	P
Youth Sports and Recreation Facilities 📖															C	P	P	P
BUSINESS AND PROFESSIONAL USES																		
Adult Entertainment Enterprise 📖																		C
Alternative Financial Services* 📖																	C	C
Alternative Personal Services* 📖																	C	C
Amusements, Commercial (Indoor) 📖																C	C	P
Amusements, Commercial (Outdoor) 📖	C															C	C	P
Animal Boarding																	C	C
Animal Clinic (Outside Pens)																	C	C
Animal Shelter (Public or Private)																	C	C
Appliance Repair (Indoors Only)																P	C	P
Art Studio and/or Gallery 📖																C	P	C
Auto Lubrication 📖																C	P	C
Auto Glass, Muffler, Seat Cover Shop																C		P
Automobile Wash, Full-Service/Detail Shop 📖																C	P	C
Automobile Wash, Self-Service 📖																C	P	
Automobile Painting or Body Shop																		P
Automobile/Boat/Motorcycle Repair Garage*																	C	P
Bail Bond Services* 📖																		C
Bank or Saving and Loan Office																C	P	P
Barber or Beauty Shop 📖																P	P	P
Bed and Breakfast Inn* 📖	C	C	C	C	C	C				C		C	C	C	P	P	C	P
Birthday Parties (Children's) 📖																C	P	C
Boarding or Rooming House 📖											C	P						C
Building Maintenance and Repair Shop																	C	P
Cargo Trailer Sales or Rental* 📖																	C	P
Cemetery or Mausoleum	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C

USE TYPE

RETAIL AND WHOLESALE TRADE

USE TYPE

MANUFACTURING AND INDUSTRIAL USES

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Article V. SITE DEVELOPMENT STANDARDS

Section 5-1: Dimensional Requirements

5-1.1 In residential districts, the maximum density, minimum lot area, minimum lot width, minimum lot depth, minimum yards, maximum building coverage and maximum building heights for uses in each residential district shall be determined from *Table 1, Dimensional Requirements for Residential Zoning Districts*, which is hereby adopted, unless otherwise provided in this Section or Ordinance.

5-1.2 In non-residential districts, the minimum lot size, minimum lot width, minimum lot depth, maximum floor area ratio, minimum yard setbacks, maximum building coverage and maximum building heights for each non residential district shall be determined from Table 2, Dimensional Requirements Schedule for Non-Residential Zoning Districts, which is hereby adopted, unless otherwise provided in this Section or Ordinance.

5-1.3 In the PD, Planned Development District, the dimensional requirements shall be as provided in Article VI.

5-1.4 (reserved)

Table 1
Dimensional Requirements for Residential Zoning Districts

DISTRICT	MINIMUM LOT SIZE REQUIREMENTS				MAX BLDG COVER (%)	MINIMUM YARD REQUIREMENTS					MAX BLDG HEIGHT	
	Density (sf/unit)	Area (sf)	Width (ft)	Depth (ft)		Front (ft)	Rear (ft)	Rear Yard Open Space	Side (ft)	Corner (ft)	(story)	(ft)
A	87,120	87,120	150	150	15	35	40	-	20	35	2	30
SF-E	43,560	43,560	150	150	15	35	30	-	20	35	2	30
SF-1	12,000	12,000	70	125	35	35	20	20 %	7	35	2	30
SF-2	9,000	9,000	60	100	35	30	10	15 %	6	30	2	30
SF-3	5,000	5,000	50	90	47	25	10	-	5	25	2	30
SF-4	7,000*	6,000	60	100	40	25	10	15%	5	25	2	30
PH	5,000	5,000	50	90	50	20	10	-	0 / 10	15	2	30
SF-A	2,500	2,500	25	100	35	25	15	-	varies	20	2	30
2F	3,000	6,000	50	100	35	25	15	-	8	25	2	30
MHP**	3,500	3,500	35	100	35	25	10	-	15	15	2	30
MF-1	1,500	6,000	60	100	40	25	15	-	5	15	3	40

*Average lot size within the development of 7,000 square feet.

** No lot size dimensions are specified for manufactured home parks or manufactured home spaces. Yard setbacks in the MHP district apply to manufactured home spaces as well as individually platted lots.

NOTE: Also see Sections 5-1.5 through 5-1.13 for additional and supplementary dimensional requirements. See Section 5-2 for supplementary regulations applicable to single-family attached and patio home development, and manufactured home parks.

Table 2
Dimensional Requirements for Non-Residential Zoning Districts

DISTRICT	MINIMUM LOT SIZE REQUIREMENTS			MAXIMUM LOT COVERAGE (%)	MINIMUM YARD REQUIREMENTS (ft)				MAXIMUM BUILDING HEIGHT	
	AREA (sf)	WIDTH (ft)	DEPTH (ft)		FRONT	REAR	SIDE	CORNER	(story)	(ft)
O	6,000	50	100	60	15	10	10%W	15	2	30
NS	6,000	50	100	60	20	10	10%W	20	2	30
GR	6,000	50	100	70	20	10	10%W	20	3	40
HR	6,000	50	100	70	20	10	10%W	20	4	60
C	6,000	50	100	70	10	10	**	15	3	40
CA	5,000	50	100	None	*	10	**	15	None	None
I-1	None	None	None	70	*	10	**	15	None	None
I-2	None	None	None	70	*	None	**	15	None	None
10%W: Side yard setbacks shall be ten percent (10%) of the lot width or ten feet (10'), whichever is less. * Thirty foot (30') minimum front setback from centerline of abutting street. ** Five foot (5') minimum side yard setback where adjacent to residential zoning. NOTE: See Sections 5-1.5 through 5-1.13 for additional and supplementary dimensional requirements.										

5-1.5 Density

Density shall be calculated as the square footage of lot or tract area per dwelling unit. Alternatively, density may be expressed in terms of equivalent units per acre.

5-1.6 Lot Area

No lot existing at the time of passage of this Ordinance shall be reduced in area below the minimum requirements of this Section.

5-1.7 Lot Width

- (A) The minimum lot width shall be measured at the building setback line, but in no case shall the minimum lot width at the front street line be less than forty (40) feet.
- (B) No lot existing at the time of passage of this Ordinance shall be reduced in width below the minimum requirements of this Section.

5-1.8 Lot Depth

- (A) Lot depth shall be calculated as the mean distance between the front and rear lot lines.
- (B) No lot existing at the time of passage of this Ordinance shall be reduced in depth below the minimum requirements of this Section.

5-1.9 Front Yard

- (A) The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace or attached accessory building.
 - (1) Eaves and roof extensions may project into the required front yard for a distance not to exceed four (4) feet.
 - (2) Where no front yard is required, all stairs, eaves, roofs and similar building extensions shall be located behind the front street right-of-way line or property line, and off-street parking facilities shall be equipped with stops or guards to prevent parked vehicles from being stored nearer than ten (10) feet to any curb and all such parking shall be behind the property line.
- (B) Where lots have double frontage, running through from one street to another, a required front yard shall be provided on both streets unless a building line or accessory building has been established along one frontage on the plat or by ordinance, in which event only one required front yard need be observed.
- (C) Gasoline service station pump islands:
 - (1) That are parallel to the street shall not be located nearer than twenty (20) feet to the front property line;
 - (2) That are perpendicular or diagonal to the street shall not be located nearer than thirty feet (30') (in order to prevent vehicles stacking into the street) to the front property line;
 - (3) The outer edge of the canopy (related to the pump island) shall not be nearer than ten (10) feet to the front property line.
- (D) If buildings along the frontage of any street between two intersecting streets in any residential district have observed an average setback which is greater or lesser in dimension than the minimum front yard setback established for the district, then the average setback of all buildings fronting upon such street between two intersecting streets shall establish the minimum front yard requirement.
 - (1) All vacant lots shall be assumed to have a minimum front yard specified for the district in computing the average front yard.
 - (2) These provisions shall not be interpreted as requiring a front yard setback of greater than fifty (50) feet, nor shall they be interpreted as requiring any building to observe a front yard of more than ten (10) feet greater than the front setback observed by any building on a contiguous lot.
- (E) Where the frontage on one side of the street between two intersecting streets is divided into two or more zoning districts, the front yard shall comply with the requirements of the most restrictive district for the entire frontage from one intersecting street to the other.
- (F) Where a building line has been established by plat or ordinance and such line requires a front yard setback greater or lesser in depth than is prescribed by this Section for the district in which the building line is located, the required front yard shall comply with the building line established by such ordinance or plat, but in all cases a building line established by plat or ordinance shall recognize any established front yard existing in the block or on the periphery of the tract in which the land is located.

5-1.10 Side Yard

Every part of a required side yard shall be open and unobstructed by any building, except for the following:

- (A) Accessory buildings as permitted herein;
- (B) The ordinary projections of window sills, belt courses, cornices and other architectural features projecting no more than twelve (12) inches into the required street yard; and
- (C) A roof eave or canopy projecting not more than twenty-four (24) inches into the required side yard.

5-1.11 Rear Yard

Every part of a required rear yard and rear yard pen space shall be open and unobstructed to the sky from a point thirty (30) inches above the general ground level of the graded lot, except for accessory buildings, landscaping, fences and similar appurtenances and the ordinary projections of window sills, belt courses, cornices and roof overhangs and other architectural features projecting not more than four (4) feet into the required rear yard.

5-1.12 Building Coverage

Building coverage shall be calculated as the percent of a lot or tract covered by the roof or first floor of all buildings or structures located on the lot or tract. Roof eaves to the extent of two (2) feet from the walls of a building shall be excluded from building coverage computations.

5-1.13 Building Height

- (A) A story is defined as the vertical space between the successive floors of a building, including the space from the top floor to the roof. For the purpose of height calculations, stories that are entirely below the average established grade at the street line or the average natural front yard ground level, whichever is higher, shall not be counted in the height calculations.
- (B) Building height shall be measured as the vertical distance of a building measured from the average established grade at the street line or from the average natural front yard ground level, whichever is higher, to: (1) the highest point of the roofs surface if a flat surface; (2) the deck line of mansard roofs; or (3) the mean height level between eaves and ridge for hip and gable roof. Measurements shall exclude chimneys, cooling towers, elevator bulkheads, penthouses, tanks, water towers, radio towers, ornamental cupolas, domes or spires, and parapet walls not exceeding ten (10) feet in height. If the street grade has not been officially established, the average front yard grade shall be used for a base level.
- (C) In the districts where the height of buildings is restricted, cooling towers, roof gables, chimneys and vent stacks may extend for an additional height not to exceed forty (40) feet above the average grade line of the building.
- (D) In the districts where the height of buildings is restricted, water stand pipes and tanks, church steeples, domes and spires, and school buildings and institutional buildings may be erected to exceed the height limitation, provided that one (1) additional foot shall be added to the required side and rear yard setbacks for each foot that such structures exceed the height limitation of the district.
- (E) In the Commercial and Highway Retail zoning districts, where not adjacent to a single-family residential zoning district (SF-E, SF-1, SF-2, SF-3, SF-4, PH, SF-A), buildings may be erected to exceed the height limitation, provided that one (1) additional foot shall be added to the required side and rear yard setbacks for each foot that such structures exceed the height limitation of the district.
- (F) In the Commercial and Highway Retail zoning districts, where adjacent to a single-family residential zoning district (SF-E, SF-1, SF-2, SF-3, SF-4, PH, SF-A), buildings may be erected to exceed the height limitation, provided that two (2) additional feet shall be added to the required side and rear

yard setbacks for each foot that such structures exceed the height limitation of the district.

- (G) Refer to Article VII for additional height restrictions applicable to land within the vicinity of the Majors Field Airport.

5-1.14 Easement Setback

No building or sign shall be constructed closer than three (3) feet to an easement line. (Adopted Ordinance 09-011; March 10, 2009)

Section 5 -2: Supplementary Regulations

5-2.1 Residential Accessory Structures

- (A) Front Yard. Accessory residential structures shall observe the same front yard setback that is required for the principal structure.
- (B) Side Yard. There shall be a side yard not less than three (3) feet from any side lot line, alley line or easement line, except that adjacent to a side street the side yard shall never be less than ten (10) feet. Where a fire wall is provided, no side yard need be provided on one interior side of a lot only for accessory buildings located in the rear one-half of the lot.
- (C) Rear Yard. There shall be a rear yard not less than three (3) feet from any alley line or easement line except that if no alley or easement exists the rear yard shall not be less than ten (10) feet.
- (D) Size. Residential accessory buildings may not be larger than 350 square feet except as allowed in paragraph (F).
- (E) Height. Residential accessory buildings 350 square feet or less shall not be higher than 16 feet. Height shall be measured from the ground to the peak of the roof.
- (1) In lieu of these height restrictions, accessory buildings 350 square feet or less may be constructed in manner that complies with all of the restrictions outlined under paragraph (F).
- (F) Residential accessory buildings larger than 350 square feet, but in no case larger than 1,000 square feet, may be constructed subject to the following regulations:
- (1) Buildings must be located in the rear ½ of the lot, and must observe the same side and rear yard setbacks as prescribed for primary buildings in the zoning district in which the property is located.
- (2) The pitch of the roof must be equal to or greater than the roof pitch on the primary structure.
- (3) The exterior walls must be composed of similar materials as the exterior walls of the primary structure.
- (4) The maximum height may not exceed the maximum height for the zoning district in which the property is located.

5-2.2 Corner Visibility

- (A) In addition to the dimensional requirements set forth in the Section 5-1, on every corner lot, within the triangle formed by the property lines of such lot and a line drawn between points on such lines at the distances from the intersection thereof that are specified below, there shall be no fence or wall, other than an open wire fence, higher than three (3) feet nor any obstruction to vision between a height of three (3) feet and a height of ten (10) feet above the established grade of each street, or if no grade has been officially established, then above the average elevation of the existing surface of

the street intersection, as follows:

- (1) For a corner lot having an interior angle of ninety (90) degrees or more at the street corner, thirty (30) feet;
 - (2) For a corner lot having an interior angle of less than ninety (90) degrees at the street corner, thirty (30) feet plus one foot for every ten (10) degrees or major fraction thereof by which such interior angle is less than ninety (90) degrees.
- (B) The requirements specified in this Section shall not apply to United States mailboxes, police and fire alarm boxes, public utility poles, street name markers, official traffic signs and control devices, fire hydrants and tree trunks with a circumference not greater than five (5) feet.

5-2.3 Fence and Screening Regulations

(A) Definitions

- 1: ANIMAL HUSBANDRY: The act or practice of cultivating crops and breeding and raising livestock; agriculture.
- 2: EXPANDED MULTI-FAMILY OR NONRESIDENTIAL USE: An existing multi-family or non-residential use shall be considered expanded when building square footage or parking area is increased by more than fifty percent (50%).
- 3: FENCE: An enclosed barrier erected or maintained on or within property lines for the purpose of enclosing, partitioning, screening, restricting access to or decorating the enclosed lot, parcel, building or structure, or divides any yard.
- 4: FRONT YARD SETBACK AREA: An area extending the entire width of the lot, fronting on any street, between the front building line and the front lot line.
- 5: GAME COURT: a structure having a playing surface, paved or unpaved, with or without enclosing fences, designed to be used for playing or practicing tennis, badminton, volley ball, paddle tennis handball, baseball, batting, handball, racquet ball, squash, basketball, or similar games.
- 6: LOADING AREA: Any entrance/exit into or out of a building that is used for the loading or unloading of materials by trucks or other vehicles.
- 7: LOADING SPACE: Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles, and not considered as part of the minimum required off-street surface parking.
- 8: LOT, CORNER: A lot located at the intersection of and abutting two or more streets. The rear yard of a corner lot abuts the rear yard of another corner lot.
- 9: LOT, DOUBLE FRONTAGE: A lot having frontage on two nonintersecting roads, as distinguished from a corner lot. Also known as a “through lot.”
- 10: LOT, INTERIOR: A lot having frontage on one road. The side and rear yard of an interior lot abuts other lots.

- 11: LOT, REVERSE CORNER: A corner lot where the rear lot line is adjacent to a side lot line of an adjoining lot or across an alley from such side lot line.
- 12: NEW MULTI-FAMILY OR NONRESIDENTIAL USE: A new multi-family or nonresidential use shall mean the conversion of a vacant lot or a lot formerly used for agricultural or residential uses to a multi-family or nonresidential use.
- 13: NON-CONFORMING FENCE: Any fence in existence on the effective date of this Section.
- 14: PARAPET WALL: A building façade that rises above the roof level, typically obscuring a gable or flat roof as well as any roof-mounted equipment.
- 15: PENTHOUSE SCREEN: A wall or other enclosure atop a building designed to conceal roof-mounted mechanical equipment or storage areas too tall to be hidden behind a parapet wall.
- 16: SCREENING: A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, gates, parapet walls, penthouse screens, features of a building, or densely planted vegetation
- 17: SCREENING WALL: A brick or other masonry wall constructed in accordance with the standards and criteria set forth in the City's Standard Construction Details.
- 18: SINGLE-FAMILY ZONING OR USE: Includes vacant or agricultural land with SF-E, SF-1, SF-2, SF-3, SF-4, PH or SF-A zoning; developed property containing single-family detached, single-family attached, or patio home uses; and vacant or agricultural land that is zoned Agricultural (A) and that is designated in the Future Land Use Plan for Medium or Low Density Residential use.
- 19: YARD, FRONT: The yard extending the entire width of the lot, fronting on any street, between the nearest part of the principal building, including covered porches, but excluding roof overhang, and the front lot line.
- 20: YARD, REAR: The yard extending the entire width of the lot between the nearest part of the principal building and the rear lot line.
- 21: YARD, SIDE: An open, unoccupied space or spaces on one or more sides of a principal structure extending from the structure to the side property line.

(B) Fence Requirements

(1) Applicability

All new, altered, modified, or reconstructed fencing shall comply with this section. Legal and non-conforming fences may be maintained without a permit; however any alterations, modifications, or improvements in excess of fifty percent (50%) of its replacement cost shall require conformance with this section.

(2) Permits

Each application for a permit shall be accompanied by the appropriate fee as determined in the fee schedule in Appendix A of the Code of Ordinances, as amended. The permit application shall include the following:

- (a) Site plan showing building locations and area to be fenced;
 - (b) Height of fence and materials to be used (including color);
 - (c) Intersections of streets, roads, highways, alleys, and driveways;
 - (d) Corner visibility triangles, when required, shall be shown;
 - (e) Zoning of subject and surrounding properties; and
 - (f) Any other information deemed necessary by the building official.
- (3) Duty and responsibilities of permit applicants:
- (a) Permit applicants are responsible for the determination and location of easements, property lines, rights-of-way, and utilities prior to application for a permit and construction of fences.
 - (b) Permit applicants shall be responsible for researching and complying with all private deed restrictions or private subdivision requirements.
- (4) Fence Standards
- (a) Approved Materials

Approved side and rear yard fence materials include wood, PVC (if specifically listed and manufactured as fencing materials), wrought iron, galvanized or vinyl coated chain link, stone, and masonry. Approved front yard fence materials include wood pickets, PVC pickets (if specifically listed and manufactured as fencing materials), vinyl coated chain link (green or black), and wrought iron. Galvanized chain link may be used in front yards for industrial security fencing.
 - (b) Prohibited Materials

Prohibited fencing materials include rope, string, wire products including, but not limited to chicken wire, hog wire, wire fabric, barbed wire (except as specifically allowed herein), razor ribbon wire and similar welded or woven wire fabrics, chain, netting, cut or broken glass, paper, metal panels, corrugated metal panels, galvanized sheet metal, plywood, fiberglass panels or plastic panels in any fence or any other materials that are not manufactured specifically as fencing materials. The building official may require the applicant to provide the manufacturer's standards to establish the intended use of a proposed fencing material.
 - (c) Barbed wire fencing shall only be permitted for industrial security fences and in conjunction with animal husbandry on lots greater than two (2) acres. Fence arms or posts with barbed wire shall not exceed three (3) strands. Fence arms shall not protrude over any property line.
 - (d) Electrical fencing shall only be permitted in conjunction with animal husbandry on lots greater than two (2) acres. Electrical fence chargers must be UL approved and clearly marked with signage at a minimum of fifty foot (50') intervals.
 - (e) Wood fences shall be constructed using two and three-eighths inch (2 3/8") diameter galvanized steel vertical posts. Posts shall be spaced a maximum of eight feet (8') on center, set in minimum eighteen inch (18") deep concrete footings. Stone or masonry columns are permissible substitutes for galvanized posts.
 - (f) Height
 - (1) Residential fences shall not exceed eight feet (8') in height above the adjacent grade. Front yard fences shall not exceed four feet (4') in height, except in a designated rear yard on a double frontage lot.

- (2) Nonresidential fences shall not exceed ten feet (10') in height. Fences within the front yard setback shall not exceed four feet (4') in height, except in a designated rear yard on a double frontage lot.
- (3) Game court fences shall not exceed twelve feet (12') in height in or adjacent to a residentially zoned district or sixteen feet (16') in height in a non-residentially zoned district. Game court fences are not allowed in the front yard.
- (4) All fences shall observe the height limitations within visibility triangles as specified in Section 5-2.2, Corner Visibility.
- (g) Private swimming pool fences shall be constructed to the minimum standards set forth in Article 10.04 Swimming Pools and the International Residential Code, as amended.
- (h) Notwithstanding other provisions of this section, the owner or operator of any school, church or park may erect upon school, church or park property a fence to protect any schoolyard, ball field or playground without a permit. Said fencing must be placed so as to not interfere with corner visibility triangles or other site distances.
- (i) Temporary fencing, including fencing used for the protection of excavation and construction sites, the protection of plants and trees during construction, and fencing used during special events shall be allowed without a permit for a maximum of sixty (60) days. Said fencing must be placed so as to not interfere with corner visibility triangles or other site distances.
- (j) Standards for fences erected in a Neighborhood Conservation District or in the Central Area Zoning District may be varied by the Planning and Zoning Commission and Main Street Advisory Board respectively, in order to maintain consistency in design.
- (k) All fences shall provide at least one (1) gate in its perimeter for access. When abutting an alley or easement, one (1) gate shall be installed to provide access to said alley or easement.
- (l) Fences shall not restrict access to fire hydrants or utility metering devices.
- (m) The finished side of a fence must face any public right-of-way or other public area.
- (n) Sufficient ground clearance shall be provided to prevent premature rot and to allow for proper storm water drainage.

(C) Screening Requirements

(1) Applicability

Screening devices shall be required at the time of a building permit, prior to the issuance of a Certificate of Occupancy, where new or expanded multi-family or non-residential uses:

- (a) Adjoin single-family residential zoning or uses
- (b) Contain refuse areas or recyclable containers
- (c) Contain mechanical or utility equipment at ground level or rooftop equipment
- (d) Contain loading areas or spaces
- (e) Are specifically required to provide screening pursuant to Section 5-2, Supplementary Regulations.

(2) Screening Standards

- (a) Approved Materials

Materials approved for screening walls are brick, stone, cementitious stucco, split-face concrete masonry units (CMU's), and pre-cast or cast-in-place concrete with a similar appearance as brick, stone, or split-face CMU's.

(b) Prohibited Materials

Use of wood, chain-link, chicken-wire, hog-wire fencing, and any other material similar in appearance and quality is expressly prohibited. Any materials not listed, designed and constructed for fencing materials are also prohibited.

(c) Height

Unless otherwise specified herein, all required screening shall be no less than six feet (6') in height.

(d) Screening between land uses

Screening shall be provided along the common property line between new or expanded nonresidential or multi-family and single-family zones or uses. The screen shall take one of the following forms:

- (1) A screening wall combined with low shrubs planted on the exterior of the wall.
- (2) A decorative wrought iron fence with masonry columns augmented with evergreen trees and shrubs to provide a sufficient screen.
- (3) A ten foot (10') wide bufferyard containing one of the following vegetative combinations:
 - a. Three inch (3") caliper pine trees (Afghan, Austrian, or Japanese Black or a combination thereof) placed in triangular spacing, in two rows, every fifteen feet (15').
 - b. One (1) row of three inch (3") caliper Leyland Cypress trees every fifteen feet (15') and one (1) row of three inch (3") caliper shade trees every fifteen feet (15') in triangular spacing.
 - c. Three inch (3") caliper Hollies, Wax Myrtles, or Laurels placed in triangular spacing, in two rows, every eight feet (8').

(e) Refuse areas or recyclable containers

- (1) Refuse areas or recyclable containers shall be screened with a screening wall the greater of eight feet (8') in height or two feet (2') taller than the container being screened. The screening wall shall be architecturally compatible with the principle building(s) on site.
- (2) Compaction units shall provide a floor drain which ties into the sanitary sewer system.
- (3) Gates shall be constructed of metal, wood composite, or PVC composite. Wooden gates are not permitted as they do not sufficiently withstand daily use and abuse.
- (4) Where practical, shrubs and other plants shall be placed outside the enclosure to visually soften the appearance.

(f) Mechanical and utility equipment

- (1) Mechanical or utility equipment located on the ground shall be screened with a wooden fence or a continuous row of evergreen shrubs. Screen should be at least as tall as the equipment to be screened.

- (2) Mechanical or utility equipment located on the roof of buildings shall be screened from ground view with a parapet wall or penthouse screen. Screen should be at least as tall as the equipment to be screened.
- (g) Loading areas and spaces
 - (1) Loading areas and spaces shall be screened from view from rights-of way and other public areas and single-family zoning or uses with a screening wall with low shrubs or a continuous row of evergreen shrubs and trees which provide an uninterrupted six foot (6') tall screen.
 - (h) Other creative alternatives to the aforementioned requirements will be considered by the Community Development Director if the proposed screening alternative provides for a screening standard equal to or greater than that required.
 - (i) Screening walls or any other type of screening device shall not be constructed within any portion of a utility or drainage easement unless specifically authorized by the City and by any applicable utility provider(s).
- (D) Termination of certain nonconforming fences and screening devices. The following nonconforming fences and screening devices shall be removed or modified to comply with the provisions of this section within ninety (90) days of notification to eliminate every nonconformity:
 - (1) *Non-traditional fencing materials.* Any fence or screening utilizing, in whole or in part, any materials not listed, designed and constructed for fencing materials.
 - (2) *Public health, safety, and welfare.* Every nonconforming fence or screening that poses a threat to the health, safety, or welfare of any person or to the general public.

5-2.4 Single-Family Regulations

- (A) All single-family residential dwelling units shall have a roof pitch of at least five feet (5') of rise for every twelve feet (12') of run (a 5:12 roof pitch).
- (B) All single-family residential dwelling units shall be permanently attached to a reinforced concrete or pier-and-beam foundation that is permanently attached to the ground.

5-2.5 Patio Home Regulations

- (A) These regulations apply to the development of patio homes in any district in which they are permitted. In case of conflict, these regulations shall supersede the site development standards otherwise applicable in the district in which the patio home development is located.
- (B) The minimum lot area shall be five thousand (5,000) square feet.
- (C) The minimum lot width shall be fifty (50) feet; in the case of a corner lot, the minimum lot width shall be fifty-five (55) feet.
- (D) The minimum front yard setback shall be twenty (20) feet.
- (E) The minimum side yard setback shall be as follows.
 - (1) Except for end lots abutting streets or other boundaries of the patio home development, all patio home lots shall provide one side yard of zero width and one side yard with a minimum width of ten (10) feet.
 - (2) End lots shall provide a minimum side yard of ten (10) feet from adjoining property developed or zoned for a use other than patio homes.
 - (3) Corner lots shall provide a minimum side yard of fifteen (15) feet from the street.

- (4) A minimum three (3) foot wide permanent maintenance easement shall be placed on the lot immediately adjacent to any zero lot line to enable the property owner to maintain the structure. Projections shall not exceed twenty-four (24) inches into the required easement.
- (F) No patio home shall be located within ten (10) feet of any other patio home.
- (G) Two off-street parking spaces shall be provided on each patio home lot.
- (H) Any patio home development shall provide usable common open space in an amount equal to at least ten (10) percent of the total area of the patio home development. Such open space shall be exclusive of street and alley right-of-way and/or easements, individually platted lots without open space easements, private yards and patios. The open space ratio shall be based on the total platted area in a patio home subdivision, excluding rights-of-way for major and secondary thoroughfares. At the time of Site Plan or plat approval, the approval body may give full or partial credit for open areas that exceed the maximum slope or which are otherwise unusable if it is determined that such areas are environmentally or aesthetically significant and enhance the development.
- (I) A property owners or homeowners association (HOA) is required for maintenance of useable common open space.
- (J) The building wall on the lot line shall be one hundred (100) percent masonry. No openings or penetrations shall be permitted in this wall.

5-2.6 Single-Family Attached Regulations

- (A) Single-family attached developments shall observe the following side yard requirements in all districts in which they are permitted.
 - (1) The minimum required side yard adjacent to a street shall be twenty (20) feet.
 - (2) The minimum required side yard adjacent to an end lot line not on a street shall be ten (10) feet.
 - (3) No complex of attached single-family dwellings shall exceed two hundred (200) feet.
 - (4) A minimum required side yard of five (5) feet shall be provided at the end of each single-family attached dwelling complex so that the end of any two (2) adjacent building complexes shall be at least ten (10) feet apart.
- (B) Single-family attached developments shall observe the following building coverage requirements in all districts in which they are permitted.
 - (1) Not more than sixty (60) percent of a lot shall be covered by the main building and all accessory buildings, except as provided in (2) below.
 - (2) If forty (40) percent of the total project area is reserved for open space and total project lot coverage does not exceed sixty (60) percent, the maximum building coverage for individual lots within such project shall be eighty (80) percent.

5-2.7 Multi-Family (MF) Regulations

- (A) Site Plan Approval. Prior to receiving a building permit, an applicant for a new multi-family development shall submit a site plan for review and approval by the Planning and Zoning Commission. The site plan shall include all of the normal and customary information required for multi-family and non-residential development projects. The Department of Community Development shall develop, and may amend from time to time, a site plan review checklist.
 - (1) When considering a site plan, the Planning and Zoning Commission may attach reasonable and appropriate conditions (consistent with the requirements of this ordinance) to any decision to approve a site plan.

- (2) In the event the Planning and Zoning Commission denies approval of a site plan, or if the applicant disagrees with the terms and conditions of approval, the applicant may appeal such decisions to the City Council. Appeals shall be in writing and shall be submitted to the Director of Community Development within thirty (30) days of the date the decision is rendered by the Planning and Zoning Commission.
- (B) Useable Open Space Required. All multi-family developments shall provide useable open space which equals or exceeds twenty percent (20%) of the gross platted area, excluding rights-of-way for collector and larger-sized streets. The following criteria shall be met with regard to this useable open space:
 - (1) All MF units must be located within six hundred feet (600') of a usable open space area. The Planning & Zoning Commission may approve this distance to be increased to up to one thousand two hundred feet (1,200') if the shape of the MF development is irregular or if existing trees/vegetation on the site can be preserved by increasing the distance.
 - (2) Individual usable open space areas shall be at least twenty thousand (20,000) square feet in size. Useable open space must be a minimum of fifty feet (50') wide, and must have no slope greater than ten percent (10%). At the time of Site Plan approval, the Planning & Zoning Commission may approve, full or partial credit for open areas that exceed the 10% maximum slope if it is determined that such areas are environmentally or aesthetically significant and that their existence enhances the development or the surrounding area.
 - (3) Pools, tennis courts, walkways, patios and similar outdoor amenities may be located within areas designated as useable open space. Areas occupied by enclosed buildings (except for gazebos and pavilions), driveways, parking lots, overhead electrical transmission lines and easements, drainage channels and antennas may not be included in calculating useable open space.
 - (4) Within useable open space areas, there shall be at least one (1) tree for every one thousand (1,000) square feet of space. New trees planted to meet this requirement shall be a minimum of three inches (3") in caliper.

5-2.8 Manufactured Home Park Regulations

- (A) These regulations apply to the development or expansion of manufactured home parks in the Manufactured Home Park District.
- (B) The minimum contiguous site area for a manufactured home park shall be five (5) acres.
- (C) A solid masonry screening wall, at least six (6) feet in height and meeting the standards of Section 5-2.3(B)(4), shall be installed and thereafter maintained along all boundaries of the manufactured home park except where the boundary of the manufactured home park abuts another manufactured home park.
- (D) Interior vehicle circulation shall be provided by private internal streets with a paving width of at least twenty-eight (28) feet and curb and gutter. Internal streets shall be continuous and connect with other internal streets or with public streets, or, shall be provided with a paved cul-de-sac having a diameter of at least eighty (80) feet. No internal street containing a cul-de-sac shall exceed four hundred (400) feet in length. All permanent construction within manufactured home parks shall conform to applicable City standards.
- (E) A minimum of two and one-half (2.5) off-street parking spaces shall be provided per manufactured home space, at least two (2) of which shall be located on each manufactured home space. The balance of the required parking may be located in common parking areas distributed throughout the manufactured home park, provided that no required parking spaces shall be located on private streets

within the development. Each parking space shall be hard-surfaced with all-weather material (e.g., concrete, asphalt, etc.).

- (F) Each manufactured home park shall provide for safe pedestrian access to and among individual manufactured home spaces and/or common areas by providing paved sidewalks at least two (2) feet in width along one (1) side of each private drive within the manufactured home park.
- (G) Each manufactured home park shall provide a minimum of three hundred (300) square feet of open space per dwelling unit, with at least one hundred fifty (150) square feet of open space located on each individual manufactured home space. The balance of required open space may be located in common areas distributed throughout the park.
- (H) A minimum of twenty (20) percent of required open space area within each manufactured home park shall be devoted to and consist of plant material, including but not limited to grass, trees, shrubs, flowers, vines and other ground cover, native plant materials, planters, brick, stone, aggregate and other landscape features, but not including the use of smooth concrete or asphalt; provided, however, that the use of brick, stone, aggregate or other inorganic materials shall not predominate over the use of organic materials.
- (I) Each manufactured home park shall provide on-site common laundry facilities within an enclosed, permanent structure containing a minimum of four hundred (400) square feet of floor area.
- (J) Garbage dumpsters within a manufactured home park shall be located a minimum distance of fifty (50) feet from the nearest manufactured home space or dwelling unit. Garbage dumpsters shall be placed on concrete slabs and shall be completely screened from view by a solid wood or masonry wall or fence.
- (K) Manufactured homes located within a manufactured home park shall meet the following standards.
 - (1) The wheels and tongue of the manufactured home shall be removed upon installation, unless completely shielded from view.
 - (2) Skirting or concrete block perimeter foundations shall be required on all manufactured homes. Perimeter skirting shall consist of rust proof metal or water resistant wood materials. Skirting and other additions, when installed, shall be maintained in good repair.
 - (3) All manufactured homes shall have permanent steps affixed to all entryways and exits.
 - (4) All structural supports for manufactured homes shall be placed on an approved foundation as set forth by the City Building Code.
 - (5) Each manufactured home shall have a minimum of three (3) of the following attributes:
 - (a) A 6:12 pitch roof,
 - (b) Multiple hips on the front elevation,
 - (c) A width of at least twenty-eight feet (28'),
 - (d) An attached garage,
 - (e) Stone, masonry, or similar treatment comprising a minimum of 20 percent of the area of the front elevation,
 - (f) The length is less than 2.5 times the width.
- (L) Unoccupied manufactured home spaces and vacant manufactured homes shall be maintained by the owner or operator of the manufactured home park.
- (M) The use of liquefied natural gas in any of its forms within a manufactured home park is expressly prohibited.
- (N) Street lighting within the mobile home or manufactured housing park shall be provided by the developer along internal streets. Light standards shall have a height and spacing to ensure that an average illumination level of not less than two-tenths (2/10) footcandles shall be maintained.

- (O) The provision of utilities within manufactured home parks shall follow City ordinances and appropriate provisions of applicable Southern Standard Building Codes.
- (P) Manufactured Homes Only. (Refer to the definitions of a mobile home and manufactured home within Section 2-2.) No *mobile* home shall be permitted to be established within the City limits of Greenville after adoption of this Zoning Ordinance. Only *manufactured* home units shall be permitted within the City limits of Greenville, meaning that any such home constructed prior to 1976 shall not be permitted to be established.
- (Q) Mobile Home Replacement. (Refer to the definitions of a mobile home and manufactured home within Section 2-2.) Any *mobile* home that is deemed a legal, conforming use upon adoption of this Zoning Ordinance and that is in need of replacement after the adoption of this Zoning Ordinance shall only be replaced with a *manufactured* home, meaning that any such home constructed prior to 1976 shall not be permitted as a replacement.

5-2.9 Bed and Breakfast Inn Regulations

- (A) Health Permits. All Bed and Breakfast establishments must be licensed and approved as a food service establishment by the city Public Health Division.
- (B) Bed and Breakfast Inn. A site plan for such use shall show the following:
 - (1) The location of the structure on the lot, the required parking, sign location, landscaping and any other exterior features.
 - (2) A floor plan indicating the size and number of guest rooms, and a narrative description of the planned activities of the bed and breakfast inn.
- (C) Parking. One (1) off-street parking space per guest room, and one (1) off-street parking space for employees shall be provided in addition to the required off-street parking for the owner or operator.
- (D) Screening Wall. A Bed and Breakfast establishment in a non-residential zoning district which abuts a residential zoning district must comply with the residential screening wall requirement in Article V, Section 5-2.3(B) of this ordinance.
- (E) Special Regulations for All Residential Zoning Districts.
 - (1) All residential Bed and Breakfast establishments must be occupied by the owner and shall have no more than five (5) guest rooms (or maximum occupancy will be recommended by the Planning and Zoning Commission and established by City Council). Cooking facilities in guest rooms are prohibited.
 - (2) No Bed and Breakfast establishment in a residential or agricultural zoning district may be located on any lot within a five hundred (500) foot radius of a lot occupied by or permitted as a Bed and Breakfast Inn.
 - (3) Two-deep tandem parking is allowed; however, except for the driveway, the front yard shall not be used for parking.
 - (4) If off-street parking is provided in the side or rear yards, the applicant shall provide a six (6) foot solid wood fence or screening wall in accordance with Article V, Section 5-2.3(B)(4) of this ordinance along the side and rear lot lines where off-street parking would be visible to adjacent property.
 - (5) Individual guest occupancy shall be limited to no more than fourteen (14) days in a single thirty (30) day period.
 - (6) No signs shall be permitted in residential districts except for one nameplate attached flat to the building and/or one mail box sign; not exceeding two (2) square feet and consisting of the name of the establishment only. Sign lighting shall be restricted to low-intensity indirect

lighting, illuminating the surface of the sign only.

- (7) Catering, meetings, receptions, or private parties for which remuneration is received, are not permitted except by Conditional Use Permit as outlined below:
 - (a) The City Council may approve a Conditional Use Permit for catering, meetings, receptions, or private parties for which remuneration is received for a bed and breakfast inn regulated by this section, where the Council determines that approving a Conditional Use Permit would be consistent with the criteria outlined in § 8-4.5(B) of the Zoning Ordinance, and that adequate off-street parking will be provided to accommodate the proposed activities.
 - (b) Where a Conditional Use Permit is approved under this section, off-street parking shall be provided on-site or on adjacent property in an amount equal to one (1) space for every one hundred (100) square feet of floor area devoted to such meetings, receptions, or private parties. In approving a Conditional Use Permit, the Council may require additional off-street parking where it determines additional parking will be necessary to accommodate the proposed activities. Where off-site parking is provided on adjacent property, such parking shall be provided in accordance with the contractual requirements in § 5-3.6 of the Zoning Ordinance.
- (8) The principal building must appear outwardly to be a single family dwelling, giving no appearance of a business use other than the allowed sign(s) and off-street parking.
(Ord. 01-096 adopted 5-22-01; Ord. 03-047 adopted 4-22-03, Sec. 2)

5-2.10 Automobile Repair Garage

When such use is conducted in the GR, General Retail district, such use shall be indoors only.

5-2.11 Cargo Trailer Sales or Rental

Trailers offered or displayed in a GR, General Retail District shall not exceed twenty (20) feet in overall length.

5-2.12 Home Occupation

(A) A home occupation shall comply with the following:

- 1) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five percent (25%) of the floor area of the dwelling unit shall be used in the conduct of the Home Occupation.
- 2) A Home Occupation may provide on-site service to customers, but may not offer any commodity for sale on the premises.
- 3) The operation of a Home Occupation may not cause a change in the outside appearance of the building or premises, or result in any other visible evidence of the conduct of such home occupation other than an Occupational Sign, not exceeding one square foot in area, non-illuminated, and mounted flat against the wall of the principal building.
- 4) No traffic shall be generated by such Home Occupation in greater volumes than would normally be expected in a residential neighborhood. Any need for parking generated by the conduct of such home occupation shall be met off the street. Not more than two (2) patron or business-related vehicles shall be present at one time.
- 5) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or

television receivers off the premises, or causes fluctuations in line voltage off the premises.

- 6) A home occupation shall specifically exclude the operation of a bed and breakfast inn, doctor's office, hospital, health club, tea room, palm reading, kennel, repair garage, plumbing shop, or similar activity.

5-2.13 Outside Storage

- (A) The minimum setback for any outside storage area from the right-of-way line of any arterial or collector roadway shall be one hundred and fifty feet (150'), unless such area is screened to one hundred percent (100%) opacity with a masonry screening wall that matches the primary on-site building.

5-2.14 Outside Display

- (A) Except as provided in (C) below, all display areas out of doors shall:
 - (1) Be confined to a pedestrian walkway immediately adjacent to the building housing the primary use,
 - (a) In the Central Area zoning district display items may not obstruct the public sidewalks or rights-of-way except that in connection with certain community events, the City Manager may authorize sidewalk sales where merchandise may be temporarily displayed on the adjacent public walk-way provided that an adequate pedestrian access is preserved. An adequate pedestrian access shall be an unobstructed thirty-six inch (36") walkway.
 - (2) Not extend from such building a distance of more than twenty feet (20'), and
 - (3) Be located wholly under a permanent part of a main business building such as a marquee, provided that adequate pedestrian access is maintained. Adequate pedestrian access shall be an unobstructed thirty-six inch (36") walkway.
- (B) The temporary sale of Christmas trees and products associated with celebration of holidays or national events (e.g., Hanukkah, Presidents' Day, Easter, etc.) shall be permitted for a period of forty-five (45) days prior to the day of the holiday celebration.
- (C) The sale of goods in relation to special, local, or store events (e.g., spring sale, Party on the Grand, civic club event, etc.) shall also be permitted, but shall be limited to two (2) events per calendar year, not to exceed a sale period of more than sixty (60) days. The Building Official shall issue a permit for such sale when he finds:
 - (1) That there is an adequate off-street parking area and the permit allows such display to be within such parking area; and
 - (2) That the location and layout of drives and parking areas, of lighting, and of temporary sales signs will not constitute a hazard to public traveling to the abutting public streets and will not obstruct the visibility along such streets.
- (D) No other type of outdoor activity or uses shall be permitted without a permit issued by the City's Building Official.
- (E) Outside display items shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.

5-2.15 Custom Craft (fabrication and assembly)

Where such businesses are located in the Central Area (CA) zoning district and the building in which the business operates faces Lee St., Washington St., Johnson St., Stonewall St., or Wesley St.; a space, located at the front of the building, must be used for the retail sale and/or display of the finished products or goods produced by the

business. The retail sale and/or display area is must be equal in size to at least twenty percent (20%) of the gross floor area of ground floor of the building, and must occupy a space measuring at least ten (10) feet in depth behind the front door, running the entire width of the building frontage

5-2.16 Automobile Storage Yard

In relation to this use, there shall be no dismantling on the premises and all outside storage areas shall be enclosed by a screening device. There shall also be no sales, wholesale or retail; hourly or daily parking; repairs, maintenance or fueling; vehicle dismantling; or wrecking and salvage yards.

5-2.17 Recycling Facilities and Uses

(A) All Facilities, Centers or Containers. Mobile collection centers for secondhand goods, mobile redemption centers, material recycling facilities, reverse vending machines, material recycling collection containers and distribution facilities for recycling containers shall be located and maintained in accordance with the following provisions:

- (1) The facility, center, or container shall meet all front, rear and side yard setback requirements of the district in which such facility, center, or container is located. A building permit in the amount of twenty-five dollars (\$25.00) is required from the Building Official for each facility, center or container, and franchise fees may be applicable.
- (2) The facility, center or container may be located on parking spaces, if such spaces are not necessary to meet the minimum parking requirements of the main use of the lot or parcel.
- (3) Such facility, center or container shall not be located within nor encroach upon a fire lane, maneuvering aisle, vehicle stacking space or required landscaping areas. The location of such facility, center or container shall comply with applicable codes and ordinances of The City of Greenville.
- (4) It shall be the responsibility of the owner of the property upon which such facility, center or container is located to ensure compliance with the provisions of this ordinance.
- (5) Where a material recycling facility constitutes the principal use on a lot or parcel, such facility shall comply with all applicable requirements of the district in which it is located.
- (6) All material collected and stored must be completely contained within an approved collection container as outlined in B(I) of this section. In no instance shall the collected or stored material within the container be stacked to exceed the height of the collection container. Such container shall be equipped with a lid or tarp that completely covers any opening utilized for the deposit of materials. No materials shall be stored outside of the container and monitoring must exist to ensure compliance with this section.
- (7) No facility, center, or container shall be used to collect hazardous waste except under the following conditions:
 - (1) An application must be made to the City Manager for the collection and removal of hazardous waste. The application shall state:
 - (a) Name and address of company, person, partnership, business, or corporation requesting permission to collect, haul and dispose of hazardous waste, including parent office, and listing the names and addresses of the President, Vice-President and Registered Agent for Service and place of incorporation. If partnership, name and address of all general partners or name and address of principal(s) involved.
 - (b) A detailed statement of the nature of the collection activities; number of personnel and equipment; length of time to perform activity.

- (c) Evidence of financial responsibility and/or insurance from a company licensed to do business in Texas in the amount of \$2 million for claims made on a per occurrence basis to cover all activities incident to the collection and disposal of hazardous waste for the period requested.
 - (d) Any licensing or other certification held by company for removal of hazardous waste.
 - (e) A performance record indicating prior experience in hazardous materials removal, with three (3) references, including names and addresses.
 - (2) Upon receipt of application, the City Manager or his or her designee will issue a permit when all requirements of this section and the ordinance have been met. The permit will be issued for a period not to exceed ten (10) calendar days. If the City Manager fails to issue a permit, he or she shall do so in writing and the applicant may appeal to the City Council by filing a written appeal with the City Secretary within five (5) days after denial of permit. The City Council will hold a hearing to determine whether the permit should be issued. The decision of the council shall be final.
 - (8) All collection containers and recycling activities must meet applicable federal, state, and local laws.
 - (9) It shall be unlawful to place any item in a recycling container which is not designated for such use or is an improper material for such container.
- (B) Material Recycling Collection Container.
- (1) The maximum size of a material recycling collection container in any district shall be sixty (60) cubic yards, provided, however, that a recycling collection container in excess of three (3) cubic yards shall not be located adjacent to, nor within seventy-five feet (75') from any residentially zoned district, except as allowed by governmental, church, educational, and institutional uses. Educational uses include both public and private schools, vocational training schools, etc. Institutional uses include: hospitals, nursing and convalescent homes, health care facilities.
 - (2) The sale or leasing of goods collected or stored at a material recycling collection container shall be prohibited at the collection container.
 - (3) Material recycling collection containers shall be clearly marked to identify the type of material which may be deposited. Such collection container shall be marked to identify the name and telephone number of the firm(s) or person(s) responsible for the removal of collected materials and shall display a notice stating that no material shall be left outside of The collection container.
 - (4) In districts where all activities must be located within an enclosed building, such provisions will be amended to accommodate collection containers, to the degree necessary.
- (C) Mobile Collection and Redemption Centers
- (1) The sale or leasing of goods collected or stored at a mobile collection center or mobile redemption center shall be prohibited at the collection and redemption center.
 - (2) A mobile collection center for secondhand goods and mobile redemption center shall be clearly marked to identify the type of material which may be deposited. Such collection and redemption centers shall be marked to identify the name and telephone number of The firm(s) or person(s) responsible for The removal of collected materials and shall display a notice stating that no material shall be left outside of The collection trailer or vehicle.

- (3) Not more than one (1) truck, van, trailer, or other vehicle constituting a mobile collection center or mobile redemption center shall be permitted on a lot, parcel, or shopping center as herein defined.

5-2.18 Scrap Metal Salvage Yard

- (A) All scrap metal salvage yards must be screened by a minimum of eight (8) foot screening wall or fence constructed of solid masonry, concrete, or corrugated sheet metal. The operator of a scrap metal yard shall be responsible for maintaining the fence in good repair and keeping it free from graffiti. The Planning and Zoning Commission may recommend, and the City Council may require, a fence higher than eight (8) feet.
- (B) All scrap metal material shall be stored in such a manner as to have no visible exposure from a public street, abutting properties, or above the fence.
- (C) The operator of a scrap metal salvage yard shall comply with all applicable state and federal laws that may regulate this type of industrial activity. Such regulations may include but are not limited to the NPDES portion of the Clean Water Act and Section 608 of the Clean Air Act, which regulates the removal of refrigerants from refrigerators and air conditioning units.
- (D) Prior to receiving a Conditional Use Permit, the applicant shall provide The City of Greenville with proof of compliance with the requirements of the National Pollutant Discharge Elimination System (NPDES). As part of the NPDES program, The operator of a scrap metal salvage yard must: 1) submit a notice of intent (NOI) to obtain coverage under a NPDES storm water general permit; 2) prepare a pollution prevention plan; and 3) comply with all analytical and visual monitoring requirements.
- (E) The operator of a scrap metal salvage yard shall not allow pollutants to be discharged into the storm or sanitary sewer system.
- (F) If at any time a permit is granted, there are violations of any of the conditions of this section, the Conditional Use Permit shall be called for reconsideration.

(Ord. 98-020 adopted 1-27-98, Sec. 3)

5-2.19 Reverse Vending Machine

Such machine shall have a maximum eight of ten feet (10'), a maximum ground coverage of one hundred fifty (150) square feet, and a maximum storage capacity of three thousand (3,000) pounds.

5-2.20 Stable (Private)

- (A) Such use shall be set back at least one hundred (100) feet from all adjacent property lines.
- (B) There shall be a minimum area of one (1) acre on-site for each animal quartered within such stable.

5-2.21 Swimming Pool Private

- (A) Such use shall not be operated as a business nor maintained in a manner to be hazardous or obnoxious to adjacent property owners.
- (B) A private swimming pool shall be considered an accessory building, and shall adhere to all requirements thereof, including setbacks.

5-2.22 Travel Trailer Sales or Display

When travel trailers are displayed and/or offered for sale in a GR, General Retail District, such trailers shall not exceed eight (8) feet in overall width nor thirty-five (35) feet in overall length.

5-2.23 Welding Supply Stores

Welding supply businesses that include the sale of industrial, specialty, and medical gases, including Oxygen, Acetylene, Nitrogen, Argon, Carbon Dioxide, Helium, Chlorine, Liquid Nitrogen, Nitrous Oxide, are classified in the Permitted Use Schedule (refer to Section 4-1.7) as “Welding Supply Store (with gas)”, provided that the pressurized gas containers are not filled on site. (Adopted Ordinance 09-012; March 10, 2009)

5-2.24 Beer and Wine Retail Sales

Businesses that engage in Beer and wine Retail Sales for off-premise consumption as its primary use must satisfy all distance requirement of Article 6.08 of the City of Greenville Code of Ordinances.

5-2.25 Alternative Financial Services:

- (A) A lot containing an alternative financial service shall be located at least 1,000 feet from any lot containing another alternative financial service, as measured in a straight line between the nearest points of one lot to the other lot.
- (B) The privilege to continue a nonconforming alternative financial service establishment shall cease and such use shall terminate whenever any of the following occur:
 - (1) A certificate of occupancy for a change of owner, occupant, tenant, or business is issued.
 - (2) The certificate of occupancy for the use is relinquished, canceled, or terminated in accordance with other applicable ordinances.

5-2.26 Alternative Personal Services:

- (A) A lot containing an alternative personal service shall be located at least 1,000 feet from any lot containing another alternative personal service, as measured in a straight line between the nearest points of one lot to the other lot.
- (B) The privilege to continue a nonconforming alternative personal service establishment shall cease and such use shall terminate whenever any of the following occur:
 - (1) A certificate of occupancy for a change of owner, occupant, tenant, or business is issued.
 - (2) The certificate of occupancy for the use is relinquished, canceled, or terminated in accordance with other applicable ordinances.

5-2.27 Bail Bond Services

- (A) A Conditional Use Permit is required to operate a bail bond service establishment and is subject to the following supplemental requirements:
 - (1) A lot containing a bail bond service shall only be located on property zoned for Commercial, Light Industrial or Heavy Industrial and shall be no more than 1,000 feet from the Hunt County Justice Center property boundary.
 - (2) Bail bond services may be allowed in the Central Area, provided that:
 - (a) These establishments do not occupy street level storefronts in the Central Area;
 - and (b) The 1,000 foot spacing requirement specified in 5-2.27(A)(1) above is met.
 - (3) Only one bail bond service is allowed per lot.

Section 5.3: Off-Street Parking and Loading

5-3.1 General Requirements

- (A) No building shall be erected nor shall any land or existing building be put to any use unless the proposed and actual use of the building, structure and/or land includes off-street parking and loading areas consistent with the requirements of this ordinance, except as provided in (B) below.
- (B) Development within the Central Area (CA) district shall not be required to comply with this Section of the Zoning Ordinance, nor with *Table 3*. There shall be no off-street parking required for development in the CA district.
- (C) No loading area or access drives to serve such loading area shall be considered as required parking area. No parking area or access drives to serve such parking area shall be considered as required loading area.
- (D) Floor area devoted to off-street parking of vehicles shall be excluded in computing the off-street parking and loading requirements of any use.
- (E) In computing the parking requirement for any building or development, the total parking requirement shall be the sum of the specific parking space requirements for each class of use included in the building or development.
- (F) Parking and loading areas existing prior to the effective date of this Ordinance shall not be reduced below the minimum number required by this Ordinance.

5-3.2 Off-Street Parking Requirements

Table 3 Off-Street Parking Requirements	
USE CLASSIFICATION	MINIMUM SPACE REQUIREMENTS
Dwelling, single-family	Two (2) spaces per dwelling unit
Dwelling, single-family attached, patio home, and manufactured home	Two and one-half (2.5) spaces per dwelling unit, with a minimum of two (2) spaces provided on each lot or manufactured home space
Dwelling, multi-family	
Efficiency unit	1½ spaces
One-bedroom unit	2 spaces
Two-bedroom unit	2½ spaces
Three-bedroom unit, or more bedrooms	1 space per bedroom
Assisted living facility	One and one-half (1.5) spaces for each dwelling unit, plus any additional spaces for accessory retail, office, service or recreational uses
Auto service garage	One (1) space per 400 square feet of floor area
Auto sales and/or lease (new and/or used automobiles)	One (1) parking space for each five hundred (500) square feet of indoor space, plus one (1) parking space for each one thousand (1,000) square feet of exterior lot area used for storage and/or sales, plus one (1) parking space per repair bay in service areas, indoors or outdoors, plus one (1) parking space per service or towing vehicle to be stored on-site. Required parking spaces are in addition to those to be used for the storage or display of vehicles for sale or lease.
Bank, savings and loan or similar financial establishment	One (1) space per 300 square feet of floor area
Bowling alley	Five (5) spaces per bowling lane
Clinic or doctor's	One (1) space per 200 square feet of floor office area, with a minimum of five (5) spaces
Churches	One (1) space per three seats in the main sanctuary
Commercial indoor	One (1) space per 100 square feet of floor amusements, including area pool hall and coin operated arcade
Commercial outdoor	Ten (10) spaces, plus one (1) space per 500 square feet

	of area over 5,000 square feet
Convenience store (no indoor dining area)	One (1) space per two hundred (200) square feet of floor area. One half (1/2) of the parking spaces available within the gas pump areas may be used to calculate the number of off-street parking spaces provided. At least four (4) spaces outside of those available within the gas pump areas shall be provided.
Convenience store (with indoor dining area)	One (1) space per two hundred (200) square feet of floor area used for retail sales of merchandise including support rooms such as storage, kitchen restrooms etc.; plus one space for every 100 square feet of floor area used for food service including support rooms such as storage, kitchen restrooms etc. One half (1/2) of the parking spaces available within the gas pump areas may be used to calculate the number of off-street parking spaces provided. At least four (4) spaces outside of those available within the gas pump areas shall be provided.
Dance, assembly or exhibition hall for assembly or dancing	One (1) space per 100 square feet used without fixed seats, plus one (1) space per three (3) seats of any fixed seat area.
Day care center	One (1) space per ten (10) pupils, based upon maximum occupancy and licensing capacity, plus one (1) space per teacher, plus one (1) space for each bus or van stored on the property.
Distribution facility for recycling containers	Minimum of two (2) spaces required.
Furniture and large appliance sales and service	Two (2) parking spaces plus one (1) additional parking space for each three hundred (300) square feet of floor area over one thousand (1,000) square feet.
Gasoline service station	Minimum of six (6) spaces.
Golf course	Four (4) parking spaces per hole or green plus requirements for retail, office, and club house areas and one (1) space per each two (2) employees.
High school, college or university	One (1) space per classroom or instruction area, plus one (1) space per four students.
Hospital	One (1) space for each two (2) beds or examination room, whichever is applicable; plus one (1) space for every two (2) employees (based on full occupancy).

Hotel or Motel	One (1) space per room (or as provided below) for the first two hundred fifty (250) rooms and .75 space per room for each room over two hundred fifty (250), plus one (1) space per five (5) restaurant/lounge area seats (based upon maximum occupancy), plus one (1) space per one hundred twenty-five (125) square feet of meeting/conference areas, plus the following: One and one-tenth (1.1) spaces per room that contains kitchenette facilities. Two (2) spaces per guest room provided with full kitchen facilities plus parking for restaurant and meeting areas per the ratio stated in this paragraph. One (1) space for every two (2) employees during peak (busiest) time periods when the hotel/motel is fully occupied.
Institutions of a philanthropic nature	Ten (10) spaces, plus one (1) space per employee
Kindergarten or pre-school (public or private)	One (1) space per eight pupils
Library or museum	Ten (10) spaces, plus one (1) space per 300 square feet of floor area in excess of two thousand (2,000) square feet
Lodge or fraternal organization	One (1) space per 200 square feet
Lumberyard	One (1) space per 200 square feet of floor area, plus one (1) space per yard employee
Manufacturing processing or repairing	One (1) space per two employees or one (1) space per 1,000 square feet of floor area, whichever is greater
Material recycling	None required collection container
Material recycling facility	(a) minimum of four (4) spaces, plus one (1) facility space for each 1,000 square feet of processing space, excluding outside storage areas; or (b) minimum of four (4) spaces, plus one (1) space for each two (2) employees (maximum employees on duty at day or night). Whichever is the greater of (a) and (b) plus the applicable standard for parking for each non-processing use, such as offices
Medical or dental office	One (1) space per two hundred (200) square feet of floor area. Facilities over 20,000 square feet shall use the parking standards set forth for hospitals.
Mini-Warehouses	Four (4) spaces plus one (1) additional parking space per ten thousand (10,000) square feet of storage area
Mobile collection center for secondhand goods	Minimum of two (2) spaces required

Mobile redemption center	Minimum of two (2) spaces required
Mortuary	One (1) space per three seats in the chapel
Nursing home	One (1) space per six (6) beds; plus one (1) parking space for each three hundred (300) square feet of floor area devoted to offices, cafeterias, exercise/therapeutic rooms, and other similar ancillary uses; plus one (1) space for every two (2) employees (based on full occupancy)
Offices, general	One (1) space per 300 square feet of floor area, with a minimum of five (5) spaces
Private event/meeting hall	One (1) space per one hundred (100) square feet of floor area.
Recreational, private or commercial area or building (other than listed)	One (1) space per four persons normally accommodated in the establishment (based on full occupancy)
Restaurant, café, cafeteria or private club	One (1) space per 100 square feet of gross floor area, including indoor and outdoor areas and patio dining areas, or one (1) space for every three (3) seats under maximum seating arrangement, whichever is greater.
Retail or personal service	One (1) space per 200 square feet of floor area, with a minimum of five (5) spaces. For any retail use or structure over fifty thousand (50,000) square feet in size, the maximum number of spaces shall be one (1) space per two hundred and fifty (250) square feet.
Reverse vending machine	Minimum of one (1) space required
Schools, athletic stadium on campus	One (1) space per five (5) seats
Schools, elementary or junior high	One (1) space per classroom, plus one (1) space per four (4) seats in any auditorium, gymnasium or other place of assembly
Storage or warehousing	One (1) space per two employees or one (1) space per 1,000 square feet of floor area, whichever is greater
Theater, meeting room, or place of public assembly.	One (1) space per three (3) seats

5-3.3 Parking Requirements for New or Unlisted Uses

- (A) Where questions arise concerning the minimum off-street parking requirements for any use not specifically listed, the requirements may be interpreted as those of a similar listed use.
- (B) In the event that a determination of minimum parking requirements cannot be readily ascertained for new or unlisted uses or where uncertainty exists, a determination shall be made by the Community Development Director, in accordance with the requirements for the most closely related use specified in this Section. In the event the applicant disagrees with this determination, then a written request may be submitted by the applicant for the determination to be made by the same process as provided under this Ordinance for classifying new and unlisted uses. Such determined parking requirement shall then be amended into this Zoning Ordinance in the same manner as a zoning amendment (text amendment).

5-3.4 Parking Requirements for Revised or Additional Uses

- (A) Whenever, after issuance of a certificate of occupancy, in any building there is a change of use, or an increase in floor area, number of employees, seating capacity, number of dwelling units or other unit of measurement used for the determination of required off-street parking spaces, additional parking facilities shall be provided on the basis of the increased requirements of the new use or other unit of measurement.
- (B) In the event that such change in use creates a need for an increase -in off-street parking spaces of less than five (5) percent of parking facilities or less than five (5) spaces, whichever number is greater, no additional parking facilities shall be required.

5-3.5 Parking Lot Design Standards

- (A) Minimum stall size, dimensions perpendicular and parallel to the direction of parking, shall be nine (9) feet by twenty (20) feet.
- (B) Minimum dimensions for various parking angles and aisle widths within parking lots shall be as follows and as shown in Figure 1, below, and Figure 2 through 5, on the following page.
 - (1) For ninety (90) degree parking angle, two-way traffic, minimum aisle width shall be twenty-four (24) feet.
 - (2) For sixty (60) degree parking angle, one-way traffic, minimum aisle width shall be seventeen and one-half (17.5) feet; two-way traffic, minimum aisle width shall be twenty (20) feet.
 - (3) For forty-five (45) degree parking angle, one-way traffic, minimum aisle width shall be twelve (12) feet; two-way traffic, minimum aisle width shall be twenty-two (22) feet.

5-3.6 Location of Parking Areas

- (A) Off-street parking required by this Ordinance shall be provided on the same lot or tract as the principal use for which the parking is required, except as provided in (B) below.
- (B) Where cooperative provision of off-site parking is established either by contract or the use of two (2) or more lots owned by the same person, then the parking required for the principal use may be provided on an immediately contiguous lot or tract, or within one hundred fifty (150) feet of the principal use, as measured along routes normally available to those who park there.
- (C) Off-site parking shall be in a zoning district in which the principal use located on the principal lot would be a permitted use; with the exception that parking accessory to any single-family attached, multi-family or institutional use may be located in any non-residential zoning district.
- (D) Where off-site parking is established by contract, the contract shall make the off-site parking lot or lots available for cooperatively provided parking for a minimum of ten (10) years and grant subsequent options for two (2) additional five-year periods. A copy of such contract, properly executed, shall be filed with the City Planner.
- (E) Where off-site parking is established on a secondary lot or lots owned by the owner of the lot on which the principal use is located, the secondary lot or lots may not be used for any purpose other than parking required for the principal use unless there is sufficient room for the cooperatively provided parking, any use which may be placed on the secondary lot or lots, any parking required for the use placed on the secondary lot or lots and any other requirements of this Ordinance.
- (F) The continuance of the principal use shall be contingent upon the continuance of the cooperatively provided off-site parking or the substitution of other parking consistent with the terms of this Ordinance.
- (G) No off-street parking shall be located so as to permit any part of a parked vehicle to extend across the property line nor shall any portion of a parked vehicle be so located as to be nearer than ten (10) feet to any street curb.
- (H) Except in the CA, Central Area District, no off-street parking space shall be located so that a portion of the public street is required for maneuvering into or out of such parking space.

5-3.7 Shared Parking

- (A) The Planning and Zoning Commission may authorize a reduction of not more than fifty (50) percent of the parking requirement for mixed use projects or nearby uses with distinctly different peak parking demand characteristics or hours of operation, in accordance with this Section.
- (B) A request for approval of shared parking shall be accompanied by such information determined by the City Planner as necessary to evaluate the relevant factors listed in (E) below, including but not limited to a description of the uses, a Site Plan and a contract agreement as described in (D) below.
- (C) All parking spaces subject to this adjustment shall be located in a parking facility providing reasonably equivalent accessibility and usability to all uses which the parking is intended to serve.
- (D) In cases where the uses for which shared parking is requested are located on lots under different ownership, a contract pursuant to Section 5-3.6(D) shall be provided.
- (E) In determining whether to approve a reduction for shared parking, the Planning and Zoning Commission shall consider all relevant factors, including:
 - (1) The characteristics of each use and the differences in projected peak parking demand, including days or hours of operation.
 - (2) Potential reduction in vehicle movements afforded by multipurpose use of the parking facility by employees, customers, or residents of the uses served.

- (3) Potential improvements in parking facility design, circulation, and access afforded by a joint parking facility.
- (4) The report and recommendation of the City Planner.

5-3.8 Parking in Residential Districts

(A) Definitions. As used in this section, the following terms shall have the respective meanings ascribed to them:

Residential District. All land used for residential purposes regardless of the zoning district designation, in addition to residential zoning districts.

Standard Driveway. The improved parking surface between the street or alley and the garage, carport or residential structure, which is to be no wider than the width of the garage or carport which it serves, or 22 feet, whichever is greater, or a paved circular driveway which is intended to facilitate easier access to the main entrance of the premises.

Improved Parking Service. A continuous area used for the movement, parking or storage of a vehicle(s) that is overlaid or otherwise paved to a minimum standard equivalent to a four-inch concrete slab with number three bars on 18-inch centers each way in the top third of the slab, or with six-inch by six-inch by No. 10 gauge mesh.

Unimproved Parking Surface. Any driveway constructed prior to the effective date of this ordinance with the approval of the City of Greenville, that is not overlaid or paved with an improved parking surface, except that such surface does not include sod or earth.

- (B) In a residential district, it shall be unlawful to park, store or allow to be parked or stored, any motor vehicle upon any surface other than a standard driveway or unimproved parking surface; except that travel trailers, boats, recreational vehicles, motorcycles, lawn and garden equipment, and small utility trailers less than ten (10) feet in length may be parked in an interior side yard or rear yard, provided grass and weeds are maintained in a neat and orderly fashion and do not exceed six inches in height under the vehicle or trailer.
- (C) In residential districts, no parking space, garage, carport or other automobile storage space or structure shall be used for the storage of any truck, truck trailer, tractor trailer, or semi-trailer (whether or not attached to a truck trailer or a road tractor), except pickup trucks not exceeding one ton capacity.
- (D) In residential districts, no airplane, boat, motor vehicle, trailer, or part of such airplane, boat, motor vehicle or trailer shall be parked or stored in the front yard of any lot, or in the side yard facing a street on a corner or reverse corner lot, except that the following may be parked in such locations on a standard driveway or unimproved parking surface:
- (1) Passenger motor vehicles and light trucks (one ton);
 - (2) Travel trailers, boats, utility trailers, recreational vehicles, or similar equipment, not exceeding 22 feet in length;
 - (3) Motorcycles; and
 - (4) Trucks and deliver vehicles while on calls.
- (E) Any unimproved parking surface may be expanded, repaired or maintained with a material similar to that of the existing driveway surface subject to the following regulations:
- (1) Any unimproved parking surface shall be regularly maintained and shall be kept free of litter, grass or other vegetation;
 - (2) The expansion of any unimproved parking surface shall be subject to the width requirements of a standard driveway;

- (3) The Building Official may determine in a manner consistent with this section, the method of construction and materials used to expand, repair, or maintain any unimproved parking surface.

5-3.9 Off-Street Loading Requirements

- (A) Except in the CA, Central Area District, all retail, commercial, industrial and service structures shall provide and maintain off-street loading facilities for receiving and loading merchandise, supplies and materials within a building or on the lot or tract as provided in this Section.
- (B) Off-street loading spaces may be adjacent to a public alley or private service drive, or may consist of a truck berth within the structure. Each site shall provide adequate on-site maneuvering area for trucks (see Figure 6).
- (C) All drives and approaches shall provide adequate space and clearances to allow for the maneuvering of trucks off-street.
- (D) Each off-street loading space shall consist of a minimum area of ten (10) feet by forty-five (45) feet.
- (E) Off-street loading spaces for retail uses, hotels, office buildings, restaurants, industrial uses, and similar establishments shall be provided in accordance with the following schedule:

Total Square Feet of Gross Floor Area in Structure	Minimum Required Spaces or Berths
0 to 25,000 square feet	None
25,001 to 50,000 square feet	1
50,001 to 100,000 square feet	2
Each additional 100,000 square feet	1 additional

5-3.10 Paving and Improvements

- (A) Paving – All required off-street parking and loading areas; all areas used or to be used as parking areas, loading areas or areas for storage of vehicles; and all driveways shall be paved to a minimum standard as outlined in the City's Standard Design Manual.
- (B) Curb and Gutter
 - (1) A standard curb and gutter section shall be constructed around the perimeter of the parking lot, and shall be a minimum distance of ten (10) feet from any street curb and gutter section.
 - (a) The City may vary the applicability of this requirement in order to accommodate a more desirable design for facilitating storm water run-off.
 - (2) The curb and gutter section shall be constructed according to standard specifications of the City of Greenville.
- (C) Concrete pads for commercial refuse containers shall be provided for all container locations situated in off-street parking lots. Each pad shall be located, sized and constructed as determined by the Director of Community Development. In no case shall refuse containers be placed within required parking areas, thereby consuming required parking spaces.
- (D) Where necessary, permanent physical barriers of not less than six (6) inches in height shall be installed to assure that the requirements of Section 5-3.6(G) are met. No portion of any paved area, including parking stalls and interior traffic aisles, shall be permitted nearer than ten (10) feet to any street curb.
- (E) Areas used for storage or parking of tractors, trailers, or semi-trailers in Industrial Zoning Districts only are exempt from the parking lot paving requirements of this Section 5-3.10.

Section 5-4: Sign Regulations

5-4.1 Purpose – In general, the objectives of the standards are to promote the health, safety, welfare, convenience, communication and a positive community image. It shall further be the purpose of this ordinance to achieve the following:

(A) Safety

- (1) No hazard is created due to collapse, fire, collision, decay or abandonment;
- (2) No obstruction is created to fire fighting and police surveillance; and,
- (3) No traffic hazard is created by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles, or other vehicles, or to read traffic signs.

(B) Communications – To promote the efficient transfer of information in sign messages by providing that:

- (1) Businesses and services may identify themselves;
- (2) Customers and other persons may locate a business or service; and,
- (3) Persons exposed to signs are not overwhelmed by the number of messages presented, and are able to exercise freedom of choice to observe or ignore said messages, according to the observer's purpose.

(C) Community Image – To protect the public welfare and to enhance the appearance and economic value of the City, by providing that signs:

- (1) Do not interfere with scenic views;
- (2) Do not create a nuisance to persons using the public right-of-way;
- (3) Do not constitute a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height or movement;
- (4) Are not detrimental to land or property value; and,
- (5) Contribute to the special character of particular areas or districts within the City, helping the observer to understand the City and orient oneself within it.

5-4.2 General Provisions

All signs erected or maintained pursuant to the provisions of this ordinance shall be erected and maintained in compliance with all applicable federal, state and local laws or regulations, and with the building code, electrical code and other applicable ordinances of the City. In the event of conflict between this ordinance and other laws, the most restrictive standard applies.

5-4.3 Definitions

- 1: ERECT: To build, construct, attach, hang, place, suspend or affix, and shall also include the painting of signs on the exterior surface of a building or structure.
- 2: BALLOONS AND INFLATABLE DEVICES: Balloons or any other type of floating or inflatable devices situated on a property in such manner so as to attract the attention of the public whether or not such devices incorporate the use of advertising text or characters.
- 3: FACE OR SURFACE: The surface of the sign upon, against, or through which the message is displayed or illustrated on the sign.

- 4: **GROSS SURFACE AREA OF SIGN:** The entire area within a single continuous perimeter enclosing the extreme limits of each sign. A sign having two (2) surfaces shall be considered a single sign if both the surfaces are located back to back. In the event two (2) or more signs share a single structure, i.e., directory signs, or signs on v- shaped structures, each sign or panel shall be considered separately for square footage purposes, provided that the combined area of such signs cannot exceed the total square footage allowed on a single sign.
- 5: **HEIGHT:** The measurement from average ground level to the highest point of the sign.
- 6: **ILLUMINATED SIGN:** Any sign exposed to artificial lighting by light sources located on or in the sign.
- 7: **INCOMBUSTIBLE MATERIAL:** Any material which will not ignite at 1200 F or below, nor shall it continue to burn or glow at that temperature.
- 8: **LOGO:** Any design or insignia commonly used to identify a company or product.
- 9: **OFF-SITE:** The term "off site" as used in this Section 5-4 shall mean that the sign referred to reflects goods, products or services provided at a location other than that which the sign occupies.
- 10: **ON-SITE:** The term "on site" as used in this Section 5-4 shall mean that the sign referred to reflects goods, products, or services provided at a location which the sign occupies; and/or advertises a business or institution located on that site.
- 11: **PERMANENT:** In relation to a sign, any sign intended to be used for six (6) months or longer. Such sign is anchored or otherwise attached to the ground, a building or other structure for the duration of the use of the premises.
- 12: **SETBACK:** The minimum distance from the property line to the nearest part of a building or structure as defined in Definitions, Section 2-2.
- 13: **SIGN:** Any object, device or display facing the exterior (outdoors), which is used to inform, direct, advertise, and/or identify a person, organization, business, product, service, event or location by any means, including words, letters, numbers, symbols, figures, or illumination.
- 14: **SIGN COPY:** The letters, numbers, symbols or geometric shapes, either in permanent or changeable form, on the surface of a sign.
- 15: **SIGN, ABANDONED:** Any sign without a valid current permit, and/or one which is deserted, surrendered or forsaken, unused, given up or relinquished with intention of never resuming a right or interest therein, and/or one which no longer advertises a bona fide business conducted or a product sold.
- 16: **SIGNS, AGRICULTURAL:** Any on-site, permanent sign identifying the farm or ranch on which it is placed and advertising the produce, crops, animals or poultry raised or quartered thereon, on site.
- 17: **SIGN, APARTMENT:** Any on-site, permanent sign identifying an apartment building or complex of apartments.
- 18: **SIGN, ATTACHED:** Any on-site permanent sign painted, stenciled, affixed, or otherwise attached to a wall, awning, marquee, canopy, or mansard-style roof of a building and which advertises a business or institution in that building.
- 19: **SIGN, BILLBOARD:** Any sign which promotes or advertises commodities or services not offered on the premises where such sign is located.
- 20: **SIGN, CONSTRUCTION:** Any on-site, temporary sign identifying the property owner, architect, contractor, engineer, landscape architect, decorator, or finances engaged in the design, construction or improvement of the premises on which the sign is located.
- 21: **SIGN, DEVELOPMENT:** Any on-site, temporary promotion sign pertaining to the development of land.

- 22: SIGN, DIGITAL BILLBOARD: An off-premise sign, display or device, which changes the static message or copy by electronic means. The sign must be operated by an entity possessing an outdoor advertising license issued by the Texas Department of Transportation (TXDOT).
- 23: SIGN, ELECTRONIC (VARIABLE MESSAGE): Any on-site, permanent sign that uses an electronic medium to produce sign characters and/or illustrations and which is programmed to changed copy at variable intervals of time.
- 24: SIGN, FLAG. Any permanent free-standing pole which displays the flags of the United States, the State of Texas, a local government, and/or a corporate flag of a business or institution located on that site.
- 25: SIGN, FREE-STANDING: An on-site, permanent sign which is supported by a vertical support, often a metal pole or poles, that are anchored or set into the ground, and which advertises a business or institution located on that site. Flag Signs, Traffic Control Signs, and Temporary Signs are not considered as Free-Standing Signs.
- 26: SIGN, GOVERNMENTAL: Any sign erected or maintained pursuant to and in discharge of any governmental function; required by law, ordinance, or governmental regulation; or located on property owned, leased or under control of the federal or state government
- 27: SIGN, HOLIDAY: Temporary signs containing only holiday messages and no commercial advertising.
- 28: SIGN, HOMEBUILDER/REAL ESTATE DIRECTIONAL: Any temporary off-site directional sign which identifies a home builder or real estate broker for property being offered for sale within the City of Greenville.
- 29: SIGN, INSTITUTIONAL: Any on-site, permanent sign which identifies a school, church, hospital or similar public or quasi-public institution.
- 30: SIGN, MODEL HOME: Any on-site, temporary sign used to advertise a particular structure represented by a model or show home.
- 31: SIGN, MONUMENT: Any on-site, permanent low profile sign which is supported by a solid structure/base from the sign's attachment to the sign's maximum vertical height.
- 32: SIGN, MULTI-TENANT: Any on-site, permanent sign with the name of the primary on-site facility and which may include a list of the individual stores or businesses mounted on such sign. Examples include signs describing a mall arrangement, a shopping center development, and industrial park complex, or a complex of buildings with a unifying name and group of businesses.
- 33: SIGN, NONCONFORMING: Any sign which does not conform to the regulations of this Zoning Ordinance or any related codes and ordinances of the City of Greenville.
- 34: SIGN, OCCUPATIONAL: Any sign denoting only the name and profession of an occupant in a commercial or public/institutional building, or relation to a Home Occupation.
- 35: SIGN, POLITICAL: Any temporary sign that primarily contains a political message and that is located on private real property with the consent of the property owner..
- 36: SIGN, PROMOTIONAL BANNER, FLAG, OR PENNANTS - Any temporary, on-site sign that is generally constructed of lightweight plastic, fabric or a similar material, and that is mounted/tethered to a pole(s), building or other structure by a rope, wire, string or similar device. A pennant or a string of multiple pennants and/or streamers, of any length, is included in this definition.
- 37: SIGN, PROMOTIONAL (CIVIC) – Any temporary promotional flags, banners, pennants, or other types of signs displayed with the cooperation of the City of Greenville in public rights-of-way which promote civic events, non-profit fundraisers, tourism, or economic development but are not designed to promote or solicit customers for individual businesses nor to promote the sale of any product by a business.

- 38: SIGN, PROMOTIONAL FOR NON-PROFIT PURPOSES. Any temporary off-site promotional sign, banner, flag, or pennant erected by a non-profit organization or governmental entity and containing a message directly related to a special event sponsored by the organization.
- 39: SIGN, RAILWAY. Any permanent sign within or on railway property and placed or maintained in reference to the operation of such railway.
- 40: SIGN, REAL ESTATE: Any on-site, temporary sign used to advertise the sale or lease of a piece of real property.
- 41: SIGN, SUBDIVISION DEVELOPMENT: Any on-site, temporary promotion sign pertaining to the development of land, that advertises 1) a new subdivision for the purpose of selling lots, land, and/or buildings, and/or 2) a builder(s) that has lots, land, or buildings for sale.
- 42: SIGN, SUBDIVISION DIRECTIONAL: Any temporary off-site freestanding directional sign which identifies the location of or direction to a subdivision within a residential zoning district.
- 43: SIGN, ROOF: Any permanent, on-site sign that is attached to a building or structure and that extends more than 1 foot beyond the roof line of the building or structure or that are placed wholly on the roof of the building or structure.
- 44: SIGN, SUBDIVISION IDENTIFICATION: Any on-site, permanent sign which identifies a single-family residential subdivision.
- 45: SIGN, TEMPORARY FREE-STANDING SIDEWALK: Any temporary sign designed for placement on the sidewalk in front of a place of business being advertised that is not permanently attached or anchored to the ground, wall or building, which complies with all of the design specifications of the Main Street Advisory Board; free-standing sidewalk signs can be single or double-faced.
- 46: SIGN, TEMPORARY PORTABLE: Any on-site sign that is not permanently attached or anchored to the ground, wall or building using accepted City standards; that is intended to be displayed for a short period of time; and that is not otherwise defined herein.
- 47: SIGN, TEMPORARY SANDWICH BOARD: Any temporary sign of A-frame construction designed for placement on the sidewalk in front of a place of business being advertised that is not permanently attached or anchored to the ground, wall or building, which complies with all of the design specifications of the Main Street Advisory Board; sandwich board signs are generally two (2) sided.
- 48: SIGN, TRAFFIC CONTROL: Any permanent, on-site sign used for traffic control purposes, to direct the movement of traffic, and/or to warn of obstacles, overhead clearances or control parking.
- 49: SIGN, TEMPORARY WINDOW: Any temporary on-site sign located within a window of a business and which advertises goods or services sold in the business
- 50: SIGN, UNUSED: Signs being manufactured, transported or stored and not being used, in any manner or form, for purposes of advertising.
- 51: SIGN, UTILITY. Any permanent or temporary sign marking utility or underground communication or transmission lines.
- 52: SIGN, VEHICLE. Any temporary, on-site sign displayed or used upon vehicles, trailers or aircraft.

5-4.4 Permits, Fees and Procedures

(A) Permit Required

It shall be unlawful for any person to erect, replace, alter dimension or size, or relocate any sign without first obtaining a sign permit as required in this Section. A permit is not required to repaint, change sign copy, or resurface an existing sign. All permitted work must be completed within one hundred eighty (180) days from the time of application or the permit becomes void.

(B) Sign License Fee

No person, firm or corporation shall install or maintain any sign, or contract for such service, until such person, firm or corporation has applied for a license to install, erect, and maintain signs, and until such license has been approved and issued. Such license shall be one hundred dollars (\$100.00) per year, payable on the first day of January of each year. Excluded from these licensing requirements is a person, firm or corporation who installs or maintains any sign, or contracts for such service, on premises owned by that person, firm or corporation.

(C) Permit Fees

The fee for permits shall be based on the square footage of said sign in the following manner:

<u>Square Feet</u>	<u>Fee</u>
Up to 50 Square Feet	\$50.00
51 Sq. Ft. to 100 Sq. Ft.	75.00
101 Sq. Ft. to 200 Sq. Ft.	150.00
201 Sq. Ft. to 672 Sq. Ft.	250.00

In case any work is started or proceeded with prior to obtaining a permit, the above specified fee shall be doubled to obtain the required permit.

(D) Certificate of Insurance

No license for the installation, erection and maintenance of signs shall be issued to any person, firm or corporation until such person, firm or corporation has filed with the City a certificate of general liability insurance. A certificate of insurance must: be written by a company licensed to do business in this state; provide for commercial general liability insurance for the company for claims for property damage or bodily injury, regardless of whether the claim arises from a negligent claim or on a contract claim; and be in the coverage amount of not less than three hundred thousand dollars (\$300,000) for all claims arising in any one-year period.

(E) Engineer Certification

All signs require scale drawings showing a site plan location and design of the sign. Projection, wall and temporary signs not over six (6) square feet in area, constructed of metal or other noncombustible material attached securely to a building or structure and not projecting more than twenty-four (24) inches beyond the building wall, structure, building line or property line, shall not require civil engineer certification as to its structural soundness. For all other signs, a design and street diagram or plan, containing the necessary information, shall be submitted to the Building Official to enable him to determine that such sign complies with all the applicable codes and regulations. Wind pressure and dead loads shall be shown where deemed appropriate, and the Building Official may require structural drawings which are designed by and sealed by a civil engineer licensed by the State of Texas when it cannot be determined that the sign will be structurally sound.

(F) Signs Exempt From Permitting Procedures

Permits and required setbacks shall not be required for the following signs, provided, however, such signs otherwise comply with all other applicable sections of this ordinance.

- (1) Political Signs.
- (2) Occupational Signs
- (3) Traffic Control Signs.
- (4) Residential Real Estate Signs.

- (5) Business/Industry Real Estate Signs.
- (6) Temporary Window Signs
- (7) Model Home Signs.
- (8) Construction Signs.
- (9) Promotional Signs for Non-Profit Purposes.
- (10) Homebuilder/Real Estate Directional Signs.

(G) Signs Not Regulated

The following types of signs shall be exempt from the provisions of this ordinance. However, regulations regarding sign location in a public right-of-way or public access easement shall apply.

- (1) Governmental Signs
- (2) Railway Signs.
- (3) Utility Signs.
- (4) Vehicle Signs. Such are permitted only when permanently stationed for a period not exceeding seventy-two (72) continuous hours, otherwise such signs are prohibited (refer to Section 5-4.7).
- (5) Signs Not Visible From Street. This shall apply only to signs where no part of such sign is visible from any public street.
- (6) Holiday Signs.
- (7) Signs on Persons or Animals. This shall apply only to hand-held signs or signs, symbols or displays on persons or animals.
- (8) Unused Signs.
- (9) Plaques. This shall apply only to commemorative plaques of recognized historical societies and organizations.
- (10) Signs on Mail Boxes, Newspaper Racks. This shall apply only to signs located on mail boxes, newspaper vending machines and curbside residential newspaper holders which identify the owner and address of the premises or the name of the newspaper sold or subscribed to.
- (11) Signs on Outdoor Machines, Devices and Equipment. This shall apply only to signs located on outdoor machines, devices, or equipment which display the trademark, trade name, manufacturer, cost or operating or service instructions or similar information, but do not advertise the business where located. This exemption specifically applies to signs on coin-operated vending machines, fuel dispensing pumps, telephone facilities, automatic teller machines, trash containers, automatic vacuum cleaners, amusement rides and similar machines, devices or equipment.
- (12) Signs on Athletic Fields. This shall apply to signs located on the field side of scoreboards and fences of athletic fields.
- (13) Flags. This shall only apply to the United States or Texas State flags mounted on the sides of existing buildings; or the temporary display of the United States and/or the Texas State flags in connection with State and National holidays, celebrations, and observances. Permanent free-standing flag poles are regulated in Section 5-4.6.

5-4.5 Maintenance/Removal of Unsafe and Unlawful Signs

(A) Maintenance

All signs and their supports, braces, guys, and anchors shall be kept in repair and, if not galvanized or non-corroding metal, shall be thoroughly painted at least once every two (2) years. The Building Official may order the removal of any sign that is not maintained in accordance with the provisions of applicable codes. Such removal shall be at the expense of the owner or lessee.

(B) Unsafe Signs

The owner or the person or firm maintaining a sign which is insecure or in danger of falling or otherwise unsafe, as determined by the Building Official, shall receive written notice from the Building Official to remove such sign or to secure it in a manner to be approved by the Building Official to conform to applicable codes. If this order is not complied with within seven (7) days or immediately in the case of immediate danger, the Building Official shall remove such sign at the expense of the owner or lessee.

(C) Unlawful Signs

The owner or lessee of any sign installed, erected or constructed in violation of applicable codes or regulations shall be notified by the City of Greenville either by mail or serving written notice personally to alter such sign to comply with applicable codes or regulations, to secure the necessary permit, or to remove the sign. If such order is not complied with within seven (7) days, the City may remove such sign at the expense of the owner or lessee. Any abandoned sign or abandoned supporting structure not removed by the owner or lessee shall be considered an unlawful sign. Nothing herein shall limit or prohibit the City from issuing a citation ordering an individual to appear in Municipal Court to answer charges related to a violation of any part of this Section. Prior notice is not required for the issuance of a citation.

5-4.6 Sign Standards

- (A) Setbacks. No sign requiring a permit may encroach, project, or be constructed past the building setback line or an easement line, except as provided for monument signs, subdivision identification signs, promotional flags/banners/pennant signs, and civic promotional signs as put forth in subsections (F9), (F12), (G8), and (G10) respectively, below.
- (B) Height. The height of all permanent signs shall conform to the requirements for each type of sign as outlined in subsection (F). Except as otherwise limited or authorized in subsection (G), no Temporary Sign may exceed six (6) feet in height.
- (C) Clearance. All signs, including those that project away from a wall or overhang a sidewalk or driveway, shall maintain a clearance of at least eight feet (8') when located over a public sidewalk and at least thirteen and one-half feet (13.5') when located over a driveway. (Adopted Ordinance 09-047; July 28, 2009)
- (D) Structural Standards. All signs and advertising devices shall conform to the structural design standards established in Chapter 16 of the International Building Code.
- E. Signs in the Central Area (CA) District. All signs erected or signs replaced, removed, or otherwise altered that are located within the CA (Central Area) zoning district shall also be subject to the Design Requirements for that district specified in Section 3-6 of this Ordinance.
- (F) Standards for Permanent Signs. All permanent signs shall conform to the requirements outlined below. Permanent signs may be lighted.
 - (1) **Attached Signs.** Attached signs may be painted, stenciled, affixed, or otherwise attached to a wall, awning, marquee, canopy, or mansard-style roof of a building. Such signs shall be limited as follows:

- (a) Where the side of a building faces a street, the maximum allowable sign area shall not exceed 1.5 square feet for each linear foot of building fascia length; OR 30% of the total surface area of the building face, excluding doors and windows; which ever is greater. On all other sides of a building, the maximum allowable sign area shall not exceed .75 square feet for each linear foot of building fascia length; OR 15% of the total surface area of the building face, excluding doors and windows; which ever is greater. Allowances for individual occupancies within a multi-use building shall be calculated on leased or occupied fascia length.
- (b) The surface area calculation shall include a marquee, awning, canopy, or any other surface on which signs can be attached. Signs attached to a marquee, awning, canopy, or mansard-style roof shall be included in the calculation of maximum allowable sign area.
- (c) Except for in the Central Area (CA) zoning district, attached signs may not project more than 12 horizontal inches from the face or portion of the of the building to which they are attached. No sign may project more than 12 vertical inches above the roof line or parapet wall. Where such signs are located on mansard-style roofs and the building fascia is not vertical, the bottom of such sign shall not project more that 12 inches from said roof but the sign can be oriented in a vertical manner.
- (d) In a Central Area zoned district, no attached sign shall extend outward from any building into the public right-of-way for a distance of more than ten (10) feet or to within two (2) feet of the street curb, whichever is more restrictive.
- (2) **Agricultural Signs.** All agricultural signs shall be free-standing or monument style signs. Such signs shall not exceed one hundred (100) square feet. There shall be a limit of one (1) such sign per site.
- (3) **Apartment Signs.** All apartment signs shall be monument style signs. Such signs shall not exceed fifty (50) square feet. There shall be a limit of one (1) such sign per entrance into the apartment development.
- (4) **Billboard Signs (off-site).** Billboard signs shall be permitted only on lots with frontage on Interstate Highway 30 and shall only be oriented to be viewed from Interstate Highway 30. Billboard signs shall not exceed six hundred seventy-two (672) square feet in area, and shall not exceed 40 feet in height. Such signs shall be spaced a minimum of forty five hundred (4,500) feet apart, and shall be setback a minimum of thirty (30) feet from any highway right-of-way line.
- (5) **Regulation of Digital Billboards**
 - (a) All digital billboards shall observe the following display standards:
 - (1) Static display time interval: Eight (8) seconds minimum
 - (2) Transition display time interval: One (1) second maximum
 - (3) No display shall include animation, blinking, flashing, dissolving or fading content and/or images, moving light and/or scrolling messages, intermittent or full-motionvideo, nor shall it project a static image upon a stationary object.
 - (4) Transitions between the display of a message, content and/or image shall be immediate only and shall occur simultaneously on the entire display area.
 - (5) The display of message, content and/or image shall be visible only from one direction of traffic travel per sign.
 - (6) No digital billboard shall be located within a dedicated utility easement or be closer than thirty (30) feet of a right-of-way line.

- (7) A minimum linear spacing of four thousand five-hundred (4,500) feet shall be required between one digital billboard and any other billboard on the same side of the roadway.
- (8) A digital billboard shall incorporate systems/devices that will automatically freeze (remain static) a single message, content and/or image on the display should a billboard malfunction or be damaged.
- (9) A digital billboard shall incorporate systems/devices necessary to automatically adjust the brightness/intensity of the display according to ambient (natural or otherwise) light conditions.
- (10) The owner of a digital billboard shall coordinate with the City's Emergency Management Coordinator to display emergency information critical to the traveling public, such as AMBER ALERTS from a National Center for Missing and Exploited Children (NCMEC) authorized source, and other alerts involving terrorist attacks, natural disasters. Emergency messages are to remain in the display's rotation according to the designated issuing agency's protocols.
- (11) If the City of Greenville determines that a digital billboard causes glare or otherwise impairs the vision of the driver of a motor vehicle or otherwise interferes with the operation of a motor vehicle, the owner of the digital billboard, within twelve (12) hours of a request by the City's Building Official or TXDOT, shall reduce the intensity of the display to a level acceptable to the City of Greenville and/or the Department of Community Development.
- (12) The owner of a digital billboard shall provide the City of Greenville with contact information for a person who is available to be contacted at any time and who is able to turn off the display promptly should a billboard malfunction or damage occur.
- (13) A digital billboard or its message, content and/or image shall not be configured to resemble a warning or danger signal or cause a driver to mistake the digital billboard or its message, content and/or image for a warning or danger signal.
- (14) A digital billboard or its message, content and/or image shall not resemble or simulate any lights or official signage used to control traffic in accordance with the currently adopted edition of the TXDOT Manual on Uniform Traffic Control Devices.
- (15) A digital billboard shall not:
 - a. Exceed 672 square feet in total display area.
 - b. Exceed 40 feet in height.
 - c. Be provided electrical service via overhead utility lines.
- (16) The conversion of existing legal non-conforming billboards to digital billboards, the conversion of existing legal conforming billboards to digital billboards, or the construction and operation of new digital billboards, shall only be allowed on lots with frontage on Interstate 30 located within the city limits.
- (b) An existing legal non-conforming billboard may be converted to a digital billboard under the following conditions:
 - (1) Two (2) square feet of existing legal non-conforming billboard display shall be removed within the city limits by an owner for each one (1) square foot of digital billboard display area, either newly constructed or installed as a modification and/or conversion of an existing legal non-conforming billboard, requested by the owner. The two (2) square feet removed must be from physically completed legal non-conforming

billboards with complete sign faces. No partially erected/completed signs may be used to qualify for the requirement.

- (2) When an existing legal non-conforming billboard is converted to a digital billboard, the converted digital billboard location shall retain its legal non-conforming status as a billboard.

(6) **Electronic Signs (Variable Message).** Variable message electronic signs shall be an attached sign or a panel on a free-standing or monument style sign. Such signs may not exceed twenty (20) square feet. Sign characters, must have a minimum height of ten (10) inches and maximum height of sixteen (16) inches. Such signs may not be animated, flash, travel, blink, fade, or scroll. Such signs shall remain static for not less than fifteen (15) seconds, except that time and temperature displays shall remain static for not less than three (3) seconds. Only one variable message electronic sign, either free-standing or attached to a building, is permitted per lot.

(7) **Flag Signs.** Flag signs shall not exceed twenty-four (24) square feet with a maximum of three (3) on the premises. Such signs shall not exceed maximum height for the district in which they are located.

(8) Free-Standing Signs.

(a) Each free-standing building shall only be allowed one (1) free-standing sign except that there may not be both a free-standing sign and a separate monument sign on the same street frontage. Churches with a minimum street frontage of 500' may have both a free-standing sign and a monument sign, provided all other requirements of this ordinance are met. (Adopted Ordinance 09-047; July 28, 2009)

(b) All such signs on any one property must be spaced in intervals of 200 feet.

(c) The maximum area for free-standing signs shall not exceed 200 square feet along I-30 and 125 square feet along other roads.

(d) Free-standing signs shall be setback a minimum of thirty (30) feet from the Interstate 30 highway right-of-way line and a minimum of twenty (20) feet from all other State or Federal maintained rights-of-way except those located on the Central Area (CA) zoning district.

(e) Such signs are permitted to be lighted.

(f) Signs may be erected along the frontage of Interstate Highway 30 to a maximum height of 60 feet. All other Free Standing signs shall not exceed a maximum height of twenty (20) feet.

(g) Any new nonresidential business/development that is established within one thousand feet (1,000') of an existing business/development and that is determined by the City to have similar characteristics to that same existing business/development shall be permitted to erect a sign that is less than or equal to eighty percent (80%) of the height of the sign of the existing business/development. In such case, the height of the free-standing sign may exceed the height maximums for free-standing signs specified within this Section.

(h) Signs shall be protected by wheel or bumper guards as required by the Building Official where it is determined that a hazard may exist.

(9) **Institutional Signs.** An Institutional Signs may be an attached sign, a free-standing, or monument style sign. In Residential zoning districts, attached institutional signs shall not exceed 72 square feet, and signs not attached to the building shall be constructed as monument signs.

(10) **Monument Signs.** Except for multi-tenant monument signs, the following standards shall apply to all monument signs.

- (a) The maximum height of any monument sign shall be eight feet (8'). The portion of the base of the sign within two feet (2') of the grade of the ground shall not be included in the height calculation.
- (b) The maximum square footage of any monument sign erected along the frontage of Interstate Highway 30 and U.S. Highways 67 and 69 shall be one hundred (100) square feet.
- (c) The maximum square footage of any monument sign generally within the City shall be fifty (50) square feet.
- (d) The maximum number of monument signs shall be one per street frontage, except that there may not be both a free-standing sign and a separate monument sign on the same street frontage. Churches with a minimum street frontage of 500' may have both a free-standing sign and a monument sign, provided all other requirements of this ordinance are met. (Adopted Ordinance 09-047; July 28, 2009)
- (e) Monument signs may be placed ten (10) feet from the property line, provided such placement does not: create a visual obstruction within critical visibility areas, such as at street intersections or where a private driveway enters a roadway; create a traffic safety problem; or interfere with the installation or maintenance of a public utility.

(11) Multi-Tenant Signs.

- (a) The maximum number of multi-tenant signs shall be one per street frontage.
- (b) A multi-tenant sign on the frontage of Interstate 30 may be a free-standing sign not exceeding sixty (60) feet in height. The maximum height of multi-tenant signs on all other roadways shall be twenty (20) feet, except as provided in (e,1) below.
- (c) Except as provided in (d & e) below, the maximum square footage of a multi-tenant sign shall be one hundred and twenty-five (125) square feet, plus ten (10) square feet per tenant advertised on the sign, or two-hundred (200) square feet, whichever is less.
- (d) The maximum square footage of any multi-tenant free-standing sign erected along the frontage of Interstate Highway 30 shall be one hundred and fifty (150) square feet, plus forty (40) square feet per tenant advertised on the sign, or 600 square feet, whichever is less.
- (e) All additional multi-tenant signs above one free-standing per site shall be constructed as monument signs. The maximum square footage of a multi-tenant monument sign shall be one hundred and twenty-five (125) square feet, plus ten (10) square feet per tenant advertised on the sign, or one hundred and seventy (170) square feet, whichever is less. The portion of the base of the sign within three feet (3') of the grade of the ground shall not be included in the square footage calculation.
- (f) The maximum height of any multi-tenant monument sign shall be fifteen feet (15'). The portion of the base of the sign within three feet (3') of the grade of the ground shall not be included in the height calculation.
- (g) Each tenant may have a different size sign; each sign does not have to be the same size.
- (h) Any tenant in a separate building (as opposed to a lease space) that is not on the multi-tenant sign shall be permitted to erect a separate monument sign. Any tenant in a separate building (as opposed to a lease space) with frontage on Interstate 30, which is not on the multi-tenant sign, shall be permitted to erect a separate free-standing sign.
- (i) Any tenant that is on a multi-tenant sign shall not be permitted to erect a separate monument or free-standing sign.

- (12) Occupational Signs.** Occupational signs shall not exceed two (2) square feet in area and shall be mounted flat against the face of the building.

- (13) **Subdivision Identification Signs.** Subdivision identification signs are permitted at the entrance of single-family residential subdivisions which are bisected by one or more streets. Signs shall be monument signs or incorporated on a screening wall located in a Homeowner's Association maintained easement. A sign must be located in an easement maintained by a Homeowner's Association. Signs may be located at each corner of the intersection of an entrance street but may not be located in public rights-of-way or within visibility or utility easements. Maximum size shall be thirty-two (32) square feet per sign with a maximum height of six (6) feet.
- (14) **Traffic Control Signs.** Traffic control signs shall not exceed eight (8) square feet. Such signs may contain advertising, such as business names or logos, provided that such advertising does not consume more than thirty percent (30%) of the sign face. Signs shall not exceed three (3) feet in height. Such signs shall be placed such that they will not interfere with the safe movement of vehicles or pedestrians.
- (G) **Standards for Temporary Signs.** All temporary signs shall conform to the requirements outlined below. Except where specifically authorized, temporary signs may not be lighted.
- (1) **Balloons and Inflatable Devices.** Balloons and any other type of floating or inflatable devices may be displayed for a maximum time period of no more than thirty (30) consecutive days with a limit of two (2) events each calendar year. For thirty (30) days following an event, no balloons or any other type of floating or inflatable device will be permitted. The adjacent property owners must have no reasonable objection to the device, and the location must be approved by the Building Official to ensure that the device will not interfere with adjacent property, utility lines or vehicular traffic. Such devices shall be sufficiently anchored to adequately secure the device. There shall be a maximum of one balloon or any other type of floating or inflatable device per street frontage. A tethered balloon may not exceed forty (40) feet in height, and any other type of inflatable device may not exceed twenty (20) feet in height.
- (2) **Construction Signs.** Such signs shall not exceed five (5) square feet and shall be limited to four (4) feet in height. There shall be a limit of one (1) such sign per business per site. Construction signs shall be removed from the site when construction is complete or upon issuance of a Certificate of Occupancy.
- (3) **Development Signs.** Such signs shall not exceed two-hundred (200) square feet. There shall be a limit of one (1) such sign per street frontage. Development signs shall be removed from the site upon issuance of a Certificate of Occupancy.
- (4) **Homebuilder/Real Estate Directional Signs.** A person may erect and display homebuilder/real estate directional signs on a public rights-of-way, subject to the following provisions:
- (a) Such signs shall not be placed along any local traffic street (thoroughfares and collectors only)
 - (b) Signs placed in rights-of-way owned or maintained by the State of Texas are subject to the permitting rules and requirements of the Texas Department of Transportation. Nothing herein should be construed as permission by the City of Greenville to place any sign in a right-of-way owned or maintained by the State or Texas.
 - (c) Any person or company who erects signs under the terms of this section does so at his or her own risk. Signs placed in the public right-of-way are subject to removal without notice by the City of Greenville or the State of Texas, and may be stored or destroyed without liability to the City of Greenville, the State of Texas, its agents or employees.
 - (d) Signs may be displayed between the hours of noon Friday and noon of the next following Monday. However, no person may erect signs between the hours of 4:00 p.m. and 6:00 p.m.

- (e) Signs shall not exceed five (5) square feet in area and no sign shall exceed thirty-six (36) inches in height as measured from ground level.
 - (f) Signs shall not be placed within any median, nor closer than three (3) feet to the curb or edge of the street pavement.
 - (g) Home Builder Signs shall be spaced a minimum of fifteen (15) feet from any adjacent sign.
 - (h) Signs of any real estate owner or broker less than one (1) mile from the site advertised shall not be less than 500 feet apart and signs more than a mile from the site advertised shall not be less than 1,500 feet apart. No sign shall be more than three (3) miles from the site advertised.
 - (i) A homebuilder/real estate directional sign shall not advertise any site located outside the city limits of Greenville.
 - (j) Signs shall not be placed so as to obstruct the vision of passing motorists.
 - (k) Dented, faded or un-maintained signs are prohibited.
 - (l) Signs shall not be artificially illuminated.
 - (m) If a person placing or removing signs stops a vehicle on a street, in other than a legal parking space, he shall use and display emergency flashing or revolving lights, in addition to normal vehicle emergency flashing lights.
 - (n) Signs erected or displayed contrary to the provisions of this Section may be removed by agents and employees of the City, and either stored or destroyed, without liability to the City or its agents or employees. The owner of any sign confiscated by the City may claim the sign, if it remains in the custody of the City, upon the payment to the City of an administrative fee of five dollars (\$5.00) per sign. The payment of the administrative fee may not be used as a defense of any sort from a prosecution under this Section.
- (5) **Model Home Signs.** Such signs shall not exceed sixteen (16) square feet in area. There shall be a maximum of one such sign per model home structure. Such signs may be lighted. All model home signs shall be removed after a permanent Certificate of Occupancy is issued for the structure.
- (6) **Political Signs.** Political signs shall be a maximum of thirty-six (36) square feet in area and eight (8) feet in height. Such signs shall be displayed no more than sixty (60) days before the election nor more than seven (7) days after the election.
- (7) **Portable Signs (Temporary).** Any type of mobile temporary signs, unless otherwise addressed herein under another classification, shall be permitted for a maximum of forty-five (45) consecutive days with a limit of two (2) events each calendar year. Temporary portable signs are not allowed for thirty (30) days following event. Such signs shall not exceed thirty-two (32) square feet in area. There shall be a maximum of one such sign per street frontage.
- (8) **Promotional Banner, Flag, or Pennant Signs.** Not exceeding thirty-two (32) square feet in area for a maximum time period of no more than thirty (30) consecutive days with a limit of three (3) events each calendar year. For thirty (30) days following an event, no temporary promotional sign is allowed. The adjacent property owners must have no reasonable objection to the sign, and the sign location must be approved by the Building Official for safety purposes. There shall be a maximum of one promotional banner, flag, or pennant per street frontage.
- (9) **Promotional Signs for Non-Profit Purposes.** Such promotional signs shall be limited to thirty-two (32) square feet and may be displayed no more than fourteen (14) days prior to the event and must be removed within seven (7) days after the conclusion of the event. The sign location must be approved by the Building Official for safety purposes. Such signs may not be lighted. Promotional signs under this classification shall be limited to three (3) events per organization

per year.

- (10) **Promotional Signs (Civic).** Such promotional signs shall be reviewed and approved by the Director of Community Development to ensure that the content of the sign is consistent with the purposes of such signs as outlined in the Definitions. The City shall have sole discretion authority over the size, location, material, content, and duration of civic promotional signs. Signs in rights-of-way owned of maintained by TXDOT shall require the additional approval of the Texas Department of Transportation. Signs attached to utility poles shall require the approval of the owner of the utility.
- (11) **Real Estate Signs - Residential.** Such signs shall not exceed twelve (12) square feet and shall be limited to four (4) feet in height. There shall be a maximum of one such sign per street frontage per lot.
- (12) **Real Estate Signs - Business/Industry.** Such signs shall not exceed thirty-two (32) square feet. There shall be a maximum of one such sign per street frontage per business/industrial property.
- (13) **Subdivision Development Signs.** Such signs shall not exceed two hundred (200) square feet and shall be limited to fifteen (15) feet in height. There shall be a limit of one (1) such sign per perimeter street frontage. Such signs shall be removed from the site at developer's expense upon ninety (90%) occupancy of the subdivision.
- (14) **Subdivision Directional Signs.**
 - (a) Such signs shall not advertise any site located outside the city limits of Greenville, Texas;
 - (b) Such signs shall not be placed along any local traffic street (thoroughfares and collectors only)
 - (c) Such signs shall be located within a one (1) mile radius of the subdivision to which they pertain and shall not be located closer than one hundred (100) feet to a residential dwelling;
 - (d) Such signs shall not exceed one hundred (100) square feet in area, and shall be limited to fifteen (15) feet in height;
 - (e) The maximum number of such signs shall not exceed one (1) sign per fifty (50) lots, or fraction thereof, nor a maximum of two (2) signs per subdivision;
 - (f) No such off-premise, special purpose freestanding directional sign shall be erected closer than one hundred (100) feet from any other subdivision directional sign on the same side of the thoroughfare;
 - (g) Permits for such signs may be granted for maximum intervals of twelve (12) months each with such signs being removed when ninety (90) percent of the lots within the subdivision have been developed.
- (15) **Window Signs (Temporary).** Such signs shall not exceed the surface area of the window within which they are placed.
- (16) **Sandwich Board and Free-Standing Sidewalk Signs in the Central Area (CA) zoning district.** A person may erect and display Sandwich Board or Free-Standings Sidewalk Signs on public rights-of-way in the Central Area (CA) zoning district, subject to the following provisions:
 - (a) Only one sandwich board or free-standing sidewalk sign shall be allowed per business;
 - (b) Signs shall be weighted to withstand wind;
 - (c) Signs shall be removed after business hours;
 - (d) Signs shall not obstruct the sidewalk, shall be visible at all times, and shall comply with any applicable provisions of the Americans with Disabilities Act;

- (e) A Certificate of Design Compliance from the Main Street Advisory Board shall be required prior to the issuance of a sign permit;
- (f) Sandwich board signs shall not exceed twelve (12) square feet in area per side and shall not exceed three (3) feet in width and four (4) feet in height;
- (g) Free-standing sidewalk signs shall not exceed six (6) square feet in area per side and shall not exceed three (3) feet in width and five (5) feet in height.

5-4.7 Nonconforming and Prohibited Signs

(A) Nonconforming Signs

Signs lawfully existing upon any premise before the effective date of this ordinance, in accordance with the provisions of any prior ordinance, shall be allowed to remain on that premise as a nonconforming sign if properly registered or permitted and continuously maintained in accordance with the provisions of this ordinance.

- (1) All non-conforming portable signs must have a valid registration/permit tag affixed to them.
- (2) Nonconforming portable signs shall not be moved to another premise or location and if removed from any premise for any reason, portable signs shall not be allowed to be placed back on that premise.
- (3) All lawful nonconforming portable signs shall at all times be securely anchored so as to prevent overturning or unsafe movement, the sufficiency of such anchorage to be determined by the Building Official.
- (4) Any nonconforming sign, including its supporting structure, which is destroyed, damaged, dilapidated, deteriorated or abandoned, shall not be replaced, repaired or renovated, in whole or in part, if such replacement, repair or renovation would require an expenditure of monies in excess of sixty percent (60%) of the cost of a new sign including its supporting structure, which is substantially the same or similar to the nonconforming sign destroyed, damaged, dilapidated, deteriorated or abandoned.
- (5) No person shall repair, renovate or alter a nonconforming sign without first receiving a sign permit.

(C) Prohibited Signs

- (1) Signs illuminated of such intensity or manner as to constitute hazards or nuisances. Signs which move, change color, or are animated or illuminated by means of flashing, traveling, or blinking lights, or other means not providing constant illumination are prohibited. Excluded from this prohibition are electronic signs which otherwise conform to the Sign Standards outlined in Section 5-4.6 of this Ordinance. Digital signs of any kind are prohibited.
- (2) Signs which by reason of any attribute such as wording, size, shape, location, movement, content, coloring, or illumination may be confused with or construed as a traffic control sign, signal or device.
- (3) Signs which emit sound, odor, or visible matter which serve as a distraction to persons within a public right-of-way.
- (4) Goods, wares, merchandise or other advertising objects or structures placed on or suspended from any building, pole, structure, sidewalk, parkway, driveway, or parking area, except as otherwise allowed by ordinance.

- (5) Permanent portable signs, twirling signs, sandwich or “A” frame signs, sidewalk or curb signs, cloth, paper, or other similar advertising matter, except as otherwise allowed by ordinance.
- (6) Permanent signs attached to a trailer, skid, or similar mobile structure where the primary use of such structure is to provide a base for a sign or constitutes the sign itself.
- (7) Vehicle signs that remain in the same location or vicinity for a period of seventy-two (72) consecutive hours or more, or at frequent or extended periods of time, where the intent is apparent to use the vehicle and signs for advertising purposes.
- (8) Roof signs.
- (9) Signs which advertise tobacco products except for a single use of the word “tobacco” on a sign for a business whose primary income is derived from the sale of tobacco products.
- (10) Except as specifically authorized in this Section, no sign shall be located on a public right-of-way or public access easement, except traffic regulatory signs and governmental signs.

Section 5-5: Driveway Standards

5-5.1 Applicability

The standards contained in this Section shall apply to all driveways designed and intended to serve as access from a roadway to a lot or parcel of land used for any development or purpose other than a single-family detached dwelling, a patio home dwelling, a two-family dwelling, or one (1) single-family attached dwelling. Driveways intended to serve as access from a roadway to a lot or parcel of land which is used or intended to be used as a building site for a single-family detached dwelling, a patio home dwelling, a two-family dwelling, or one (1) single-family attached dwelling shall conform to the requirements outlined in the City's Standard Design Manual.

5-5.2 Driveway Design Requirements.

The design requirements for one-way and two-way driveways shall be as follows for access to thoroughfare, collector, and local streets. The minimum and maximum widths specified for driveways shall determine the distance from pavement edge to pavement edge. The minimum and maximum curb return radius specified shall control the arc of the curb from the driveway to the street. The minimum throat length specified shall determine the minimum distance from the edge of the street pavement to the first traffic conflict point on the driveway. The minimum spacing specified shall determine the minimum distance between driveways on the same lot or tract, measured from edge of pavement to edge of pavement. In addition, the Driveway Access regulations outlined in Section 3.1(t) of the City's Subdivision Ordinance shall apply to the construction of all driveways. In the event of any conflict, the most restrictive regulation shall apply.

- .3 Permit Required

Prior to the construction, demolition, or modification of any driveway that provides access from a roadway or street or right-of-way to a roadway to a lot or parcel of land, the property owner or person responsible for construction shall obtain a driveway permit from the City's Community Development Department. The cost of such permits shall be \$25 per driveway.

Table 4 Driveway Design Requirements		
THOROUGHFARE	DRIVEWAY TYPE	
	One-Way	Two-Way
Width (Min-Max)	20'-25'	30'-45'
Curb Return Radius (Min-Max)	20'-30'	20'-30'
Throat Length (Min)	20'	20'
Spacing (Min)	100'	100'
Number (Max)	*	*
Separation (Min)	**	**
COLLECTOR (or Nonresidential Marginal Access)	DRIVEWAY TYPE	
	One-Way	Two-Way
Width (Min-Max)	20'-25'	30'-45'
Curb Return Radius (Min-Max)	20'-30'	20'-30'
Throat Length (Min)	20'	20'
Spacing (Min)	50'	50'
Number (Max)	*	*
Separation (Min)	**	**
LOCAL (or Residential Marginal Access)	DRIVEWAY TYPE	
	One-Way	Two-Way
Width (Min-Max)	15'-25'	25'-45'
Curb Return Radius (Min-Max)	10'-25'	10'-25'
Throat Length (Min)	None	None
Spacing (Min)	50'	50'
Number (Max)	*	*
Separation (Min)	**	**

* See Section 3.1(t2) of the City's Subdivision Ordinance

** See Section 3.1(t3) of the City's Subdivision Ordinance

- 5-5.4 If a curb drain inlet is present, there shall be a minimum distance of ten (10) feet between the inlet and the pavement edge of any driveway.
- 5-5.5 All driveways shall be constructed within the street frontage of the subject property, as determined by extending the side property lines to the curb line. Neither the driveway nor the curb returns shall overlap adjacent property frontage without written approval from the adjacent property owner.
- 5-5.6 Common driveways may be approved, provided that a permanent written access easement is obtained.
- 5-5.7 Driveways may not exceed seventy (70) percent of roadway frontage.
- 5-5.8 Driveways shall be located no closer to the corner of intersecting rights-of-way than sixty (60) percent of parcel frontage or one hundred (100) feet, whichever is less. Driveways shall not be constructed within the curb return of a street. (Ord. 97-189, adopted 11-11-97, Sec. 2)
- 5-5.9 Existing driveways may be required to conform with the standards of this Section, including driveway closure and curb construction where appropriate, as a condition of the approval of any zoning, rezoning, Conditional Use Permit or planned development.
- 5-5.10 All driveways constructed on roadways owned or maintained by the Texas Department of Transportation shall conform to the design requirements outlined in the latest version of the TXDOT Access Management Manual. In the event of conflict between the TXDOT and City of Greenville design standards, the most restrictive regulations shall apply

Section 5-6: Telecommunications Facilities

5-6.1 Definitions:

- (A) Antenna, Microwave Reflector & Antenna Support Structure - An antenna is the arrangement of wires or metal rods used in transmission, retransmission and reception of radio, television, electromagnetic or microwave signals, including microwave reflectors and antennae. A microwave reflector is an apparatus constructed of solid, open mesh, bar-configured, or perforated materials of any shape or configuration that is used to receive or transmit microwave signals from a terrestrial or orbitally located transmitter or transmitter relay. Microwave reflectors are also commonly referred to as satellite receive only earth stations (T.V.R.O.S.), or satellite dishes. An antenna support structure is any tower, mast, pole, tripod, box frame, or other structure utilized for the purpose of supporting one or more antennae or microwave reflectors.
- (B) Antenna (Non-Commercial/Amateur) - An antenna or antenna support structure used for the purpose of transmission, retransmission, or reception of radio, television, electromagnetic, or microwave signals for private or personal use and not for the purpose of operating a business or for financial gain. A satellite dish antenna not exceeding six feet (6') in diameter shall also be considered as a non-commercial antenna.
- (C) Antenna (Commercial) - An antenna or antenna support structure used for the purpose of transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals primarily for the purpose of operating a business or for financial gain, such as commercial broadcasting and cellular/wireless telecommunications. A satellite dish antenna that exceeds six feet (6') in diameter shall also be considered as a commercial antenna.

- (D) Collocation - The use of a single support structure and/or site by more than one communications provider.
- (E) Communications Operations (Non-Commercial/Amateur) - The transmission, retransmission or reception of radio, television, electromagnetic, or microwave signals for private or personal use, and not for the purpose of operating a business and/or for financial gain.
- (F) Communications Operations (Commercial) - The transmission, retransmission, or reception of radio, television, electromagnetic, or microwave signals primarily for the purpose of operating a business and/or for financial gain.
- (G) Height - The distance measured from the finished grade of the lot or parcel to the highest point on the support structure or other structure, including the base pad and any antennae.
- (H) Radio, Television or Microwave Tower - See “Antenna, Microwave Reflector & Antenna Support Structure”.
- (I) Residential District - Any section of the City zoned Agricultural (A), Single Family One (SF-1), Single Family Two (SF-2), Single Family Three (SF-3), Single Family Attached (SF-A), Two Family (2F), Multi Family One (MF-1), Multi Family Two (MF-2), Manufactured Home Park (MHP), and Patio Home (PH).
- (J) Single Family District - Any section of the City zoned Agricultural (A), Single Family One (SF-1), Single Family Two (SF-2), Single Family Three (SF-3), Single Family Attached (SFA), and Patio Home (PH).
- (K) Telecommunications Facility, Tower, or Structure - See “Antenna, Microwave Reflector & Antenna Support Structure”
- (L) Temporary/Mobile Antenna - An antenna and any associated support structure or equipment, including, but not limited to, a support pole, a vehicle that is placed and/or used on a temporary basis only not intended to be permanent, usually in conjunction with a special event, news coverage or emergency situation, or in case of equipment failure or temporary augmentation of permanent communications equipment.
- (M) Wireless Communication Tower or Structure - See “Antenna, Microwave Reflector & Antenna Support Structure”.

5-6.2 Applicability.

- (A) These regulations apply to all commercial and amateur antennae and support structures, unless exempted herein.
- (B) Direct broadcast satellite reception, multi-channel multi-point distribution, as defined by the FCC, television reception antennae, and amateur radio antennae meeting the following requirements do not require a permit unless mounted on a pole or mast that is twenty feet (20') or more in height:
 - (1) In any zoning district, antennae that are one meter (39 inches) or less in diameter;
 - (2) In a non-residential zoning district, antennae that are two meters or less in diameter;
 - (3) In any zoning district, antennae designed to only receive television broadcasts;
 - (4) In any zoning district, amateur radio antennae concealed behind or located upon or within attics, eaves, gutters or roofing components of the building; and
 - (5) In any zoning district, amateur radio ground-mounted whips and wire antennae, unless mounted upon a pole or mast over twenty feet (20') in height.
- (C) Support structures or antennae legally installed before adoption of these regulations are not required to comply with this Ordinance, but must meet all applicable State, Federal and local requirements, building codes and safety standards.

- (D) Antenna installations shall comply with all other requirements of the Zoning Ordinance and all other City ordinances. If any conflict exists between this Section 5-6 and any other regulations, the most stringent regulations shall apply.

5-6.3 General Requirements:

- (A) Antennae and support structures may be considered either principal or accessory uses.
- (B) No commercial antenna support structure shall be closer to any residential district boundary line or residential dwelling than a distance equal to twice the height of the support structure. Such setback distance shall be measured as the shortest possible distance in a straight line from the structure to the closest point of a residential district boundary line or residential dwelling. Setbacks from residentially zoned property do not apply to antennae attached to utility structures that exceed fifty feet (50') in height, or to antennae placed wholly within or mounted upon a building.
- (C) No amateur or commercial antenna, antenna support structure, microwave reflector or antenna, or associated foundations or support wires or appurtenances shall be located within any required setback area for the front, side or rear yards.
- (D) All antennae and support structures must meet or exceed the current standards and regulations of the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), and/or all other applicable Federal, State and local authorities. If those standards change, then the owner and user of an antenna or support structure must bring the antenna or structure into compliance within six (6) months or as may otherwise be required by the applicable regulating authority.
- (E) Antennae, whether amateur or commercial, shall not create electromagnetic or other interference with the City's or Hunt County's radio frequencies and public safety operations, as required by the FCC. Antennae also shall not interfere with radio or television reception of nearby property owners. In no manner shall the use of such equipment infringe upon adjoining property owners.
- (F) No antenna or support structure shall be located so as to create a visual obstruction within critical visibility areas, such as at street intersections or where a private driveway enters a roadway, or a traffic safety problem.
- (G) Safeguards shall be utilized to prevent unauthorized access to an antenna installation areas, such as on a water tower, utility structure, or other free-standing installation. Safeguards include certain devices identified and recommended by the manufacturer of the antenna or support structure, a screening wall, a fence, a climbing guard, or other commercially available safety devices. Climbing spikes or other similar climbing device, if utilized, shall be removed immediately following use.
- (H) Satellite dishes and other similar antennae shall be permitted on the roof of a building, as long as satellite dishes do not exceed one meter (39") in diameter and antennae do not extend over ten feet (10') above the roof of the building.
- (I) Roof-mounted antennae that comply with the provisions of these regulations do not require additional yard setbacks or setbacks from residential areas or dwellings.
- (J) Prior to installation of a mounted antenna, the Building Official shall be provided with an engineer's certification that the building or structure will support the proposed antenna and associated mounted equipment.
- (K) Telecommunications facilities erected by the City of Greenville for police, fire, EMS, 911 or other similar public emergency communications shall be exempt from the requirements of this section.
- (L) Distances in this section shall be measured along a single straight line between the center of the tower base and the nearest point on any property line of a residential zoning district or use. For the purposes of applying the restrictions set forth in Section 5-6.3 A(1), (2), and (6), the term

"residential district or use" excludes property that is:

- (1) Vacant and unplatted;
- (2) Used as a public or private primary or secondary educational facility;
- (3) Used as a college or university education facility;
- (4) Owned by the United States, the State of Texas, or the City of Greenville, and not used for residential uses;
- (5) Used primarily for religious assembly;
- (6) Used as a cemetery;
- (7) Occupied by non-residential, nonconforming use(s); or
- (8) Any other site similar to those listed above and determined by the Director of Planning to be consistent with the purposes of this ordinance.

5-6.4 Application Requirements & Platting

- (A) Building Permit. A building permit is required to erect or install an antenna, antenna support structure and related structures or equipment, unless the particular antenna is exempt from these regulations. All installations shall comply with applicable Federal, State and local building codes and the standards published by the Electronic Industries Association. Owners and users shall have thirty (30) days after receiving notice that an installation is in violation of applicable codes in order to bring it into full compliance.
- (B) In addition to obtaining a building permit, any person, firm, corporation, or any other entity desiring to build a telecommunications facility within the City limits must pay appropriate fees and submit a complete application that includes all materials and information detailed herein.
- (1) Photos and/or drawings of all equipment, structures, and antennas.
 - (2) Names and addresses of telecommunication providers or users of the proposed tower or antenna.
 - (3) Complete construction plans stamped by a professional engineer registered with the state of Texas, including a stamped certificate indicating that the proposed tower is designed to meet or exceed the most recent TIA/EIA-222 standards, and is capable of use by two or more wireless communications providers.
 - (4) An inventory of the company's existing towers that are either within the City of Greenville, or within one mile of the border thereof, including specific information about the location, height, and design of each tower.
 - (5) Detailed account of co-location efforts.
 - (6) Proof of compliance with the distance requirements of this sections.
 - (7) If the application includes a request for a new tower, the owner of the tower must certify in writing a willingness to allow collocation at the new site; and must produce documentation showing that the property owner agrees to allow collocation of at least one other antenna on the tower.
 - (8) All new towers must comply with the site and form survey requirements outlined in the City of Greenville's adopted Building Code, as may be amended.
 - (9) Any other requirements of this ordinance, or information required by the City of Greenville.
- (C) Platting Required. No permit for the construction of a new telecommunications tower or accessory building shall be issued until a building site, tract, or lot, has been created by plat in conformance with this Zoning Ordinance and with the City's adopted Subdivision Ordinance.

5-6.5 Temporary Antennae

Temporary antennae shall only be allowed in the following instances:

- (A) In conjunction with a festival, carnival, rodeo or other special event or activity;
- (B) In case of an emergency, such as severe weather, or a news coverage event;
- (C) When needed to restore service on a temporary basis after failure of an antenna installation. The City must be notified within seventy-two (72) hours of the placement of a temporary antenna. If the temporary antenna is to be needed for more than seven (7) days, then the owner and user must apply for and acquire a permit for the temporary installation on or before the eighth (8th) day following initial placement of the antenna.

5-6.6 Collocation

Collocation is greatly encouraged by the City.

- (A) All new support structures over fifty feet (50') in height shall be constructed to support antennae for at least two carriers, unless the structure is an alternative or stealth design, or the support structure is replacing an existing utility structure or light standard. Sufficient area for associated structures and equipment shall also be provided.
- (B) A support structure which is modified or reconstructed in order to accommodate collocation shall be of the same type, design and height as the existing structure, and it may be moved on the same property within fifty feet (50') of its original location provided that it is not moved any closer to residentially zoned property. If the structure was allowed by SUP, then its new location shall be within the physical/land boundaries of the SUP. The original support structure shall be removed from the property within ninety (90) days following completion of the new structure.
- (C) Where an additional antenna is to be attached to an existing support structure that already has an antenna mounted upon it, the new antenna shall comply with and be compatible with the design of the existing antenna on the collocated structure.

5-6.7 Accessory Structures

- (A) Accessory Building. A single-story unmanned accessory building of no more than 300 square feet gross floor area is permissible to store equipment needed to send and to receive transmissions but may not include offices or long term storage of vehicles.
- (B) Roof-mounted support equipment, related areas, and buildings shall be screened from public view if mounted on a rooftop.
- (C) Support buildings and equipment storage areas that are ground-mounted shall meet all applicable front, side and rear yard setback requirements of the applicable base zoning district. They shall also be of a neutral color and shall use exterior finish colors and materials that are compatible with nearby structures. They shall be screened from public view by a dense, opaque evergreen landscaped screen with an initial planting height of three feet (3'), and which will attain an ultimate height of six feet (6') at maturity. A six-foot (6') solid masonry wall may be used in lieu of the landscaped screen provided exterior finish materials are compatible with nearby structures. The use of a wood fence for screening is prohibited, and wrought iron or chain link may only be used in conjunction with a landscaped screen as specified above.

5-6.8 Signs, Lights and Other Attachments

- (A) All commercial signs, flags, lights and attachments other than those required for emergency identification, communications operations, structural stability, or as required for flight visibility by the FAA and/or FCC shall be prohibited on any antenna or antenna support structure.

- (B) However, lights may remain or be placed upon light standards that are altered or replaced in order for them to serve as antenna support structures provided that said lights are not commercial in nature, and provided that said lights are placed/replaced as the same size, configuration, number of bulbs, degree of luminance, etc. as they previously existed prior to support structure modification or replacement.
- (C) No lettering, symbols, images, or trademarks large enough to be legible to occupants of vehicular traffic on any adjacent roadway shall be placed on or affixed to any part of a telecommunications facility, other than as required by Federal Communications Commission regulations regarding tower registration or other applicable law.

5-6.9 Limitations on Telecommunications by Zoning District

- (A) Any publicly owned antennae or antenna support structures shall be permitted in any zoning district, including public safety communications.
- (B) In all residential zoning districts, commercial antennae and antenna support structures are prohibited.
 - (1) Except that a commercial antenna may be attached to a utility structure, including electrical transmission, distribution towers and elevated water storage tanks, provided that the utility structure exceeds fifty feet (50') in height, and provided that the antenna does not extend more than ten feet (10') above the height of the utility structure.
 - (2) Only one (1) amateur antenna and support structure shall be permitted per residential lot, except that a maximum of two (2) satellite dishes may be allowed if both units are no larger than one meter (39") in diameter. Satellite dishes in any residential district shall not exceed twelve feet (12') in diameter, and must be permitted by the Community Development Director.
- (C) In non-residential zoning districts, commercial antennae and antenna support structures are permitted as follows:
 - (1) Commercial antenna support structures are allowed by right if they do not exceed the maximum building height allowed for the zoning district in which they are located. Structures in excess of the height allowed in the zoning district may be allowed by Conditional Use Permit (CUP) provided the structure conforms in all other aspects of the base zoning district's regulations, and provided that all applicable setback requirements are satisfied. In all non-residential zoning districts, antenna support structures must meet all setback requirements, particularly from residential zoning districts.
 - (2) A commercial antenna may be attached to a utility structure, including electrical transmission, distribution towers and elevated water storage tanks, provided that the utility structure exceeds fifty feet (50') in height, and provided that the antenna does not extend more than ten feet (10') above the height of the utility structure.
- (D) A telecommunications tower may be permitted in Office (O) and non-single family residential zoning districts where authorized by a Conditional Use Permit.
- (E) A roof or building mounted telecommunications facility may be permitted in single-family zoning districts where authorized by a Conditional Use Permit.
- (F) A commercial antenna may be placed wholly within any building permitted in either a residential or nonresidential zoning district. A commercial antenna may also be mounted flush to the exterior of a building or structure if it is painted or disguised to integrate into the overall architectural design and it is not readily visible or identifiable as an antenna from public roadways or from neighboring residential properties.

5-6.11 Conditional Use Permit (CUP) Requirements

- (A) Each applicant requesting a Conditional Use Permit for a telecommunications facility shall submit a scaled Site Plan and a scaled elevation view and other supporting drawings, calculations and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, tower height requirements, setbacks, drives, fencing, landscaping, adjacent uses, and other information deemed necessary to assess compliance with this ordinance.
- (B) A Conditional Use Permit for a telecommunications facility is appropriate only when anticipated impact on residential areas is minimal. The City Council shall consider the following factors in determining whether to issue a Conditional Use Permit.
- (1) Height of the proposed tower;
 - (2) Proximity of the tower to residential structures;
 - (3) Nature of uses on adjacent and nearby properties;
 - (4) Surrounding topography;
 - (5) Design of the tower or antenna, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 - (6) Availability of suitable existing towers and other structures as discussed in (E) below.
- (C) New towers and antennas shall not be located on any lot occupied by a single family residence.
- (D) New towers shall be of monopole construction only.
- (E) If a new tower is requested, the applicant must demonstrate to the reasonable satisfaction of the City Council that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:
- (1) No existing towers or structures located within the geographic area required meet the applicant's engineering requirements.
 - (2) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
 - (3) Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
 - (4) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 - (5) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable.
 - (6) The applicant demonstrates that there are other limiting factors that render existing towers and structure unsuitable.

5-6.12 Abandonment.

The owner of a telecommunications facility shall notify the building official when the tower is no longer operating as part of a telecommunications system authorized by the Federal Communications Commission. Within 180 days of the date the facility ceases to operate as part of an authorized telecommunications system, the facility must either be removed from the site, or a certificate of occupancy must be obtained to allow another permitted use of the facility.

5-6.13 Appeal

- (A) Any entity that desires to erect and/or to utilize telecommunication facilities that wishes to present evidence that such entity would be limited by the current ordinances or regulations of the City dealing with zoning and land use, may apply for such use under this section. This applicant must demonstrate to the satisfaction of the City Council that the following conditions exist:
 - (1) A permit for a telecommunications facility has been applied for and denied by the City.
 - (2) The strict application of the regulations would prohibit or have the effect of prohibiting personal wireless service, as defined by federal law.
- (B) Upon finding that the above conditions exist, the City Council shall modify the subject regulations, consistent with the spirit and intent of this chapter and section, to the extent necessary to prevent the prohibition. (Ord. 98-121 adopted 8-25-98, Sec. 2)

Section 5-7: Exterior Construction Requirements and Standard

5-7.1 Definitions:

(A) For the purpose of this section, *Acceptable Masonry Wall Construction* is defined as and shall include the following:

- (1) **Stone Material:** Masonry construction using stone material may consist of granite, marble, limestone, slate, river rock, and other hard and durable naturally occurring all weather stone. Cut stone and dimensioned stone techniques are acceptable.
- (2) **Brick Material:** Brick material used for masonry construction shall be hard fired (kiln fired) clay or slate material. Unfired or underfired clay, sand, or shale brick are not permitted.
- (3) **Concrete Masonry Units:** Concrete masonry units used for exterior masonry construction shall have an indented, hammered, split face, or other similar architectural finish. Lightweight concrete block or cinder block construction is not acceptable masonry wall construction.
- (4) **Concrete Panel Construction:** Concrete finish or pre-cast panel (tilt wall) construction shall be painted, fluted, exposed aggregate, or other similar architectural concrete finish. Smooth or untextured concrete finishes are not acceptable.
- (5) **Stucco or similar exterior finishing system.**
- (6) **Exterior Insulating Finishing System (EIFS).**
- (7) **Glass Wall Construction:** Glass walls shall include glass curtain walls or glass block construction. Glass curtain wall shall be defined as an exterior wall which carries no structural loads, and which may consist of the combination of metal, glass, or other surfacing material supported in a metal framework.

5-7.2 Construction Standards.

(A) The standards and criteria contained within this section are deemed to be minimum standards and shall apply to all new, altered or repaired construction occurring within the City.

- (1) **Non-Residential Structures (excluding churches).**
 - (a) **Major Thoroughfares and Collector Streets.** Non-residential structures constructed on lots that have frontage on U.S. Highway 69 (Joe Ramsey Blvd.), Business U.S. Highway 69 from U.S. Highway 69 to Interstate 30, State Highway 34 (Wesley Street) from the south city limits to Pickett Street, Interstate Highway 30, FM 1570, US Highway 380 and State Highway 66; shall have at least seventy-five percent (75%) of the total exterior walls above grade level, excluding doors and windows, constructed of acceptable masonry wall construction, in accordance with the city's building code and fire prevention code. Building facades which face or side any public street or single family zoning district, shall have one hundred percent (100%) of the total exterior walls above grade level, excluding doors and windows, constructed of acceptable masonry wall construction. (Adopted Ordinance 09-025; April 14, 2009)
 - (b) **Downtown.** All structures in the area designated as the Central Area (CA) Zoning District are subject to the exterior design requirements in Section 3-6.
 - (c) **All Other Locations.** The exterior walls on all other non-residential structures which face or side any public street or single family zoning district, and at least twenty percent (20%) of the length of side elevations extending back from the front elevation, shall have at least eighty percent (80%) of the total exterior walls above grade level, excluding doors and windows, constructed of acceptable masonry wall construction, in

accordance with the city's building code and fire prevention code.

- (2) Multi-family Uses. All principal multi-family buildings and structures shall have at least ninety percent (90%) of the total exterior walls above grade level, excluding doors and windows, constructed of acceptable masonry wall construction, in accordance with the city's building code and fire prevention code.
- (3) Churches. The exterior walls on churches, which face or side any public street, and at least twenty percent (20%) of the length of side elevations extending back from the front elevation, shall have at least eighty percent (80%) of the total exterior walls above grade level, excluding doors and windows, constructed of acceptable masonry wall construction, in accordance with the city's building code and fire prevention code.
- (4) Exterior Metal Walls. Exterior metal walls shall include profiled panels, deep ribbed panels, and concealed fastener systems. Exterior finish shall be film laminated or baked on enamel painted to the wall manufacturer's standards. The use of corrugated metal, plastic, or fiberglass panels is prohibited. The use of galvanized, aluminum coated, zinc-aluminum coated, or unpainted exterior metal finish is prohibited.

5-7.3 Exceptions.

- (A) Strict adherence to these rules shall not be such as to prevent architectural creativity. Requests for exceptions based on architectural design and creativity, and compatibility with surrounding developed properties, may be considered by the Planning and Zoning Commission who shall submit their recommendations to the City Council for approval.
- (B) The Director of Community Development may approve a waiver or exception to the requirements of this section for accessory structures or additions to existing buildings that were previously exempt from this section (as defined in subsection (H)); where the size of such accessory structures or additions do not exceed twenty-five percent (25%) of the size of the existing structure, or two thousand five hundred (2,500) square feet or , whichever is less. Such exception may only be considered for approval when the proposed building exterior is of like material to that of the existing structure or where the location, either by line of site or distance from the roadway, provides limited visibility.

5-7.4 Façade Articulation Required

All nonresidential structures greater than 50,000 square feet in size must be offset or varied such that facades are articulated. Specifically, walls must be varied by at least three feet (3') in depth for every thirty feet (30') in horizontal and/or vertical surface length. Such facade articulation shall be shown on the Site Plan. Refer to Section 2-2 for the definition of articulation.

5-7.5 Exemptions. The following are exempt from the provisions of this section (Section 5-7):

The following are exempt from the provisions of this section (Section 5-7):

- (A) Single family and two (2) family homes and accessory buildings.
- (B) Barns and farm accessory buildings if such buildings are used solely for agricultural purposes.
- (C) Manufactured or mobile homes otherwise lawfully existing under the provisions of the Zoning Ordinance.
- (D) Remodeling activities that result in less than fifty percent (50%) of the modification or replacement of the existing structure.

- (E) Temporary buildings used for construction offices, and permitted for a limited period of time by the Building Official.
- (F) Industrial buildings located in Light Industrial (I-1) or Heavy Industrial (I-2) Zoning Districts, that are used for manufacturing, or other related industrial uses, except that those constructed on lots that have frontage on U.S. Highway 69 (Joe Ramsey Blvd.), Business U.S. Highway 69 from U.S. Highway 69 to Interstate 30, State Highway 34 (Wesley Street) from the south city limits to Pickett Street, Interstate Highway 30, FM 1570, US Highway 380 and State Highway 66; shall have at least thirty-five percent (35%) of the total exterior walls above grade level, excluding doors and windows, constructed of acceptable masonry wall construction. (Adopted Ordinance 09-025; April 14, 2009)
- (G) All buildings located in the Majors Field Addition.
- (H) Building projects for which a building permit or Site Plan approval has been formally applied prior to the effective date of this section are exempt from the requirements of this section.

Section 5-8: Landscaping Requirements

5-8.1 Purpose

Landscaping is accepted as adding value to property and is in the interest of the general welfare of the City. The provision of landscaped areas also serves to increase the amount of a property that is devoted to pervious surface area which, in turn, helps to reduce the amount of impervious surface area, storm water runoff, and consequent non-point pollution in local waterways. The integration of landscaping is also supported by adopted City policy, in the form of the Comprehensive Plan. Therefore, landscaping is hereafter required of new nonresidential and multi-family development.

5-8.2 Applicability

- (A) The standards and criteria contained within this Section are deemed to be minimum standards and shall apply to all new, altered or repaired nonresidential or multi-family construction occurring within the City.
- (B) Additionally, any use requiring a Conditional Use Permit (CUP) or a Planned Development (PD) zoning designation must comply with these landscape standards, unless special landscaping standards are otherwise provided for in the ordinance establishing the CUP or PD district.

5-8.3 Permits

- (A) Issuance. No permits shall be issued for building, paving, grading or construction until a Landscape Plan is submitted and approved by the Community Development Director. Prior to the issuance of a certificate of occupancy for any building or structure, all landscaping shall be in place in accordance with the Landscape Plan.
- (B) Temporary Certificate of Occupancy. In any case in which a certificate of occupancy is sought at a season of the year in which the Community Development Director determines that it would be impractical to establish landscaping, a temporary certificate of occupancy may be issued provided a letter of agreement from the property owner is submitted that states when the installation shall occur. All landscaping required by the Landscape Plan shall be installed within six (6) months of the date of the issuance of the certificate of occupancy.

5-8.4 Landscape Plan

- (A) Requirement: Prior to the issuance of a building, paving, grading or construction permit for any use requiring landscaping, a Landscape Plan shall be submitted to the Community Development

Director. The Landscape Plan may be shown on the Site Plan (provided the Site Plan remains clear and legible) or may be drawn on a separate sheet.

(B) Review: The Community Development Director shall review the Landscape Plan and shall approve the Landscape Plan if it meets the criteria of these regulations. If the Landscape Plan is not in conformance, they shall be denied and shall be accompanied by a written statement setting forth the changes necessary for compliance.

(C) Submittal Requirements:

- (1) The Landscape Plan shall be prepared by a person knowledgeable in plant material usage and landscape design (e.g., landscape architect, landscape contractor, landscape designer, etc.).
- (2) To ensure the submission of adequate information, the City is hereby empowered to maintain and distribute a separate list of specific requirements for Site Plan review applications. All applications and related contents shall be submitted consistent with these requirements, a checklist of which shall be supplied by the Community Development Department.

5-8.5 Minimum Landscaping Requirements for Nonresidential and Multi-family Developments

- (A) Street Yard. For all nonresidential and multi-family developments, at least ten percent (10%) of the street yard shall be permanently landscaped area. The street yard shall be defined as the area between the building front and the front property line.
- (B) Landscape Buffer. A minimum ten-foot (10') wide landscape buffer shall be provided along the property line that is adjacent to the right-of-way of any major thoroughfare or collector. Corner lots fronting two (2) major thoroughfares shall provide the required landscape buffer on both street frontages. Landscape Buffers may be reduced to five-foot (5') wide when a continuous landscape screening, not less than two feet (2') or more than three feet (3') in height, is provided between such right-of-way and an adjacent parking area. No landscape material, other than grass or ground cover shall be planted closer than three feet (3') to the edge of parking stall where a 2' bumper overhang is included in the parking design.
- (C) Landscape Areas Within Parking Lots. Landscape areas within parking lots should generally be at least one parking space in size, with no landscape area less than fifty (50) square feet in area. Landscape areas shall be no less than five feet (5') wide and shall equal a total of at least ten percent (10%) of the overall parking lot area. All landscape areas shall be protected by a monolithic concrete curb or other type of wheel stop, such as railroad ties, and shall remain free of trash, litter, and car bumper overhangs. At least one tree shall be provided in the street yard for every 8 parking spaces, 75% of which shall be provided within the parking lot area.
- (D) Permeable Surface Around Trees. All existing trees which are to be preserved shall be provided with undisturbed, permeable surface area under (and extending outward to) the existing dripline of the tree. All new trees shall be provided with a permeable surface under the dripline a minimum of five feet (5') by five feet (5').
- (E) Existing trees which are preserved and greater than four inches (4") in caliper, may count toward the minimum requirement for trees, however, the number of trees required to be located within the parking area, shall not be reduced by the preservation of existing trees.
- (F) All landscaping areas shall be maintained in good, healthy condition. Automatic irrigation shall be provided when the total landscape area exceeds one thousand square feet (1,000 sf).

Section 5- 9: Exterior Lighting

5-9.1 Purpose. The City of Greenville desires to enhance the beauty of the area for its citizens, both during the day and at night. This includes the restriction of light trespass, light pollution and glare so that safety and security will not be jeopardized and night vision will be enhanced.

5-9.2 Definitions.

- 1: AVERAGE TO MINIMUM: The ratio of average foot-candles to the minimum foot-candle point calculation or reading for a given area. This ratio is an indicator of lighting uniformity. The lower the ratio the better the uniformity.
- 2: CUTOFF: A luminaire light distribution where the candela per 1,000 lamp lumens does not numerically exceed 25 (2.5%) at a vertical angle of 90 degrees above nadir and 100 (10%) at a vertical angle of 80 degrees above nadir. This applies to all lateral angles around the luminaire.
- 3: EXTERIOR LIGHTING: The nighttime illumination of an outside area or object by any man-made device located outdoors that produces light by any means.
- 4: FIXTURE: The assembly that houses the lamp or lamps and can include all or some of the following parts: housing, mounting bracket or pole, socket, lamp holder, ballast, reflector or mirror, and/or refractor or lens.
- 5: FLOOD OR SPOTLIGHT: Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction with a wide or narrow beam.
- 6: FOOT-CANDLE(S): The amount of light falling on a surface (measured or calculated). It can be quantified as one lumen per square foot. For an approximate conversion from lux to foot-candles, divide by ten. The exact conversion is 10.76 lux equals one foot-candle.
- 7: FOOT-CANDLES, AVERAGE: The average of a number of points of foot-candle calculations or foot-candle readings in a given area.
- 8: FOOT-CANDLES, INITIAL: Foot-candles that are calculated with no adjustment for dirt buildup in the fixture or lamp lumen depreciation. Initial foot-candles should be measured when a lighting system is new and after 100 hours of lamp burn-in time.
- 9: FOOT-CANDLES, MINIMUM: The minimum foot-candle point calculation or reading in a given area.
- 10: FULL CUTOFF: A luminaire light distribution where zero candela intensity occurs at an angle of 90 degrees above nadir, and at all greater angles from nadir. Additionally, the candela per 1,000 lamp lumens does not numerically exceed 100 (10%) at a vertical angle of 80 degrees above nadir. This applies to all lateral angles around the luminaire.
- 11: LAMP: The component of a luminaire that produces the actual light.
- 12: LIGHT TRESPASS: The shining of light produced by a luminaire beyond the boundaries of the property on which it is generally located and intended.
- 13: LUMINAIRE: This is a complete lighting system, and includes a lamp or lamps and a fixture housing, reflector(s), refractor, etc.
- 14: LUMINANCE: What we commonly call brightness or the light coming from a surface. Luminance is composed of the intensity of light striking an object or surface and the amount of that light reflected back toward the eye. All surfaces have some reflecting qualities and therefore have luminance, light surfaces being more reflective than dark surfaces. The luminance of asphalt pavement and the moon can both be measured.
- 15: MOUNTING HEIGHT OF LUMINAIRE: The mounting height of a luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the center of the light source (lamp) in the luminaire.

- 16: NON-CUTOFF: A luminaire light distribution where there is no candela limitation in the zone above maximum candela.
- 17: NONCONFORMING LUMINARIES: Luminaries not conforming to this Section that were in place at the time this Section was voted into effect.
- 18: TEMPORARY EXTERIOR LIGHTING: The nighttime illumination of an outside area or object by any man-made device located outdoors that produces light by any means for a limited period of time. This period can be specified by the Town.
- 19: UNIFORMITY: A description of the smoothness of the lighting pattern or the degree of intensity of light and dark areas in the roadway or area to be lighted. Uniformity is usually expressed as a ratio such as max to min or average to min. The lower the ratio the more uniform the lighting design.

5-9.3 Applicability. This Section shall apply to all new, expanded, or redeveloped multi-family, townhouse, single-family attached and non-residential construction where exterior lighting is existing or proposed.

5-9.4 Exemptions. The following are exempt from the standards of this Section:

- A. An expansion of existing building square footage or parking area that does not exceed fifty percent (50%). *For example, an existing 2,000 square foot building may expand up to an additional 1,000 square feet without meeting the requirements of this Section.*
- B. Decorative lighting used for holidays, special events, parties, etc... Said lighting must be removed within a reasonable time following the holiday, special event, or party. The Building Official shall determine what the "reasonable time" should be.
- C. Luminous tube lighting.
- D. Hazard warning luminaries required by federal and state regulatory agencies.
- E. Temporary emergency lighting by police, fire, or other emergency services, as well as vehicular luminaries.
- F. Single-family and two-family dwellings, provided that lighting shall not shine directly onto any dwelling beyond the property line.
- G. City Council may vary from these requirements as part of the approval of public street or sidewalk projects.

5-9.5 Lighting Plan Required. Lighting plans should be developed in conjunction with landscape plans, and coordinated so that potential conflicts between utility lines and plant materials are avoided, light is not blocked by tree canopies, and existing vegetation is protected. Any non-exempt development that proposes exterior lighting shall submit a detailed lighting plan as part of site plan approval. The Community Development Director may elect to waive this requirement for small independent projects if the fixture types are specified on the plan and comply with the requirements of this Section. A lighting plan shall include:

- A. Graphic representations and written description of each type of illuminating device, fixture, lamp, pole, support, reflector, and other devices. This may include, but is not limited to, catalog cuts by manufacturers and/or specification drawings.
- B. An isofoot-candle plan that shows typical foot-candle contours or a point photometric grid that indicates foot-candle levels measured at grade across the site and adjacent areas just beyond the property line to indicate the amount of light trespass.

- C. Photometric summary table showing initial foot-candles (maximum, average, and minimum), uniformity ratio (Average:Minimum), and light loss/depreciation factors. Foot-candle levels must be shown at initial levels.
- D. In the event that the applicant's initial submittal does not clearly demonstrate compliance with this Section, additional information and/or a compliance certification stamped by a certified testing laboratory or professional engineer may be requested by the Community Development Department.
- E. An as-built/installed lighting certification, stamped by a certified testing laboratory or professional engineer, stating that all site lighting is installed according to an approved site plan shall be required prior to the issuance of a Certificate of Occupancy.
- F. Any changes to an approved lighting plan must be approved by the Director of Community Development through a site plan revision.

5-9.6 Illumination Standards. All site lighting shall not exceed the intensities and uniformity ratios in the tables below, unless otherwise specified herein. Where there is a question as to the use or illumination standard, the Illumination Engineering Society of America (IESNA) Lighting Handbook, as amended, shall serve as a guide for providing adequate and safe illumination levels.

Table 5: Lighting Standards for General Parking Areas (initial foot-candles)

Use	Horizontal Illuminance Average	Uniformity Ratio (Average:Minimum)
• Multi-Family Residential • Retail and Commercial	4.0	4:1
• Office • Industrial • Institutional • Cultural, Civic, and Recreational • Place of Worship • Attached Residential	2.0	4:1

Table 6: Other Exterior Lighting Standards (initial foot-candles)

Location	Horizontal Illuminance Average	Uniformity Ratio (Average:Minimum)
Vital Locations*	5.0	4:1
Sidewalks	1.0	4:1
Vehicular Use Area (non-parking)	1.0	4:1
Storage Yards	4.0	4:1
Loading/Unloading Areas	15.0	4:1
Outdoor Sales/Display Areas	10.0	4:1
General Recreation Areas (ball fields, playgrounds, pools)	10.0	4:1

*Includes entry/exit doors, service areas, ATM's, etc... and based on an area 10' x 10' or the limits of the specific area

5-9.7 Design Standards. All outdoor lighting shall conform to the standards and provisions listed below:

- A. Mounting Heights. Outdoor lighting shall be designed, located and mounted at heights no greater than eighteen (18) feet above grade for non-cutoff lights and building mounted lights; thirty (30) feet above grade for full cutoff lights.
- B. Luminaire Standards. The City of Greenville approves the use of the following luminaries and lamps:
 - (1) Luminaries: Shielded flood, cobra head full cutoff, decorative post lights (non-cutoff, cutoff, and full cutoff), fully-shielded walkway bollards, shoebox, shielded goose-neck fixtures and cutoff wall packs. Other luminaries may be approved by the Community Development Director if they demonstrate unique architectural design while maintaining performance standards of approved luminaries.
 - (2) Lamps: Metal halide and high pressure sodium (HPS) only. Lamps for non-cutoff fixtures shall not exceed 100 watts.
 - (3) Color Rendition: The quality of the light source shall be a minimum of 65 CRI (color rendition index), as indicated by the lamp manufacturer's data.
- C. Light Trespass. Outdoor lighting shall be selected, designed, located and installed so that spillover light and glare onto public rights-of-way and residential property is significantly limited.
 - (1) All outdoor lighting shall be located at least five (5) feet from a property line, or the light fixtures must be equipped with house-side shields, or the fixtures must provide a forward-type throw (IES Type IV) light distribution pattern.
 - (2) The maximum illumination at the property line shall not exceed 0.3 initial foot-candles when adjacent to residential sites and 1.0 initial foot-candles when adjacent to non-residential sites and public rights-of-way.
- D. Canopies. Lighting levels for convenience stores, gas stations, bank and pharmacy drive-thru's, large main entrance canopies, etc... shall be adequate to facilitate the various activities taking place at such locations.
 - (1) Canopies shall only use recessed lighting fixtures (including lenses) mounted flush with the bottom of the canopy. Lighting shall not be mounted on the top or fascia of the canopy. Canopy fascias shall not be illuminated.
 - (2) Illumination shall not exceed 12 initial foot-candles measured at the immediate perimeter of the canopy and 25 initial foot-candles measured under the canopy.
- E. Wall- or Roof-Mounted Lighting. Wall packs or shielded goose-neck fixtures on buildings may be used to illuminate pedestrian walkways, entrance areas, and yard areas within thirty (30) feet of the building. They are not intended to draw attention to the building or provide general building or site lighting. Luminaries on the exterior of the building shall be fully shielded (true cut-off type bulb or light source not visible from off-site) to direct the light vertically downward and be of low wattage (preferably one hundred (100) watts or lower).
- F. Building Façades. The purpose of lighting façades and building elements is to accent features, not to illuminate entire portions of buildings. Lighting fixtures shall be carefully selected, located, aimed, and shielded so that direct illumination is focused exclusively on a portion of the building façade and not on adjacent streets or properties. Fixtures should be aimed downward rather than upward wherever possible. Floodlight fixtures must be equipped with shields and must not exceed the foot-candles specified for floodlighting surfaces in the most recent IESNA Lighting Handbook. Floodlights or other type of lighting attached to light poles that illuminate the site and/or building(s) are prohibited.

- G. Illumination of Outdoor Sports Fields and Performance Areas. Lighting of outdoor sports fields and performance areas are excluded from the regulation of this Section, but shall be installed in accordance with the following requirements:
- (1) All such lighting fixtures shall be equipped with a glare control package (e.g., louvers, shields, or similar devices), and the fixtures shall be aimed so that their beams are directed and fall within the primary playing or performance area. Light trespass at the property line shall not exceed 0.3 initial foot-candles onto residential properties.
 - (2) The hours of operation for the lighting system for any game or event shall not exceed one (1) hour after the end of the game or event.
- H. Sign Lighting. Externally illuminated signs, advertising displays, billboards, building identification and monument signs shall use top mounted light fixtures which shine light downward and which are fully shielded or upward with pin-pointed light which are fully shielded.
- I. Flags, Statues, and Monuments. Outdoor light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a very narrow cone of light for the purpose of confining the light to the object of interest and minimize spill-light and glare.

5-9.8 Nonconforming Luminaries

- A. Exterior lighting luminaries in existence on the effective date of this Section shall be exempt from these standards and shall be considered legally nonconforming. Such fixtures may be repaired, maintained and replaced.
- (B) Exterior lighting luminaries existing on the effective date of this Section which are found to direct light or glare to residential properties or rights-of-way may be declared a public nuisance if the level of illumination exceeds the maximums set forth in Section 5-9.7(C). Such fixtures shall be altered to reduce the level of illumination to the levels in Section 5-9.7(C) within ninety (90) days of receiving a written notice of violation from the City.

5-9.9 Enforcement. The Building Official, or his/her designee, is hereby empowered and directed to administer and enforce the provisions of this Ordinance relating to outdoor light control.

Article VI. PLANNED UNIT DEVELOPMENT

Section 6-1: Purpose

The purpose of the planned development zoning district ("PD District") is to provide for the development of land as an integral unit for single or mixed land use in accordance with a PD Design Plan that may include uses, regulations and other requirements that vary from the provisions of other zoning districts. PD Districts are intended to implement generally the goals and objectives of the City's Comprehensive Plan. PD Districts are also intended to encourage flexible and creative planning, to ensure the compatibility of land uses, to allow for the adjustment of changing demands to meet the current needs of the community, and to result in a higher quality development for the community than would result from the use of conventional zoning districts.

Section 6-2: Applicability

6-2.1 Establishment

(A) A PD district may only be established in one of the following circumstances:

- (1) The land is located in close proximity to established residential neighborhoods where conventional zoning classifications may not adequately address neighborhood concerns regarding the quality or compatibility of the adjacent development, and where it may be desirable to the neighborhood, the developer or the City to develop and implement mutually-agreed, enforceable development standards;
- (2) The land, or adjacent property that would be impacted by the development of the land, has sensitive or unique environmental features requiring a more flexible approach to zoning and clustering of uses, or special design standards, in order to afford the best possible protection of the unique qualities of the site or the adjacent property;
- (3) The land is proposed for development as a mixed-use development or a traditional neighborhood development requiring more flexible and innovative design standards;
- (4) The land is located in Downtown Greenville or in proximity thereto and/or in other older sections of Greenville that are proposed for redevelopment or infill development, and special design considerations are deemed desirable;
- (5) The land serves as transition between different and seemingly incompatible land uses;
- (6) The land is proposed for development as a major office, retail, commercial or industrial employment center, and special design standards may be warranted;
- (7) The land is of such a character that it is in the community's best interest to encourage high quality development through flexible development standards to further the goals and objectives of the City's Comprehensive Plan; and
- (8) The land consists of unusually configured parcels that cannot be developed efficiently under the base district standards.

6-2.2 Nature of the District

Each PD District shall be established as an overlay zoning district that combines with one or more base zoning districts. Development in a PD district must be consistent with a Design Plan that is incorporated as part of the district by the adopting ordinance for the PD.

6-2.3 Size & Density.

- (A) No PD district shall be established for a gross contiguous area less than the following:
 - (1) Single-family detached, attached and duplex uses: five (5) acres;
 - (2) Multi-family uses: five (5) acres;
 - (3) Non-residential uses: three (3) acres;
 - (4) Mixed residential and nonresidential uses: three (3) acres.
- (B) Maximum Density. The maximum density for any residential use within a PD shall not exceed the maximum density allowed in the base zoning district by more than twenty percent (20%).
- (C) A PD District may be established for a gross contiguous area less than those outlined in Section 6-2.3(A)(1)-(4), subject to the following conditions:
 - (1) All requirements for a Planned Development District listed herein are satisfied;
 - (2) Recommendation of the Planning and Zoning Commission and approval of the City Council.

Section 6-3: Authorized Uses

6-3.1 Districts & Uses

- (A) Base Zoning District Uses. Any use permitted outright or conditionally in the base district shall be permitted in the PD district, unless the use is prohibited or otherwise conditioned in the regulations adopted for the PD district. Uses designated as conditional uses in the Permitted Use Schedule in Section 4-1 of this Ordinance may be authorized in the PD district only if designated on the Design Plan adopted as part of the PD district, in which case the use does not require a separate Conditional Use Permit under Section 8-5 of this Ordinance.
- (B) Overlay Zoning District Uses. The PD district may provide for uses not allowed in the base zoning district, provided that the uses are compatible with the stated purposes of the district and do not conflict with policies in the Comprehensive Plan, considering the arrangement, combination and design features of the uses within the PD district, as depicted on the Design Plan.
- (C) Location and Arrangement of Uses. The location and arrangement of all authorized uses in the PD district shall be consistent with the Design Plan approved with the district.
- (D) Limitations on Residential Uses. Proposed lot sizes for residential uses in the PD district shall be no smaller on average than the lot sizes allowed in the base zoning district for each type of housing (e.g., single-family, duplex, etc.). A maximum of ten percent (10%) deviation in the size of the lots is permitted in order to provide improved design, or to provide flexibility in the layout of the subdivision or diversity in lot size choices.

6-3.2 Design Plan Deviations

Refer to subsection 6-7.1(C) for regulations related to deviations from the Design Plan.

Section 6-4: Development Standards

6-4.1 Base Zoning Districts – Uses & Standards

- (A) Base District and Supplemental Standards. In a PD district, uses shall conform to the standards in the base zoning district governing area, building and height requirements in this ordinance, and any applicable supplemental standards, unless specifically excepted in the ordinance establishing the PD district.
- (B) Overlay Zoning District Standards.

- (1) In a PD district, standards otherwise applicable to authorized uses in the base zoning district or pursuant to this ordinance may be varied, and thereafter shall be applied to the uses established in the PD district, only if approved in the ordinance establishing the PD district.
- (2) Standards that may be varied include residential density (subject to subsection 6-2.3(B) above), lot area, lot width, lot depth, yard depths and widths, building height and size, building exterior construction, lot coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signage, sidewalks, and lighting.
- (3) Varied standards may increase or decrease the requirements otherwise applicable to particular uses.
- (4) Any graphic depictions used to illustrate such standards, unless otherwise provided in the PD district regulations, shall be considered standards that apply to subsequent development applications.

6-4.2 Public Facilities Standards & Studies

- (A) Public Facilities Standards. In order to implement the plan of development depicted in the Design Plan and to assure that the purposes of the district are realized, public facilities standards in subdivision regulations may be varied, provided that such exceptions are expressly identified in the PD district regulations and illustrated where necessary on the Design Plan incorporated as part of the district regulations. Thereafter, standards applicable to plat applications and applications for site plans shall conform to the variations approved in the ordinance establishing the PD district.
- (B) Public Facilities Studies. In order to justify variations from public facilities standards pertaining to provision of roadway and drainage facilities and to demonstrate compliance with the adequate public facilities policies in this ordinance, a traffic impact study or drainage study may be required as a pre-requisite for approving a petition for a PD district.

6-4.3 Underground Utilities Required

All utilities within planned unit developments, including telephone, television cable, and electrical systems shall be installed underground. Primary facilities providing service to the site may be exempted from this requirement. Large transformers shall be placed on the ground and contained with pad mounts, enclosures or vaults.

Section 6-5: Common Open Space Requirements

6-5.1 Amount Required.

In residential or mixed-use PD districts of twenty (20) acres or more in size, unless otherwise expressly provided by the PD regulations or designated in the PD Design Plan, the following standards governing usable open space shall apply.

- (A) Planned unit developments shall maintain a total open space requirement equal to twenty-five percent (25%) of the gross area of the PUD. Open space requirements specified in this subsection are in addition to requirements for site landscaping and buffering.
- (B) Significant stands of native trees and shrubs shall be preserved and protected from destruction or alteration.
- (C) Open space requirements shall be satisfied for each phase of a multi-phased residential development. If open space is not to be provided proportionally among phases of development, the applicant must execute a reservation of open space in a form that will assure the City that such open space will be provided. The City may require that all open space within the district must be provided prior to completion of development within the district.

- (D) Detention/retention facilities may be counted as open space when they are incorporated into the PD as an amenity, such as a lake or pond. Determination of whether such facilities are deemed an amenity shall be made at the time of the Design Plan approval.

6-5.2 Completion of Common Open Space & Facilities

- (A) All common open space as well as public recreation facilities shall be specifically included in the PD Design Plan and be constructed by the developer.
- (B) Common open space and improvements including public or private parks, pools, recreation centers, or other facilities shall be constructed in conjunction with residential dwellings. Such facilities shall be completed at a rate equal to that which is capable of serving the number of completed residential units in the PUD.
- (C) The PD Design Plan shall specify the location and scope of common area improvements.
- (D) All improvements related to common open space and recreation facilities must be backed by performance bonds issued to the City in a form and quality acceptable to the City Attorney and the Community Development Director, before the issuance of the first residential building permits.

6-5.3 Maintenance

- (A) All privately owned common open space shall conform to its intended purpose and remain as shown in the PD Design Plan in perpetuity.
- (B) Deed restrictions and/or covenants shall govern the maintenance of privately owned common open space. Such restrictions and covenants shall provide for privately owned common open space to be maintained by private property owners with an interest in such open space. Required maintenance standards and/or maintenance activities shall be included in the covenants or restrictions. The deed restrictions and/or covenants shall provide for the city to assess private property owners with an interest in the open space for the cost of maintenance if inadequate private maintenance results in a public nuisance. Deed restrictions and covenants shall run with the land and be for the benefit of present as well as future property owners.

Section 6-6: Application Requirements

6-6.1 Requirements

- (A) Specific Items Required. No application for a PD shall be accepted by the City until the following items have been submitted to the City by the applicant.
 - (1) A completed application form, including all requirements as stated on the application form;
 - (2) A deed or contract on the property or similar document indicating ownership;
 - (3) A Design Plan, prepared in accordance with Section 6-7 of this Ordinance;
 - (4) A description of any development standards or requirements that are different from those in the base zoning district;
 - (5) A description of how the proposed Planned Development fulfills the ideals, goals, objectives, and/or concepts of the City's adopted Comprehensive Plan or any other formally adopted City planning document.
 - (6) A description of how any development standards or requirements that are different from those in the base district fulfill the items listed in (1) through (8) of subsection 6-2.1(A).
 - (7) The required application fee.

Section 6-7: General Application Process

The approval of a PD District shall include a series of applications. A Design Plan shall be required for all applications. The application following the Design Plan shall be a Site Development Plan, if required by the City Council (refer to Section 6-11). If no Site Development Plan is required, a Site Plan meeting all requirements of Section 8-3 shall be required.

Section 6-8: PD Design Plan

6-8.1 No PD district may be established without approval of a Design Plan that illustrates the proposed location and arrangement of uses, the relationship of such uses to base zoning districts, development phasing, planned public improvements, open space, proposed amenities and the overall design of the development.

- (A) The Design Plan shall be incorporated as a component part of the PD district regulations, and shall be construed in conjunction with the authorized uses and development standards set forth in such regulations.
 - (1) *Residential PD Design Plan:* A Design Plan for a development comprised of single-family or two-family (duplex) dwellings on individually platted lots shall show general uses, the topography and boundaries of the PD areas, existing physical features of the site, location of existing or proposed public facilities, phasing of the development, access, thoroughfares, alleys (if proposed), preliminary lot arrangements, proposed densities, proposed screening/fencing, landscaped or private amenity areas, project scheduling, and other pertinent development data.
 - (2) *Nonresidential, Mixed Use, or Multi-family PD Design Plan:* A Design Plan for any nonresidential, mixed use, multi-family, single-family attached, or manufactured (mobile) home development shall clearly show all pertinent aspects of the type and nature of the proposed development. The Design Plan shall show the types of use(s) proposed; access, topography and boundaries of the PD area; existing physical features of the site; existing and proposed streets, alleys, easements and lot lines; location of existing or proposed public facilities; building heights and locations; parking areas and ratios; fire lanes; screening/fencing and landscaped areas; conceptual project phasing and scheduling; and other pertinent development data to adequately describe the proposed development.
- (B) Detailed requirements for the contents of a Design Plan may be prescribed on an application form available from the Community Development Department.
- (C) Consistency Required. All development applications within the PD district shall be consistent with the incorporated Design Plan. Failure of a subsequent development application to conform to the approved Design Plan for the PD district shall result in denial of the application, unless the PD district regulations first are amended through incorporation of a Design Plan with which the development application is consistent. The degree of conformity required between the Design Plan and subsequent development applications shall be set forth in the adopting ordinance.
 - (1) *Minor Deviations from Approved Design Plan.* In determining whether development applications are consistent with the Design Plan, minor deviations from the Design Plan may be approved by the Community Development Director. Unless otherwise specified in the adopting ordinance, minor deviations are limited to the following:
 - a. Corrections in spelling, distances, and other labeling that does not affect the overall development concept.
 - b. Changes in building position or layout that are less than ten feet (10') or ten percent (10%) in size.

- c. Changes in the proposed property lines as long as the original stated project acreage is not exceeded.
 - d. Changes in parking layouts as long as the number of required spaces and general original design is maintained.
- (2) Major Deviations from Approved Design Plan. All major deviations from the Design Plan shall be submitted to the Planning and Zoning Commission and City Council for approval as an amendment of the PD district.

Section 6- 9: Approval Criteria for a Planned Development District

6-9.1 Better Design

The principle purpose of a PD District is to provide a mechanism for better development than would otherwise occur within the City's straight zoning districts. This purpose shall be used as a primary criterion for approval of any PD District.

6-9.2 General Criteria

The following criteria will be used by the City in deciding whether to approve, approve with modifications, or deny a petition for a PD district:

- (A) The extent to which the land covered by the proposed PD district fits one or more of the special circumstances in Section 6-2.1(A) warranting a PD district classification.
- (B) The extent to which the proposed PD district furthers the policies of the City's adopted Comprehensive Plan (as amended) and other formally adopted City planning documents, such as the Parks Plan.
- (C) The extent to which the proposed PD district will result in a superior development than could not be achieved through conventional zoning classifications.
- (D) The extent to which the proposed PD district will resolve or mitigate any compatibility issues with surrounding development.
- (E) The extent to which proposed uses and the configuration of uses depicted in the Design Plan are compatible with existing and planned adjoining uses;
- (F) The extent to which the proposed development is consistent with adopted public facilities plans, including those related to water, wastewater, transportation, drainage and other public facilities; and
- (G) The extent to which the proposed open space and recreational amenities within the development provide a superior living environment and enhanced recreational opportunities for residents of the district and for the public generally.

6-9.3 City Council Conditions

The City Council may impose such conditions to the PD district regulations and Design Plan as are necessary to assure that the purpose of the PD district is implemented.

Section 6- 10: Adopting Ordinance

6-10.1 Items Specific to the Ordinance

The ordinance establishing a PD district shall incorporate the approved Design Plan as part of the district regulations and shall set forth the following:

- (A) The base zoning district(s) to be overlaid, together with the boundaries of the district(s);
- (B) A statement as to the purpose and intent of the PD district established therein;
- (C) The permitted, conditional and accessory uses authorized in the district, the location of such uses, the residential densities or other measurements of development intensity associated with base districts or phases of the development in conformance with the approved Design Plan;
- (D) The general standards applicable to development within the district, with or without reference to the base district, including but not limited to: density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, accessory buildings, signs, lighting, project phasing or scheduling, management associations, and such other requirements as the City Council may deem necessary in order to implement the Comprehensive Plan, and the purposes of the PD District;
- (E) Provisions stating that all zoning standards not expressly set forth for the district in the adopting ordinance shall be as provided in the base zoning district(s), and that any standard in this ordinance that has not been expressly varied in the adopting ordinance shall be applicable to subsequent development permits for land within the PD district;
- (F) Design standards applicable to the development;
- (G) A specific list of deviations from standards in the base zoning district(s), together with any standards in the ordinance which are to be varied for development within the PD district;
- (H) Required dedications of land or public improvements;
- (I) A phasing schedule for the project, where applicable, setting forth the dates for submittal of site development plans and the timing of performance by the developer for dedications of land or public improvements and satisfaction of any conditions in relation to the phasing of development, where applicable;
- (J) Identification of the levels of the deviation allowed between the Design Plan and subsequent development applications, which may be approved by the Community Development Director;
- (K) Specification of whether a Site Development Plan(s) is required to implement the district regulations;
- (L) Such additional conditions as are established by the City Council to assure that the PD district and Design Plan are consistent with the stated purposes of the district.

Section 6-1 1: Site Development Plan

6-11.1 Requirement & Contents

- (A) Where required by the adopting ordinance, a Site Development Plan shall be the final step of the development process within a PD district. The purposes of a Site Development Plan are to assure that the development of individual building lots, parcels, or tracts within the PD district are consistent with the approved Design Plan and to assure that the standards applicable within the PD District are met for each such lot, parcel or tract.
- (B) Contents of Site Development Plan. All applications and related contents shall be submitted consistent with a requirements checklist supplied by the Planning Department.

6-11.2 Approval Process

- (A) The City Council shall determine whether a Site Development Plan is required as part of the adopting ordinance for a PD. If a Site Development Plan is determined to be required, such requirement shall be incorporated into the PD ordinance.

- (B) Delegation to Community Development Director. The Community Development Director hereby is delegated the authority to approve, conditionally approve, or deny a Site Development Plan and all amendments thereto, subject to appeal to the Planning & Zoning Commission and City Council.
- (C) Timing with Preliminary Plat
 - (1) The Site Development Plan shall be submitted and approved along with a preliminary plat, or
 - (2) The Site Development Plan shall be submitted and approved prior to a preliminary plat.
- (D) Community Development Director's Decision. The Community Development Director shall approve, approve subject to conditions, or deny each Site Development Plan.
- (E) Approval Criteria. The Community Development Director, in approving, conditionally approving, or denying a Site Development Plan, shall determine whether:
 - (1) The plan complies with the applicable PD Design Plan and with the PD ordinance, including expressly conditions attached to the Design Plan or PD ordinance, within the levels of deviation specified in the PD ordinance.
 - (2) The plan complies with the standards and conditions of the zoning regulations and of other ordinances, rules and regulations of the City (to the extent that such standards and conditions are applicable to development within the PD District);
 - (3) The traffic estimated to be generated by the plan is generally consistent with any original, Council approved traffic impact analysis;
 - (4) The plan includes the necessary on-site or adjacent traffic improvements to accommodate traffic generated by the plan (e.g., turn lanes, stacking lanes, signalization, etc.); and
 - (5) The drainage study for the plan indicates that the proposed development can be achieved without increasing the upstream or downstream water surface elevation on property owned by third parties and that detention and drainage areas will be improved in a manner consistent with the authorized design.
- (F) Conditions. The Community Development Director, or the Planning & Zoning Commission on appeal, may establish such conditions to the approval of a Site Development Plan as are reasonably necessary to assure that the approval criteria are met.
- (G) Appeal. If the Community Development Director approves a Site Development Plan with conditions or denies a Site Development Plan, the applicant may appeal the decision to the Planning and Zoning Commission by filing a written request with the City Secretary within ten (10) days after the Community Development Director's decision. The Commission, after notice and public hearing, may sustain, reverse or modify the decision of the Community Development Director on the Site Development Plan. The decision of the Commission shall be final.

Section 6-1 2: Lapse of Development in PD Districts

6-12.1 Expiration of Design Plan and Site Development Plan.

- (A) Submittal Within 2 Years Required. An application for approval of a Site Development Plan, plat or Site Plan (if a Site Development Plan is not required), as may be required, shall be submitted for approval within two (2) years of the date of establishment of the PD District, unless otherwise provided in the adopting ordinance. If a Site Development Plan, subdivision plat or Site Plan (if a Site Development Plan is not required) consistent with the Design Plan is not submitted within such period, the Design Plan shall expire.
- (C) Expiration of an approved Design Plan shall result in suspension of the authority to submit a Site Development Plan, plat or Site Plan (if a Site Development Plan is not required) related to the

original Design Plan. A new Design Plan must be submitted before the development process can continue.

- (D) An approved Site Development Plan shall expire if a preliminary plat application for single-family residential projects, or a Site Plan for any other type of project, is not approved within two (2) years of the date of approval of the Site Development Plan.
- (E) Expiration of the approved preliminary plat or Site Plan subsequently shall result in expiration of the associated Site Development Plan. If the preliminary plat or Site Plan is reinstated, the Site Development Plan shall be deemed to be reinstated as well.
- (F) Also see Section 8-1.4 of this Ordinance.

6-12.2 Ability to Submit a Site Development Plan.

Following expiration of the right to submit a Site Development Plan or other development application, the applicant shall retain the ability to submit a new Site Development Plan for a period of five (5) years following the original approval of the related Design Plan. Such new Site Development Plan may only be for the same approved PD project. However, any such new Site Development Plan shall adhere to any and all new standards and regulations that the City has adopted in relation to a Site Development Plan

6-12.3 Ability to Retain the Rights to the PD Project.

- (A) Any PD project for which no Site Development Plan has been submitted for a period of five (5) years following the approval of the related Design Plan shall expire on the last day of that five-year period.
- (B) After such 5-year period has ended and the project expires, the Planning and Zoning Commission shall consider whether the undeveloped land within PD District should be changed to another zoning classification in accordance with the procedures for action upon a zoning map amendment pursuant to Section 8-2 of this Ordinance. The Commission thereafter shall recommend to the City Council whether the right to submit a Site Development Plan or other development application for the same PD project should be reinstated, or whether the property should be zoned to another classification.
- (C) Council Consideration & Factors. The Commission's recommendation (as outlined in (B) above) shall be considered by the City Council in accordance with procedures for action upon a zoning map amendment pursuant to Section 8-2 of this Ordinance. The Council shall determine whether the right to submit the Site Development Plan or other development application for the same PD project should be reinstated, or whether the property should be rezoned to another classification. In making such determination, the Council shall consider the following factors:
 - (1) Whether the PD District remains consistent with the Comprehensive Plan;
 - (2) Whether the uses authorized in the PD district are compatible with existing and planned land uses adjacent to the site;
 - (3) Whether there are extenuating circumstances justifying the failure to submit a Site Development Plan or other development application during the applicable time period; and
 - (4) Whether rezoning the property to another classification constitutes confiscation of a vested property right or deprives the owner of the economically viable use of the land.
- (D) Council Action. Upon (A), (B) and (C) above occurring, the City Council may take the following actions:
 - (1) Reinstatement of the right to submit the Site Development Plan or other development application for the original PD project within a certain time, subject to any conditions that may be appropriate to ensure that significant progress will be made toward development of land within the PD district;
 - (2) Modify the PD district regulations applicable to the property; or

- (3) Repeal the PD district for the affected portions of the property and zone such property to another zoning district classification.

Section 6-13: Documentation of PD Districts

6-13.1 Planned Development District Ordinances Approved Prior to the Adoption of this Zoning Ordinance.

Prior to adoption of this Zoning Ordinance, May 27, 2008, the City Council previously established certain Planned Development districts (which may be referred to as Planned Unit Development (PUD) districts), which may be continued in full force and effect. The PD ordinances or parts thereof approved prior to this Zoning Ordinance, specified in Appendix A, that are carried forth in full force and effect shall be shown on the Zoning Map as of the effective date of this Zoning Ordinance. Each prior PD ordinance is hereby assigned a unique identification number with a PD prefix (e.g., PD-1, PD-2, PD-3, and so on) as shown in Appendix A, and subsequent PD ordinances adopted after the effective date of this Zoning Ordinance shall be sequentially numbered for identification purposes.

6-13.2 Planned Development District Ordinances Approved After the Adoption of this Zoning Ordinance.

All Planned Development zoning districts approved after adoption of this Zoning Ordinance, May 27, 2008, as may be amended, shall be prefixed by a “PD” designation and assigned a unique identification number (e.g., PD-1, PD-2, PD-3, and so on), and shall also be referenced on the Zoning Map. A list of such Planned Development districts, showing the uses permitted and any other special stipulations of each PD district, shall be maintained as part of this Zoning Ordinance in Appendix A.

Section 6-14: Issuance of Building Permits for PD Districts

6-14.1 Conformity Prior to Issuance

No building permit shall be issued in or for development in a PD district except in conformity with all provisions of the rezoning to PD classification and plans submitted under this article.

6-14.2 Permits Possible After Final Plat

The Director of Community Development may issue building permits only after a final plat has been approved by the Planning and Zoning Commission. No certificate of occupancy shall be issued, however, until all improvements have been completed and the final plat has been recorded.

Article VII. AIRPORT ZONING

Section 7 -1: Purpose and Authority

7-1.1 This Article is intended to regulate height obstructions and other hazards to air navigation in the vicinity of Majors Field Airport, pursuant to the authority conferred by Article 46e-3, Vernon's Texas Civil Statutes.

Section 7 -2: Definitions

7-2.1 Unless otherwise expressly stated, or unless the context clearly indicates a different meaning, the words and phrases defined in this Section shall for the purposes of this Article have the meanings indicated.

- 1: AIRPORT: Majors Field Airport, the same being the municipal airport of the City of Greenville, Texas.
- 2: AIRPORT ADVISORY BOARD: The Airport Advisory Board as appointed by the City Council of the City of Greenville, as provided for in the City Charter of the City of Greenville, Texas.
- 3: AIRPORT ELEVATION: The highest point of an airport's usable landing area measured in feet from mean sea level.
- 4: AIRPORT HAZARD: Any structure or tree or use of land which obstructs The air space required for The flights of aircraft or which obstructs or interferes with The control or tracking and/or data acquisition in The landing, taking off or flight at an airport, or at any installation or facility relating to flight, and tracking and/or data acquisition of The flight craft; hazardous, interfering with or obstructing such landing, taking off or flight of aircraft, or which is hazardous to or interferes with tracking and/or data acquisition pertaining to flight and flight vehicles.
- 5: AIRPORT HAZARD AREA: Any area of land or water upon which an airport hazard might be established if not prevented as provided in this Article.
- 6: AIRPORT REFERENCE POINT: The point established as The approximate geographic center of The airport landing area and so designated.
- 7: APPROACH SURFACE: A surface longitudinally centered on The extended runway centerline, extending outward and upward from The end of The primary surface and at The same slope as The approach zone height limitation slope set forth in Section 7-4 of this Article. In plan The perimeter of The approach surface coincides with The perimeter of The approach zone.
- 8: CONICAL SURFACE: A surface extending outward and upward from The periphery of The horizontal surface at a slope of twenty (20) to one (1) for a horizontal distance of four thousand (4,000) feet.
- 9: HAZARD TO AIR NAVIGATION: An obstruction determined to have a substantial adverse effect on The safe and efficient utilization of The navigable airspace.
- 10: HEIGHT: For The purpose of determining The height limits in all zones set forth in this Article and shown on The Airport Zoning Map, The datum shall be mean sea level elevation unless otherwise specified.
- 11: HELIPORT PRIMARY SURFACE: The area of The primary surface coincides in size and shape with The designated takeoff and landing area of a heliport. This surface is a horizontal plane at The elevation of The established heliport elevation.
- 12: HORIZONTAL SURFACE: A horizontal plane one hundred fifty (150) feet above The established airport elevation, The perimeter of which in plan coincides with The perimeter of The horizontal zone.
- 13: LANDING AREA: The surface area of The Airport used for The landing, takeoff or taxiing of aircraft.

- 14: **LARGER THAN UTILITY RUNWAY:** A runway that is constructed for and intended to be used by propeller driven aircraft of greater than twelve thousand five hundred (12,500) pounds maximum gross weight and jet- powered aircraft.
- 15: **NONCONFORMING USE:** Any pre-existing structure, object of natural growth, or use of land which is inconsistent with The provisions of this Article or an amendment thereto.
- 16: **NONPRECISION INSTRUMENT RUNWAY:** A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.
- 17: **OBSTRUCTION:** Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 7-4 of this Article.
- 18: **PERSON:** An individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.
- 19: **PRECISION INSTRUMENT RUNWAY:** A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.
- 20: **PRIMARY SURFACE:** A surface longitudinally centered on a runway. When The runway has a specially prepared hard surface, The primary surface extends two hundred (200) feet beyond each end of that runway; but when The runway has no specially prepared hard surface, or planned hard surface, The primary surface ends at each end of that runway. The width of The primary surface of a runway will be that width prescribed in Part 77 of The Federal Aviation Regulations (FAR) for The most precise approach existing or planned for either end of that runway. The elevation of any point on The primary surface is The same as The elevation of The nearest point on The runway centerline. . The width of a primary surface for other than utility runways is five hundred (500) feet for visual runways having only visual approaches and for nonprecision instrument runways have visibility minimums greater than three fourths (.75) statute mile. The width of a primary surface for other than utility runways is one thousand (1,000) feet for nonprecision instrument runways having non-precision instrument approaches with visibility minimums as low as three fourths (.75) statute mile, and for precision instrument runways.
- 21: **RUNWAY:** A defined area on an airport prepared for landing and take-off of aircraft along its length.
- 22: **STRUCTURE:** An object, including a mobile object, constructed or installed by man, including, but not limited to, building, towers, cranes, smokestacks, earth formation, and overhead transmission lines.
- 23: **TRANSITIONAL SURFACES:** Surfaces extending outward at ninety (90) degree angles to The runway centerline and The runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from The sides of The primary and approach surfaces to where they intersect The horizontal and conical surfaces. Transitional surfaces for those portions of The precision approach surfaces, which project through and beyond The limits of The conical surface, extend a distance of five thousand (5,000) feet measured horizontally from The edge of The approach surface and at ninety (90) degree angles to The extended runway centerline.
- 24: **TREE:** Any object of natural growth, including shrubs and vines.
- 25: **UTILITY RUNWAY:** A runway that is constructed for and intended to be used by propeller driven aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight and less.
- 26: **VISUAL RUNWAY:** A runway intended solely for the operation of aircraft using visual approach procedures.

Section 7 -3: Airport Hazard Zones

7-3.1 There are hereby created and established certain zones which include all of The land lying beneath The Approach Surfaces, Transition Surfaces, Horizontal Surface and Conical Surface as they apply to Majors Field Municipal Airport. Such zones are shown on The Majors Field Municipal Airport Zoning Map consisting of one (1) sheet, prepared by Shimek, Roming, Jacobs and Finklea Consulting Engineers, Dallas, Texas, dated December 1974 and updated on April 12, 1979, which is attached to this Ordinance and made a part hereof. An area located in more than one of The following zones is considered to be only in The zone with The most restrictive height limitation. The various zones are hereby established and defined as follows.

7-3.2 Approach Zones

(A) Runway 17 Approach Zone

The Runway 17 Approach Zone is established beneath The approach surface at The end of runway 17 on Majors Field Municipal Airport for precision instrument landings and take-offs. The inner edge of The approach zone shall have a width of one thousand (1,000) feet which coincides with The width of The primary surface at a distance of two hundred (200) feet beyond each end of The runway, widening thereafter uniformly to a width of sixteen thousand (16,000) feet at a horizontal distance of fifty thousand two hundred (50,200) feet beyond each end of The runway, its centerline being The continuation of The centerline of The runway.

(B) Runway 35 Approach Zone

The Runway 35 Approach Zone is established beneath The approach surface at The end of runway 35 on Majors Field Municipal Airport for nonprecision instrument landings and take-offs. The inner edge of the approach zone shall have a width of one thousand (1,000) feet which coincides with The width of The primary surface at a distance of two hundred (200) feet beyond each end of The runway, widening thereafter uniformly to a width of four thousand (4,000) feet at a horizontal distance of ten thousand two hundred (10,200) feet beyond each end of The runway, its centerline being The continuation of The centerline of The runway.

(C) Runway 13 Approach Zone

The Runway 13 Approach Zone is established beneath The approach surface at The end of runway 13 on Majors Field Municipal Airport for nonprecision instrument landings and take-offs. The inner edge of The approach zone shall have a width of five hundred (500) feet which coincides with The width of The primary surface at a distance of two hundred (200) feet beyond each end of The runway, widening thereafter uniformly to a width of three thousand five hundred (3,500) feet at a horizontal distance of ten thousand two hundred (10,200) feet beyond each end of The runway, its centerline being The continuation of The centerline of The runway.

(D) Runway 31 Approach Zone

The Runway 31 Approach Zone is established beneath The approach surface at The end of runway 31 on Majors Field Municipal Airport for visual landings and take-offs. The inner edge of The approach zone shall have a width of five hundred (500) feet which coincides with The width of The primary surface at a distance of two hundred (200) feet beyond each end of The runway, widening thereafter uniformly to a width of one thousand five hundred (1,500) feet at a horizontal distance of five thousand two hundred (5,200) feet beyond each end of The runway, its centerline being The continuation of The centerline of The runway.

7-3.3 Transition Zones

Transition zones are hereby established beneath the transition surface adjacent to each runway and approach surface as indicated on The Airport Zoning Map. Transition surfaces, symmetrically located on either side of The runways, have variable widths as shown on The Airport Zoning Map. Transitional surfaces extend outward and upward at right angles to The runway centerline and The runway centerline extended at a slope of seven (7) to one (1) from The sides of The primary surface and from The sides of approach surfaces. Transitional surfaces, for those portions of The precision approach surface which project through and beyond The limits of The conical surface, extend a distance of five thousand (5,000) feet measured horizontally from The edge of The approach surface and at right angles to The runway centerline.

7-3.4 Horizontal Zone

The area beneath a horizontal plane one hundred fifty (150) feet above The established airport elevation, The perimeter of which is constructed by swinging arcs of ten thousand (10,000) feet radii from The center of each end of The primary surface of runway 17/35 and connecting The adjacent arcs by lines tangent to those arcs.

7-3.5 Conical Zone

The area beneath the conical surface extending outward and upward from The periphery of The horizontal surface at a slope of twenty (20) to one (1) for a horizontal distance of four thousand (4,000) feet.

Section 7 -4: Height Limitations

7-4.1 Except as otherwise provided in this Article, no structure shall be erected, altered, or, maintained, and no tree shall be allowed to grow in any zone created by this Article to a height in excess of The applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of The zones as follows.

7-4.2 Approach Zone Height Limitations

(A) Runway 17

One (1) foot in height for each fifty (50) feet in horizontal distance beginning at The end of and at The elevation of The primary surface and extending to a point ten thousand two hundred (10,200) feet from The end of The runway, then rising one (1) foot in height for each forty (40) feet in horizontal distance for an additional forty thousand (40,000) feet from The end of The runway.

(B) Runway 35

One (1) foot in height for each thirty-four (34) feet in horizontal distance beginning at The end of and at The elevation of The primary surface and extending to a point ten thousand two hundred (10,200) feet from The end of The runway.

(C) Runway 13

One (1) foot in height for each thirty-four (34) feet in horizontal distance beginning at The end of and at The elevation of The primary surface and extending to a point ten thousand two hundred (10,200) feet from The end of The runway.

(D) Runway 31

One (1) foot in height for each twenty (20) feet in horizontal distance beginning at The end of and at The elevation of The primary surface and extending to a point five thousand two hundred (5,200) feet from The end of The runway.

7-4.3 Transition Zone Height Limitations

(A) Runway 17/35

Slope seven (7) feet outward for each foot upward beginning at The sides of and at The same elevation as The primary surface and The approach surface, and extending to a height of one hundred fifty (150) feet above The airport elevation, which is five hundred forty-four (544) feet above mean sea level. In addition to The foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at The sides of and at The same elevation as The approach surface, and extending to where they intersect The horizontal or conical surface. Where The precision instrument runway approach zone projects beyond The conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at The sides of and at The same elevation as The approach surface, and extending a horizontal distance of five thousand (5,000) feet measured at ninety (90) degree angles to The extended runway centerline.

(B) Runway 13/31

Slope seven (7) feet outward for each foot upward beginning at The sides of and at The same elevation as The primary surface and The approach surface, and extending to a height of one hundred fifty (150) feet above The airport elevation, which is five hundred forty-four (544) feet above mean sea level. In addition to The foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at The sides of and at The same elevation as The approach surface, and extending to where they intersect The horizontal surface.

7-4.4 Horizontal Zone Height Limitations

Established at one hundred fifty (150) feet above The airport elevation, or a height of six hundred ninety-four (694) feet above mean sea level.

7-4.5 Conical Zone Height Limitations

Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at one hundred fifty (150) feet above the airport elevation and extending to a height of three hundred fifty (350) feet above the airport elevation.

7-4.6 Excepted Height Limitations

Nothing in this Article shall be construed as prohibiting the growth, construction or maintenance of any tree or structure to a height of up to fifty (50) feet above the surface of the land.

Section 7 -5: Use Restrictions

7-5.1 Notwithstanding any other provisions of this Article, no use may be made of land or water within any zone established by this Article in such a manner as to:

- (A) Create electrical interference with navigational signals or radio communication between the airport and aircraft;
- (B) Make it difficult for pilots to distinguish between airport light and others;
- (C) Result in glare in the eyes of pilots using the airport;
- (D) Impair visibility in the vicinity of the airport;
- (E) Create bird strike hazards; or

- (F) Otherwise in any way endanger or interfere with the landing, taking off, or maneuvering of aircraft intending to use the airport.

Section 7 -6: Nonconforming Uses

7-6.1 Regulations Not Retroactive

The regulations prescribed by this Article shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Article, or otherwise interfere with the continuance of any nonconforming use. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Article, and is diligently prosecuted.

7-6.2 Marking and Lighting

Notwithstanding the preceding provision of this Section, the owner of any nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the City of Greenville Airport Advisory Board to indicate to the operators of aircraft in the vicinity of the Airport, the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the owner of said structure or tree..

Section 7 -7: Permits

7-7.1 Future Uses

- (A) Except as specifically provided in (1), (2) and (3) hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted.
- (1) In the area lying with the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when, because of terrain, land contour, topographic features or natural growth, such tree or structure would extend above the height limits prescribed for such zones.
 - (2) In areas lying within the limits of the approach zones, but at a horizontal distance of not less than four thousand two hundred (4,200) feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except above the height limit prescribed for such approach zones.
 - (3) In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transitional zones.
- (B) Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. Each application shall also include a completed FAA Form 7460-1 which will be submitted to the appropriate State or Federal authority for review. The City of Greenville will determine if the permit shall be granted based comments received and on the application's conformance with all Federal, State and local regulations. If such a determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Article shall be granted unless a variance has been approved in accordance with Section 7-7.4.

- (C) Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction or alteration of any structure or growth of any tree in excess of any of the height limits established by this Article except as set forth in Section 7-4.5.

7-7.2 Existing Uses

No permit shall be granted that would allow the establishment or creation of any airport hazard or permit a nonconforming use, structure, or tree to be made or become higher, or become a greater hazard to air navigation, than it was on the effective date of this Article or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted upon review by the City Planner.

7-7.3 Nonconforming Uses Abandoned or Destroyed

Whenever the City Planner determines that a nonconforming structure or tree has been abandoned or more than fifty (50) percent torn down, physically deteriorated, destroyed or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations. Thereafter, the nonconforming use must comply with the provisions of Section 7-1.1 above.

7-7.4 Variances

Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his property, in violation of the regulations prescribed in this Article, may apply to the Board of Adjustment for a variance from such regulations in question.

- (A) The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace.
- (B) Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and the relief will not be contrary to the public interest, will not create a hazard to air navigation, would do substantial justice, and be in accordance with the spirit of this Article.
- (C) Additionally, no application for variance to The requirements of this Article may be considered by The Board of Adjustment unless a copy of The application has been furnished to The Greenville Airport Advisory Board for advice as to The aeronautical effects of The variance. If The Airport Advisory Board does not respond to the application within fifteen (15) days after receipt, The Board of Adjustment may act on its own to grant or deny said application.

7-7.5 Obstruction Marking and Lighting

Any permit or variance granted may, if such action is deemed advisable by The Board of Adjustment to effectuate the purpose of this Article and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary.

Section 7-8: Enforcement

7-8.1 It shall be the duty of The City of Greenville City Planner to administer and enforce The regulations prescribed herein. Applications for permits shall be made to The City Planner upon a form published for that purpose Applications required by this Article to be submitted to The City Planner shall be promptly

processed and forwarded to the appropriate agency for review and comment. Applications for variances shall be made to The Board of Adjustment by first filing said application for variance with The City Planner who shall forthwith transmit said application to The Board of Adjustment for determination.

Section 7 -9: Board of Adjustment

7-9.1 The Zoning Board of Adjustment of The City of Greenville, Texas, hereinafter called Board of Adjustment, shall have and exercise the following powers:

- (A) To hear and decide appeals from any order, requirement, decision or determination made by The City Planner or other administrative official in The enforcement of this Article;
- (B) To hear and decide special exceptions to The terms of this Article upon which such Board of Adjustment under such regulations may be required to pass; and,
- (C) To hear and decide specific variances.

7-9.2 The Board of Adjustment shall adopt rules for its governance and in harmony with The provisions of this Article. Meetings of The Board of Adjustment shall be held at The call of The Chairperson and at such other times as The Board of Adjustment may determine. The Chairperson or, in The absence of The Chairperson, The Acting Chairperson, may administer oaths and compel The attendance of witnesses. All hearings of The Board of Adjustment shall be public. The Board of Adjustment shall keep minutes of its proceedings showing The vote of each member upon each question; or is absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in The office of The City Planner and on due cause shown.

7-9.3 The Board of Adjustment shall make written findings of fact and conclusions of law giving The facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirement, decision, or determination which comes before it under The provisions of this Article.

7-9.4 The concurring vote of four (4) of The members of The Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of The City Planner or decide in favor of The applicant on any matter upon which it is required to pass under this Article or to effect variation to this Article.

Section 7 -10: Appeals

7-10.1 Any person aggrieved, or any taxpayer affected, by any decision of The City Planner made in his administration of this Article, if of The opinion that a decision of The City Planner is an improper application of these regulations, may appeal to The Board of Adjustment.

7-10.2 All appeals hereunder must be taken within a reasonable time as provided by The rules of The Board of Adjustment, by filing with The City Planner a notice of appeal specifying The grounds thereof. The City Planner shall forthwith transmit to The Board of Adjustment all The papers constituting The record upon which The action appealed from was taken.

7-10.3 An appeal shall stay all proceedings in furtherance of The action appealed from, unless The City Planner certifies to The Board of Adjustment, after The notice of appeal has been filed with it, that by reason of The facts stated in The certificate, a stay would, in The opinion of The City Planner cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of The Board of

Adjustment on notice to The City Planner and on due cause shown.

7-10.4 The Board of Adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

7-10.5 The Board of Adjustment may in conformity with the provisions of this Article, reverse or affirm, in whole or in part, or modify the order, requirement, decision of determination appealed from and may make such order, requirement, decision or determination, as may be appropriate under the circumstances.

Section 7 -11: Judicial Review

7-11.1 Any person aggrieved, or any taxpayer affected, by any decision of the Board of Adjustment, may appeal to a court of competent jurisdiction, as provided by the Texas Local Government Code, Subchapter D.

Section 7 -12: Penalties

7-12.1 Each violation of this Article or of any regulation, order, or ruling promulgated hereunder shall constitute a misdemeanor and upon conviction shall be punishable by a fine of not more than two thousand dollars (\$2,000.00), and each day a violation continues to exist shall constitute a separate offense.

Article VII-A. SEXUALLY ORIENTED BUSINESSES

{Editor's Note: Article VII-A: Sexually Oriented Businesses – has been relocated to Chapter 6, Article 6.14 of the Code of Ordinances}

Article VIII. PROCEDURES & ADMINISTRATION

Section 8-1: Applications in General

8-1.1 All applications or petitions submitted under this Ordinance shall be submitted by the owner of the property or the authorized agent of such owner. If the applicant is an authorized agent, the application shall include a written statement from the property owner authorizing the agent to file the application on the owner's behalf. The responsible official may establish the type of documents needed to determine ownership or agency. The City official receiving such application may require reasonable proof of agency from any person submitting an application as agent.

8-1.2 All applications or petitions shall be submitted, reviewed and processed in accordance with the requirements of this Ordinance.

8-1.3 Completeness & Official Filing Date

(A) Official Filing Date. The time period established by state law or this Zoning Ordinance for processing or deciding an application shall commence on the official filing date. The official filing date is the date the applicant delivers the application or plan (i.e., Site Plan, Design Plan, Site Development Plan, etc.) to the City or deposits the application or plan with the United States Postal Service by certified mail addressed to the City.

(B) Determination of Completeness. Every petition for an application for an approval (referred to in this section as an "application") authorized by this Zoning Ordinance shall be subject to a determination of completeness by the Community Development Director for processing the application.

- (1) No application shall be accepted by the Community Development Director for processing unless it is accompanied by all documents required by and prepared in accordance with the requirements of this Zoning Ordinance.
- (2) The incompleteness of the application shall be grounds for denial or revocation of the application.
- (3) A determination of completeness shall not constitute a determination of compliance with the substantive requirements of this Zoning Ordinance.
- (4) A determination of completeness shall be made by the responsible official in writing to the applicant no later than the tenth (10th) business day after the official filing date that the application is submitted to the Community Development Department.
 - a. The applicant shall be notified within that ten-business-day period of the determination of completeness.
 - b. If the application determined to be complete, the application shall be acted upon in the proper manner as prescribed by this Zoning Ordinance.
 - c. If the application determined to be incomplete, the determination shall specify the documents or other information needed to complete the application and shall state the date the application will expire if the documents or other information is not provided.
 - d. An application shall be deemed complete on the eleventh 11th business day after the application has been received if the applicant has not otherwise been notified that the application is incomplete.
- (4) The application shall expire on the forty-fifth (45th) day after the date the application is filed if:

- a. The applicant fails to provide documents or other information necessary to comply with the City's requirements relating to the permit application;
 - b. The City provides to the applicant, not later than the tenth (10th) business day after the date the application is filed, written notice that specifies the necessary documents or other information, and the date the application will expire if the documents or other information is not provided; and
 - (3) The applicant fails to provide the specified documents or other information within the time provided in the notice.
- (5) If the application is not completed on the 45th day after the application is submitted to the responsible official, the application will be deemed to have expired and it will be returned to the applicant together with any accompanying applications.

8-1.4 Expirations of Approved Permits and Projects. This Section is in accordance with Chapter 245.005, as amended, of the Texas Local Government Code (TLGC), which outlines State regulations on expiring dormant projects. In any conflict between the regulations of this Subsection 8-1.4 or any other provision of this Zoning Ordinance and the regulations of Chapter 245.005, the City Attorney's interpretation of TLGC Chapter 245.005, as amended, shall prevail.

- (A) Any plan, permit, or development application required by this Zoning Ordinance shall be deemed expired two (2) years from the date on which the plan, permit or development application was originally approved if no progress has been made toward completion of the project.
- (B) Any project for which an expiration date is not otherwise specified within this Zoning Ordinance shall be deemed expired five (5) years from the date on which a plan, permit or development application was originally approved in relation to the project if no progress has been made toward completion of the project.
- (C) The term "progress" shall be as defined in TLGC Chapter 245.005, as follows:
 - (1) An application for a final plat or the next required plan, as applicable, is submitted to the City;
 - (2) A good-faith attempt is made to file with the City an application for a permit necessary to begin or continue towards completion of the project;
 - (3) Costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of five percent (5%) of the most recent appraised market value of the real property on which the project is located;
 - (4) Fiscal security is posted with the City to ensure performance of an obligation required by the City; or
 - (5) Utility connection fees or impact fees for the project have been paid to the City.

Section 8-2: Zoning Amendments

8-2.1 Considerations

In making a determination regarding a written requested zoning change, the Commission and the City Council shall consider the following factors:

- (A) Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the City as a whole;
- (B) Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area;
- (C) The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development;
- (D) The recent rate at which land is being developed in the same zoning classification as the written request, particularly in the vicinity of the proposed change;
- (E) How other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved; and
- (F) Any other factors which will substantially affect the public health, safety, morals, or general welfare.

8-2.2 Application

Each application for zoning or for an amendment or change to the existing provisions of this Zoning Ordinance shall be made in writing on an application form available at the City in the office of the Community Development Department, filed with the City, and shall be accompanied by payment of the appropriate fee.

- (A) Any person or corporation having a proprietary interest in any property may petition the City Council for a change or amendment to the provisions of this Ordinance.
- (B) The application shall also be accompanied by additional information materials, such as plans, maps, exhibits, legal description of property, architectural elevations, information about proposed uses, as deemed necessary by the Community Development Director or his/her designee, in order to ensure that the written request is understood.
- (C) In addition to the zoning application, a Design Plan shall be submitted as prescribed in Section 6-7 of this Ordinance for any zoning request involving the formation of a Planned Development District.

8-2.3 Public Hearing Notification Procedures

(A) Zoning Map Amendments

- (1) Written notice of the public hearing shall be sent to all owners of property, as indicated by the most recently approved City tax roll, that is located within the area of application and within two hundred feet (200') of any property affected thereby, said written notice to be sent before the 10th day before the hearing date. Such notice may be served by using the last known address as listed on the most recently approved tax roll and depositing the notice, with first class postage paid, in the United States mail.
- (2) Notice of the hearing shall also be accomplished by publishing the purpose, time and place of the public hearing in the official newspaper of the City before the 15th day before the date of the hearing date of the public hearing.

- (B) Zoning Text Amendments. Changes in the Ordinance text which do not change zoning district boundaries, do not establish zoning regulations for specific districts, or do not involve specific real property, do not require written notification to individual property owners. Therefore, for requests involving proposed changes to the text of the Zoning Ordinance, notice of the public hearing shall be accomplished by publishing the purpose, time and place of the public hearing in the official newspaper of the City not less than fifteen (15) days prior to the date of the public hearing.
- (C) The City may, at its option, establish additional rules and procedures for public notification of proposed zoning changes or development proposals such as Site Plans, plats and Developer Agreements. Adherence to such rules and procedures, if so established by the City, shall be the responsibility of the applicant and shall be required as part of a zoning change or development application.

8-2.4 Process Related to the P&Z Commission for Approving or Denying Zoning Amendments

- (A) The Planning and Zoning Commission shall hold a public hearing on any application for any amendment, supplement or change prior to making its recommendation and report to the City Council. Notification procedures shall be as outlined in subsection 8-2.3 of this Ordinance.
- (B) Action on the Proposed Amendment.
 - (1) After all public input has been received and the public hearing is closed, the Commission shall make its recommendations on the proposed zoning request.
 - a. The Commission shall state its findings, its overall evaluation of the request, and its assessment regarding how the request relates to the City's Comprehensive Plan.
 - b. The Commission may, on its own motion or at the applicant's request, defer its decision recommendations until it has had an opportunity to consider other information or proposed modifications to the request which may have a direct bearing thereon. If the Commission elects to table the request, such tabling shall specifically state the time period of the tabling by citing the meeting date whereon the request will reappear on the Commission's agenda.
 - (2) When the Commission is ready to act upon the zoning request, it may recommend:
 - a. Approval of the request as it was submitted by the applicant,
 - b. Approval of the request subject to certain conditions, as in the case of a Planned Development district or a Conditional Use Permit, or
 - c. Disapproval of the request.
 - (3) If the Commission's recommendation is to approve the request either as submitted or with additional conditions, then the request will be automatically forwarded to the City Council for a second public hearing thereon.
 - (4) If the Commission recommends denial of the zoning change request, it shall provide reasons to the applicant for the denial, if requested by the applicant. The Commission Chairperson shall inform the applicant of the right to receive reasons for the denial.

8-2.5 Process Related to the City Council for Approving or Denying Zoning Amendments

- (A) A public hearing shall be held by the City Council prior to adoption of any proposed amendment, supplement or change. In addition to the notification procedures as outlined in Section 8-2.3 of this Ordinance, there shall be placed on the property proposed for rezoning not less than fifteen (15) days prior to the date of the hearing before the City Council. Such sign shall be located within thirty (30) feet from, and shall be legible from, the nearest public road or street which abuts the property. Such sign shall state that a zoning request has been proposed for the property, and shall provide a

telephone number where information can be obtained about the zoning request. (Ord. 95-217 adopted 10-24-95)

(B) Action on the Proposed Amendment.

- (1) After all public input has been received and the public hearing is closed, the City Council shall make its recommendations on the proposed zoning request. The City Council may:
 - a. Approve the request in whole or in part,
 - b. Deny the request in whole or in part,
 - c. Table the application to a future meeting, specifically citing the City Council meeting to which it was tabled, or
 - d. It may refer the application back to the Commission for further study.
- (2) If the City Council approves the rezoning request, the request shall be deemed finally approved.

- a. Upon approval, the applicant shall submit all related material (with revisions, if necessary) to the Community Development Director for the preparation of the amending ordinance.
- b. The zoning request shall be deemed approved at the time the City Council makes a decision to approve the request as submitted or with certain conditions. However, the amending ordinance will not be prepared or formally adopted until a correct description and all required exhibits have been submitted to the Community Development Director or his/her designee. If such materials are not submitted within thirty (30) days following City Council approval of the rezoning request, the new zoning will have no affect and will become null and void. The applicant will have to resubmit such request, and proceed through the rezoning process once again.

- (3) If an application for zoning or rezoning is denied by the City Council, no application to zone or rezone the same property or any portion thereof shall be filed within one (1) year of the date of denial.

(C) A majority vote of the City Council members present shall be required to approve an amendment, supplement or change to this Ordinance, except that such amendment shall not become effective except by a three-fourths vote of all members of the City Council in the following cases.

- (1) The proposed amendment, supplement or change has not been recommended by the Planning and Zoning Commission.
- (2) In compliance with the provisions of Section 211.006 of the Texas Local Government Code, a protest against a proposed amendment to the zoning map has been signed by the owners of twenty (20) percent or more of either of the following:
 - a. The land area included in such proposed change; or
 - b. The land area within two hundred (200) feet of the boundaries of the site of the proposed change.

Section 8-3: Site Plans

8-3.1 Purpose & Applicability

- (A) Purpose. This Section establishes a review process for all types of development, except single-family in a platted subdivision. The purpose of a Site Plan is to ensure that a development project is in compliance with all applicable City ordinances and guidelines prior to commencement of construction. Approval of the Site Plan is required prior to site construction.
- (B) Applicability. Submission and approval of a Site Plan shall be required for all nonresidential, townhouse, single-family attached, and multi-family residential projects, and for all CUPs. The Community Development Director shall be the responsible official for processing of a Site Plan.
 - (1) Exemptions & Exceptions. A Site Plan shall not be required for single-family detached or two-family residential developments, unless the proposed subdivision will include a private amenity or facility comprised of one or more buildings (such as a private recreation/swimming facility, clubhouse, etc.) or a golf course, or unless the proposed subdivision will have private (not public) streets. In these instances, Site Plan submission and approval will be required for the private amenity or facility, the golf course clubhouse/hospitality area, and the gated (restricted access) entrances.
 - (2) Building Permit Issuance. Site plans shall be submitted prior to or in conjunction with a building permit application. No building permit shall be issued until a Site Plan, if required, (and all other required plats and engineering/construction plans) are first approved by the City.
 - (3) Certificate of Occupancy. No certificate of occupancy shall be issued until all construction and development conforms to the Site Plan, if required, (and all other required plats and engineering/construction plans), as approved by the City.
- (B) Extent of Area That Should Be Included In a Site Plan. When the overall development project is to be developed in phases, the Site Plan area shall include only the portion of the overall property that is to be developed/constructed.

8-3.2 Submission Contents

- (A) Submission Requirements. To ensure the submission of adequate information, the City is hereby empowered to maintain and distribute a separate list of specific requirements for Site Plan review applications. All applications and related contents shall be submitted consistent with these requirements, a checklist of which shall be supplied by the Community Development Department.

8-3.3 Review, Approval, Appeal & Revisions

- (A) Site Plans for CUPs. Site Plans submitted as part of a CUP application shall be processed in conformance with Section 8-5 of this Zoning Ordinance. Site plans for all other types of development shall be processed in accordance with this subsection 8-3.3.
- (B) City Staff Review & Approval. Upon official submission of a complete application of a Site Plan for approval, the Community Development Director shall review the Site Plan in terms of its compliance with these and other applicable City regulations.
 - (1) Following City staff review of the plan and supporting documents, and following discussions regarding necessary revisions, the applicant shall resubmit additional copies of the corrected plan to the Community Development Director within twenty-one (21) calendar days of the initial City staff review.

- (2) Upon further review and finding that all revisions have been made in conformance with aforementioned discussions, the Community Development Director may approve, approve subject to certain conditions, or deny the Site Plan.
- (C) Appeal of City Staff Decision. The applicant or property owner may appeal the decision of the Community Development Director to the Planning and Zoning Commission by filing a written Notice of Appeal in the office of the Community Development Director no later than ten (10) business days after the date upon which the Community Development Director denied the application. The Notice of Appeal shall set forth in clear and concise fashion the basis for the appeal. The Planning and Zoning Commission shall consider the appeal at a public meeting no later than thirty (30) calendar days after the date upon which the Notice of Appeal was filed.
- (D) Final Approval in Case of Appeal: The Planning and Zoning Commission shall determine final approval or denial of Site Plan applications.
- (E) Revisions to the Approved Site Plan:
 - (1) Minor revisions are limited to the following:
 - a. Corrections in spelling, distances, and other labeling that does not affect the overall development concept.
 - b. Changes in building position or layout that are less than ten feet (10') or ten percent (10%) in size.
 - c. Changes in the proposed property lines as long as the original stated project acreage is not exceeded.
 - d. Changes in parking layouts as long as the number of required spaces and general original design is maintained.
 - (2) Minor Revisions/Amendments: It is recognized that final architectural and engineering design may necessitate minor revisions in the approved Site Plan. In such cases, the Community Development Director shall have the authority to approve minor revisions to an approved Site Plan
 - a. Such Site Plan with minor revisions shall be submitted as an Amended Site Plan, to be kept on file with the originally approved Site Plan.
 - b. Submission materials and requirements for approval of an Amended Site Plan shall be as determined by the Community Development Director.
 - (2) Major Revisions: In the event of revisions that are more extensive in nature (i.e., do not conform to the description for minor amendments above), a new Site Plan must be submitted, reviewed, and approved by the Community Development Director in accordance with this subsection 8-3.3.
- (F) Effect of Approval. Approval of the Site Plan shall be considered authorization to proceed with application for a building permit for the site.

8-3.4 Standards for Site Plan Review & Evaluation

The Community Development Director shall review the Site Plan for compliance with all applicable City ordinances with respect various City standards and policies, including the following.

- (A) The plan's compliance with all provisions of this Zoning Ordinance and other applicable ordinances.
- (B) The relationship of the development to adjacent uses in terms of harmonious design, façade treatment, setbacks, building materials, maintenance of property values, and any possible negative impacts.

- (C) The provision of a safe and efficient vehicular and pedestrian circulation system (driveways, TIA, etc.).
- (D) The design and location of off-street parking and loading facilities to ensure that all such spaces are usable and are safely and conveniently arranged.
- (E) The sufficient width and suitable grade and location of streets designed to accommodate prospective traffic and to provide access for fire fighting and emergency equipment to buildings.
- (F) The coordination of streets so as to arrange a convenient system consistent with the *Thoroughfare Plan* of the City of Greenville, as amended.
- (G) The use of landscaping and screening to provide adequate buffers to shield lights, noise, movement, or activities from adjacent properties when necessary.
- (H) Exterior lighting to ensure safe movement and for security purposes, which shall be arranged so as to minimize glare and reflection upon adjacent properties.
- (I) Protection and conservation of water courses and areas that are subject to flooding.
- (J) The adequacy of water, drainage, sewerage facilities, solid waste disposal, and other utilities necessary for essential services to residents and occupants.
- (K) The determination that existing easements are adequately protected from encroachment.

8-3.5 Validity & Lapse of Site Plan Approval & the Related Project:

- (A) Validity & Lapse of Site Plans. The approved Site Plan shall be valid for a period of two (2) years from the date of final approval.
 - (1) Within this time period, an application for a building permit must be submitted and approved.
 - (2) If a building permit application is not submitted and approved within this two-year timeframe, the Site Plan shall be deemed expired, and unless an extension is granted in accordance with this subsection 8-3.5, no development shall be permitted unless and until a new Site Plan is submitted and approved.
 - (3) Also refer to Section 8-1.4 of this Ordinance.
- (B) Extension & Reinstatement Procedure for of Site Plans. Prior to the lapse of the approval period of a Site Plan, the applicant may petition the City (in writing) to extend the Site Plan approval.
 - (1) If no petition for extension of Site Plan approval is submitted prior to the end of the two-year period, then the Site Plan shall be deemed expired. No development shall then be permitted unless and until a new Site Plan is submitted and approved.
 - (2) The Community Development Director may extend the Site Plan for a period not to exceed six (6) months, taking into consideration the reasons for the lapse, the ability of the property owner to comply with any conditions attached to the original approval, and the extent to which new development regulations would apply to the Site Plan at that point in time.
 - (3) If granted an extension, a Site Plan shall be permitted one (1) extension only (for a period not to exceed six (6) months).

Section 8- 4: Annexation and Initial Zoning

8-4.1 Initial Zoning to the Agricultural District

- (A) All territory hereafter annexed to the City of Greenville shall be initially classified in the A, Agricultural District, until action is completed by the City Council to zone the land to the zoning district that is deemed appropriate by the property owner and/or the City.
- (B) All zoning and development regulations of the Agricultural District shall be adhered to with respect to development and use of the land that has been annexed until such action is taken.
- (C) The initial zoning of annexed land shall meet the requirements for notification and public hearings as set forth in Section 8-1 of this Ordinance and all applicable State laws.

8-4.2 Establishing Appropriate Zoning

- (A) As soon as practical following annexation, but in no event more than one hundred and eight (180) calendar days thereafter, the Community Development Director shall, on the Director's own or upon application by property owners of the annexed area, initiate proceedings to establish appropriate zoning on the newly annexed territory.
- (B) The Community Development Director shall commence public notification and other standard procedures for zoning amendments as set forth in Section 8-1.

8-4.3 Separate City Council Action for Annexation & Zoning.

- (A) The proceedings to establish zoning may be undertaken concurrently (i.e., notices and public hearings) with annexation procedures.
- (B) However, the zoning approval and formal adoption of the ordinance establishing zoning shall occur as a separate and distinct action from the action on the annexation, and shall occur after annexation takes effect as a former action by the City Council.

8-4.4 Planning & Zoning Commission Related Procedures

- (A) The Planning and Zoning Commission shall not approve any plat of any subdivision within the City limits until the area covered by the proposed plat shall be deemed appropriately zoned by the City Council.
- (B) The Planning and Zoning Commission shall not approve any plat of any subdivision within any area where a petition or ordinance for annexation or a recommendation for annexation to the City of Greenville is pending before the City Council unless, and until, such plat is approved by City Council resolution.
- (C) In the event that the Planning and Zoning Commission holds a hearing on proposed annexation, the Commission at its discretion may:
 - (1) Hold a hearing at the same time to determine the appropriate zoning to be given to the area or tract to be annexed.
 - (2) Make a recommendation on both matters to the City Council so that the City Council can, if it desires, act on the matter of appropriate zoning and annexation at the same time.

8-4.5 Public Notification for Zoning

The initial zoning of annexed land shall meet the requirements for notification and public hearings as set forth in Section 8-2.3 of this Zoning Ordinance and all applicable State laws.

8-4.6 Simultaneous Petition for Annexation & Zoning by a Landowner.

The owner of land to be annexed may submit an application for zoning the property simultaneously with submission of a petition for annexation, but an annexation petition may not be conditioned upon the approval of any particular zoning classification.

8-4.7 An area classified as an Agricultural District shall be subject to the following:

- (A) No person shall erect, construct or add to any building or structure or cause the same to be done in any newly annexed territory to the City without first applying for and obtaining a building permit from the Community Development Director or the City Council, as may be required.
- (B) No permit for the construction of a building or use of land shall be issued by the Community Development Director other than a permit which will allow the construction of a building permitted in the A, Agricultural District, unless and until such territory has been classified in a zoning district other than the A, Agricultural District, by the City Council in the manner provided by law.

Section 8- 5: Conditional Use Permits

8-5.1 Purpose, Applicability & Effect

- (A) Purpose. The purpose of a Conditional Use Permit is to allow the establishment of uses which may be suitable only in certain locations in a zoning district or only when subject to standards and conditions that assure compatibility with adjoining uses. Conditional uses are those uses which are generally compatible with the permitted land uses in a given zoning district, but which require individual review of their proposed location, design and configuration, and the imposition of conditions in order to ensure the appropriateness of the use at a particular location within a given zoning district. Only those uses enumerated as conditional uses in a particular zoning district, or those nonconforming uses which are damaged or destroyed and which are permitted to be reestablished under this Zoning Ordinance, shall be authorized as conditional uses.
- (B) Applicability.
 - (1) A Conditional Use Permit is required to use or develop property within the City limits for any use requiring a Conditional Use Permit in the Permitted Use Schedule in Section 4-1 of this Zoning Ordinance for the zoning district in which the property is located.
 - (2) The Conditional Use Permit application must be accompanied by a Site Plan prepared in accordance with Section 8-3.
- (C) Effect. Approval of a Conditional Use Permit authorizes the use or development of the property in accordance with the conditions of the permit. Approval of a Conditional Use Permit shall be deemed to authorize only the particular use for which the permit is issued and shall apply only to the property for which the permit is issued.
 - (1) No conditionally permitted use shall be enlarged, extended, increased in intensity or relocated unless an application is made for a new Conditional Use Permit in accordance with the procedures set forth in this section.
 - (2) Initiation or development of the use shall not be authorized until the applicant has secured all the permits and approvals required by this Zoning Ordinance.

- (3) Characteristic of the Land – A Conditional Use Permit is considered to be a characteristic of the land rather than a characteristic of the landowner. A CUP itself cannot be bought or sold.

8-5.2 Documentation

- (A) Specific Use Permits (SUPs) Approved Prior to the Adoption of This Updated Zoning Ordinance. Prior to adoption of this updated Zoning Ordinance (adopted on May 27, 2008), the City Council previously established various Specific Use Permits (SUPs), some of which are to be continued in full force and effect.
 - (1) The SUPs that are to be continued shall be shown on the Zoning Map.
 - (2) Any and all conditions, restrictions, regulations and requirements which apply to the respective Specific Use Permits (SUPs) shown on the Zoning District Map shall also remain in full effect after the adoption of this Zoning Ordinance.
 - (3) Each prior-approved permit may be referred to as a Specific Use Permit (SUP) on the Zoning Map.
 - (4) Any changes to a prior-approved SUP shall result in the SUP becoming a CUP, which shall then meet all the requirements of a CUP as outlined within this Zoning Ordinance.
- (B) List of Conditional Use Permits (CUPs) Approved After the Adoption of This Updated Zoning Ordinance. All Conditional Use Permits (CUPs) approved in accordance with the provisions of this updated Zoning Ordinance (adopted on May 27, 2008), as may be amended, shall be sequentially numbered and shall be referenced on a listing maintained and available in the office of the Community Development Department. CUPs shall not be referenced on the Zoning Map.

8-5.3 Application for a Conditional Use Permit

- (A) Application for a Conditional Use Permit shall be made to the Community Development Director.
- (B) An application for a Conditional Use Permit shall contain the following information:
 - (1) A letter from the applicant clearly describing the proposed use, and all purposes and activities involved with the proposed use.
 - (2) A legal description of the property.
 - (3) All information required for any other types of application which is being processed simultaneously or for any other type of application.
 - (4) Any other information necessary to demonstrate that the proposed use will conform fully with the requirements of this Ordinance.
- (C) Site Plan Required. Application for a Conditional Use Permit shall require a Site Plan in accordance with Section 8-3 of this Ordinance. Therefore, any mention of a CUP application in terms of processing, approval, expiration, etc. shall include a related Site Plan.

8-5.4 Processing, Approval & Revisions

- (A) Considerations for Approval. When considering an application for a Conditional Use Permit, the impact of the proposed conditional use on and its compatibility with surrounding properties and residential areas shall be considered to ensure the appropriateness of the use at the particular location, and shall consider the extent to which:
 - (1) The proposed use at the specified location is consistent with the policies embodied in the adopted Comprehensive Plan;
 - (2) The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;

- (3) The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods;
 - (4) The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood;
 - (5) The proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets;
 - (6) The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties; and
 - (7) The proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining development and the neighborhood.
- (B) Planning & Zoning Commission Public Hearing & Recommendation. The Planning and Zoning Commission shall hold a public hearing on any application for a Conditional Use Permit, following public notice, pursuant to the procedures of Section 8-2.3. The Planning & Zoning Commission shall recommend approval, recommend approval with certain specified conditions, or recommend denial of the CUP to the City Council.
- (C) City Council Public Hearing & Recommendation. The City Council, after recommendations by the Planning and Zoning Commission, and following a public hearing and proper notice to all affected parties pursuant to the procedures of Section 8-2.3, may approve, approve with certain specified conditions, or deny the issuance of a Conditional Use Permit for a use to be permitted in the zoning district to which the application relates. Such use must be shown with a "C" in the Permitted Use Schedule, Section 4-1, in relation to the applicable zoning district.
- (D) The City Council shall not grant a Conditional Use Permit for a use except upon a finding that the use will:
- (1) Complement or be compatible with the surrounding uses and community facilities;
 - (2) Contribute to, enhance, or promote the welfare of the area of request and adjacent properties;
 - (3) Not be detrimental to the public health, safety, or general welfare; and
 - (4) Conform in all other respects to all applicable zoning regulations and standards.
- (E) Approval with Conditions. The Planning and Zoning Commission may recommend, and the City Council may impose reasonable conditions upon the granting of a Conditional Use Permit consistent with the purposes stated in subsection 8-5.4 of this Ordinance.
- (F) Revisions to the Approved Site Plan:
- (1) Minor revisions are limited to the following:
 - a. Corrections in spelling, distances, and other labeling that does not affect the overall development concept.
 - b. Changes in building position or layout that are less than ten feet (10') or ten percent (10%) in size.
 - c. Changes in the proposed property lines as long as the original stated project acreage is not exceeded.
 - d. Changes in parking layouts as long as the number of required spaces and general original design is maintained.

(2) Minor Revisions/Amendments: It is recognized that final architectural and engineering design may necessitate minor revisions in the approved Site Plan. In such cases, the Community Development Director shall have the authority to approve minor revisions to an approved Site Plan

a. Such Site Plan with minor revisions shall be submitted as an Amended Site Plan, to be kept on file with the originally approved Site Plan.

b. Submission materials and requirements for approval of an Amended Site Plan shall be as determined by the Community Development Director.

(3) Major Revisions: In the event of revisions that differ from those listed in subsection (1) above, a Revised Site Plan must be resubmitted, reviewed, and approved in accordance with the processing and approval procedures set forth in this subsection 8-5.4.

(E) No Variances. The conditions imposed on the CUP application shall not be subject to variances that otherwise could be granted by the Zoning Board of Adjustment, nor may conditions imposed by the City Council subsequently be waived or varied by the Zoning Board of Adjustment.

8-5.5 Abandonment, Expiration & Revocation

(A) Abandonment. In the case of a business operating under a Conditional Use Permit which has ceased business operations for six (6) months or longer shall be deemed abandoned, and shall not thereafter be re-established except upon approval of a new application for a Conditional Use Permit. In determining whether a conditional use has been abandoned, the City shall apply the standards applicable to abandonment of a non-conforming use in Section 9-8 of this Ordinance.

(B) Time of Expiration. A Conditional Use Permit shall expire if:

(1) A building permit, if any, for the use has not been approved within two (2) years of the date of approval of the permit;

(2) The building permit subsequently expires;

(3) The use has been discontinued for a period exceeding six (6) months as described in subsection (A) above; or

(4) A termination date attached to the permit has passed.

(5) Also refer to Section 8-1.4 of this Ordinance.

(C) Revocation. The City Council may revoke any Conditional Use Permit that is in violation of any condition imposed on the use in accordance with the procedures of Article IX of this Ordinance.

8-5.6 No application for a Conditional Use Permit shall be accepted by the City Planner within one (1) year of the final action of the City Council upon a prior application concerning the same use and the same building, if any, on substantially the same land.

Section 8- 6: Building Permits

8-6.1 Legal Lot Requirement

No permit for construction of a building or buildings on any lot or tract shall be issued until a building site, building tract or building lot has been created by compliance with one of the following conditions, unless the building qualifies as exempt under paragraph (C):

- (A) The lot or tract is part of a plat of record, properly approved by the Planning and Zoning Commission and filed in the plat records of Hunt County.
- (B) The site plot or tract is all or part of a Site Plan officially approved by the City Council in a Planned Development district after recommendation by the Planning and Zoning Commission.
 - (1) Such Site Plan shall provide all utility and drainage easements, alleys, streets and other public improvements necessary to meet the normal requirements for platting.
 - (2) Such Site Plan shall include the designation of building areas and easements, alleys and streets required and properly dedicated, and necessary public improvements.
- (C) A permit for a building on an unplatted tract may be issued for a residential accessory building less than 500 square feet, or for a farm accessory building. As part of the permit application, the Director of Community Development may require a site survey prepared by a Registered Professional Land Surveyor to verify easement locations and compliance with building setbacklines.

8-6.2 Permit Required

- (A) No building shall be erected, constructed, or altered without first obtaining a building permit from the City Planner.
- (B) A building permit shall be required for every type of structure in the City of Greenville, with the following exceptions:
 - (1) Facilities, other than buildings, of a public utility or an electric or telephone membership corporation.
 - (2) Accessory buildings of less than one hundred (100) square feet of gross floor area.
- (C) If the work described in any building permit has not begun within six (6) months from the date of issuance thereof, the permit shall be void and a new permit consistent with all provisions of this Ordinance shall be required. For purposes of this Section, construction shall be deemed to have begun at the time of completion of the foundation.

8-6.3 Review Procedure

- (A) Application for a building permit shall be made to the City Planner.
- (B) The City Planner may require the following information to be included in applications for building permits.
 - (1) Submittal of plans in duplicate, drawn to scale, showing the actual dimensions and shape of the lot to be built upon;
 - (2) The exact sizes and locations on the lot of existing buildings, if any;
 - (3) The location and dimensions of the proposed building or alteration; or
 - (4) Such other information as lawfully may be required by the City Planner.
- (C) A copy of the plans submitted with the building permit application shall be returned to the applicant by the City Planner after he shall have marked such copy either as approved or disapproved and attested to the same by his signature on such copy.

8-6.4 Adjoining Lots with Common Ownership

- (A) If two (2) adjacent residential lots in subdivision(s) facing the same street are under common ownership and are intended as a single building site for a single-family home, and plat for the lots was approved prior to 1970, and one or more of the lots is less than fifty (50) in width, then the prohibition against building across lot lines or within side yard setback lines shall not apply to the common lot lines and setback lines along said common lot lines of the said adjoining two (2) lots. Upon application for a permit to construct an improvement within an affected setback area or across a common lot line, the owner of the property shall execute an affidavit, which the owner shall record in the Real Property Records of Hunt County, Texas, which shall state:
- (1) The name of the owner of the property,
 - (2) The legal description of the property,
 - (3) The intention to use the property as a single building site for a single-family home,
 - (4) The obligation of the owner to remove any improvements from within a setback area that would exist upon conveyance of less than all of the property,
 - (5) That conveyance of less than a full lot may not be of sufficient area to constitute a legal building site, and
 - (6) That the conditions shall run with the title to the property.
- (B) The exemption contained in this Section shall not override regulations concerning easements, other setback areas, building coverage percentages, or any other matter not expressly addressed herein.

Section 8-7: Certificates of Occupancy

8-7.1 Requirements

- (A) No excavation for the foundation, nor the erection, construction, nor structural alteration of any structure, nor the moving of any structure, nor the use of any structure or land shall be permitted without The prior issuance of a certificate of occupancy for such structure or land use.
- (B) No building or land shall be used or occupied for any use or purpose for which a Conditional Use Permit or Planned Development has been granted without first obtaining a certificate of occupancy– from the Community Development Director.
- (C) No nonconforming use shall be changed to another nonconforming use without first obtaining a certificate of occupancy from the Community Development Director.
- (D) It shall be a violation of this Ordinance to use, or to allow the use of, any structure or land use for which a certificate of occupancy has not been issued.

8-7.2 Procedures

- (A) The Community Development Director shall maintain a record of all certificates of occupancy and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the land or building covered by a Conditional Use Permit, Planned Development or nonconforming use.
- (B) A certificate of occupancy shall be applied for at the time of application for a building permit.
- (C) A certificate of occupancy shall be issued upon completion of the building or land use development only after an inspection by the appropriate official discloses that the structure or land use complies with all applicable provisions of this Ordinance.

Section 8-8: Administration

8-8.1 Planning and Zoning Commission

- (A) There is hereby created a planning agency to be known as the Planning and Zoning Commission.
- (B) The Commission shall consist of nine (9) members.
 - (1) The members shall hold office for a term of three (3) years and initial appointment shall be for staggered terms.
 - (2) The members shall serve no more than two (2) consecutive terms, and may not be re-appointed until one (1) full term has passed since the last day of the last term of their previous service on the Commission.
 - (3) Vacancies shall be filled by appointment and shall be for the remainder of the unexpired term.
 - (4) The Planning and Zoning Commission shall have the following powers and duties:
 - (a) The Planning and Zoning Commission shall be responsible for exercising its duties and carrying out its purpose in the best interest of the City Council.
 - (b) The Planning and Zoning Commission shall perform any other related duties that the City Council may direct.
 - (c) The Planning and Zoning Commission shall have the power and authority provided to it by the City Council, this Ordinance and state law.
 - (5) The Planning and Zoning Commission shall, with the approval of the City Council, adopt by-laws which govern its operations, establish its procedures, and provide for notice and conduct of its meetings.

8-8.2 Community Development Director

- (A) The Community Development Director or his designee shall be responsible for the administration and enforcement of the zoning regulations of the City of Greenville.
- (B) The Community Development Director shall have the following powers and duties:
 - (1) The Community Development Director shall be responsible for exercising its duties and carrying out its purpose in the best interest of the City Council.
 - (2) The Community Development Director shall perform any other related duties that the City Council may direct.
 - (3) The Community Development Director shall have the power and authority provided to it by the City Council, this Ordinance and state law.

8-8.3 Administrative Procedures

The City Council, in accordance with the provisions of this Ordinance, shall provide for the manner in which zoning regulations and restrictions and the boundaries of zoning districts shall be determined, established and enforced, and amended, supplemented or changed.

Article IX. NONCONFORMING SITUATIONS

Section 9-1: Intent & Definition

- (A) Continuanace. Within the districts established by this Zoning Ordinance or amendments thereto, there may exist lots, structures, uses of land and structures, and characteristics of use which were lawfully in existence and operating before this Zoning Ordinance was enacted, amended or otherwise made applicable to such lots, structures or uses, but which do not now conform to the regulations of the district in which they are located. It is the intent of this Zoning Ordinance to permit such nonconforming uses to continue, as long as the standards within this article are met.
- (B) Expansions/Enlargements. It is further the intent of this Zoning Ordinance that nonconforming uses shall not be enlarged upon, expanded or extended, and shall not be used as a basis for adding other structures or uses prohibited elsewhere in the same district.
- (C) Defined. “Nonconforming” shall be deemed to mean that a use or structure was lawful at the time it was begun, but could not presently be so begun, used, or constructed under current ordinances and zoning.
- (D) Incompatibility. Nonconforming uses are hereby declared to be incompatible with the permitted uses in the districts involved.

Section 9-2: Nonconforming Uses and Structures

The following shall be considered nonconforming uses and structures:

- (A) As of the effective date of this Ordinance, a use or structure in existence and lawfully constructed, located and operating in accordance with the provisions of the previous zoning ordinance or which was a nonconforming use thereunder, and which use or structure does not now conform to the regulations herein prescribed for such use or structure.
- (B) Annexation. A use or structure, in existence at the time of annexation to the City of Greenville, which was legal at the time, and which was in regular and continuous use since that time, which does not conform to the regulations prescribed for such use or structure. Continuous use shall be any use which is not interrupted for six (6) months or longer.
- (C) Conformance to a Zoning District. Any use that does not conform with the regulations of the Zoning District in which it is located on the effective date of this Zoning Ordinance or any amendment hereto shall be deemed to be in violation of this Zoning Ordinance, and the City shall be entitled to enforce fully the terms of this Zoning Ordinance with respect to such use.

Section 9-3: Nonconforming Lots

The following shall be considered nonconforming lots:

- (A) Criteria. Any platted lot that does not conform with the regulations of this Zoning Ordinance on the effective date hereof or any amendment hereto, except as expressly provided in subsection (c) below, shall be deemed a nonconforming platted lot provided that:
 - (1) Such platted lot was in existence under and in compliance with the provisions of the immediately prior zoning regulations; or

- (2) Such platted lot was a lawful, nonconforming platted lot under the immediately prior zoning regulations; or
 - (3) Such platted lot was in existence at the time of annexation into the City, and was a legally platted subdivision of the land at such time.
- (B) Conformance to a Zoning District. Any other platted lot that does not conform with the regulations of the Zoning District in which it is located on the effective date of this Zoning Ordinance or any amendment hereto, and except as provided in subsection (c) below, shall be deemed to be in violation of this Zoning Ordinance, and the City shall be entitled to enforce fully the terms of this Zoning Ordinance with respect to such platted lot.
- (C) Conforming Platted Lots. The following types of platted lots shall be deemed in conformance with the provisions of this Zoning Ordinance, notwithstanding the fact that such lot does not meet the standards of this Zoning Ordinance in the district in which it is located:
- (1) Any vacant lot that conformed to the City's zoning district regulations at the time that it was platted; or
 - (2) Any lot occupied by a single-family dwelling authorized under the zoning district regulations in which the lot is located.
- (D) Use of a Platted Lot. Nothing in this Zoning Ordinance shall be construed to prohibit the use of a lot that does not meet the minimum lot standards of the Zoning District in which it is located, provided that the lot is zoned for the land use(s) intended and the lot was platted as a lot of record prior to the effective date of this Zoning Ordinance.

9-2.2 Use of such lots shall be subject to the following conditions:

- (A) In those cases where the lot area, lot width or side yards are not more than twenty (20) percent below the minimum specified in this Ordinance and there are no other violations of dimensional requirements, The City Planner is authorized to issue a building permit for a single-family detached residence.
- (B) In those cases where the lot area, lot width or side yard are more than twenty (20) percent below the minimum specified in this Ordinance or other dimensional requirements cannot be met, the Board of Adjustment is authorized to approve a waiver from such other dimensional requirements as cannot be met, provided that such waiver shall be as limited in scope as possible, consistent with granting the relief contemplated by this paragraph.

Section 9- 4: No Variance for Illegal Lots

9-3.1 If any person shall have at any time after the date of enactment of this Ordinance or its predecessor created a lot or parcel which fails to conform with the dimensional requirements of the district in which it is located by selling part of a lot, as defined herein, such sale shall have no effect for purposes of this Ordinance and the lots and/or parcels shall still be considered as part of one or more lots.

9-3.2 No variance shall be granted to allow deviation from the applicable dimensional requirements on any part of such lot, regardless of the ownership.

Section 9-5: Continuation of Nonconformities

9-4.1 Any nonconforming use of land or structure may be continued subject to the following.

- (A) Continuation shall be subject to such regulations as the Board of Adjustment may require for immediate preservation of adjoining property prior to the ultimate removal of the nonconforming use.
- (B) The lawful use of any building, structure, sign or land in accordance with the terms of the zoning regulations by which the use was established, or in the case of annexed property, in accordance with the regulations under which the use was created may be continued.
- (C) Abatement of such use or structure within a given period of time may be required by the City, provided, however, the right to continue such nonconforming use or use of such structure shall be subject to regulations prohibiting nuisances and shall be terminated when such use or structure constitutes a nuisance.
- (D) A nonconforming structure occupied by a nonconforming use may be re-occupied by a conforming use, following abandonment of the nonconforming use.

Section 9-5: Change in Nonconforming Use

- 9-5.1 A nonconforming use shall not be changed to another nonconforming use except as permitted by the Zoning Board of Adjustment (ZBA).
- 9-5.2 A nonconforming use may be changed to a conforming use provided that, once such change is made, the use shall not be changed back to a nonconforming use.
- 9-5.3 A conforming use located in a nonconforming structure may be changed to another conforming use, but shall not be changed to a nonconforming use.

Section 9-6: Destruction of Nonconforming Structure

- 9-6.1 If a structure occupied by a nonconforming use is destroyed by fire, the elements or other cause, it may not be rebuilt except in conformance with the provisions of this Ordinance.
- 9-6.2 In the event of partial destruction of a nonconforming use not exceeding fifty (50) percent of its reasonable value, reconstruction shall be permitted, but the size or function of the nonconforming use shall not be expanded.
- 9-6.3 In the case of partial destruction of a nonconforming structure or a structure occupied by a nonconforming use where more than fifty percent (50%) but less than one hundred percent (100%) of the structure's current replacement value is destroyed, the Board of Adjustment may grant a permit for repair of such structure, but the size or function of the nonconforming use shall not be expanded.
- 9-6.4 Any repair permitted according to this Section 9-6 shall be completed within one year (365 calendar days) following the event that caused the partial destruction. If reconstruction is delayed by contested insurance claims, litigation, or some other similar cause, then the one-year reconstruction period may be extended by the Community Development Director.
- 9-6.5 In determining the reasonable value (as referenced herein) of any nonconforming structure, there shall not be included therein the cost of land or any factors other than the nonconforming structure itself including foundation.

Section 9-7: Expansion or Increase of Nonconforming Use

9-7.1 Use Expansion Within the Structure. A nonconforming use may be extended throughout the structure in which it is located, provided that:

- (1) The structure or its premises shall not be enlarged or increased in height, in floor area or in land area to accommodate extension of the nonconforming use;
- (2) No alteration shall be made to the structure occupied by the nonconforming use, except those alterations that are required by law to preserve the integrity of the structure and alterations that would upgrade the quality, safety or aesthetic appeal of the structure; and
- (3) The number of dwelling units occupying the structure shall not exceed the number of dwelling units existing at the time the use became nonconforming.

9-7.2 Use Expansion Outside of the Structure. A non-conforming use occupying a structure shall not be extended to occupy land outside the structure.

- .3 Use or Structure Expansion. A nonconforming use or structure shall not be enlarged, increased or extended to occupy a greater area of land than was occupied at the time the use or structure became nonconforming, except to provide additional off-street parking or loading areas required by this Zoning Ordinance.

Section 9-8: Abandonment of Nonconforming Use

9-8.1 Considered Abandoned. A nonconforming use of any building or structure which has been abandoned shall not thereafter be returned to any nonconforming use. A nonconforming use shall be considered abandoned when:

- (A) It has been replaced with a conforming use; or
- (B) Such building or structure is or hereafter becomes vacant and remains unoccupied or out of use for a continuous period of six (6) months, or the special equipment and furnishings peculiar to the nonconforming use have been removed from the premises and have not been replaced within such six (6) month period; or
- (C) In the case of a temporary use, the use is moved from the premises for any length of time.

9-8.2 Future Use After Abandonment. If a nonconforming use or structure is abandoned, any future use of the premises shall be in conformity with the provisions of this Zoning Ordinance, as amended, and with any other applicable City codes or ordinances that are in effect at the time the use is resumed or the structure is re-occupied.

Section 9-9: Legalization of Nonconforming Use

9-9.1 No presently illegal use shall be deemed to have been legalized unless such use falls within a zoning district where the actual use is a conforming use.

9-9.2 Uses not legalized by conformity shall remain nonconforming uses where recognized.

Section 9-10: Repairs & Relocation

9-10.1 Repairs

- (A) Nothing in this Article shall prevent the owner of a building or structure containing a nonconforming use from making such repairs as are necessary to maintain the building or structure in a safe and lawful condition, unless such repairs exceed fifty percent (50%) of the structure's replacement cost (refer to Section 9-6 of this Zoning Ordinance), in accordance with applicable building and safety codes and applicable orders of any City of Greenville official.
- (B) Substandard Nonconforming Structure. The right to operate and maintain any nonconforming structure shall terminate and shall cease to exist whenever the nonconforming structure becomes substandard under any applicable ordinance of the City and the cost of placing such structure in lawful compliance when the applicable ordinance exceeds fifty percent (50%) of the replacement cost of such structure on the date that the Building Official determines that such structure is substandard.

9-10.2 Relocation. No nonconforming structure or building shall be moved in whole or in part to any other location on the lot, or to any other location or lot, unless every portion of such structure is in compliance with all the regulations of the zoning district wherein the structure is to be relocated.

Section 9-11: Special Exceptions for Nonconformities

9-11.1 Criteria

Upon written request of the property owner, the Board of Adjustment may grant special exceptions to the provisions of this article, limited to and in accordance with the following:

- (A) Expansion of a nonconforming use within an existing structure provided that, in the case of a nonconforming residential use, such expansion does not increase the number of dwelling units to more than the number existing when the use first became nonconforming.
- (B) Expansion of the gross floor area of a nonconforming structure provided that such expansion does not decrease any existing setback.
- (C) Change from one nonconforming use to another, re-construction of a nonconforming structure that has been totally destroyed, or resumption of a nonconforming use previously abandoned, only upon finding that the failure to grant the special exception deprives the property owner of substantially all use or economic value of the land.
- (D) In granting special exceptions under this Section 9-11, the Board of Adjustment may impose such criteria as are necessary to protect adjacent property owners and to ensure the public health, safety and general welfare, including specifying the period during which the nonconforming use may continue to operate or exist before having to conform to the standards of this Zoning Ordinance.

9-11.2 Granting Special Exceptions

The Board of Adjustment may grant special exceptions for the following:

- (A) To interpret the provisions of this Ordinance in a way so as to carry out the intent and purpose of this Ordinance, adjust districts where the street layout actually on the ground varies from the street layout as shown on the maps.
- (B) To waive or reduce the parking and loading requirements in an amount not exceeding thirty-three percent (33%) of the normal requirement in any of the districts for one or more of the following situations, whenever the character or use of the building makes unnecessary the full provision of

parking or loading facilities or where the regulations would impose an unreasonable hardship upon the use of the property, as contrasted with merely granting an advantage or a convenience:

- (1) Housing specifically designed and intended for use by the elderly, disabled, or other occupants typically having a lower expectation of automobile ownership;
 - (2) Adaptive reuse or restoration of an historically or architecturally significant structure;
 - (3) Expansion of a nonprofit, public or social service use on an existing site; and
 - (4) Conversion of a nonconforming use to what would otherwise be a conforming use, except for the parking and loading requirements.
- (C) To allow off-site parking where all or part of the minimum number of parking spaces required in Section 5-3 (Off-Street Parking and Loading) of this Zoning Ordinance are located within three hundred feet (300') on a lot or tract of land that is legally separate from the property containing the principal use served by the parking area, provided that:
- (1) Both lots or tracts are under the same ownership; or
 - (2) It can be established that two or more uses, applying jointly and concurrently for the special exception, will be sharing a parking area that may be on property that is not under the same ownership as one or more of the uses to be served by the parking, where the shared parking area has a capacity of at least the minimum number of spaces for the use having the greatest minimum requirement, where all uses have their primary need for parking during offsetting periods so that the parking area will be utilized by only one principal use at a time, and where the arrangement is documented through a long-term lease or other written agreement.
- (C) To allow the reconstruction of a nonconforming building which has been damaged to the extent of more than fifty percent (50%) of its replacement cost.
- (D) To allow a change to another nonconforming use. If no structural alterations are made, any nonconforming use of a structure or structure and premises in combination may, as a special exception, be changed to another nonconforming use, provided the Board of Adjustment finds that the proposed nonconforming use is not more nonconforming in the district than the previously existing nonconforming use.
- (E) To allow the City to issue a building permit for expansion of a preexisting nonconforming use that is not in compliance with the Future Land Use Plan Map and/or zoning district when the Board of Adjustment determines that this special exception will not adversely impact water, wastewater, drainage, and street transportation systems, and is in accord with all City codes and applicable Comprehensive Plan policies, including those pertaining specifically to land use compatibility.
- (F) To allow for a reasonable amount of time for a nonconforming use to be brought to a lesser-nonconforming status or to a conforming status by allowing an applicant to make improvements to an existing, developed property or building over a period of time, instead of requiring such improvements to be made immediately, or prior to a Certificate of Occupancy.

Article X. BOARD OF ADJUSTMENT

Section 10-1: Establishment and Membership

10-1.1 A Zoning Board of Adjustment is hereby established. Board establishment and membership shall be subject to applicable resolutions and state law.

10-1.2 The Zoning Board of Adjustment shall consist of five (5) members.

- (A) Members shall be appointed by the City Council.
- (B) Members shall serve for a term of two (2) years and shall be removable for cause by the appointing authority upon written charges after public hearing. A member shall serve no more than three (3) consecutive two (2) year terms and shall be ineligible to succeed himself/herself for any additional successive term. A member may not be re-appointed until one (1) full term has passed since the last day of the last term of his/her previous service on the Board.

10-1.3 The City Council may appoint four (4) alternate members of the Board.

- (A) Alternate members shall serve in the absence of one or more of the regular members when requested to do so by the Community Development Director or chairman of the Board of Adjustment so that all cases to be heard by the Board of Adjustment will be heard by a minimum of four (4) members.
- (B) Each alternate member, while attending any regular or special meeting of the Board and serving in the absence of a regular member, has and may exercise all the powers and duties of a regular member.
- (C) Alternate members shall serve for the same period as regular members.
- (D) Alternate members shall be subject to removal in the same manner as that for regular members.

10-1.4 The terms of all Board members shall not expire at the same time.

10-1.5 Regular and alternate member vacancies created by resignation or other causes shall be filled as follows:

- (A) A new member or an alternate member may be appointed to fill the unexpired term of a regular member.
- (B) A new member may be appointed to fill the unexpired term of an alternate member.
- (C) Vacancies shall be filled for the remainder of the unexpired term.

10-1.6 Compensation, if any, for a Board member may be provided for by the appointing authority.

Section 10-2: Organization

10-2.1 The Board shall adopt rules necessary to conduct its affairs and establish Board organization, procedures, meeting notice and meeting conduct.

10-2.2 Such rules adopted by the Board shall be in accordance with state law and the provisions of this Ordinance.

10-2.3 The Chairman of the Board shall be appointed by the City Council.

Section 10-3: Jurisdiction

10-3.1 Authority for Applications and Appeals

- (A) Authority for Applications. The Board of Adjustment shall be the final decision-maker on the following types of applications (unless the decision is appealed as outlined in subsection 10-4.5):
- (1) An application for a special exception pursuant to Section 10-7;
 - (2) An application for a change in the status of a nonconformity pursuant to Section 10-8;
 - (3) An application for a variance pursuant to Section 10-6;
 - (4) An request for interpretation of zoning maps and determination of disputed questions of lot lines and district boundary lines and similar questions that may occur in the administration of this Ordinance.
- (B) Authority for Appeals. The Zoning Board of Adjustment shall be the final decision-maker on appeals related to the following types of applications (unless the decision is further appealed as outlined in subsection 10-4.5):
- (1) An appeal of a decision of the Community Development Director, unless an appeal process is otherwise outlined within this Ordinance;
 - (2) An appeal of any decision of any officer, department, or board of the City by any person affected by any order, requirement, decision or determination made by an administrative official who is charged with enforcing this Ordinance or an ordinance adopted pursuant to this Ordinance, if another appeal process is not otherwise outlined within this Zoning Ordinance, unless an appeal process is otherwise outlined within this Ordinance.
- (C) Limitation on Authority. The authority delegated to the Zoning Board of Adjustment under this Zoning Ordinance shall not be construed to effect any of the following:
- (1) Approval of a petition for a zoning amendment;
 - (2) Approval of a Conditional Use Permit;
 - (3) Authorization of a use not authorized in the zoning district in which the applicant's property is located, except to the extent necessary to decide a special exception or a petition for a change in status of a non-conformity.

Section 10-4: Procedures

10-4.1 Board meetings shall be held at the call of the chairman and at such other times as the Board may decide.

10-4.2 All meetings of the Board shall be open to the public, except that the Board may hold closed meetings as permitted under state law. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question or, if absent or failing to vote, indicate such fact. The Board shall also immediately file and keep in its office records of its examinations and other official actions. All such records and minutes shall be public record.

10-4.3 All matters to be heard by the Board shall be heard by a minimum of four (4) members; four member of the Board shall constitute a quorum.

10-4.4 The concurring vote of four members shall be required for the Board to:

- (A) Reverse any order, requirement, decision, or determination of the Community Development Director or any other City official.
- (B) Decide in favor of the applicant a matter upon which the Board is required to pass under the Ordinance.
- (C) Grant a variance from the provisions of the Ordinance.

10-4.5 Each decision of the Board shall be subject to court review.

- (A) Any person or persons, jointly or severally aggrieved by any decision of the Board or any taxpayer or any officer, department or board of the municipality may petition for court review.
- (B) The petition shall be verified and shall state that the decision is illegal, in whole or part, specifying the grounds of the illegality.
- (C) Any petition for court review court shall be presented to the court within ten (10) days after the decision of the Board.

10-4.6 The Chairman of the Board or, in the Chairman's absence, the acting chair, may administer oaths .The chairman of the Board or any member temporarily acting as chairman may, in his official capacity, administer oaths to witnesses and compel the attendance of witnesses in any matter coming before the Board.

10-4.7 Duties of Community Development Director. The Community Development Director (or designee) shall act as the staff liaison to the Board and secretary of the Board, and shall set up and maintain a separate file for each application for approval, special exception, and variance received. The Director shall record in each file the names and addresses of all persons to whom notices are mailed, including the date of mailing, and shall keep a record of all notices published that are required by this ordinance in relation to the Board.

10-4.8 Timing of Decisions on Applications

The Board of Adjustment shall not render any decision on a development application, appeal or relief petition while a petition for a zoning amendment, application for a Conditional Use Permit, or plat application for the same land is pending and until such petition or application has been finally decided pursuant to procedures in this Zoning Ordinance.

Section 10-5: Administrative Appeals

10-5.1 Any person aggrieved or any officer, department, or board of the municipality affected by any order, requirement, decision or determination made by an administrative official charged with enforcing this Ordinance or an ordinance adopted pursuant to this Ordinance may appeal the decision.

10-5.2 Appeals shall be taken within fifteen (15) days after the decision has been rendered by the City Planner, by filing with the officer from whom the appeal is taken and with the Board a notice of appeal, specifying the grounds thereof.

10-5.3 The official from whom the appeal is taken shall forthwith transmit to the Board all papers constituting the record from which such appeal is taken.

- 10-5.4 An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board, after notice of appeal has been filed with him, that by reason of the facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, or that because the violation charged is transitory in nature a stay would seriously interfere with enforcement of the ordinance.
- 10-5.5 If certification occurs in accordance with this section, proceedings may not be stayed except by a restraining order which may be granted by the Board or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.
- 10-5.6 The Board shall fix a reasonable time for hearing the appeal, give due public notice of public hearing on the appeal, such notice of which shall be in accordance with Section 8-1, and decide the appeal within a reasonable time. Public hearings shall be conducted in the manner provided in Section 8-1.
- 10-5.7 Any party that is part of the appeal proceedings may appear in person or may be represented by attorney or by agent at the appeal hearing.
- 10-5.8 The Board shall decide the appeal within thirty (30) working days of the close of the public hearing. The Board may reverse or affirm, in whole or in part, or may modify the order, requirement, decision, or determination appealed from, and shall make any order, requirement, decision, or determination that in the Board's opinion ought to be made in the circumstances.
- 10-5.9 The Board shall have all the powers of the officer from whom the appeal is taken, including the power to impose reasonable conditions to be complied with by the applicant.
- 10-5.10 The Board shall not hear an appeal or application previously denied within one (1) year following denial, unless it finds a substantial change in conditions or circumstances has occurred.

Section 10-6: Variances

10-6.1 Purpose, Applicability & Effect.

- (A) The purpose of a variance is to vary one or more zoning standards made applicable to a use authorized under this Zoning Ordinance
- (1) A variance application shall not be used as a means of amending the text of the City's zoning regulations or of changing a zoning district classification of the property for which the variance is sought.
 - (2) A variance application cannot be used as a means to contest the applicability of a standard to a development application, an exemption determination, or a decision on a development application.
- (B) A variance application is applicable only within the City limits of Greenville.
- (C) The granting of a variance petition in whole or in part authorizes the petitioner to submit a development application that complies with the standard as varied or modified, and authorizes the Community Development Director to evaluate the application using the varied standard, for the duration of the variance.

10-6.2 Application Requirements

- (A) A variance application shall contain a detailed written statement of the reasons why the standards to be varied should not be applied to the use identified in the application, and shall be accompanied by the fee established by the City Council. The application also shall be accompanied by illustrations or other documents showing the effect of the requested variance on the proposed development.
- (B) A variance application shall be filed with the Board of Adjustment. No development application that is dependent upon approval of the pending variance application shall be accepted for filing until a final decision has been reached on the variance application.
- (C) An application for a variance to a use in a zoning district for which an application for a zoning amendment is pending may not be accepted for filing until a final decision has been reached on the zoning amendment.

10-6.3 Processing of Petitions and Decision

- (A) The Board of Adjustment shall give due public notice of public hearing on the variance application, such notice of which shall be in accordance with Section 8-1. Public hearings shall be conducted in the manner provided in Section 8-1.
- (B) The Board of Adjustment shall approve, approve with conditions, or deny the variance application.
- (C) A variance application shall be decided within thirty (30) days of the official filing date, unless the application is tabled or there is a lack of quorum. In either case, the Board shall then have an additional thirty (30) days to decide the application. Any additional time period that the Board needs to decide an application must be agreed upon by the applicant, and the Board shall decide the application within the agreed-upon timeframe.
- (D) The applicant for a variance bears the burden of proof to demonstrate that a variance to the standards applicable to a particular use should be granted.

10-6.4 The Board may authorize or require the following:

- (A) Reconstruction, extension or enlargement of a building occupied by a nonconforming use on a lot or tract occupied by such building, provided such reconstruction does not prevent the return of such property to a conforming use.
- (B) Modifications of the height, yard, area coverage and parking regulations as may be necessary to secure appropriate development of a parcel of land which differs from other parcels in the district by being such restricted area, shape, or slope that it cannot be appropriately developed without such modification.

10-6.5 In deciding the variance application, the Board shall apply the following criteria:

- (A) There are special circumstances or conditions arising from the physical surroundings, shape, topography or other feature affecting the land such that the strict application of the provisions of this Zoning Ordinance to the proposed use would create an undue hardship or inequity upon or for the applicant, as distinguished from a mere inconvenience, in developing the land or deprive the applicant of the reasonable and beneficial use of the land;
- (B) The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner;
- (C) The hardship or inequity suffered by petitioner is not caused wholly or in substantial part by the petitioner;
- (D) The circumstances causing the hardship do not similarly affect all or most properties in the vicinity of the petitioner's land;

- (E) The request for a variance is not based exclusively on the applicant's desire for increased financial gain from the property, or to reduce an existing financial hardship;
- (F) Granting the variance application will not be detrimental to the public health, safety or welfare, or injurious to other property within the area;
- (G) Granting the variance application will not have the effect of preventing the orderly use and enjoyment of other land within the area in accordance with the provisions of this Zoning Ordinance, or adversely affect the rights of owners or residents of surrounding property;
- (H) The degree of variance requested is the minimum amount necessary to meet the needs of applicant and to satisfy the standards in this section.

10-6.6 Neither the nonconforming use of lands, structures or buildings in the same zoning district, nor the permitted use of lands, structures or buildings in other zoning districts shall be considered as grounds for the issuance of a variance.

10-6.7 In granting any variance, the Board may prescribe reasonable and appropriate conditions and safeguards in conformity with this Ordinance.

- (A) Violations of such conditions and safeguards, when a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.
- (B) A variance granted subject to a condition shall be permitted only so long as there is compliance with the condition.
- (C) In the event that any such condition is held invalid, for any reason, such holding shall have the effect of invalidating the variance granted and shall render the variance null and void.

10-6.8 The Board shall not, under any circumstances, grant a variance to permit a use otherwise prohibited in this Ordinance in the zoning district involved.

10-6.9 The Board shall not hear a variance application previously denied within one (1) year following denial, unless it finds a substantial change in conditions or circumstances has occurred.

Section 10-7: Special Exceptions

10-7.1 Purpose, Applicability and Effect

- (A) The purpose of a special exception shall be to authorize a modification of zoning standards applicable to particular types of development within any zoning district, which is consistent with the overall intent of the zoning ordinance and for which express standards are prescribed, but that requires additional review to determine whether the development with the modification is compatible with adjoining land uses and the character of the neighborhood in which the development is proposed.
- (B) An application for a special exception may be filed only for those modifications listed in Section 9-11 of this Ordinance. The special exceptions procedure shall be applicable only within the City limits.
- (C) Approval of an application for a special exception entitles the property owner to undertake the activity authorized under the exception notwithstanding any standards in the zoning district regulations to the contrary.

10-7.2 Application Requirements

- (A) An application for a special exception shall be made to the Community Development Department.
- (B) An application for a special exception shall be accompanied by the following:
 - (1) All information required for a variance;
 - (2) A statement describing in detail how the proposed exception meets the applicable standards.

10-7.3 Processing of Application and Decision

- (A) The Board of Adjustment shall give due public notice of public hearing on the special exception application, such notice of which shall be in accordance with Section 8-1. Public hearings shall be conducted in the manner provided in Section 8-1.
- (B) The Board of Adjustment shall approve, approve with conditions, or deny the special exception application.
- (C) A special exception application shall be decided within thirty (30) days of the official filing date.
- (D) The applicant for a variance bears the burden of proof to demonstrate that a special exception should be granted.

10-7.4 Criteria for Approval

- (A) In deciding whether to approve, conditionally approve or deny the application for a special exception, the Board shall apply the standards in Section 9-11 governing the special exception. In addition, the Board shall consider whether the special exception will substantially and adversely affect the use of adjacent or neighboring property.
- (B) The Board may impose such conditions on the application for special exception as are necessary to prevent harm to adjacent or neighboring property.

10-7.5 No-Reapplication for One Year.

The Board shall not hear a special exception application previously denied within one (1) year following denial, unless it finds a substantial change in conditions or circumstances has occurred.

Section 10-8: Change in Nonconforming Status

10-8.1 Applicability and Effect

- (A) Application. A property owner may apply to the Board of Adjustment for a change in the status of a nonconforming use or structure for the following matters:
 - (1) Expansion of the land area of a nonconforming use;
 - (2) Expansion of the gross floor area of a nonconforming structure;
 - (3) Reconstruction of a nonconforming structure that has been destroyed;
 - (4) Resumption of a nonconforming use previously abandoned;
 - (5) The enlargement, expansion or repair of a nonconforming structure if such enlargement, expansion or repair does not increase the structure's nonconformity; or
 - (6) Encroachment on a zoning setback line.
- (B) Effect. If the Board grants the application for a change in nonconforming status, modifications made in the nonconforming use, structure or lot that are consistent with the approved application shall have

the same status and shall be subject to the same limitations as the original nonconformity under this Zoning Ordinance.

10-8.2 Decision

The Board shall process and decide the petition for a change in nonconforming status as a special exception in accordance with Section 10-7 of this Zoning Ordinance.

10-8.3 Criteria for Approval.

In deciding the application, the Board shall apply the following criteria:

- (A) The proposed change in nonconforming status meets the criteria in Section 9-11;
- (B) Granting the application shall not result in greater harm to adjacent and neighboring land uses than the original nonconformity.

10-8.4 Petition for Termination

- (A) A City official may petition the Board of Adjustment for termination in nonconforming status of a nonconforming use, nonconforming structure or nonconforming lot.

- (1) The Community Development Director shall be the responsible official for a petition seeking termination of nonconforming status.
 - (2) If the Board grants the petition for termination of nonconforming status, the nonconforming use, nonconforming structure or nonconforming lot shall be deemed in violation of this Zoning Ordinance and shall be subject to any remedy for enforcement, as provided in Article XI of this Ordinance. Thereafter, the property owner may not seek reinstatement of nonconforming status.
 - (3) The application shall include a concise statement of the reasons why the nonconforming status should be terminated, with specific reference to the rule(s) governing the nonconformity which the petitioner seeks to enforce and a detailed explanation of how granting the petition enforces the standards governing nonconforming status.

- (B) The Board may authorize or require the discontinuance of nonconforming uses or structures under any plan whereby the full value of the structure and facilities can be amortized within a definite time period, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the requirements of this Ordinance.

- (1) All actions to discontinue a nonconforming use of land or structure shall be taken with due regard for the property rights of the person affected.
 - (2) All actions to discontinue a nonconforming use of land or structure shall consider such property rights in light of the public welfare, character of the area surrounding the designated nonconforming use, and conservation and preservation of property.

Article XI . ENFORCEMENT

Section 11-1: Violations

Any of the following shall be a violation of this Ordinance and shall be subject to the enforcement remedies and penalties provided by this Article and by state law.

- 11-1.1 To engage in any development, use, construction, remodeling or other activity of any nature upon the land and improvements thereon subject to the jurisdiction of this Ordinance without all required permits, certificates or other forms of authorization as may be set forth in this Ordinance to conduct or engage in such activity.
- 11-1.2 To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with any permit, certificate, or other form of authorization granted for such activity.
- 11-1.3 To violate, by act or omission, any term, condition, or qualification placed by the City Council upon any required permit, certificate or other form of authorization for the use, development or other activity upon land or improvements thereon.
- 11-1.4 To erect, construct, reconstruct, alter, repair, convert, maintain or use any building or structure or to use any land in violation or contravention of this Ordinance, or amendment thereto, or any other regulation made under the authority conferred thereby.
- 11-1.5 To continue any of the above stated violations.

Section 11-2: Enforcement and Remedies

- 11-2.1 Any violation or attempted violation of this Ordinance or of any condition or requirement adopted pursuant hereto may be restrained, corrected or abated by injunction or other appropriate proceeding pursuant to state law.
- 11-2.2 This Ordinance may be enforced by any one or more of the remedies authorized by this Article.
- 11-2.3 Each day's continuing violation is a separate and distinct offense.
- 11-2.4 The City of Greenville may seek enforcement as provided by state law and this Ordinance.
 - (A) The City of Greenville may seek criminal penalties as may be provided by state law and this Ordinance.
 - (B) The City of Greenville may withhold or deny any permit, certificate or other form of authorization on any land, structure, or improvement in which there is an uncorrected violation of a provision of this Ordinance or of a condition or qualification of a permit or certificate or other authorization previously granted.
 - (C) The City of Greenville may, in lieu of withholding such authorization, condition such authorization upon the correction of the deficiency.

- (D) The City of Greenville may stop work on any building or structure on any land when there is or has been an uncorrected violation of a provision of this Ordinance or of a permit or other form of authorization issued hereunder. Such action shall be in accordance with state law.
- (E) The City of Greenville shall have such other remedies as are and as may be provided for or allowed by state law.

Section 11-3: Penalties

- 11-3.1 Any person who violates any provisions of this Ordinance shall be subject to a criminal penalty.
- 11-3.2 Upon conviction, any person violating the provisions of this Ordinance shall be fined a sum not to exceed two thousand dollars (\$2,000.00) per violation.
- 11-3.3 For each day the violation is not corrected, the violator will be guilty of a new and separate offense and subject to additional criminal penalty. The total penalties imposed shall be limited in accordance with state law.

Section 11-4: Other Powers and Actions

- 11-4.1 In addition to other enforcement provisions contained in this Article, the City of Greenville may exercise any and all enforcement powers granted to it by state law.
- 11-4.2 Nothing in this Ordinance shall prohibit the continuation of previous enforcement actions undertaken pursuant to valid resolution and law.

Section 11-5: Actions by Others

- 11-5.1 Any property owner owning property in any district, where such property owner may be affected by a violation of the terms of this Ordinance, may bring suit in a court having proper jurisdiction.
- 11-5.2 Such property owners shall have all remedies as may be available at law and equity in the protection of the property owner's rights.

Section 11-6: Violations and Pending Litigation

- 11-6.1 No presently illegal use shall be deemed to have been legalized unless such use falls within a use district where the actual use is a conforming use. Otherwise, such uses shall remain nonconforming uses where recognized, or an illegal use, as the case may be.
- 11-6.2 No offense committed and no liability, penalty or forfeiture, either civil or criminal, incurred prior to zoning ordinance repeal shall be discharged or affected by such repeal.
- 11-6.3 Prosecution and suit for offenses, liabilities, penalties and forfeitures may be instituted or causes presently pending may proceed in all respects as if ordinance repeal has not occurred.

Section 11-7: Remedies Cumulative

11-7.1 All such remedies provided herein shall be cumulative.

11-7.2 To the extent that state law may limit the availability of a particular remedy set forth herein for a certain violation or a part thereof, such remedy shall remain available for other violations or other parts of the same violation.

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