

ORDINANCE NO. 06-161

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE, TEXAS, AMENDING ZONING ORDINANCE NO. 90-100 BY CHANGING THE ZONING DISTRICT DESIGNATION AND ADOPTING A NEIGHBORHOOD CONSERVATION ZONING DISTRICT ON THE FOLLOWING: ALL OF BLOCKS 53, 66, 94, 112, 113, 126, 127, 136, 137, AND 148 ORIGINAL TOWN OF GREENVILLE (OTG); BLOCK 51, LOT 2, OTG, BLOCK 52, LOTS 1B,2,3 OTG; BLOCK 67, LOTS 1,2,3,5 OTG; BLOCK 68, LOTS 3,4A OTG; BLOCK 81, LOTS 1A,1B,5A,5B OTG; ALL OF BLOCK 95 EXCEPT LOTS 4B,5C OTG; BLOCK 158, LOTS 1,2 OTG; BLOCK 159, LOTS 1,2,4 OTG; BLOCK 147, LOTS 1A,1B,2B,3B,4B OTG; BLOCK 157, LOTS 1B,2C OTG; BLOCK 167, LOTS 1-4 OTG; BLOCK 173, LOTS 2,3,1D OTG; BLOCK 168 LOTS 1A,1B,2,18-21 OTG; BLOCK 18, LOTS 5A,5B,2B,3C,5C,6,7 MOULTON ADDITION; BLOCK 19, LOTS 5A,5B,6-10 MOULTON ADDITION; BLOCK 20, LOTS 4,5,6,7A,7B,3B,3C MOULTON ADDITION; BLOCK 28 MOULTON ADDITION; BLOCK 29, LOTS 2-5,11A MOULTON ADDITION; BLOCK 30, LOTS 1A,8A,1B,2,3,4A,4B MOULTON ADDITION; LOTS 1,2 SULLENGER SUBDIVISION; BLOCK 1, LOTS A,B,6-8 LEWIS ANDREWS ADDITION; BLOCKS 3 AND 4 LEWIS ANDREWS ADDITION; AND BLOCK 2, LOTS 1,2,5A,5B,6,7,8,9 LEWIS ANDREWS ADDITION; ADOPTING A NEIGHBORHOOD CONSERVATION PLAN; PROVIDING FOR A REPEALING CLAUSE, A SEVERABILITY CLAUSE, A PENALTY CLAUSE AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE FROM AND AFTER DECEMBER 22, 2006.

WHEREAS, Staff is requesting that the City Council approve a request amend Zoning Ordinance No. 90-100 by changing the zoning district designation and adopting a neighborhood conservation zoning district on the following: all of Blocks 53, 66, 94, 112, 113, 126, 127, 136, 137, and 148 Original Town of Greenville (OTG); Block 51, Lot 2, OTG, Block 52, Lots 1B,2,3 OTG; Block 67, Lots 1,2,3,5 OTG; Block 68, Lots 3,4A OTG; Block 81, Lots 1A,1B,5A,5B OTG; all of Block 95 except Lots 4B,5C OTG; Block 158, Lots 1,2 OTG; Block 159, Lots 1,2,4 OTG; Block 147, Lots 1A,1B,2B,3B,4B OTG; Block 157, Lots 1B,2C OTG; Block 167, Lots 1-4 OTG; Block 173, Lots 2,3,1D OTG; Block 168 Lots 1A,1B,2,18-21 OTG; Block 18, Lots 5A,5B,2B,3C,5C,6,7 Moulton Addition; Block 19, Lots 5A,5B,6-10 Moulton Addition; Block 20, Lots 4,5,6,7A,7B,3B,3C Moulton Addition; Block 28 Moulton Addition; Block 29, Lots 2-5,11A Moulton Addition; Block 30, Lots 1A,8A,1B,2,3,4A,4B Moulton Addition; Lots 1,2 Sullenger Subdivision; Block 1, Lots A,B,6-8 Lewis Andrews Addition; Blocks 3 and 4 Lewis Andrews Addition; and Block 2, Lots 1,2,5A,5B,6,7,8,9 Lewis Andrews Addition; and

WHEREAS, notice of a public hearing was published in a newspaper of general circulation in the City, which stated the time and place of hearing, which time was not fewer than fifteen (15) days after first day of such publication; and

WHEREAS, the City Planning and Zoning Commission met on October 16, 2006, and, after the public hearing, recommended approval of this request.

WHEREAS, a public hearing was held by the City Council on October 24, 2006 prior to approval of the proposed zoning change on December 12, 2006; and

WHEREAS, the City Council hereby finds that this request to amend Zoning Ordinance No. 90-100, by changing the zoning district designation and adopting a neighborhood conservation zoning district on the following: all of Blocks 53, 66, 94, 112, 113, 126, 127, 136, 137, and 148 Original Town of Greenville (OTG); Block 51, Lot 2, OTG, Block 52, Lots 1B,2,3 OTG; Block 67, Lots 1,2,3,5 OTG; Block 68, Lots 3,4A OTG; Block 81, Lots 1A,1B,5A,5B OTG; all of Block 95 except Lots 4B,5C OTG; Block 158, Lots 1,2 OTG; Block 159, Lots 1,2,4 OTG; Block 147, Lots 1A,1B,2B,3B,4B OTG; Block 157, Lots 1B,2C OTG; Block 167, Lots 1-4 OTG; Block 173, Lots 2,3,1D OTG; Block 168 Lots 1A,1B,2,18-21 OTG; Block 18, Lots 5A,5B,2B,3C,5C,6,7 Moulton Addition; Block 19, Lots 5A,5B,6-10 Moulton Addition; Block 20, Lots 4,5,6,7A,7B,3B,3C Moulton Addition; Block 28 Moulton Addition; Block 29, Lots 2-5,11A Moulton Addition; Block 30, Lots 1A,8A,1B,2,3,4A,4B Moulton Addition; Lots 1,2 Sullenger Subdivision; Block 1, Lots A,B,6-8 Lewis Andrews Addition; Blocks 3 and 4 Lewis Andrews Addition; and Block 2, Lots 1,2,5A,5B,6,7,8,9 Lewis Andrews Addition is in the interest of the citizens of Greenville;

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

SECTION 1. The recitals set forth above are hereby found by the Council to be true and correct, and are incorporated by reference herein and expressly made a part hereof as if copied verbatim.

SECTION 2. The City Council of the City of Greenville hereby amends Zoning Ordinance No. 90-100, by changing the zoning district designation and adopting a neighborhood conservation zoning district on the following: all of Blocks 53, 66, 94, 112, 113, 126, 127, 136, 137, and 148 Original Town of Greenville (OTG); Block 51, Lot 2, OTG, Block 52, Lots 1B,2,3 OTG; Block 67, Lots 1,2,3,5 OTG; Block 68, Lots 3,4A OTG; Block 81, Lots 1A,1B,5A,5B OTG; all of Block 95 except Lots 4B,5C OTG; Block 158, Lots 1,2 OTG; Block 159, Lots 1,2,4 OTG; Block 147, Lots 1A,1B,2B,3B,4B OTG; Block 157, Lots 1B,2C OTG; Block 167, Lots 1-4 OTG; Block 173, Lots 2,3,1D OTG; Block 168 Lots 1A,1B,2,18-21 OTG; Block 18, Lots 5A,5B,2B,3C,5C,6,7 Moulton Addition; Block 19, Lots 5A,5B,6-10 Moulton Addition; Block 20, Lots 4,5,6,7A,7B,3B,3C Moulton Addition; Block 28 Moulton Addition; Block 29, Lots 2-5,11A Moulton Addition; Block 30, Lots 1A,8A,1B,2,3,4A,4B Moulton Addition; Lots 1,2 Sullenger Subdivision; Block 1, Lots A,B,6-8 Lewis Andrews Addition; Blocks 3 and 4 Lewis Andrews Addition; and Block 2, Lots 1,2,5A,5B,6,7,8,9 Lewis Andrews Addition.

SECTION 3. The Neighborhood Conservation Plan attached hereto as Exhibit "A" is hereby adopted to apply to the described district.

SECTION 4. All Ordinances or parts of Ordinances in conflict herewith are repealed to the extent of conflict only.

SECTION 5. A person who violates this Ordinance is guilty of a separate offense for each day or part of day the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed \$2,000.00.

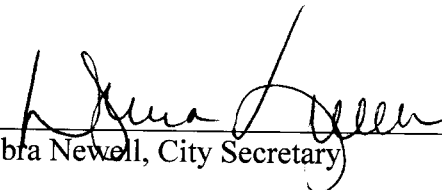
SECTION 6. That if any section, provision, subsection, paragraph, sentence, clause, phrase, or word in this Ordinance or application thereof to any person or circumstance is held invalid by any court of competent jurisdiction, such holdings shall not affect the validity of the remaining portions of this Ordinance, and the City Council of the City of Greenville, Texas hereby declares it would have enacted such remaining portions, despite such invalidity.

SECTION 7. This Ordinance shall be in full force and effect from and after December 22, 2006.


PASSED AND APPROVED, this the 12th day of December, 2006.


Thomas B. Oliver

ATTEST:


Debra Newell, City Secretary

APPROVED AS TO FORM:


J. Andrew Bench, City Attorney

NCD-2 SOUTH HILL NEIGHBORHOOD NEIGHBORHOOD CONSERVATION PLAN

CONSERVATION DISTRICT BOUNDARIES

The boundaries of the South Hill Neighborhood Conservation District shall include the following parcels as shown on Exhibit A: all of Blocks 53, 66, 94, 112, 113, 126, 127, 136, 137, and 148 Original Town of Greenville (OTG); Block 51, Lot 2, OTG; Block 52, Lots 1B,2,3 OTG; Block 67, Lots 1,2,3,5 OTG; Block 68, Lots 3,4A OTG; Block 81, Lots 1A,1B,5A,5B OTG; all of Block 95 except Lots 4B,5C OTG; Block 158, Lots 1,2 OTG; Block 159, Lots 1,2,4 OTG; Block 147, Lots 1A,1B,2B,3B,4B OTG; Block 157, Lots 1B,2C OTG; Block 167, Lots 1-4 OTG; Block 173, Lots 2,3,1D OTG; Block 168 Lots 1A,1B,2,18-21 OTG; Block 18, Lots 5A,5B,2B,3C,5C,6,7 Moulton Addition; Block 19, Lots 5A,5B,6-10 Moulton Addition; Block 20, Lots 4,5,6,7A,7B,3B,3C Moulton Addition; Block 28 Moulton Addition; Block 29, Lots 2-5,11A Moulton Addition; Block 30, Lots 1A,8A,1B,2,3,4A,4B Moulton Addition; Lot 1,2 Sullenger Subdivision; Block 1, Lots A,B,6-8 Lewis Andrews Addition; Blocks 3 and 4 Lewis Andrews Addition; and Block 2, Lots 1,2,5A,5B,6,7,8,9 Lewis Andrews Addition.

LAND USE

Permitted uses within the Conservation District shall include only those land uses permitted within the Single Family Two (SF-2) zoning district.

DESIGN STANDARDS

The construction of new buildings shall comply in every respect with the design standards outlined herein. Additions or alterations to existing buildings shall be designed to compliment the existing architecture and shall comply with the Design Standards herein to the greatest extent possible. Judgment will be based on the compatibility of the design with the existing architecture and within the context of the property's adjacent and nearby buildings. Dimensional requirements, site design standards, and other regulations outlined in the Zoning Ordinance shall apply except where superseded by the Design Standards outlined herein.

BUILDING HEIGHT, NUMBER OF STORIES

No structure shall be taller than 2½ stories, and 45 feet in height. On new construction, the ceiling height of the first floor of a single family home shall be a minimum of 12 feet.

EXTERIOR ELEVATION FEATURES

Entrance

The primary entrance (the location along the primary façade where the exterior space transitions to interior space) shall be located along the streetscape façade and shall be accessed through a front porch.

Porch

The streetscape façade shall contain a front porch that is at least six (6) feet deep, and no less and 1/3 the width of the front façade. A porch may be enclosed with the use of transparent building materials only. A porch enclosure shall maintain a transparency ratio of at least 80%.

Character defining details, such as decorative wooden or metal trim, turned wooden or cast iron columns, sections of the balustrade (i.e. spindles, newel posts and hand/top railing,), and skirting should be retained. Every effort should be made to repair damaged portions of original materials,

Porch roofs and their original character defining features should be retained. Original porch flooring and ceiling materials, such as tongue and groove planks (also used as ceiling material) should be preserved and retained wherever possible, or replace in kind.

Walkway

A concrete front walkway between 36" and 60" wide shall connect the front door entry space with the sidewalk and/or street curb.

Window Openings

Windows visible from the public rights-of-way with the exception of bathroom or kitchen windows) shall maintain a vertical dimension of 2:1, and at least a 1-over-1 light division. Decorative windows shall not exceed eight (8) square feet. A minimum of 25% of the first floor front façade shall be dedicated to window openings. Metal window frames are not permitted on the front of the house. Wood or vinyl clad window frames are preferred. Wood or vinyl clad window frames are also preferred on the remaining sides however, aluminum and other metal frames may be used if the color matches the window trim color. Storm windows are allowed and must match the window trim in color and material.

Window openings should not be altered to accommodate replacement windows (e.g. "blocking down" or "blocking in" the opening). Replacement windows should relate to and be appropriate for the age and architectural style of the structure.

Doors

Replacement doors should be sized to fit in the existing opening. The opening should not be altered so as to accept either a smaller door (e.g. filling in excess space with materials such as lumber, bricks, or cement blocks) or facilitate a larger door or doors (e.g. knocking out part of the surrounding wall and reframing the opening).

Building Materials

Rehabilitation: Building materials shall match the existing structure in scale, proportion, and/or profile. The use of natural wood siding substitute products such as masonite, MDF, vinyl, aluminum, or plywood to cover natural wood siding is prohibited. Existing structures which have natural wood siding substitute products on the exterior may be maintained and repaired with the same or substantially similar material. Asbestos siding may be replaced with cement fiber board siding (i.e. Hardiboard) or siding which is the same or substantially similar to the original material.

New Construction: Exterior walls shall be covered with brick, natural wood siding or cement fiber board (i.e. Hardiboard). The use of natural wood siding substitute products such as masonite, MDF, vinyl, aluminum, or plywood is prohibited.

Chimneys

The exterior of all chimney vents must be masonry or must otherwise match the exterior materials used on the primary structure. Exposed metal chimney vents and supporting guy wires are prohibited.

Color

Colors used on the exterior of any structure, including trim work, must be compatible within the context of the property's adjacent and nearby buildings. Colors must be complementary to each other and the overall character of the main building. Fluorescent and metallic colors are not permitted on the exterior of any structure in the district.

Brick or stone that was originally unpainted at the time of adoption of these design standards should remain so. Painting or covering original brick or stone is prohibited. When repainting masonry, every effort must be made to duplicate the original strength and color so as not to damage the brick or stone face due to spalling and to help the repair blend in with the original work

Fencing

Fences or walls in the front yard are not recommended. Only decorative wrought iron style fences, not exceeding four (4) feet in height, may be constructed in the front yard. Such fences, where allowed, shall follow property lines, and shall be located parallel to the street and aligned with any existing adjacent fence.

Mailbox Location

Mailboxes shall be affixed to the front façade of the primary structure. Free-standing pedestal mounted mailbox structures in the front yard shall not be constructed.

Satellite dishes

Satellite dishes in excess of one (1) meter in diameter are prohibited. Satellite dishes one (1) meter or less in diameter must be placed where they are not visible from the street unless this restriction prevents the reception of an acceptable quality signal, or imposes

an unreasonable expense or delay as defined in federal law, in which event the satellite dish must be situated in the most non-obtrusive location available.

Roof Line/Pitch

Existing roofs that are visible from the public right-of-way should retain their profile as it relates to shape and slope. Buildings that incorporate a sloped roof, such as a gable and/or hipped roof, often feature decorative elements that should be retained, including but not limited to roof cresting, ridge caps, and finials.

On new construction the roof style of the primary structure must be:

- a front-gabled or cross-gabled (with a gabled wing or wings) roof. All gables must have a 12:12 minimum pitch. A single gable must extend across at least 25% but no more than 50% of the length of the front façade. Eaves must extend at least 12 inches beyond the side of the house. Or;
- a hip roof (10:12 minimum pitch on single story or 8:12 minimum pitch on two stories) with at least one front facing gabled dormer. Although a hipped roof is not gabled, it may have connecting gabled wings with 12:12 minimum pitch gables. Eaves must extend at least 12 inches beyond the side of the house.

LANDSCAPING

All portions of the property not covered with buildings or parking surface must be landscaped. Neglected areas of bare or exposed earth are prohibited. Vegetable gardens, flowers beds, shrub beds, or similar planting areas must be actively maintained. All turf areas must be maintained so that grass does not exceed eight (8) inches in height. Turf areas adjacent to the sidewalk and street curb must be edged to prevent grass from covering the sidewalk or street curb.

All trees twelve (12) inch caliper or larger shall be preserved. Exceptions may be approved for trees that are diseased or that pose a threat to health and safety, and for trees that prevent the reasonable development of the property. Caliper measurement shall be taken at a height of 4 ½ feet above the ground, and shall be rounded to the nearest whole number.

TEMPORARY SIGNS

Temporary construction signs are prohibited within the District.

GARAGES, CARPORTS, AND OTHER ACCESSORY BUILDINGS

Detached garages or auto storage structures are encouraged for residential properties. Such structures may be enclosed garages or open carports. All accessory buildings, included detached garages and carports must be located entirely with the rear ½ of the lot. The design standards for building materials are the same as for the primary structure. All accessory buildings shall match the primary structure in scale, proportion, and/or profile. A Minimum 8:12 roof pitch is required. Temporary or portable style carport structures are prohibited.

An attached garage may be constructed as an integral element of the primary structure if it: 1) is located in the rear of the structure with a side or rear entry; 2) is constructed of the same building materials; and 3) it maintains the same roof line(s) as the primary structure. Front entry attached garages are prohibited.

An attached carport may be constructed as an integral element of the primary structure if recessed a minimum for five (5) feet behind the primary structure front façade; constructed of the same building materials; and if it maintains the same roof line(s) as the primary structure.

Setbacks

The front setback for any detached accessory building (including a detached garage) shall be located within the back 50% of the parcel.

For any detached accessory building (including a detached garage) there shall be a side yard not less than three (3) feet from any side lot line or alley line. On any side yard facing a street, an accessory building shall be setback ten (10) feet from the side property line, or shall observe the same side yard setback as the primary structure, whichever is less. Exceptions to the street side yard setback requirement may be approved to replace, at the original location, a garage or carport which has been previously constructed closer to the street side property line than prescribed above. Where a one hour rated fire wall is provided, no side yard need be provided on one interior (not a corner) side of a lot only for accessory buildings located in the rear one-half of the lot.

For any detached accessory building (including a detached garage) there shall be a rear yard not less than three (3) feet from any rear alley line or easement line, except that if no alley or easement exists the rear yard shall not be less than ten (10) feet.

LOT SIZE, DIMENSIONS, COVERAGE

The lot size of any re-platted parcel shall not be reduced nor increase greater than 25% of the existing median lot size, per block face; or if a corner lot, shall not be increased greater than 40% of the existing median lot size per block face. In no case may the size of a lot be reduced smaller than 9,000 square feet. Existing lots smaller than 9,000 square feet may not be reduced in size.

Double frontage lots are discouraged and shall not be approved unless one half or more of the lots within the block face are also double frontage.

The minimum lot width for any parcel shall be 60 feet and the minimum lot depth shall be 120 feet.

The building coverage for any lot within the district shall not exceed 35%. Except for churches, the building foot print of any primary structure shall not exceed 3,000 square feet.

BUILDING SETBACKS

The front setback for the primary structure shall maintain the most restrictive setback of the following:

- a) the distance between 10% of the existing median setback on the block face. (when calculating the median setback on a block face, vacant lots shall be assumed to have a 25 foot front setback)
- b) the distance between 10% of the mean setback of the adjacent structures, if within the 10% median range. (when calculating the mean setback of adjacent structures, vacant lots shall be assumed to have a 25 foot front setback)

The side yard setback for the primary structure shall not be less than six feet, except that the setback on any corner lot side yard facing a street shall not be less than ten feet.

The rear yard setback for the primary structure shall not be less than ten feet.

Corner Lot Visibility

In addition to the setback requirements set forth above, on every corner lot, there shall be a 25 foot visibility triangle at the intersection in which there shall be no obstruction to vision between a height of three (3) feet and a height of ten (10) feet above the established grade of each street.

DRIVEWAYS

A maximum of one curb cut per lot or 75 feet of frontage is allowed. Circle driveways in the front yard are prohibited. Residential driveways shall be paved with concrete, concrete ribbon, or brick pavers. Concrete ribbon strips shall maintain a width between 1½ to 2½ feet. Driveways for single family homes shall maintain a maximum width of 12 feet from the edge of the street pavement to a point five (5) feet behind the front building setback line. The width and paving requirements for driveways serving non-residential uses shall conform to the design criteria adopted by the City. Recreational vehicles, boats, and boat trailers shall not be parked on a driveway located within the front yard of any property within the district.

NON-RESIDENTIAL USES AND STRUCTURES.

All permitted non-residential uses and structures (except as specifically noted below) shall comply with the design standards previously outlined herein, and the following additional design standards.

Off-Street Parking/Loading

Off-street parking areas for permitted non-residential uses shall be located behind the building where possible. Side-yard parking may be incorporated if; a) at least 50% of the street frontage is occupied by the building, and b) the parking lot is not greater than 65 feet wide along the street. Access drives to parking areas shall be placed on secondary streets where possible. All other parking lot design criteria adopted by the City shall

apply. Except for parking lots existing on the date of adoption of these design standards, all off-street parking areas shall be located on the same parcel as the primary structure.

Loading and refuse pick-up/delivery areas shall be located at the rear of the structure and shall be screened from view of the streetscape.

Signs

For permitted non-residential uses, a single free standing monument sign, not exceeding 50 square feet (including sign structure) is allowed and must be setback ten feet from any street right-of-way. Free-standing signs may not exceed six (6) feet in height. Signs shall observe the same side and rear yard setbacks required for a primary structure. Signs attached to legal non-residential uses shall comply with the standard requirements outlined in the zoning ordinance.

Lighting

Site lighting for non-residential uses shall be shielded so that light sources are not visible from public rights-of-way, or from adjacent residential property; such that any off-site glare is prevented. No exterior fluorescent lighting shall be used, unless hidden from view from the streetscape (indirect lighting). Lighting pole standards shall not exceed a height of twelve (12) feet.

CHURCHES

In lieu of the design standards for Exterior Elevation Features previously outlined herein, the following design standards shall apply to all churches within the district.

Exterior Elevation Features

Buildings must be 100% acceptable masonry material, and must have a minimum 8:12 pitch roof.