

ORDINANCE NO. 06-088

**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 231, 232, 233, 234, 235, 261, 262, 291, 292, ORIGINAL TOWN OF GREENVILLE (OTG); LOTS 8B, 9, 10, 11, 12, 13B, BLOCK 504 OTG; LOT 5, BLOCK 502 OTG; LOTS 12-19, 21, BLOCK 521 OTG; LOTS 2B, 3A, 3B, 4, 5, 6B, BLOCK 531 OTG; BLOCK 1 WRIGHT SUBDIVISION; AND PROPERTY LOCATED AT 3102 LEE STREET; 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 SEPTEMBER 1, 2006.**

**WHEREAS**, Staff is requesting that the City Council approve a 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 231, 232, 233, 234, 235, 261, 262, 291, 292, Original Town of Greenville (OTG); Lots 8b, 9, 10, 11, 12, 13B, Block 504 OTG; Lot 5, Block 502 OTG; Lots 12-19, 21, Block 521 OTG; Lots 2b, 3a, 3b, 4, 5, 6b, Block 531 OTG; Block 1 Wright Subdivision; and property located at 3102 Lee Street; and

**WHEREAS**, such amendment would change the zoning land use regulations to create a mixed use (neighborhood retail/office/single family) district on all lots within the conservation district with frontage on Lee Street, Lots 1,2,3b, Block 234, and Lots 3b and 4b, Block 292, Original Town of Greenville; 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 August 21, 2006, and, after the public hearing, recommended approval of this request.

**WHEREAS**, a public hearing was held by the City Council prior to approval of the proposed zoning change; 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 231, 232, 233, 234, 235, 261, 262, 291, 292, Original Town of Greenville (OTG); Lots 8b, 9, 10, 11, 12, 13B, Block 504 OTG; Lot 5, Block 502 OTG; Lots 12-19, 21, Block 521 OTG; Lots 2b, 3a, 3b, 4, 5, 6b, Block 531 OTG; Block 1 Wright Subdivision; and property located at 3102 Lee Street 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 231, 232, 233, 234, 235, 261, 262, 291, 292, Original Town of Greenville (OTG); Lots 8b, 9, 10, 11, 12, 13B, Block 504 OTG; Lot 5, Block 502 OTG; Lots 12-19, 21, Block 521 OTG; Lots 2b, 3a, 3b, 4, 5, 6b, Block 531 OTG; Block 1 Wright Subdivision; and property located at 3102 Lee Street as set forth hereto in Exhibit "A", Exhibit "B", and Exhibit "C".

**SECTION 3.** The approved zoning land use regulations will create a mixed use (neighborhood retail/office/single family) district on all lots within the conservation district with frontage on Lee Street, Lots 1,2,3b, Block 234, and Lots 3b and 4b, Block 292, Original Town of Greenville; and

**SECTION 4.** The Neighborhood Conservation Plan attached hereto as Exhibit "D" is hereby adopted to apply to the described district.

**SECTION 5.** All Ordinances or parts of Ordinances in conflict herewith are repealed to the extent of conflict only.

**SECTION 6.** 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 7.** 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.

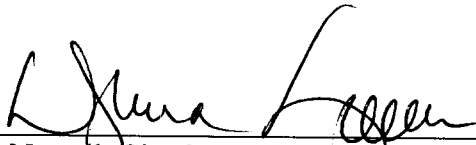
**SECTION 8.** This Ordinance shall be in full force and effect from and after September 1, 2006.

**PASSED AND APPROVED**, this the 22nd day of August, 2006.



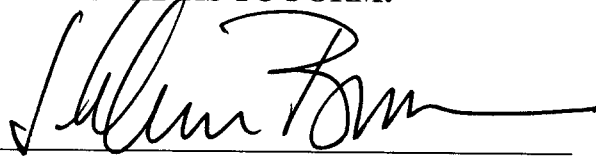
Thomas B. Oliver, Mayor

**ATTEST:**



Debra Newell, City Secretary

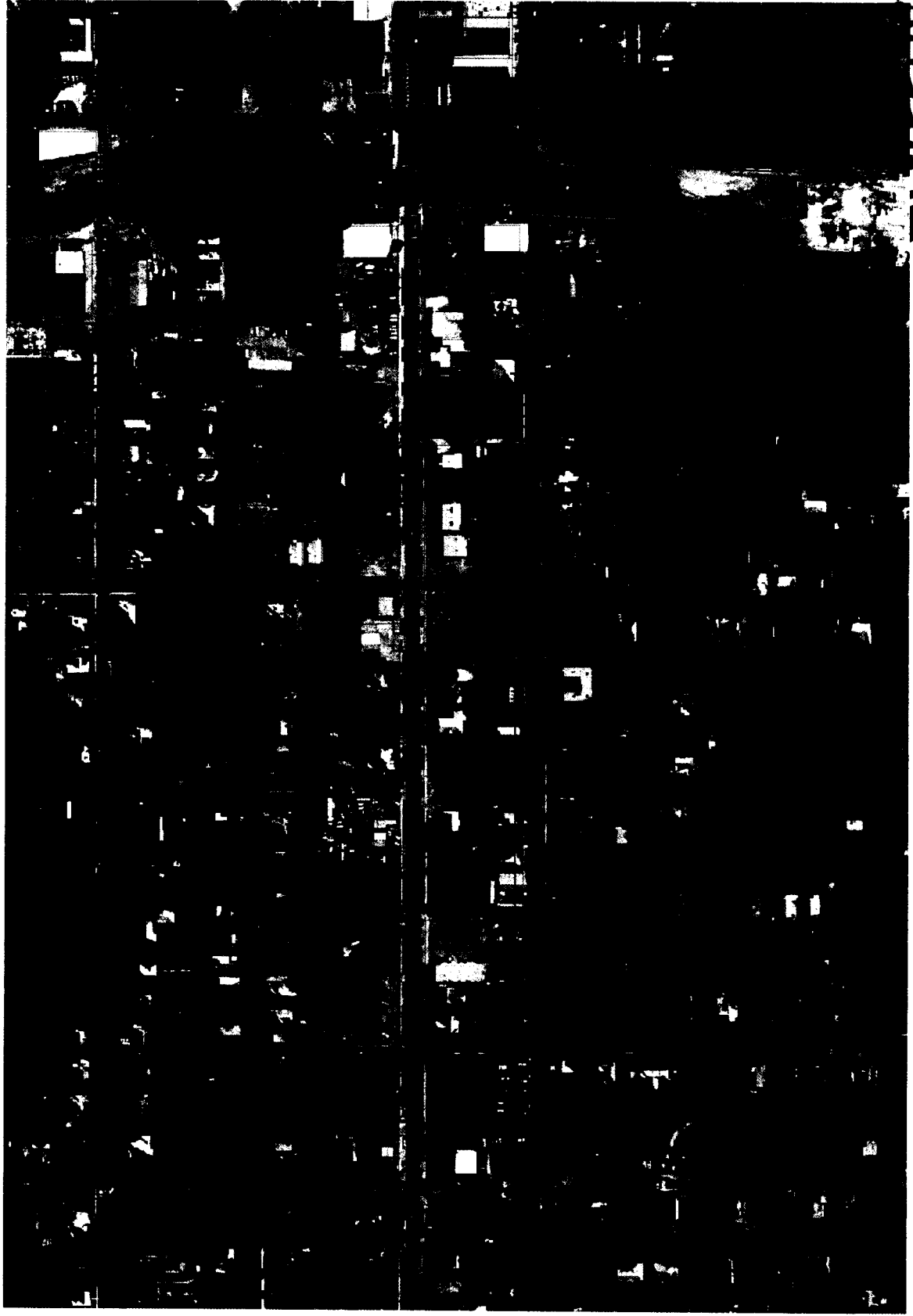
**APPROVED AS TO FORM:**



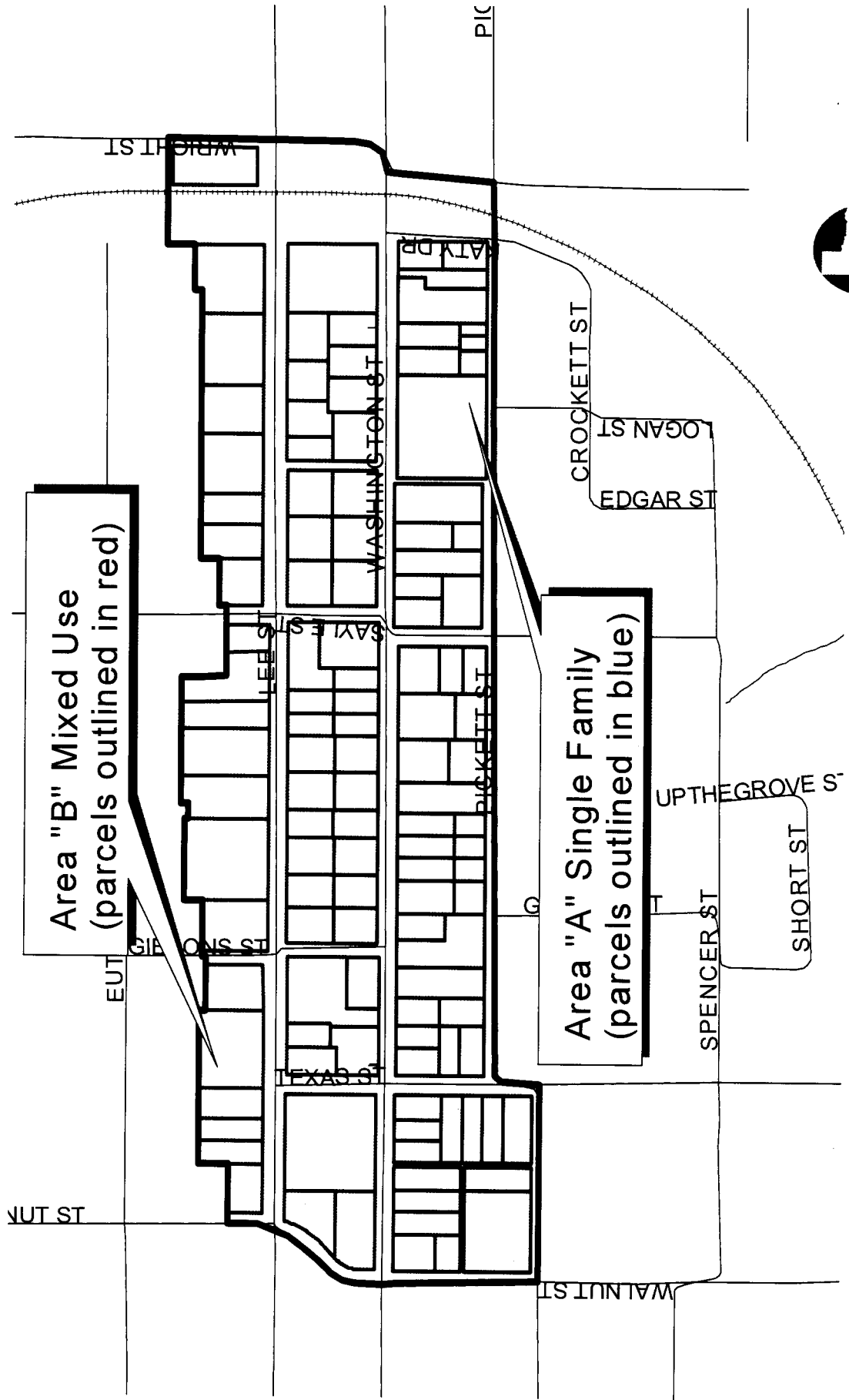
J. Andrew Bench, City Attorney

Exhibit A

# Lee/Washington Neighborhood Conservation District



# Conservation District Land Use Plan

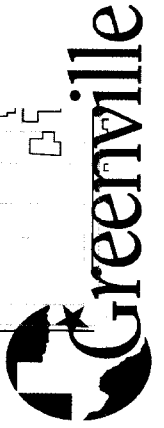
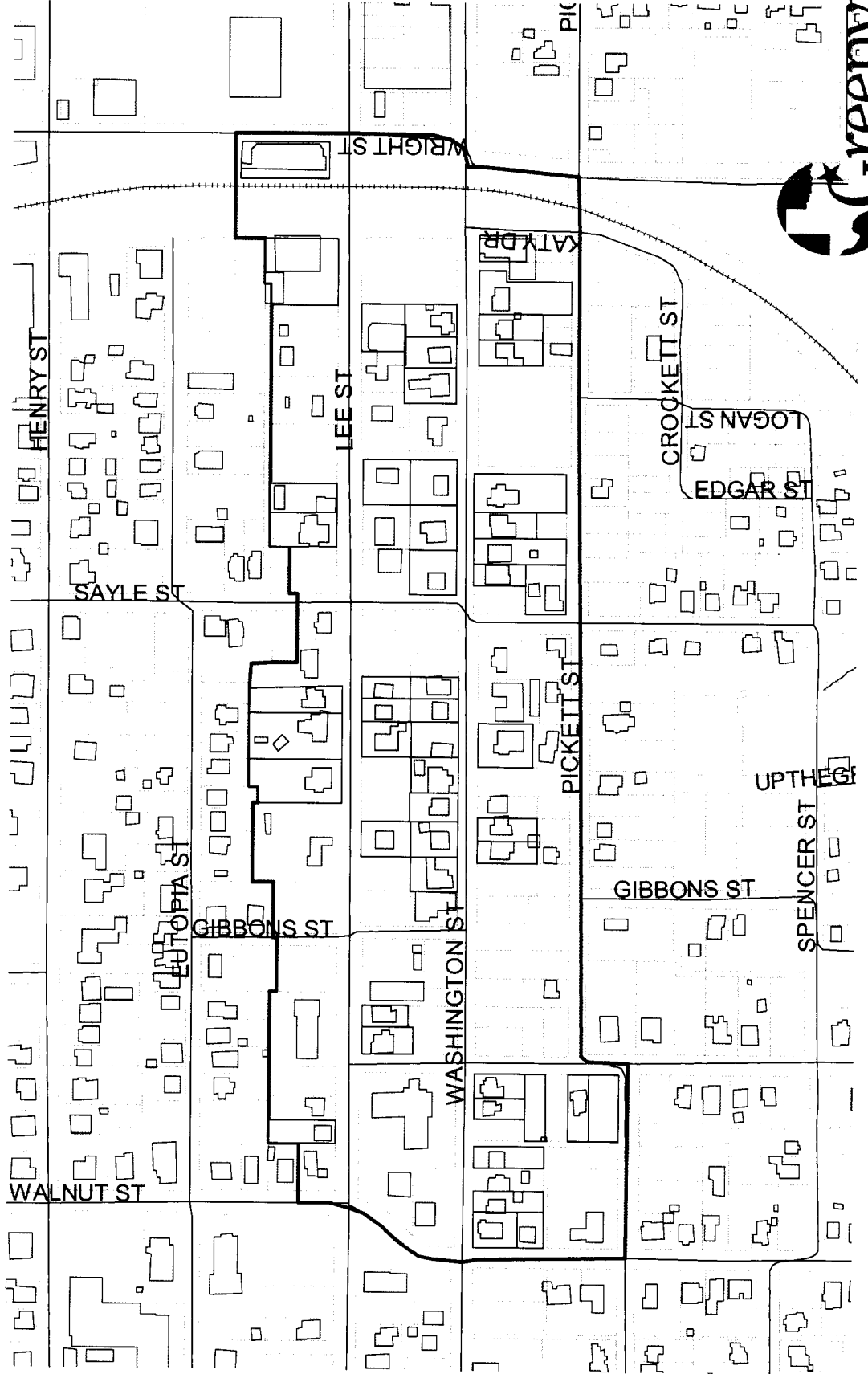


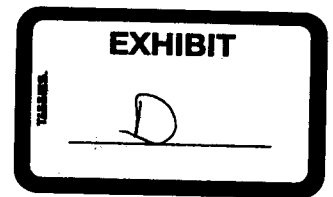
Area "B" Mixed Use  
(parcels outlined in red)

Area "A" Single Family  
(parcels outlined in blue)



# Contributing Structures (highlighted in yellow)





## NCD-1 LEE/WASHINGTON NEIGHBORHOOD NEIGHBORHOOD CONSERVATION PLAN

### CONSERVATION DISTRICT BOUNDARIES

The boundaries of the Lee/Washington Neighborhood Conservation District shall include the following parcels as shown on Exhibit A: all of Blocks 231, 232, 233, 234, 235, 261, 262, 291, 292, Original Town of Greenville (OTG); Lots 8b, 9, 10, 11, 12, 13B, Block 504 OTG; Lot 5, Block 502 OTG; Lots 12-19, 21, Block 521 OTG; Lots 2b, 3a, 3b, 4, 5, 6b, Block 531 OTG; Block 1 Wright Subdivision; and property located at 3102 Lee Street.

### LAND USE

Permitted uses in area "A" as shown on Exhibit B shall include all land use permitted within the Single Family Three (SF-3) zoning district. Permitted uses in area "B" as shown on Exhibit B shall include any land use permitted within area "A" and all land uses permitted within the Office (O) and Neighborhood Service (NS) zoning districts.

### DESIGN STANDARDS

The construction of new buildings shall comply in every respect with the design standards outlined herein. Additions or alterations to existing buildings may be designed to compliment existing architecture but shall comply with the Design Standards herein to the greatest extent possible. Judgment will be based on the compatibility of the design within the context of the property's adjacent and nearby conforming or contributing buildings. Lots with contributing structures are shown on Exhibit C. All structures constructed after the adoption of these design standards are assumed to be contributing structures. Non-contributing structures shall not be enlarged unless the expansion conforms in every respect to the Design Standards outlined herein. 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

#### 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%.

### Walkway

A front walkway between 36" and 48" 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. Wood window screens are preferred; however, aluminum and other metal screen frames may be used if the color matches the window trim color.

### 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.

New Construction and/or Rehabilitation: Exterior walls shall be covered with 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.

### 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.

### Roof Line/Pitch

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 wings with 12:12 minimum pitch gables. Eaves must extend at least 12 inches beyond the side of the house.

### 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 and 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: is located in the rear of the structure with a side or rear entry, is constructed of the same building materials, and if 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 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, except that adjacent to a side street the side yard shall never be less than ten (10) feet. 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. Lots larger than ½ acre shall not be used to calculate median lot size. In no case may the size of a lot be reduced smaller than 5,000 square feet. Existing lots smaller than 5,000 square feet may not be reduced in size.

The minimum lot width for any parcel shall be 50 feet and the minimum lot depth shall be 100 feet.

The building coverage for any lot smaller than 5,000 square feet shall not exceed 45%. The building coverage for any lot 5,000 square feet or larger shall not exceed 35%. Except for churches located anywhere within the district, and non-residential structures located on the two lots at the northeast and southeast corners of Lee and Walnut, the building foot print of the primary structure shall not exceed 2,500 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)
- c) a maximum setback of 25 feet if both conditions (a) and (b) exceed twenty-five feet.

The side yard setback for the primary structure shall not be less than five 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 may be paved with concrete, concrete ribbon, or brick pavers. Asphalt paving for residential driveways is prohibited. Concrete ribbon strips shall maintain a width between 1½ to 2½ feet and are encouraged on driveways to single family homes. 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.

## 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.

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

### Signs

For permitted non-residential uses, a single free standing monument sign, not exceeding 32 square feet (including sign structure) for a single-tenant building, or 50 square feet (including sign structure) for a multi-tenant building 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 and Certain Non-Residential Structures

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, and to any non-residential structures located on the two lots at the northeast and southeast corners of Lee and Walnut.

### Exterior Elevation Features

Buildings must be 100% acceptable masonry material as defined in the City's Code of Ordinances, and must have a minimum 10/12 pitch roof. Parking may be in the front yard and must otherwise comply with standard non-residential parking regulations outlined in the Zoning Ordinance.