

ORDINANCE NO. 16-010
AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 19, Chapter 160A, of the General Statutes of North Carolina, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on February 11, 2016, at 6:00 p.m., in the City Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance amending the City Code; and

WHEREAS, in accordance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of the ordinance involving the text amendment is consistent with the adopted comprehensive plan and other officially adopted plans that are applicable and that the adoption of the ordinance involving the text amendment is reasonable and in the public interest due to its consistency with the comprehensive plan and other officially adopted plans that are applicable and, as a result, its furtherance of the goals and objectives of the comprehensive plan and other officially adopted plans that are applicable;

WHEREAS, as a further description as to why the action taken is consistent with the comprehensive plan and other officially adopted plans that are applicable in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance is consistent with provisions of the comprehensive plan including, but not limited to, Horizons: Greenville's Community Plan, 2004, Section 4, Implementation, Section 1, Land Use, Implementation Strategy 2(b) to provide for the Mixed Use District;

WHEREAS, as a further explanation as to why the action taken is reasonable and in the public interest in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance will, in addition to the furtherance of other goals and objectives, encourage mixed use development in the CDF (Downtown Commercial Fringe) zoning district;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GREENVILLE, NORTH CAROLINA, DOES HEREBY ORDAIN:

Section 1: That Title 9, Chapter 4, Article D, Section 9-4-78 (Appendix A)(C)(2) of the City Code is hereby amended by rewriting the column labeled "Use" on the row numbered e(1) to read as follows:

Dormitory development (see also Sec. 9-4-86(MM), *Only allowed in CDF district with an Urban Core Overlay District (see also Sec. 9-4-86(MM)-1)

Section 2: That Title 9, Chapter 4, Article D, Section 9-4-78 (Appendix A)(C)(2) of the City Code is hereby amended to add "S*" under the column labeled "CDF" on the row numbered

e(1) in order to add the use entitled "Dormitory development" as a special use in the CDF (Downtown Commercial Fringe) District.

Section 3: That Title 9, Chapter 4, Article E, Section 9-4-86 of the City Code is hereby amended by adding the following subsection (MM)-1:

(MM)-1 Dormitory development within the CDF-UC District.

- (1) Maximum single and double occupancy limits shall comply with the following minimum habitable (mechanically conditioned) floor area per each bedroom. For purposes of these requirements, the term "floor area" shall include private living spaces and any connected common living spaces associated with subject bedroom, provided however the common living space allocation devoted to a bedroom shall not qualify for or count toward the minimum floor area requirement of any other bedrooms:
 - (a) Single residential occupancy within dormitory units shall be limited to one bed per each bedroom and one person per each bedroom having a minimum floor area of 200 square feet.
 - (b) Double residential occupancy within dormitory units shall be limited to two beds per each bedroom and two persons per each bedroom having a minimum floor area of 400 square feet.
- (2) Dormitory development within the CDF-UC District shall provide retail sales and/or other non-residential uses with a minimum floor area of 10,000 square feet. For purposes of this requirement, the term "floor area" shall mean non-storage floor area which is used as retail sales, or other non-residential uses. Where architectural layouts are not available for consideration, the "floor area" will be calculated by multiplying 80 percent times the gross area designated as non-residential use until such time architectural layouts are available for consideration or occupancy has commenced, whichever is earlier.
- (3) Minimum lot area: 2.0 Acres
- (4) Minimum lot width: 100 feet
- (5) Minimum street setback: five feet
- (6) Minimum side and rear setbacks:
 - (a) When adjacent to single-family use: ten feet
 - (b) When adjacent to any use other than single-family: per Article G, Bufferyard setback
- (7) Maximum height (above grade): none
- (8) Maximum lot coverage (excluding drives and parking): none
- (9) Minimum parking requirements:

- (a) Single residential occupancy: Seventy-five hundredths (0.75) space per bed.
 - (b) Double residential occupancy: One and one-half space per bedroom.
 - (c) Non-residential uses: The required number of parking spaces for non-residential uses shall be provided in accordance with Article O, except as modified herein. The parking requirements set forth in Article O for non-residential uses may be reduced by twenty-five percent (25%) where combined parking is available for the non-residential user. For purposes of this section, the term "combined parking" shall be that parking which is part of the required residential parking that is available and accessible to the non-residential user.
- (10) Parking location requirements: Each required parking space shall be located on the lot containing the associated use.
 - (11) Parking spaces adjacent to principal or other structures including accessory structures per Section 9-4-251(B)(9): The minimum separation requirement may be reduced at the option of the Owner to not less than five (5) feet.
 - (12) Off-street parking: All off-street parking areas designed for three or more spaces shall be in accordance with Article O-Parking except as modified in Sec. 9-4-200.1(B)(6).
 - (13) Site vegetation location requirements per Section 9-4-268(J)(1) may be modified for dormitory developments whereby, with the exception of street yard trees, site vegetation shall not be located within two feet of a principal and/or accessory structure in order to meet vegetation requirements.
 - (14) Signage: All signs shall be erected in accordance with Article N of this chapter.
 - (15) Residential and nonresidential uses allowed: Subject to district standards, and requirements, development allowed under this section may include both residential and nonresidential use.
 - (16) Nothing in this subsection shall supersede applicable North Carolina State Building Code Requirements.

Section 4: That Title 9, Chapter 4, Article L, Section 9-4-200.1 of the City Code is hereby amended by rewriting subsection (B)(5) to read as follows:

- (5) Within any Urban Core (UC) Overlay District multi-family development, land use intensity multi-family (LUI) development rating 50, land use intensity dormitory (LUI) development rating 67, and dormitory development, as listed under Article D and Appendix A table of permitted

uses, shall be subject to modified standards as listed under subsection (6) below, unless otherwise provided. All other standards, requirements and conditions of the underlying general purpose district not included under and modified by subsection (6) shall continue to apply.

Section 5. That any part or provision of this ordinance found by a court of competent jurisdiction to be in violation of the Constitution or laws of the United States or North Carolina is hereby deemed severable and shall not affect the validity of the remaining provisions of the ordinance.

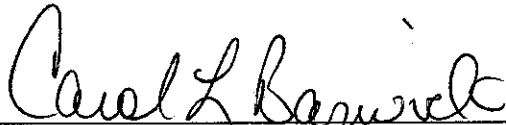
Section 6. That this ordinance shall become effective immediately upon adoption.

Adopted this 11th day of February, 2016.



Allen M. Thomas, Mayor

ATTEST:



Carol L. Barwick, City Clerk



(see also Sec. 9-4-86(MM), *Only allowed in CDF district with an Urban Core Overlay District (see also Sec. 9-4-86(MM)-1)

(2) Residential.

S*

USE	LUC #	RA 20	R 15 S	R 9 S	R 6 S	R 6 N	R 9	R 6	R 6 A	R 6 M H	M I	M S	M O	M C G	M R	M C H	M R S	O R	O	C D	C D F	C G	C N	C H	I U	I	P I U	P I
a. Single-family dwelling	1	P	P	P	P	P	P	P	P	P					P		P				P							
b. Two-family attached dwelling (duplex)	1	S				P	P	P	P	P					P			P			P							
b(1). Master Plan Community per Article J		P			P		P	P	P																			
c. Multi-family development per Article I	2					P		P	P	P					P			P		P	P							
d. Land use intensity multi-family (LUI) development rating 50 per Article K	2								S	S					S			S			S							
e. Land use intensity dormitory (LUI) development rating 67 per Article K	2								S	S		S						S			S							
e(l). Dormitory development	2																			S	S							
f. Residential cluster development per Article M	1	P			P	P		P	P	P					P		P											
g. Mobile home (see also § 9-4-103)	1	S								P																		
h. Mobile home park	2									P																		
i. Residential quarters for resident manager, supervisor or caretaker; excluding mobile home	*										S	S	S	S			S	S	P	S	S			S	S	S	S	S
j. Residential quarters for resident manager, supervisor or caretaker; including mobile homes	*																							S	S	S	S	S
k. Family care home (see also § 9-4-103)	1	P	P	P	P	P	P	P	P	P					P		P	P			P							
l. Group care facility	3								S	S		P	P	P		S												
m. Shelter for homeless or abused (see also § 9-4-103)	3																	S			S							
m(1). Domestic Violence Center (see also § 9-4-103(DD))	3											P																
n. Retirement center or home	3	S							S	S		P	P	P		S			P		P	S						