

Master Plan Community (to replace PUD ordinance)

10/30/09

Add new section (c), (d) and (e) to existing section – Article L. Special Districts

Sec. 9-4-196. Planned unit development (PUD) district standards.

(c) Any PUD zoning district development that has received special use permit approval of a land use plan per the former Article J of this chapter prior to (____DATE HERE____), and such special use permit remains in effect, may continue under the approved special use permit and standards in effect at the time of the special use permit approval. The former Article J of this chapter is maintained on file in the office of the director of community development and remains effective for the specified purpose as if set forth in this section.

(d) Section (c) above shall only apply to PUD district developments that have received special use permit approval of a land use plan prior to (____DATE HERE____).

(e) Planned unit development districts that have not received special use permit approval of a land use plan prior to (____DATE HERE____) shall be rezoned to a district other than PUD prior to development.

Delete and replace sections 9-4-252(6) and (7) – Article O. Schedule of required parking spaces

(6) Master Plan Community (MPC) and/or
Planned Unit Development (PUD)
residential, social or recreational and
residential accessory uses

Per Article J

(7) Master Plan Community (MPC) and/or
Planned Unit Development (PUD)
nonresidential uses

Per this article in accordance with
the specific use

Add new section 9-4-78(f)(2)b(1) – Article D. Table of uses (Residential).

b(1). Master Plan Community per Article J.
LUC# * Special use – R6, R6A, R9, R6S and RA20

Amend section 9-4-78(d) – Article D. Table of uses

(d) Each listed accessory use activity and the master plan community use is assigned an asterisk (*) in substitution for a land use classification number. Such, and other accessory use(s) and various uses within an approved master plan community shall be subject to the land use classification number of the associated principal use.

Add new definition to section 9-4-22 – Master Planned Community. See Article J.

Substitute new Article J. – Master Planned Community.

Article J. Master Plan Community

Sec. 9-4-161. Purpose and intent; definition; planned unit developments previously approved, constructed and/or and vested under the regulations replaced by this Article J.; planned unit development (PUD) zoning districts previously zoned under the regulations replaced by this Article J., for which there is no vested plan of development.

(a) The purpose and intent of a master plan community is to provide an alternative to traditional development standards, which is intended to:

- (1) Reduce initial development costs by reducing standard minimum lot size and setback requirements while reserving areas for common use;
- (2) Preserve the character of surrounding neighborhoods and enhance the physical appearance of the area by preserving natural features, existing vegetation, while providing recreational and open areas;
- (3) Provide for desirable and usable open space, tree cover, and the preservation of environmentally sensitive areas;
- (4) Promote economical and efficient land use, which can result in smaller networks of public facilities, utilities and streets;
- (5) Provide for an appropriate and harmonious variety of housing and creative site design alternatives;
- (6) Promote energy conservation by optimizing the orientation, layout and design of structures to take maximum advantage of solar heating/cooling schemes and energy conserving landscaping;
- (7) Encourage innovations in residential development so that the growing demands of population may be met by greater variety in type, design and layout of buildings; and
- (8) Provide a procedure that can relate the type, design and layout of development to a particular site and the particular demand for housing and other facilities at the time of development in a manner consistent with the preservation of property values within established residential areas.

(b) For purposes of this article, a master plan community shall be defined as a unified development that meets all of the following:

- (1) Land under common ownership, to be planned and developed as an integral unit;
- (2) A single development or a programmed series of development, including all lands, uses and facilities;

- (3) Is constructed according to comprehensive and detailed plans that include streets, drives, utilities, lots and building sites. Plans for such building locations, uses and their relation to each other shall be included and detailed plans for other uses and improvements of land showing their relation to the buildings shall also be included; and
 - (4) Provides for the provision, operation and maintenance of areas, facilities and improvements as shall be required for perpetual common use by the occupants of the master plan community.
- (c) Any PUD zoning district development that has received special use permit approval of a land use plan per the former Article J of this chapter prior to (____DATE HERE____), and such special use permit remains in affect, may continue under the approved special use permit and standards in effect at the time of the special use permit approval. (See also section 9-4-196 of this chapter.)
- (d) The owner of any PUD zoning district that has not received special use permit approval of a land use plan per the former Article J of this chapter prior to (____DATE HERE____), shall be required to file a rezoning request to a zoning district other than PUD within one hundred eighty (180) days of (____DATE HERE____). Any rezoning filing fee due for rezoning from PUD to an alternative zoning district shall be waived provided the rezoning application is submitted within the one hundred eighty (180) day period prescribed above. If the owner of the PUD district does not file a rezoning request as provided herein the PUD zoned area will automatically revert, at the expiration of the prescribed one hundred eighty (180) day period, to the zoning district designation in effect prior to the PUD zoning designation.

Sec. 9-4-162. Area; regulation of uses; density; open space; recreation; parking; landscape; density bonus requirements.

(a) *Minimum area requirements.*

- (1) A master plan community shall contain not less than fifty (50) gross acres. Addition to any existing master plan community may be allowed provided such addition meets or exceeds all other applicable requirements. The master plan community shall be included under one (1) land use plan application and each addition to or amendment of such development shall be consider as a revision to the previously approved special use permit. In the case of an addition to or amendment of a previously approved special use permit, the master plan community property owners' association may execute any and all special use permit amendment applications on behalf of the property owners of individual lots subject to such association located within the original master plan community section. No master plan community shall be reduced in area unless the special use permit for such development is amended in accordance with this article provided however, the dedication of public rights-of-way shall not be subject to this requirement.

For purposes of this chapter, the term "gross acres" shall be construed as the total acreage of the master plan community including all lands located within the boundary of the development and any future public street rights-of-way,

private street easements, common open spaces, public dedicated and accepted land or land deeded to the city or county per a density bonus option, land acquired by the city for any public purpose, and future building sites located within the boundary of the master plan community. With the exception of future street rights-of-way acquired pursuant to the Greenville Urban Area Thoroughfare Plan, and/or on-site public street improvements required and related to the master plan community, existing street rights-of-way that border the peripheral master plan community boundary at the time of original land use plan submission shall not be included in the gross acre calculation.

- (2) Master plan communities comprising less than seventy five (75) gross acres and/or less than two-hundred fifty (250) dwelling units shall contain residential uses only as set forth in subsection (b)(5) of this section.
- (3) Except as provided under subsection (c)(3) below, master plan communities comprising seventy five (75) gross acres or more and two-hundred fifty (250) or more dwelling units may contain all of the uses permitted by subsections (b)(5) and (b)(6) of this section provided that all designated nonresidential area(s) shall meet all of the following design requirements:
 - a. Shall be designed and located with the primary intention of serving the immediate needs and convenience of the residents of the master plan community.
 - b. Shall be located on thoroughfare streets included on the Greenville Urban Area Thoroughfare Plan and/or on “minor streets” as defined in section 9-4-168.
 - c. Shall not be located within one hundred (100) feet of the peripheral boundary of the master plan community. If any portion of such nonresidential area is located within three hundred (300) feet of any single-family residential property zoned RA-20, R15S, R9S, R6S, or MRS and located outside the peripheral boundary of the master plan community, the nonresidential area and all nonresidential and residential use therein shall be screened by a bufferyard “E” or equivalent screen per Article P of this chapter. The purpose of the bufferyard “E” or equivalent screen shall be to provide a complete visual barrier between said single-family residential zoning district and the nonresidential area at the time of development of the nonresidential area. Screening required pursuant to this subsection may be phased to coincide with development of the nonresidential area provided compliance with the purpose of this subsection. The city council shall approve by condition the location and phasing of the required screen at the time of special use permit approval.
 - d. Shall not be developed for any purpose other than as specified under subsection f below until (i) all of the residential lots and/or residential tracts located within the residential designated area(s) have been final platted and (ii) not less than fifty (50) percent of the total number of dwelling units approved for said lots and/or tracts have been constructed and have been issued temporary and/or final occupancy permits. For

purposes of this section units or beds in a congregate care facility shall not be included in or count toward the total number of dwelling units.

- e. Plans for nonresidential development and any associated residential uses located on any designated nonresidential area may be submitted and approved following special use permit approval of the land use plan, however no building or other permit shall be issued for any nonresidential area use, including residential use, until the minimum number of dwelling units have been constructed and permitted for occupancy in designated residential areas per subsection d above.
- f. Streets, greenways, sidewalk and bike paths, drainage and utility improvements, public recreation areas and improvements, and public service delivery improvements, buildings or structures shall be permitted within any nonresidential area at any time following special use permit approval of the land use plan, and compliance with applicable subdivision regulations or other required permits for such improvements.
- g. Residential uses located within a nonresidential area shall be subject to the requirements, conditions and restrictions applicable to nonresidential uses.

(b) *Regulation of uses.* Subject to subsection (a) of this section, a master plan community may contain the permitted uses as listed in subsections (5) and (6) below in accordance with the following:

- (1) Such uses shall be subject only to the development standards included in this article unless otherwise noted.
- (2) The listed uses contained in subsections (5) and (6) below are permitted uses within a master plan community, provided compliance with all provision in this article, and no further special use permit approval is required for such uses following approval of the land use plan special use permit for the planned unit development within which said uses are proposed to be located.
- (3) Residential uses shall be permitted in any area designated as either residential and/or nonresidential area if such combined use is indicated upon the approved land use plan, however nonresidential uses shall only be permitted within designated nonresidential areas. Where such combined use is proposed, the number and type of dwelling unit shall be indicated on the land use plan at the time of special use permit application.
- (4) All definitions shall be per Article B of this chapter unless otherwise defined in this article.
- (5) Permitted residential uses:
 - a. Single-family dwelling;
 - b. Two-family attached dwelling (duplex);
 - c. Multi-family development (apartment, condominium and/or townhouse);
 - d. Family care home, subject to 9-4-103;
 - e. Accessory building or use;

- f. Public recreation or park facility;
- g. Private recreation facility;
- h. Church or place of worship;
- i. Golf course; regulation;
- j. City of Greenville municipal government building or use subject to 9-4-103;
- k. Retirement center or home including accessory nursing care facilities (each separate dwelling unit and/or each 5 beds in a congregant care facility shall constitute one (1) dwelling unit for residential development density purposes regardless of location);
- l. Room renting.

(6) Permitted nonresidential uses:

- a. School; elementary subject to 9-4-103;
- b. School; kindergarten or nursery subject to 9-4-103;
- c. School; junior and senior high subject to 9-4-103;
- d. Child day care facilities;
- e. Adult day care facilities;
- f. Barber or beauty shop;
- g. Office; professional and business not otherwise listed in Article D;
- h. Medical, dental, ophthalmology or similar clinic not otherwise listed in Article D;
- i. Library;
- j. Art gallery;
- k. Grocery; food or beverage, off-premise consumption;
- l. Convenience store (not including principal or accessory auto fuel sales);
- m. Pharmacy;
- n. Restaurant; conventional;
- o. Restaurant; outdoor activities;
- p. Bank, savings and loan or other savings or investment institutions;
- q. City of Greenville municipal government building or use subject to 9-4-103;
- r. Accessory building or use.

(c) *Maximum base density requirements.*

- (1) Residential base density shall not exceed four (4) dwelling units per gross acre of the entire master plan community including both residential and nonresidential areas, except as further provided under the density bonus options contained in section 9-4-162(j). Residential density may be allocated to a designated nonresidential area per subsection (k) of this section provided such designation is noted on the approved land use plan and the dwelling unit density of the residential area is reduced proportionally.
- (2) Except as further provided under subsection (3) below, nonresidential use designated area(s) shall not exceed five (5) percent of the gross master plan community acreage regardless of the actual amount of developed land area devoted to any nonresidential use or activity. Residential development within a designated nonresidential area shall not increase the land area designated as nonresidential.

- (3) Nonresidential use designated areas that are located entirely within a water supply watershed (WS) overlay district shall not exceed twenty (20) percent of the gross master plan community acreage regardless of the actual amount of developed land area devoted to any nonresidential use or activity, provided compliance with all of the following:
 - a. The master plan community shall contain not less than one hundred (100) gross acres.
 - b. The total number of approved single-family, two-family attached (duplex) and/or multi-family dwelling units located within the master planned community shall equal or exceed three hundred (300) total dwelling units. For purposes of this requirement, units or beds in a congregate care facility shall not be included in or count toward the total number of dwelling units.
 - c. The nonresidential area and development therein shall be subject to the water supply watershed (WS) overlay district standards as set forth under section 9-4-197 of this chapter.
 - d. If any portion of any nonresidential designated area is located outside the water supply watershed (WS) overlay district all nonresidential use designated area(s) shall not exceed five (5) percent of the gross master plan community acreage regardless of the actual amount of developed land area devoted to any nonresidential use or activity.

(d) *Open space requirements.*

- (1) A master plan community shall reserve not less than twenty five (25) percent of the gross acreage as common open space.
- (2) Except as otherwise provided, such open space area shall not be used as a building site or be utilized for any public street right-of-way or private street easement, private driveway or parking area or other impervious improvement.
- (3) A minimum of one-third (1/3) of the required open space shall be contained in one (1) continuous undivided part, except for the extension of streets. For purposes of this requirement, such open space areas shall not measure less than thirty (30) feet in width at the narrowest point.
- (4) Not more than twenty five (25) percent of the required open space shall lie within any floodway zone.
- (5) If developed in sections, the open space requirements set forth herein shall be coordinated with the construction of dwelling units and other facilities to insure that each development section shall receive benefit of the total common open space. A final subdivision plat shall be recorded in the Pitt County Register of Deeds which clearly describes the open space(s) and conditions thereof, prior to the issuance of any building permit(s).
- (6) Such open space area shall be legally and practically accessible to the residents of the development, or to the public if so dedicated.

- (7) Such open space area shall be perpetually owned and maintained for the purposes of this article by a property owners' association or, if accepted by the city, dedicated or deeded to the public.
- (8) Streets, private drives, off-street parking areas and structures or buildings shall not be utilized in calculating or counting towards the minimum common open space requirement; however, lands occupied by public and/or private recreational buildings or structures, bike paths and similar common facilities may be counted as required open space provided such impervious surfaces constitute no more than five (5) percent of the total required common open space.
- (9) In the designation and approval of common open space, consideration shall be given to the suitability of location, shape, character and accessibility of such space. The location and arrangement of any common open space(s) shall be subject to city council approval.

(e) *Recreation space requirement.*

- (1) A minimum of twenty five (25) percent of the required gross common open space in a master plan community shall be developed for active recreational purposes. For purposes of this section, "active recreation" shall include, but not be limited to, tennis courts, swimming pools, ball fields, fitness courses, and the like.
- (2) The city council may rely on the advice of the Director of Recreation and Parks concerning the suitability of proposed "active recreation" facilities.

(f) *Dedication of open space, park lands and greenways.*

- (1) If any portion of the area proposed for a master plan community lies within an area designated in the officially adopted greenway master plan as a greenway corridor, the area so designated shall be included as part of the area set aside to satisfy the open space requirements of this section. The area within such greenway corridor shall be dedicated and/or reserved to the public at the option of the city.
- (2) Where land is dedicated to and accepted by the city for open space, park and recreation purposes and/or greenways, such lands may be included as part of the gross acreage, open space and/or recreation space requirement of this article.
- (3) Approved master plan community shall not be subject to any recreation and/or open space requirement of the subdivision and/or zoning regulations not otherwise included in this chapter.

(g) *Off-street parking requirement.*

- (1) Parking requirements shall be in accordance with Article O of this chapter.

(h) *Bufferyard setbacks and vegetation requirements for site developments, parking lots and drives.*

(1) Bufferyard setbacks shall be in accordance with Article G of this chapter.

(2) Vegetation requirements shall be in accordance with Article P of this chapter.

(i) *Driveways.*

(1) Driveways shall be in accordance with Title 6, Chapter 2, Streets and Sidewalks of the Greenville City Code.

(j) *Residential density bonus provisions and standards.* A residential density bonus rounded to the nearest whole number and not to exceed a total of two hundred (200) percent – (8 units per gross acre) – over the allowable base density as set forth in section 9-4-162(c) may be approved by the city council in accordance with the standards for allowing density bonuses listed below. The applicable requirements of section 9-4-167(c), preliminary plat-site plan requirements, shall be indicated on the land use plan in sufficient detail to enable the city council to evaluate such density bonus proposals. Regardless of the density bonus provision satisfied or approved, the total residential density of any master plan community shall not exceed twelve (12) dwelling units per gross acre.

(1) *Common open space.* Increasing the common open space area by twenty (20) or more percent above the required common open space provisions (i.e. to forty five (45) percent or more) shall allow a bonus of fifty (50) percent – (2 total units per gross acre) – above the base density of a master plan community.

(2) *Bike paths/greenway systems.* The provision of a constructed system of bike paths/pedestrian greenways that form a logical, safe and convenient system of access to all dwelling units, interior project facilities or principal off-site pedestrian destinations shall qualify for a density bonus. Such facilities shall be appropriately located, designed and constructed with existing topography, land form, and vegetation in accordance with the Greenway Master Plan requirements and other amenities associated with the master plan community. The density bonus allowed under this provision shall be twenty five (25) percent – (1 total unit per gross acre) – above the base density of a master plan community.

(3) *Solar access.* Where the design of a master plan community provides sixty (60) percent of dwelling units, proper solar access in order that those dwelling units maximize solar energy systems for heating and cooling purposes, a density bonus of fifty (50) percent – (2 total units per gross acre) – above the base density of a master plan community shall be allowed provided the design of the master plan community meets the following:

a. The master plan community shall be designed so that the buildings shall receive sunlight sufficient for using solar energy systems for water heating and/or space heating and cooling. Building and vegetation shall be sited with respect to each other and the topography of the site so that maximum unobstructed sunlight

reaches the south wall or rooftop of the designated units employing the solar heating/cooling systems including active and/or passive systems; and

- b. The following criteria in addition to other design elements shall be evaluated in determining proper site design for the active and/or passive solar system utilized:
 - 1. Site selection;
 - 2. Street pattern;
 - 3. Lot orientation;
 - 4. Building orientation;
 - 5. Building design;
 - 6. Existing and proposed vegetation; and
 - 7. Shadow patterns.
- c. The city council may rely on the advice of Greenville Utilities Commission, or designated agent, in the evaluation of this density bonus option.

(4) *One Hundred (100) acres or more development.* Where a master plan community land use plan consists of one hundred (100) gross acres or more a density bonus of seventy five (75) percent – (3 total units per gross acre) – above the base density of a master plan community shall be allowed. To qualify for this density bonus, additions to an existing master plan community must be approved as an amendment to the land use plan of the master plan community to which attached.

(5) *Community facilities.* Voluntary dedication or fee simple gift of public facility property (minimum of 1 acre per facility lot) for unrestricted use by the city for public service delivery, including fire and rescue and police stations and the like, shall allow a density bonus of twenty five (25) percent – (1 total unit per gross acre) – above the base density of a master plan community for each separate one (1) acre facility lot desired by and accepted by the city. The City Manager shall be authorized to make determinations on this matter provided however the city shall not be obligated to construct any public facility upon said property and the density bonus allowed under this section shall be allowed whether or not the facility is constructed.

(6) *Public school site.* Voluntary dedication or fee simple gift of a public school property site (minimum of 20 acre per property site) for unrestricted use by the Pitt County School Board shall allow a density bonus of seventy five (75) percent – (3 total units per gross acre) – above the base density of a master plan community for each separate twenty (20) acre facility lot desired and accepted by the county. The County Manager shall be authorized to make determinations on this matter provided however Pitt County or Pitt County School Board shall not be obligated to construct any public facility upon said property and the density bonus allowed under this section shall be allowed whether or not the facility is constructed. Public school sites acquired under this section shall be utilized only for a public school or open space and shall not be utilized for any residential or nonresidential purpose or any remotely located school recreation, parking or other facility unless such site is removed

from the master plan community land use plan by amendment and in accordance with the requirements of this article.

- (7) *Public transit facilities.* The provision of fully functional public transit stops, including base pads, seating, foul weather enclosure and roofs, and vehicle turnouts at convenient locations for pedestrian and vehicle access shall qualify for a density bonus, except as otherwise provided. The number of transit stops, their location and design shall be subject to the approval of the City Engineer. If located outside the public right-of-way such transit stops and constructed facilities shall be located on land dedicated or deeded to the city or included within an easement dedicated for such purpose, if accepted by the city. The density bonus allowed under this provision shall be twelve and one-half (12.5) percent – (1/2 total unit per gross acre) – above the base density of a master plan community. If the city engineer determines that the proposed number of transit stops, their location and design is not in the best interest of the city no density bonus shall be allowed under this section.
- (8) *Affordable housing.* The provision of affordable rental and/or unit ownership housing including detached and attached dwellings shall qualify for a density bonus. Each density bonus qualified unit allowed under this section shall be devoted to an affordable housing options listed in subsection a. and/or b. below. The density bonus allowed under this provision shall be seventy five (75) percent – (3 total units per gross acre) – above the base density of a master plan community.
- a. Rental affordable housing. Each bonus qualified rental affordable housing dwelling shall be constructed under and utilize the State of North Carolina’s Low Income Rental Tax Credit Program administered by North Carolina Housing Finance Agency, or similar and equivalent program.
 - b. Unit ownership housing. Each bonus qualified unit ownership affordable housing dwelling shall be constructed under and utilize a State of North Carolina Low Income Home Ownership Production Program administered by North Carolina Housing Finance Agency, or similar and equivalent program.
- (k) *Combination of use.* Combination of use shall only be permitted in areas designated as “nonresidential” on the approved land use plan. Residential and nonresidential uses may be approved to be located on the same lot and in the same structure provided such combined uses individually comply with all standards applicable to each uses. Where residential and nonresidential uses are located in the same structure the more restrictive requirements and regulations shall apply to all common structures.

Sec. 9-4-163. Master plan community; residential uses dimensional standards.
(See also section 9-4-162(k) Combination of use)

- (a) *Lot area.* The lot area for each detached single-family dwelling shall be no less than four thousand (4,000) square feet.

(b) *Lot width.* No minimum lot width for detached single-family dwelling, however, all lots shall contain a building site of like design and area to other lots within the common development. Lot width for each attached dwelling unit shall be not less than sixteen (16) feet. For purposes of this section, “lot width” shall include condominium unit width.

(c) *Lot frontage.* Forty (40) feet, except on the radius of a cul-de-sac where such distance may be reduced to twenty (20) feet.

(d) *Public or private street setback.* Except as further provided, no principal or accessory structure shall be closer than twenty (20) feet to a public street right-of-way or private street easement. Detached single-family dwellings shall be setback not less than fifteen (15) feet from a public street right-of-way or private street easement or as further provided herein.

(e) *Minimum side yard.* The side yard area required for detached single-family and two-family attached dwellings may be subject to section 9-4-165 (zero (0) lot line) or not less than twelve (12) feet, provided however, that no detached single-family or two-family attached structure shall be located on more than one (1) exterior side lot line.

Detached single-family and two-family attached dwellings which do not utilize the provisions of section 9-4-165 (zero (0) lot line) and are not located adjacent to a structure or lot subject to section 9-4-165 (zero (0) lot line) shall maintain a minimum side setback of not less than six (6) feet.

The side yard area required for attached units shall be subject to the applicable provisions of section 9-4-165 (zero (0) lot line) provided the end unit of an attached building group containing three (3) or more units is not less than sixteen (16) feet from an adjacent property line or building.

(f) *Minimum rear yard.* Except as further provided, the rear yard area required for detached or attached dwelling units shall be subject to section 9-4-165 (zero (0) lot line) or not less than twenty (20) feet. Detached single-family dwellings shall be subject to section 9-4-165 (zero (0) lot line) or not less than twelve (12) feet.

(g) *Building separation.* Building separation within group developments containing two (2) or more principal structures on one (1) lot of record shall be subject to the following:

(i) No portion of a principal structure front or rear building wall elevation shall be located less than forty (40) feet from an adjacent principal structure front or rear building wall elevation as measured at ninety (90) degrees.

(ii) No portion of a principal structure side building wall elevation shall be located less than twenty (20) feet from an adjacent principal structure as measured at ninety (90) degrees.

(iii) No portion of any principal structure shall be located less than sixteen (16) feet from any other principal structure as measured to the closest point.

(iv) Architectural extensions including, but not limited to, bay windows, chimneys, open porches and decks, roof overhangs and balconies shall not be considered in calculating building separation provided such encroachments are not more than three (3) feet.

(h) *Maximum height.* No structures or buildings having a zero (0) side and/or rear setback in accordance with section 9-4-165 shall exceed thirty five (35) feet in height above the property grade.

Structures or buildings not having a zero (0) side and/or rear setback in accordance with section 9-4-165 shall not exceed thirty five (35) feet in height above the property grade unless the required setbacks and building separations are increased one (1) foot for each one (1) foot or fraction thereof of building height in excess of thirty five (35) feet.

(i) *Periphery boundary setback and vegetation requirement* No portion of a master plan community including accessory structures, parking areas or required yards shall be located less than sixty (60) feet from the peripheral boundaries of the master plan community. The peripheral boundary setback area shall be left in its natural vegetative state or shall be landscaped in accordance with the screening requirements for a bufferyard “C” classification as specified in Article P of this chapter. Where the natural vegetation does not meet the minimum bufferyard “C” requirements then additional vegetation shall be installed as a condition of development prior to occupancy of dwellings or units within the respective section or phase. Public dedicated and accepted recreation and park land may encroach into the peripheral boundary setback.

(j) *Additional attached dwelling transition setback.* The following scale shall be utilized in the calculation of the minimum building setback, in addition to the periphery boundary setback as specified above, between proposed attached dwelling units including their accessory structures and existing single-family zoning districts or other predominantly single-family development as defined herein that border the master plan community. For purposes of this subsection, “other predominantly single-family development” shall be that area within one hundred (100) feet of the external boundary of the master plan community district in which fifty (50) percent or more of the conforming land uses are single-family residential.

Number of Units per Building	Additional Setback (Feet)
2	20
3--5	40
6--10	60
11 or over	80

(k) *Recreation area setback.* No portion of an active private recreation area shall be located within one hundred (100) feet of the external boundary of the master plan community. Public recreation areas or park land dedicated or deeded to the city shall not be subject to any external boundary setback and may be located in the peripheral boundary setback area.

(l) *Transition area setback.* Where a master plan community adjoins or borders an existing single-family zoning district or other predominantly single-family development sharing common frontage on the same or opposite side of a public or private street, the

minimum right-of-way and/or easement setback requirement of said single-family zone or development shall be utilized for the entire opposite frontage and two hundred (200) feet from such common border along such street. For purposes of this subsection, “other predominantly single-family development” shall be that area within one hundred (100) feet of the external boundary of the master plan community in which fifty (50) percent or more of the conforming land uses are single-family residential. For purposes of this section, the minimum setback requirement along any common intersecting street may transition from the minimum right-of-way and/or easement setback requirement of the adjoining single-family zone or development to the minimum setback requirement specified under section 9-4-163(d).

(m) *Building length.* No continuous unit or series of attached units shall exceed a combined length of two hundred and sixty (260) feet. Where a continuous unit or series of units is separated by an attached and enclosed common area or enclosed community facility structure utilized for recreation, food delivery (cafeteria), assembly, and the like, the “building length” measurement shall not include the attached and enclosed common area or enclosed community facility. Portions of buildings separated by an enclosed common area or enclosed community facility shall be considered as separated for purposes of this section (m).

(n) *Storage area required.* Every dwelling unit shall provide private storage in the amount of ten (10) percent of the gross habitable floor area. The living area including closets and attics shall not count toward the required private storage area. Such storage area shall be provided in the form of attached utility rooms, detached accessory structures, and/or private yard area available for such future use or otherwise as approved by the city council. This section shall not apply to congregate care facilities.

(o) *Accessory structure requirements.*

- (1) Shall not be located within any front yard.
- (2) Detached accessory structures which are constructed with a one (1) hour fire rated assembly as required by the North Carolina State Building Code, as amended, shall not be located less than five (5) feet from any principal structure. It shall be the responsibility of the property owner to demonstrate compliance with this section. Detached accessory structures that are not constructed with a one (1) hour fire rated assembly shall not be located less than ten (10) feet from any principal structure. No detached accessory structure shall be located less than five (5) feet from any other detached accessory structure located on the same lot.
- (3) Shall not cover more than twenty (20) percent of any side yard or rear yard.
- (4) The side or rear yard requirement for attached and detached accessory structures shall be subject to the provisions of section 9-4-165 (zero (0) lot line) or not less than five (5) feet.
- (5) Satellite dish antennae and swimming pools shall comply with the applicable provisions of Article F, Dimensional standards.

(6) For purposes of this section any accessory structure attached to a principal structure shall be subject to the setback requirements of the principal structure.

(p) Residential trash/garbage/recycle containers.

(1) No container pad shall be located closer than twenty (20) feet to any dwelling unit;

(2) Each container pad required to service the development shall be located within two hundred (200) feet of the residential units such container is intended to serve;

(3) Container pads shall be enclosed on three (3) sides by a complete visual screen consisting of a fence, vegetation, berm, wall or combination thereof; and

(4) Shall be in accordance with Title 6, Chapter 3, Garbage and Refuse Collection and Disposal, of the Greenville City Code.

(q) Setback exemption. Except as further provided, minimum non-screening bufferyard “B” setbacks set forth under section 9-4-119, and/or minimum street right-of-way building setbacks may be reduced by up to ten (10) percent, at the option of the owner, where such reduction is necessary to retain an existing ten (10) inch plus caliper large tree, provided: (i) such tree is determined, by the director of community development or his designated representative, to be either natural growth (seedling) vegetation or that such tree has been in existence for not less than twenty (20) years at the current location, otherwise previously transplanted trees shall not qualify for purposes of this section, (ii) that such reduction is indicated upon an approved site plan; including the location, type and caliper of the subject tree, and the building separation and future no-build zone as further described, (iii) that a building to tree trunk separation of not less than ten (10) feet is maintained at the time of initial construction, (iv) no new future buildings, expansions or additions to existing buildings, or other impervious areas including parking areas and/or drives, shall be allowed to encroach into a designated future no-build zone, described as a ten (10) foot radius from the center of the trunk of the retained tree, and (v) a six (6) inch or greater caliper large tree shall be substituted in replacement of any dead or diseased tree qualified under this requirement, at the location of the removed tree, within sixty (60) days of removal of the tree by the owner or within said period following notice by the city. The setback reduction allowance shall not apply to single-family and two-family attached (duplex) development or associated accessory structures.

(r) When both residential and nonresidential uses are included in one common structure the more restrictive requirements shall apply to the entire structure.

Sec. 9-4-164. Master plan community; nonresidential use dimensional standards.
(See also section 9-4-162(k) Combination of use)

(a) *Lot area.* No minimum.

(b) *Lot width.* No minimum.

(c) *Public or private street setback.* No principal or accessory structure shall be closer than twenty (20) feet to a public street right-of-way or private street easement.

(d) *Minimum side yard.* Fifteen (15) feet.

(e) *Minimum rear yard.* Twenty (20) feet.

(f) *Height.* No structure or building shall exceed thirty five (35) feet in height above the property grade.

(g) *Building separation.* No structure or building shall be located within twenty (20) feet of any other structure or building.

(h) *Nonresidential condominium or townhouse type development.* Shall be subject to the applicable provisions of section 9-4-165 (zero (0) lot line), provided the overall structure meets the side, rear and public or private street setbacks as provided by this subsection.

(i) *Accessory structure requirement.* Shall be in accordance with principal building setbacks.

(j) *Nonresidential trash/garbage/recycle container requirements.*

(1) Container pads shall be enclosed on three (3) sides by a complete visual screen consisting of a fence, vegetation or combination thereof.

(2) Shall be in accordance with Title 6, Chapter 3, Garbage and Refuse Collection and Disposal, of the Greenville City Code.

(k) *Setback exemption.* The minimum non-screening bufferyard “B” setbacks set forth under section 9-4-119, and/or minimum street right-of-way building setback may be reduced by up to ten (10) percent, at the option of the owner, where such reduction is necessary to retain an existing ten (10) inch plus caliper large tree, provided: (i) such tree is determined, by the director of community development or his designated representative, to be either natural growth (seedling) vegetation or that such tree has been in existence for not less than twenty (20) years at the current location, otherwise previously transplanted trees shall not qualify for purposes of this section, (ii) that such reduction is indicated upon an approved site plan; including the location, type and caliper of the subject tree, and the building separation and future no-build zone as further described, (iii) that a building to tree trunk separation of not less than ten (10) feet is maintained at the time of initial construction, (iv) no new future buildings, expansions or additions to existing buildings, or other impervious areas including parking areas and/or drives, shall be allowed to encroach into a designated future no-build zone, described as a ten (10) foot radius from the center of the trunk of the retained tree, and (v) a six (6) inch or greater caliper large tree shall be substituted in replacement of any dead or diseased tree qualified under this requirement, at the location of the removed tree, within sixty (60) days of removal of the tree by the owner or within said period following notice by the city.

(l) When both residential and nonresidential uses are included in one common structure the more restrictive requirements shall apply to the entire structure.

Sec. 9-4-165. Zero side or rear yard setbacks for detached and attached buildings or structures.

(a) A zero side or rear yard setback where the side or rear building line is on the side or rear lot line as permitted herein, may be permitted, subject to the following provisions:

- (1) Any wall, constructed on the side or rear lot line shall be a solid door less and windowless wall. Such wall shall contain no electrical, mechanical, heating, air conditioning or other fixtures that project beyond such wall. If there is an offset of the wall from the lot line, such offset shall be subject to the provisions of section 9-4-163 and/or section 9-4-164. Roof eaves may encroach two (2) feet into the adjoining lot;
- (2) A five-foot maintenance and access easement with a maximum eave encroachment easement of two (2) feet within the maintenance easement shall be established on the adjoining lot and shall assure ready access to the lot line wall at reasonable periods of the day for normal maintenance;
- (3) No two (2) units or structures shall be considered attached unless such units or structures share a five-foot common party wall; and
- (4) Common party walls of attached units shall be constructed in accordance with the North Carolina State Building Code, G.S. Chapter 47C (North Carolina Condominium Act) and other applicable requirements.

Sec. 9-4-166. Special use permit; application, land use plan, preliminary plat-site plan and final plat requirements.

(a) *Application.* An application for a special use permit to develop a specific master plan community shall only be considered when the development property is zoned to a district that permits such special use option. See Article D, Section 9-4-78(f)(2) of this chapter for applicable districts.

- (1) *Criteria.* In addition to other considerations, the following may be utilized by the city council in evaluation of a special use permit pursuant to G.S. 160A-388(a):
 - a. That the proposed population densities, land use and other special characteristics of development can exist in harmony with adjacent areas;
 - b. That the adjacent areas can be developed in compatibility with the proposed master plan community; and
 - c. That the proposed master plan community will not adversely affect traffic patterns and flow in adjacent areas.

(b) *Land use plan.* All applications for approval of a master plan community special use permit shall be accompanied by a land use plan prepared by a registered engineer or

surveyor, submitted in accordance with section 9-5-44 of the subdivision regulations for preliminary plats and which shall include but not be limited to the following:

- (1) The numbers and types of residential dwelling units including density and density bonus options proposed within each section and the delineation of nonresidential areas;
- (2) Planned primary and secondary traffic circulation patterns showing proposed and existing public street rights-of-way and private street easements;
- (3) Common open space and recreation areas to be developed or preserved in accordance with this article;
- (4) Minimum peripheral boundary, transition area, and site development setback lines;
- (4) Proposed water, sanitary sewer, storm sewer, natural gas and underground electric utilities and facilities to be installed per Greenville Utilities Commission and City standards;
- (4) The delineation of areas to be constructed in sections, showing acreage;
- (5) Water supply watershed overlay district delineation;
- (6) Regulated wetlands delineation;
- (7) Boundary survey of the tract showing courses and distances and total acreage, including zoning, land use and lot lines of all contiguous property;
- (8) Existing vegetation, indicating all trees having a diameter of twenty four (24) inches or more that are located within future disturbance areas of building sites;
- (9) Flood hazard areas including base flood elevations;
- (10) Topographic contours at a maximum of two-foot intervals showing existing grades;
- (11) Site data including vicinity sketch, north arrow, engineering scale ratio, title of development, date of plan, name and address of owner/developer and person or firm preparing the plan;
- (12) Traffic impact analysis prepared by a qualified traffic engineer;
- (13) Any other information as may be required by the city council; and
- (14) Copies of or statements addressing the following:
 - a. Statements addressing any declarations of covenants, conditions or restrictions which create a property owners' association for the perpetual ownership and maintenance of all common open space and other areas

including, but not limited to, recreation areas, private streets, parking areas, landscaping and the like. A private facilities maintenance analysis to determine actual costs of maintenance of such common facilities may be required by the city council in order to assess the feasibility of such private maintenance;

- b. Statements addressing any proposed declarations to be recorded pursuant to the North Carolina Condominium Act (G.S. Chapter 47C);
- c. Statements addressing proposed encroachment and maintenance easements concerning zero (0) lot line building walls;
- d. Names, indicated upon the map, of all property owners who own property within one hundred (100) feet of the proposed development including tax parcel numbers as listed upon the tax records of Pitt County at the time of submission of the special use permit application;
- e. The deed book and page number(s) showing fee simple title of all property within the master plan community as listed in the Pitt County Register of Deeds; and
- f. Statements addressing the “required findings” as set forth in section 9-4-166(f)(1)(e).

(c) *Preliminary plat-site plan requirements.* After approval of the land use plan special use permit as set forth herein, the developer shall submit the following according to the approved schedule of development:

- (1) All information required by and in accordance with Title 9, Chapter 5, Subdivisions, of the Greenville City Code for submission of preliminary plats;
- (2) Where zero (0) lot line options as provided under section 9-4-165 are proposed, the building area for such lots shall be indicated on the plat.

(d) *Final plat requirements.* After approval of the preliminary plat as set forth herein, the developer shall submit the following according to the approved schedule of development:

- (1) All information required and in accordance with Title 9, Chapter 5, Subdivisions of the Greenville City Code for submission of final plats;
- (2) Where zero (0) lot line setbacks are proposed, the building area for such lots shall be indicated.
- (3) A final plat shall be recorded for the purpose of creating a boundary lot or tract for the entire master plan community prior to the approval of any separate final plat for any section and prior to the issuance of any permit for development in any section or phase located within the common project. The purpose of this requirement is to establish a permanent boundary for the master plan community project and to obtain any dedications of land,

easements, opens spaces and/or right-of-ways necessary to insure compliance with this article. As individual section or phases within the boundary lot or tract are final platted the area outside the section or phase shall be labeled and referenced as “future development area” for the approved master plan community.

(e) *Site plans for specific developments.* Site plans for specific developments shall be reviewed in accordance with Article R of this chapter.

(f) *Procedure; required review and special use permit approval.*

(1) *Land use plan; special use permit.* The applicant for a special use permit to develop a specific master plan community shall submit all information as required herein to the director of community development forty (40) working days prior to the scheduled city council public hearing.

a. *Contents.* All information as required by Section 9-4-166(b), Land use plan.

b. *Supplemental information.* The land use plan may include, at the option of the applicant, other additional information and details in support of the petition and/or voluntary conditions of approval including additional landscaping, setbacks, buffers, screening, specific building design and arrangement, or other site improvements or proposed facilities. Supplemental information offered by the applicant shall constitute a condition of approval of the special use permit if approved.

c. The city council shall hold a public hearing to review the special use permit application. The city council may in its discretion attach reasonable conditions to the plan to insure that the purposes of the master plan community can be met.

d. The city council may in its discretion attach conditions to the plan that exceed the minimum standards as set forth herein when it is found that such conditions are necessary to insure that the proposed master plan community will be compatible with adjacent areas.

e. *Required findings.* Prior to approval of a special use permit, the city council shall make appropriate findings to insure that the following requirements are met:

1. That the property described was, at the time of special use permit application, zoned to a district that allows master plan community subject to special use permit approval as provided by Title 9, Chapter 4, Article J, of the Greenville City Code.

2. That the applicant for a special use permit to develop the master plan community is the legal owner, and/or representative in the case of a property owners’ association, of the subject property.

3. That those persons owning property within one hundred (100) feet of the proposed master plan community as listed on the current county tax records were served notice of the public hearing by first class mail in accordance with applicable requirements.
 4. That notice of a public hearing to consider the master plan community special use permit was published in a newspaper having general circulation in the area, as required by law.
 5. That master plan community meets all required conditions and specifications of the zoning ordinance for submission of a master plan community special use permit.
 6. That master plan community has existing or proposed utility services which are adequate for the population densities as proposed.
 7. That the master plan community is properly located in relation to arterial and collector streets and is designed so as to provide direct access without creating traffic which exceeds acceptable capacity as determined by the city engineer on streets in adjacent areas outside the master plan community.
 8. That the master plan community is in general conformity with Horizons: Greenville's Community Plan.
 9. That the total development, as well as each individual section of the master plan community can exist as an independent unit capable of creating an environment of sustained desirability and stability.
 10. That the master plan community will not adversely affect the health and safety of persons residing or working in the neighborhood of the proposed development and will not be detrimental to the public welfare if located and developed according to the plan as submitted and approved.
 11. That the master plan community will not injure, by value or otherwise, adjoining or abutting property or public improvements in the neighborhood or in the alternative, that the use is a public necessity.
 12. That the location and character of the master plan community, if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located.
- f. Notice; publication. Notice of the city council public hearing shall be given in the same manner as for amendments to the zoning ordinance.
- g. Notice; adjoining property owners. Notice of the city council public hearing shall be delivered by first class mail to all owners of property within one hundred (100) feet of the external property boundaries of the proposed master plan community. Such notice shall be postmarked not less than twenty (20) calendar days prior to the date of the public hearing.

Failure to notify all owners shall not affect the validity of the action provided due diligence has been exercised in the attempts to provide notice.

- h. Action by city council. The city council shall act on the special use permit application by one of the following:
 - 1. Approve the application as submitted;
 - 2. Approve the application, subject to reasonable conditions or requirements;
 - 3. Table or continue the application; or
 - 4. Deny the application.
 - i. Binding effect. If approved, the special use permit shall be binding upon the applicant, successor and/or assigns.
 - j. Voting. A majority vote of members of the city council in favor of any special use permit application shall be required for approval. For purposes of this subsection, vacant positions in the city council and council members who are disqualified from voting on a quasi-judicial matter shall not be considered as “members of the city council” for calculation of the requisite majority.
 - k. Appeals from city council action. Decisions of the city council on action taken concerning any special use permit to establish a master plan community shall be subject to review as provided by law.
 - l. Records and files of special use permit applications, actions and approvals. Records and files of special use permit applications, actions and approvals for each master plan community land use plan shall be maintained in the City of Greenville Community Development Department. Such records and files shall be available for public inspection during regular working hours in accordance with applicable law. The original order granting the special use permit and minutes of the public hearing shall be maintained by the City Clerk.
- (2) *Preliminary plat-site plan.* After approval of the land use plan special use permit as provided herein or in conjunction therewith, the developer shall submit all information as required below to the director of community development, or authorized agent, not less than twenty (20) working days prior to the scheduled planning and zoning commission meeting:
- a. The preliminary plat-site plan shall be reviewed and administered pursuant to the provisions of this article and Title 9, Chapter 5, Subdivisions of the Greenville City Code for preliminary plats;
 - b. Contents. All information as required by section 9-4-166(c) preliminary plat-site plan requirements;

- c. The planning and zoning commission shall review and approve the submitted preliminary plat-site plan provided such is in conformance with the approved land use plan and the provisions of this article; and
 - d. No building permit shall be issued for any construction within any master plan community until a preliminary plat-site plan has been approved in accordance with the provisions of this article. Building permits may be issued in accordance with the applicable provisions of this article and Title 9, Chapter 5, Subdivisions of the Greenville City Code.
- (3) *Final plat.* After approval of the preliminary plat-site plan as provided herein, the developer shall submit all information as required below to the director of community development, or authorized agent, not less than ten (10) working days prior to the scheduled subdivision review board meeting:
- a. The final plat shall be reviewed and administered pursuant to the provisions of this article and Title 9, Chapter 5, Subdivisions of the Greenville City Code for final plats;
 - b. The final plat shall contain all information as required by section 9-4-166(d), final plat requirements;
 - c. The subdivision review board shall review and approve the final plat provided such plat conforms to the approved preliminary plat-site plan; and
 - d. No building permit shall be issued within any master plan community until a final plat and all covenants, restrictions, easements, agreements or otherwise for such development or section thereof has been recorded in the Pitt County Register of Deeds.

Sec. 9-4-167. Site design criteria; general.

(a) *Site planning; external relationship.* Site planning in the proposed development shall provide protection of the development from potentially adverse surrounding influences and protection of surrounding areas from potentially adverse influences of the development. Consideration will be given to the location of uses, type of uses, open space, recreation areas, street design and arrangement in the evaluation of the development and its relationship with the surrounding areas.

(b) *Site planning; internal relationship.*

- (1) *Service and emergency access.* Access and circulation shall be adequately provided for firefighting apparatus and equipment, public and private service delivery vehicles, and garbage and refuse collection.
- (2) *Utilities.* Proposed utilities shall be adequate to serve the proposed development and such utilities shall be extended to adjacent property if it is determined to be in the interest of the city.

- (3) *Pedestrian circulation.* A pedestrian circulation system is encouraged in such development. Walkways for pedestrian use shall form a logical, safe and convenient system of access to all dwelling units, project facilities and principal off-site pedestrian destinations. Walkways to be used by substantial numbers of children as routes to schools, play areas or other destinations shall be so located and safeguarded as to minimize contact with normal automobile traffic. Street crossings shall be held to a minimum. Such walkways, where appropriately located, designed and constructed, may be combined with other easements and used by emergency or public service vehicles, but not be used by other automobile traffic. In addition, bike paths may be incorporated into the pedestrian circulation system and are to be encouraged in such developments.
- (4) *Open spaces.* Common open space shall be proportionally distributed throughout the master plan community and shall be accessible to all the residents via a coordinated system of streets, sidewalks, improved greenways and pedestrian and bicycle paths.
- (5) *Natural Areas.* Natural vegetated areas and environmentally sensitive areas shall be preserved to the greatest extent possible. Such areas shall be incorporated into common open spaces and shall not be included as part of future building sites.
- (6) *Thoroughfares.* Where an existing or proposed public thoroughfare included on the approved Greenville Urban Area Thoroughfare Plan is adjacent to or within the proposed master plan community, plans for the master plan community project will reflect said thoroughfares in a manner conducive to good transportation planning. Existing and future thoroughfares shall be provided for in accordance with current policies for the protection of rights-of-way and construction of thoroughfares within the City of Greenville.

Sec. 9-4-168. Street design criteria.

(a) For the purposes of a master plan community, three (3) types of streets shall be utilized to provide internal access to the development. The three (3) types of streets are defined as:

- (1) *Minor street.* Distributors within the master plan community that provide linkage with major streets outside the master plan community;
- (2) *Marginal access street.* Those streets which connect with minor streets to provide access to individual buildings within the master plan community; and
- (3) *Private street.* Those streets that provide access to individual buildings within the master plan community pursuant to section 9-4-168(c).

(b) The street design of all master plan communities shall be in conformance with Title 9, Chapter 5, Subdivisions of the Greenville City Code, the Manual of Standards, Designs and Details, and Horizons: Greenville's Community Plan.

(c) Upon approval of the planning and zoning commission, interior roads may be allowed to be constructed as private streets, subject to the requirements of Title 9, Chapter 5, Subdivisions, of the Greenville City Code. Where such private streets are allowed, a property owners' association shall perpetually maintain such private streets in suitable conditions and state of repair for the city to provide normal delivery of services, including but not limited to, garbage pickup, police and fire protection. If at any time such private streets are not maintained by the property owners' association and travel upon them becomes or will be hazardous or inaccessible to city service or emergency vehicles, the city may cause such repairs after a reasonable period of notification to the property owners' association. In order to remove safety hazards and ensure the safety and protection for the development, the city may assess the cost of such repairs to the property owners' association. The city shall have no obligation or responsibility for maintenance or repair of such private streets as a result of the normal delivery of services or otherwise by the city or others using such streets. No private street(s) shall be allowed unless a property owners' association is established for the purpose of providing for and perpetually maintaining such streets. All private streets shall be dedicated to the city as utility easements. Where a private street serves only one lot under separate ownership the property owner of such lot shall assume all responsibilities, duties and liabilities of a property owners' association under this section.

Sec. 9-4-169. Utility services; maintenance of private facilities.

(a) Where utility facilities are provided on private property, the following shall apply:

- (1) Where utility lines, valves, fire hydrants or other utility apparatus are installed by the property owner and/or developer, and such improvements are required to be maintained by the property owners' association or property owner, the city and/or Greenville Utilities Commission may cause such apparatus to be repaired or replaced upon its continued disrepair and after a reasonable period of notification to the property owner. In order to remove safety hazards and ensure the safety and protection for the development, the city may assess the cost of such repairs or replacement to the property owner or the property owners' association.

Sec. 9-4-170. Amendment to land use plan special use permit.

(a) *Minor changes.* Amendments to the approved land use plan special use permit that in the opinion of the director of community development do not substantially change the concept of the master plan community as approved may be allowed by administrative action of the director of community development or authorized agent. Such minor changes may include, but are not be limited to, small site alterations such as realignment of streets and relocation of utility lines due to engineering necessity. The owners shall request such amendment in writing, clearly setting forth the reasons for such changes. If approved, the land use plan shall be so amended by administrative action of the director of community development or authorized agent prior to submission of any preliminary plat-site plan application involving or affecting such amendment. Appeal from the decision of the director of community development may be taken to the city council within thirty (30) days of the administrative action.

(b) *Major changes.* Amendments to the approved land use plan that in the opinion of the director of community development do in fact involve substantial changes and deviations from the concept of the master plan community as approved shall require review and approval pursuant to section 9-4-166(f). Such major changes shall include but not be limited to increased density, change in street pattern, change in land use, location of land uses, open space or recreation space location or area, and condition(s) of city council approval. Appeal from the decision of the director of community development may be taken to the city council within thirty (30) days of the administrative action.

(c) *Authority.* Minor changes may be approved administratively by the director of community development or authorized agent. Major changes shall require city council approval of an amended special use permit. Appeal from the decision of the director of community development concerning a minor or major change to the land use plan shall require review and approval pursuant to section 9-4-166(f).

(d) *Variances.* The City of Greenville Board of Adjustment shall not be authorized to grant or approve any variance from the minimum requirements as set forth in this section or condition as approved by the city council.