

ORDINANCE NO. 20-  
AN ORDINANCE AMENDING THE CITY CODE  
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 the 10<sup>th</sup> day of September, 2020, at 6:00 p.m., conduct an electronic meeting and conduct a public hearing on the adoption of an ordinance amending the City Code;

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 2026: Greenville's Community Plan, Chapter 5, Creating Complete Neighborhoods, Goal 5.2 Complete Neighborhoods. *Policy 5.2.3 Improve Access to Civic Sites*

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

Section 1: That Title 9, Chapter 4, Article B, Section 22 of the City Code is hereby amended by inserting the following definition alphabetically:

“School; small, private. A private educational institution providing full time instruction and including accessory facilities traditionally associated with a program of study, which meets the requirements of the laws of the state, that has no more than 500 students.”

Section 2: That Title 9, Chapter 4, Article F, Section 103 of the City Code is hereby amended by adding the following as subsection (EE):

“(EE) School; small, private

1. All associated recreational facilities shall be treated as an accessory use.
2. No musical concerts shall be held at any outdoor recreation field located at the Small Private School. This prohibition shall in no aspect be interpreted so as to preclude

marching or other school bands practicing on any such outdoor recreation field or performing during any sporting or other event, including pep rallies.

3. May be located on one or more parcels of land.
4. All new driveways and new perimeter parking areas shall be placed as far from abutting residential properties as is reasonably practical as determined by the Director of Engineering or their designee.
5. Parking requirements shall either comply with the Article O requirements for School; elementary and junior high, or School; senior high depending on grades served, k-8 and 9-12 respectively. In the event that any outdoor recreation fields are located at a school serving grades k-8 then an additional requirement of one space per 10 seats shall also be enforced.
6. Loading and unloading of students shall be off-street.
7. Maximum building coverage shall not exceed the underlying district requirements.
8. Notwithstanding the Noise Ordinance of the City of Greenville, there shall be no amplified sound not related to ongoing athletic competitions or school events. Operation of the sound and lighting components of the outdoor recreational facilities by entities other than the associated school(s) shall be limited to one occurrence per week. An occurrence means third party usage of either the lights, amplified sound or both at once and will consist of one event on one day. One week will be interpreted as being Monday-Sunday.
9. On weekends (Friday-Saturday) the hours of operation for outdoor recreation fields for any game, event, or practice shall not exceed one (1) hour after the end of the game, event, or practice and/or 11pm, whichever comes first. On Sunday the hours of operation shall not exceed 5:00 pm. On all other days the hours of operation shall not exceed 9:30 pm.
10. No outdoor amplified sound equipment shall be operated prior to 9:30 am.
11. No outdoor amplified sound equipment shall produce a sustained decibel level higher than 75 at an adjacent property line. Sustained shall be taken to mean an average reading observed over the course of 20 seconds.
12. Lighting of outdoor sports fields and performance areas shall be designed to meet the standards found in the document "Lighting Standards for the City of Greenville" as well as in accordance with the following requirements:
  - a. All such lighting fixtures shall be equipped with a glare control package (e.g. directional LED lighting, louvers, shields or similar devices), and any fixtures shall be aimed so that their beams are directed within the playing or performance area.
  - b. Light levels at adjacent property lines shall not exceed ambient light levels by 0.5 foot candles in any circumstance.
  - d. Light measurement technique: Light level measurements shall be made at the property line of the property upon which light to be measured is being generated. Measurements will first be taken with the light off and then with the light on to establish a baseline for ambient light conditions. If measurement on private property is not possible or practical, light level measurements may be made at the

boundary of the public street right-of-way that adjoins the property of the complainant or at any other location on the property of the complainant. Measurements shall be made at finished grade (ground level), with the light registering portion of the meter held parallel to the ground pointing up. The meter shall have cosine and color correction and have an accuracy tolerance of no greater than plus or minus five percent. Measurements shall be taken with a light meter that has been calibrated within two years. Light levels are specified, calculated and measured in foot candles.

- e. In the event a dispute between the City and the property owner or lessee over the validity of any light measurements taken by the City arises, then at the expense of the party disputing the claim, an independent engineer may be hired to conduct new measurements. The engineer shall be licensed by the state and shall take all measurements while accompanied by a representative of the city. Both parties shall certify the readings on the independent engineer's light meter and measurements shall be taken in the same way as described above in 9-4-103 (EE)(7)(d). "

Section 3: That Title 9, Chapter 4, Article U, Appendix A Table of Uses, of the City Code is hereby amended by adding "School; small, private" as use code (8)(qq) and allowing it as a permitted use in the following districts: RA20 (Residential-Agricultural), R9 (Residential), R6 (Residential), OR (Office-Residential), CG General Commercial), CN (Neighborhood Commercial) and CH (Heavy Commercial).

Section 4: That all ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 5: 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 upon its adoption.

ADOPTED this 14<sup>th</sup> day of September, 2020.

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P. J. Connelly, Mayor

ATTEST:

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Valerie Shiuwegar, City Clerk

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