



Agenda

Greenville City Council

December 13, 2012
7:00 PM
City Council Chambers
200 West Fifth Street

Assistive listening devices are available upon request for meetings held in the Council Chambers. If an interpreter is needed for deaf or hearing impaired citizens, please call 252-329-4422 (voice) or 252-329-4060 (TDD) no later than two business days prior to the meeting.

I. Call Meeting To Order

II. Invocation - Council Member Joyner

III. Pledge of Allegiance

IV. Roll Call

V. Approval of Agenda

VI. Special Recognitions

- Don Octigan, NCRPA Young Professional of the Year - 2012
- Alton Little, Public Works Department Retiree

VII. Appointments

1. Appointments to Boards and Commissions

VIII. Old Business

2. Ordinance requiring the repair or the demolition and removal of the dwelling located at 800 Vanderbilt Lane

IX. New Business

Public Hearings

3. Ordinance to annex Manning Square, Lot 1, involving 2.182 acres located between Greenville Boulevard and Dickinson Avenue Extension and being about 1,700 feet west of Williams Road
4. Ordinance requested by Greenville Auto Auction Site, LLC to extend the City of Greenville's Extraterritorial Jurisdiction (ETJ)
5. Ordinance requested by Greenville Auto Auction Site, LLC to rezone 22.775 acres located north of Brompton Lane and 1,520+/- feet west of Allen Road from GC (General Commercial - County's Jurisdiction) and OR (Office-Residential [High Density Multi-family]) to CH (Heavy Commercial)
6. Ordinance requested by Third Street Community Center to rezone 14.30 acres located near the northeast corner of the intersection of West Third Street and Contentnea Street from R6 (Residential [High Density Multi-family]) and I (Industry) to CDF (Downtown Commercial Fringe)
7. Ordinance requested by Greenville Community Life Center, Inc. to rezone 2.27 acres located at the northwest corner of the intersection of Manhattan Avenue and Chestnut Street from OR (Office-Residential [High Density Multi-family]) to CDF (Downtown Commercial Fringe)
8. Ordinance amending the Zoning Ordinance text defining and creating standards for internet sweepstakes businesses
9. Ordinance extending the temporary development moratorium on tobacco shops

Public Comment Period

- **Public Comment Period**

The Public Comment Period is a period reserved for comments by the public. Items that were or are scheduled to be the subject of public hearings conducted at the same meeting or another meeting during the same week shall not be discussed. A total of 30 minutes is allocated with each individual being allowed no more than 3 minutes. Individuals who registered with the City Clerk to speak will speak in the order registered until the allocated 30 minutes expires. If time remains after all persons who registered have spoken, individuals who did not register will have an opportunity to speak until the allocated 30 minutes expires.

Other Items of Business

10. Economic development incentives options
11. Rental Registry Program

X. Comments from Mayor and City Council

XI. City Manager's Report

XII. Adjournment



City of Greenville, North Carolina

Meeting Date:
12/13/2012
Time: 7:00 PM

Title of Item: Appointments to Boards and Commissions

Explanation: **Abstract:** City Council appointments to various Boards and Commissions

Explanation: City Council appointments need to be made to the Affordable Housing Loan Committee, Community Appearance Commission, Human Relations Council, Pitt-Greenville Convention & Visitors Authority, Police Community Relations Committee, Redevelopment Commission, and the Youth Council.

Fiscal Note: No direct fiscal impact.

Recommendation: Make appointments to the Affordable Housing Loan Committee, Community Appearance Commission, Human Relations Council, Pitt-Greenville Convention & Visitors Authority, Police Community Relations Committee, Redevelopment Commission, and the Youth Council.

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[Muni_Report_Appointments to Boards and Commissions_914698](#)

Appointments to Boards and Commissions

December 13, 2012

Affordable Housing Loan Committee

Council Liaison: Council Member Kandie Smith

Name	District #	Current Term	Reappointment Status	Expiration Date
Gregory James (Alternate Member)	5	Filling unexpired term	Resigned	February 2012

Community Appearance Commission

Council Liaison: Council Member Calvin Mercer

Name	District #	Current Term	Reappointment Status	Expiration Date
Jeffrey O'Neil	3	First term	Resigned	July 2014

Human Relations Council

Council Liaison: Mayor Pro Tem Rose Glover

Student Representatives

Name	District #	Current Term	Reappointment Status	Expiration Date
Available (ECU)		Unexpired Term	Eligible	October 2012
Available (PCC)		Unexpired Term	Eligible	October 2012
Available (Shaw)		Unexpired Term	Eligible	October 2012
Abdel Abdel-Rahman	5	Second Term	Ineligible	September 2012

Pitt Greenville Convention & Visitors Authority

Council Liaison: Mayor Pro-Tem Rose Glover

Name	District #	Current Term	Reappointment Status	Expiration Date
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Applicants for Affordable Housing Loan Committee

Christina W. Darden
387 Claredon Drive
Greenville, NC 27858

District #: 5

Thomas Hines
211 Patrick Street
Greenville, NC 27834

District #: 1

Application Date:

Home Phone: (252) 756-9249

Business Phone: (252) 215-1019

Email: chris@chrisdarden.com

Application Date: 10/6/2011

Home Phone: (252) 864-4907

Business Phone: (252) 695-9066

Email: thinesg@aol.com

Applicants for Community Appearance Commission

Lucy Fox
1045 E. Rock Spring Rd.
Greenville, NC 27858

Application Date: 3/28/2012

District #: 4

Home Phone: (919) 450-7477
Business Phone: (919) 450-7477
Email: lucyfoxlesw@gmail.com

Cora Ellan Tyson
215 Hardee Road
Greenville, NC 27858

Application Date: 5/11/2012

District #: 4

Home Phone: (252) 917-7069
Business Phone: (252) 758-6333
Email: coolcrittr@aol.com

Applicants for Human Relations Council

Wanda Carr
2304 British Court
Greenville, NC 27834

Application Date: 10/13/2010

District #: 1

Home Phone: (252) 321-1409

Business Phone:

Email: carrwdc@hotmail.com

Isaac Chemmanam
402 Lochview Drive
Greenville, NC 27858

Application Date: 1/18/2012

District #: 4

Home Phone: (252) 561-8759

Business Phone: (252) 412-2045

Email: isaac.chemmanam@gmail.com

Scott H. Duke
2223-C Locksley Drive
Greenville, NC 27858

Application Date: 2/20/2012

District #: 4

Home Phone:

Business Phone: (252) 328-2950

Email: scotthduke@gmail.com

Shaterica Shicole Lee
1602 Myrtle Street
Greenville, NC 27834

Application Date: 10/11/2012

District #: 2

Home Phone: (252) 301-7991

Business Phone: (252) 301-7991

Email: shaterica@bears.shawu.edu

Aaron Lucier
1516 Thayer Drive
Winterville, NC 28590

Application Date: 2/23/2011

District #: 5

Home Phone: (252) 321-3910

Business Phone: (252) 328-2758

Email: luciera@ecu.edu

Angela Marshall
2609B Boone Court
Greenville, NC 27834

Application Date: 4/29/2011

District #: 1

Home Phone: (252) 258-4104

Business Phone: (252) 328-4173

Email: marshalla@ecu.edu

Brittney Partridge
925 Spring Forest Road, Apt. 9
Greenville, NC 27834

Application Date: 7/15/2010

District #: 1

Home Phone: (252) 489-8390

Business Phone:

Email: partridgeb06@students.ecu.edu

Titus C. Yancey
116-A Concord Drive
Greenville, NC 27834

Application Date: 7/13/2012

District #: 2

Home Phone: (252) 756-3085

Business Phone: (252) 327-6369

Email: titusyancey@gmail.com

Applicants for Pitt-Greenville Convention and Visitors Authority (City)

Brian Brown
2237 Penncross Drive
Greenville, NC 27834
District #: 5

Application Date: 2/23/2011
Home Phone: (252) 414-3943
Business Phone: (252) 353-7379
Email: bbrown@myrepexpress.com

Wanda Carr
2304 British Court
Greenville, NC 27834
District #: 1

Application Date: 10/13/2010
Home Phone: (252) 321-1409
Business Phone:
Email: carrwdc@hotmail.com

Brian Cooper
1149 Mulberry Lane, #34-G
Greenville, NC 27858
District #: 5

Application Date: 3/5/2011
Home Phone: (252) 439-0651
Business Phone: (252) 439-0651
Email: brianevans_99@yahoo.com

Ann Eleanor
102 Lindenwood Drive
Greenville, NC 27834
District #: 5

Application Date: 2/13/2011
Home Phone: (252) 227-4240
Business Phone:
Email: aeleonor@suddenlink.net

Terry King
1310 Thomas Langston Rd. #7
Winterville, NC 28590
District #: 2

Application Date: 8/25/2012
Home Phone: (252) 412-5228
Business Phone:
Email: terryeu2@aol.com

JJ McLamb
102 Christina Drive
Greenville, NC 27858
District #: 4

Application Date: 2/27/2012
Home Phone: (252) 814-6050
Business Phone: (252) 737-4669
Email: jjmclamb@suddenlink.net

Bridget Moore
4128A Bridge Court
Winterville, NC 28590
District #: 5

Application Date: 7/13/2011
Home Phone: (252) 355-7377
Business Phone: (252) 756-1002
Email: bmoore2004@netzero.com

Applicants for Police Community Relations Committee

Jumail Blount
1901-A Norcott Circle
Greenville, NC 27834

District #: 2

Isaac Chemmanam
402 Lochview Drive
Greenville, NC 27858

District #: 4

Ann Eleanor
102 Lindenwood Drive
Greenville, NC 27834

District #: 5

Terry King
1310 Thomas Langston Rd. #7
Winterville, NC 28590

District #: 2

Aaron Lucier
1516 Thayer Drive
Winterville, NC 28590

District #: 5

Howard Stearn
2818 Jefferson
Greenville, NC 27858

District #: 3

Cora Ellan Tyson
215 Hardee Road
Greenville, NC 27858

District #: 4

Application Date: 4/12/2010

Home Phone: (252) 327-7716
Business Phone: (252) 329-4549
Email: harknot22@yahoo.com

Application Date: 1/18/2012

Home Phone: (252) 561-8759
Business Phone: (252) 412-2045
Email: isaac.chemmanam@gmail.com

Application Date: 2/13/2011

Home Phone: (252) 227-4240
Business Phone:
Email: aeleonor@suddenlink.net

Application Date: 8/25/2012

Home Phone: (252) 412-5228
Business Phone:
Email: terryeu2@aol.com

Application Date: 2/23/2011

Home Phone: (252) 321-3910
Business Phone: (252) 328-2758
Email: luciera@ecu.edu

Application Date: 11/9/2011

Home Phone: (252) 862-6683
Business Phone: (252) 321-1101
Email: howardmstearn@gmail.com

Application Date: 5/11/2012

Home Phone: (252) 917-7069
Business Phone: (252) 758-6333
Email: coolcrittr@aol.com

Applicants for Public Transportation & Parking Commission

None.

Applicants for Redevelopment Commission

Cornell Allen
4030 Bells Chapel Road
Greenville, NC 27858

District #: 5

Brian Brown
2237 Penncross Drive
Greenville, NC 27834

District #: 5

Wanda Carr
2304 British Court
Greenville, NC 27834

District #: 1

Jeremy Clayton King
1510 Muirfield Drive
Greenville, NC 27858

District #: 4

Terry King
1310 Thomas Langston Rd. #7
Winterville, NC 28590

District #: 2

JJ McLamb
102 Christina Drive
Greenville, NC 27858

District #: 4

Dustin Mills
504 Daventry Drive
Greenville, NC 27858

District #: 5

Brittney Partridge
925 Spring Forest Road, Apt. 9
Greenville, NC 27834

District #: 1

Application Date: 5/8/2011

Home Phone: (252) 215-0486
Business Phone: (252) 258-9718
Email: mrcallen2436@gmail.com

Application Date: 2/23/2011

Home Phone: (252) 414-3943
Business Phone: (252) 353-7379
Email: bbrown@myrepexpress.com

Application Date: 10/13/2010

Home Phone: (252) 321-1409
Business Phone:
Email: carrwdc@hotmail.com

Application Date: 11/20/2012

Home Phone: (252) 341-9081
Business Phone: (252) 752-5505
Email: jking@lkplawfirm.com

Application Date: 8/25/2012

Home Phone: (252) 412-5228
Business Phone:
Email: terryeu2@aol.com

Application Date: 2/27/2012

Home Phone: (252) 814-6050
Business Phone: (252) 737-4669
Email: jjmclamb@suddenlink.net

Application Date: 4/9/2012

Home Phone: (919) 480-0791
Business Phone: (252) 558-0207
Email: dmills@pirhl.com

Application Date: 7/15/2010

Home Phone: (252) 489-8390
Business Phone:
Email: partridgeb06@students.ecu.edu

Redevelopment Commission continued

Richard S. Patterson
107 Woodhaven Road
Greenville, NC 27834

District #: 5

Katherine Wetherington
1503 East 4th Street
Greenville, NC 27858

District #: 3

Application Date: 7/20/2010

Home Phone: (252) 916-6593

Business Phone: (252) 746-7018

Email: rspattersonsr33@gmail.com

Application Date: 6/19/2010

Home Phone:

Business Phone:

Email: katherinewetherington@yahoo.com

Applicants for Youth Council

Michael Montalvo
117 Grovemont Dr. Unit I-10
Greenville, NC 27834

Application Date: 11/28/2012

Home Phone: (252) 341-6692

Business Phone:

Email: margorush@yahoo.com

District #: 1



City of Greenville, North Carolina

Meeting Date:
12/13/2012
Time: 7:00 PM

Title of Item: Ordinance requiring the repair or the demolition and removal of the dwelling located at 800 Vanderbilt Lane

Explanation: **Abstract:** Update on the request for the approval of an ordinance to demolish and remove the dwelling located at 800 Vanderbilt Lane. The dwelling has been vacated and closed for a period of at least six months. The utilities to the dwelling have been disconnected since February 12, 2006. The ordinance provides the owner 90 days to repair or demolish and remove the dwelling. If the owner fails to accomplish this within 90 days, then the City will proceed with repairing or demolishing and removing the dwelling.

Explanation: This item was on the November 8, 2012, City Council agenda, and a public hearing was held at that time. The owner of the property, Jonathan Sutton, and his father were in attendance and provided information at the meeting that led to this item being tabled. The City Council requested this item be brought back in 30 days; therefore, the item has been placed on the December 13, 2012, Council agenda.

The Code Enforcement Officer for the City of Greenville is requesting that the City Council approve an ordinance requiring the owner of a dwelling which has been vacated and closed for a period of at least six months pursuant to the enforcement of the Minimum Housing Code to repair or demolish and remove the dwelling located at 800 Vanderbilt Lane. The ordinance provides that the owner has 90 days to repair or demolish and remove the dwelling. If the owner fails to accomplish this within 90 days, then the City will proceed with repairing or demolishing and removing the dwelling.

The initial notice of violation was sent by certified mail on October 22, 2008, to the property owner informing the owner of the condition of abandoned structure and minimum housing violations cited by the Code Enforcement Officer and of the remedies necessary to bring the structure into compliance. Staff has attempted to work with the owner, but no repairs have been made. The most recent notice to the owner was sent on October 9, 2012, and provided notice to

the owner that the dwelling was considered as an abandoned structure.

Following the November 8, 2012, City Council meeting, Code Enforcement staff attempted to meet with Mr. Sutton on November 15, 2012, but were unsuccessful. On November 28, 2012, staff made contact with Mr. Sutton and scheduled a walk-through inspection for that afternoon. Code Enforcement staff, accompanied by the Chief Building Inspector, conducted an inspection of the property, noting and photographing areas of concern.

During the inspection on November 28, 2012, Mr. Sutton stated that he intends to fix and/or repair the property. Code Enforcement staff, with assistance from the City Attorney's Office, is preparing a memorandum of agreement with Mr. Sutton requiring him to bring the property into compliance. Minimum Housing requirements, in Section 9-1-111A, will be used to determine compliance.

Chief Building Inspector Les Everett has indicated that, due to all of the work that needs to be performed, a "master" building permit will be required. After the building permit is obtained, the subcontractors will be able to obtain the needed electrical, mechanical, and plumbing permits that are needed. To date, there have been no active permits for 800 Vanderbilt Lane since 2005.

The dwelling has been vacated and closed for a period of at least six months. The utilities to the dwelling have been disconnected since February 12, 2006.

There have been 10 Code Enforcement cases initiated on this property since 1998 including public nuisance, minimum housing, and abandoned structure.

The Greenville Police Department has responded to 10 calls for service at this property since July 1996. Calls include breaking and entering, damage to property, assault, shots fired, and violations of the NC Controlled Substance Act.

The current tax value on the property as of October 18, 2012, is \$36,411 (the building value is \$33,057 and the land value is \$3,054).

The estimated costs for the City to repair the property are \$33,497.20, which includes asbestos removal and abatement. Following the visual inspection with Mr. Sutton, it was determined that he can bring the building into minimum housing compliance for an estimated cost of \$14,938.10.

Fiscal Note:

Costs to test and abate asbestos (if present) and demolition costs will be approximately \$10,000 due to the size of the structure.

The cost of repair or demolition and removal shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as the lien for special assessment established by Article 10 of Chapter 160A of the North Carolina General Statutes.

Recommendation: Approve the ordinance requiring the repair or demolition and removal of the dwelling located at 800 Vanderbilt Lane.

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Attachments / click to download

 [800 Vanderbilt Lane Photos](#)

 [November 28, 2012 Photos](#)

 [800_Vanderbilt_Lane_ordinance_939124](#)

ORDINANCE NO.
ORDINANCE REQUIRING THE OWNER OF A DWELLING VACATED
AND CLOSED FOR A PERIOD OF AT LEAST SIX MONTHS PURSUANT TO THE
ENFORCEMENT OF THE MINIMUM HOUSING CODE TO REPAIR OR DEMOLISH
AND REMOVE THE DWELLING LOCATED AT 800 VANDERBILT LANE
TAX PARCEL NUMBER 20777

WHEREAS, pursuant to the enforcement of the Minimum Housing Code contained in Article F of Chapter 1 of Title 9 of the Code of the City of Greenville, North Carolina, as authorized by the provisions of Part 6 of Article 19 of Chapter 160A of the North Carolina General Statutes, the dwelling described herein has been vacated and closed for a period of at least six (6) months;

WHEREAS, the City Council of the City of Greenville hereby finds that the owner has abandoned the intent and purpose to repair, alter or improve the dwelling described herein in order to render it fit for human habitation and the continuation of the dwelling in its vacated and closed state would be inimical to the health, safety, morals and welfare of the city in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this State; and

WHEREAS, G.S. 160A-443 (5), which applies to the City of Greenville pursuant to the provisions of Chapter 200 of the 2005 Session Laws of the North Carolina General Assembly, and Section 9-1-111 of the Code of the City of Greenville, North Carolina, empowers the City Council of the City of Greenville to enact this ordinance;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Greenville that:

Section 1. The owner(s), Anthony T. Sutton and Jonathan K. Sutton, of the dwelling located at 800 Vanderbilt Lane in the City of Greenville, North Carolina, is hereby directed and required to either repair said dwelling so that it fully complies with the standards of the Minimum Housing Code or to demolish and remove said dwelling within ninety (90) days from the effective date of this ordinance.

Section 2. No building or repair permits shall be issued to the owner or representative of the owner without prior approval of the Code Enforcement Officer. Failure to comply with any approval of the Code Enforcement Officer shall result in recession of any building permit.

Section 3. The Code Enforcement Officer is hereby authorized and directed to proceed to either repair or demolish and remove the dwelling in the event the owner fails to comply with the provisions of Section 1 of this ordinance within ninety (90) days, or fails to comply with any

approval by the Code Enforcement Officer in Section 2, said dwelling being located at 800 Vanderbilt Lane and owned by Anthony T. Sutton and Jonathan K. Sutton.

Section 4. The cost of repair or demolition and removal shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as the lien for special assessment established by Article 10 of Chapter 160A of the North Carolina General Statutes. The material of the dwelling and any personal property, fixtures, or appurtenances found in or attached to the dwelling shall be sold and the proceeds shall be credited against the cost of removal or demolition and any balance remaining shall be deposited in superior court where it shall be secured and disbursed in the manner provided by G.S. 160A-443 (6).

Section 5. This ordinance shall be recorded in the Office of the Register of Deeds of Pitt County and shall be indexed in the name of the property owner in the grantor index.

Section 6. This ordinance shall become effective upon its adoption.

This the 13th day of December, 2012.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk

939124

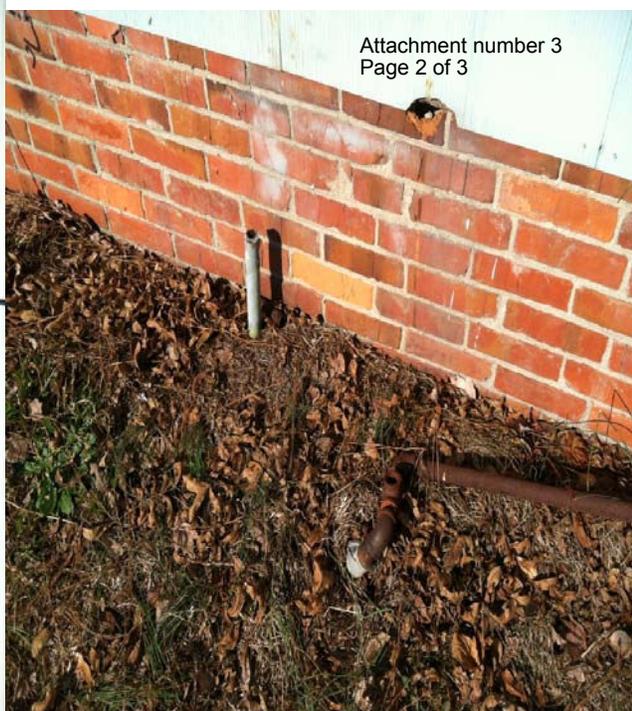
2012-10-03 10:5



Item # 2











City of Greenville, North Carolina

Meeting Date:
12/13/2012
Time: 7:00 PM

Title of Item: Ordinance to annex Manning Square, Lot 1, involving 2.182 acres located between Greenville Boulevard and Dickinson Avenue Extension and being about 1,700 feet west of Williams Road

Explanation: **Abstract:** The City received a voluntary annexation petition to annex Manning Square, Lot 1, involving 2.182 acres located between Greenville Boulevard and Dickinson Avenue Extension and being about 1,700 feet west of Williams Road. The subject area is currently undeveloped and is anticipated to yield 11,255+/- square feet of commercial space.

ANNEXATION PROFILE

A. SCHEDULE

1. Advertising date: December 3, 2012
2. City Council public hearing date: December 13, 2012
3. Effective date: June 30, 2013

B. CHARACTERISTICS

1. Relation to Primary City Limits: Contiguous
2. Relation to Recognized Industrial Area: Outside
3. Acreage: 2.182
4. Voting District: 2
5. Township: Greenville

- 6. Vision Area: E
- 7. Zoning: CN (Neighborhood Commercial)
- 8. Land Use: Existing: Vacant
Anticipated: 11,255 square feet of commercial
- 9. Population:

	Formula	Number of People
Total Current	-----	0
Estimated at full development	0	0
Current Minority	-----	0
Estimated Minority at full development	0	0
Current White	-----	0
Estimated White at full development	0	0

- 10. Rural Fire Tax District: Red Oak
- 11. Greenville Fire District: Station #5 (Distance of 1 mile)
- 12. Present Tax Value: \$45,579
Estimated Future Tax Value: \$1,171,079

Fiscal Note: The total estimated tax value at full development is \$1,171,079.

Recommendation: Approve the attached ordinance to annex Manning Square, Lot 1.

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

 [Survey](#)

 [Ordinance Manning Square 941768](#)

ORDINANCE NO. 12-
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE CITY OF GREENVILLE, NORTH CAROLINA

Attachment number 1
Page 1 of 2

WHEREAS, the City Council of the City of Greenville has been petitioned under G.S. 160A-31, as amended, to annex the area described herein; and

WHEREAS, the City Council has directed the City Clerk to investigate the sufficiency of said petition; and

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at City Hall at 7:00 p.m. on the 13th day of December, 2012, after due notice by publication in The Daily Reflector on the 3rd day of December, 2012; and

WHEREAS, the City Council does hereby find as a fact that said petition meets the requirements of G. S. 160A-31, as amended.

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

Section 1. That by virtue of the authority vested in the City Council of the City of Greenville, North Carolina, under G. S. 160A-31, as amended, the following described contiguous territory is annexed:

TO WIT: Being all of that certain property as shown on the annexation map entitled "Manning Square, Lot 1", involving 2.182 acres as prepared by Malpass & Associates.

LOCATION: Lying and being situated in Greenville Township, Pitt County, North Carolina, located between Dickinson Avenue Extension and Greenville Boulevard and being 1,700+/- feet west of Williams Road.

GENERAL DESCRIPTION:

Beginning at a point in the northern right of way of US Hwy 264 A (Greenville Blvd.) said point being located S 79-23-07 E – 1508.80' from the centerline intersection of US Hwy 264 A and US Hwy 13 (Dickinson Ave.) and being further located S 79-06-24 E – 342.97' from the western property line of the Jean T. Manning property as recorded in deed book 1399 page 82 of the Pitt County Registry. Thence from said point of beginning leaving the northern right of way of US Hwy 264 A (Greenville Blvd.) N 10-53-36 E – 250.82', thence S 79-06-24 E – 211.00', thence S 04-48-12 W – 251.60' to a point in the northern property line of the John F. Moye, Sr. property as recorded in deed book 1051 page 651, the with the northern property line of the John F. Moye, Sr. property S 70-32-05 W – 1.27' to the northern right of way of US Hwy 264 A (Greenville Blvd.), thence with the northern right of way of US Hwy 264 A (Greenville Blvd.) S 79-06-24 E – 150' plus or minus to the existing City of Greenville limits, thence leaving the northern right of way of US Hwy 264 A (Greenville Blvd.) S 10-53-36 W – 100.00' to the southern right of way of US Hwy 264 A (Greenville Blvd.), thence with the southern right of way of US Hwy 264 A (Greenville Blvd.) N 79-06-24 W – 387' plus or minus, thence N 10-53-36 E – 100.00' to the point of beginning containing approximately 2.182 acres.

Section 2. Territory annexed to the City of Greenville by this ordinance shall, pursuant to the terms of G. S. 160A-23, be annexed into Greenville municipal election district two. The City Clerk, City Engineer, representatives of the Board of Elections and any other person having responsibility or charge of official maps or documents shall amend those maps or documents to reflect the annexation of this territory into municipal election district two.

Section 3. The territory annexed and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Greenville and shall be entitled to the same privileges and benefits as other territory now within the City of Greenville. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 4. The Mayor of the City of Greenville, North Carolina, shall cause a copy of the map of the territory annexed by this ordinance and a certified copy of this ordinance to be recorded in the office of the Register of Deeds of Pitt County and in the Office of the Secretary of State in Raleigh, North Carolina. Such a map shall also be delivered to the Pitt County Board of Elections as required by G.S. 163-288.1. Attachment number 1
Page 2 of 2

Section 5. This annexation shall take effect from and after the 30th day of June, 2013.

ADOPTED this 13th day of December, 2012.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk

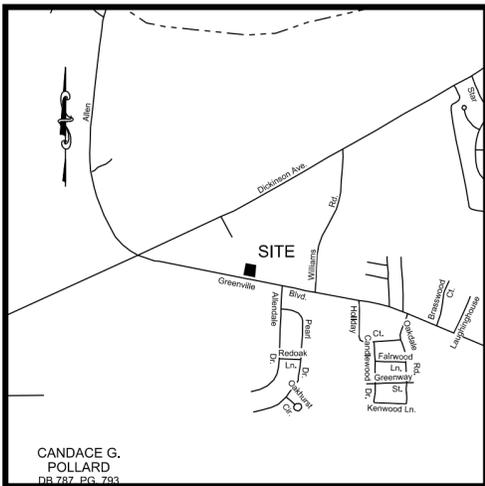
NORTH CAROLINA
PITT COUNTY

I, _____, Notary Public for said County and State, certify that Carol L. Barwick personally came before me this day and acknowledged that she is the City Clerk of the City of Greenville, a municipality, and that by authority duly given and as the act of the municipality, the foregoing instrument was signed in its name by its Mayor, sealed with the corporate seal, and attested by herself as its City Clerk.

WITNESS my hand and official seal this ____ day of _____, 2012.

Notary Public

My Commission Expires: _____



CANDACE G. POLLARD
DB 787, PG. 793

VICINITY MAP
1"=1000'

U.S. HWY 13 (DICKINSON AVE.)
(100' PUBLIC R/W - PAVEMENT VARIES)

CENTERLINE INTERSECTION

Attachment number 2
Page 1 of 1

N 79°23'07"W 1508.80'

N 79°06'24"W 342.97'

N 10°53'36"E 250.82'
(NEW CITY LIMITS)

N 10°53'36"E 100.00'
(NEW CITY LIMITS)

U.S. 264-A (GREENVILLE BLVD.)
(100' PUBLIC R/W - 70' BC/BC)

JOHN F. MOYE, SR.
DB 1051, PG. 615

N 79°06'24"W 279' +/-
(NEW CITY LIMITS)

S 70°32'05"W
1.27'

ADDITIONAL
RIGHT-OF-WAY
ANNEXED
0.89 +/- ACRES

EXISTING NORTHERN
RIGHT-OF-WAY OF
GREENVILLE BOULEVARD

SCALE 1" = 5'

1,2920 ACRES

NEW CITY LIMITS

EXISTING CITY LIMITS

OLD CITY LIMITS

KARL B. MANNING
WB 10, PG. 543

JOHN F. MOYE, SR.
DB 1051, PG. 615

S 79°06'24"E 150' +/-
(OLD CITY LIMITS)

N 79°06'24"W 108' +/-
(OLD CITY LIMITS)

PEOPLES BAPTIST
TEMPLE OF
GREENVILLE NC
DB M-50, PG. 478

S 10°53'36"W 100.00'
(NEW CITY LIMITS)

A PORTION OF PARCEL NUMBER 14223

ANNEXATION MAP FOR

MANNING SQUARE, LOT 1 - JEAN T. MANNING, LIFE ESTATE

REFERENCE DEED BOOK 1399, PAGE 82,
OF THE PITT COUNTY REGISTRY

GREENVILLE TOWNSHIP PITT COUNTY NORTH CAROLINA

OWNER: JEAN T. MANNING LIFE ESTATE
c/o MRS. AMANDA GARRIS
ADDRESS: 1802 S.W. GREENVILLE BLVD.
GREENVILLE, NC 27834
PHONE: (252) 756-3820

MALPASS & ASSOCIATES
1645 E. ARLINGTON BLVD., SUITE D
GREENVILLE, N.C. 27858
(252) 756-1780

SURVEYED: CEP APPROVED: CEP
DRAWN: WCO DATE: 10/17/12
CHECKED: CEP SCALE: 1"= 50'

LEGEND

NEW CITY LIMITS = - - - - -
EXISTING CITY LIMITS = - - - - -
OLD CITY LIMITS = - - - - -

MAP NO.	PLATS RECORDED	BOOK	PAGE



MAP SHOWING AREA ANNEXED BY
THE CITY OF GREENVILLE, N.C.

DATE: _____; ORDINANCE NUMBER: _____; AREA: 2.182 ACRES
GREENVILLE TOWNSHIP, PITT COUNTY, NORTH CAROLINA

I, CARLTON E. PARKER CERTIFY THAT THIS MAP
WAS DRAWN BY ME OR UNDER MY SUPERVISION FROM
AN ACTUAL SURVEY BY ME OR UNDER MY SUPERVISION,
THAT THE RATIO OF PRECISION AS CALCULATED FROM
LATITUDES AND DEPARTURES IS 1:10,000+; THAT THE
BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN
LINES PLOTTED FROM INFORMATION AS SHOWN ON
PLAT.
WITNESS MY ORIGINAL SIGNATURE,
REGISTRATION NUMBER AND SEAL

THIS _____ DAY OF _____ A.D., 2012.

CARLTON E. PARKER L-2980



City of Greenville, North Carolina

Meeting Date:
12/13/2012
Time: 7:00 PM

Title of Item: Ordinance requested by Greenville Auto Auction Site, LLC to extend the City of Greenville's Extraterritorial Jurisdiction (ETJ)

Explanation: **Abstract:** Request by Greenville Auto Auction Site, LLC to extend the City of Greenville's Extraterritorial Jurisdiction (ETJ)

Explanation: Greenville Auto Auction Site, LLC owns properties that are split between the City's and the County's jurisdictions. The property located in the City's jurisdiction is partially developed as Greenville Auto Auction. The owner desires to expand the existing business to the adjacent property, totaling 15.78 acres, located in the County's jurisdiction. This expansion includes increasing the amount of impervious area (pavement) on the site; thus, stormwater regulations apply. Since both properties are under common ownership and being improved as one development, the owner is requesting to extend the City's jurisdiction so both of the properties are subject to the same regulations.

On June 18, 2012, the Greenville City Council adopted a resolution asking the Pitt County Commissioners for approval of the proposed ETJ extension.

On July 18, 2012, the Pitt County Planning Board recommended approval in extending the City's ETJ.

On September 19, 2012, the Pitt County Commissioners approved the request.

On November 20, 2012, the City of Greenville Planning and Zoning Commission unanimously voted to recommend approval of the request.

This is the last step in extending the City's ETJ for the subject property.

Fiscal Note: No costs to the City of Greenville associated with this request.

Recommendation: Conduct a public hearing and approve the attached ordinance extending the extraterritorial jurisdiction of the City of Greenville.

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

- [📄 Greenville Auto Auction Applicant Report](#)
 - [📄 Greenville Auto Auction Map](#)
 - [📄 Pitt County's Resolution](#)
 - [📄 ETJ Extension Ordinance Greenville Auto Auction LLC 941734](#)
 - [📄 Excerpt P Z minutes Extend ETJ 941764](#)
-

ORDINANCE NO.
AN ORDINANCE EXTENDING THE EXTRATERRITORIAL
JURISDICTION OF THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, N.C.G.S. 160A-360 allows a municipality to exercise powers conferred by Article 19 of Chapter 160A of the North Carolina General Statutes within a defined extraterritorial jurisdiction;

WHEREAS, in accordance with the provisions of N.C.G.S. 160A-360(e), Pitt County has agreed upon an extension of the City of Greenville extraterritorial jurisdiction to include an area in which the owner of all of the property located in the area has requested that the City of Greenville exercise its extraterritorial jurisdiction;

WHEREAS, N.C.G.S. 160A-360 requires cities exercising extraterritorial jurisdiction to adopt an ordinance specifying the extraterritorial area by setting forth the boundaries of such extraterritorial area by drawing the same on a map or by written description or by a combination of a map and written description;

WHEREAS, the Greenville Planning and Zoning Commission, at its November 20, 2012, meeting, recommended the extension of the extraterritorial area as delineated on a map entitled "Boundaries of the Extraterritorial Jurisdiction of the City of Greenville, North Carolina" and recorded in Map Book 21, Page 129 and 129A -129H, dated April 26, 1972, and approved by the City Council on June 26, 1972, and as amended by ordinances subsequently adopted by the City Council of the City of Greenville; and

WHEREAS, notice of a public hearing to be held on the question of adopting an ordinance extending the extraterritorial jurisdiction of the City of Greenville was published in The Daily Reflector as by law provided and a public hearing was held;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GREENVILLE DOES ORDAIN:

Section 1. That the following described area shall become part of the extraterritorial jurisdiction of the City of Greenville:

To Wit: Extension of the Extraterritorial Jurisdiction of the City of Greenville in the area north of Brompton Lane.

Location: North of Brompton Lane approximately 450 feet north of Dickinson Avenue Extension.

Lying and being in Arthur Township, Pitt County, the State of North Carolina and being further located on the north side of US 264A and NC 13, at the northwest corner of lot 4 of Oxford Park, Section I, Phase 2 as recorded in Map Book 37, Page 175 of the Pitt County Registry of Deeds, being the true point of beginning; thence from the point of beginning N 24-52-25 W 21.89 feet, to a new iron stake and the beginning of a curve to the left, with a radius of 460.00 feet and a chord bearing of N 49-22-14 W 381.47 feet to a new iron stake set in line with the center of a

ditch, thence with the center of the ditch N 01-12-55 W 403.92 feet to the intersection of two ditches, thence continuing with the center of the ditch N 00-03-20 E 702.55 feet to a new iron stake set in the line of Charlotte Tyson Crawford Property, as recorded in Deed Book X-23, Page 425; thence with the line of the Crawford Property N 89-28-08 E 240.23 feet to a new iron stake; thence N 47-09-18 E 112.99 feet to a new iron stake; thence N 77-26-01 E 238.05 feet to an existing iron pipe; thence N 80-43-45 E 18.25 feet to an existing iron pipe, the corner of Charles Brinkley Moore, Jr. Property as recorded in Deed Book 250, Page 166 thence with the line of the Moore Property S 03-25-51 W 1426.87 feet, to an existing iron pipe, the corner common to lots 3 and 4 of Oxford Park, Section I, Phase 2; thence with the back line of Oxford Park S 65-07-35 W 200 feet to the point of beginning containing 15.7775 acres, more or less.

Section 2. That the extraterritorial jurisdiction of the City of Greenville shall be the area as shown on the map entitled "Boundaries of the Extraterritorial Jurisdiction of the City of Greenville, North Carolina" recorded in Map Book 21, Page 129 and 129A-129H dated April 26, 1972 and approved by the City Council of the City of Greenville at its June 26, 1972, meeting, those areas added or deleted from the extraterritorial jurisdiction by ordinances subsequently adopted by the City Council of the City of Greenville, and the area described in Section 1 of this Ordinance. Attachment number 1
Page 2 of 2

Section 3. That the City Clerk of the City of Greenville shall cause a certified copy of this Ordinance and map and any subsequent amendments to be recorded in the Office of the Register of Deeds of Pitt County.

Section 4. This Ordinance shall become effective upon adoption.

ADOPTED this 13th day of December, 2012.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk

Document #941734

Excerpt from the DRAFT Planning & Zoning Commission Meeting Minutes (11/20/12)

REQUEST BY GREENVILLE AUTO AUCTION, LLC TO EXTEND THE CITY OF GREENVILLE'S EXTRA-TERRITORIAL JURISDICTION (ETJ)- APPROVED

Mr. Andy Thomas, Lead Planner, delineated the property. The property is located on Dickinson Extension. Greenville Auto Auction currently owns the property which one part is within the city's jurisdiction and the other is in the County. The owner desires to expand the existing business to the adjacent property, totaling 15.78 acres, located in the County's Jurisdiction. This expansion includes increasing the amount of impervious area (pavement) on the site, thus, stormwater regulations apply. Since both properties are under common ownership and being improved as one development, the owner is requesting to extend the City's Jurisdiction so both the properties are subject to the same regulations. On June 18, 2012, the Greenville City Council adopted a resolution asking the Pitt County Commissioners for approval of the proposed ETJ extension.

On July 18, 2012, the Pitt County Planning Board recommended approval in extending the City's ETJ. On August 20, 2012, the Pitt County Commissioners approved the request. Staff recommended that the board conduct a public hearing and offer a recommendation for the extension.

Chairman Bell opened the public hearing.

Steve Janowski, representative of Greenville Auto, spoke in favor of the request. He stated that the company had three tracts of land that were under different stormwater regulations and both the staff and the county agreed that the extension of the extra-territorial jurisdiction was the best solution.

No one spoke in opposition of the request.

Chairman Bell closed the public hearing and opened for board discussion.

No discussion from board members.

Motion made by Ms. Harrington, seconded by Mr. Parker, to recommend approval of the proposed amendment to advise that it is consistent with the Comprehensive Plan and other applicable plans and to adopt the staff report which addresses plan consistency and other matters. Motion passed unanimously.



Greenville Auto Auction Site, LLC – Proposed ETJ Expansion

Greenville Auto Auction Site, LLC hereby requests that the City of Greenville’s ETJ be extended to include the property described as; Pitt County parcel number 56551, containing 15.78 acres located on the Northern side of Brompton Lane as shown on the attached maps. The property is currently vacant and is used as an access point for adjacent property owned by Greenville Auto Auction Site, LLC.

The property is situated adjacent to two other parcels, numbers 48380 and 48242, owned by Greenville Auto Auction Site, LLC that are currently within the City of Greenville ETJ. The two adjacent parcels are currently zoned CH and OR. The subject property’s current Pitt County zoning is CG. Greenville Auto Auction Site, LLC requests that the subject property be zoned CH by the City of Greenville upon being included into the ETJ.

Inclusion of parcel 56551 into the ETJ will provide opportunities for Greenville Auto Auction Site, LLC to utilize the property in combination with their adjacent property for future expansion or improvements. One current and immediate benefit to Greenville Auto Auction Site, LLC will be use of the subject property to mitigate stormwater requirements for improvements made on the adjacent property already within the ETJ.

Considerations for Greenville ETJ extension

The following items address considerations as noted by the Pitt County Board of Commissioners Draft Policy for Expansions of Municipal ETJ:

1. The City of Greenville currently has subdivision and zoning regulations in place that are administered by a planning board and city staff.
2. The subject property is adjacent to property currently within Greenville City limits and the ETJ. The property is well defined by parcel lines and adjacent roadways, as shown on the attached maps.
3. Water service is currently available from Bell Arthur Water Corporation. Electric service is currently available from Greenville Utilities Commission. Sewer service would currently be an on-site system; however, Greenville Utilities Commission has participated with other property owners in the area to install sewer outfall lines that may be of future benefit to the subject property.
4. The subject property is not located within two miles of any other planning jurisdiction’s corporate limits. The property’s location being adjacent to the existing Greenville City Limits and ETJ would imply there will be no impact to neighboring municipalities.
5. Greenville Auto Auction is continuing to expand operations and the addition of this adjacent property into the ETJ will allow a uniform controlled expansion of this facility.

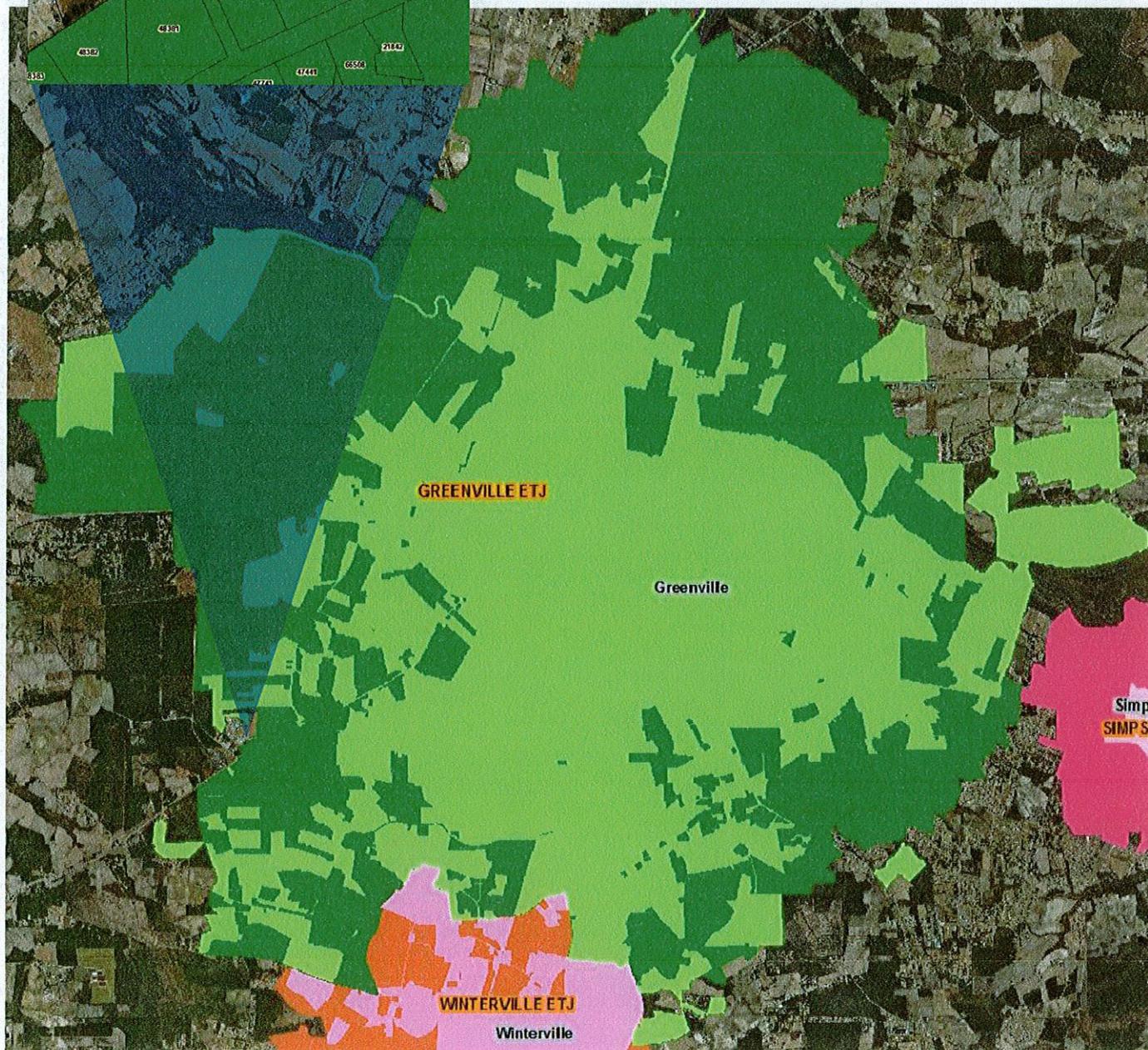
This formal request and its attachments were prepared by J.S. Janowski Engineering, P.A. as a representative of Greenville Auto Auction Site, LLC.

Respectfully submitted by:

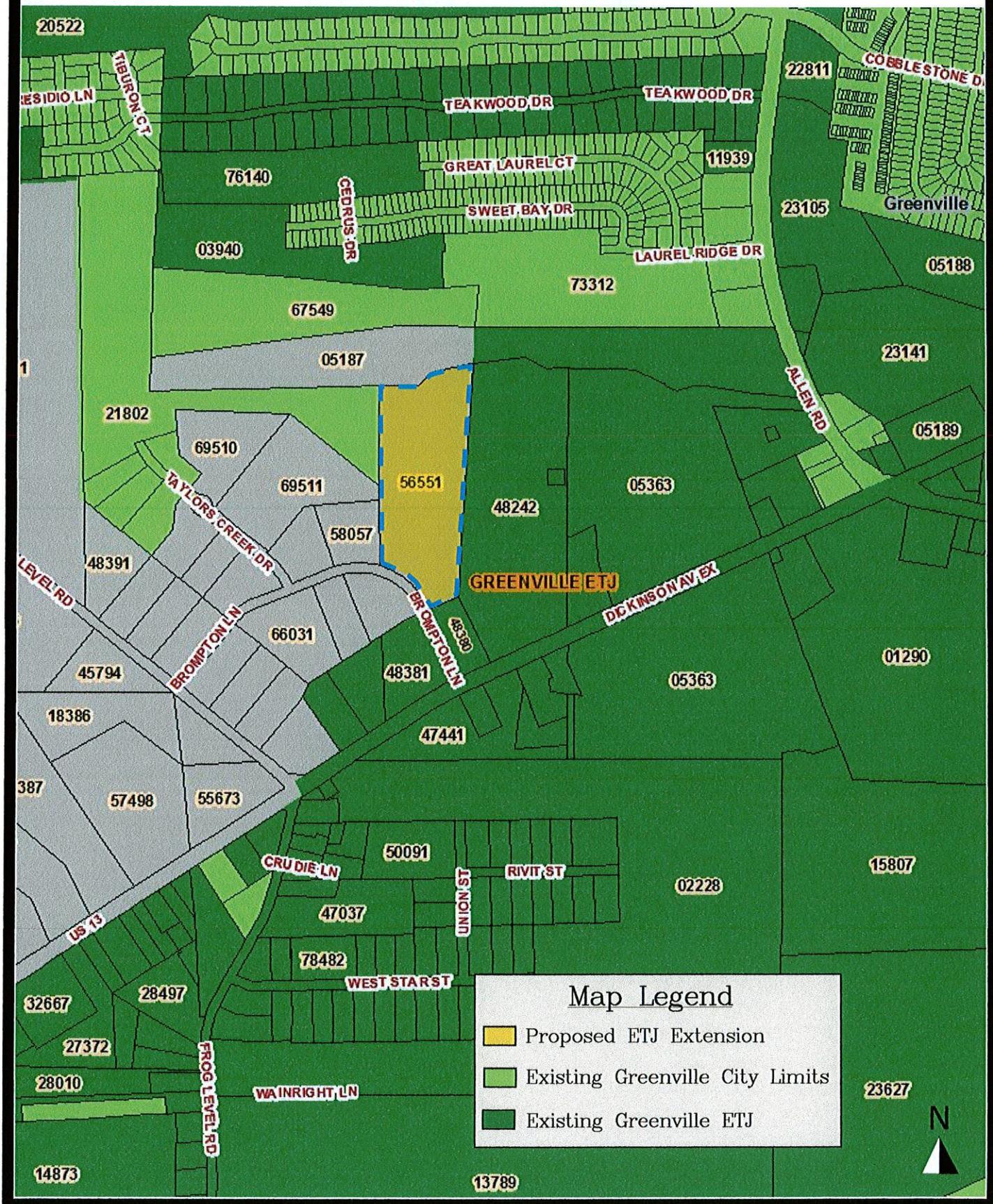
J. Stephen Janowski, PE – President of
J.S. Janowski Engineering, P.A.

Clark Stallings, Managing Member of
Greenville Auto Auction Site, LLC

PITT COUNTY ETJ PROPOSAL



Proposed Municipal Extraterritorial Jurisdiction Extension



Proposed Municipal Extraterritorial Jurisdiction Extension Aerial Photo (2010)

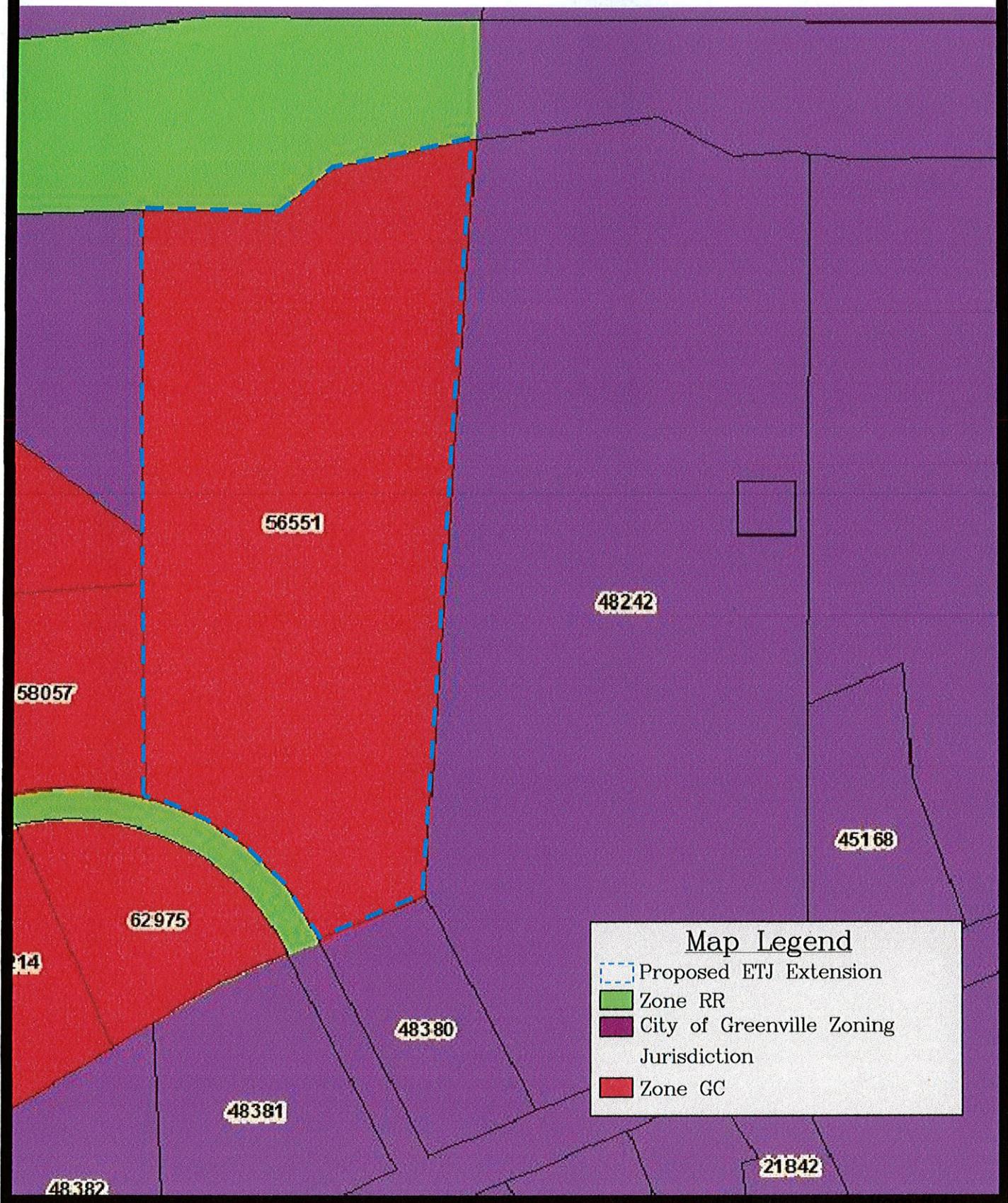


Map Legend

Proposed ETJ Extension

N

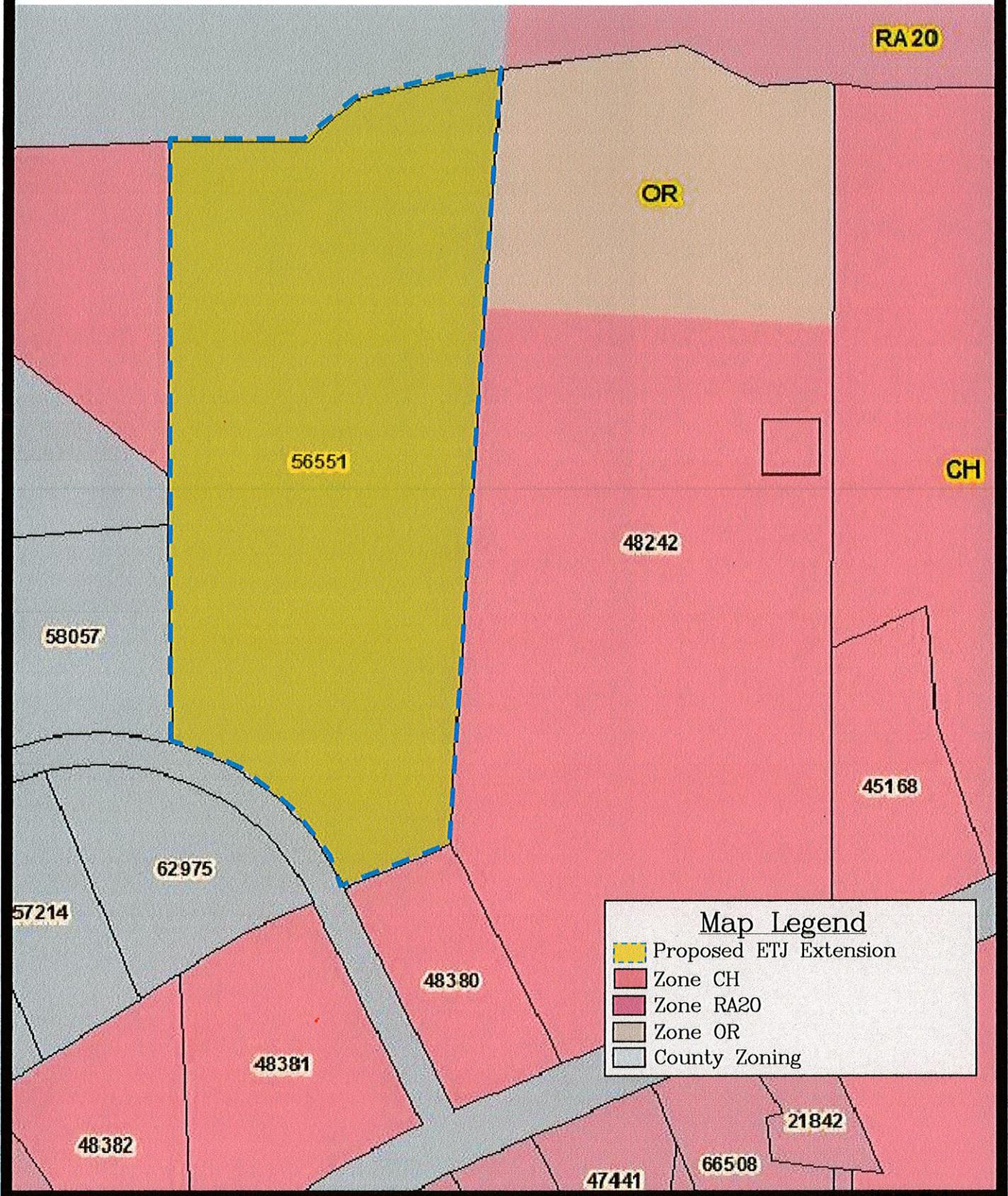
Existing Pitt County Land Uses



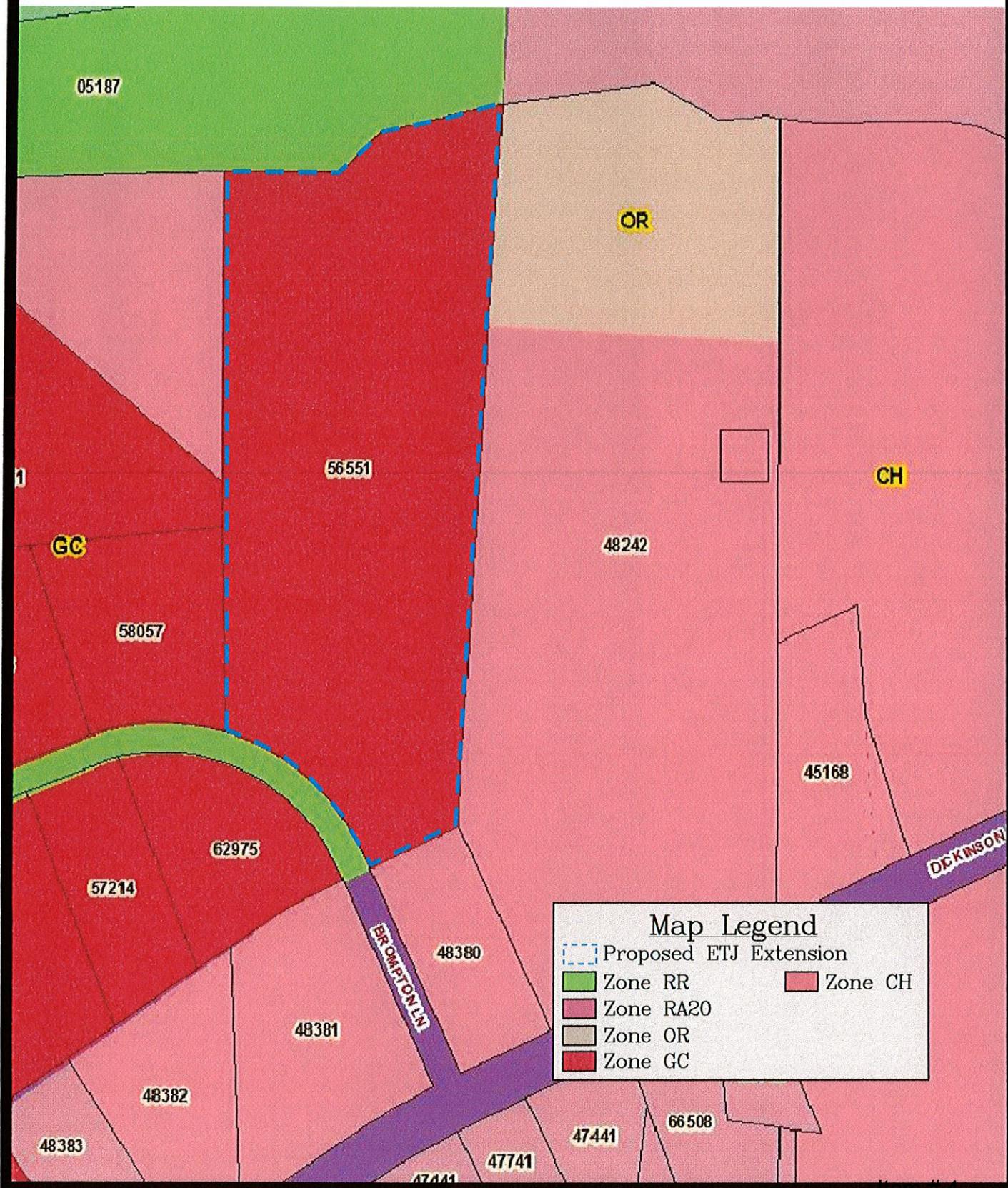
Map Legend

- Proposed ETJ Extension
- Zone RR
- City of Greenville Zoning Jurisdiction
- Zone GC

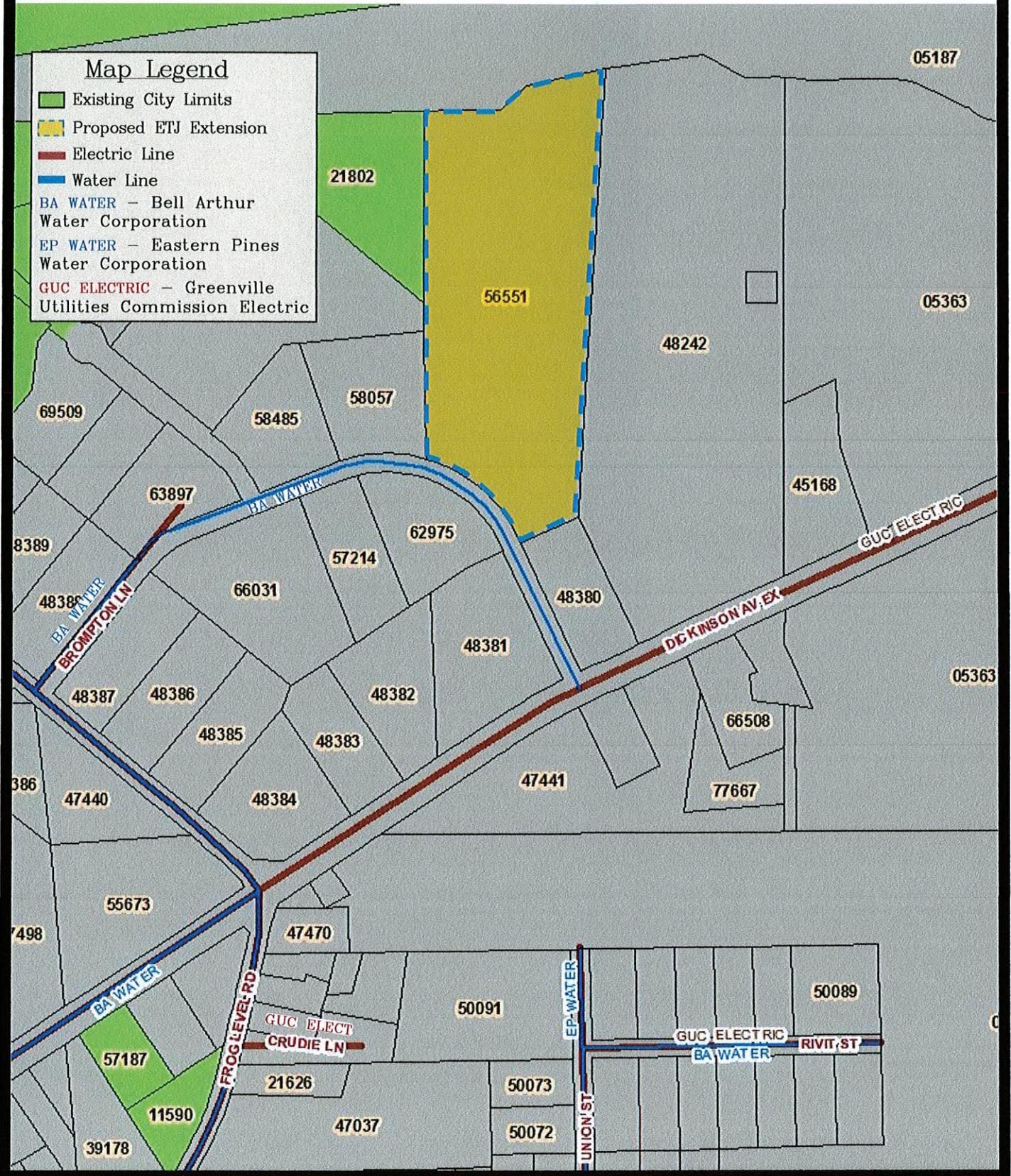
Existing City of Greenville Land Uses



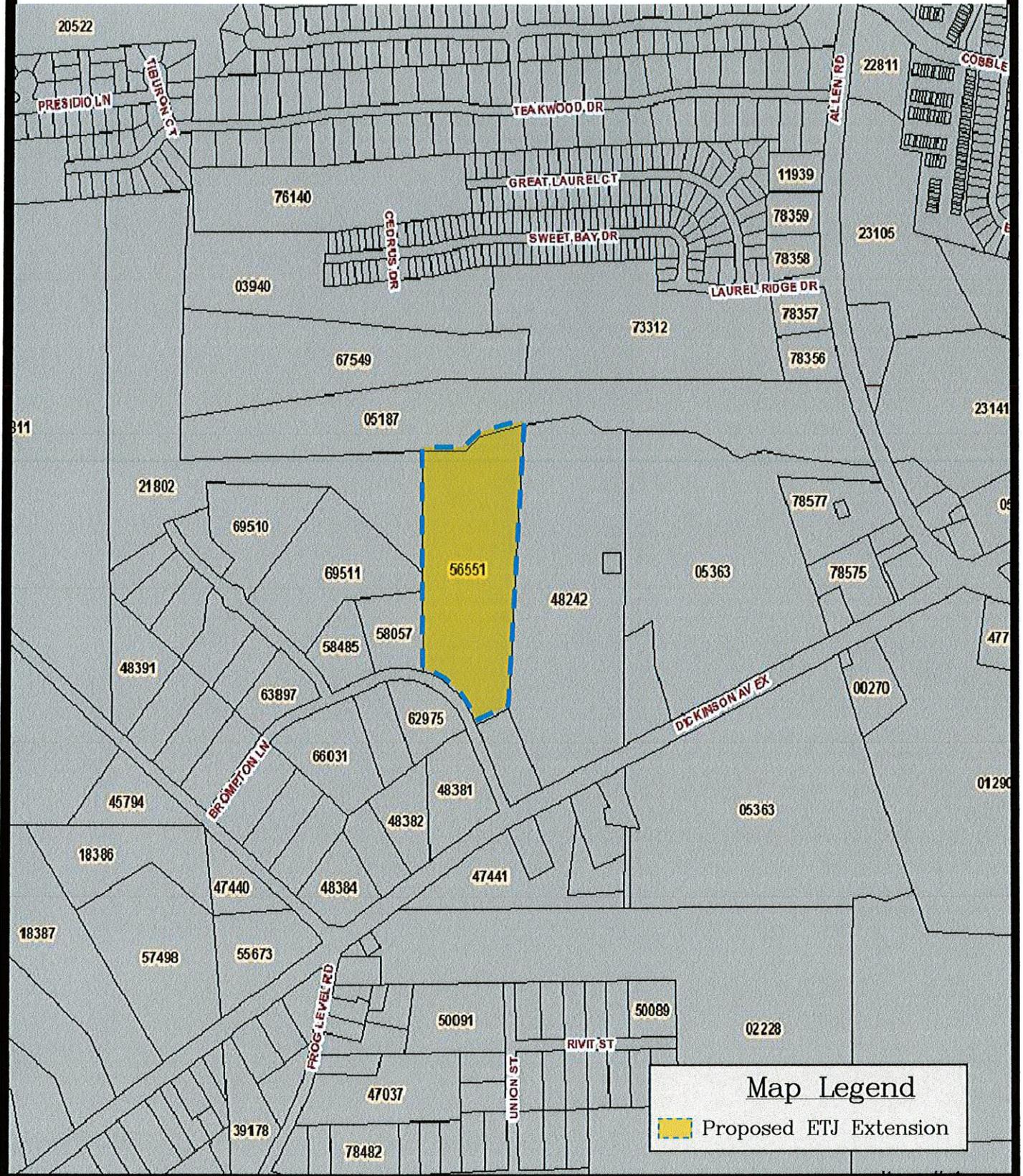
Combined Pitt County and City of Greenville Existing Land Uses



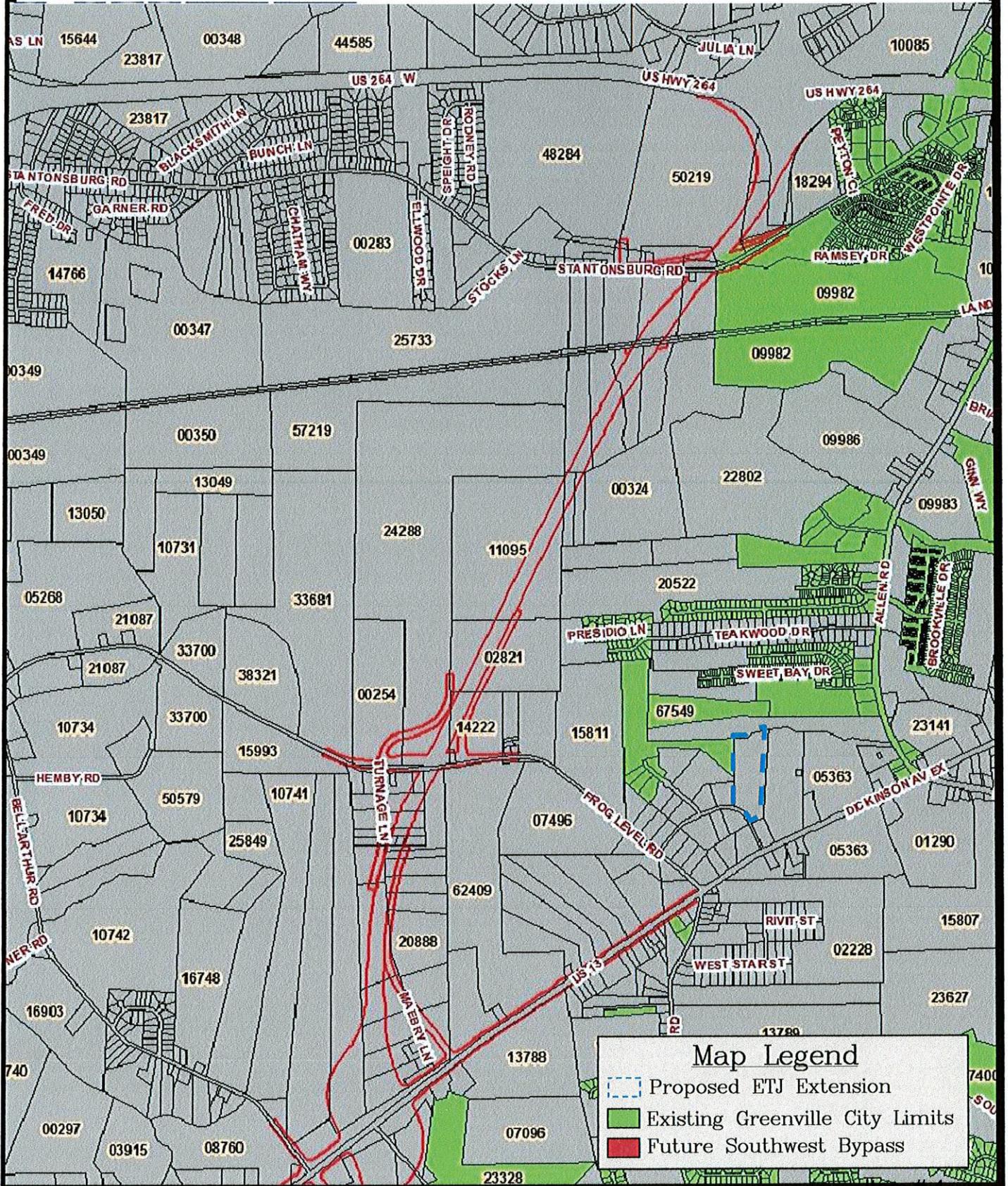
Existing Utility Services



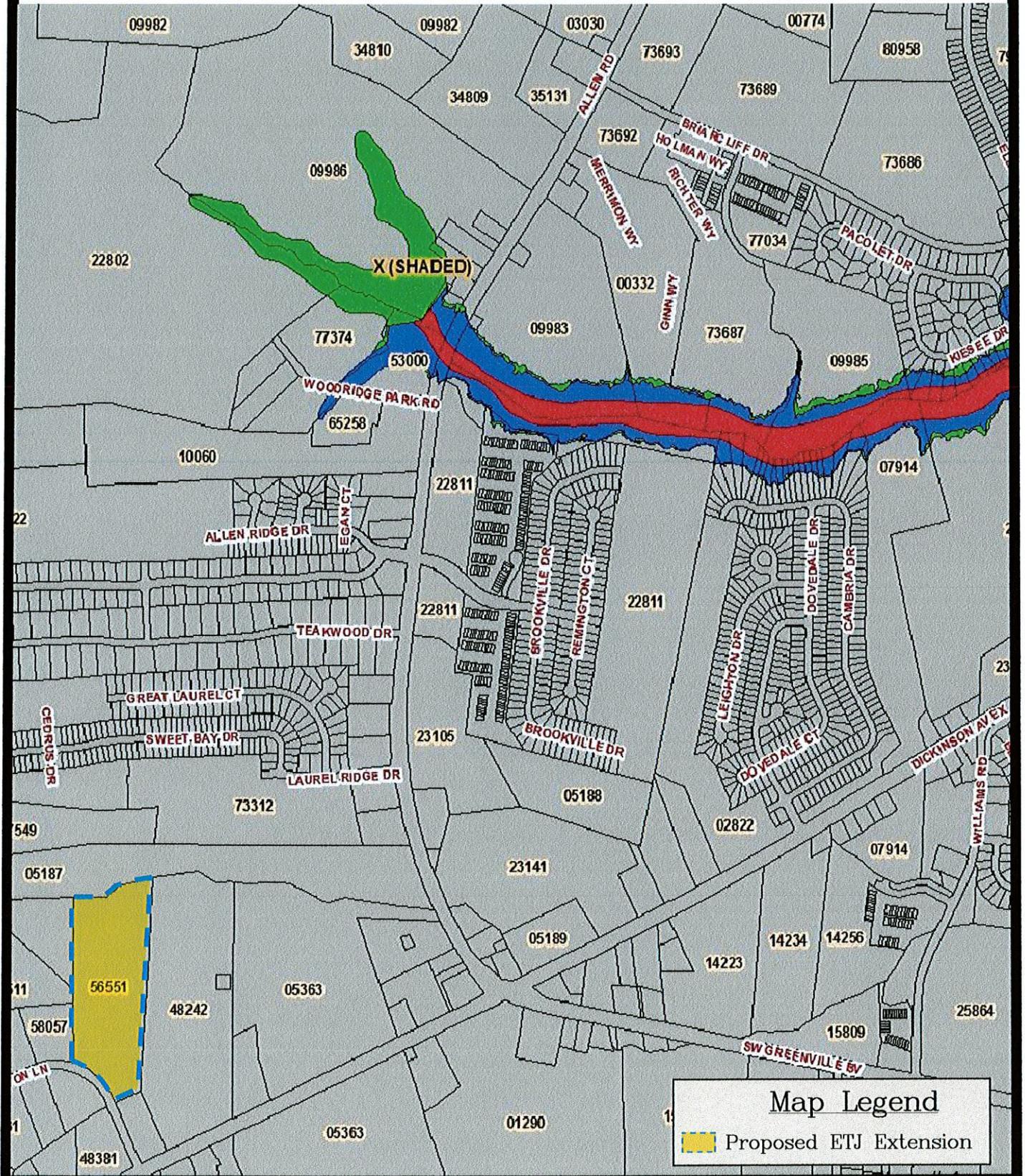
Existing Thoroughfares



Future Thoroughfares

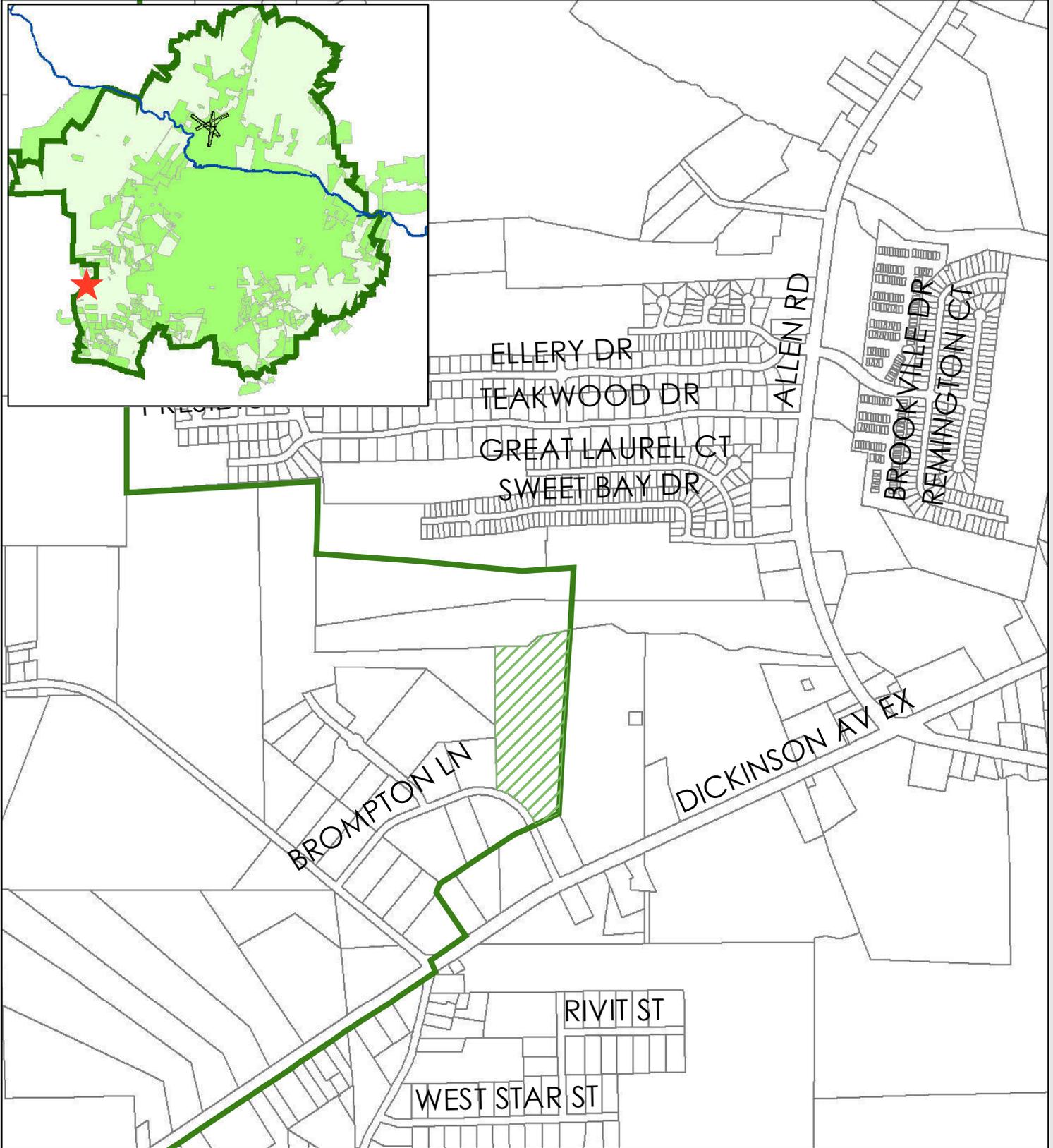
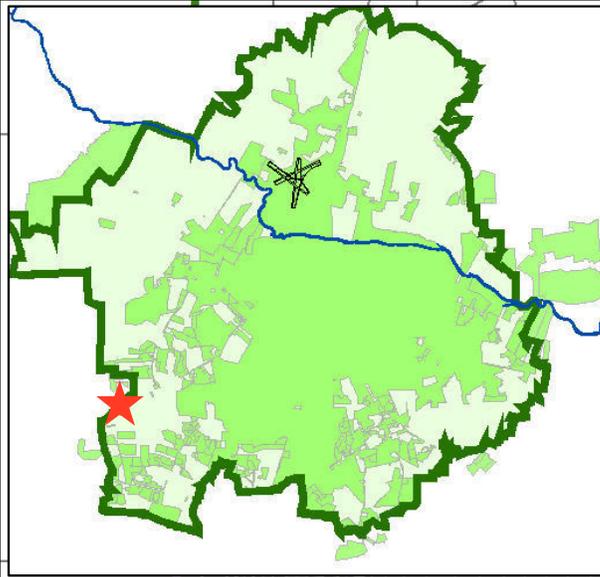


Proximity To Existing Floodway





City of Greenville ETJ Extension Request Greenville Auto Auction LLC



Legend

 Land Parcels



Map Composed by the Planning
Division on November 14th 2012

Item # 4



**PITT COUNTY BOARD OF COUNTY COMMISSIONERS RESOLUTION
SUPPORTING THE CITY OF GREENVILLE'S REQUEST TO EXTEND
EXTRATERRITORIAL JURISDICTION**

WHEREAS, N.C.G.S. 160A-360 allows a municipality to exercise powers conferred by Article 19 of Chapter 160A of the North Carolina General Statutes within a defined extraterritorial jurisdiction;

WHEREAS, N.C.G.S. 160A-360(e) requires a city and county to agree upon an extension of a city's extraterritorial jurisdiction where a county enforces a zoning ordinance and subdivision regulations and within which the county is enforcing the State Building Code regulations;

WHEREAS, Pitt County enforces a zoning ordinance and subdivision regulations and enforces the State Building Code regulations within areas in the county which are outside the corporate limits and extraterritorial jurisdiction of municipalities;

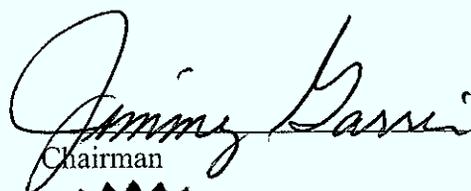
WHEREAS, the City Council of the City of Greenville has requested, by resolution on June 14, 2012, to extend its extraterritorial jurisdiction to include tax parcel 56551 owned by Greenville Auto Auction Site, LLC located adjacent to the City of Greenville's extraterritorial jurisdiction;

WHEREAS, the Pitt County Board of Commissioners, following a public hearing on August 20, 2012, reviewed the merits of the request per the County's applicable policies and unanimously approved the City's request for the extraterritorial jurisdiction extension; and

WHEREAS, this proposed extraterritorial jurisdiction extension will take effect at a later date as determined by the City of Greenville once all applicable statutory requirements are met.

NOW, THEREFORE, BE IT RESOLVED that the Pitt County Board of Commissioners affirms by resolution, as required by N.C.G.S. 160A-360, the approval of the requested extension of the City of Greenville's extraterritorial powers under Article 19 of Chapter 160A of the North Carolina General Statutes to include tax parcel 56551 owned by Greenville Auto Auction Site, LLC.

This the 3rd day of December, 2012.


Chairman

ATTEST:


Kimberly Hines, Clerk to the Board





City of Greenville, North Carolina

Meeting Date:
12/13/2012
Time: 7:00 PM

Title of Item: Ordinance requested by Greenville Auto Auction Site, LLC to rezone 22.775 acres located north of Brompton Lane and 1,520+/- feet west of Allen Road from GC (General Commercial - County's Jurisdiction) and OR (Office-Residential [High Density Multi-family]) to CH (Heavy Commercial)

Explanation: **Abstract:** Ordinance requested by Greenville Auto Auction Site, LLC to rezone 22.775 acres located north of Brompton Lane and 1,520+/- feet west of Allen Road from GC (General Commercial - County's Jurisdiction) and OR (Office-Residential [High Density Multi-family]) to CH (Heavy Commercial).

Required Notices:

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on November 5, 2012.
On-site sign(s) posted on November 5, 2012.
City Council public hearing notice (property owner and adjoining property owner letter) mailed on November 27, 2012.
Public hearing legal advertisement published on December 3 and December 10, 2012.

Comprehensive Plan:

The subject area is located in Vision Area E.

The subject property is considered to be part of the regional focus area along Dickinson Avenue Extension, roughly between Greenville Boulevard/Allen Road and Frog Level Road. These nodes typically contain more than 400,000 square feet of conditioned floor space.

Dickinson Avenue Extension is considered a gateway corridor beginning at the Greenville Boulevard/Allen Road intersection and continuing west. Gateway corridors serve as primary entrance ways into the City and help define community character.

The Future Land Use Plan Map recommends commercial (C) starting at the northwest corner of the intersection of Dickinson Avenue Extension and Greenville Boulevard/Allen Road continuing west and transitioning to office/institutional/multi-family (OIMF) to the north.

Thoroughfare/Traffic Report Summary (PWD- Engineering Division):

Based on the analysis comparing the existing zoning and requested rezoning, the proposed rezoning classification could generate 234 trips to and from the site on Dickinson Avenue, which is a net decrease of 573 less trips per day. Since the traffic analysis for the requested rezoning indicates that the proposal would generate less traffic than the existing zoning, a traffic volume report was not generated.

History/Background:

In 1993, the OR-zoned portion of the subject property was incorporated into the City's extra-territorial jurisdiction (ETJ) and zoned RA20.

The portion of the subject property proposed for CH zoning is associated with an extra-territorial jurisdiction (ETJ) extension.

Present Land Use:

Vacant

Water/Sewer:

Water and sanitary sewer are available to the property.

Historic Sites:

There are no known effect on historic sites.

Environmental Conditions/Constraints:

There are no known environmental conditions/constraints.

Surrounding Land Uses and Zoning:

North: RA20 and RR (County's Jurisdiction) - Vacant

South: CH - Greenville Auto Auction (common ownership as applicant); GC (County's Jurisdiction) - Select Auto Sales

East: CH - farmland

West: GC (County's Jurisdiction) - Ferguson Enterprises, Mt. Carmel Christian Church and farmland

Density Estimates:

Tract 1:

Acreage: 15.784 acres

Current Zoning: GC (General Commercial - County's Jurisdiction)

Requested Zoning : CH (Heavy Commercial)

Under the current zoning (GC) and proposed zoning (CH), staff would anticipate the site to yield the same square footage (64,714+/-) of auto sales/rental/repair or mini-storage.

Tract 2:

Acreage: 6.991 acres

Current Zoning: OR (Office-Residential [High Density Multi-family])

Requested Zoning: CH (Heavy Commercial)

Under the current zoning (OR), staff would anticipate the site to yield 97 multi-family units (1, 2 and 3 bedrooms).

Under the proposed zoning (CH), staff would anticipate the site to yield 28,663+/-square footage of auto sales/rental/repair or mini-storage.

The anticipated build-out time is within 1-2 years.

Fiscal Note:

No cost to the City.

Recommendation:

In staff's opinion, the request is in general compliance with Horizons: Greenville's Community Plan and the Future Land Use Plan Map.

"General compliance with the comprehensive plan" should be construed as meaning the requested rezoning is recognized as being located in a transition area and that the requested rezoning (i) is currently contiguous or is reasonably anticipated to be contiguous in the future to specifically recommended and desirable zoning of like type, character or compatibility, (ii) is complementary with objectives specifically recommended in the Horizons Plan, (iii) is not anticipated to create or have an unacceptable impact on adjacent area properties or travel ways, and (iv) preserves the desired urban form. It is recognized that in the absence of more detailed plans, subjective decisions must be made concerning the scale, dimension, configuration, and location of the requested zoning in the particular case. Staff is not recommending approval of the requested zoning; however, staff does not have any specific objection to the requested zoning.

The Planning and Zoning Commission voted to recommend approval of the request at its November 20, 2012, meeting.

If City Council determines to approve the request, a motion to adopt the attached rezoning ordinance will accomplish this. The ordinance includes the statutorily required statement describing whether the action taken is consistent with the comprehensive plan and explaining why Council considers the action taken to be

reasonable and in the public interest.

If City Council determines to deny the rezoning request, in order to comply with this statutory requirement, it is recommended that the motion be as follows:

Motion to deny the proposed amendment and to make a finding and determination that, although the rezoning request is consistent with the comprehensive plan, there is a more appropriate zoning classification and, therefore, denial is reasonable and in the public interest.

Note: In addition to the other criteria, the Planning and Zoning Commission and City Council shall consider the entire range of permitted and special uses for the existing and proposed districts as listed under Title 9, Chapter 4, Article D of the Greenville City Code.

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

- [📎 Location Map](#)
 - [📎 Survey](#)
 - [📎 Bufferyard and Vegetation Standards](#)
 - [📎 Ordinance Greenville Auto Auction 941631](#)
 - [📎 Excerpt P Z minutes Rezoning of Greenville Auto Action 941780](#)
 - [📎 GC OR to CH 941081](#)
-

DESCRIPTION:

That Certain Tract Of Land Lying And Being In Arthur Township, Pitt County, North Carolina And Being More Particularly Described As Follows:

Lying and being in Arthur Township, Pitt County, the State of North Carolina and being further located on the north side of US 264A and NC 13, at the northwest corner of lot 4 of Oxford Park, Section I, Phase 2 as recorded in Map Book 37, Page 175 of the Pitt County Registry of Deeds, being the true point of beginning; thence from the point of beginning N 24-52-25 W 21.89 feet, to a new iron stake and the beginning of a curve to the left, with a radius of 460.00 feet and a chord bearing of N 49-22-14 W 381.47 feet to an existing iron stake in line with the center of a ditch, thence with the center of the ditch N 01-12-55 W 403.92 feet to the intersection of two ditches, thence continuing with the center of the ditch N 00-03-20 E 702.55 feet to a new iron stake set in the line of Charlotte Tyson Crawford Property, as recorded in Deed Book X-23, Page 425; thence with the line of the Crawford Property N 89-28-08 E 240.23 feet to a new iron stake; thence N 47-09-18 E 112.99 feet to a new iron stake; thence N 77-26-01 E 238.05 feet to an existing iron pipe; thence N 80-43-45 E 18.25 feet to an existing iron pipe, the corner of Charles Brinkley Moore, Jr. Property as recorded in Deed Book 250, Page 166 thence with the line of the Moore Property S 00°13'17" W 476.03 feet, to a point, thence N 89°46'59" W 607.90 feet to a point, thence S 03°25'54" W 918.09 feet to a point, thence S 65°07'35" W 200.00 feet to the true point of beginning, containing 22.775 acres, more or less.

Section 2. That the Director of Community Development is directed to amend the zoning map of the City of Greenville in accordance with this ordinance.

Section 3. That all ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 4. That this ordinance shall become effective upon its adoption for the property located within the City of Greenville and within the extraterritorial area of the City of Greenville as defined by the Zoning Ordinance for Greenville, North Carolina and shall become effective upon annexation for property located outside of the City of Greenville and outside of the extraterritorial area of the City of Greenville as defined by the Zoning Ordinance for Greenville, North Carolina.

ADOPTED this 13th day of December, 2012.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk

Excerpt from the DRAFT Planning & Zoning Commission Meeting Minutes (11/20/12)

ORDINANCE REQUESTED BY GREENVILLE AUTO AUCTION SITE, LLC TO REZONE 22.775 ACRES LOCATED NORTH OF BROMPTON LANE AND 1,520+/- FEET WEST OF ALLEN ROAD - APPROVED

Ms. Chantae Gooby, Planner II, delineated the property. The property is located in the south western part of the city, north of Brompton Lane and 1,520+/- feet west of Allen Road. Most of the property in the area is vacant or commercial. The rezoning could result in a decrease in traffic so a traffic report was generated. Under the current zoning (GC) and proposed zoning (CH), staff would anticipate the site to yield the same square footage (64,714+/-) of auto sales/rental/repair or mini-storage. Under the current zoning (OR), staff would anticipate the site to yield 97 multi-family units. Under the proposed zoning (CH), staff would anticipate the site to yield 28,663+/- square footage of auto sales/rental/repair or mini-storage. The Future Land Use Plan Map recommends commercial (C) starting at the northwest corner of the intersection of Dickinson Avenue Extension and Greenville Boulevard/Allen Road continuing west and transitioning to office/institutional/multi-family (OIMF) to the north. The requested rezoning is recognized as being located in a transition area and that the requested rezoning is currently contiguous or is reasonably anticipated to be contiguous in the future, is not anticipated to create or have an unacceptable impact on adjacent area properties or travel ways, and preserves the desired urban form. In staff's opinion, the request is in general compliance with Horizons: Greenville's Community Plan and the Future Land Use Plan.

Ms Bellis asked for clarity concerning the special uses for adult use establishments.

Ms Gooby stated that adult use establishments cannot be located within 500 feet of churches, schools or residential property.

Mr. Weitz asked what the County Land Use Plan Map designates for the property.

Ms Gooby stated the County's Land Use Plan Map is complimentary with the City's Land Use Plan Map and recommends commercial.

Mr. Weitz asked for elaboration on staff's recommendation.

Ms Gooby stated that commercial property is extending further north into to the residential area but the resulting zoning would be in keeping with the intent of the plan. Staff wanted to make the board aware of this. There is an intervening strip of land between the residential and commercial.

Mr. Steve Janowski, representative of Greenville Auto, spoke in favor of the request. He stated that the company wanted all three parcels of land to be the same zoning. The company wants to expand the business for vehicle stock.

Mr. Weitz asked if the expansion would be needed anytime soon.

Doc #941780

Mr. Janowski stated no time soon but the company wanted to be in the position to expand.

No one spoke in opposition of the request.

Chairman Bell closed the public hearing and opened for board discussion.

Mr. Weitz stated that the rezoning is appropriate.

Motion made by Mr. Weitz, seconded by Mr. Maxwell, to recommend approval of the rezoning to advise that it is consistent with the Comprehensive Plan and other applicable plans and to adopt the staff report which addresses plan consistency and other matters. Motion passed unanimously.

EXISTING ZONING

Pitt County Zoning GC (General Commercial) List of Uses

Agricultural Production
Fish Hatchery
Bed and Breakfast Inn
Boarding and Rooming House
Family Care Home
Group Care Facility
Homeless Shelter
Multi-family Dwelling
Planned Unit Development
Temporary Shelter
Accessory Uses and Structures
Caretaker Dwelling
Communication Towers
Emergency Shelter
Wind Energy Facility, Accessory
Amusement or Water Parks, Fairgrounds
Athletic Field
Auditorium, Coliseum or Stadium
Batting Cages,
Billiard Parlor
Bingo Games
Bowling Center
Civic, Social and Fraternal Associations
Coin-Operated Amusement, Except Adult Arcade
Country Club with Golf Course
Dance School, Music Instruction
Fortune Tellers, Astrologers
Go-Cart Raceway
Golf Course
Golf Course, Miniature
Golf Driving Range
Physical Fitness Center
Private Campground/RV Park
Private or Public Club or Recreational Facility, Other
Shooting Range, Indoor
Skating Rink
Sports and Recreation Club, Indoor
Swim and Tennis Club
Ambulance Service
Cemetery or Mausoleum

Church or other Place of Worship
College, University, Technical Institute (special use)
Miscellaneous Educational Services
Day Care Center, Adult and Child
Elementary or Secondary School
Fire Station/Emergency Medical Service
Government Office
Hospital
Library
Museum or Art Gallery
National Guard /Military Reserve Center
Nursing and Convalescent Home
Orphanage
Law Enforcement Substation
Post Office
Psychiatric Hospital
Retreat/Conference Center
School Administration Facility
Tutoring/Mentoring Center, less than 5 students
Accounting, Audit or Bookkeeping
Administrative or Management Service
Advertising, Outdoor Service
Automobile Parking (Commercial)
Automobile Rental or Leasing
Automobile Repair and Towing
Bank, Saving and Loan or Credit Union
Barber/Beauty Shop
Blacksmith
Boat Repair
Building Maintenance Services, No Outdoor Service
Car Wash
Clothing Alteration or Repair
Computer Repair and Repair
Crematorium
Employment Agency, Personnel Agency
Engineering, Architect or Survey Service
Equipment Rental or Leasing, No Outdoor Service
Equipment Repair, Light
Finance or Loan Office
Funeral Home
Furniture Refinishing
Furniture Repair Shop
Hotel, Motel, Except Adult Motel
Insurance Agency
Kennel or Pet Grooming
Landscape or Horticulture Service

Laundromat, Coin-Operated
Laundry or Dry Cleaning Plan
Law Office
Medical, Dental or Related Office
Medical or Dental Laboratory
Miscellaneous Services, Not Listed
Office Use Not Otherwise Classified
Pest or Termite Control Services
Pet Cemetery/Crematorium
Photocopying and Duplicating Services
Photography, Commercial Studio
Real Estate Office
Recording Studio
Refrigerator or Large Appliance Repair
Research, Development or Testing Services
Shoe Repair or Shoeshine Shop
Tattoo Parlor
Taxidermist
Television Radio or Electronic Repair
Theatre (indoor and outdoor), Except Adult Theatre
Tire Recapping
Welding Shop
Veterinary Clinic
Vocational, Business or Secretarial School
ABC Store
Antique Store
Appliance Store
Arts and Crafts
Auto Supply Sales
Bakery
Bar, Night Club, Tavern
Bookstore, except Adult Bookstore
Building Supply Sales
Computer Sales
Convenience Store
Department, Variety, General Merchandise
Drugstore
Fabric or Piece Goods Store
Farm Supplies and Equipment
Floor Covering, Drapery or Upholstery
Florist
Food Store
Fuel Oil Sales
Furniture Sales
Garden Center, Retail Nursery
Hardware Store

Home Furnishings, Miscellaneous
Miscellaneous Retail Sales
Motor Vehicle, Recreational Vehicle and Motorcycle Sales
Musical Instrument Sales
Newsstand
Office Machine Sales
Optical Goods Sales
Paint and Wallpaper Sales
Pawnshop or Used Merchandise Store
Pet Store
Record and Tape Store
Restaurant
Service station, Gasoline Sales
Sporting Goods Store, Bicycle Shop
Video Tape Rental and Sales, Except Adult Video Store
Apparel, Piece Goods, Notions
Books, Periodicals, Newspapers
Drugs and Sundries
Durable Goods, Other
Electrical Goods
Farm Supplies, Other
Flowers, Nursery Stock, and Florist Supplies
Furniture and Home Furnishings
Groceries and Related Products
Hardware
Jewelry, Watches, Precious Stones and Metals
Machinery Farm and Garden
Market Showroom
Paper and Paper Products
Professional and Commercial Equipment and Supplies
Sporting and Recreational Goods and Supplies
Tobacco and Tobacco Products
Toys and Hobby Goods and Supplies
Wallpaper and Paint Brushes
Bus Terminal
Communication or Broadcasting Facility
Courier Service
Marina
Sewage Treatment Center
Taxi Terminal
Utility Company Office
Utility Equipment and Storage yards
Utility Lines
Utility Service Facility (No Outside Storage)
Utility Related Appurtenances
Warehouse (General, Enclosed and Self-Storage)

Water Treatment Plant
Contractors (No Outside Storage)
Contractors, General Building and Special Trade
Manufacture of Ice
Print and Publishing
Arts and Crafts Shows
Automobile Parking on same lot as principal use
Billboards, Advertising Signs
Carnivals and Fairs
Christmas Tree Sales
Concerts, Stage Shows
Conventions, Trade shows
Emergency Shelter
Outdoor Flea Markets
Outdoor Fruit and Vegetable Markets
Outdoor Religious Events
Sexually Oriented Business
Shopping Center
Special Temporary Event
Subdivision
Temporary Construction, Storage or Office; Real Estate Sales or Rental Office
Temporary Emergency, Construction, and Repair Residence

OR (Office-Residential)

Permitted Uses

(1) General:

- a. Accessory use or building
- b. Internal service facilities
- c. On- premise signs per Article N
- f. Retail sales incidental

(2) Residential:

- b. Two-family attached dwelling (duplex)
- c. Multi-family development per Article 1
- k. Family care home (see also section 9-4-103)
- n. Retirement center or home
- o. Nursing, convalescent center or maternity home; major care facility
- p. Board or rooming house
- q. Room renting

(3) Home Occupations (see all categories):

*None

(4) Governmental:

- b. City of Greenville municipal government building or use (see also section 9-4-103)

- c. County or state government building or use not otherwise listed; excluding outside storage and major or minor repair
- d. Federal government building or use

(5) Agricultural/ Mining:

- a. Farming; agriculture, horticulture, forestry (see also section 9-4-103)

(6) Recreational/ Entertainment:

- f. Public park or recreational facility
- g. Private noncommercial park or recreation facility

(7) Office/ Financial/ Medical:

- a. Office; professional and business, not otherwise listed
- b. Operational/processing center
- c. Office; customer service not otherwise listed, including accessory service delivery vehicle parking and indoor storage
- d. Bank, savings and loan or other savings or investment institutions
- e. Medical, dental, ophthalmology or similar clinic, not otherwise listed

(8) Services:

- c. Funeral home
- e. Barber or beauty shop
- f. Manicure, pedicure, or facial salon
- g. School; junior and senior high (see also section 9-4-103)
- h. School; elementary (see also section 9-4-103)
- i. School; kindergarten or nursery (see also section 9-4-103)
- j. College or other institutions of higher learning
- k. Business or trade school
- n. Auditorium
- o. Church or place of worship (see also section 9-4-103)
- p. Library
- q. Museum
- r. Art Gallery
- u. Art studio including art and supply sales
- v. Photography studio including photo and supply sales
- w. Recording studio
- x. Dance studio
- bb. Civic organizations
- cc. Trade or business organizations

(9) Repair:

- * None

(10) Retail Trade:

- s. Book or card store, news stand

w. Florist

(11) Wholesale/ Rental/ Vehicle- Mobile Home Trade:

* None

(12) Construction:

- a. Licensed contractor; general, electrical, plumbing, mechanical, etc. excluding outside storage
- c. Construction office; temporary, including modular office (see also section 9-4-103)

(13) Transportation:

* None

(14) Manufacturing/ Warehousing:

* None

(15) Other Activities (not otherwise listed - all categories):

* None

OR (Office-Residential)

Special Uses

(1) General:

* None

(2) Residential:

- d. Land use intensity multifamily (LUI) development rating 50 per Article K
- e. Land use intensity dormitory (LUI) development rating 67 per Article K
- i. Residential quarters for resident manager, supervisor or caretaker; excluding mobile home
- o.(1). Nursing, convalescent center or maternity home; minor care facility
- r. Fraternity or sorority house

(3) Home Occupations (see all categories):

* None

(4) Governmental:

- a. Public utility building or use

(5) Agricultural/ Mining:

* None

(6) Recreational/ Entertainment:

- c.(1). Tennis club; indoor and outdoor facilities
- h. Commercial recreation; indoor only, not otherwise listed

(7) Office/ Financial/ Medical:

- f. Veterinary clinic or animal hospital (also see animal boarding; outside facility, kennel and stable)

(8) Services:

- a. Child day care facilities
- b. Adult day care facilities
- l. Convention center; private
- s. Hotel, motel, bed and breakfast inn; limited stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)
- ff. Mental health, emotional or physical rehabilitation center

(9) Repair:

- * None

(10) Retail Trade:

- h. Restaurant; conventional
- j. Restaurant; regulated outdoor activities

(11) Wholesale/ Rental/ Vehicle- Mobile Home Trade:

- * None

(12) Construction:

- * None

(13) Transportation:

- h. Parking lot or structure; principle use

(14) Manufacturing/ Warehousing:

- * None

(15) Other Activities (not otherwise listed - all categories):

- a. Other activities; personal services not otherwise listed
- b. Other activities; professional services not otherwise

PROPOSED ZONING

CH (Heavy Commercial)

Permitted Uses

(1) General:

- a. Accessory use or building
- b. Internal service facilities
- c. On- premise signs per Article N
- d. Off-premise signs per Article N

- e. Temporary uses; of listed district uses
- f. Retail sales; incidental
- g. Incidental assembly of products sold at retail or wholesale as an accessory to principle use

(2) Residential:

* None

(3) Home Occupations (see all categories):

*None

(4) Governmental:

- a. Public utility building or use
- b. City of Greenville municipal government building or use (see also section 9-4-103)
- c. County or state government building or use not otherwise listed; excluding outside storage and major or minor repair
- d. Federal government building or use
- e. County government operation center
- g. Liquor store, state ABC

(5) Agricultural/ Mining:

- a. Farming; agriculture, horticulture, forestry (see also section 9-4-103)
- b. Greenhouse or plant nursery; including accessory sales
- d. Farmers market
- e. Kennel (see also section 9-4-103)
- h. Animal boarding not otherwise listed; outside facility, as an accessory or principal use

(6) Recreational/ Entertainment:

- b. Golf course; par three
- c. Golf driving range
- c.(1). Tennis club; indoor and outdoor facilities
- e. Miniature golf or putt-putt course
- f. Public park or recreational facility
- h. Commercial recreation; indoor only, not otherwise listed
- i. Commercial recreation; indoor and outdoor, not otherwise listed
- j. Bowling alleys
- n. Theater; movie or drama, indoor only
- o. Theater; movie or drama, including outdoor facility
- q. Circus, carnival or fair, temporary only (see also section 9-4-103)
- s. Athletic club; indoor only
- t. Athletic club; indoor and outdoor facility

(7) Office/ Financial/ Medical:

- a. Office; professional and business, not otherwise listed
- b. Operation/processing center
- c. Office; customer service not otherwise listed, including accessory service delivery

- vehicle parking and indoor storage
- d. Bank, savings and loan or other savings or investment institutions
- e. Medical, dental, ophthalmology or similar clinic, not otherwise listed
- f. Veterinary clinic or animal hospital (see also animal boarding; outside facility, kennel and stable)
- g. Catalogue processing center

(8) Services:

- c. Funeral home
- e. Barber or beauty shop
- f. Manicure, pedicure, or facial salon
- n. Auditorium
- o. Church or place of worship (see also section 9-4-103)
- q. Museum
- r. Art Gallery
- s. Hotel, motel, bed and breakfast inn; limited stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)
- u. Art studio including art and supply sales
- v. Photography studio including photo and supply sales
- y. Television, and/or radio broadcast facilities including receiving and transmission equipment and towers or cellular telephone and wireless communication towers [unlimited height, except as provided by regulations]
- z. Printing or publishing service including graphic art, map, newspapers, magazines and books
- aa. Catering service including food preparation (see also restaurant; conventional and fast food)
- bb. Civic organization
- cc. Trade or business organization
- hh. Exercise and weight loss studio; indoor only
- kk. Laundrette; household users
- ll. Dry cleaners; household users
- mm. Commercial laundries; linen supply
- oo. Clothes alteration or shoe repair shop
- pp. Automobile wash

(9) Repair:

- b. Minor repair; as an accessory or principal use
- c. Upholster; automobile, truck, boat or other vehicle, trailer or van
- d. Upholsterer; furniture
- f. Appliance; household and office equipment repair
- g. Jewelry, watch, eyewear or other personal item repair

(10) Retail Trade:

- a. Miscellaneous retail sales; non-durable goods, not otherwise listed
- b. Gasoline or automotive fuel sale; accessory or principal use
- c. Grocery; food or beverage, off premise consumption (see also Wine Shop)

- c.1 Wine shop (see also section 9-4-103)
- d. Pharmacy
- e. Convenience store (see also gasoline sales)
- f. Office and school supply, equipment sales
- g. Fish market; excluding processing or packing
- h. Restaurant; conventional
- i. Restaurant; fast food
- k. Medical supply sales and rental of medically related products
- l. Electric; stereo, radio, computer, television, etc. sales and accessory repair
- m. Appliance; household use, sales and accessory repair, excluding outside storage
- n. Appliance; commercial or industrial use, sales and accessory repair, including outside storage
- p. Furniture and home furnishing sales not otherwise listed
- q. Floor covering, carpet and wall covering sales
- r. Antique sales; excluding vehicles
- s. Book or card store, news stand
- t. Hobby or craft shop
- u. Pet shop (see also animal boarding; outside facility)
- v. Video or music store; records, tape, compact disk, etc. sales
- w. Florist
- x. Sporting goods sales and rental shop
- y. Auto part sales (see also major and minor repair)
- aa. Pawnbroker
- bb. Lawn and garden supply and household implement sales and accessory sales
- cc. Farm supply and commercial implement sales
- ee. Christmas tree sales lot; temporary only (see also section 9-4-103)

(11) Wholesale/ Rental/ Vehicle- Mobile Home Trade:

- a. Wholesale; durable and nondurable goods, not otherwise listed
- b. Rental of home furniture, appliances or electronics and medically related products (see also (10) k.)
- c. Rental of cloths and accessories; formal wear, etc.
- d. Rental of automobile, noncommercial trucks or trailers, recreational vehicles, motorcycles and boats
- e. Rental of tractors and/or trailers, or other commercial or industrial vehicles or machinery
- f. Automobiles, truck, recreational vehicle, motorcycles and boat sales and service (see also major and minor repair)
- g. Mobile home sales including accessory mobile home office

(12) Construction:

- a. Licensed contractor; general, electrical, plumbing, mechanical, etc. excluding outside storage
- c. Construction office; temporary, including modular office (see also section 9-4-103)
- d. Building supply; lumber and materials sales, plumbing and/or electrical supply excluding outside storage

f. Hardware store

(13) Transportation:

- c. Taxi or limousine service
- e. Parcel delivery service
- f. Ambulance service
- h. Parking lot or structure; principal use

(14) Manufacturing/ Warehousing:

- a. Ice plant and freezer lockers
- b. Dairy; production, storage and shipment facilities
- c. Bakery; production, storage and shipment facilities
- g. Cabinet, woodwork or frame shop; excluding furniture manufacturing or upholstery
- h. Engraving; metal, glass or wood
- i. Moving and storage of nonhazardous materials; excluding outside storage
- k. Mini-storage warehouse, household; excluding outside storage
- m. Warehouse; accessory to approved commercial or industrial uses within a district; excluding outside storage
- u. Tire recapping or retreading plant

(15) Other Activities (not otherwise listed - all categories):

* None

CH (Heavy Commercial)

Special Uses

(1) General:

* None

(2) Residential:

- i. Residential quarters for resident manager, supervisor or caretaker; excluding mobile home
- j. Residential quarters for resident manager, supervisor or caretaker; including mobile home

(3) Home Occupations (see all categories):

* None

(4) Governmental:

* None

(5) Agricultural/ Mining:

* None

(6) Recreational/ Entertainment:

- d. Game center

- l. Billiard parlor or pool hall
- m. Public or private club
- r. Adult uses

(7) Office/ Financial/ Medical:

* None

(8) Services:

- a. Child day care facilities
- b. Adult day care facilities
- l. Convention center; private
- dd. Massage establishment

(9) Repair:

- a. Major repair; as an accessory or principal use

(10) Retail Trade:

- j. Restaurant; regulated outdoor activities
- n. Appliance; commercial use, sales and accessory repair, excluding outside storage
- z. Flea market

(11) Wholesale/ Rental/ Vehicle- Mobile Home Trade:

* None

(12) Construction:

* None

(13) Transportation:

* None

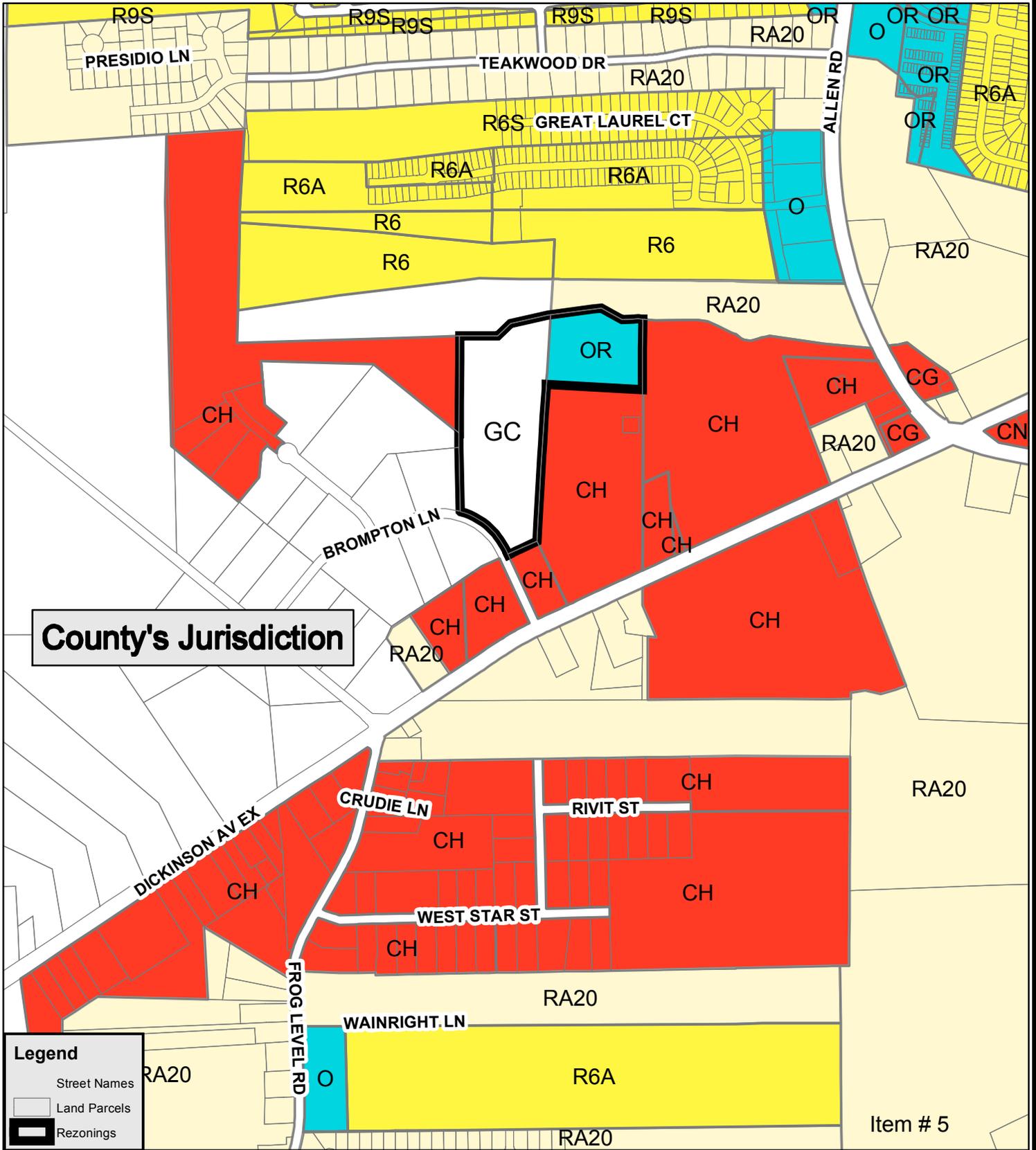
(14) Manufacturing/ Warehousing:

- d. Stone or monument cutting, engraving
- j. Moving and storage; including outside storage
- l. Warehouse or mini-storage warehouse, commercial or industrial; including outside storage
- y. Recycling collection station or facilities

(15) Other Activities (not otherwise listed - all categories):

- a. Other activities; personal services not otherwise listed
- b. Other activities; professional activities not otherwise listed
- c. Other activities; commercial services not otherwise listed
- d. Other activities; retail sales not otherwise listed

Greenville Auto Auction Site, LLC (12-13)
22.775 acres
From: GC (County's Jurisdiction) and OR
To: CH
November 1, 2012



04/30/07

BUFFERYARD SETBACK AND VEGETATION SCREENING CHART

For Illustrative Purposes Only

Bufferyard Requirements: Match proposed land use with adjacent permitted land use or adjacent vacant zone/nonconforming use to determine applicable bufferyard.

PROPOSED LAND USE CLASS (#)	ADJACENT PERMITTED LAND USE CLASS (#)					ADJACENT VACANT ZONE OR NONCONFORMING USE		PUBLIC/PRIVATE STREETS OR R.R.
	Single-Family Residential (1)	Multi-Family Residential (2)	Office/Institutional, light Commercial, Service (3)	Heavy Commercial, Light Industry (4)	Heavy Industrial (5)	Residential (1) - (2)	Non-Residential (3) - (5)	
Multi-Family Development (2)	C	B	B	B	B	C	B	A
Office/Institutional, Light Commercial, Service (3)	D	D	B	B	B	D	B	A
Heavy Commercial, Light Industry (4)	E	E	B	B	B	E	B	A
Heavy Industrial (5)	F	F	B	B	B	F	B	A

Bufferyard A (street yard)		
Lot Size	Width	For every 100 linear feet
Less than 25,000 sq.ft.	4'	2 large street trees
25,000 to 175,000 sq.ft.	6'	2 large street trees
Over 175,000 sq.ft.	10'	2 large street trees

Street trees may count toward the minimum acreage.

Bufferyard B (no screen required)	
Lot Size	Width
Less than 25,000 sq.ft.	4'
25,000 to 175,000 sq.ft.	6'
Over 175,000 sq.ft.	10'

Bufferyard C (screen required)	
Width	For every 100 linear feet
10'	3 large evergreen trees 4 small evergreens 16 evergreen shrubs

Where a fence or evergreen hedge (additional materials) is provided, the bufferyard width may be reduced to eight (8) feet.

Bufferyard D (screen required)	
Width	For every 100 linear feet
20'	4 large evergreen trees 6 small evergreens 16 evergreen shrubs

Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

Bufferyard E (screen required)	
Width	For every 100 linear feet
30'	6 large evergreen trees 8 small evergreens 26 evergreen shrubs

Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

Bufferyard F (screen required)	
Width	For every 100 linear feet
50'	8 large evergreen trees 10 small evergreens 36 evergreen shrubs

Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

Parking Area: Thirty (30) inch high screen required for all parking areas located within fifty (50) feet of a street right-of-way.

Residential Density		
Maximum density allowed by Zoning District based on average of 2.67 persons per dwelling unit		
High Density		
R6 R6-N R6-MH OR CDF	17 units per acre yields 45 persons per acre	
PUD	12 units per acre yields 32 persons per acre	
Medium Density		
R6-A	9 units per acre yields 24 persons per acre	
R6-S	7 units per acre yields 19 persons per acre	
R9	6 units per acre yields 16 persons per acre	
R9-S	5 units per acre yields 13 persons per acre	
Low Density		
RA-20 MRS	4 units per acre yields 11 persons per acre	
R15-S	3 units per acre yields 8 persons per acre	

Illustration: Maximum allowable density in Residential Zoning Districts



City of Greenville, North Carolina

Meeting Date:
12/13/2012
Time: 7:00 PM

Title of Item: Ordinance requested by Third Street Community Center to rezone 14.30 acres located near the northeast corner of the intersection of West Third Street and Contentnea Street from R6 (Residential [High Density Multi-family]) and I (Industry) to CDF (Downtown Commercial Fringe)

Explanation: **Abstract:** The City has received a request from Third Street Community Center to rezone 14.30 acres located near the northeast corner of the intersection of West Third Street and Contentnea Street from R6 (Residential [High Density Multi-family]) and I (Industry) to CDF (Downtown Commercial Fringe).

Explanation: The City has received a request from Third Street Community Center to rezone 14.30 acres located near the northeast corner of the intersection of West Third Street and Contentnea Street from R6 (Residential [High Density Multi-family]) and I (Industry) to CDF (Downtown Commercial Fringe).

Required Notices:

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on November 5, 2012.
On-site sign(s) posted on November 5, 2012.
City Council public hearing notice (property owner and adjoining property owner letter) mailed on November 27, 2012.
Public hearing legal advertisement published on December 3 and December 10, 2012.

Comprehensive Plan:

The Plan recognizes and supports the goals of "smart growth". One of the goals of smart growth is: Protect community character and identity.

Plan Element: Community Character

Goal: To preserve, protect, promote and enhance the historic and cultural resources of the City.

Objectives:

CC 7. To encourage preservation of historic buildings and areas.

CC 9. To increase neighborhood livability and property values by preserving and enhancing historic areas.

Plan Element: Urban Form

Objectives:

UF 12. To preserve historic and cultural properties, landmarks and districts.

UF 24. To encourage adaptive re-use of vacant non-residential buildings.

Implementation Strategies for Land Use

4(d). Encourage revitalization of older neighborhoods in Greenville in a manner that preserves neighborhood character and identity.

Implementation Strategies for Growth and Development

2(t). Preserve historic warehouses and older buildings through renovation and adaptive re-use.

2(x). Maintain neighborhood character and identity.

2(ee). Revitalize West Greenville.

The subject area is located in Vision Area G.

Vision Area G. Management Actions

G1. Preserve the architectural and historical character of the Skinnerville, Higgs and Riverdale neighborhoods.

The Future Land Use Plan Map recommends commercial (C) for the downtown area transitioning to conservation/open space (COS) and high-density residential (HRD) to the west.

Thoroughfare/Traffic Report Summary (PWD- Engineering Division):

Based on the analysis comparing the existing zoning and requested rezoning, the proposed rezoning classification could generate 268 trips to and from the site on West Third Street, which is a net *increase* of 87 trips per day. The closest thoroughfare to this property is West Fifth Street, located three (3) blocks to the south. Given this separation, the additional trips will be dispersed in two (2) directions, and most of the traffic will be lost in the neighboring grid along Third and Fourth Streets. As such, a traffic volume report was not generated as the impact along West Fifth Street would be negligible.

History/Background:

In 1969, the subject property was zoned R6 (Residential).

Present Land Use:

Former location of Third Street Elementary School

Water/Sewer:

Water and sanitary sewer are located on-site.

Historic Sites:

Third Street School is designated as a Local Landmark. Individual properties are designated as Local Landmarks by City Council because of their significance in terms of history, pre-history, cultural importance, and architecture. Any alterations to the structure or grounds of the property require review from the Greenville Historic Preservation Commission.

The Third Street School is also located in the Skinnerville/Greenville Heights National Register Historic District. This is an honorary designation and does not regulate the appearance of the structure.

Environmental Conditions/Constraints:

The northern edge of the property is impacted by the 100- and 500-year floodplains and the floodway associated with the Tar River.

Surrounding Land Uses and Zoning:

North: Tar River

South: R6 - five (5) single-family residences and one (1) multi-family building

East: I - Greenville Utilities Commission substation and the Seaboard Coastline Railroad

West: R6 - 13 single-family residences and two (2) multi-family buildings

Density Estimates:

The building contains 11,700+/- square feet of conditioned floor space. Under the proposed zoning (CDF), staff would anticipate the site to include recreation programs, after-school programs, a community center (gardens), and health and wellness programs.

Additional Staff Comments:

The Third Street School was built in 1929 and is designated as a Local Landmark. The building is significant due to its architecture, as well as being part of the community character in the West Greenville area. The preservation and adaptive re-use of this building is specifically recommended in Horizons. This furthers the objectives of Horizons by encouraging revitalization of older neighborhoods, maintaining neighborhood character and identity, and revitalizing the West Greenville area. Adaptive re-use of this property is limited due to the age of construction and cost of modernizing the building required by State building code. Conversion to residential would most likely be more costly

than to non-residential due to code requirements such as fire suppression and energy efficiency.

On April 26, 2011, the Greenville Historic Preservation Commission passed a resolution to save and protect the Third Street School and find an appropriate use consistent with its historic significance.

While this request is not recommended by the Future Land Use Plan Map, this request is complementary with the objectives specifically recommended in the Horizons Plan and is not anticipated to create or have an unacceptable impact on adjacent area properties or travel ways. For these reasons, staff's opinion is the request is in general compliance with the comprehensive plan.

Fiscal Note:

No cost to the City.

Recommendation:

While this request is not recommended by the Future Land Use Plan Map, this request is complementary with the objectives specifically recommended in the Horizons Plan and is not anticipated to create or have an unacceptable impact on adjacent area properties or travel ways. For these reasons, staff's opinion is the request is in general compliance with the comprehensive plan.

"General compliance with the comprehensive plan" should be construed as meaning the requested rezoning is recognized as being located in a transition area and that the requested rezoning (i) is currently contiguous or is reasonably anticipated to be contiguous in the future to specifically recommended and desirable zoning of like type, character or compatibility, (ii) is complementary with objectives specifically recommended in the Horizons Plan, (iii) is not anticipated to create or have an unacceptable impact on adjacent area properties or travel ways, and (iv) preserves the desired urban form. It is recognized that in the absence of more detailed plans, subjective decisions must be made concerning the scale, dimension, configuration, and location of the requested zoning in the particular case. Staff is not recommending approval of the requested zoning; however, staff does not have any specific objection to the requested zoning.

The Planning and Zoning Commission voted to recommend approval of the request at its November 20, 2012, meeting.

If City Council determines to approve the request, a motion to adopt the attached rezoning ordinance will accomplish this. The ordinance includes the statutorily required statement describing whether the action taken is consistent with the comprehensive plan and explaining why Council considers the action taken to be reasonable and in the public interest.

If City Council determines to deny the rezoning request, in order to comply with this statutory requirement, it is recommended that the motion be as follows:
Motion to deny the proposed amendment and to make a finding and determination that, although the rezoning request is consistent with

the comprehensive plan, there is a more appropriate zoning classification and, therefore, denial is reasonable and in the public interest.

Note: In addition to the other criteria, the Planning and Zoning Commission and City Council shall consider the entire range of permitted and special uses for the existing and proposed districts as listed under Title 9, Chapter 4, Article D of the Greenville City Code.

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

- [Location Map](#)
 - [Bufferyard and Vegetation Standards and Residential Density](#)
 - [Ordinance Third Street School 941732](#)
 - [Excerpt P Z minutes Rezoning by Third St Comm Cntr 941795](#)
 - [List of Uses R6 I to CDF 940928](#)
-

ORDINANCE NO. 12-
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE
REZONING TERRITORY LOCATED WITHIN THE PLANNING AND ZONING JURISDICTION 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 December 13, 2012, at 7:00 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 rezoning the following described territory;

WHEREAS, the City Council has been informed of and has considered all of the permitted and special uses of the districts under consideration; and,

WHEREAS, in accordance with the provisions of North Carolina General Statute 160A-383, the City Council does hereby find and determine that the adoption of the ordinance rezoning the following described property is consistent with the adopted comprehensive plan and that the adoption of the ordinance rezoning the following described property is reasonable and in the public interest due to its consistency with the comprehensive plan and, as a result, its furtherance of the goals and objectives of the comprehensive plan.

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

Section 1. That the following described territory is rezoned from R6 (Residential) and (I) Industry to CDF (Downtown Commercial Fringe).

TO WIT: Richard and Meredith Ruzzuti Property.

LOCATION: Located near the northeast corner of the intersection of West Third Street and Contentnea Street.

DESCRIPTION:

Beginning at a known point, said point being the southwestern corner of the intersection of Plant Street and West Third Street, thence running along the western right-of-way of Plant Street in a northerly direction for 178+/- feet; thence cornering and running along the southern property line of the property identified as Pitt County parcel number 31462 in a westerly direction for 325+/-feet; thence cornering and running along the

western property line of the property identified as Pitt County parcel number 31462 in a northerly direction for 945+/- feet; thence cornering and running along the northern property line of the property identified as Pitt County parcel number 28933 and the high water mark of the Tar River in a westerly direction for 821+/- feet; thence cornering and running along the eastern right-of-way of Contentnea Street in a southerly direction for 945+/- feet; thence cornering and running along the northern property line of the property identified as Pitt County parcel number 02740 in a easterly direction for 117+/- feet; thence cornering and running along the eastern property line of the property identified as Pitt County parcel number 02740 in a southerly direction for 57+/- feet; thence cornering and running along the southern property line of the property identified as Pitt County parcel number 02740 in a westerly direction for 9+/- feet; thence cornering and running along the eastern property line of the property identified as Pitt County parcel number 10382 in a southerly direction for 103+/- feet; thence running along the northern right-of-way of West Third Street in a easterly direction for 745+/- feet returning to the point of beginning and containing 14.30 acres.

Section 2. That the Director of Community Development is directed to amend the zoning map of the City of Greenville in accordance with this ordinance.

Section 3. That all ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 4. That this ordinance shall become effective upon its adoption.

ADOPTED this 13th day of December, 2012.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk

Doc. # 941732

Excerpt from the DRAFT Planning & Zoning Commission Meeting Minutes (11/20/12)

**ORDINANCE REQUESTED BY THIRD STREET COMMUNITY CENTER TO REZONE
14.30 ACRES LOCATED NEAR THE NORTHEAST CORNER OF THE INTERSECTION OF
WEST THIRD STREET AND CONTENTNEA STREET - APPROVED**

Ms. Chantae Gooby, Planner II, delineated the property. The property is located downtown. The rezoning could result in an increase of 87 trips per day with the traffic being dispersed in the neighborhood grid-street pattern. Therefore, a traffic volume report was not generated impact. In 1969, the subject property was zoned R6 (Residential). The property is adjacent to an electrical substation. Third Street School is designated as a Local Landmark and is located in the Skinnerville/Greenville Heights National Register Historic District. The Future Land Use Plan Map recommends commercial (C) for the downtown area transitioning to conservation/ openspace (COS) and high density residential (HRD) to the west. While the request is not recommended by the Future Land Use Plan Map, it is complementary with the objectives specifically recommended in the Horizons Plan. This rezoning is a unique situation where a former school is being re-developed and is a historic property. Horizons specifically states to preserve and re-use non-residential buildings, and maintain neighborhood character and identity. This rezoning is not anticipated to create or have an unacceptable impact on adjacent area properties or travel ways. For these reasons, staff's opinion is the request is in general compliance with the comprehensive plan.

Mr. Walter Strathy, Executive Director of Third Street Community Center, spoke in favor of the request. The organization is a Christ-centered 501c(3) nonprofit organization which strives for community transformation from the inside out. They are currently working with several organizations in the community to help with family and youth development, health and wellness, business and economic development and job creation and workforce development.

Mr. Weitz asked why CDF zoning was selected.

Mr. Strathy stated that the organization is working with Pitt Community College in establishing a culinary school.

Mr. Weitz asked if CDF was the only zoning that allowed a culinary school.

Mr. Strathy stated Heavy Commercial would be the preferred zoning to be a buffer between the industrial and the residential areas.

Attorney Holec cautioned the board to consider all the permitted uses affiliated with the proposed rezoning.

Mr. Zaheim Winstead, member of mentoring program at the Third Street Community Center, spoke in favor of the request. He stated that the program has helped him stay out of trouble, get better grades and play sports.

Dr. Richard Rizutti, owner of the Third Street School, spoke in favor of the request. He is requesting flexibility towards various uses of the property. They are still in the process of planning how to use the property but they want to do good to the community.

Ms. Joyce Jones, Executive Director of STRIVE, spoke in favor of the request. The Center will allow STRIVE to have an office in the community in which it serves.

Mr. Robert Lee Cherry, resident of the neighborhood, spoke in favor of the request. He stated that the Community Center is one of the greatest things that happened to Greenville.

Mr. David Lusk, Dean of Continuing Education at Pitt Community College, spoke in favor of the request. PCC is willing to help the center with the workforce development program. The center is a natural fit for the culinary school because of the kitchen and dining area.

No one spoke in opposition of the request.

Chairman Bell closed the public hearing and opened for board discussion.

Mr. Parker stated that the center is an excellent opportunity of adaptive re-use of an existing piece of property in lieu of the future permitted uses of the rezoning. The development of the property can be an asset to West Greenville and the City as a whole.

Mr. Weitz stated that all the uses of the proposed rezoning must be considered and not on the promises of the current owner. There is no guarantee that the proposed use will be in existence forever. He is concerned some of the uses that could be developed in the suggested rezoning.

Motion made by Mr. Griffin, seconded by Mr. Parker, to recommend approval of the rezoning to advise that it is consistent with the Comprehensive Plan and other applicable plans and to adopt the staff report which addresses plan consistency and other matters. Those voting in favor: Griffin, Parker, Schrade, Bellis, Basnight, Maxwell, Harrington. Those voting in opposition: Weitz. Motion passed.

EXISTING ZONING

R6 (Residential)

Permitted Uses

(1) General:

- a. Accessory use or building
- c. On-premise signs per Article N

(2) Residential:

- a. Single-family dwelling
- b. Two-family attached dwelling (duplex)
- c. Multi-family development per Article 1
- f. Residential cluster development per Article M
- k. Family care home (see also section 9-4-103)
- q. Room renting

(3) Home Occupations (see all categories):

*None

(4) Governmental:

- b. City of Greenville municipal government building or use (see also section 9-4-103)

(5) Agricultural/ Mining:

- a. Farming; agriculture, horticulture, forestry (see also section 9-4-103)

(6) Recreational/ Entertainment:

- f. Public park or recreational facility
- g. Private noncommercial park or recreational facility

(7) Office/ Financial/ Medical:

* None

(8) Services:

- o. Church or place of worship (see also section 9-4-103)

(9) Repair:

* None

(10) Retail Trade:

* None

(11) Wholesale/ Rental/ Vehicle- Mobile Home Trade:

* None

(12) Construction:

- a. Construction office; temporary, including modular office (see also section 9-4-103)

(13) Transportation:

* None

(14) Manufacturing/ Warehousing:

* None

(15) Other Activities (not otherwise listed - all categories):

* None

R6 (Residential)

Special Uses

(1) General:

* None

(2) Residential:

d. Land use intensity multifamily (LUI) development rating 50 per Article K

e. Land use intensity dormitory (LUI) development rating 67 per Article K

l. Group care facility

n. Retirement center or home

p. Board or rooming house

r. Fraternity or sorority house

o.(1). Nursing, convalescent center or maternity home; minor care facility

(3) Home Occupations (see all categories):

a. Home occupation; including barber and beauty shops

c. Home occupation; including manicure, pedicure or facial salon

(4) Governmental:

a. Public utility building or use

(5) Agricultural/ Mining:

* None

(6) Recreational/ Entertainment:

a. Golf course; regulation

c.(1). Tennis club; indoor and outdoor facilities

(7) Office/ Financial/ Medical:

* None

(8) Services:

a. Child day care facilities

b. Adult day care facilities

d. Cemetery

g. School; junior and senior high (see also section 9-4-103)

h. School; elementary (see also section 9-4-103)

i. School; kindergarten or nursery (see also section 9-4-103)

m. Multi-purpose center

t. Guest house for a college and other institutions of higher learning

(9) Repair:

* None

*(10) Retail Trade: * None*

(11) Wholesale/ Rental/ Vehicle- Mobile Home Trade:

* None

(12) Construction:

* None

(13) Transportation:

* None

(14) Manufacturing/ Warehousing:

* None

(15) Other Activities (not otherwise listed - all categories):

* None

I (Industry)

Permitted Uses

(1) General:

- a. Accessory use or building
- b. Internal service facilities
- c. On- premise signs per Article N
- d. Off-premise signs per Article N
- e. Temporary uses; of listed district uses
- f. Retail sales; incidental
- g. Incidental assembly of products sold at retail or wholesale as an accessory to principle use

(2) Residential:

* None

(3) Home Occupations (see all categories):

*None

(4) Governmental:

- a. Public utility building or use
- b. City of Greenville municipal government building or use (see also section 9-4-103)
- c. County or state government building or use not otherwise listed; excluding outside storage and major or minor repair
- d. Federal government building or use
- e. County government operation center

(5) Agricultural/ Mining:

- a. Farming; agriculture, horticulture, forestry (see also section 9-4-103)
- b. Greenhouse or plant nursery; including accessory sales
- e. Kennel (see also section 9-4-103)
- f. Stable; horse only (see also section 9-4-103)
- g. Stable; per definition (see also section 9-4-103)
- h. Animal boarding not otherwise listed; outside facility, as an accessory or principal use
- i. Livestock sales pavilion, auditorium, yard, distribution or transshipment facility
- j. Quarry, mining, excavation and works including material storage and distribution;

sand, stone, gravel

(6) Recreational/ Entertainment:

- f. Public park or recreational facility
- g. Private noncommercial park or recreational facility
- p. Circus, carnival or fairs

(7) Office/ Financial/ Medical:

- b. Operation/processing center
- c. Office; customer service not otherwise listed, including accessory service delivery vehicle parking and indoor storage
- g. Catalogue processing center

(8) Services:

- n. Auditorium
- s. Hotel, motel, bed and breakfast inn; limited stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)
- y. Television, and/or radio broadcast facilities including receiving and transmission equipment and towers or cellular telephone and wireless communication towers [unlimited height, except as provided by regulations]
- z. Printing or publishing service including graphic art, map, newspapers, magazines and books
- aa. Catering service including food preparation (see also restaurant; conventional and fast food)
- gg. Vocational rehabilitation center
- nn. Industrial laundries

(9) Repair:

- a. Major repair; as an accessory or principal use
- b. Minor repair; as an accessory or principal use
- c. Upholster; automobile, truck, boat or other vehicle, trailer or van
- d. Upholsterer; furniture
- e. Furniture refinishing, stripping or repair facility
- f. Appliance; household and office equipment repair
- h. Appliance; commercial and industrial equipment repair not otherwise listed

(10) Retail Trade:

- b. Gasoline or automotive fuel sale; accessory or principal use, retail
- h. Restaurant; conventional
- i. Restaurant; fast food
- cc. Farm supply and commercial implement sales
- dd. Industrial implement, machinery or tool sales

(11) Wholesale/ Rental/ Vehicle- Mobile Home Trade:

- a. Wholesale; durable and nondurable goods, not otherwise listed
- d. Rental of automobile, noncommercial trucks or trailers, recreational vehicles, motorcycles and boats
- e. Rental of tractors and/or trailers, or other commercial or industrial vehicles or machinery

(12) Construction:

- a. Licensed contractor; general, electrical, plumbing, mechanical, etc. including outside storage
- c. Construction office; temporary, including modular office (see also section 9-4-103)
- d. Building supply; lumber and materials sales, plumbing and/or electrical supply including outside storage

(13) Transportation:

- a. Railroad freight or distribution and/or passenger station
- d. Truck terminal or distribution center
- e. Parcel delivery service
- f. Ambulance service
- g. Airport and related activities; private
- h. Parking lot or structure; principal use

(14) Manufacturing/ Warehousing:

- a. Ice plant and freezer lockers
- b. Dairy; production, storage and shipment facilities
- c. Bakery; production, storage and shipment facilities
- d. Stone or monument cutting, engraving
- e. Mobile home repair or rework facility; no sales allowed
- g. Cabinet, woodwork or frame shop; excluding furniture manufacturing or upholster
- h. Engraving; metal, glass or wood
- j. Moving and storage; including outside storage
- k. Mini-storage warehouse, household; excluding outside storage
- l. Warehouse or mini-storage warehouse, commercial or industrial; including outside storage
- m. Warehouse; accessory to approved commercial or industrial uses within the district; excluding outside storage
- n. Petroleum (bulk) storage facility; excluding retail sales
- o. Feed and grain elevator, mixing, redrying, storage or sales facility
- p. Tobacco redrying or processing plant
- q. Fertilizer or lime manufacture or bulk storage
- r. Manufacturing of acid, toxic chemicals or other hazardous materials or explosive products not otherwise listed
- s. Manufacture of nonhazardous products; general, including nonhazardous and nontoxic chemicals and/or materials not otherwise listed
- t. Manufacture of nonhazardous medical supplies or medical products, including distribution
- u. Tire recapping or retreading plant
- v. Bottling or packing plant for nonhazardous materials or products
- w. Bottling or packing plant for hazardous, flammable or explosive materials or products
- y. Recycling collection station of facilities
- z. Metallurgy, steel fabrication, welding
- aa. Meat, poultry or fish processing or packing plant
- bb. Slaughterhouse
- cc. Manufacture of pharmaceutical, biological, botanical, medical, and cosmetic products, and related materials

(15) Other Activities (not otherwise listed - all categories): None*

I (Industry)
Special Uses

(1) General:

* None

(2) Residential:

- i. Residential quarters for resident manager, supervisor or caretaker; excluding mobile home
- j. Residential quarters for resident manager, supervisor or caretaker; including mobile home

(3) Home Occupations (see all categories):

* None

(4) Governmental:

- f. Correctional facility

(5) Agricultural/ Mining:

* None

(6) Recreational/ Entertainment:

- e. Miniature golf or putt-putt course
- i. Commercial recreation; indoor and outdoor, not otherwise listed
- k. Firearm ranges; indoor or outdoor

(7) Office/ Financial/ Medical:

- a. Office; professional and business, not otherwise listed

(8) Services:

- a. Child day care facilities
- b. Adult day care facilities
- l. Convention center; private
- s.(1). Hotel, motel, bed and breakfast inn; extended stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)

(9) Repair:

* None

(10) Retail Trade:

- j. Restaurant; regulated outdoor activities

(11) Wholesale/ Rental/ Vehicle- Mobile Home Trade:

* None

(12) Construction:

* None

(13) Transportation:

* None

(14) Manufacturing/ Warehousing:

- f. Junkyard automobile graveyard or materials reclamation facility
- x. Sanitary landfill or incinerator; public or private

(15) Other Activities (not otherwise listed - all categories):

- c. Other activities; commercial services not otherwise listed
- e. Other activities; industrial services not otherwise listed

PROPOSED ZONING

CDF (Downtown Commercial Fringe)

Permitted Uses

(1) General:

- a. Accessory use or building
- b. Internal service facilities
- c. On- premise signs per Article N
- e. Temporary uses; of listed district uses
- f. Retail sales; incidental
- g. Incidental assembly of products sold at retail or wholesale as an accessory to principle use

(2) Residential:

- a. Single-family dwelling
- b. Two-family attached dwelling (duplex)
- c. Multi-family development per Article 1
- k. Family care home (see also section 9-4-103)
- q. Room renting

(3) Home Occupations (see all categories):

*None

(4) Governmental:

- b. City of Greenville municipal government building or use (see also section 9-4-103)
- c. County or state government building or use not otherwise listed; excluding outside storage and major or minor repair
- d. Federal government building or use
- g. Liquor store, state ABC

(5) Agricultural/ Mining:

- a. Farming; agriculture, horticulture, forestry (see also section 9-4-103)

(6) Recreational/ Entertainment:

- f. Public park or recreational facility
- g. Private noncommercial park or recreation facility
- o. Theater; movie or drama, including outdoor facility

(7) Office/ Financial/ Medical:

- a. Office; professional and business, not otherwise listed
- c. Office; customer service not otherwise listed, including accessory service delivery vehicle parking and indoor storage
- d. Bank, savings and loan or other savings or investment institutions

- e. Medical, dental, ophthalmology or similar clinic, not otherwise listed

(8) Services:

- c. Funeral home
- e. Barber or beauty shop
- f. Manicure, pedicure, or facial salon
- g. School; junior and senior high (see also section 9-4-103)
- h. School; elementary (see also section 9-4-103)
- i. School; kindergarten or nursery (see also section 9-4-103)
- k. Business or trade school
- n. Auditorium
- o. Church or place of worship (see also section 9-4-103)
- p. Library
- q. Museum
- r. Art Gallery
- s. Hotel, motel, bed and breakfast inn; limited stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)
- u. Art studio including art and supply sales
- v. Photography studio including photo and supply sales
- w. Recording studio
- z. Printing or publishing service including graphic art, map, newspapers, magazines and books
- aa. Catering service including food preparation (see also restaurant; conventional and fast food)
- kk. Launderette; household users
- ll. Dry cleaners; household users
- mm. Commercial laundries; linen supply
- oo. Clothes alteration or shoe repair shop
- pp. Automobile wash

(9) Repair:

- d. Upholsterer; furniture
- f. Appliance; household and office equipment repair
- g. Jewelry, watch, eyewear or other personal item repair

(10) Retail Trade:

- a. Miscellaneous retail sales; non-durable goods, not otherwise listed
- c. Grocery; food or beverage, off premise consumption (see also Wine Shop)
- c.1 Wine shop (see also section 9-4-103)
- d. Pharmacy
- e. Convenience store (see also gasoline sales)
- f. Office and school supply, equipment sales
- h. Restaurant; conventional
- i. Restaurant; fast food
- l. Electric; stereo, radio, computer, television, etc. sales and accessory repair
- m. Appliance; household use, sales and accessory repair, excluding outside storage
- n. Appliance; commercial use, sales and accessory repair, excluding outside storage
- p. Furniture and home furnishing sales not otherwise listed
- q. Floor covering, carpet and wall covering sales
- r. Antique sales; excluding vehicles
- s. Book or card store, news stand
- v. Video or music store; records, tape, compact disk, etc. sales

- w. Florist
- x. Sporting goods sales and rental shop
- y. Auto part sales (see also major and minor repair)
- ee. Christmas tree sales lot; temporary only (see also section 9-4-103)

(11) Wholesale/ Rental/ Vehicle- Mobile Home Trade:

- c. Rental of cloths and accessories; formal wear, etc.
- f. Automobiles, truck, recreational vehicle, motorcycles and boat sales and service (see also major and minor repair)

(12) Construction:

- a. Licensed contractor; general, electrical, plumbing, mechanical, etc. excluding outside storage
- c. Construction office; temporary, including modular office (see also section 9-4-103)
- e. Building supply; lumber and materials sales, plumbing and/or electrical supply excluding outside storage
- f. Hardware store

(13) Transportation:

- b. Bus station; passenger and related freight
- c. Taxi or limousine service
- e. Parcel delivery service
- f. Ambulance service

(14) Manufacturing/ Warehousing:

- c. Bakery; production, storage and shipment facilities

(15) Other Activities (not otherwise listed - all categories):

- * None

CDF (Downtown Commercial Fringe)

Special Uses

(1) General:

- * None

(2) Residential:

- d. Land use intensity multifamily (LUI) development rating 50 per Article K
- e. Land use intensity multifamily (LUI) development rating 67 per Article K
- j. Residential quarters for resident manager, supervisor or caretaker; including mobile homes
- m. Shelter for homeless or abused
- n. Retirement center or home
- o. Nursing, convalescent center or maternity home; major care facility
- o.(1). Nursing, convalescent center or maternity home; minor care facility
- r. Fraternity or sorority house

(3) Home Occupations (see all categories):

- a. Home occupation; including barber and beauty shops
- c. Home occupation; including manicure, pedicure or facial salon

(4) Governmental:

a. Public utility building or use

(5) Agricultural/ Mining:

* None

(6) Recreational/ Entertainment:

d. Game center

i. Commercial recreation; indoor and outdoor not otherwise listed

l. Billiard parlor or pool hall

m. Public or private club

(7) Office/ Financial/ Medical:

* None

(8) Services:

a. Child day care facilities

b. Adult day care facilities

l. Convention center; private

x. Dance studio

bb. Civic organizations

cc. Trade or business organizations

hh. Exercise and weight loss studios; indoor only

(9) Repair:

a. Major repair; as an accessory or principal use

b. Minor repair; as an accessory or principal use

(10) Retail Trade:

b. Gasoline or automotive fuel sales; accessory or principal use, retail

g. Fish market; excluding processing or packing

j. Restaurant; regulated outdoor activities

t. Hobby or craft shop

u. Pet shop (see also animal boarding; outside facility)

(11) Wholesale/ Rental/ Vehicle- Mobile Home Trade:

* None

(12) Construction:

d. Building supply; lumber and materials sales, plumbing and/or electrical supply including outside storage

(13) Transportation:

h. Parking lot or structure; principal use

(14) Manufacturing/ Warehousing:

g. Cabinet, woodwork or frame shop; excluding furniture manufacturing or upholstery

(15) Other Activities (not otherwise listed - all categories):

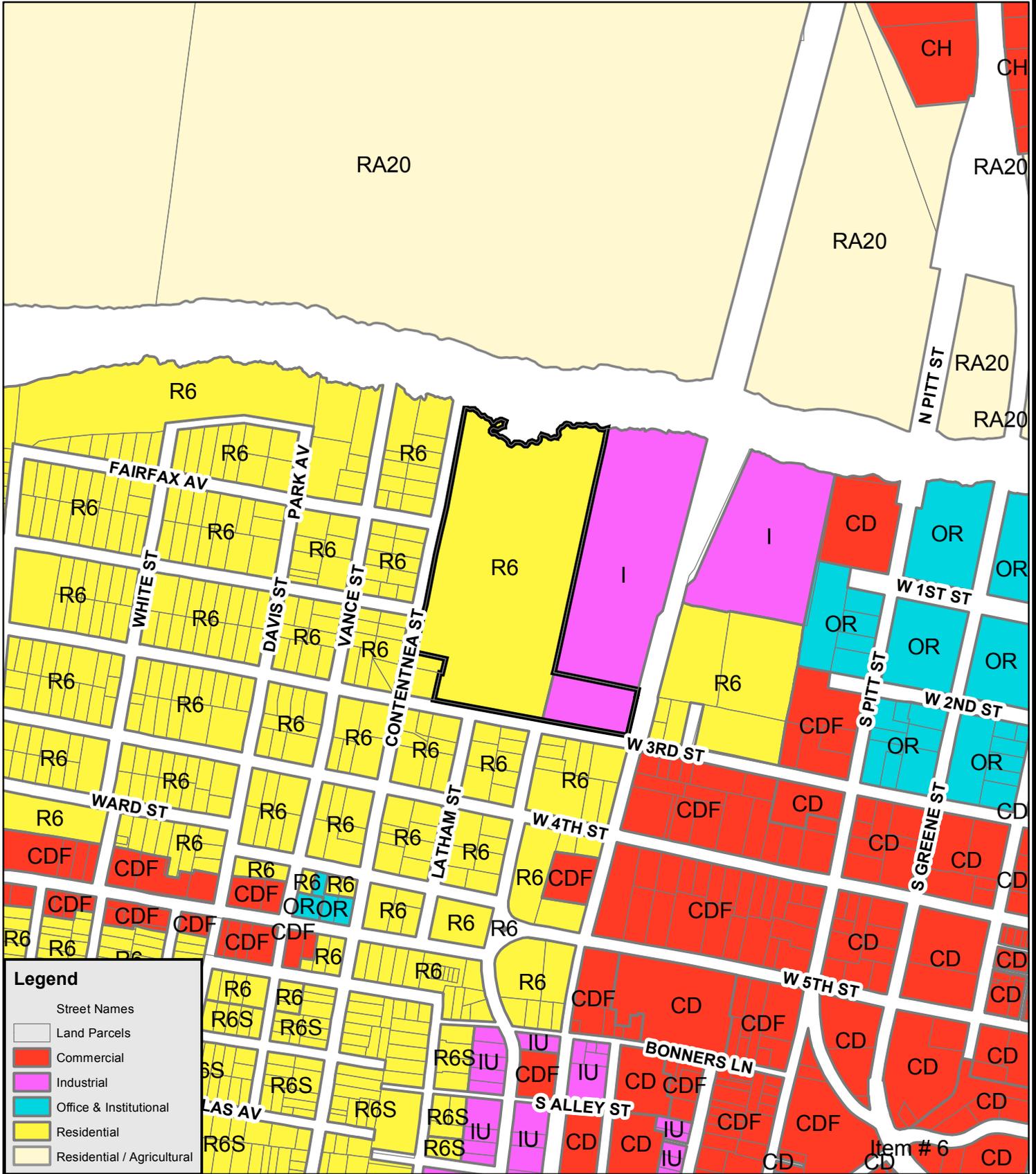
a. Other activities; personal services not otherwise listed

b. Other activities; professional activities not otherwise listed

c. Other activities; commercial services not otherwise listed

d. Other activities; retail sales not otherwise listed

Third Street Community Center (12-12)
14.3 acres
From: R6 To: CDF
October 24, 2012



04/30/07

BUFFERYARD SETBACK AND VEGETATION SCREENING CHART

For Illustrative Purposes Only

Bufferyard Requirements: Match proposed land use with adjacent permitted land use or adjacent vacant zone/nonconforming use to determine applicable bufferyard.

PROPOSED LAND USE CLASS (#)	ADJACENT PERMITTED LAND USE CLASS (#)					ADJACENT VACANT ZONE OR NONCONFORMING USE		PUBLIC/PRIVATE STREETS OR R.R.
	Single-Family Residential (1)	Multi-Family Residential (2)	Office/Institutional, light Commercial, Service (3)	Heavy Commercial, Light Industry (4)	Heavy Industrial (5)	Residential (1) - (2)	Non-Residential (3) - (5)	
Multi-Family Development (2)	C	B	B	B	B	C	B	A
Office/Institutional, Light Commercial, Service (3)	D	D	B	B	B	D	B	A
Heavy Commercial, Light Industry (4)	E	E	B	B	B	E	B	A
Heavy Industrial (5)	F	F	B	B	B	F	B	A

Bufferyard A (street yard)		
Lot Size	Width	For every 100 linear feet
Less than 25,000 sq.ft.	4'	2 large street trees
25,000 to 175,000 sq.ft.	6'	2 large street trees
Over 175,000 sq.ft.	10'	2 large street trees

Street trees may count toward the minimum acreage.

Bufferyard B (no screen required)	
Lot Size	Width
Less than 25,000 sq.ft.	4'
25,000 to 175,000 sq.ft.	6'
Over 175,000 sq.ft.	10'

Bufferyard C (screen required)	
Width	For every 100 linear feet
10'	3 large evergreen trees 4 small evergreens 16 evergreen shrubs

Where a fence or evergreen hedge (additional materials) is provided, the bufferyard width may be reduced to eight (8) feet.

Bufferyard D (screen required)	
Width	For every 100 linear feet
20'	4 large evergreen trees 6 small evergreens 16 evergreen shrubs

Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

Bufferyard E (screen required)	
Width	For every 100 linear feet
30'	6 large evergreen trees 8 small evergreens 26 evergreen shrubs

Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

Bufferyard F (screen required)	
Width	For every 100 linear feet
50'	8 large evergreen trees 10 small evergreens 36 evergreen shrubs

Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

Parking Area: Thirty (30) inch high screen required for all parking areas located within fifty (50) feet of a street right-of-way.

Residential Density		
Maximum density allowed by Zoning District based on average of 2.67 persons per dwelling unit		
High Density		
R6 R6-N R6-MH OR CDF	17 units per acre yields 45 persons per acre	
PUD	12 units per acre yields 32 persons per acre	
Medium Density		
R6-A	9 units per acre yields 24 persons per acre	
R6-S	7 units per acre yields 19 persons per acre	
R9	6 units per acre yields 16 persons per acre	
R9-S	5 units per acre yields 13 persons per acre	
Low Density		
RA-20 MRS	4 units per acre yields 11 persons per acre	
R15-S	3 units per acre yields 8 persons per acre	

Illustration: Maximum allowable density in Residential Zoning Districts



City of Greenville, North Carolina

Meeting Date:
12/13/2012
Time: 7:00 PM

Title of Item: Ordinance requested by Greenville Community Life Center, Inc. to rezone 2.27 acres located at the northwest corner of the intersection of Manhattan Avenue and Chestnut Street from OR (Office-Residential [High Density Multi-family]) to CDF (Downtown Commercial Fringe)

Explanation: **Abstract:** Ordinance requested by Greenville Community Life Center, Inc. to rezone 2.27 acres located at the northwest corner of the intersection of Manhattan Avenue and Chestnut Street from OR (Office-Residential [High Density Multi-family]) to CDF (Downtown Commercial Fringe)

Required Notices:

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on July 2, 2012.
On-site sign(s) posted on July 2, 2012.
City Council public hearing notice (property owner and adjoining property owner letter) mailed on November 27, 2012.
Public hearing legal advertisement published on December 3 and December 10, 2012.

***This request was originally scheduled to go before Council on August 6, 2012. The applicant requested a continuance to pursue a text amendment in lieu of the rezoning. The text amendment was approved at Council's November 8, 2012 meeting. The applicant has officially requested that this item be withdrawn and City Council will consider this request at their December 10, 2012 meeting.

Comprehensive Plan:

The subject area is located in Vision Area G.

The Future Land Use Plan Map recommends mixed use/office/institutional (MOI) at the intersection of West 14th Avenue and Dickinson Avenue and transitioning to office/institutional/multi-family (OIMF) to the north. Further, the

Future Land Use Plan Map recommends conservation/open space (COS) to the west of the subject site that is City-owned parkland.

Thoroughfare/Traffic Report Summary (PWD - Engineering Division):

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 1069 trips to and from the site on 14th Avenue, which is a net increase of 962 additional trips per day.

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 1069 trips to and from the site on Dickinson Avenue, which is a net increase of 962 additional trips per day.

During the review process, measures to mitigate the traffic will be determined.

History/Background:

In 1969, the subject property was zoned R6 (multi-family) and was rezoned to OR (office-residential) in 1987. Under the current zoning, the homeless shelter is a non-conforming use.

Present Land Use:

Greenville Community Shelter

Water/Sewer:

Water and sanitary sewer are located in the right-of-way of Chestnut Street.

Historic Sites:

There are no known effects on designated sites.

Environmental Conditions/Constraints:

There are no known environmental conditions/constraints.

Surrounding Land Uses and Zoning:

North: R6 - Four (4) single-family residences and one (1) vacant lot
South: CDF - Three (3) single-family residences, two (2) vacant lots and one (1) duplex building
East: R6 - Four (4) single-family residences and two (2) vacant lots
West: R6 - Future site of the City's Dream Park

Density Estimates:

Under the current zoning (OR), the site could yield 32 multi-family units (1, 2 and 3 bedroom units).

Under the proposed zoning (CDF), the site could yield 21,753+/- square feet of office/restaurant/retail space.

The anticipated build-out time is within 1-2 years.

Fiscal Note: No cost to the City.

Recommendation: In staff's opinion, the request is in general compliance with Horizons: Greenville's Community Plan and the Future Land Use Plan Map.

"General compliance with the comprehensive plan" should be construed as meaning the requested rezoning is recognized as being located in a transition area and that the requested rezoning (i) is currently contiguous or is reasonably anticipated to be contiguous in the future, to specifically recommended and desirable zoning of like type, character or compatibility, (ii) is complementary with objectives specifically recommended in the Horizons Plan, (iii) is not anticipated to create or have an unacceptable impact on adjacent area properties or travel ways, and (iv) preserves the desired urban form. It is recognized that in the absence of more detailed plans, subjective decisions must be made concerning the scale, dimension, configuration, and location of the requested zoning in the particular case. Staff is not recommending approval of the requested zoning; however, staff does not have any specific objection to the requested zoning.

The Planning and Zoning Commission voted to approve the request at its July 17, 2012 meeting.

If City Council determines to approve the request, a motion to adopt the attached rezoning ordinance will accomplish this. The ordinance includes the statutorily required statement describing whether the action taken is consistent with the comprehensive plan and explaining why Council considers the action taken to be reasonable and in the public interest.

If City Council determines to deny the rezoning request, in order to comply with this statutory requirement, it is recommended that the motion be as follows: Motion to deny the request to rezone and to make a finding and determination that the denial of the rezoning request is consistent with the adopted comprehensive plan and the denial of the rezoning request is reasonable and in the public interest due to the denial being consistent with the comprehensive plan and, as a result, the denial furthers the goals and objectives of the comprehensive plan.

Note: In addition to the other criteria, the Planning and Zoning Commission and City Council shall consider the entire range of permitted and special uses for the existing and proposed zoning districts as listed under Title 9, Chapter 4, Article D of the Greenville City Code.

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

- [📄 Location Map](#)
 - [📄 Survey](#)
 - [📄 Bufferyard and Vegetation Standards](#)
 - [📄 Ordinance_Greenville_Community_Life_Center_Inc_932225](#)
 - [📄 Rezoning_Case_12_06_Greenville_Community_Life_Ctr_Inc_931295](#)
 - [📄 Minutes_for_Greenville_Community_Life_Inc_932571](#)
 - [📄 List_of_Uses_OR_896518](#)
-

ORDINANCE NO. 12-
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE
REZONING TERRITORY LOCATED WITHIN THE PLANNING AND ZONING JURISDICTION 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 December 13, 2012, at 7:00 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 rezoning the following described territory;

WHEREAS, the City Council has been informed of and has considered all of the permitted and special uses of the districts under consideration; and,

WHEREAS, in accordance with the provisions of North Carolina General Statute 160A-383, the City Council does hereby find and determine that the adoption of the ordinance rezoning the following described property is consistent with the adopted comprehensive plan and that the adoption of the ordinance rezoning the following described property is reasonable and in the public interest due to its consistency with the comprehensive plan and, as a result, its furtherance of the goals and objectives of the comprehensive plan.

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

Section 1. That the following described territory is rezoned from OR (Office-Residential) to CDF (Downtown Commercial Fringe).

TO WIT: Greenville Community Life Center, Incorporated Property.

LOCATION: Located at the northwest corner of the intersection of Manhattan Avenue and Chestnut Street.

DESCRIPTION:

All that certain tract or parcel of land lying and being situated in the City of Greenville, Greenville Township, Pitt County, North Carolina, bounded by Myrtle Avenue, Manhattan Avenue, Chestnut Street, the City of Greenville property (formerly Watauga Avenue) and being described by metes and bounds as follows:

BEGINNING at a point where the southeastern right-of-way line of Myrtle Avenue intersects with the

southwestern right-of-way line of Manhattan Avenue, thence with the southwestern line of Manhattan Avenue S 30°02'20" E 330 feet more or less to a point where the southwestern right-of-way line of Manhattan Avenue intersects with the northwestern right-of-way line of Chestnut Street, thence with the northwestern line of Chestnut Street, S 59°57'40" W 300 feet more or less to a point, said point being a common corner with the City of Greenville property, thence leaving Chestnut Street and with the City of Greenville property (formerly Watauga Avenue) N 30°02'20" W 330 feet more or less to the southeastern right-of-way line of Myrtle Avenue, thence with the southeastern line of Myrtle Avenue N 59°57'40" E 300 feet more or less to the point of BEGINNING, containing 2.27 acres more or less and being the same property acquired by Greenville Community Life Center, Inc. in Deed Book 151, page 330 and shown on a plat by Rivers and Associates, Inc. dated June 11, 2012, drawing Z-2560 entitled Rezoning Map for Greenville Community Life Center, Inc. which by reference is made a part hereof for a more detailed description.

Section 2. That the Director of Community Development is directed to amend the zoning map of the City of Greenville in accordance with this ordinance.

Section 3. That all ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 4. That this ordinance shall become effective upon its adoption.

ADOPTED this 13th day of December, 2012.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk

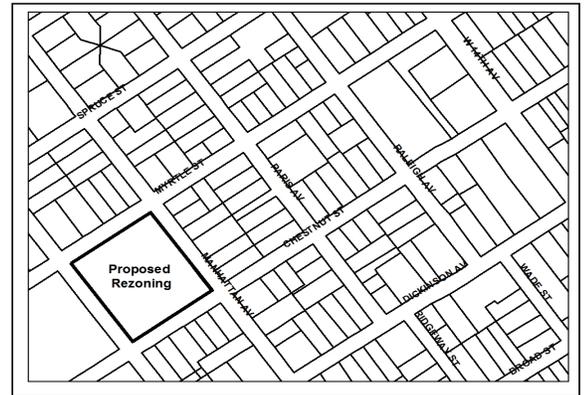
Doc. # 932225

Case No: 12-06

Applicant: Greenville Community Life Ctr., Inc.

Property Information

Current Zoning: OR (Office-Residential [High Density Multi-Family])
Proposed Zoning: CDF (Downtown Commercial Fringe)
Current Acreage: 2.27 acres
Location: Block bounded by Myrtle Street, Manhattan Avenue & Chestnut Street
Points of Access: 14th Avenue, Dickinson Avenue



Location Map

Transportation Background Information

1.) 14th Avenue- City maintained

	<u>Existing Street Section</u>	<u>Ultimate Thoroughfare Street Section</u>
Description/cross section	5-lanes with curb & gutter	5-lanes with curb & gutter
Right of way width (ft)	60	60
Speed Limit (mph)	35	35
Current ADT:	12,485 (*)	UltimateDesign ADT: 30,000 vehicles/day (**)
Design ADT:	30,000	
Controlled Access	No	
Thoroughfare Plan Status:	Major Thoroughfare	
Other Information:	There are sidewalks along 14th Avenue.	

Notes: (*) 2010 NCDOT count adjusted for a 2% annual growth rate
 (**) Traffic volume based an operating Level of Service D for existing geometric conditions
 ADT – Average Daily Traffic volume

Transportation Improvement Program Status: No Planned Improvements.

2.) Dickinson Avenue- State maintained

	<u>Existing Street Section</u>	<u>Ultimate Thoroughfare Street Section</u>
Description/cross section	3-lanes with curb & gutter	3-lanes with curb & gutter with sidewalks
Right of way width (ft)	50	50
Speed Limit (mph)	35	35
Current ADT:	13,525 (*)	Ultimate Design ADT: 14,000 vehicles/day (**)
Design ADT:	14,000	
Controlled Access	No	
Thoroughfare Plan Status:	Major Thoroughfare	
Other Information:	There are sidewalks along Dickinson Avenue.	

Notes: (*) 2010 NCDOT count adjusted for a 2% annual growth rate
 (**) Traffic volume based an operating Level of Service D for existing geometric conditions
 ADT – Average Daily Traffic volume

Transportation Improvement Program Status: No Planned Improvements.

Trips generated by proposed use/change**Current Zoning: 213** -vehicle trips/day (*)**Proposed Zoning: 2,137** -vehicle trips/day (*)**Estimated Net Change: increase of 1924 vehicle trips/day (assumes full-build out)**

(*) - These volumes are estimated and based on an average of the possible uses permitted by the current and proposed zoning.)

Impact on Existing Roads**The overall estimated trips presented above are distributed based on current traffic patterns. The estimated ADTs on 14th Avenue and Dickinson Avenue are as follows:**

- 1.) 14th Avenue, South of Site (25%):** **“No build” ADT of 12,485**
- | | |
|---|--------------------------|
| Estimated ADT with Proposed Zoning (full build) – | 13,019 |
| Estimated ADT with Current Zoning (full build) – | <u>12,538</u> |
| Net ADT change = | 481 (4% increase) |
- 2.) 14th Avenue, North of Site (25%):** **“No build” ADT of 12,485**
- | | |
|---|--------------------------|
| Estimated ADT with Proposed Zoning (full build) – | 13,019 |
| Estimated ADT with Current Zoning (full build) – | <u>12,538</u> |
| Net ADT change = | 481 (4% increase) |
- 3.) Dickinson Avenue, West of Site (25%):** **“No build” ADT of 13,525**
- | | |
|---|--------------------------|
| Estimated ADT with Proposed Zoning (full build) – | 14,059 |
| Estimated ADT with Current Zoning (full build) – | <u>13,578</u> |
| Net ADT change = | 481 (3% increase) |
- 4.) Dickinson Avenue, East of Site (25%):** **“No build” ADT of 13,525**
- | | |
|---|--------------------------|
| Estimated ADT with Proposed Zoning (full build) – | 14,059 |
| Estimated ADT with Current Zoning (full build) – | <u>13,578</u> |
| Net ADT change = | 481 (3% increase) |

Staff Findings/Recommendations

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 1069 trips to and from the site on 14th Avenue, which is a net increase of 962 additional trips per day.

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 1069 trips to and from the site on Dickinson Avenue, which is a net increase of 962 additional trips per day.

During the review process, measures to mitigate the traffic will be determined.

Excerpt from the DRAFT Planning & Zoning Minutes (7/17/2012)

REQUEST BY GREENVILLE COMMUNITY LIFE CENTER, INC - APPROVED

Ms. Chantae Gooby, Planner, delineated the property. The property is centrally located in the city within the neighborhood formally known as the Higgs Neighborhood. The property is located next to the future site of the City's Dream Park. Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 1,069 trips to and from the site on 14th Avenue or Dickinson Avenue, which is a net increase of 962 additional trips per day. In 1969, the subject property was zoned R6 (multi-family) and was rezoned to OR (office-residential) in 1987. Under the current zoning, the homeless shelter is a non-conforming use.

Under the current zoning (OR), the site could yield 32 multi-family units. The proposed zoning could yield 21,753 square feet of office/residential/retail space. A shelter is allowed under the CDF (Downtown Commercial Fringe) district which is the only district in the city that does allow that. The Future Land Use Plan Map recommends mixed use/office/institutional (MOI) at the intersection of West 14th Avenue and Dickinson Avenue and transitioning to office/institutional/multi-family (OIMF) to the north. In staff's opinion, the request is in general compliance with Horizons: Greenville's Community Plan, and the Future Land Use Plan Map.

Ms. Bellis asked if the property was the old Agnes Fullilove School.

Ms. Gooby stated yes.

Ms. Bellis asked if the school was part of the Greenville Community Shelter.

Ms. Gooby stated that both of the buildings belong to the shelter.

Mr. Weitz asked if the shelter was a special use under the CDF zoning.

Ms. Gooby stated it was but the CDF is the only zoning that allows homeless shelters.

Mr. Weitz asked if the applicant will file a special use permit.

Ms. Gooby stated that if the applicant plans to do something with the shelter then they would have to apply for a special use permit.

Mr. Weitz asked if CDF is consistent and compatible with the office/institutional/multi-family designation on the Future Land Use Map.

Ms. Gooby stated that it is in general compliance, not complete compliance. The land use plan is not dimensional or site-specific.

Mr. Durk Tyson, River & Associates, spoke in favor of the request. He reiterated the history of the current zoning predicament of the shelter. He stated that the shelter is not permitted to build under the current zoning and therefore has applied for a rezoning. The shelter will take the necessary steps to be in compliance.

Mr. Parker asked if a rezoning request had to be submitted in order for the shelter to legally begin building.

Mr. Tyson answered yes.

Ms. Lynne James, Executive Director of Greenville Community Shelter, spoke in favor of the request. She stated that no changes to the existing building can be made without the amendment to the zoning district.

Mr. Bell noted that the increase in traffic reported in staff's report would mainly be foot traffic.

Ms. James agreed.

Mr. Weitz asked if the front building would ever need to be removed.

Ms. James stated that an assessment was done on the front building and it was in good condition. The shelter does not plan to do any work to the building and is currently using it for meetings, classes and a medical clinic for the homeless.

Mr. Weitz stated that if the shelter is rezoned CDF, then the zoning would allow for revitalization of the neighborhood.

Ms. James stated that the shelter hopes that the facility improvements will begin the revitalization process.

Attorney Holec cautioned the board that they cannot rely on the potential development of a property in making their decision on the rezoning. It can be used for any of the uses which is allowed by the zoning classifications.

Ms. Ann Huggins, a resident in the neighborhood, spoke in opposition of the request. Her concern was if the area was rezoned that any type of business could come in the area. She would prefer to keep the area residential rather than commercial. She asked was there an alternative to rezoning.

Ms. Gooby restated staff's opinion and the current status of the shelter's nonconforming use. She stated the rezoning is only for one block and there are not a lot of other options.

Mr. Bell asked if the City was focusing on Dickinson Avenue as being a business hub for the area.

Ms. Gooby answered yes and stated the changes made.

Mr. Bell stated that he believed the rezoning for the shelter will not have an impact on the neighborhood.

Ms. Huggins stated that she was concerned about the ripple effect the rezoning would cause.

Mr. Flood answered the question about another option. The applicant could ask for a text amendment for the shelter to be used as a special or permitted use any place in the current zoning area.

Ms Bellis asked what is the legality for special use in the OR zoning district.

Mr. Flood reiterated the revamping of the zoning classifications in the 90's that left off shelters being able to be special use in the OR district.

Mr. Weitz added another option could be conditional zoning but the City does not embrace the concept.

Mr. Flood stated the City has viewed studies conducted by several Planning Boards and City Councils. The City's policy direction has been to use the by right or by use zoning category. The City's current Comprehensive Plan and Zoning Ordinance do not recommend using conditional use zoning.

Ms. Jean Lyons, a resident in the proposed neighborhood, spoke in opposition to the request. She asked whether the neighborhood would be rezoned or just the block of the proposed location.

Mr. Bell stated that the request is just for the block of the proposed location.

Ms. James spoke in rebuttal of the opposition. She said the shelter's preference was not to request a rezoning. The original thought was to ask for a special use permit but they were advised to proceed with rezoning. The applicant intent is not to cause deterioration to the neighborhood.

Ms. Bellis asked how complicated would it be to change the rezoning request to a special use and the time frame necessary for a change.

Attorney Holec stated that the applicant would have to amend their request and it would come before the board at the next meeting. The applicant would have to submit a request to amend the zoning ordinance so the shelter would be a use in the current zoning classification. The current request is narrower because it applies to the proposed location.

No one else spoke in rebuttal to the opposition.

Mr. Parker stated that the shelter will be there for a while and there is a need. He had no reservation in changing the zoning to Downtown Commercial Fringe.

Mr. Weitz stated that the rezoning could be revitalization to the area.

Motion made by Mr. Parker, seconded by Ms. Rich, to recommend approval of the proposed amendment to advise that it is consistent with the Comprehensive Plan and other applicable plans and to adopt the staff report which addresses plan consistency and other matters. Motion passed unanimously.

EXISTING ZONING

OR (Office-Residential)

Permitted Uses

(1) General:

- a. Accessory use or building
- b. Internal service facilities
- c. On- premise signs per Article N
- f. Retail sales incidental

(2) Residential:

- b. Two-family attached dwelling (duplex)
- c. Multi-family development per Article 1
- k. Family care home (see also section 9-4-103)
- n. Retirement center or home
- o. Nursing, convalescent center or maternity home; major care facility
- p. Board or rooming house
- q. Room renting

(3) Home Occupations (see all categories):

*None

(4) Governmental:

- b. City of Greenville municipal government building or use (see also section 9-4-103)
- c. County or state government building or use not otherwise listed; excluding outside storage and major or minor repair
- d. Federal government building or use

(5) Agricultural/ Mining:

- a. Farming; agriculture, horticulture, forestry (see also section 9-4-103)

(6) Recreational/ Entertainment:

- f. Public park or recreational facility
- g. Private noncommercial park or recreation facility

(7) Office/ Financial/ Medical:

- a. Office; professional and business, not otherwise listed
- b. Operational/processing center
- c. Office; customer service not otherwise listed, including accessory service delivery vehicle parking and indoor storage
- d. Bank, savings and loan or other savings or investment institutions
- e. Medical, dental, ophthalmology or similar clinic, not otherwise listed

(8) Services:

- c. Funeral home
- e. Barber or beauty shop
- f. Manicure, pedicure, or facial salon
- g. School; junior and senior high (see also section 9-4-103)
- h. School; elementary (see also section 9-4-103)
- i. School; kindergarten or nursery (see also section 9-4-103)
- j. College or other institutions of higher learning
- k. Business or trade school
- n. Auditorium
- o. Church or place of worship (see also section 9-4-103)
- p. Library

- q. Museum
- r. Art Gallery
- u. Art studio including art and supply sales
- v. Photography studio including photo and supply sales
- w. Recording studio
- x. Dance studio
- bb. Civic organizations
- cc. Trade or business organizations

(9) Repair:

* None

(10) Retail Trade:

- s. Book or card store, news stand
- w. Florist

(11) Wholesale/ Rental/ Vehicle- Mobile Home Trade:

* None

(12) Construction:

- a. Licensed contractor; general, electrical, plumbing, mechanical, etc. excluding outside storage
- c. Construction office; temporary, including modular office (see also section 9-4-103)

(13) Transportation:

* None

(14) Manufacturing/ Warehousing:

* None

(15) Other Activities (not otherwise listed - all categories):

* None

OR (Office-Residential)

Special Uses

(1) General:

* None

(2) Residential:

- d. Land use intensity multifamily (LUI) development rating 50 per Article K
- e. Land use intensity dormitory (LUI) development rating 67 per Article K
- i. Residential quarters for resident manager, supervisor or caretaker; excluding mobile home
- o.(1). Nursing, convalescent center or maternity home; minor care facility
- r. Fraternity or sorority house

(3) Home Occupations (see all categories):

* None

(4) Governmental:

- a. Public utility building or use

(5) Agricultural/ Mining:

* None

(6) Recreational/ Entertainment:

- c.(1). Tennis club; indoor and outdoor facilities
- h. Commercial recreation; indoor only, not otherwise listed

(7) Office/ Financial/ Medical:

- f. Veterinary clinic or animal hospital (also see animal boarding; outside facility, kennel and stable)

(8) Services:

- a. Child day care facilities
- b. Adult day care facilities
- l. Convention center; private
- s. Hotel, motel, bed and breakfast inn; limited stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)
- ff. Mental health, emotional or physical rehabilitation center

(9) Repair:

- * None

(10) Retail Trade:

- h. Restaurant; conventional
- j. Restaurant; regulated outdoor activities

(11) Wholesale/ Rental/ Vehicle- Mobile Home Trade:

- * None

(12) Construction:

- * None

(13) Transportation:

- h. Parking lot or structure; principle use

(14) Manufacturing/ Warehousing:

- * None

(15) Other Activities (not otherwise listed - all categories):

- a. Other activities; personal services not otherwise listed
- b. Other activities; professional services not otherwis

PROPOSED ZONING

CDF (Downtown Commercial Fringe)

Permitted Uses

(1) General:

- a. Accessory use or building
- b. Internal service facilities
- c. On- premise signs per Article N
- e. Temporary uses; of listed district uses
- f. Retail sales; incidental
- g. Incidental assembly of products sold at retail or wholesale as an accessory to principle use

(2) Residential:

- a. Single-family dwelling
- b. Two-family attached dwelling (duplex)
- c. Multi-family development per Article 1

- k. Family care home (see also section 9-4-103)
- q. Room renting

(3) Home Occupations (see all categories):

*None

(4) Governmental:

- b. City of Greenville municipal government building or use (see also section 9-4-103)
- c. County or state government building or use not otherwise listed; excluding outside storage and major or minor repair
- d. Federal government building or use
- g. Liquor store, state ABC

(5) Agricultural/ Mining:

- a. Farming; agriculture, horticulture, forestry (see also section 9-4-103)

(6) Recreational/ Entertainment:

- f. Public park or recreational facility
- g. Private noncommercial park or recreation facility
- o. Theater; movie or drama, including outdoor facility

(7) Office/ Financial/ Medical:

- a. Office; professional and business, not otherwise listed
- c. Office; customer service not otherwise listed, including accessory service delivery vehicle parking and indoor storage
- d. Bank, savings and loan or other savings or investment institutions
- e. Medical, dental, ophthalmology or similar clinic, not otherwise listed

(8) Services:

- c. Funeral home
- e. Barber or beauty shop
- f. Manicure, pedicure, or facial salon
- g. School; junior and senior high (see also section 9-4-103)
- h. School; elementary (see also section 9-4-103)
- i. School; kindergarten or nursery (see also section 9-4-103)
- k. Business or trade school
- n. Auditorium
- o. Church or place of worship (see also section 9-4-103)
- p. Library
- q. Museum
- r. Art Gallery
- s. Hotel, motel, bed and breakfast inn; limited stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)
- u. Art studio including art and supply sales
- v. Photography studio including photo and supply sales
- w. Recording studio
- z. Printing or publishing service including graphic art, map, newspapers, magazines and books
- aa. Catering service including food preparation (see also restaurant; conventional and fast food)
- kk. Launderette; household users
- ll. Dry cleaners; household users
- mm. Commercial laundries; linen supply
- oo. Clothes alteration or shoe repair shop
- pp. Automobile wash

(9) Repair:

- d. Upholsterer; furniture

- f. Appliance; household and office equipment repair
- g. Jewelry, watch, eyewear or other personal item repair

(10) Retail Trade:

- a. Miscellaneous retail sales; non-durable goods, not otherwise listed
- c. Grocery; food or beverage, off premise consumption (see also Wine Shop)
- c.1 Wine shop (see also section 9-4-103)
- d. Pharmacy
- e. Convenience store (see also gasoline sales)
- f. Office and school supply, equipment sales
- h. Restaurant; conventional
- i. Restaurant; fast food
- l. Electric; stereo, radio, computer, television, etc. sales and accessory repair
- m. Appliance; household use, sales and accessory repair, excluding outside storage
- n. Appliance; commercial use, sales and accessory repair, excluding outside storage
- p. Furniture and home furnishing sales not otherwise listed
- q. Floor covering, carpet and wall covering sales
- r. Antique sales; excluding vehicles
- s. Book or card store, news stand
- v. Video or music store; records, tape, compact disk, etc. sales
- w. Florist
- x. Sporting goods sales and rental shop
- y. Auto part sales (see also major and minor repair)
- ee. Christmas tree sales lot; temporary only (see also section 9-4-103)

(11) Wholesale/ Rental/ Vehicle- Mobile Home Trade:

- c. Rental of cloths and accessories; formal wear, etc.
- f. Automobiles, truck, recreational vehicle, motorcycles and boat sales and service (see also major and minor repair)

(12) Construction:

- a. Licensed contractor; general, electrical, plumbing, mechanical, etc. excluding outside storage
- c. Construction office; temporary, including modular office (see also section 9-4-103)
- e. Building supply; lumber and materials sales, plumbing and/or electrical supply excluding outside storage
- f. Hardware store

(13) Transportation:

- b. Bus station; passenger and related freight
- c. Taxi or limousine service
- e. Parcel delivery service
- f. Ambulance service

(14) Manufacturing/ Warehousing:

- c. Bakery; production, storage and shipment facilities

(15) Other Activities (not otherwise listed - all categories):

* None

CDF (Downtown Commercial Fringe)

Special Uses

(1) General:

* None

(2) Residential:

- d. Land use intensity multifamily (LUI) development rating 50 per Article K
- e. Land use intensity multifamily (LUI) development rating 67 per Article K
- j. Residential quarters for resident manager, supervisor or caretaker; including mobile homes
- m. Shelter for homeless or abused
- n. Retirement center or home
- o. Nursing, convalescent center or maternity home; major care facility
- o.(1). Nursing, convalescent center or maternity home; minor care facility
- r. Fraternity or sorority house

(3) Home Occupations (see all categories):

- a. Home occupation; including barber and beauty shops
- c. Home occupation; including manicure, pedicure or facial salon

(4) Governmental:

- a. Public utility building or use

(5) Agricultural/ Mining:

* None

(6) Recreational/ Entertainment:

- d. Game center
- i. Commercial recreation; indoor and outdoor not otherwise listed
- l. Billiard parlor or pool hall
- m. Public or private club

(7) Office/ Financial/ Medical:

* None

(8) Services:

- a. Child day care facilities
- b. Adult day care facilities
- l. Convention center; private
- x. Dance studio
- bb. Civic organizations
- cc. Trade or business organizations
- hh. Exercise and weight loss studios; indoor only

(9) Repair:

- a. Major repair; as an accessory or principal use
- b. Minor repair; as an accessory or principal use

(10) Retail Trade:

- b. Gasoline or automotive fuel sales; accessory or principal use, retail
- g. Fish market; excluding processing or packing
- j. Restaurant; regulated outdoor activities
- t. Hobby or craft shop
- u. Pet shop (see also animal boarding; outside facility)

(11) Wholesale/ Rental/ Vehicle- Mobile Home Trade:

* None

(12) Construction:

- d. Building supply; lumber and materials sales, plumbing and/or electrical supply including outside storage

(13) Transportation:

- h. Parking lot or structure; principal use

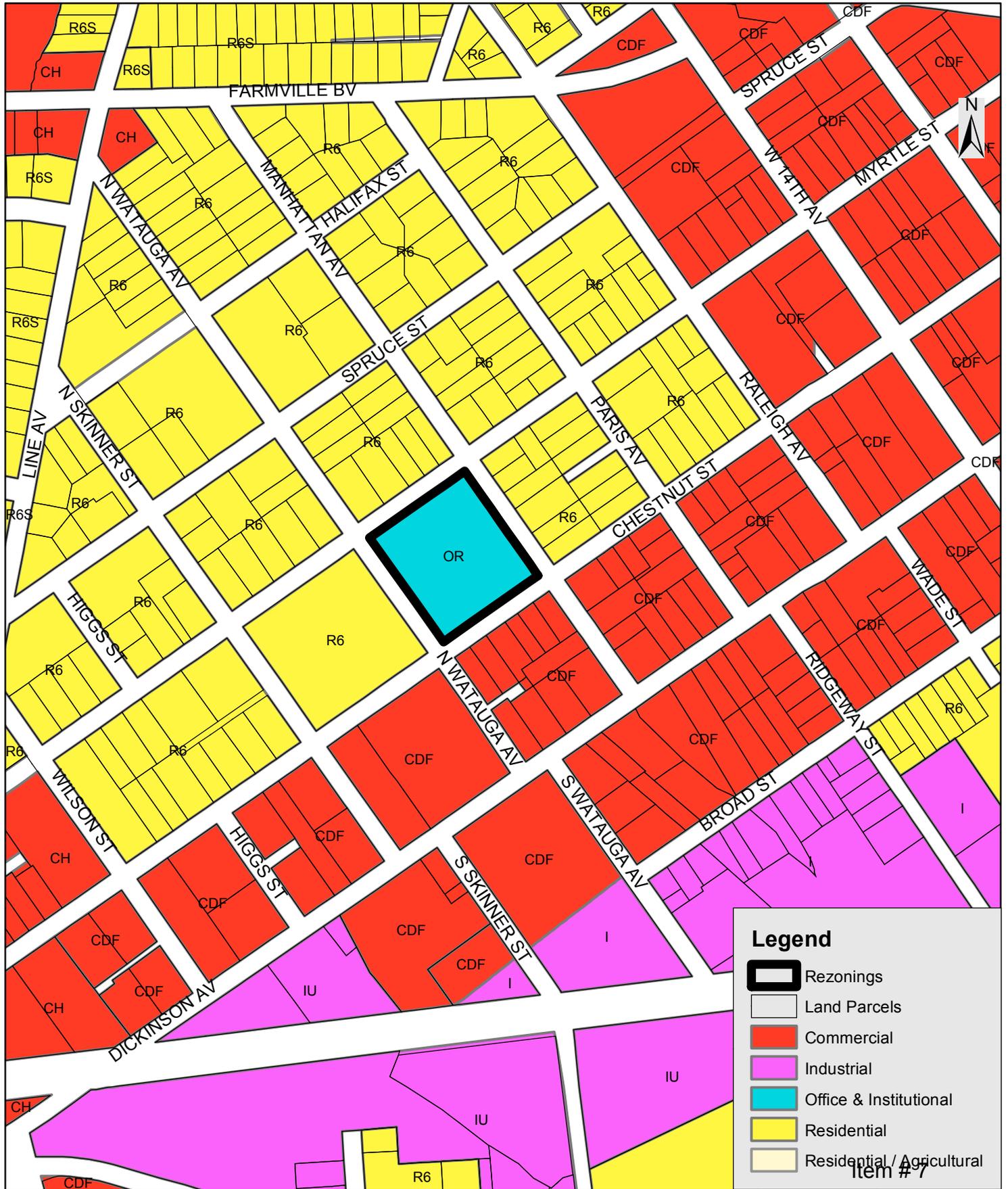
(14) Manufacturing/ Warehousing:

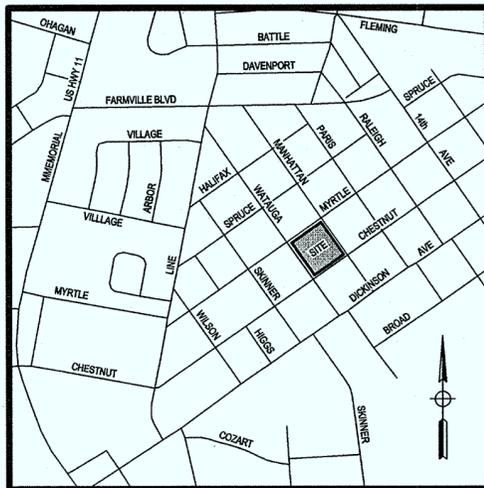
- g. Cabinet, woodwork or frame shop; excluding furniture manufacturing or upholstery

(15) Other Activities (not otherwise listed - all categories):

- a. Other activities; personal services not otherwise listed
- b. Other activities; professional activities not otherwise listed
- c. Other activities; commercial services not otherwise listed
- d. Other activities; retail sales not otherwise listed

Greenville Community Life Center, Inc. (12-06)
From: OR To: CDF
Total Acreage: 2.27
June 21, 2012





VICINITY MAP
1" = 1000'



LEGEND:
 CDF ZONING = DOWNTOWN COMMERCIAL FRINGE OR ZONING = OFFICE-RESIDENTIAL
 R6 ZONING = RESIDENTIAL
 NF = NOW OR FORMERLY
 R/W = RIGHT OF WAY
 B/B = BACK TO BACK
 P.N. = PARCEL NUMBER
 D.B. = DEED BOOK
 M.B. = MAP BOOK
 PG. = PAGE
 ET AL = AND OTHERS

(E) PLATTED BLOCK
 (11) PLATTED LOT

REZONED AREA:
 TOTAL = 99,000 S.F. (2.27 ACRES)

REFERENCES:
 D.B. 151 PG. 330
 D.B. 73 PG. 329
 (RESOLUTION OF STREET CLOSING
 N. WATAUGA AVE. DATED MAY 15th, 1958)
 M.B. 1 PG. 190
 P.N. 28949
 REZONING PLAT BY WILLARD R. HALL

OWNER:
 GREENVILLE COMMUNITY LIFE CENTER
 P.O. BOX 687
 GREENVILLE, N.C. 27835
 PHONE: (252) 000-0000

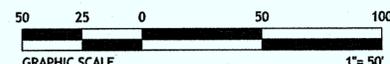
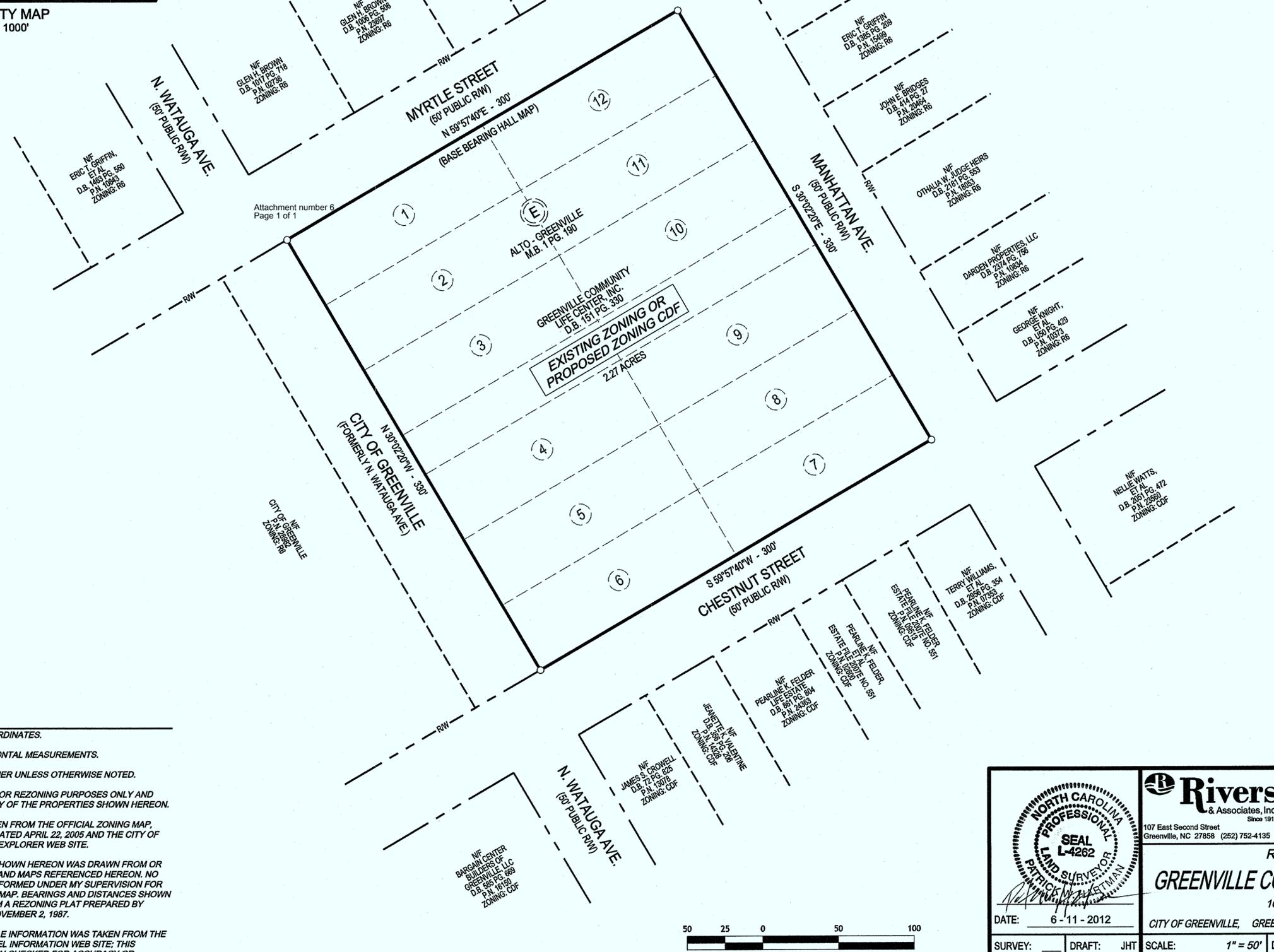
CERTIFICATION

NORTH CAROLINA PITT COUNTY
 I, PATRICK W. HARTMAN, PROFESSIONAL LAND SURVEYOR CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM DEEDS AND OR MAPS AS REFERENCED HEREON, AND DOES NOT REPRESENT A FIELD BOUNDARY SURVEY BY MYSELF OR RIVERS AND ASSOCIATES, INC.; I FURTHER CERTIFY PURSUANT TO G.S. 47-30 (F)(1)D., THAT THIS SURVEY IS OF ANOTHER CATEGORY; REZONING MAP. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 11th DAY OF JUNE, 2012.

SIGNED: *Patrick W. Hartman*
 PROFESSIONAL LAND SURVEYOR
 LICENSE NUMBER: L - 4262

- NOTES:**
- 1) AREA DETERMINED BY COORDINATES.
 - 2) ALL DISTANCES ARE HORIZONTAL MEASUREMENTS.
 - 3) NO POINT SET AT ANY CORNER UNLESS OTHERWISE NOTED.
 - 4) THIS MAP WAS PREPARED FOR REZONING PURPOSES ONLY AND IS NOT A BOUNDARY SURVEY OF THE PROPERTIES SHOWN HEREON.
 - 5) EXISTING ZONING WAS TAKEN FROM THE OFFICIAL ZONING MAP, THE CITY OF GREENVILLE, DATED APRIL 22, 2005 AND THE CITY OF GREENVILLE SPATIAL DATA EXPLORER WEB SITE.
 - 6) BOUNDARY INFORMATION SHOWN HEREON WAS DRAWN FROM OR CALCULATED FROM DEEDS AND MAPS REFERENCED HEREON. NO FIELD SURVEYING WAS PERFORMED UNDER MY SUPERVISION FOR THE PREPARATION OF THIS MAP. BEARINGS AND DISTANCES SHOWN HEREON WERE TAKEN FROM A REZONING PLAT PREPARED BY WILLARD R. HALL, DATED NOVEMBER 2, 1987.
 - 7) ADJACENT OWNER AND TITLE INFORMATION WAS TAKEN FROM THE PITT COUNTY ONLINE PARCEL INFORMATION WEB SITE; THIS INFORMATION HAS NOT BEEN CHECKED FOR ACCURACY OR CORRECTNESS.

Item # 7



PROFESSIONAL LAND SURVEYOR
 SEAL L-4262
 PATRICK W. HARTMAN

Rivers & Associates, Inc.
 Engineers Planners Surveyors
 NC License: F-0334
 107 East Second Street
 Greenville, NC 27858 (252) 752-4135
 6131 Falls of Neuse Road, Suite 300
 Raleigh, NC 27609 (919) 848-3347

REZONING MAP FOR
GREENVILLE COMMUNITY LIFE CENTER, INC.
 1600 CHESTNUT STREET
 CITY OF GREENVILLE, GREENVILLE TOWNSHIP, PITT COUNTY, NORTH CAROLINA

DATE: 6-11-2012
 SURVEY: DRAFT: JHT SCALE: 1" = 50'
 DESIGN: CHECK: PH JOB NO. 2012075 DRAWING NO. Z - 2560 SHEET 1 OF 1

04/30/07

BUFFERYARD SETBACK AND VEGETATION SCREENING CHART

For Illustrative Purposes Only

Bufferyard Requirements: Match proposed land use with adjacent permitted land use or adjacent vacant zone/nonconforming use to determine applicable bufferyard.

PROPOSED LAND USE CLASS (#)	ADJACENT PERMITTED LAND USE CLASS (#)					ADJACENT VACANT ZONE OR NONCONFORMING USE		PUBLIC/PRIVATE STREETS OR R.R.
	Single-Family Residential (1)	Multi-Family Residential (2)	Office/Institutional, light Commercial, Service (3)	Heavy Commercial, Light Industry (4)	Heavy Industrial (5)	Residential (1) - (2)	Non-Residential (3) - (5)	
Multi-Family Development (2)	C	B	B	B	B	C	B	A
Office/Institutional, Light Commercial, Service (3)	D	D	B	B	B	D	B	A
Heavy Commercial, Light Industry (4)	E	E	B	B	B	E	B	A
Heavy Industrial (5)	F	F	B	B	B	F	B	A

Bufferyard A (street yard)		
Lot Size	Width	For every 100 linear feet
Less than 25,000 sq.ft.	4'	2 large street trees
25,000 to 175,000 sq.ft.	6'	2 large street trees
Over 175,000 sq.ft.	10'	2 large street trees

Street trees may count toward the minimum acreage.

Bufferyard B (no screen required)	
Lot Size	Width
Less than 25,000 sq.ft.	4'
25,000 to 175,000 sq.ft.	6'
Over 175,000 sq.ft.	10'

Bufferyard C (screen required)	
Width	For every 100 linear feet
10'	3 large evergreen trees 4 small evergreens 16 evergreen shrubs

Where a fence or evergreen hedge (additional materials) is provided, the bufferyard width may be reduced to eight (8) feet.

Bufferyard D (screen required)	
Width	For every 100 linear feet
20'	4 large evergreen trees 6 small evergreens 16 evergreen shrubs

Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

Bufferyard E (screen required)	
Width	For every 100 linear feet
30'	6 large evergreen trees 8 small evergreens 26 evergreen shrubs

Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

Bufferyard F (screen required)	
Width	For every 100 linear feet
50'	8 large evergreen trees 10 small evergreens 36 evergreen shrubs

Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

Parking Area: Thirty (30) inch high screen required for all parking areas located within fifty (50) feet of a street right-of-way.

Residential Density		
Maximum density allowed by Zoning District based on average of 2.67 persons per dwelling unit		
High Density		
R6 R6-N R6-MH OR CDF	17 units per acre yields 45 persons per acre	
PUD	12 units per acre yields 32 persons per acre	
Medium Density		
R6-A	9 units per acre yields 24 persons per acre	
R6-S	7 units per acre yields 19 persons per acre	
R9	6 units per acre yields 16 persons per acre	
R9-S	5 units per acre yields 13 persons per acre	
Low Density		
RA-20 MRS	4 units per acre yields 11 persons per acre	
R15-S	3 units per acre yields 8 persons per acre	

Illustration: Maximum allowable density in Residential Zoning Districts



City of Greenville, North Carolina

Meeting Date:
12/13/2012
Time: 7:00 PM

Title of Item: Ordinance amending the Zoning Ordinance text defining and creating standards for internet sweepstakes businesses

Explanation: **Abstract:** The number of internet sweepstakes businesses operating within the City's jurisdiction has increased significantly in recent years. Recognizing that the City's zoning ordinance lacks specific standards to provide for the appropriate location of these facilities, City Council adopted a moratorium on the establishment of new facilities to allow the City the opportunity to develop and adopt such standards. Staff presented reports that included potential standards for these establishments to City Council at their September 10, 2012, and October 8, 2012, regular meetings. City Council initiated the proposed text amendment defining internet sweepstakes businesses and creating standards for the same at their October 8, 2012, meeting.

Background

At the June 11, 2012, meeting, City Council voted to direct staff to develop a report on the City's standards for internet sweepstakes businesses. This request was initiated by Council Member Smith, who stated that she was interested in refining the standards to ensure appropriate separation from residential areas. This item was continued by City Council on August 9, 2012, to the September City Council agenda.

Staff presented the report to City Council at the September 10, 2012, City Council meeting. The report presented potential standards that included separation requirements from existing internet sweepstakes businesses, single-family residential districts and uses, and schools. City Council directed staff to revise the draft to include additional separation requirements including multi-family developments, churches, and playgrounds, among other suggestions. Staff presented a revised report to City Council at their October 8, 2012, meeting, at which time City Council initiated the proposed text amendment defining internet sweepstakes businesses and creating standards for the same.

Proposed Standards

The standards proposed by this text amendment are outlined below:

1. Define Internet Sweepstakes Business as follows: Any business enterprise, whether as a principal or an accessory use, where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games, including but not limited to sweepstakes and video poker, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. This use does not include any lottery approved by the State of North Carolina.

2. Allow internet sweepstakes businesses, subject to the issuance of a Special Use Permit, within the Heavy Commercial (CH) and General Commercial (CG) zoning districts.

3. Specific Criteria.

- ¼ mile separation of a proposed internet sweepstakes business from an existing or approved internet sweepstakes business;
- 500-foot separation of a proposed internet sweepstakes business from (i) a conforming use single-family dwelling located in any district, (ii) any single-family residential zoning district;
- 500-foot separation of a proposed internet sweepstakes business from an existing or approved school, church, park, or multi-family use;
- Not permitted within any certified redevelopment area (i.e. West Greenville, Center City and 45-Block redevelopment areas);
- Use shall be conducted within a completely enclosed building, and no outside congregation of customers is permitted for any purpose.

The City Manager has recommended that a ½ mile separation requirement be considered as an alternative to the ¼ mile separation requirement currently proposed between a proposed internet sweepstakes business from an existing or approved internet sweepstakes business. The rationale for this modification is the need for more separation between these establishments based upon recent criminal activities associated with the land use.

Staff Comments

In staff's opinion, the proposed definition and standards for internet sweepstakes businesses are needed to ensure the appropriate location and permitting process for these land uses. It is staff's further opinion that the proposed text amendment is in compliance with **Horizons: Greenville's Community Plan** and, if adopted, would benefit plan objectives related to preserving neighborhood livability.

Fiscal Note:

No fiscal impact anticipated with this action.

Recommendation:

In staff's opinion, the proposed Zoning Ordinance Text Amendment is in general compliance with

Horizons: Greenville's Community Plan.

The Planning and Zoning Commission voted unanimously to recommend approval of the request at its November 20, 2012, meeting.

If City Council determines to approve the request, a motion to adopt the attached ordinance will accomplish this. The ordinance includes the statutorily required statement describing whether the action taken is consistent with the comprehensive plan and explaining why Council considers the action taken to be reasonable and in the public interest.

If City Council determines to deny the request, in order to comply with this statutory requirement, it is recommended that the motion be as follows: "Motion to deny the request and to make a finding and determination that the denial of the request is consistent with the adopted comprehensive plan and the denial of the request is reasonable and in the public interest due to the denial being consistent with the comprehensive plan and, as a result, the denial furthers the goals and objectives of the comprehensive plan."

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

- [Internet Sweepstakes Business Ordinance 941177](#)
 - [Excerpt P Z minutes Sweepstakes amendment 941808](#)
 - [Report on Standards for Internet Sweepstakes Businesses 931958](#)
-

ORDINANCE NO. 12-
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 December 13, 2012 at 7:00 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 does hereby find and determine that the adoption of the ordinance involving the text amendment is consistent with the adopted comprehensive plan and is reasonable and in the public interest.

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

Section 1: That Title 9, Chapter 4, Article B, Section 9-4-22 of the City Code is hereby amended by adding a new definition as follows:

Internet sweepstakes business. Any business enterprise, whether as a principal or an accessory use, where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games, including but not limited to sweepstakes and video poker, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. This use does not include any lottery approved by the State of North Carolina.

That Title 9, Chapter 4, Article D, Section 9-4-78 (Appendix A), of the City Code, is hereby amended by adding a new land use identified as (6) u. "*Internet sweepstakes business*"; by adding a note as follows "*(see also §9-4-103)*", by allowing this land use with a special use permit in the CH (Heavy Commercial) and CG (General Commercial) districts, and by assigning a LUC 4 to the land use.

Section 2: That Title 9, Chapter 4, Article F, Section 9-4-103, of the City Code, is hereby amended by adding a new subsection (W) as follows:

(W) *Internet sweepstakes business (see also section 9-4-22)*

1. No internet sweepstakes business shall be located within a one-fourth mile (1,320 foot) radius of an existing or approved internet sweepstakes business.
2. No internet sweepstakes business shall be located within a 500-foot radius of the following:

- (i) an existing conforming use single-family dwelling located in any district;
 - (ii) any single-family residential zoning district; and
 - (iii) an existing or approved school, church, park or multi-family use.
3. The measurements associated with subsections 1 and 2 above shall be made from the exterior wall of the proposed internet sweepstakes business to the nearest exterior wall of any existing or approved internet sweepstakes business, existing conforming use single-family dwelling located in any district, or existing or approved school, church or multi-family use. The measurement shall be made from the exterior wall of the proposed internet sweepstakes business to the nearest property line of any single-family residential zoning district or park.
 4. No internet sweepstakes business shall be located within any certified redevelopment area;
 5. The use shall be conducted within a completely enclosed building with no outside congregation of customers permitted for any purpose.

Section 3. 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 4. That this ordinance shall become effective immediately upon adoption.

Adopted this 13th day of December, 2012.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk

Excerpt from the DRAFT Planning & Zoning Commission Meeting Minutes (11/20/12)

AMENDMENT TO THE ZONING ORDINANCE TEXT DEFINING AND CREATING STANDARDS FOR INTERNET SWEEPSTAKES BUSINESSES- APPROVED

Mr. Chris Padgett, Interim Assistant City Manager, provided background information on the proposed text amendment. He presented that City Council initiated the text amendment, provided a description of Internet Sweepstakes Businesses, the legal authority for Local Land Use Regulation, a summary of existing standards, identification of existing and approved Internet Sweepstakes Businesses, and a survey of standards from other communities. The city currently has fifteen Internet Sweepstakes Business in which nine were operating prior to a special use permit being required. Mr. Padgett stated the proposed definition of an Internet Sweepstakes Business and that they are proposed to be permitted with a special use permit in the Heavy commercial (CH) and General Commercial (CG) zoning districts, subject to specific criteria.

Proposed standards include:

- ¼ mile separation of a proposed internet sweepstakes business from an existing or approved internet sweepstakes business;
- 500-foot separation of a proposed internet sweepstakes business from (i) a conforming use single-family dwelling located in any district, (ii) any single family residential zoning district;
- Not permitted within any certified redevelopment area (i.e. West Greenville, Center City and 45-Block redevelopment areas);
- Use shall be conducted within a completely enclosed building, and no outside congregation of customers is permitted for any purpose;
- 500-foot separation of a proposed internet sweepstakes business from an existing or approved school, church, park, or multi-family use;

Mr. Bell asked if any of the existing businesses are currently in the redevelopment area.

Mr. Padgett stated that he would have to check to make sure but he did not believe any were in the 45-block area and maybe one was in the West Greenville area.

Mr. Padgett continued to state that an analysis of the potential standards reports that 587 acres (1.4%) of the property located within the City's planning and zoning jurisdiction would be available for the establishment of a new internet sweepstakes business under the proposed standards. These areas are primarily located along the community's primary corridors (Greenville Boulevard / HWY 264, Memorial Drive / NC 11, Fire Tower Road and Dickinson Avenue). In staff's opinion, the proposed Text Amendment is in compliance with Horizons: Greenville's Comprehensive Plan.

Doc #941808

Ms. Bellis asked if any of the existing nonconforming internet business closed, could a new establishment operate in that site.

Mr. Padgett stated that the nonconforming rights would expire if the use ceased for a period exceeding 180 days. If a new internet sweepstakes business opened within 180 days, they could do so.

Mr. Parker asked for the definition of multi-family use.

Mr. Padgett stated that multi-family is a structure with three or more dwelling units.

Mr. Weitz asked about the safety concerns of internet businesses.

Mr. Padgett stated that the calls of service were relatively infrequent. The concerns are really related to indirect and cumulative impacts if these establishments are permitted near residential neighborhoods or allowed to congregation or cluster in close proximity to one another.

Mr. Weitz stated that he wanted to be sure that the decision regarding regulating internet business was because of health or safety issues versus moral beliefs. He also asked why the limitation of operating hours and the number of terminals were not a part of the proposed standards.

Mr. Padgett stated that staff provided City Council with those potential standards as options, but the city does not regulate the hours of operation of any other businesses. There was a discussion about the minimum number of machines, but the definition of internet sweepstakes business includes any entity having even a single machine, so the additional standard was not included.

Mr. Parker asked if there was a minimum age requirement for a person to use a machine.

Mr. Padgett stated that there is no state law relating to an age limit but half of the existing Internet Businesses don't allow people under 18 in the building and the other half will allow them in, but will not allow them to play.

Mr. Parker asked if bars and clubs had limited operating hours.

Mr. Padgett stated they have limited hours in which they can serve alcohol, based on state law.

Mr. Bell asked staff if the parking component should be a necessary part of the proposed standards.

Mr. Padgett stated that staff looked at various options and did not see the need to establish a separate parking standard at this time.

Chairman Bell opened the public hearing.

Doc #941808

Stephen Kozikowskil, current internet sweepstakes business owner, spoke in favor of the amendment. He requested that regulations not be established that would limit current businesses from operating, such as new parking requirements and limitations on the number of terminals.

No one spoke in opposition of the request.

Chairman Bell closed the public hearing and opened for board discussion.

Mr. Parker asked would the grandfathered businesses be impacted by the parking limitations.

Mr. Padgett stated that no change in parking was suggested with the proposed amendment.

Mr. Schrade asked if the crime affiliated with internet sweepstakes businesses were comparable to convenience store activity.

Mr. Padgett stated that the calls for service report from two months ago showed that they were similar.

Motion made by Ms Basnight, seconded by Ms Bellis, to recommend approval of the proposed amendment to advise that it is consistent with the Comprehensive Plan and other applicable plans and to adopt the staff report which addresses plan consistency and other matters. Motion passed unanimously.

Report on Standards for Internet Sweepstakes Businesses

Contents:

- Section I. City Council Directive – Page 1
- Section II. Description of Internet Sweepstakes Businesses – Page 1
- Section III. Legal Authority for Local Land Use Regulation – Page 4
- Section IV. Background and Summary of Existing Standards – Page 5
- Section V. Identification of Existing and Approved Internet Sweepstakes
Businesses – Page 6
- Section VI. Survey of Other Communities – Page 8
- Section VII. Proposed Standards – Page 10
- Section VIII. Analysis of Proposed Standards – Page 11



**Report Developed by the City of Greenville
Community Development Department - Planning Division
Originally Created July 20, 2012
Updated August 24, 2012; September 21, 2012; and December 4, 2012**

SECTION I – City Council Directive

City Council voted to direct staff to develop a report on the City's standards for internet sweepstakes businesses at their June 11, 2012, meeting. This request was initiated by Council Member Smith, who stated that she was interested in refining the standards to ensure appropriate separation from residential areas. Council Member Joyner added that the City of Rocky Mount had developed standards to address these land uses and that staff should review these standards as part of the proposed report. Council Member Mitchell stated that he had never visited this type of business and was not familiar with how they operate. As such, he requested that the report include a general description of how these establishments operate.

Staff presented the report to City Council at their September 10, 2012, meeting. The report presented included potential standards that included separation requirements from existing internet sweepstakes businesses, single family districts and uses, and schools. City Council directed staff to revise the draft to include additional separation requirements including multi-family developments, churches and playgrounds, among other suggestions.

SECTION II – Description of Internet Sweepstakes Businesses

Planning Division staff visited five of the 15 local internet sweepstakes businesses in an effort to better understand how they operate. The following facility descriptions are based upon information provided by business employees and staff's observations during the site visits.

Internet sweepstakes operations contain computer/gaming terminals where customers pay for internet time. While regular internet service and some limited programs are generally available on these terminals, most use them to play a sweepstakes (estimated between 70% - 90%). Sweepstakes come in the form of traditional "Las Vegas style" gambling games, but winning is not based on random chance or skill, it is based on predetermined odds.

When customers enter these facilities, they have to see an attendant located behind a counter or in a booth. They pay the attendant for "internet time", with a typical rate being \$.20 per minute. The attendant gives the customer a log-in number, and the customer chooses which terminal to use and logs in. At this point the customer can begin playing the sweepstakes games or using the

terminal for other purposes. If a customer wins, they can receive their cash prize from the attendant. At least one establishment allowed cash pay-outs up to \$600 at one time.

Other characteristics of these facilities include:

- Most offer refreshments (water, soft drinks, coffee, chips, candy, etc.). Some of these refreshments are complimentary as long as you are “playing”, while others are sold.
- Some are open 24 hours a day, while others do close in the early morning hours (i.e. closed between 2:00 a.m. and 9:00 a.m.).
- Some limit entrance to those 18 years of age or older. Others allow minors, but prohibit them from playing sweepstakes games.
- All of the facilities visited provided smoking and non-smoking areas. Several provided a small area designated non-smoking, while the vast majority of the facility allowed smoking.
- Many offer ancillary office services such as access to fax machines, copiers, and ATM’s. Some also have limited inventories of basic office supplies available for sale.



Example of Terminal



Lounge Area within Establishment



Example of Layout

Services we offer:	
❖ Full Internet Access	❖ Internet Phone Use (select locations)
❖ Google docs (similar to Microsoft Word & Excel)	❖ E-mail
❖ On-line Fun Games	❖ IIT Home Dial-up Internet

Pricing	
❖ Prepaid Internet & Computer usage	\$ 0.20 / min
❖ Printing	\$ 0.08 / page
❖ Copying	\$ 0.08 / page
❖ Faxing	\$ 1.00 / page
❖ IIT Home Dial-Up Internet	\$5.00 unlimited 1 month
(Must ask attendant for installation CD)	

Example of Services / Pricing

SECTION III – Legal Authority for Local Land Use Regulationⁱ

Gaming machines have a colorful and largely illegal history in North Carolina. Most forms of gambling have been illegal since the Depression era. In the 1990's, the question arose as to whether video game technology could be adapted to avoid the criminal ban. Initial video gaming restrictions were created by S.L. 2000-151. That law was enacted after South Carolina outlawed video poker gambling, prompting concern by North Carolina officials that this might result in an influx of video gaming machines in North Carolina. In 2001, the General Assembly adopted G.S. 14-306.1 which banned all video gaming machines except those lawfully in operation within the state at that time. This State law provided restrictions on the location, age of players, hours of operation, and advertisement.

In 2006, the General Assembly shifted from regulation to an attempt to ban video gambling. S.L. 2006-6 repealed the limits on video poker and banned them effective July 1, 2007. The industry responded to the ban with a shift from video poker machines to video sweepstakes machines. As a result, the General Assembly expanded the prohibition in 2010 (S.L. 2010-103) to include video sweepstakes and similar devices. The ban includes any use of electronic machines for real or simulated video poker, bingo, craps, keno, lotto, pot-of-gold, eight liner, and similar video games.

This 2010 law is the subject of a recent North Carolina court opinion. On March 6, 2012, the State Court of Appeals held that the ban was unconstitutional in *Hest Technologies, Inc. v. North Carolina* and *Sandhill Amusements v. North Carolina*. More specifically, the court held that the restriction on displaying sweepstakes results through an “entertaining display” was an overly broad restriction of free speech. Further appeals of the case have been filed, but the result is that internet sweepstakes businesses are currently legal in North Carolina.

It should be noted that the State law that was invalidated only addresses a narrow issue and does not preclude local land use regulation. G.S. 160A-381 grants to cities zoning authority. This authority authorizes cities to regulate and restrict the location and use of buildings, structures, and land for trade, industry, residence, or other purposes. This authority may be exercised in connection with internet sweepstakes businesses.

SECTION IV – Background and Summary of Existing Standards

Internet sweepstakes businesses were first established in Greenville in 2008. These first establishments presented themselves as “business centers” because they offered computers with internet access, fax machines and similar business support services. These facilities were originally classified as “Miscellaneous Retail” which is permitted by right in six commercial zoning districts (MCH, MCG, CH, CG, CDF and CD).

In the fall of 2011, after developing a better understanding of what these businesses were and how they operate, it was determined that they should be classified as “Game Centers”. Game Centers are permitted in fewer commercial districts and require a special use permit from the Board of Adjustment; thus, this change in classification yielded greater restrictions. Since that change in classification, the City has received six special use permit applications related to these land uses. Four of these applications were approved, one was denied and the other was withdrawn.

The standards applicable to “Game Centers” are as follows:

Definition.

Any establishment that has more than five coin/token operated or other amusement devices or whose principal purpose is the operation of a “game center” regardless of the total number of amusement devices. For purposes of this definition, the term “amusement devices” shall include electronic games and similar machines, and any other game table or device. Bingo parlors shall be considered as “game centers” regardless of the number of participants. See also definition of billiard parlor; pool room.

Table of Uses

Game Centers are permitted with a special use permit in the following zoning districts:

- CH (Heavy Commercial)
- CG (General Commercial)
- CDF (Downtown Commercial Fringe)
- CD (Downtown Commercial)

Parking Requirements

The parking requirement for Game Centers is one space per 200 square feet of activity area. This is the standard for Indoor Commercial Recreation.

There are no additional standards specifically developed for, or applicable to, these facilities.

SECTION V. Identification of Existing and Approved
Internet Sweepstakes Businesses

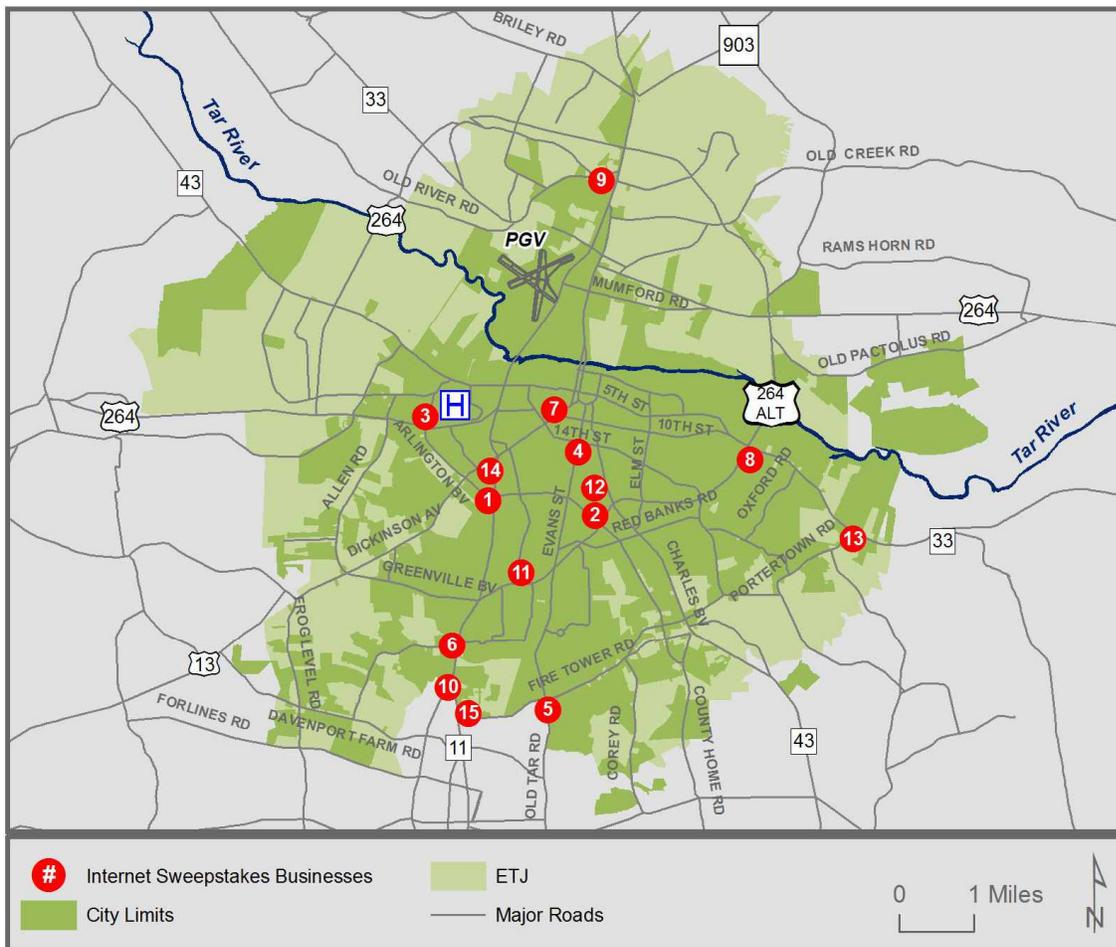
Table 1, below, identifies all of the internet sweepstakes businesses operating within the City's planning and zoning jurisdiction, or approved to do so, as of August 23, 2012. The Map I.D. Number provided for each establishment corresponds to the establishment's location on the Map 1 that follows.

**Table 1: Inventory of Internet Sweepstakes Businesses Located
Within the City of Greenville**

Map I.D. Number	Name	Address	Parcel Number	Zoning	Type
1	Express of NC	1311 W. Arlington Blvd., Ste. 102	14287	CH	Existing Nonconforming
2	Emerald City Business Center	703 SE Greenville Blvd.	31669	CG	Existing Nonconforming
3	Sweepstakes Internet Cafe	2462 Stantonsburg Road	32243	MCG	Existing Nonconforming
4	H&L Enterprises, Inc.	1501-B Evans Street	17909	CH	Existing Nonconforming
5	Carolina Cyber Center	4125-D Old Tar Road	31595	CG	Existing Nonconforming
6	Black Beards Treasure	3700 S. Memorial Drive	06399	CG	Existing Nonconforming
7	RLC Business Center	1012-B Dickinson Ave.	07586	CDF	Existing Nonconforming
8	Purple and Gold Sweepstakes	3140-G Moseley Drive	41837	CG	Existing Nonconforming
9	Emerald City Business Services II	250-E Easy Street	60440	CH	Existing Nonconforming
10	Pirate's Loot	4052-B S. Memorial Drive	62278	CG	Special Use Permit
11	Sweepstakes & GVL Business Center	240-B SW Greenville Blvd.	63737	CG	Special Use Permit

Map I.D. Number	Name	Address	Parcel Number	Zoning	Type
12	Stephen Kozikowski (Unnamed)	703-D SE Greenville Blvd.	32694	CG	Special Use Permit
13	Cory Scott (Unnamed)	4320-J E. Tenth Street	60442	CG	Special Use Permit
14	Tim Hogge and Duke Davenport (Unnamed)	2400 S. Memorial Drive, Unit 14	70163	CG	Special Use Permit
15	H&L Enterprises, Inc.	740 W. Fire Tower Road, Suite 115	80764	CG	Special Use Permit

Map 1: Location of Internet Sweepstakes Businesses



SECTION VI – Survey of Other Communities

Staff contacted numerous other communities to obtain information regarding how they classify and regulate internet sweepstakes businesses. Table 2, below, summarizes the findings of these inquiries.

**Table 2: Survey Results - Internet Sweepstakes Business Standards
From Other Communities**

City	Land Use Category	Permitted Zoning Districts	Permitted By Right or SUP/CUP	Separation Standards	Special Standards
Asheville	Electronic Gaming Operation	Commercial Districts	By Right	None	None
Concord	Electronic Gaming Operation	General Commercial only	By right	1650' from other gaming centers, 500' from residential, 1000' from gateway corridors, daycares, schools.	None
Durham	Retail	Industrial, Light and Heavy Commercial, Downtown	By right	None	None
Gastonia	Electronic Gaming Operation	Heavy Commercial only	By right	1000' from other gaming centers. 500' from residential, parks, churches, schools, historic districts, day cares, libraries.	None
Goldsboro	Place of entertainment having games	Industrial, Commercial: similar to retail uses. Not permitted	CUP	200' from: Residential, church, school, other gaming centers.	None

City	Land Use Category	Permitted Zoning Districts	Permitted By Right or SUP/CUP	Separation Standards	Special Standards
		downtown.			
Greenville	Game Centers	All commercial districts except Neighborhood Commercial.	SUP	None	None
High Point	Use Bingo classification	Commercial	By right	None	None
Mooreville	Electronic gaming establishments.	Commercial/ mixed use/ neighborhood commercial	By right	1,600 feet from any residential use.	No more than 5 machines per establishment. Restrict hours of operation to between 9:00 am and 6:00 pm.
Monroe	Electronic gaming establishments.	General business/ commercial only.	By right, principal use only.	400' from: residential, churches, schools, other gaming centers.	None
Rocky Mount	Internet Cafe	Commercial only	By right	500' from: residential, church, school, other gaming centers.	Not permitted in locally designated Historic District. Not more than one facility per building.

SECTION VII – Proposed Standards

It is the intent of these standards is to establish reasonable regulations to protect the health, safety and general welfare of the public by preventing the concentration of internet sweepstakes businesses within the City’s planning and zoning jurisdiction; by providing a separation between said land uses and other specified land uses; and by providing operational requirements that will ensure compatibility with adjacent and nearby land uses.

Potential standards include the following:

1. Create and define a new land use titled Internet Sweepstakes Business as follows:

Internet Sweepstakes Business. Any business enterprise, whether as a principal or an accessory use, where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games, including but not limited to sweepstakes and video poker, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. This use does not include any lottery approved by the State of North Carolina.

2. Allow internet sweepstakes businesses, subject to the issuance of a Special Use Permit, within the Heavy Commercial (CH) and General Commercial (CG) zoning districts.

3. Specific Criteria.

- ¼ mile separation of a proposed internet sweepstakes business from an existing or approved internet sweepstakes business;
- 500-foot separation of a proposed internet sweepstakes business from (i) a conforming use single-family dwelling located in any district, (ii) any single-family residential zoning district;
- Not permitted within any certified redevelopment area (i.e. West Greenville, Center City and 45-Block redevelopment areas);
- Use shall be conducted within a completely enclosed building, and no outside congregation of customers is permitted for any purpose;
- 500-foot separation of a proposed internet sweepstakes business from an existing or approved school, church, park, or multi-family use;

It should be noted that one of the potential standards requested by a member of City Council was to prohibit minors from patronizing internet sweepstakes businesses. There are Court decisions on both the federal and the state level which have determined that video games and internet sweepstakes displays are a form of speech which have First Amendment constitutional protection. This means that a complete prohibition would not be legally permissible. With that said, there is the possibility of a time, place and manner restriction provided that there is a rational relationship to promoting the safety and general welfare of the community. The City's Youth Protection ordinance addresses this issue by establishing a curfew for minors (under the age of 16) so that they cannot be in a public place (including business establishments) during curfew hours (12:01 a.m. to 6:00 a.m. on Friday and Saturday and 11:00 p.m. until 6 a.m. on other days).

City Manager's Proposed Alternative

The City Manager has recommended that a ½ mile separation requirement be considered as an alternative to the ¼ mile separation requirement currently proposed between a proposed internet sweepstakes business from an existing or approved internet sweepstakes business. The rationale for this modification is the need for more separation between these establishments based upon recent criminal activities associated with the land use.

SECTION VIII – Analysis of Proposed Standards

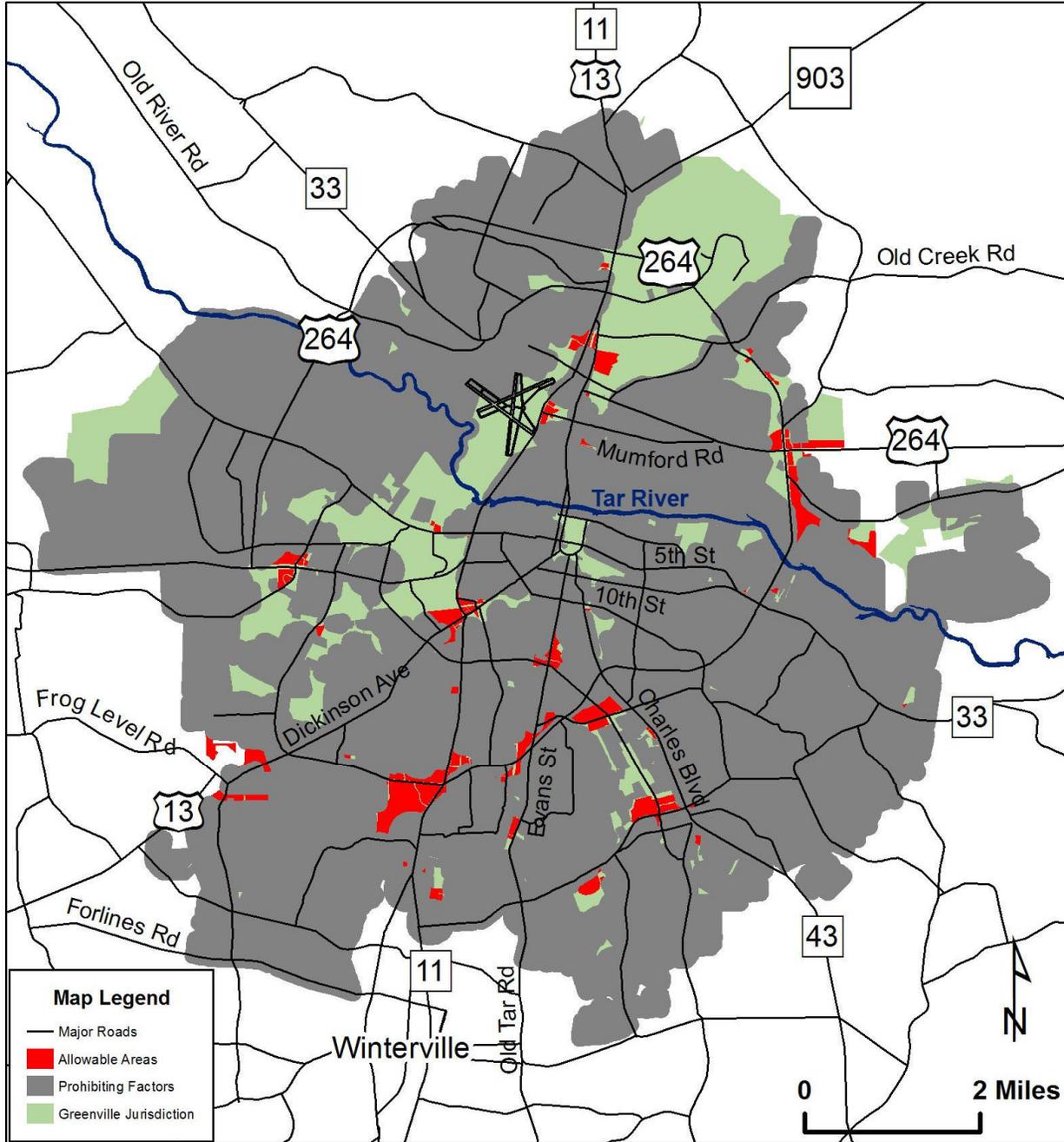
An analysis of the proposed standards prescribed in Section VII, subsections 2 and 3, of this report results in:

926 acres (2.2%) of the property located within the City's planning and zoning jurisdiction would be available for the establishment of a new internet sweepstakes business. Map 2, below, depicts the locations of these acceptable areas. These areas are primarily located along the community's primary corridors (Greenville Boulevard / HWY 264, Memorial Drive / NC 11, Fire Tower Road and Dickinson Avenue).

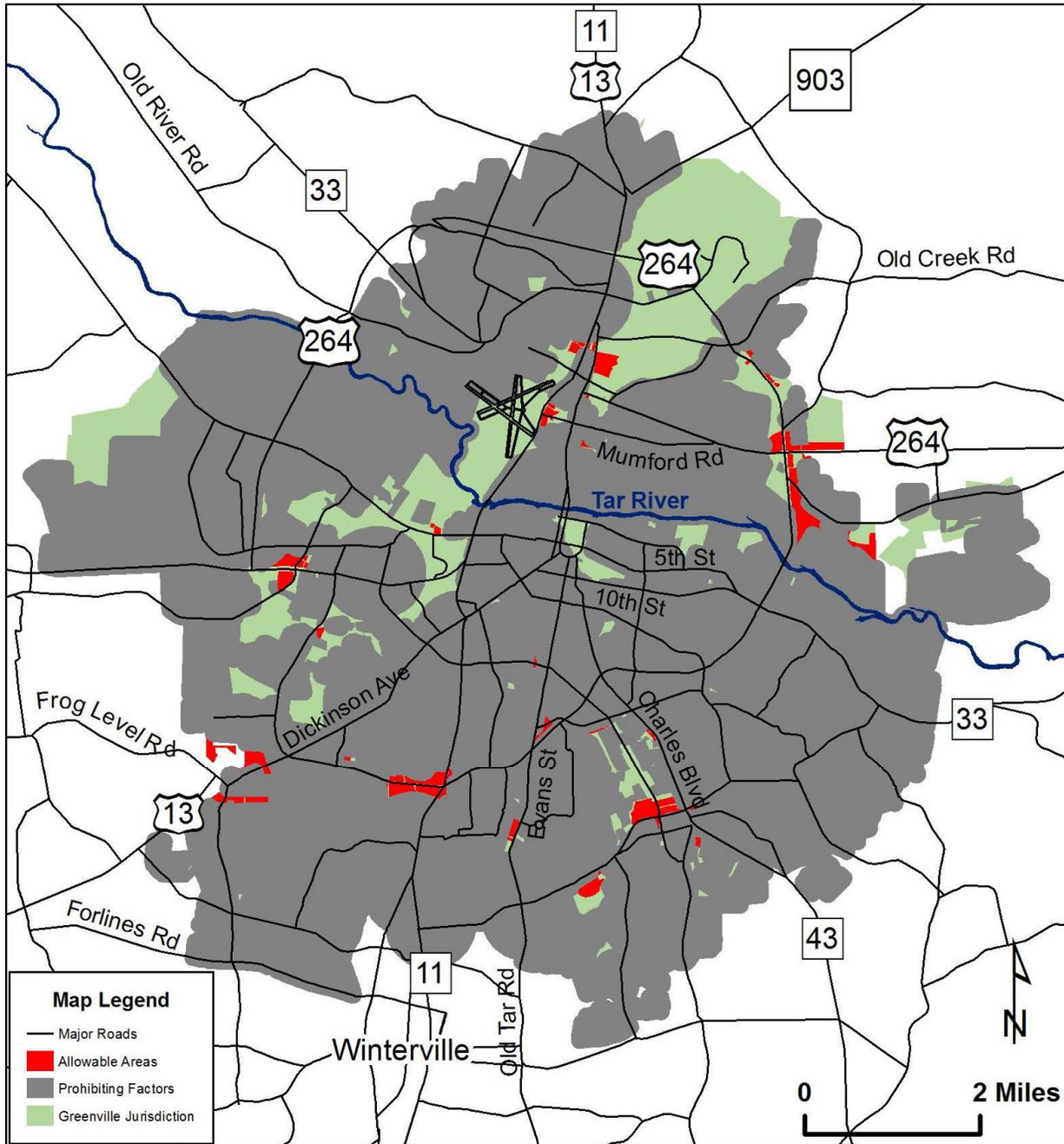
An analysis of the City Manager's proposed alternative (1/2 mile separation in lieu of ¼ mile) as prescribed in Section VII of this report results in:

548 acres (1.3%) of the property located within the City's planning and zoning jurisdiction would be available for the establishment of a new internet sweepstakes business. Map 3, below, depicts the locations of these acceptable areas.

**Map 2: Acceptable Locations for Internet Sweepstakes Businesses
Based on Proposed Standards (see Section VII)**



**Map 3: Acceptable Locations for Internet Sweepstakes Businesses
Based on Proposed on the City Manager’s Proposed Alternative Standard (see Section VII)**



ⁱ Owens, D. (2012, April 17). *Land Use Regulation of Internet Sweepstakes Cafes*.

Retrieved from NC Local Government Law Blog: <http://canons.sog.unc.edu/?p=6577>



City of Greenville, North Carolina

Meeting Date:
12/13/2012
Time: 7:00 PM

Title of Item: Ordinance extending the temporary development moratorium on tobacco shops

Explanation: **Abstract:** City Council previously enacted a temporary moratorium on the development approval for tobacco shops. The moratorium stops new establishments from being started, but existing locations are allowed to continue. The moratorium was approved to allow the development of appropriate zoning regulations relating to tobacco shops. The six (6) month moratorium is set to expire on January 11, 2013, but is proposed to be extended for another four (4) months until May 13, 2013.

Explanation: At its August 9, 2012, meeting, City Council approved a temporary development moratorium on tobacco shops. The moratorium is set to expire January 11, 2013. Since the next scheduled meeting of City Council is after this date, this meeting is the appropriate meeting for Council to consider the extension.

Tobacco shops have an impact on the area in which they are located due to the number of persons frequenting these businesses throughout the time they are operated, both day and night. The moratorium was adopted to allow an opportunity to implement appropriate zoning regulations relating to tobacco shops. In order to develop these regulations, there is a need for time to prepare proposed regulations, engage public participation, allow the Planning and Zoning Commission to review and recommend regulations, and allow Council to deliberate and act upon the regulations.

At the time of adoption of the moratorium, a period of up to six (6) months was anticipated to be needed in order to adopt the regulations. However, as the process has been undertaken to develop the regulations, the complex nature of the subject matter has become apparent. The City has taken reasonable and feasible steps to address the problems or conditions leading to the moratorium including the preparation of a detailed staff report and receipt of direction by Council. But more time is needed for inspecting existing establishments, engaging public participation, and allowing appropriate consideration by the

Planning and Zoning Commission and City Council. A period of an additional four (4) months is expected to be adequate.

While the appropriate zoning regulations are being developed, extending the moratorium on the approval of special use permits for tobacco shops would be appropriate. The temporary development moratorium stops new establishments from being started. However, by law, it does not impact existing locations or any location which has either received development approval or submitted an application for a special use permit. The length of the moratorium must be reasonable and may not exceed the length of time necessary to address the conditions that warrant the moratorium. The need for the moratorium is to allow time for the development of appropriate zoning regulations relating to their use. Once the zoning regulations are developed and approved, the moratorium will cease and the new regulations will apply to new establishments.

North Carolina General Statute 160A-381(e) authorizes cities to adopt and extend temporary development moratorium of reasonable duration. It requires cities, at the time of the adoption, to expressly state the reasons for the moratorium and why other avenues are deemed to be inadequate, specify its scope and duration, and set forth an action plan to address the issues that led to its imposition. When an ordinance extending a moratorium is adopted, cities are required to state the findings which are required to be stated upon adoption of the initial moratorium and also state the new facts or conditions which warrant the extension. Notice and public hearing are required prior to the adoption of an ordinance.

Fiscal Note: There is no fiscal impact expected to the City as a result of the extension of the moratorium.

Recommendation: It is recommended that City Council approve the attached ordinance which extends the moratorium on the approval of special use permits for tobacco shops for a period of four (4) months until May 13, 2013.

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / [click to download](#)

[AN ORDINANCE EXTENDING THE TEMPORARY MORATORIUM ON DEVELOPMENT APPROVALS FOR TOBACCO SHOPS 941542](#)

ORDINANCE NO. 12-
AN ORDINANCE EXTENDING THE TEMPORARY MORATORIUM ON
DEVELOPMENT APPROVALS FOR TOBACCO SHOPS

WHEREAS, at its August 9, 2012, meeting, the City Council of the City of Greenville adopted an ordinance which imposed a temporary moratorium on development approvals for tobacco shops; and

WHEREAS, North Carolina General Statute 160A-381(e) authorizes cities to extend a temporary moratorium on development approvals for a reasonable duration;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Greenville as follows:

Section 1. The temporary moratorium previously imposed, commencing on August 9, 2012, and expiring on January 11, 2013, on the approval of special use permits pursuant to the Zoning Ordinance for Greenville, North Carolina which allow the use relating to Tobacco Shops is hereby extended so that its expiration date shall be May 13, 2013. Tobacco Shops include establishments that (a) as the primary use, entail the retail sale of tobacco products including, but not limited to, cigarettes, cigars, chewing tobacco, shisha, unformed or loose tobacco and similar products, or (b) as either the primary or accessory use, entail the retail sale of any of the following tobacco smoking apparatus: water pipes, hookah pipes, bowls, water bongs, or similar products.

Section 2. In compliance with the requirements of North Carolina General Statute 160A-381(e), the following statements are included in this ordinance:

(1) The problems or conditions necessitating the moratorium are that the use relating to Tobacco Shops is likely to be established at additional locations within the City of Greenville planning and zoning jurisdiction prior to the development of appropriate zoning regulations applicable to this specific use. This use has an impact on the area in which it is located due to the number of persons frequenting this use throughout the time the use is operated, both day and night. The Zoning Ordinance for Greenville, North Carolina does not define or provide specific regulations regarding the appropriate location or operation of Tobacco Shops. Because of this, said use may be located adjacent to residences, schools, parks or daycares, and multiple establishments may be located in one building, shopping center or neighborhood, which could have an adverse impact on adjacent or nearby properties. As an alternative to a moratorium, allowing new Tobacco Shops to receive special use permits while the City of Greenville develops appropriate zoning regulations applicable to the specific use of Tobacco Shops was considered but, since this process will take at a minimum several months to complete, this is deemed to not be adequate to address the impact caused by additional locations of Tobacco Shops thereby posing a risk to the health, safety and general welfare of the community.

(2) The development approvals subject to the moratorium are the approval of special use permits pursuant to the Zoning Ordinance for Greenville, North Carolina which allow the use relating to Tobacco Shops. The moratorium will allow the City of Greenville to develop and implement appropriate zoning regulations relating to Tobacco Shops which will have the purpose of ensuring their appropriate location and compatibility with adjacent or nearby properties. The moratorium will eliminate the impact caused by additional locations of the use relating to Tobacco Shops thereby eliminating a risk to the health, safety and general welfare of the community.

(3) The moratorium will terminate on May 13, 2013. The duration of the moratorium is reasonably necessary in order to allow the City of Greenville sufficient time to develop and implement appropriate regulations relating to Tobacco Shops including evaluating best practices from other communities, preparing proposed regulations, engaging public participation, allowing the Planning and Zoning Commission to review and recommend regulations, and allowing City Council to deliberate and act upon the regulations.

(4) During the duration of the moratorium, the following actions and updated schedule for the actions are proposed to be taken: (a) evaluating best practices from other communities and preparing proposed regulations, August, 2012, through December, 2012; (b) engaging public participation, January, 2013, through May, 2013; (c) allowing the Planning and Zoning Commission to review and recommend regulations, January, 2013, through February, 2013; and allowing City Council to deliberate and act upon the recommended regulations, February, 2013, through May, 2013.

(5) The City of Greenville has taken all reasonable and feasible steps proposed to be taken by the City of Greenville in the ordinance establishing the moratorium. An extension of the moratorium is warranted as a result of the complex nature of the subject matter which became apparent during the process of developing the regulations and, additionally, the need to have adequate time to inspect existing establishments, to engage public participation, and to allow appropriate consideration by the Planning and Zoning Commission and City Council.

Section 3. The moratorium will terminate sooner than May 13, 2013, upon the adoption of an ordinance, after the effective date of this ordinance, which establishes zoning regulations relating to the establishment of the use of Tobacco Shops.

Section 4. The moratorium may be subsequently renewed or extended in accordance with the provisions of North Carolina General Statute 160A-381(e).

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. 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 7. This ordinance shall become effective upon its adoption.

This the 13th day of December, 2012.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk



City of Greenville, North Carolina

Meeting Date:
12/13/2012
Time: 7:00 PM

Title of Item: Economic development incentives options

Explanation: **Abstract:** Initial summary of possible local economic development incentives options to support business attraction and retention activities related to the City's adopted Strategic Economic Plan.

Explanation: Among the action items listed in the City of Greenville's Strategic Economic Plan is to "study options for developing an economic development incentives toolkit." That item was included in the Strategic Economic Plan – Implementation Work Plan (July 1, 2012 – June 31, 2013). As a first step, the Office of Economic Development staff is providing the attached outline of various economic development incentives options that the City Council might wish to consider.

It is important to note that while local economic development incentives rarely provide sufficient inducements, on their own, for luring new or additional business and industry to locate within a market area (as many other key variables come into play), they have become increasingly important -- and even necessary -- for closing deals. Typically, a business owner/executive or location specialist will narrow down a list of 2-3 preferred locations in which to locate a business investment and will then select among that "short list" depending on the total availability of local, state, and federal incentives and/or other outside financial or infrastructural contributions to the proposed project. As the City takes a more proactive role in fostering local and regional economic development, it must take into consideration the current realities of the "local incentives game" whether the community decides to implement new incentives programs or not. With that in mind, the attached outline is intended to provide some basis for initial discussions of how the City might approach local incentives.

At this stage, it is anticipated that City Council will review the outline and provide comments, but not take any action. In response to City Council direction, the Office of Economic Development (OED) would revise the outline to include and further develop any specific options that the City Council wishes to pursue. Then the OED would return to the City Council at a later date to

formally present any recommended changes to Economic Development policies or programs.

Fiscal Note:

N/A. Preliminary discussion of economic development incentives.

Recommendation:

Staff recommends that City Council review and comment on the attached outline of possible economic development incentives so as to provide direction to City staff in developing what will be the City's approach to local economic development incentives.

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

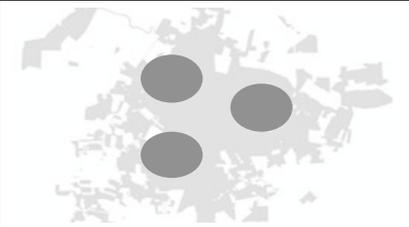
Attachments / click to download

 [Economic Development Incentives Summary of Possible Options](#)

CITY OF GREENVILLE ECONOMIC DEVELOPMENT INCENTIVES: POSSIBLE OPTIONS

1A. Capital Investment Grants: Function

Strategy/Rationale: Support attraction/retention of quality job growth and tax base development through new capital investment. Cash grant funds for qualifying projects to be supported by projected increase of real property ad valorem tax revenue as a result of incentivized projects. The grant is dispersed following payment of property taxes in the year after project completion.

ELIGIBLE AREAS	
<p>Greenville Corporate Limits (Qualifying projects): Capital Investment Grants may be available to qualifying projects anywhere within Greenville corporate limits. A qualifying project involves new investment in "targeted" industry sectors, which is expected to have a significant positive communitywide and/or regional economic development impact, or possibly a major commercial project that exceeds a certain investment threshold (e.g., \$20 million)</p>	
<p>Economic Development Investment (EDI) Zones: Projects not meeting the general qualifying standards, but which are located within designated EDI Zones may still be eligible if they involve major "catalytic" mixed-use development and/or promote City Council goals (e.g., providing neighborhood-serving retail/commercial in underserved areas).</p>	

*To be eligible, the project must be a new investment not currently taxed in jurisdiction (expansion or new firm to area)

Grant amounts: negotiable, at the discretion of City Council, based primarily on capital investment associated with project & client needs. Cash grants would typically represent about 80-percent of 3-5 years (depending on prioritization) of expected "pay back" created by increased real property ad valorem tax revenue; however, in special cases, it could be based on as much as 10 years of additional revenue (e.g., to support a small but important project). Staff guidelines provide framework for adjusting grant amounts.

Notes:

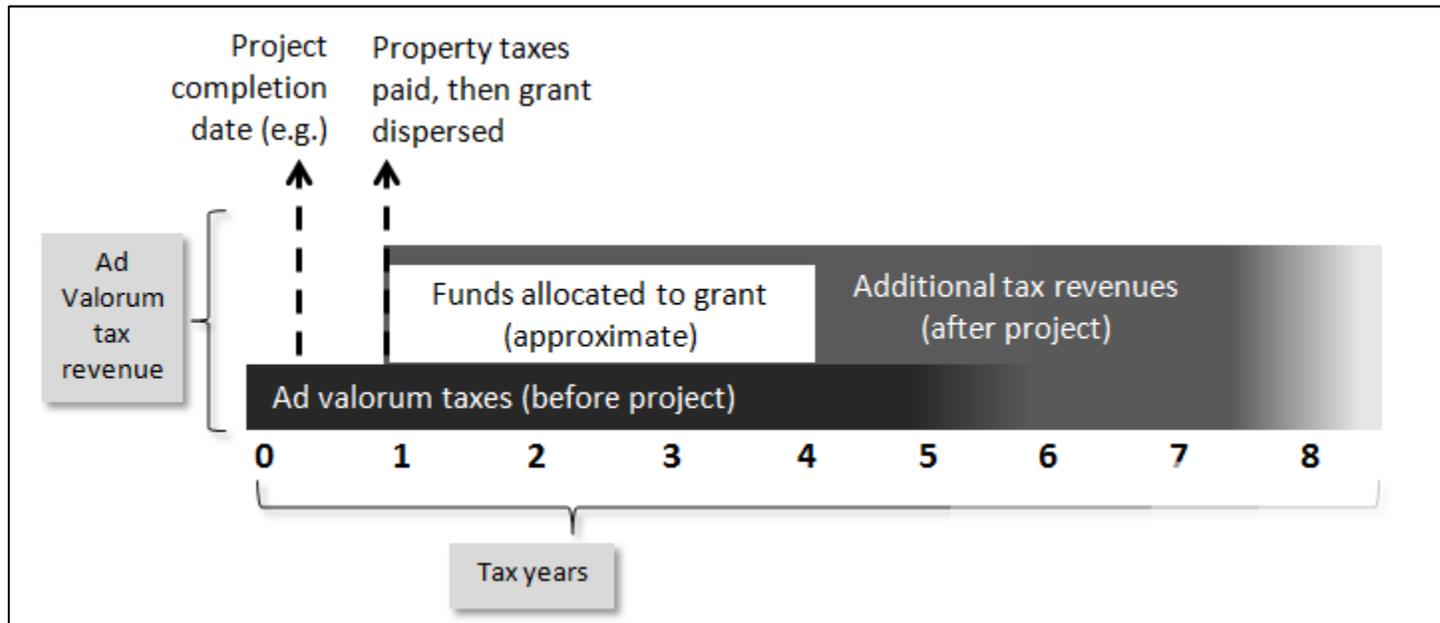
- 1). Qualifying projects *may be eligible* for grant funds but are *not entitled* to receive funds (City Council discretion);
- 2). Additional incentives are available to major projects (which add x-number of jobs) from State of NC.

Guidelines: a "sliding scale" of recommended grant amounts based on capital investment and estimated new jobs created as a result of the proposed project. Grant amounts adjusted to account for new job creation based on whether City Council uses a 3, 5, 7, etc. year "pay back" period; other factors being equal, a grant amount that corresponds to the increase in tax revenue over 7 years would be considerably larger than one that corresponds to only 4 years of the net increase. In the aggregate, grant awards would roughly fall within the recommended ranges; however, specific grant awards might require considerable variance depending on how well various projects promote vital strategic ED, community development, and comprehensive planning goals and priorities.

CITY OF GREENVILLE ECONOMIC DEVELOPMENT INCENTIVES: POSSIBLE OPTIONS

Source of funds: grant funds are supported by net increases in ad valorem tax revenue generated by new projects. When a grantee has paid taxes on the property for the first year after project completion, they would receive the first annual installment of the negotiated total grant amount. The total grant amount would be approximately equal to 80-percent of the projected increased ad valorem tax revenue (generated as a result of the project) for 3-10 years after project completion. Because the grant is dispensed in annual installments, each dispersal of grant funds would be supported by net new tax revenues as they are paid.

Graph 1: Financial structure of the Capital Investment Grant



Terms and conditions: agreements codified in written performance agreements, which might include a schedule of additional payroll or jobs to be created or retained; the capital investment to be made by the business enterprise; and the terms for repayment of the ED incentive if the business fails to meet the performance requirements specified in the agreement.

Applicant Eligibility: grant applies anywhere for "targeted" industries/sectors; grant might also apply to major "catalytic" mixed-use ("lifestyle" centers) and/or retail/commercial projects located within ED zones.

Disqualifications: some factors might preclude applicants from participating in the program, such as non-payment of taxes or other City fees and/or non-compliance with local regulations; also, the grant program rules would set guidelines for avoiding conflicts-of-interest.

Confidentiality: all project details, including local incentives negotiations and offers, may remain confidential until the public hearing.

CITY OF GREENVILLE ECONOMIC DEVELOPMENT INCENTIVES: POSSIBLE OPTIONS

1B. Capital Investment Grants: Public Process

ED incentive programs must balance the need for speed (market responsiveness) with need to satisfy all legal requirements and to ensure public "buy in" for any necessary public commitments. Jurisdictions are required to hold public hearings to approve capital investment-based incentives described herein.

In addition to the public hearings required under this approach, the public is involved in the development of planning and public policy visions and documents, which guide the City's economic development programs.

Table I: Policy Considerations and Administration - Qualifying ("industrial") projects versus Commercial/retail projects in EDI zones:

	Qualifying projects	Special ("non-qualifying") projects in EDI Zones
Eligible Areas	Greenville corporate limits	EDI Zones
Relevant planning, policy documents	Strategic ED Plan	CC goals; <i>Horizons</i> Plan; district & corridor studies
Primary staff input	CMO, Office of Economic Development (OED), GUC	CMO, OED, Planning, Housing
Project impacts (variables assessed)	Numbers & wage levels of new jobs created; capital investment; relevance to target industries/sectors; potential to leverage additional ED investments; potential for broad-based socioeconomic benefits.	Potential to positively impact and/or leverage additional investment in neighborhoods or along corridors identified by the community as critical community (re)development areas.

Fast-track versus Major grant awards

Fast-track grants (not to exceed \$50,000 total grant amount)

Primary review body	City Council ED committee (CCEDC)
Negotiation process	Staff negotiates w/ client on tentative financial agreement (including draft written performance agreement) based on guidelines & ED priorities. Client could then proceed w/ some assurance that a formal agreement would be approved - under most circumstances - upon CC hearing.
Public hearing	Upon satisfaction of negotiations and tentative agreement, City Council holds formal hearing on matter and then takes vote.
Formal approval	CC grants formal approval to the agreement.

Major grants (> \$50,000 total grant amount)

Primary review body	City Council
Negotiation process	Staff confidentially engages in initial discussions with client to develop a broad outline of the project benefits and requested incentive levels, which is forwarded to City Council for its review. Staff then negotiates with client to reach a tentative financial agreement (including draft written performance agreement) based on staff guidelines and ED priorities.
Public hearing	Upon satisfaction of negotiations & tentative agreement, City Council holds a formal hearing on the matter and then takes a vote.
Formal approval	CC grants formal approval to the agreement.

CITY OF GREENVILLE ECONOMIC DEVELOPMENT INCENTIVES: POSSIBLE OPTIONS

2A. Incremental incentives

Strategy/Rationale: support smaller-scale development in redevelopment or EDI zones, consistent with community development and/or Center City revitalization goals. A). Improve aesthetic qualities - and thus the business attractiveness - in "mainstreet"/historic areas or along major "gateway" corridors; B). Facilitate business development in ED zones consistent with ED, CD, planning, infrastructural, etc. goals. Over time, the cumulative effects of incremental incentives are expected to provide tangible and intangible long-term benefits to the community's human & physical infrastructure, image/brand, quality of life, etc.

ELIGIBLE AREAS	
<p>Economic Development Investment (EDI) Zones: Projects not meeting the general qualifying standards, but which are located within designated EDI Zones may still be eligible if they involve major "catalytic" mixed-use development and/or promote City Council goals (e.g., providing neighborhood-serving retail/commercial in underserved areas).</p>	

Existing incremental grant programs offered by the City of Greenville:

Grant Program	Eligible Areas	Amounts	Review body	Source
Façade Improvement Grant	Downtown Historic District	\$5K (per façade) match	Historic Preservation Commission	C.O.G. General fund
Small Business Plan Competition	Center City, West Greenville Redevelopment Area	\$15K - \$30K forgivable loan	Redevelopment Commission	Remaining CC and WG bond funds, CDBG; transition to general fund
Energy Efficiency Revolving Loan Program	EDI Zones; Greenville Corporate Limits	\$1K - \$250K (no high cap, \$250 total budget)	Public Works Department	U.S. Dept of Energy

Possible new incremental grant programs

Grant Program	Eligible Areas	Amounts	Review body	Source
Small Business Loan Loss Reserve Fund or Loan Pool	EDI zones + Center City, WG Redevelopment Area	Approx. \$100K per year (for 5 years)	CC ED Committee	Approx. \$50K CDBG + \$50K C.O.G. Gen. Fund
Neighborhood-serving retail grants	EDI zones + redevelopment areas	Approx. \$10K per grant	CC ED Committee	CDBG (in certified redevelopment area); C.O.G. Gen. fund

CITY OF GREENVILLE ECONOMIC DEVELOPMENT INCENTIVES: POSSIBLE OPTIONS

2B. Additional Non-local Incentives

Strategy/Rationale: work with clients to leverage additional outside incentives to support larger projects, in *higher priority zones*, consistent with community development and/or Center City revitalization goals. These grants can often be "layered" over other grants applying to the same project/property.

ELIGIBLE AREAS	
National Register Historic Districts, Certified Redevelopment Areas, Development Areas	Rural

Table of federal & state grants/incentives that might apply to projects in the EDI Zones:

Type	Amounts	Grantor
New Market Tax Credits	Tax credits (min. project size approx. \$4 million)	U.S. Treasury - CDFI Fund
Brownfields assessment, cleanup grants	Variable (total grant funds \$140 K for assessment, \$380K for clean-up (if eligible and grant is successful)	U.S. E.P.A., NC DENR
Historic tax credits	20-percent tax credit on qualifying rehabilitations of National Register historic properties	U.S. Parks Service, State of NC
Small Business Innovation Research (SBIR) Program	Phase-I = up to \$100K; Phase-II = up to \$750K.	Multiple federal agencies
Small Business Technology Transfer (STTR) Program	Phase-I = up to \$100K; Phase-II = up to \$750K.	Multiple federal agencies
SBA Loan programs	e.g., up to \$750 K for 7(a) loans	U.S Small Business Administration
Job Development Investment Grant (JDIG) program	Typically will exceed \$1 million for major employment generating projects	NC Dept. of Commerce
One North Carolina Fund	Typically will exceed \$1 million for major employment generating projects	NC Dept. of Commerce
Golden Leaf grants	Approx. \$100K - \$2 million	Golden Leaf Foundation

CITY OF GREENVILLE ECONOMIC DEVELOPMENT INCENTIVES: POSSIBLE OPTIONS

3A. Infrastructure and Site Improvements to support Industrial/Office/Research development

Infrastructure and "Industrial" site preparation programs might evolve and promote economic development at three different levels (or phases):

➤ **Level/Phase 1 (proactive):** Prepare sites (land and infrastructure) and Industrial/Office/Research Park within Greenville Corporate Limits so that when major firms and site selectors have identified the Greenville market area as a good prospect for an industrial, office, or research facilities project, there will be suitable and "ready made" sites for development and/or upfitting.

Sources of funds: research State of NC funding sources available for speculative infrastructure and industrial site preparation for industrial/office/research "parks" and/or properties/districts. After assessing potential outside funding sources, the City of Greenville would need to "make up the difference" via bond funding or other mechanism.

➤ **Level/Phase 2 (leverage outside public resources):** having prepared sites (land and infrastructure) and Industrial/Office/Research Park for ED prospects, the City of Greenville will then be better positioned to access programs managed by the federal government and NC Dept. of Commerce, including the Industrial Infrastructure Fund in NC for Economically Distressed Tier-I and Tier-II counties.

NC Department of Commerce Industrial Development Fund: Grants and loans to local governments, which use funds to support infrastructure/site improvements for job-creating ED projects. The Basic Industrial Development Fund (IDF) assists local governments with incentive industrial financing (not used for acquiring land or buildings or for constructing new buildings). The Utility Account funds are provided as incentives to industries eligible to participate in the Article 3J tax credit program (infrastructure required to be on the building site or directly related to the operation of the specific industrial activity).

➤ **Level/Phase 3 (leverage private investment opportunities):** by setting aside some of the increased tax revenues generated by initial projects, which are leveraged by Phase I and Phase II investments (above), a self-sustaining revolving Industrial/Office/Research Infrastructure Fund would then, in turn, enable Greenville to "land" additional firms that wish to locate a major employment-generating and/or capital-intensive industrial/office/research project within Greenville corporate limits but which have additional specialized infrastructure needs not yet fully supported by existing facilities.

CITY OF GREENVILLE ECONOMIC DEVELOPMENT INCENTIVES: POSSIBLE OPTIONS

3B. Special Infrastructure Fund

Strategy/Rationale: Set aside general tax revenues to build-up a special independent local fund, operated and controlled by the City of Greenville. The fund could help pay for additional specialized infrastructure and site preparation (beyond what the existing infrastructure provides, or what might be supported by State of NC or other outside sources) to support industrial, office, and research facilities projects - especially in targeted industries/sectors - as well as major "catalytic" commercial projects (e.g. \$25 million mixed-use lifestyle center). The fund might help to "trouble shoot" ED projects by closing infrastructure funding "gaps." The fund could be replenished by setting aside portions of increased tax revenues generated by investments in "industrial" park/properties.

ELIGIBLE AREAS	
Greenville Corporate Limits (major projects): whereas initial investments in industrial/office/research park/properties will tend to be clustered in zones, the City's independent fund would be available to support infrastructural upgrades for any major project anywhere within the Greenville Corporate Limits.	 A map of Greenville, South Carolina, showing the city's corporate limits. The map is color-coded with various shades of blue and green, indicating different zones or areas within the city. The map is surrounded by a black border.

"Grant" amounts: no predetermined limit; only constrained by fund balance. As appropriate, the fund might be exhausted to support one major project (probably in concert with other outside infrastructure/industrial public funds), and then discontinued; or, it could be employed for multiple higher-priority projects and/or refunded if successful. In many cases, infrastructure investments to support ED projects would be eligible for outside funding and thus contributions from the City's infrastructure fund would be used to effectively close gaps rather than be the primary funding mechanism.

Sources of funds: Fund built-up & replenished from increases in tax revenues generated by major ED project & associated impacts.

Types of infrastructure: water, sewer, utilities; roadway and rail spur; fiber optic; streetscape, sidewalk, landscape improvements.

Guidelines: None (project needs assessed by elected officials on a case-by-case basis).

Terms and conditions: agreements codified in written performance agreements, which might include a schedule of additional payroll or jobs to be created or retained; the capital investment to be made by the business enterprise; and the terms for repayment of the ED incentive if the business fails to meet the performance requirements specified in the agreement.

Eligibility: Firms proposing to locate a major employment-generator and/or economic-driver within C.O.G. limits (as determined by elected officials on a case-by-case basis).

Confidentiality: all project details, including local incentives negotiations and offers, may remain confidential until the public hearing.

CITY OF GREENVILLE ECONOMIC DEVELOPMENT INCENTIVES: POSSIBLE OPTIONS

3C. Infrastructure Fund: Public Process

Infrastructure Incentives: Physical Improvements v. Rate Adjustments

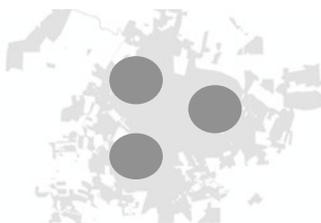
Publicly-supported site and infrastructural improvements: site prep, road extensions, utility upgrades

Primary review body	City Council
Negotiation process	Staff confidentially negotiates with client on a tentative agreement (including draft written performance agreement).
Public hearing	Upon satisfaction of negotiations and tentative agreement, CC holds a formal hearing on the matter and then takes a vote. Note: for a large public commitment, it might be anticipated that the subject would be discussed at multiple meetings of the CC.
Formal approval	CC grants formal approval.

CITY OF GREENVILLE ECONOMIC DEVELOPMENT INCENTIVES: POSSIBLE OPTIONS

4A. TIF District (Existing policy)

Strategy/Rationale: an economic development tool in which public project costs are financed through increases in tax base value within an established TIF district. This increase in ad valorem tax revenue is made possible by private development within the district over a fixed period of time which in North Carolina is not to exceed thirty years from creation of the district. By capturing future incremental revenue, the sponsoring government is able to undertake economic development activities or provide subsidies necessary to leverage a private development project that otherwise might not have been possible. This is commonly referred to as the “but for” provision.

ELIGIBLE AREAS	
<p>TIF Districts: Currently, the policy applies to the boundaries of the Center City - West Greenville Revitalization Area. However, new TIF districts might be created in other areas of the City, including on an opportunistic basis.</p>	

Sources of funds: At the outset of a TIF district, the base valuation of the district is established as the assessed value of all real properties located within the district on January 1st of that year. Throughout the duration of the district taxes collected and disbursed to the general fund are determined utilizing this base valuation. However, any taxes collected for an increase in the assessed value above this base valuation are allocated to a special incremental tax fund (Revenue Increment Fund) which the jurisdiction holds specifically with the purpose of providing for the cost of public development projects or improvements in the District.

TIF-financed public investments: effectively incentivize private investment by supporting public improvements to the district. Under current North Carolina law, Project Development Financing can be used to finance a broad array of public improvements including but not limited to the following:

- Airport facilities
- Hospital facilities
- Parking facilities
- Public transportation projects
- Street, sidewalk, and neighborhood improvements
- Sewer improvements
- Storm water and flood control improvements
- Water system improvements
- Industrial parks, land for industrial use and construction of shell buildings
- The provision of low to moderate income housing
- Auditoriums, coliseums, arenas, civic centers, convention centers, and facilities for exhibition, athletic and cultural events, shows and public meetings

CITY OF GREENVILLE ECONOMIC DEVELOPMENT INCENTIVES: POSSIBLE OPTIONS

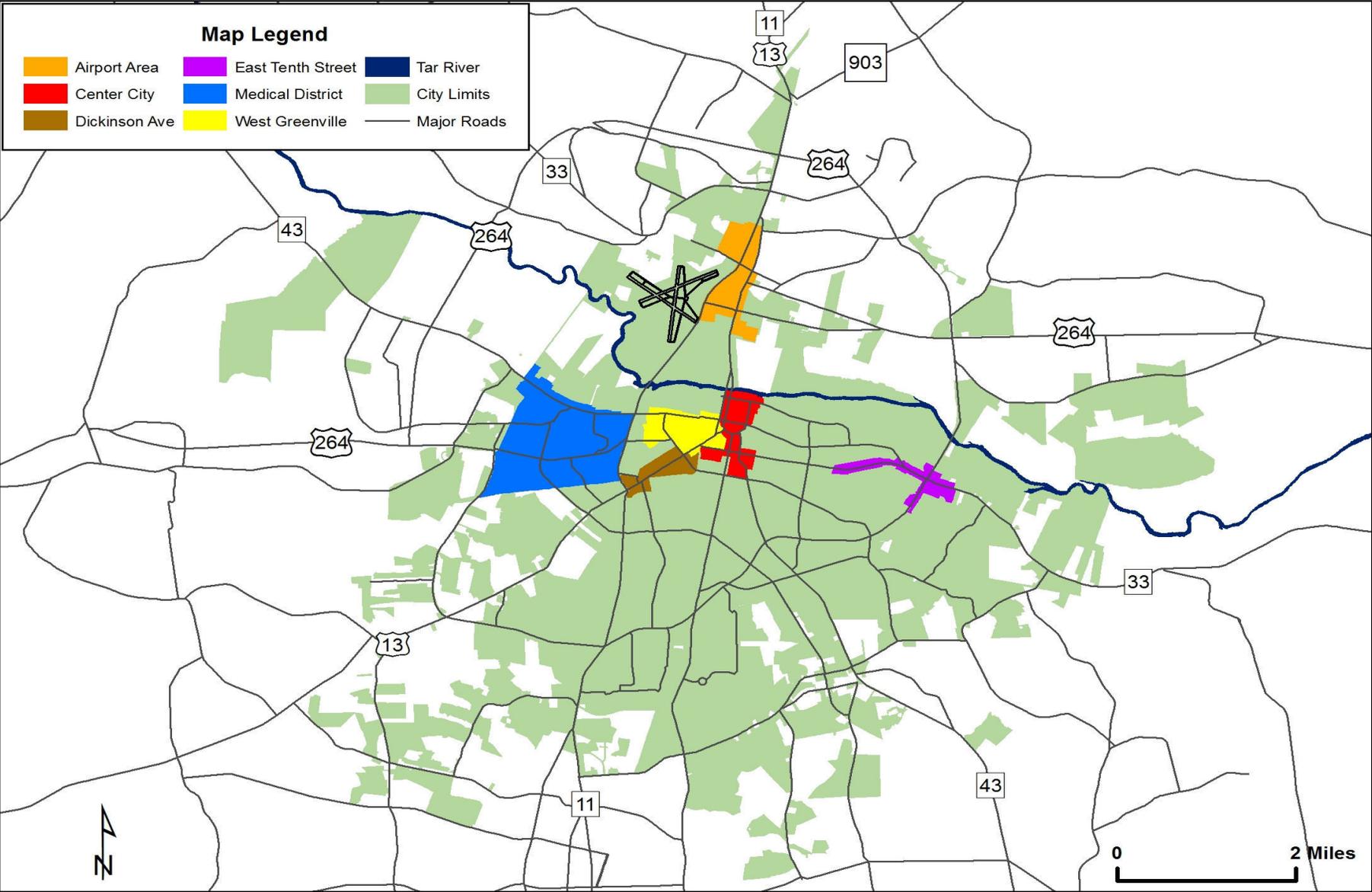
4B. TIF District (Existing policy): Public Process

NC approval requirements: A. Define a Development Financing District; B. Establish Development Financing Plan; C. Send notice of the plan to the board of county commissioners of the county or counties in which the development financing district is located; D. If manufacturing operations will be in the district, the Department of Commerce and Department of Environment and Natural Resources must review and approve the project; F. Determination of Incremental Valuation – county assessor determines base valuation of the District; G. Create a Revenue Increment Fund – separate fund (the “Revenue Increment Fund”) to account for the proceeds of the incremental valuation of the District.

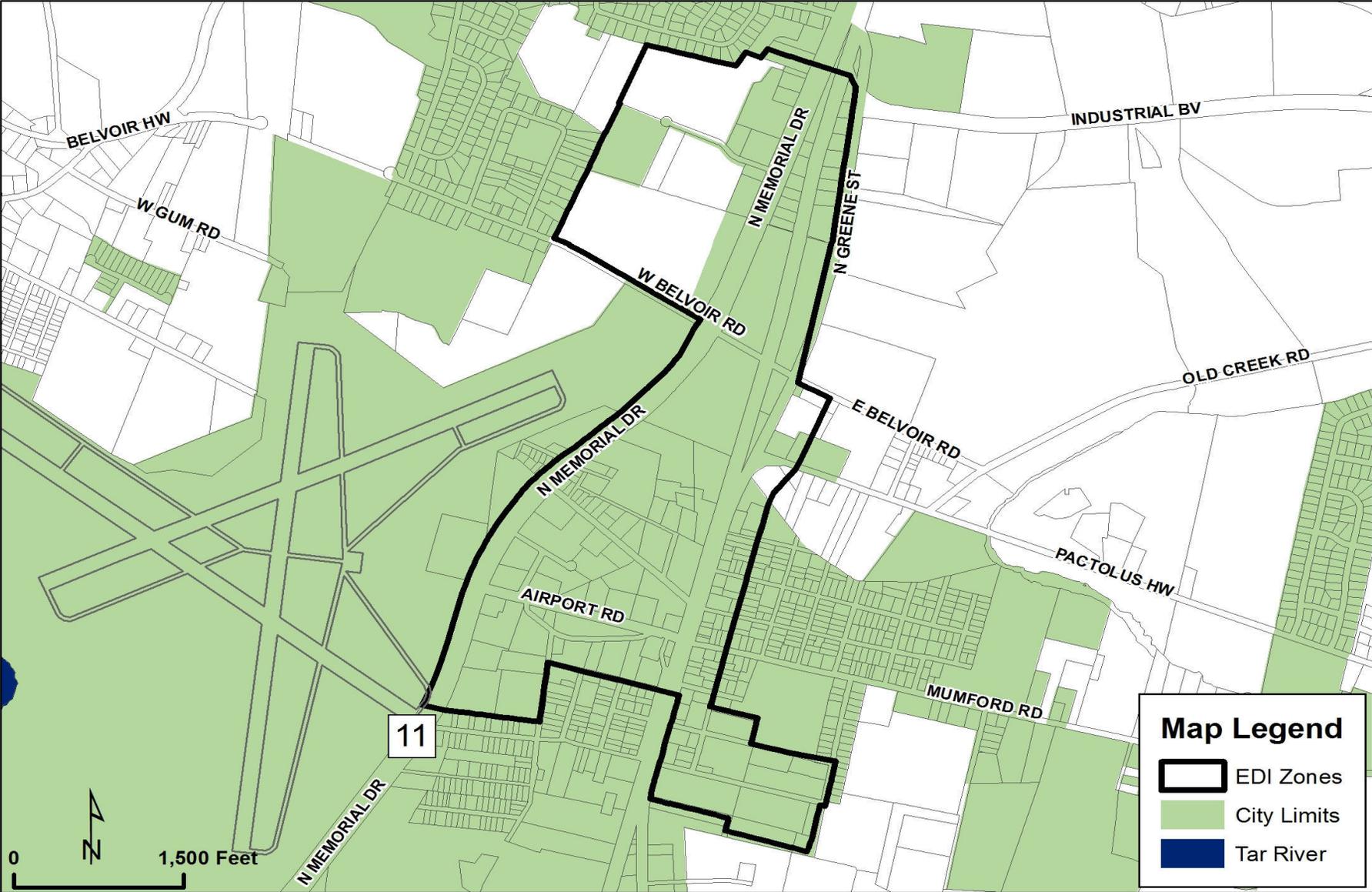
Greenville Redevelopment Commission review (CC - WG Revitalization Area): RDC takes into consideration the project’s financial soundness, the ability of the developer(s) to complete the project in a timely and cost effective manner, and how the proposal conforms with the intent of the RDC's TIF policy/guidelines. RDC also assesses not only whether the developer(s) have sought alternative means and methods of financing but in addition whether the proposed development will take place “but for” the use of Project Development Financing. Passing the “but for” test will generally be satisfied when the Commission finds that the projected increase of property valuation within the proposed District after the development takes place substantially exceeds the projected increase of property taxes within the TIF District if said project were not to take place. Favorable recommendations for the use of TIF funding by the Redevelopment Commission are to be forwarded to the Greenville City Council for review and consideration.

Appendix: Maps of Possible EDI Zones within Greenville Corporate Limits

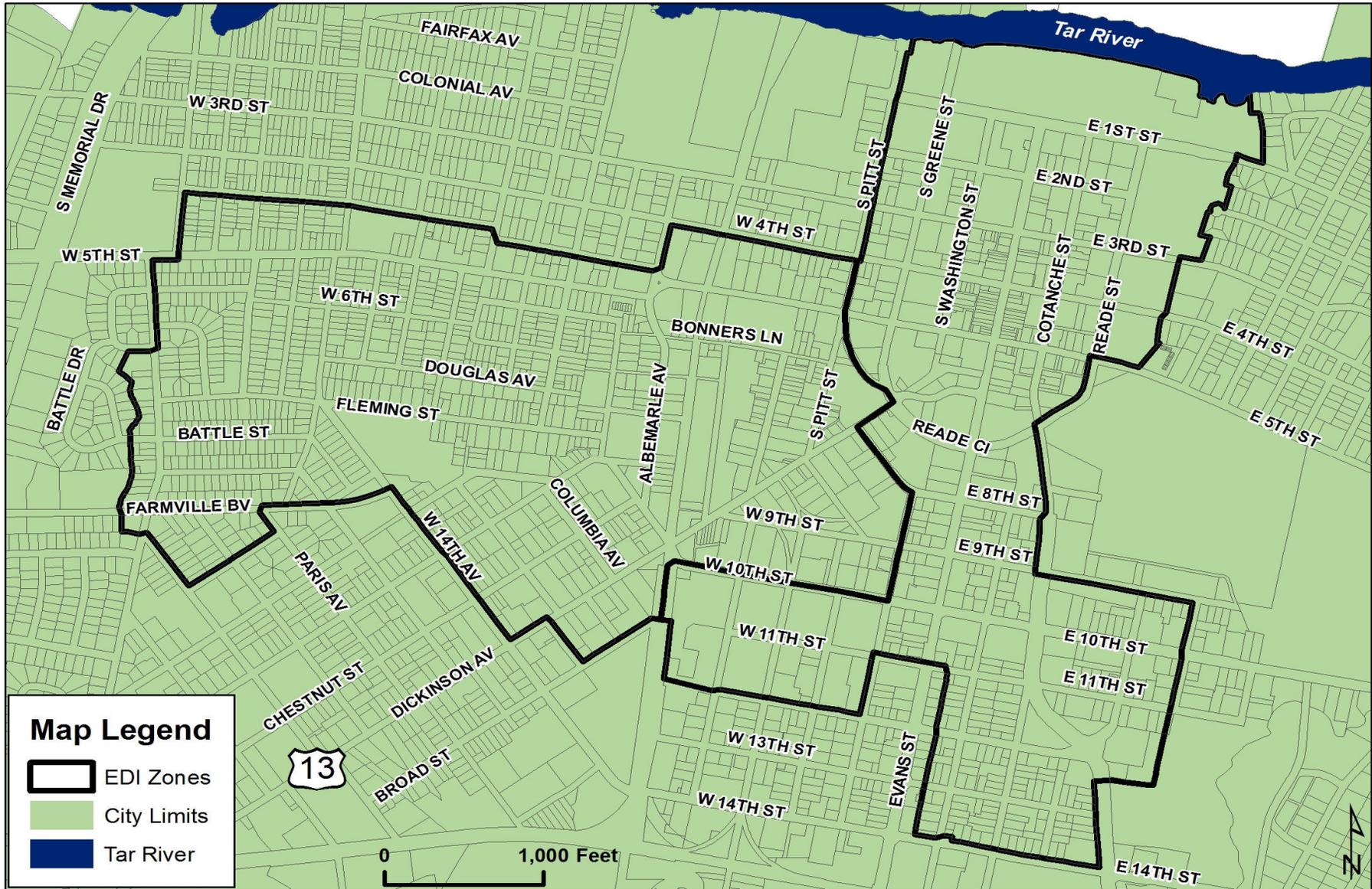
Overview Map



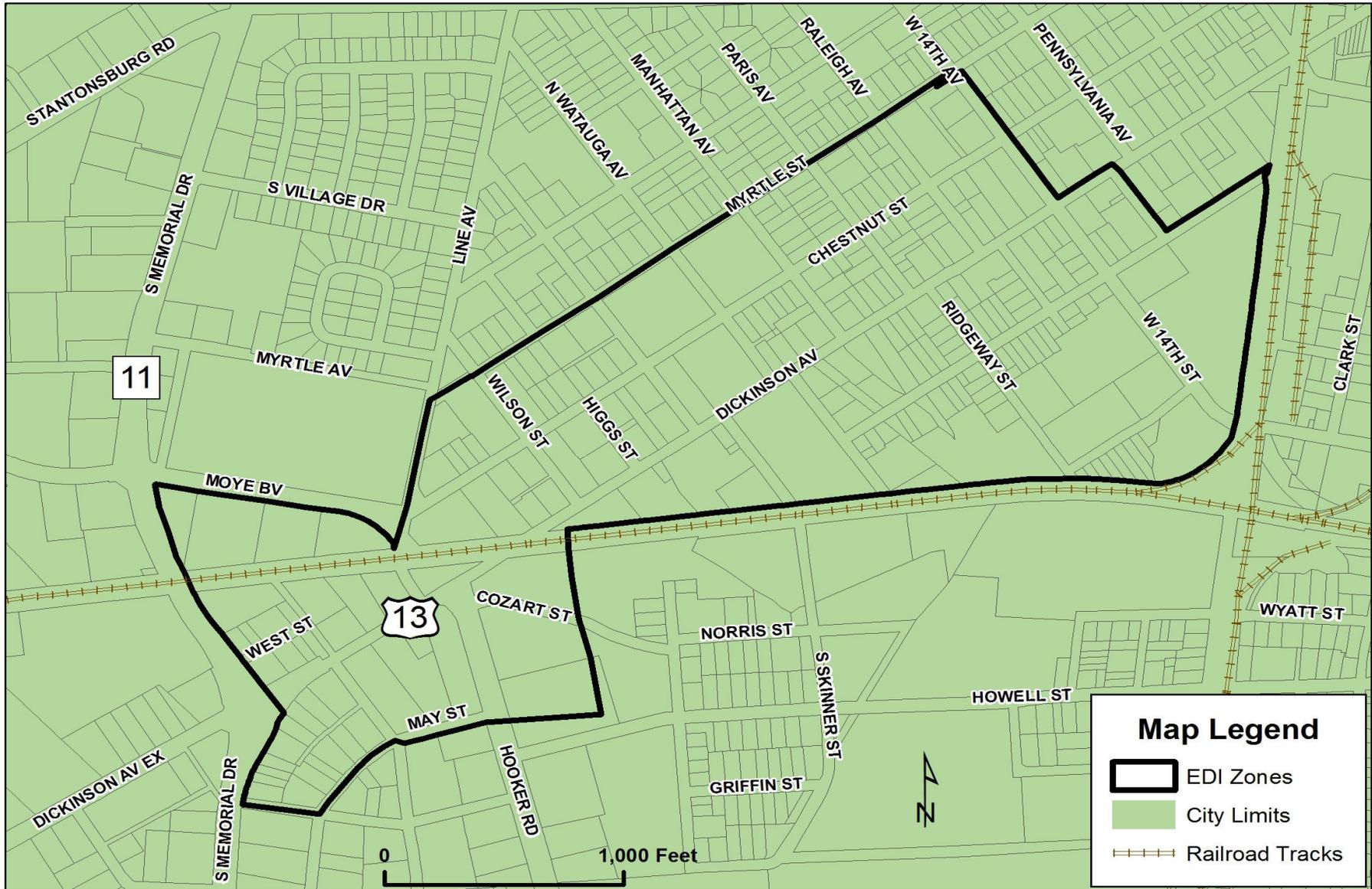
Airport Area



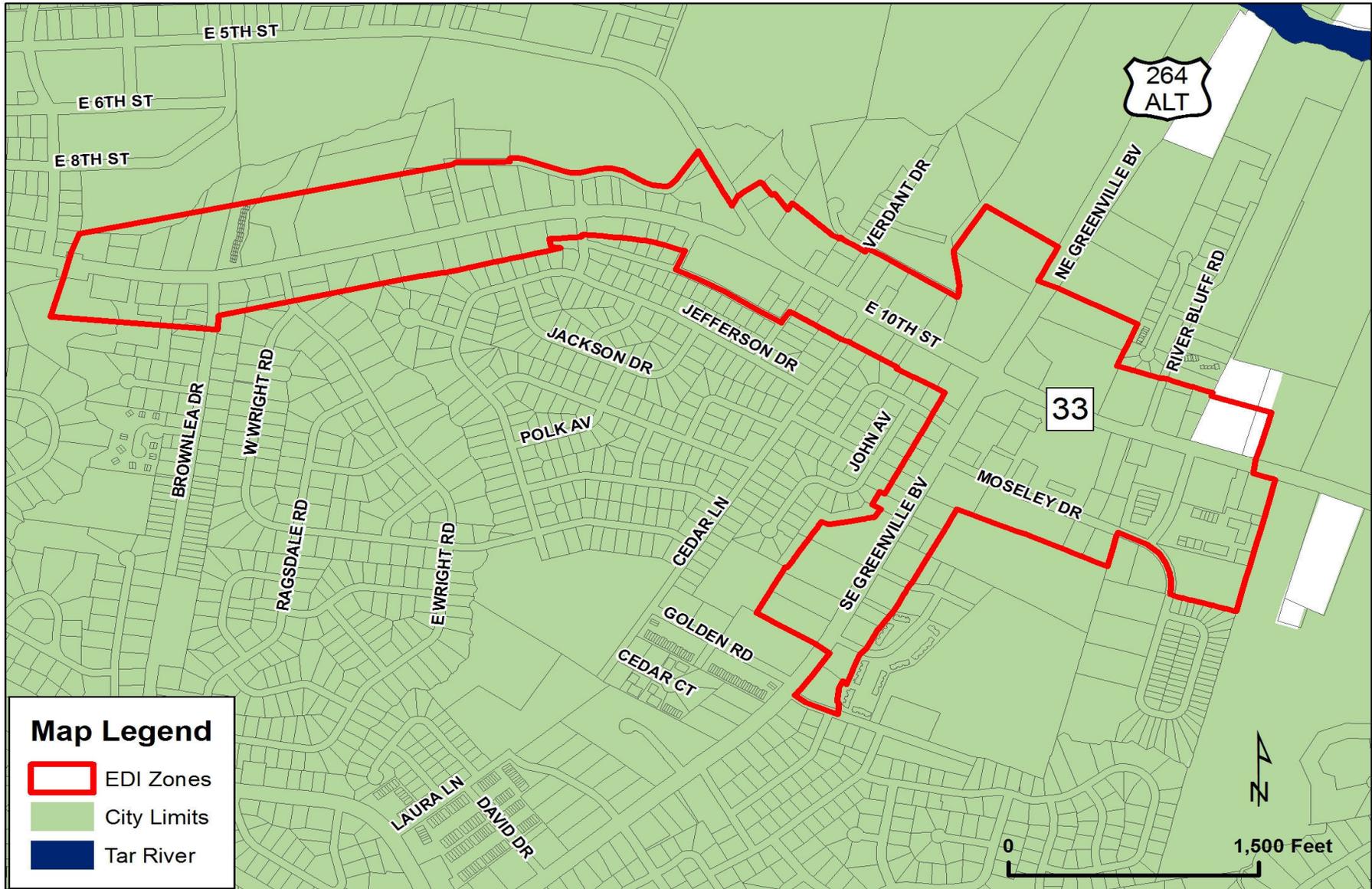
Center City & West Greenville Redevelopment Areas



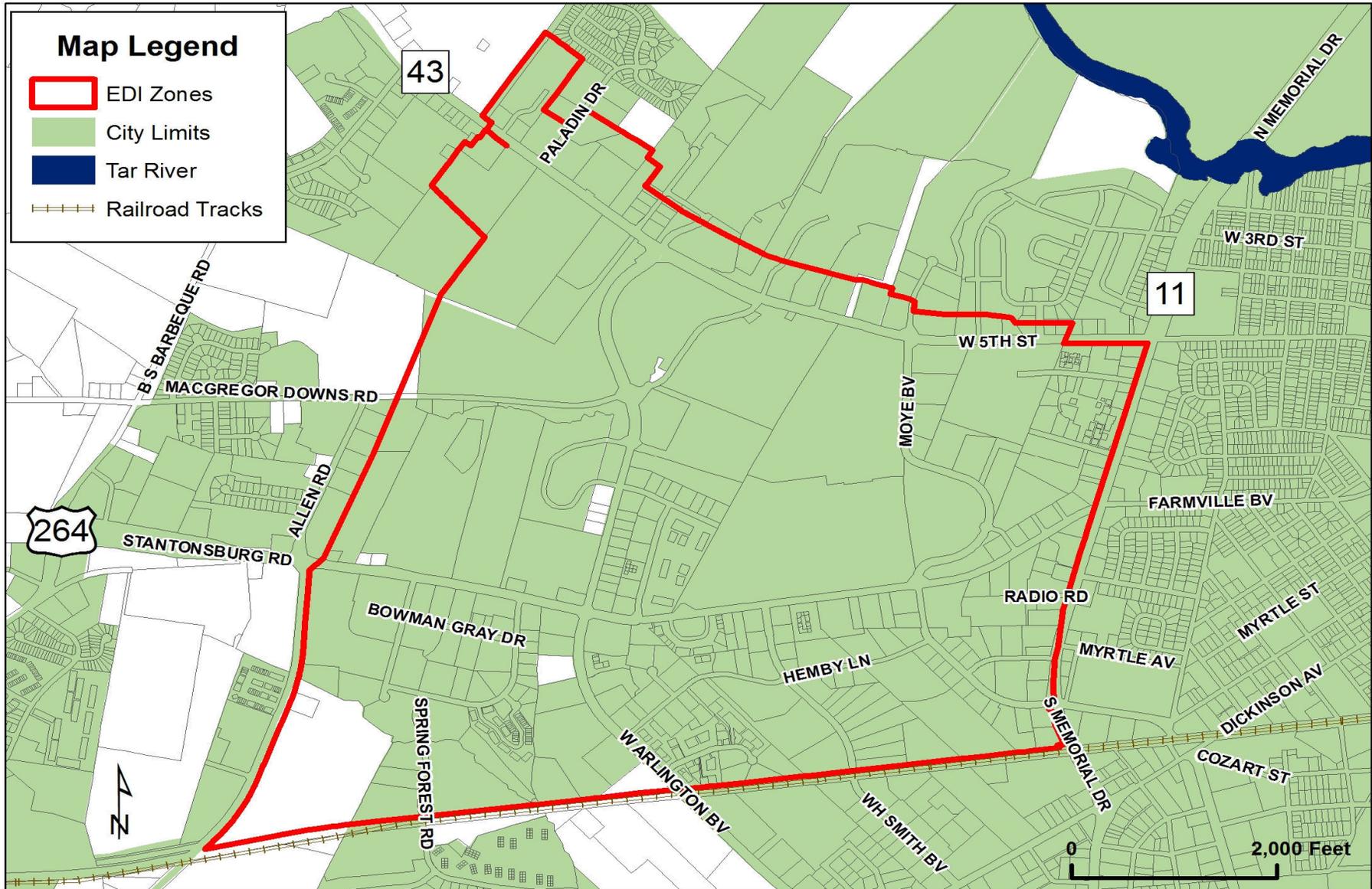
Dickinson Avenue



East 10th Street



Medical District





City of Greenville, North Carolina

Meeting Date:
12/13/2012
Time: 7:00 PM

Title of Item: Rental Registry Program

Explanation: Council Member Blackburn has requested a "report" on a Rental Registry Program. It is staff's understanding that the City has investigated both a "Rental Registration Program" and a separate "Crime-Free Rental Housing Program" but never enacted either program. City records include the following documents that are being providing as the "report" on this subject:

1. Information explaining North Carolina legislation (General Statute 160A-424) and its impact on an Asheville, NC, Minimum Housing Code program, which is an inspection program for owner-occupied and rental housing. The information does not have a date on it but clearly was generated after the June 2011 adoption of the new statute.
2. Information provided to the Greenville City Council in "Notes to Council" on June 12, 2009, describing a violation-based Rental Property Registration and Certification Program. It is staff's understanding that North Carolina statutes limit the authority of municipalities to charge fees for performance of these types of inspections.
3. Excerpt from the February 22, 2010, minutes of the Greenville City Council as relates to discussion implementing a "Crime-Free Rental Housing Program".

Also provided is a memo from City Attorney Holec providing a summary of statutory provisions relating to creating a rental registration program and requiring inspections of rental property.

This information is being provided as background information and in lieu of performing any additional research or developing a presentation until further clarification from Council on this issue.

Fiscal Note: For discussion only. No direct costs to the City at this time.

Recommendation: Provide direction to staff on any further action desired.

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

- [📎 NC Legislation Impact on Asheville](#)
 - [📎 Info from 6-12-09 NTC](#)
 - [📎 Excerpt from 2-22-10 Council Minutes](#)
 - [📎 City Attorney Memo](#)
-

BACKGROUND:

In late June 2011, the NC General Assembly passed legislation that alters the law for residential inspection programs, particularly focusing on residential rental properties.

Many NC Cities, including Asheville, have adopted Housing Codes with housing inspection programs to protect and increase the availability of decent and safe housing. Inspection programs throughout North Carolina vary, ranging from universal inspection programs where all residential units are inspected and issued a certificate prior to occupancy to complaint based only.

Within the current City of Asheville Minimum Housing Code, adopted in 2003, there were two different types of inspections, one for owner occupied properties and the other for tenant occupied properties. For owner occupied properties, the inspector was required to look for specified life safety issues and if satisfied, the homeowner was issued a life safety letter of compliance. For tenant occupied properties, the inspector was required to look for life safety issues as well as certain minimum requirements and if satisfied, a housing certificate was issued. Many owner occupied properties were forced to comply with the one time periodic inspection program because the Code required that a life safety letter of compliance had to be obtained prior to conveyance of residential property intended for owner occupancy. A substantial number of rental units were forced to comply with the one time periodic inspection program because the City could not provide water service to a new tenant until the issuance of a housing certificate.

CURRENT CONDITIONS:

General Statute 160A-424 has had an impact on the City's Housing Code. It is clear in that:

1. With 2 limited exceptions, the City cannot require that owners of residential rental properties have a housing certificate prior to renting the property to a tenant.
2. Except for a targeted effort within a geographic area designated by City Council, the City cannot require that residential rental properties undergo periodic inspections.
3. Except for a targeted effort within a geographic area designated by City Council, the City cannot authorize inspection of residential real property simply because there is no life safety letter of compliance or housing certificate.

4. Except for a targeted effort within a geographic area designated by City Council, the City cannot cause residential real property to be inspected without reasonable cause.

The term "reasonable cause" is broadly defined under the terms of the statute to include: (a) the landlord or owner has more than two verified violations of the housing ordinances or codes within a 12-month period; (b) there has been a complaint of substandard conditions, or a request for inspection; (c) the inspections department has actual knowledge of unsafe an condition; or (d) violations of local ordinances are visible from the structure's exterior.

HOUSING CODE CERTIFICATES AND LETTERS OF LIFE SAFETY

These are no longer issued but most addresses that have a valid Certificate or Letter can be researched on-line, for informational purposes, from the Housing Code web site or from this link. The Building Safety Department will honor the Housing Code inspection fees when a Housing Code report is received for Housing Code only repairs.

RENTERS INFORMATION

Dwelling units must meet the Minimum Standards of the Housing Code, which is the responsibility of the landlord. Tenants are responsible for maintaining the cleanliness of the unit and reporting problems to the landlord. Tenants may call the Housing Office at (828) 259-5764 with specific questions. The City recommends tenants notify the landlord in writing of problems with the dwelling by using a Tenant Request for Repair form. The landlord needs to have a reasonable amount of time to make the repairs. However, if the landlord fails to make repairs, the tenant may lodge a complaint against the landlord. The Housing Office will require compliance with the Housing Code.

If the complaint is of a dangerous nature or is an eminent health or safety hazard, the Housing Office should be notified immediately. Upon notification, a Code Enforcement Officer will visit the dwelling to access the problem and notify the owner or landlord to have the repairs made.

As a tenant, you have the right to live in a rental unit that is safe, clean, and habitable. State law protects you from being evicted for filing a complaint. Your landlord cannot retaliate against you by threatening eviction for filing a complaint. If you are threatened with eviction as a result of filing a habitability complaint, contact Pisgah Legal Services at (828) 253-0406 for information and advice.

Notes to Council
6/12/09

Memorandum

To: Mayor and Members of the City Council

From: Wayne Bowers, City Manager

Date: June 12, 2009

Subject: Violation-Based Rental Property Registration and Certification Program

The City Council recognized the adverse impact of rental housing that is poorly maintained and the behavior of the occupants can have on owner-occupied single-family neighborhoods. Further, the City Council's commitment to managing the City's growth to preserve neighborhood quality and its finding that older neighborhoods undergoing a shift from majority single-family owner-occupied units to rental single-family units created disincentives for older neighborhoods to attract families and owner-occupants. Consequently, the City Council created a citizen Task Force on the Preservation of Neighborhoods and Housing in February 2004.

The Task Force's charge was to (1) examine the conditions that exist in older established neighborhoods, (2) determine the impacts of rental properties on those neighborhoods, and (3) recommend actions that would strengthen and enhance neighborhood quality. The Task Force voted to recommend ten Neighborhood Improvement Strategies to the City Council on December 13, 2004. Strategy 1 was: Create a violation-based Rental Property Registration & Certification Program, whereby registration is required upon violation of zoning, housing, property, maintenance, or public nuisance codes.

The City Council included in its 2006-07 City Council Goals that staff create a violation-based rental registration and certification program. Background information on violations was needed to form a basis for the proposed violation-based program. In 2007, staff began collecting the data to monitor and track violations by property. After which time, staff evaluated the data to identify any deficiencies and to refine the data collection process for 2008. The 2008 data collection and analysis was recently completed. This data was needed prior to finalizing a draft ordinance.

Attached as Appendix A is a draft ordinance establishing a violation-based rental registration and certification program. The draft ordinance applies to all single family residential zoning districts, lists the specific violations that are the basis for registration, provides the criteria for the rental registration certificate, includes an appeals process, and establishes enforcement procedures. Appendix B is a combined map and table identifying the properties that had three or more code violations in 2008.

Related to the rental registration issue, Kathy Harrington, a Greenville landlord, has requested that the City Council consider adopting a more stringent code addressing crime at rental properties.

Ms. Harrington discovered through her research that many communities have such an ordinance in place. City staff conducted additional research and found that several have enacted ordinances of this nature. Those ordinances are commonly referred to as the Crime Free Multi-Housing Rental ordinances. A copy of the Schaumburg, Ill., Village of Palatine, Ill., Village of Lansing, MI., and City of Buffalo, MN. , Crime Free Multi-Housing ordinances are attached for informational purposes as Appendix C.

If you have any questions concerning this information, please contact me.

Respectfully submitted,



Wayne Bowers

bg

Attachments

cc: Kathy Harrington

#833920

APPENDIX A

Draft City of Greenville Ordinance on Rental Property Registration and Certification Program

ORDINANCE NO. 09-

AN ORDINANCE AMENDING TITLE 11 OF THE GREENVILLE CITY CODE BY
ESTABLISHING A RENTAL REGISTRATION AND CERTIFICATION PROGRAM

WHEREAS, the City Council of the City of Greenville has determined that there is a need to ensure that all of its residents have safe, affordable, clean and well maintained housing;

WHEREAS, since a significant number of complaints about and violations of the Greenville City Code provisions adopted to assure minimum adequate housing arise from tenant occupied properties, additional remedial measures will assist in achieving prompt Code compliance thereby resulting in an improvement to the quality of life for tenants and the neighborhoods in which these properties are located;

WHEREAS, it is recognized that the availability of affordable, well-maintained rental housing is essential to the health and sustainability of the housing market in the City of Greenville and it is also recognized that poorly maintained rental units, rental units that fail to meet minimum housing standards, and rental units that are repeatedly the subject of city ordinance violations and criminal activity adversely affect nearby neighbors;

WHEREAS, the Task Force on Preservation of Neighborhoods and Housing determined that the quality, condition, and number of rental properties in predominantly single-family neighborhoods have a direct impact on the desirability, livability, and value of the neighborhood and recommended that a violation-based Rental Property Registration and Certification Program be created based upon violation of zoning, housing, property maintenance, and public nuisance codes;

WHEREAS, requiring registration of rental properties is in the public interest to protect the health, safety, and welfare of the tenants of residential rental units and surrounding neighborhoods; and

WHEREAS, North Carolina General Statute §160A-194 authorizes the City of Greenville, by ordinance, to regulate and license occupations, businesses, trades and professions and to prohibit those which may be inimical to the public health, welfare, safety, order, or convenience and North Carolina General Statute §160A-174 authorizes the City of Greenville,

by ordinance, to define, prohibit, regulate, or abate acts, omissions, or conditions detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the city;

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

Section 1: That Title 11 of the Greenville City Code be amended by adding a new Chapter 14 entitled "RENTAL REGISTRATION AND CERTIFICATION PROGRAM," said chapter to read as follows:

CHAPTER 14. RENTAL REGISTRATION AND CERTIFICATION PROGRAM.

Sec. 11-14-1. Purpose.

In order to promote the health, safety and welfare of the city and its citizens, it is the purpose of this chapter to establish a registration system for persons renting residential properties where certain unsafe minimum housing, zoning, noise or nuisance violations or criminal activity has occurred. A registration system will:

- (a) Promote responsible management of these residential properties;
- (b) Assist in providing a safe habitat for residents and neighbors of these residential properties;
- (c) Safeguard property values;
- (d) Reduce the likelihood that residential properties where such problems most frequently have arisen and which are unfit for human habitation, dangerous, or injurious to the public will exist or be occupied;
- (e) Expedite repair of residential properties where such problems arise; and
- (f) Reduce the likelihood that these residential properties will become public nuisances in violation of Chapter 19 of the North Carolina General Statutes.

Sec. 11-14-2. Definitions.

Unless the context clearly indicates otherwise, the following words and phrases as used in this chapter shall have the following meanings:

- (a) "Business affiliate" A person who directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or control with, the owner of a probationary residential rental dwelling of any property. Solely for purposes of this definition, the terms "owns," "is owned,"

and "ownership" mean ownership of an equity interest, or the equivalent thereof, of ten (10) per cent or more.

(b) "Code Enforcement Division" The Code Enforcement Division of the Police Department of the City of Greenville.

(c) "Code Enforcement Official" A code enforcement officer, building inspector or other employee of the City of Greenville designated by the Greenville City Code or the City Manager to enforce violations of the Greenville City Code.

(d) "Criminal Activity" Conduct resulting in a criminal charge relating to either (1) the sale, manufacture, distribution, or possession of controlled substances as made unlawful by the provisions of North Carolina Statute §90-95, or (2) criminal street gang activity as made unlawful by the provisions of the North Carolina Street Gang Suppression Act as provided in Article 13A of Chapter 14 of the North Carolina General Statutes, or (3) prostitution or assignation as made unlawful by the provisions of North Carolina General Statute §14-204 or (4) homicide, assault, affray, communicating threats, unlawful possession of dangerous or deadly firearms, or discharge of a dangerous or deadly firearm as made unlawful by the provisions of Chapter 14 of the North Carolina General Statutes.

(e) "Dwelling" A building or a portion thereof or a complex of multiple buildings containing one (1) or more dwelling units which is wholly or partly used for or intended to be used for temporary or permanent residential occupancy. A dwelling shall include single family dwellings, two family attached (duplex) dwellings, multifamily dwellings, dormitories (LUI 67), mobile homes, and boarding or rooming houses as defined by section 9-4-22 of the Greenville City Code but shall not include family care homes, hotels, motels, bed and breakfast inns, guest houses for a college or other institution of higher learning, fraternities or sororities, dormitories (other than LUI 67), retirement centers, shelters for homeless or abused, nursing, convalescent or maternity homes, and room renting as defined by sections 9-4-22.

(f) "Dwelling unit" A single independent housekeeping unit with sanitation, living, dining, sleeping, and permanently installed kitchen facilities for use by one (1) family as defined by section 9-4-22 of the Greenville City Code.

(g) "Fifth degree of kinship" Collateral kin within five degrees of kinship removed from the owner with the degree of kinship to be computed as provided in North Carolina General Statute §104A-1.

(h) "Licensed rental agency" A rental agency holding a current privilege license issued by the State of North Carolina pursuant to North Carolina General Statute 105-41(a)(8) or (9).

(i) "Minimum Housing Code" The provisions of the Minimum Housing Code contained in Chapter F of Chapter 1 of Title 9 of the Greenville City Code.

(j) "Owner" Any person who alone, or jointly, or severally with others:

(1) Shall have title, in fee simple, to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or

(2) Shall have charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter, and of rules and regulations adopted pursuant thereto, to the same extent as if the person were the owner.

(k) "Rental Registration Certificate" A certificate issued to the owner of a probationary rental residential dwelling pursuant to this chapter.

(l) "Probationary rental residential dwelling" A dwelling or a dwelling unit, including the premises of the dwelling or dwelling unit, which, during a twelve (12) month period, is the site of three (3) or more of any combination of the following:

(1) A violation of the provisions of Article F of Chapter 1 of Title 9 of the Greenville City Code relating to the Minimum Housing Code;

(2) A violation of the provisions of Chapter 4 of Title 9 of the Greenville City Code relating to the occupancy limit at a single family dwelling or dwelling unit;

(3) A violation of the provision of Chapter 4 of Title 9 of the Greenville City Code relating to parking on unimproved surface;

(4) A violation of the provisions of Article A of Chapter 3 of Title 12 of the Greenville City Code relating to nuisances;

(5) A violation of the provisions of Chapter 4 of Title 12 of the Greenville City Code relating to abandoned, nuisance and junked motor vehicles;

(6) A violation of the provisions of Chapter 5 of Title 12 of Greenville City Code relating to noise control; or

(7) Criminal activity.

(m) "Violation" A determination by a Code Enforcement Official that a violation of the Greenville City Code exists and that an order or other mandate should be issued to the owner or any other person imposing a sanction or requiring further actions to comply with the Greenville City Code, including without any limitation the payment of civil penalties, implementation of corrective measures, or cessation of activities which are not authorized by the Greenville City Code.

Sec. 11-14-3. Applicability.

The provisions of this chapter shall apply to all dwellings and dwelling units within the corporate limits of the city which are rented or offered for rent and which are located in any single family residential zoning district. For the purpose of this chapter, a single family residential zoning district shall be the R15S residential single family zoning district, the R9S residential single family zoning district, the R6S residential single family zoning district, and the MRS medical residential single-family zoning district.

Sec. 11-14-4. Probationary Rental Residential Dwellings.

(a) A dwelling or dwelling unit shall be determined by the Code Enforcement Division to be a probationary rental residential dwelling when the dwelling or dwelling unit, including the premises of the dwelling or dwelling unit, is the site, during a twelve (12) month period, of three (3) or more of any combination of the following:

(1) A violation of the provisions of Article F of Chapter 1 of Title 9 of the Greenville City Code relating to the Minimum Housing Code;

(2) A violation of the provisions of Chapter 4 of Title 9 of the Greenville City Code relating to the occupancy limit at a single family dwelling or dwelling unit;

(3) A violation of the provisions of Chapter 4 of Title 9 of the Greenville City Code relating to parking on an unimproved surface;

(4) A violation of the provisions of Article A of Chapter 3 of Title 12 of the Greenville City Code relating to nuisances;

- (5) A violation of the provisions of Chapter 4 of Title 12 of the Greenville City Code relating to abandoned, nuisance and junked motor vehicles;
- (6) A violation of the provisions of Chapter 5 of Title 12 of Greenville City Code relating to noise control; or
- (7) Criminal activity.

(b) When a dwelling or dwelling unit has been determined to be a probationary rental residential dwelling, the Code Enforcement Division shall notify the owner of the dwelling or dwelling unit that the dwelling or dwelling unit has been determined to be a probationary rental residential dwelling and that a Rental Registration Certificate is required to be obtained for the probationary rental residential dwelling under this chapter.

(c) When a building consists of multiple dwelling units which are not owned by the same person, the Code Enforcement Division shall assign violations or criminal activity for each dwelling unit located within the building to the individual dwelling unit and not to the building as a whole. When a building consists of multiple dwelling units which are owned by the same person, the Code Enforcement Division shall assign violations or criminal activity for each dwelling unit located within the building to the building as a whole. When a complex consists of multiple buildings which are not owned by the same person, the Code Enforcement Division shall assign violations or criminal activity for each building located within the complex to the individual building and not to the complex as a whole. When a complex consists of multiple buildings which are owned by the same person, the Code Enforcement Division shall assign violations or criminal activity for each building located within the complex to the complex as a whole. The Code Enforcement Division shall assign violations and criminal activity in common areas of a complex consisting of multiple dwelling units and multiple buildings to the building nearest to the common area where the violation or criminal activity occurred.

Sec. 11-14-5. Rental Registration Certificate.

(a) Unless the owner is deemed compliant with this chapter in accordance with the provisions of section 11-14-7, it shall be unlawful for an owner to rent, to receive rental income from, or to offer for rent, any probationary rental residential dwelling required to be registered under this chapter without first obtaining a Rental Registration Certificate for the probationary rental residential dwelling under this chapter or when the Rental Registration Certificate issued under

this chapter is revoked. The owner of a probationary rental residential dwelling shall hold a Rental Registration Certificate for each probationary rental residential dwelling and shall abide by the standards set forth in section 11-14-6 in order to be eligible to retain the Rental Registration Certificate. Each probationary rental residential dwelling is a separate dwelling for fee purposes and for the requirement to be registered. A Rental Registration Certificate shall be recorded in the office of the Pitt County Register of Deeds and indexed according to the name of the owner in the grantor index.

(b) Every application for a Rental Registration Certificate shall be made by the owner of the probationary rental residential dwelling upon a form provided by the Code Enforcement Division and shall be filed with the Code Enforcement Division. Every application shall be made under oath and shall contain the information required to show the owner is eligible for a Rental Registration Certificate under this chapter and sufficient information to enable the Code Enforcement Division to determine that the standards of section 11-14-6 are being, or will be, met at any probationary rental residential dwelling to be registered. Within thirty (30) days of receipt of a complete application and a non-refundable application fee of two hundred dollars (\$200.00), the Code Enforcement Division shall review each application and determine whether the application should be approved. The Code Enforcement Division shall deny any application which does not satisfy the minimum requirements of this chapter and any application submitted by an owner during a period of Rental Registration Certificate revocation. Upon the approval of an application and the issuance of the Rental Registration Certificate, the owner who submitted the application shall be the holder of the Rental Registration Certificate.

(c) The Rental Registration Certificate fee shall be three hundred dollars (\$300.00) for the first year of the Rental Registration Certificate. The annual fee for subsequent years shall be five hundred dollars (\$500.00). Such fee shall be due and payable when the Rental Registration Certificate issues with annual fees for subsequent years due and payable annually on the anniversary of the issuance date.

(d) The Rental Registration Certificate for a probationary rental residential dwelling shall initially be issued for a period of twelve (12) months. The Rental Registration Certificate requirement shall be extended for the probationary rental residential dwelling covered by the Rental Registration Certificate for additional successive twelve (12) month periods if the probationary rental residential dwelling has been the site of criminal activity or a violation of any of

the Code provisions listed in section 11-14-2(1) for the twelve (12) month period immediately before the Rental Registration Certificate period ends or the owner has violated the standards in section 11-14-6 for the twelve (12) month period immediately before the Rental Registration Certificate period ends or any violation of this chapter relating to the probationary rental residential property has occurred for the twelve (12) month period immediately before the Rental Registration Period ends. In order for a probationary rental residential dwelling to be released from the requirement for a Rental Registration Certificate, the probationary rental residential dwelling must have not been the site of criminal activity or a violation of any of the Code provisions listed in section 11-14-2(1) for the twelve (12) month period immediately before the Rental Registration Certificate period ends, the owner must not have violated the standards in section 11-14-6 for the twelve (12) month period immediately before the Rental Registration Certificate period ends, there shall not have been any violation of this chapter relating to the probationary rental residential property that has occurred for the twelve (12) month period immediately before the Rental Registration period ends, and the dwelling must be approved as compliant with the Minimum Housing Code in a final inspection. Final inspections will be conducted only upon the request of the owner. When the owner fails to request an inspection within ninety (90) days after the date the Rental Registration Certificate was due to expire, the Code Enforcement Division, after written notice to the owner and tenant, shall inspect the registered probationary rental residential dwelling for compliance with the Minimum Housing Code.

(e) Any person taking title to a registered probationary rental residential dwelling shall be the holder of the Rental Registration Certificate. Any person taking title to a probationary rental residential dwelling not previously holding a Rental Registration Certificate shall apply for a Rental Registration Certificate. The new owner of the dwelling unit, who is not related by marriage or within the fifth degree of kinship to the seller or is not a business affiliate of the seller or has not acquired from or owned with the seller any other real property at any time during the twelve (12) month period prior to the title transfer, may request that the Code Enforcement Division remove the requirement that the dwelling have a Rental Registration Certificate. For the request to be eligible for consideration, the new owner must:

- (1) Have paid all outstanding fees and civil penalties for the dwelling;
- (2) Have no violations or pending violations of this chapter issued to the new owner;

(3) Obtain from the Code Enforcement Division a determination that the dwelling complies with the Minimum Housing Code; and

(4) Submit an affidavit which shows proof of title transfer, that the new owner is not related by marriage or within the fifth degree of kinship to the seller, is not a business affiliate of the seller, has not acquired from or owned with the seller any other real property from at any time during the twelve (12) month period prior to the title transfer, and that the lease for the dwelling includes a provision making violations of the Greenville City Code by the tenant grounds for eviction.

(f) A temporary Rental Registration Certificate shall be issued by the Code Enforcement Division if the final decision on a complete application is not made at the end of the thirty (30) day review period. The temporary Rental Registration Certificate will expire upon issuance of the Rental Registration Certificate for the dwelling or upon denial of the application for a Rental Registration Certificate. The Code Enforcement Division shall not charge a fee for a temporary Rental Registration Certificate.

(g) An application shall be accompanied by a notarized statement from a person residing in Pitt County who is competent to receive service agreeing to appointment as process service agent for receipt of a notice of violation or order from a Code Enforcement Official for all violations at the dwelling unless each notice of violation or order previously sent from a Code Enforcement Official to the owner of the dwelling was delivered and no such notices of violation or orders returned to the Code Enforcement Official. The refusal of service by the process service agent of a notice of violation or order, or a notice of violation or order returned undelivered, shall be grounds to revoke the Rental Registration Certificate. When a notice or order under this chapter is returned undelivered, the Code Enforcement Division may require the appointment of a process service agent residing in Pitt County who is competent to receive service as a condition for continuing to hold the Rental Registration Certificate. Failure by the owner to maintain a duly appointed process service agent, or to appoint a process service agent within thirty (30) days of being required to do so by the Code Enforcement Division, shall be grounds to revoke the Rental Registration Certificate.

(h) The Code Enforcement Division shall maintain a list of all dwellings and dwelling units which are probationary rental residential dwellings and subject to the Rental Registration Certificate requirements of this chapter.

Sec. 11-14-6. Standards.

- (a) The holder of the Rental Registration Certificate shall respond to the Code Enforcement Official making contact relating to an investigation of a violation or potential violation of any of the Greenville City Code provisions listed in section 11-14-2(1) or a law enforcement officer making contact relating to investigation of criminal activity either in person or by telephone within two (2) business days after being contacted by the Code Enforcement Official or law enforcement officer at the telephone number provided in the application. The holder of the Rental Registration Certificate shall submit to the Code Enforcement Official or law enforcement officer making the contact, within three (3) days of the response, written documentation of the response. The holder of the Rental Registration Certificate may designate a licensed rental agency as the person responsible for responding to calls for assistance from a Code Enforcement Official or law enforcement officer. The designated agency must have at least one agent located in the city or within five (5) miles of the corporate limits of the city who is authorized by it to respond to calls. The designation shall be effective only after a notarized statement is submitted to the Code Enforcement Division in which the responsible person is identified and agrees to accept the duty.
- (b) The holder of the Rental Registration Certificate shall maintain the probationary rental residential dwelling so that it does not violate any of the Greenville City Code provisions listed in section 11-14-2(1).
- (c) The holder of the Rental Registration Certificate shall maintain a current list of occupants. Upon request by a Code Enforcement Official investigating violations or potential violations of any of the Greenville City Code provisions listed in section 11-14-2(1) or a law enforcement officer investigating criminal activity, the holder of the Rental Registration Certificate shall present the list of occupants to the investigating Code Enforcement Official or law enforcement officer.
- (d) The holder of the Rental Registration Certificate shall obtain a determination of Minimum Housing Code compliance from the Code Enforcement Division before a vacant probationary rental residential dwelling with an unresolved notice of violation of the Minimum Housing Code is occupied by another tenant.
- (e) The holder of the Rental Registration Certificate shall comply with the requirements of this chapter.

(f) Within thirty (30) days of the designation of a dwelling as a probationary residential rental dwelling, the holder of the Rental Registration Certificate shall deliver a written notification, using the form approved by the Code Enforcement Division, to each tenant that the dwelling is a probationary rental residential dwelling. Prior to entering into a rental agreement, whether oral or written, the holder of the Rental Registration Certificate shall provide written notification, using the form approved by the Code Enforcement Division, to each prospective tenant that the dwelling is a probationary rental residential dwelling. The holder of the Rental Registration Certificate shall provide proof of the delivery to the Code Enforcement Division along with a copy of the notification within ten (10) days of receipt of proof of delivery.

(g) Within thirty (30) days of the designation of a condominium or a dwelling unit in a townhouse development as a probationary residential rental dwelling, the holder of the Rental Registration Certificate shall deliver a written notification, using the form approved by the Code Enforcement Division, to the association or governing body which controls the property commonly owned and associated with the condominium or dwelling unit in a townhouse development that the condominium or dwelling unit in a townhouse development is a probationary rental residential dwelling. The holder of the Rental Registration Certificate shall provide proof of the delivery to the Code Enforcement Division along with a copy of the notification within ten (10) days of receipt of proof of delivery.

(h) Within thirty (30) days of the designation of a building within a complex having multiple buildings as a probationary residential rental dwelling and when the person owning the building and the complex are not the same person, the holder of the Rental Registration Certificate shall deliver a written notification, using the form provided by the Code Enforcement Division, to the owner of the complex which controls the property commonly owned and associated with the building, that the building is a probationary rental residential dwelling. The holder of the Rental Registration Certificate shall provide proof of the delivery to the Code Enforcement Division along with a copy of the notification within ten (10) days of receipt of proof of delivery.

(i) The holder of the Rental Registration Certificate shall pay the annual fee for the Rental Registration Certificate no later than the date it is due and payable.

Sec. 11-14-7. Compliance with Provisions.

- (a) Any person required by this chapter to have a Rental Registration Certificate for a probationary rental residential dwelling shall file a complete application for any required Rental Registration Certificate within ten (10) days following notice from the Code Enforcement Division that a Rental Registration Certificate is required to be obtained for the probationary rental residential dwelling.
- (b) Any person required by this chapter to have a Rental Registration Certificate for a probationary rental residential dwelling who files a complete application for any required Rental Registration Certificate within ten (10) days following notice from the Code Enforcement Division that a Rental Registration Certificate is required to be obtained for the probationary rental residential dwelling shall be deemed compliant with the requirement to obtain a Rental Registration Certificate unless and until the application is denied or the Rental Registration Certificate is revoked.
- (c) Any person who holds a North Carolina General Statute § 105-41(a)(8) or (9) privilege license as a rental agency and is not the record owner of the probationary rental residential dwelling shall be deemed compliant with this chapter upon filing with the Code Enforcement Division an affidavit or other notarized statement that the agency relationship has been terminated.
- (d) Any person who has been designated as a process service agent and is not the record owner of the probationary rental residential dwelling shall be deemed compliant with this chapter upon promptly notifying the Code Enforcement Division that the notice or order delivered for service cannot be delivered to the owner and upon filing with the Code Enforcement Division an affidavit or other notarized statement that the agency relationship has been terminated and that all prior notices and orders were delivered to the owner.
- (e) If the activities, violations or abatements which individually or cumulatively could cause a dwelling or dwelling unit to be deemed a probationary rental residential dwelling under section 11-14-2(1) are the result of tenant behavior or actions, an owner shall be entitled to relief from any such a violation by evicting or removing the tenant. No owner may obtain relief for more than two (2) violations in any three (3) year period per dwelling under this subsection. Any owner who evicted or removed the tenant as a result of the tenant causing such violation, whether such removal is the result of a tenant voluntarily vacating the dwelling or as a result of court action, shall file with the Code Enforcement Division an affidavit or other notarized

statement stating that (1) the tenant cited for the violation no longer resides at the dwelling or (2) the attached complaint was filed to evict the tenant and listing the actions showing diligence in effecting the eviction and attaching a copy of the signed lease with the required right to evict. An owner shall also be entitled to relief from any subsequent violation that occurs while the action to evict the tenant is pending upon a similar showing to the Code Enforcement Division. If the court has denied the owner's diligent pursuit to evict the tenant, it shall be sufficient if the owner does not renew the tenant's lease at the end of the then current term and instead terminates the lease.

(f) When an owner shows an inability to access a dwelling for purposes of effecting remedial activity as ordered by the Code Enforcement Division due to a court order in an eviction proceeding, the failure to complete the required remedial activity as previously ordered by the Code Enforcement Division is not a violation for purposes of determining whether the dwelling is a probationary rental residential dwelling until thirty (30) days after the expiration of the court order barring access or within such additional time for compliance as is provided by the Code Enforcement Division .

Sec. 11-14-8. Method of Service.

(a) Notices, orders or other documents issued pursuant to this chapter shall be served upon persons either personally or by registered or certified mail and, in conjunction therewith, may be served by regular mail. When the manner of service is by regular mail in conjunction with registered or certified mail, and the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within ten (10) days after mailing, service shall be deemed sufficient. The person mailing the complaint or order by regular mail shall certify that fact and the date thereof, and such certificate shall be conclusive in the absence of fraud. If regular mail is used, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected.

(b) If the identities of any owner or the whereabouts of persons are unknown and cannot be ascertained by the enforcement officer in the exercise of reasonable diligence, and the enforcement officer makes an affidavit to that effect, then the serving of the complaint or order upon the unknown owners or other persons may be made by publication in a newspaper having general circulation in the city at least once no later than the time at which personal service would

be required under the provisions of this chapter. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected.

Sec. 11-14-9. Appeals.

Any holder of a Rental Registration Certificate or other person served with notice or an order under the provisions of this chapter may appeal the notice or order in the following manner:

(1) An appeal must be filed in writing with the Code Enforcement Division within thirty (30) days after service of the written notice or order of the Code Enforcement Division on the petitioner. The written appeal shall identify the application of the chapter at issue and provide the reasons the petitioner contends that it was wrongly applied and any supporting documentation. An appeal challenging a notice that a dwelling is qualified as a probationary rental residential dwelling may include an appeal of the basis for the citations resulting in the determination that the dwelling is qualified as a probationary rental residential dwelling.

(2) Unless the Code Enforcement Coordinator of the Code Enforcement Division decides to allow the requested relief based on the appeal request, the Code Enforcement Coordinator of the Code Enforcement Division shall send each appeal request to the Rental Registration and Certification Appeals Board. This board will be composed of the Code Enforcement Coordinator of the Code Enforcement Division, Chief Building Inspector, and the Neighborhood Liaison. This board shall conduct a hearing on the appeal and the petitioner shall be given the opportunity to appear in person and give testimony and present evidence to this board. The rules of evidence prevailing in law or equity shall not be controlling in the hearing before this board.

(3) If the decision of the Rental Registration and Certification Appeals Board does not meet the satisfaction of the petitioner, the petitioner may appeal the decision to the Board of Adjustment. An appeal of the decision to the Rental Registration and Certification Appeals Board must be filed in writing with the Code Enforcement Division within thirty (30) days after service of the decision of the Rental Registration and Certification Appeals Board.

(4) Appeals from the decision of the Board of Adjustment shall be made in accordance with applicable law.

(5) The fee for filing an appeal with the Rental Registration and Certification Appeals Board is twenty-five (\$25.00) dollars. The fee for filing an appeal with the Board of Adjustment is five-

hundred (\$500.00) dollars. If the petitioner is the prevailing party, the fee for filing an appeal shall be reimbursed.

(6) The enforcement of an order issued by the Code Enforcement Division which includes the revocation of the Rental Registration Certificate shall be stayed upon the filing of an appeal and until a final order is issued by the Rental Registration and Certification Appeals Board or the Board of Adjustment or the Superior Court.

Sec. 11-14-10. Enforcement.

(a) Civil penalties.

(1) Any person who shall rent, receive rental income from, or offer for rent a probationary rental residential dwelling without first obtaining a Rental Registration Certificate as required by this chapter shall be subject to a civil penalty as follows:

- (a) In the amount of fifty dollars (\$50.00) for each offense on the first day of such offense; and
- (b) In the amount of one hundred dollars (\$100.00) for each offense either (i) on the second day of such offense or (ii) when the offense is a second offense within a twelve (12) month period; and
- (c) In the amount of two hundred and fifty dollars (\$250.00) for each offense either (i) on the third day and on each subsequent day of such offense or (ii) when the offense is the third or subsequent offense within a twelve (12) month period.

(2) Any person who shall rent, receive rental income from, or offer for rent a probationary rental residential dwelling when the Rental Registration Certificate issued under this chapter is revoked shall be subject to a civil penalty in the amount of five hundred dollars (\$500.00) for each offense and on each subsequent day of such offense.

(3) Any duly appointed licensed rental agency which, after receiving a call for assistance from a Code Enforcement Official or law enforcement officer, fails to respond shall be subject to a civil penalty of one hundred dollars (\$100.00). Thereafter, each and every subsequent single violation occurring on the same probationary rental residential dwelling shall be assessed a civil penalty of two hundred fifty dollars (\$250.00).

(4) Any duly appointed process service agent who, after receiving written notice of a violation or an order from the city, refuses to accept service of process or delivery of notices of violation or orders from the city in accordance with the agent's notarized statement attached to the application submitted for the dwelling shall be subject to a civil penalty of one hundred dollars (\$100.00). Thereafter, each and every subsequent violation occurring on the same probationary rental residential dwelling shall be assessed a civil penalty of two hundred fifty dollars (\$250.00).

(b) Equitable remedies.

The provisions of this chapter may also be enforced by any appropriate equitable action.

(c) Revocation of Rental Registration Certificate.

For each probationary rental residential dwelling having a Rental Registration Certificate which, within any twelve (12) month period occurring after the Rental Registration Certificate has been issued, has had three (3) or more of any combination of (i) criminal activity or a violation of any of the Code provisions listed in section 11-14-2(l) which occurred on site, or (ii) the owner has violated the standards listed in section 11-14-6, or (iii) any violation of this chapter relating to the probationary rental residential dwelling has occurred, the Code Enforcement Division shall issue an order revoking the Rental Registration Certificate for a period of twelve (12) months, making the probationary residential rental dwelling ineligible for a Rental Registration Certificate for a period of twelve (12) months.

(d) Revocation Warning Notice.

Following a determination that a probationary rental residential dwelling having a Rental Registration Certificate has been the site of criminal activity or a violation of any of the Code provisions listed in section 11-14-2(l) or the owner has violated the standards listed in section 11-14-6, or any violation of this chapter relating to the probationary rental residential dwelling has occurred, the holder of the Rental Registration Certificate shall be sent a notice that the Rental Registration Certificate will be revoked for a period of twelve (12) months if the holder of the Rental Registration Certificate commits a third violation during the twelve (12) month period following the first violation. Following a determination that a probationary rental residential dwelling having a Rental Registration Certificate under this chapter has for a second time within any twelve (12) month period been the site of criminal activity or a violation of any of the Code provisions listed in section 11-14-2(l), or the owner has violated the standards listed in section 11-14-6, or any violation

of this chapter relating to the probationary rental residential dwelling has occurred, the holder of the Rental Registration Certificate shall be sent a notice that if the holder of the Rental Registration Certificate commits a third violation during the twelve (12) month period following the first violation, the Rental Registration Certificate will be revoked for a period of twelve (12) months.

(e) Cancellation of revocation orders.

The Code Enforcement Division shall cancel an order revoking a Rental Registration Certificate when the owner requesting cancellation of the revocation order has paid all outstanding fees and civil penalties for the probationary rental registration dwelling and (1) the owner obtains approval from the Code Enforcement Division of a management plan for the dwelling to achieve full compliance with the standards in section 11-14-6 within the time otherwise provided by the Code, or such time as the Code Enforcement Division finds reasonable, and (2) the owner either (a) by power of attorney appoints a licensed rental agency to manage the property for the twelve (12) month period following the approval or (b) sells the property to a new owner and the new owner of the dwelling unit, who is not related by marriage or within the fifth degree of kinship to the seller, is not a business affiliate of the seller, and has not acquired from or owned with the seller any other real property at any time during the twelve (12) month period prior to title transfer, submits an affidavit so attesting along with proof of title transfer, pays all outstanding fees and civil penalties, and shows the Code Enforcement Division that the dwelling complies with the standards in section 11-14-6.

(f) Any one, all, or any combination of the foregoing penalties or remedies may be used to enforce the provisions of this chapter.

(g) Any violation of the provisions of this chapter shall be deemed a non-criminal violation and shall not be a misdemeanor or infraction pursuant to North Carolina General Statute § 14-4.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. 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.

This the _____ day of _____, 2009.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk

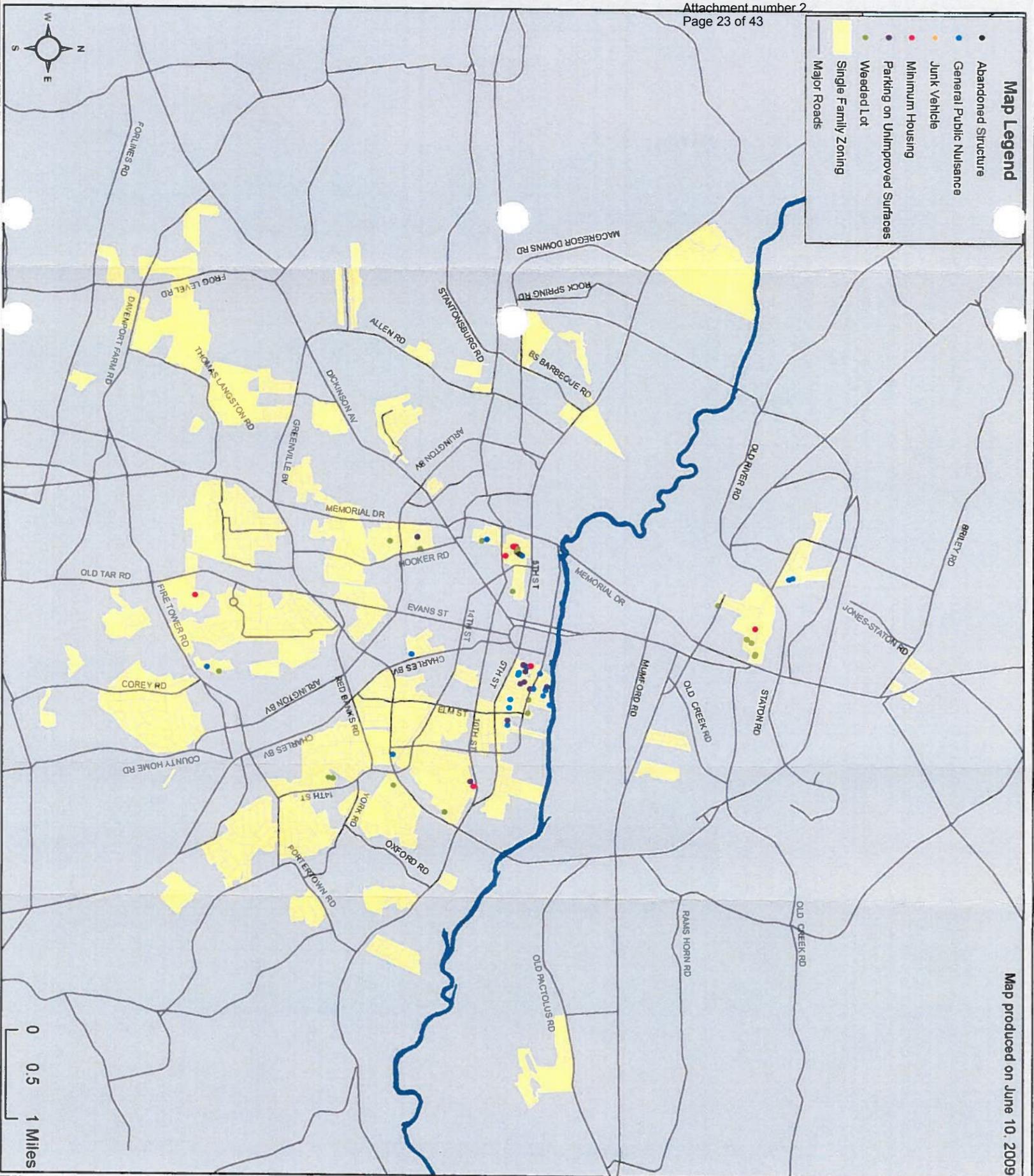
APPENDIX B

Information Rental Properties with Three or More Violations in 2008

**2008 Code Enforcement Violations within Single Family Zoning Districts (R65, R95, R155, MRS):
3 or More Violations Occurring at Non Owner Occupied Dwellings
(Violations between Jan 1, 2008 - Dec 31, 2008 / 58 Total Dwellings)**

ADDRESS	# of Violations	ADDRESS	# of Violations
1689 SCARBOROUGH RD	7	114 OAK GROVE AV	3
129 N HARDING ST	6	120 OAK GROVE AV	3
1508 FLEMING ST A	5	1215 DAVENPORT ST	3
3809 ASHCROFT DR	5	1502 FLEMING ST	3
808 BANCROFT AV B	5	1507 SE GREENVILLE BV	3
101 FIRESIDE RD	4	1686 SCARBOROUGH RD	3
1102 MONROE ST	4	1802 E 3RD ST	3
1504 FLEMING ST A	4	1902 E 3RD ST	3
1506 FLEMING ST A	4	203 WOODSIDE RD	3
1599 E 3RD ST	4	204 HARDEE CI	3
2101 PENDLETON ST	4	209 JOHN AV 35	3
212 N LIBRARY ST	4	2614 CALVIN WY	3
313 LINE AV	4	2615 JEFFERSON DR	3
3704 LIVE OAK LN 63	4	300 S JARVIS ST	3
3705 ASHCROFT DR	4	300 S SUMMIT ST	3
509 E 4TH ST	4	306 LEWIS ST	3
612 HUDSON ST	4	306 S SUMMIT ST	3
701 BELVOIR HW	4	400 ARBOR ST	3
704 WILLOW ST	4	410 PITTMAN DR	3
803 E 3RD ST	4	503 E 3RD ST O	3
808 E 3RD ST	4	707 E 4TH ST	3
101 N EASTERN ST	3	710 FLEMING ST	3
101 N SUMMIT ST	3	800 WILLOW ST	3
103 STRATFORD RD	3	801 E 4TH ST	3
103 S ROTARY AV	3	802 VANDERBILT LN	3
104 ASHTON DR	3	809 BANCROFT AV A	3
105 N ELM ST	3	809 VANDERBILT LN A	3
106 GREENFIELD BV	3	809 E 1ST ST	3
108 GREENFIELD BV	3	905 BANCROFT AV A	3

Attachment number 2
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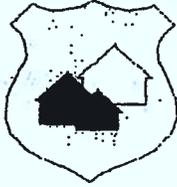


Map produced on June 10, 2009

APPENDIX C

Information on other Communities' Crime Free Housing Programs

The Schaumburg Crime Free Multi-Housing Program



MEMORANDUM

To: Rental Property Owners and Managers
From: Officer John Nebl, CFMH Program Coordinator
Date: April 2003
Subj: Residential Rental Ordinance

The Village of Schaumburg has had a requirement of owners to obtain a rental license from the village, if they own a single family home or multi-family unit (condo, townhome, etc.) and operate the property as a rental (not owner occupied).

Recently the village board enacted an ordinance that contains three new provisions relative to residential rental properties. The intent is to provide assistance to owners and managers of rental properties and provide the village a means to deal with rental properties that have become a nuisance *AND* the owner, agent (manager), or owner's designee, is failing to attempt to resolve the problems. The three main components of the ordinance are as follows:

1. Prior to renewing their current rental license, the rental property owner, agent (manager), or owner's designee shall complete an 8-hour Crime Free Multi-Housing Seminar provided by the Village of Schaumburg Police Department. With respect to new rental licenses, the owner, agent (manager), or owner's designee shall attend an 8-hour seminar either prior to or within three months of obtaining the new license. The owner, agent (manager), or owner's designee who have more than one rental property need only attend one seminar. Dates, times, and locations of the seminars are listed on the village web site (www.villageofschaumburg.org) on the Crime Free Multi-Housing section of the Police page.
2. A Crime Free Lease Addendum or similar wording in the body of the lease that specifies criminal activity as a lease violation shall be used in all residential rentals. This provides the owner/manager the means to evict a tenant that is involved with criminal activity or allows/facilitates criminal activity on the property.
3. A definition for a nuisance rental property has been established. Once a rental property is declared a nuisance *AND* the owner, agent (manager), or owners designee is failing to attempt to resolve the problems, the village manager *MAY* suspend the rental license or request the village board to revoke the rental license.

The actual ordinance is attached for your information. Should you have any questions, please contact Officer John Nebl at 847-348-7276.

ORDINANCE NO. 03-39

ORDINANCE REGARDING THE LICENSING AND OPERATION OF MULTIPLE FAMILY DWELLING UNITS, ROOMING HOUSES AND ANY SINGLE FAMILY RENTAL RESIDENTIAL UNITS

WHEREAS, the Village requires persons who rent residential units within the Village of Schaumburg secure a license from the Village of Schaumburg; and

WHEREAS, it would be in the best interests of the Village of Schaumburg and those landlords to have crime free housing; and

WHEREAS, exchange of information between landlords and the Police Department is a good way to reduce the level of crime in rental units.

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF SCHAUMBURG:

SECTION ONE: Any owner of property, which property is being rented out for residential purposes shall attend and complete a Village of Schaumburg Crime Free Multi-Housing Program Seminar. The owner, agent or designee shall attend the Seminar prior to obtaining or being issued a Village of Schaumburg residential operator license. Any current license holders shall have until December 1, 2003, to attend the Village of Schaumburg Crime Free Multi-Housing Program Seminar.

SECTION TWO: In the event a Village of Schaumburg Crime Free Multi-Housing Program Seminar is not available prior to obtaining the operating license, a conditional license may be issued subject to the owner, agent or designee attending the Village of Schaumburg Crime Free Multi-Housing Program Seminar within three months of issuance of the license. In the event that seminar is not attended within three months, the license shall be void without any need of further action. After the seminar is attended, the license shall be issued for the balance of the year.

SECTION THREE: A property manager shall be considered an agent of the owner. If a new manager is hired, the new manager shall have three months after hiring to attend the Village of Schaumburg Crime Free Multi-Housing Program Seminar.

SECTION FOUR: Any owner, agent or designee shall attend the Village of Schaumburg Crime Free Multi-Housing Program Seminar every three years.

SECTION FIVE: The Crime Free Multi-Housing Coordinator, as designated by the Director of Police, shall provide the Finance Director with a list of owners, agents and/or designees who have attended the Village of Schaumburg Crime Free Multi-Housing Program Seminar, with the date of attendance and verification that the owner, agent or designee has complied with this ordinance and is eligible to obtain, maintain or renew the operating license.

**ORDINANCE REGARDING THE LICENSING AND OPERATION OF MULTIPLE FAMILY DWELLING UNITS,
ROOMING HOUSES AND ANY SINGLE FAMILY RENTAL RESIDENTIAL UNITS**

SECTION SIX: Any owner, agent or designee of residential rental property is required to utilize a crime free lease addendum or have a clause in the lease similar to a crime free lease addendum for any leases executed after December 1, 2003. The Crime Free Multi-Housing Coordinator shall provide at no cost samples of the crime free lease addendum and shall review any clauses within actual leases with the Village Legal Department to determine if the clause is similar to the crime free lease addendum. The clause is to make criminal activity (not limited to violent criminal activity or drug related criminal activity engaged by, facilitated by or permitted by the renter, member of the household, guest or other party under the control of the renter) a lease violation. The landlord shall have authority under that clause to initiate an eviction proceeding as specified in the Illinois Compiled Statutes Forcible Entry and Detainer statutes. Proof of criminal violation shall be by a preponderance of the evidence.

SECTION SEVEN: That Title 9, Section 90.55 be amended to add as follows:
Nuisance Residential Rental Property. It is hereby declared a nuisance and to be declared against the health, peace and comfort of the Village for any property owner, agent, or manager to allow or permit the following: a) rental of a residential unit, or residential building within an apartment community or governed by a homeowner's association to a tenant who allows any of the following offenses to occur relating to the tenant, member of the tenant's household, guest or other party under control of the tenant to occur: murder, kidnapping, aggravated kidnapping, prostitution, solicitation of prostitution, pandering, obscenity, child pornography, harmful materials, sale of obscene publication, criminal housing management, possession of explosives, unlawful use of weapons, sale of firearms, gambling, keeping a gambling place, concealing a fugitive, violation of the Illinois Controlled substances Act, violation of the Cannabis Control Act or commission of any two or more of any other crimes under the State of Illinois or under the Federal Government not specifically listed above; b) rental of a residential unit, or residential building within an apartment community or governed by a homeowner's association to a tenant who allows any of the following offenses to occur relating to the tenant, member of the tenant's household, guest or other party under control of the tenant to occur: commission of 4 or more Village ordinance violations in a six month period or an unreasonably high number of calls for police service including, but not limited to, calls that may fall within the descriptions listed above that when compared to other properties in the Village of Schaumburg of similar type, reasonably indicate that the activity at this property is out of character for the area and is impacting the quality of life of those in the area.

SECTION EIGHT: The Village Manager may suspend and/or recommend revocation of any license issued hereunder if it appears to his satisfaction from the report of any Village officer or Village employee making an inspection, or any other available information, that the licensee is violating any law or ordinance, or is in violation of the nuisance section or his operating in a manner not conducive to the public health, morals or safety. Any suspension of a license may be appealed directly to the President and Board of Trustees within 15 days of rendering his decision by the Village Manager. In the event the Village Manager determines that revocation of the license is appropriate, he shall so forward his recommendation to the Village President and Board of Trustees for their review and determination.

**ORDINANCE REGARDING THE LICENSING AND OPERATION OF MULTIPLE FAMILY DWELLING UNITS,
ROOMING HOUSES AND ANY SINGLE FAMILY RENTAL RESIDENTIAL UNITS**

SECTION NINE: That this Ordinance shall be in full force and effect, after passage, approval and publication as required by law.

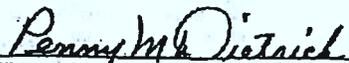
AYES: (6) **TRUSTEES:** CONNELLY, ECKER, DAILLY, DUNHAM, SULLIVAN,
NAYS: (0) NONE RILEY
ABSENT: (0) NONE

PASSED AND APPROVED this 25th day of March, 2003.

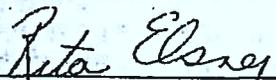


Village President

ATTEST:


Village Clerk

APPROVED:


Assistant Village Attorney

S:\legal\ords\crime free multi-housing

ORDINANCE NO. 0-12-07

**AN ORDINANCE REGARDING THE LICENSING AND OPERATION OF MULTIPLE
FAMILY DWELLING UNITS, ROOMING HOUSES AND ANY SINGLE FAMILY
RENTAL RESIDENTIAL UNITS**

**Published in pamphlet form by authority of the
Mayor and Village Council of the Village of Palatine
On February 12, 2007**

ORDINANCE NO. 0-12-07

ORDINANCE REGARDING THE LICENSING AND OPERATION OF MULTIPLE FAMILY DWELLING UNITS, ROOMING HOUSES AND ANY SINGLE FAMILY RENTAL RESIDENTIAL UNITS

WHEREAS, the Village of Palatine ("Village") requires persons who rent residential units within the Village secure a license from the Village of Palatine and requires persons who rent residential units within the Village to attend a crime free multi housing seminar; and

WHEREAS, it would be in the best interests of the Village and those landlords to have crime free housing; and

WHEREAS, exchange of information between landlords and the Palatine Police Department is a good way to reduce the level of crime in rental units.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALATINE:

Section 1: Any owner of property, which property is being rented out for residential purposes shall attend and complete a Village of Palatine Crime Free Multi-Housing Program Seminar ("Seminar"). The owner, agent or designee of a new rental unit shall attend the Seminar prior to obtaining or being issued a new Village Rental Dwelling License. Any current rental dwelling license holders shall have until the expiration date of the current rental dwelling license to attend the Seminar.

Section 2: A property manager shall be considered an agent of the owner. If a new property manager is hired, the new property manager shall have three months after hiring to attend the Village of Palatine's Crime Free Multi-Housing Program Seminar ("Seminar").

Section 3: Any owner, agent or designee shall attend the Seminar once every three years, and be compliant with this Ordinance prior to the expiration of a license for that particular year.

Section 4: The Crime Free Multi-Housing Coordinator, as designated by the Chief of Police, shall provide the Finance Director and Director of Community Development with a list of owners, agents and/or designees who have attended the Seminar, with the date of attendance and verification that the owner, agent or designee has complied with the Ordinance and is eligible to obtain, maintain or renew the operating license.

Section 5: Any owner, agent or designee of residential rental property is required to utilize a crime free lease addendum or have a clause in the lease similar to a crime free lease addendum for any leases executed. At the Seminar, the Crime Free Multi-Housing Coordinator shall provide, at no cost, samples of the crime free lease addendum and shall review any clauses within actual leases with the Village's Legal Department to determine if the clause is similar to the crime free lease addendum. The clause is to make criminal activity (not limited to violent criminal activity or drug related criminal activity engaged by, facilitated by or permitted by the renter, member of the household, guest or other party under the control of the renter) a lease violation. The landlord shall have authority under that clause to initiate an eviction proceeding as specified in the Illinois Compiled Statutes Forcible Entry and Detainer statutes. Proof of criminal violation shall be by a preponderance of the evidence.

Section 6: Nuisance Residential Rental Property. It is hereby declared a nuisance and to be declared against the health, peace and comfort of the Village for any property owner, agent, or manager to allow or permit the following: (a) rental of a residential unit or residential building within

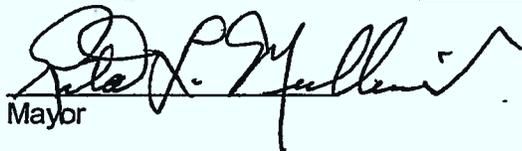
an apartment community or governed by a homeowner's association to a tenant who allows any of the following offenses to occur relating to the tenant, member of the tenant's household, guest, or other party under control of the tenant, to occur: murder, kidnapping, aggravated kidnapping, prostitution, solicitation of prostitution, pandering, obscenity, child pornography, harmful materials, sale of obscene publication, criminal housing management, possession of explosives, unlawful use of weapons, sale of firearms, gambling, keeping a gambling place, concealing a fugitive, violation of the Illinois Controlled Substances Act, violation of the Cannabis Control Act or commission of any two or more of any other crimes under the State of Illinois or under the Federal Government not specifically listed above; (b) rental of a residential unit, or residential building within an apartment community or governed by a homeowner's association to a tenant who allows any of the following offenses to occur relating to the tenant, member of the tenant's household, guest or other party under control of the tenant to occur: (1) commission of 4 or more Village ordinance violations in a six month period or an unreasonably high number of calls for police service including, but not limited to, calls that may fall within the descriptions listed above that, when compared to other properties in the Village of similar type, reasonably indicate that the activity at this property is out of character for the area and is impacting the quality of life of those in the area.

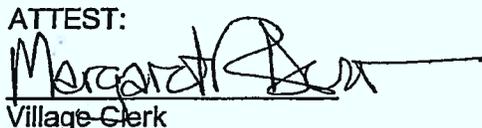
Section 7: The Village may seek to enforce this Ordinance by seeking any and all remedies under this Chapter, including the imposition of fines. In addition, the Village Manager may suspend and/or recommend revocation of any license issued hereunder if it appears to his satisfaction from the report of any village officer or village employee making an inspection, or any other available information that the licensee is violating this law or ordinance or any law or ordinance, or is in violation of the nuisance section or his operating in a manner not conducive to the public health, morals or safety. Any suspension of a license pursuant to this Section may be appealed directly to the Mayor and Village Council within 15 days of rendering his decision by the Village Manager. In the event the Village Manager determines that revocation of the license is appropriate, he shall so forward his recommendation to the Mayor and Village Council for their review and determination.

Section 8: That this Ordinance shall be in full force and effect, after passage, approval and publication as required by law; however, shall not be effective until April, 2007.

AYES: 6
NAYS: 0
ABSENT: 0

PASSED AND APPROVED this 12th day of February, 2007.


Mayor

ATTEST:

Village Clerk

ORDINANCE NO. 08-022

~~An Ordinance of the Village of Lansing~~
Adopting a Crime-Free Housing Policy and Providing for the
Licensing of Persons Engaged in the Rental of Housing Units

WHEREAS, the Village of Lansing is a Home Rule Municipality within the purview of Article VII, Section 6 (a) of the Illinois Constitution (1970), and the said Village, therefore, may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, it finds that the economic stability of the municipality and the welfare of its citizens directly depend upon stable, peaceful and crime-free living patterns; and

IT FURTHER FINDS that such living patterns and the health, welfare and safety of its residents are threatened by criminal activities and unsafe conditions which may exist in units of rental housing located throughout the municipality; and

WHEREAS, the Mayor and Village board of the Village of Lansing, therefore, find and determine that it is in the best interests of the community that persons who are engaged in the business of renting dwelling units to the public be licensed and that such persons and the premises or property which they rent or lease to others for dwelling purposes be licensed and those engaged in the rental of residential property and dwelling units be subject to regulations relating to the health, safety and welfare of the community.

NOW THEREFORE, BE IT ORDAINED by Mayor and Village Board of the Village of Lansing, County of Cook, State of Illinois, that the Municipal Code of the Village of Lansing be amended by adding Article X to Chapter 16, entitled Licenses and Business Regulations, as follows:

CHAPTER 16

ARTICLE TEN

Crime Free Residential Housing Licensing and Regulation

Section 16.356. License Required:

No person, firm, corporation or business entity, condominium, townhouse or homeowners' association shall engage in the business of renting any dwelling unit to the public, including the rental of a single family residence, rental dwelling or dwelling unit, rooming house or rooming unit, unless a valid Residential Rental License has been issued by the Village Clerk to the owner for the specific location. This licensing requirement shall not apply to group homes governed by the Specialized Living Centers Act, 405 ILCS 25/1 et seq., dealing with the developmentally disabled, or other similar uses governed by state or federal laws, rules or regulations.

Section 16.357. Application for License

Application for a Residential Rental License shall be made in the name of the legal owner of the premises to be rented, submitted to the Village Clerk on forms provided by the Clerk. The application shall identify the location of the property; the name, address and telephone of the owner; the name, address and 24-hour telephone(s) of the manager or custodian of the property; the owner's agent for service of process; and such other information as the Clerk may reasonably require.

Section 16.358. License Fee

The annual fee for a Residential Rental License shall be paid at the time of application as follows:

1 to 24 dwelling units: \$100.00 per year
25 or more dwelling units: \$200.00 per year

Section 16.359. Term of License; Transfer Prohibited; Renewal

A Residential Rental License shall be issued for a period of one calendar year. All licenses shall expire on December 31 next after issuance, unless previously revoked. The license shall not be transferable. Each new owner of the rental dwelling unit must obtain a license. Application for renewal shall be made in the same manner as for a new license.

Section 16.360. Inspection Required

No Residential Rental License shall be issued or renewed unless the dwelling unit(s) and common area(s) in connection with which the license is sought are found after inspection to meet all applicable laws and regulations. These inspections are for the purpose of insuring structural integrity and safety, and will be conducted by the Village of Lansing Building, Fire, and Police Departments. Rental dwelling units that change ownership shall be required to be inspected before a new license can be issued. The owner will be provided with an inspection report describing any condition which constitutes a violation of any applicable law or regulation, and shall be afforded a reasonable opportunity to correct any such conditions. In the event that more than two (2) followup inspections are required to determine compliance, the applicant shall pay an additional inspection service charge of \$100.00 for each additional inspection. Payment must be made in full prior to issuance of the license. An itemized list of the items to be inspected is attached hereto as Exhibit "A" and made a part hereof.

Section 16.361. Crime-Free Housing Seminar Required

All persons applying for a Residential Rental License and all persons administering, managing or controlling the operation of any rental dwelling unit must attend a Crime-Free Multi-Housing Seminar, administered by the Lansing Police Department, prior to issuance of the license. The seminar may be attended after application has been submitted and the license will be issued after successful completion of the training seminar. Licensees are only required to attend one seminar.

Section 16.362. Crime-Free Lease Addendum

Every lease or other agreement for residential rental property is required to utilize a crime free lease addendum or have a clause in the lease similar to a crime free lease addendum for any leases executed after the date of enactment of this Ordinance. The Crime Free Multi-Housing Coordinator shall provide at no cost samples of the crime free lease addendum and shall review any clauses within actual leases with the Village Legal Department to determine if the clause is similar to the crime free lease addendum. The clause is to make criminal activity (not limited to violent criminal activity or drug related criminal activity engaged by, facilitated by or permitted by the renter, member of the household, guest or other party under the control of the renter) a lease violation. The landlord shall have authority under that clause to initiate an eviction proceeding as specified in the Illinois Compiled Statutes Forcible Entry and Detainer statutes. Proof of criminal violation shall be by a preponderance of the evidence.

The aforementioned "Crime-Free Lease Addendum" shall be written in substantially the following form:

Crime-Free Lease Addendum

In addition to all other terms of the lease, Landlord and Tenant agree as follows:

1. The Tenant, any member of the Tenant's household, any guest or any other person associated with the Tenant on or near the leased premises:

a) Shall not engage in criminal activity, including drug-related criminal activity, **on or near the leased premises**. "Drug related criminal activity" means the illegal manufacture, sale, distribution, use, or possession of any illegal or controlled substance as defined in 21 U.S.C. 802.

b) Shall not engage in any act intended to facilitate criminal activity.

c) Shall not permit the dwelling unit to be used for or to facilitate any criminal activity.

2. ANY ACTIVITY PROHIBITED BY THIS AGREEMENT SHALL CONSTITUTE A SUBSTANTIAL VIOLATION OF THE LEASE, MATERIAL NONCOMPLIANCE WITH THE LEASE, AND GROUNDS FOR TERMINATION OF TENANCY AND EVICTION.

Section 16.363. Periodic Inspection

Every residential rental property is subject to periodic safety inspection by the Village of Lansing at reasonable times and in a reasonable manner to ensure continuing compliance with all applicable laws and regulations. The property owner will be given prior notice of the safety inspection. Whenever it appears by inspection that conditions or practices exist which are in violation of the provisions of this chapter or of any applicable laws and regulations, the Village shall serve the owner or operator with notice of such violation, stating what action is required to correct the violation and the time period allowed for correction. Such notice shall state that unless the violations cited are corrected within the time allowed, the Residential Rental License may be suspended or revoked.

Section 16.364. Violation of "Crime Free Lease Addendum" Prohibited

It is the responsibility of the Lansing Police Department to notify the property owner of any criminal activity which falls within the scope of the "Crime Free Lease Addendum" that occurs on or near the property. It shall be the responsibility of the landlord to initiate appropriate action when the Crime Free Lease Addendum is violated. If the situation is not addressed by the landlord to the satisfaction of the Lansing Police Department, the Lansing Police Department will notify the Village Clerk to initiate Residential Rental License revocation procedures.

Section 16.365. Suspension or Revocation of License; Hearing; Appeal

The Village Clerk may suspend or revoke any Residential Rental License, on not less than five (5) days notice to the licensee and after affording the licensee an opportunity for a hearing, whenever the Clerk finds that the licensee has failed or refused to correct any violation of any law or regulation applicable to the property, after reasonable notice and opportunity to take corrective action. Any person whose license has been suspended or revoked by the Village Clerk shall be entitled to an appeal to the Mayor.

BE IT FURTHER ORDAINED that the Clerk of the Village of Lansing is authorized and directed to note that the fact of the amendment hereby adopted in the Code:

BE IT FURTHER ORDAINED that any provision of this ordinance or application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other portions or applications of this ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this ordinance are declared to be severable.

All ordinance or parts of ordinances in conflict with this ordinance are hereby repealed.

This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form, as provided by law.

PASSED this 16th day of September, 2008.

AYES: 6 - Lucas, Ryan, DeLaurentis, Eidam, Myers, Abbott

NAYS: 0

ABSENT: 0

APPROVED this 16th day of September, 2008.



Village President

ATTEST:


Village Clerk

PREPARED BY AND APPROVED AS TO FORM:


Village Attorney

Rental Property Inspection Checklist

The standards suggested on this checklist were summarized from the International Building Code for Existing Structures (2006).

Exterior

- Address number visible and readable from street Yes No
- Stairs, treads, porch flooring, and railings intact and sturdy Yes No
- Sturdy exterior door with functioning lock Yes No
- Repairs needed _____

Exit Doors

- Operate easily Yes No
- Opens without the need for a key from the inside Yes No
- Repairs needed _____

Apartment Doors

- Fit, finish, and functional hardware (lock and latch) Yes No
- Fire-resistant doors required in multifamily buildings more than three stories

Hallway/Entryway/Stairway

- Clear passage (no storage or clutter) Yes No
- Lighted Yes No
- Repairs needed _____

Living Area

Fire Safety

Smoke Detectors

- At least one is required for each apartment.
- May be battery operated or wired to central alarm system
- Must be operational (tenant is responsible for battery replacement)
- Must be audible throughout apartment.
- Properly placed and in working order. Yes No
- Repairs needed _____

EXHIBIT A

Carbon Monoxide Detectors

- Within 15' of all bedrooms, in units using fuel fired heat or appliances.
- May be battery operated or wired
- Must be operational (tenant is responsible for battery replacement)
- Must be audible throughout apartment Yes No
- Repairs needed _____

Fire Exits

- Each bedroom requires a window to the exterior of the building.
- Each apartment must EXIT to the corridor, giving "direct" and "unblocked" exit to the exterior of the building.
- Exit doors must not require a key to exit if locked.
- No flammable or explosive material may be stored in the building.

Health or life safety issues which need to be addressed: _____

SEC. 10.11. MULTI-HOUSING ORDINANCE

SUBD. 1. PURPOSE. The City of Buffalo has the power to enact this Ordinance under Minnesota Stat. 9412.221, Subdivisions 5, 23 and 32. It is the purpose of this Ordinance to protect the public health, safety and welfare of the community at large and the residents of rental dwellings in the City of Buffalo. The operation of rental residential properties is a business enterprise that entails certain responsibilities. Operators are responsible to take such reasonable steps as are necessary to ensure that the citizens of the city who occupy such units may pursue the quiet enjoyment of the normal activities of life in surroundings that are: safe, secure and sanitary; free from noise, nuisances or annoyances; and free from unreasonable fears about safety of persons and security of property. The general objectives of this Ordinance include the following:

- A. Ensuring that rental housing in the city is operated and maintained so as not to become a nuisance to the neighborhood.
- B. Protecting the character and stability of residential areas within the City.
- C. Correcting and preventing housing conditions that adversely affect or are likely to adversely affect the life safety, general welfare, and living conditions of persons occupying dwellings within the City of Buffalo.

SUBD. 2. INTENT. It is the intent of this Ordinance that a permanent mode of protecting and regulating the living conditions of citizens of the city be established; and that uniform standards be established and applicable for all rental dwellings in the city. This Ordinance is not to be construed or interpreted to supersede or limit any other such applicable ordinance or law.

SUBD. 3. DEFINITIONS. For the purpose of this subchapter, the following definitions apply unless the context clearly indicates or requires a different meaning.

Dwelling. A building or one or more portions thereof occupied or intended to be occupied for residence purposes, providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation, including mobile homes; but not including rooms in motels, hotels, nursing homes, boarding houses, trailers, tents, cabins or trailer coaches.

General Housing Unit. A dwelling, including but not limited to a townhouse, condominium, double bungalow, residential zero lot line (split double), single family or tri-plex.

Hotel/Motel. A building or one or more portions thereof occupied or intended to be occupied for residence purposes, which may or may not provide complete, independent living facilities for one or more persons, including provisions for the occupants that may include living, sleeping, eating, cooking and sanitation, which may be occupied on a temporary, semi-permanent, or long-term basis.

Let for Occupancy or To Let. To permit possession or occupancy of a rental dwelling by a person who is not the legal owner of record thereof, pursuant to a written or unwritten lease, or pursuant to a recorded or unrecorded agreement whether or not a fee is required by the agreement.

Multi-Housing Unit. A community, complex, or building having a common owner and containing 4 or more living units, excluding mobile home parks.

Operator/Manager. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

Owner. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise

Section 10.11 - Multi-Housing Ordinance

having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court, or any person representing the actual owner.

Rental Dwelling. Any Dwelling, General Housing Unit, or Multi-Housing Unit let for occupancy.

SUBD. 4. MULTI-HOUSING REGISTRATION REQUIRED. No person shall hereafter occupy, allow to be occupied, or let to another person for occupancy, any Rental Dwelling contained in a Multi-Housing Unit within the City, for which a rental unit registration for the property has not been issued by the City Administrator of the City. Registration is required annually and shall be done no later than January 31st of each year. An application for registration shall be made upon forms furnished by the City for such purpose and shall specifically require the following minimum information:

- A. Name, address, phone number and FAX number (if the owner has one) of the property owner.
- B. Name, address, phone number, FAX number (if the Operator/Manager has one), email address (if the Operator/Manager has one), of the Operator/Manager of the designated local property.
- C. The street address of the Multi-Housing Unit
- D. The number and types of units within the Multi-Housing Unit
- E. The name, phone number, FAX number (if available) and address of the person authorized to make or order made repairs or services for the property if in violation of City or State codes, if the person is different than the Owner or Operator/Manager.

SUBD. 5. REGISTRATION RECOMMENDED. Each Owner of any Rental Dwelling that is not considered part of a Multi-Housing Unit as herein defined, is encouraged to register their property as a Multi-Housing Unit as outlined Subdivision 4. Owners who voluntarily register their Rental Dwelling are required to comply with the requirements of this section during their active period of registration.

Any Owner who voluntarily registers their property as a Multi-Housing Unit as outlined in Subdivision 4, may withdraw from the program by providing a 30-day notice to the Buffalo Police Department of their intent to do so. There will be no reimbursement of fees collected when a voluntary separation from the program occurs.

SUBD. 6. TRANSFER OF PROPERTY. Every new owner of a Multi-Housing Unit shall be required to furnish to the City Administrator or their designee, the registration information as required in Subdivision 4, before taking possession of the Multi-Housing Unit upon closing of the transaction. No registration fee shall be required of the new owner during the year in which possession takes place, provided that the previous owner has paid all registration fees and has complied with all requirements of this Chapter.

SUBD. 7. FEES. The registration fee and background check fees shall be in the amount set by the City Council from time to time by resolution.

SUBD. 8. REGISTERED MULTI-HOUSING UNIT REQUIREMENTS. All Owners and Operator/Managers of all Registered Multi-Housing Units are required to comply with the following:

- A. Require all prospective tenants 18 years of age or older to complete a tenant application, and Authorization for Release of Information waiver, as provided by the Buffalo Police Department;
- B. Require that all lessee's present proper photo identification at the time of application;
- C. Provide written rental criteria to each prospective tenant, which indicates that rental will be denied if the prospective tenant misrepresents information on the application;

Section 10.11 - Multi-Housing Ordinance

- D. Conduct BCA background checks on all prospective tenants;
- E. Assist in conducting resident crime prevention meetings when requested by the Buffalo Police Department;
- F. Include in its leases the lease addendum for crime-free, drug-free housing as defined by the Minnesota Attorney General's Office, and as approved by the Buffalo Police Department;
- G. Maintain a current register of tenants and other persons who have a lawful right to occupancy of any Rental Dwelling;
- H. Pay all associated fees for background checks to the Buffalo Police Department, as set by the City Council by resolution.

SUBD. 9. CONDUCT ON REGISTERED PREMISES. It shall be the responsibility of the licensee to see that persons occupying the licensed premises conduct themselves in such a manner as not to cause the premises to be disorderly. For purposes of this section, a premises is considered to be disorderly whenever any of the following activities occur, whether or not formal charges are sought:

- A. Conduct that constitutes a violation of the City Code relating to the City Public Nuisance Ordinance;
- B. Conduct which constitutes a violation of laws relating to the possession of controlled substances, as defined in State Statute;
- C. Conduct which constitutes a violation of the City Code relating to disorderly conduct, or creating a breach of the peace, or violation of laws relating to disorderly conduct as defined in State Statute MS 609.72;
- D. Conduct which constitutes a violation of City Code or State Statutes relating to minor possessing or consuming alcohol, relating to providing alcohol to minors, or violation of State Statutes related to sales of intoxicating liquors;
- E. Conduct which constitutes a violation of City Code or State Statutes relating to prostitution and indecent exposure;
- F. Conduct, which constitutes a violation of City Code or State Statutes relating to weapons.
- G. Conduct which constitutes a violation of City Code or State Statutes relating to assaults, including domestic assaults, unless the original call for service is made by the victim of a domestic assault;
- H. Conduct which constitutes a violation of laws relating to contributing to the need for protection or services or delinquency of a minor, as defined in State Statute.
- I. Conduct which constitutes a violation of any other Federal Law, State Law, or Local Ordinance, which would be likely to threaten, annoy or harass other tenants, or other neighbors to the residential rental unit.

SUBD. 10. RESPONSE TO IMPROPER CONDUCT ON REGISTERED PREMISES. The City Administrator or their designee, is responsible for enforcement and administration of this Chapter.

- A. Upon determination by the City Administrator or their designee that a Registered Rental Dwelling was used in a disorderly manner as described in Subdivision 9 of this Chapter, the City Administrator or their designee shall give notice to the Operator/Manager of the Registered Rental Dwelling and the renters of the Rental
Item # 11

Section 10.11 - Multi-Housing Ordinance

Dwelling, of the violation, and direct the Operator/Manager to take steps to prevent further violations.

B. If another instance of disorderly use of the Registered Rental Dwelling occurs within three (3) months of an incident for which a notice was previously given under Clause A of this subdivision, the City Administrator or their designee, shall notify the Operator/Manager of the Registered Rental Dwelling and the renters of the Rental Dwelling, of the violation, and direct the Operator/Manager to take action to prevent further occurrences. The Operator/Manager is required to provide a written notice to the City Administrator or their designee, detailing all actions taken by the Operator/Manager in response to all notices of disorderly use of the premises within the preceding three (3) months.

C. If another instance of disorderly use of the Registered Rental Dwelling occurs within three (3) months after any two (2) previous instances of disorderly use for which notices were given to the Operator/Manager and the Renter of the Rental Dwelling, and the Operator/Manager has not "taken action to prevent disorderly use of the premises", the City Administrator or their designee shall make demand to the Operator/Manager that the Renters of the affected Rental Unit be evicted.

Upon receipt of the demand for eviction notice, the Owner or Operator/Manager may request a hearing before a Hearing Officer to consider the eviction demand. The request for the hearing must be made within 14 days after the notice of eviction demand is made to the Owner or Operator/Manager. Eviction Demand notices shall be deemed to have been received after passage of five (5) business days following the date the notice was mailed. When a request for a hearing is made by the Owner or Operator/Manager, the hearing shall be held no less than thirty (30) days after the City Administrator or their designee receives such a request. Following the hearing, the Hearing Officer may uphold or rescind the eviction demand, as they deem necessary to accomplish the purposes of this Chapter.

No adverse action shall be taken or imposed against the Owner or Operator/Manager of any Rental Dwelling while a hearing before the Hearing Officer is pending, or while eviction proceedings (unlawful detainer) are pending, or within thirty (30) days of notice given by the Owner, or Operator/Manager to a tenant to vacate the premises.

Eviction proceedings shall not be a bar to adverse action taken against the Owner or Operator/Manager of any Rental Dwelling unless they are being diligently pursued. Further, an action to demand eviction under this section may be postponed or discontinued at any time if it appears that the Owner or Operator/Manager has taken appropriate action, which will prevent further instances of disorderly use.

D. A determination that the registered premises have been used in a disorderly manner as described in Subdivision 9 shall be made upon a fair preponderance of the evidence to support such a determination. It shall not be necessary that criminal charges be brought in order to support a determination of disorderly use, but the incident must have resulted in the police being called to the Rental Dwelling Unit premises, and a police report being prepared.

E. For purposes of this Ordinance, disorderly use of the Rental Dwelling Unit shall mean disorderly use in the particular rental unit by the renters, occupants, or guests, or conduct by the tenants, which constitutes disorderly use anywhere on the property of the Multi-Housing Unit.

F. Enforcement actions provided in this section are not exclusive, and the City Council may take any action with respect to any Rental Dwelling as is authorized by the City Code, State or Federal Law.

G. If an Owner or Operator/Manager fails to initiate eviction proceedings in response to a lawful demand made under this Section, the Owner of the property shall be subject to a Repeat Nuisance Service Call Fee, as outlined in Section 10.10 of City Code, for each additional violation of Subdivision 9 of this Chapter. For purposes of

Section 10.11 - Multi-Housing Ordinance

this Section, each day a violation of Subdivision 9 occurs will constitute a separate violation.

SUBD. 11. EFFECTIVE DATE. All provisions of this Chapter shall become effective January 1, 2004.

SUBD. 12. NO RETALIATION. No Owner, or Operator/Manager shall evict, threaten to evict, or take any other punitive action against any tenant by reason of good faith calls made by such tenant to law enforcement agencies relating to criminal activity, suspected criminal activity, suspicious occurrences or public safety concerns. This section shall not prohibit the eviction of tenants for unlawful conduct of a tenant or invitee of the tenant for violation of any rules, regulations or lease terms other than a prohibition against contacting law enforcement agencies.

SUBD. 13. RESPONSIBILITY FOR ACTS OF OPERATOR/MANAGER. Owners are responsible for the acts or omissions of their Operator/Manager(s)

SUBD. 14. MAINTENANCE STANDARD. Every Rental Dwelling shall be maintained in accordance with the building standards of the City of Buffalo and the State of Minnesota, and in a manner so as not to create a nuisance pursuant to City Code.

SUBD. 15. PENALTIES. Failure to register a Multi-Housing Unit as required in Subdivision 4 of this Chapter, shall constitute a misdemeanor violation.

SUBD. 16. SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this Chapter is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Chapter.

Source: Ordinance No. 57, Series V

Effective Date: 04-19-2004

EXCERPT FROM MINUTES ADOPTED BY CITY COUNCIL

Greenville, NC
February 22, 2010

The Greenville City Council met in a regular meeting on the above date at 6:00 PM in Room 337 of City Hall, with Mayor Patricia C. Dunn presiding. The meeting was called to order, followed by the invocation by Council Member Joyner and the pledge of allegiance to the flag. The following were present.

Mayor Patricia C. Dunn
Mayor Pro-Tem Bryant Kittrell
Council Member Marion Blackburn
Council Member Rose H. Glover
Council Member Max R. Joyner, Jr.
Council Member Calvin Mercer
Council Member Kandie Smith
Wayne Bowers, City Manager
Wanda T. Elks, City Clerk
David A. Holec, City Attorney

CRIME-FREE RENTAL HOUSING PROGRAM

City Manager Wayne Bowers stated that on November 9, 2009, Kathy Harrington made a presentation to the City Council on the crime-free rental housing program. Staff has asked to investigate and has been unable to find any North Carolina Cities with the program, even though there are some in the country.

Council Member Blackburn stated that she would like for the City to take a look at achievable steps and incorporate them into the program, looking at single-family homes as a starting point.

Some Council Members expressed that they didn't mind the voluntary part. Chapel Hill had the program and did away with it. They expressed that they would rather spend the resources on something that does work, which is code enforcement officers. Staff was asked for an opinion on whether the money would be better spent on code enforcement and where the City would get the most bang for its buck.

Suggestions were made by Council Members, such as designating a local representative for the rental properties and having a lease addendum for landlords to use if they wish to.

City Manager Bowers stated that staff can look at it and come up with what resources would be needed for voluntary program.

Upon being asked if the Chief of Police can identify where the problems are coming from, he replied that he could.

Motion was made by Council Member Glover and seconded by Council Member Joyner to recommend to the City Manager and Chief of Police that they look at finding the money to hire more code enforcement officers, as there aren't enough per capita. Motion carried unanimously.

The Mayor asked the Council what instruction it wanted to give staff regarding the rental housing program.

Ms. Kathy Harrington informed the Council that the type of situation that is difficult for the Police Department to deal with is in the place of two blocks, there are five people dealing drugs. When she calls the Police Department to give them information and give where they are living and what they look like, it is difficult for the Police Department to go to a landlord and let them know their tenant is dealing drugs. If the program was in place, the landlords would have to do a background check.

Upon being asked if the City could shut them down, the Chief explained that the Police Department would have to establish probable cause and that could take time. It depends on the investigation itself. A registry could make it easier to get into the property.

Upon being asked which would help more, more code enforcement or the rental registry, the Chief of Police responded, "both".

Motion was made by Council Member Joyner and seconded by Council Member Glover to call the question. Motion carried with a 4:2 vote. Those voting in favor of the motion included Council Member Joyner, Glover, Kittrell, and Mercer. Council Members Blackburn and Smith voted in opposition.

Motion was made by Council Member Joyner and seconded by Council Member Glover to not pursue the rental housing registry.

After discussion about whether it would be beneficial to spend the money on code enforcement of the rental housing registration, motion was made by Council Member Joyner and seconded by Council Member Glover to call the question. Motion carried unanimously.

The motion originally made by Council Member Joyner and seconded by Council Member Glover to not pursue the rental housing registry was then voted on and carried unanimously.

Staff was asked to provide the following information.

- Resources on what will be needed for a voluntary rental housing program
- Opinion on whether money would be better spent on code enforcement or the rental housing program

TO: Barbara Lipscomb, City Manager
FROM: David A. Holec, City Attorney 
DATE: November 20, 2012
SUBJECT: Rental Registration and Inspections of Rental Properties

There has been a request to provide a report on a Rental Registry Program. The purpose of this memo is to provide a summary of North Carolina statutory provisions relating to this subject. During the 2011 Session of the North Carolina General Assembly, a law was enacted which impacted the City's authority in this subject area by amending North Carolina General Statute 160A-424. A summary of the law is as follows:

- 1) ***Creating a rental registration program.*** The City could establish a rental registration program. A rental registration program requires that all landlords provide information to the City about each residential rental unit. However, G.S. 160A-424 establishes restrictions upon the establishment of a rental registration program. The City cannot levy a fee for residential property registration unless the property has 2 or more verified violations within the previous 12 months or is in the top 10% of properties with a crime or disorder problem (but then not to exceed a rate of between \$15 and \$25 based upon the number of rental units). Additionally, G.S. 160A-424 provides that the City cannot require a landlord to obtain a permit prior to renting a dwelling unit unless the landlord has 3 or more violations in a 12 month period or is in the top 10% of properties with crime or disorder problems. Requiring a permit prior to renting a dwelling is more than a rental registration program --- this would be a permit program. A permit program is only authorized if the landlord has 3 or more violations in a 12 month period or is in the top 10% of properties with crime or disorder problems.
- 2) ***Requiring inspections of rental properties.*** G.S. 160A-424 limits the ability of the City to accomplish periodic inspections of residential buildings or structures. It provides that, except for the exception noted below, periodic inspections may be made only when there is reasonable cause to believe that unsafe, unsanitary, or otherwise hazardous or unlawful conditions may exist in a residential building or structure. For purposes of the new law, the term 'reasonable cause' means any of the following: (i) the landlord or owner has a history of more than two verified violations of the housing ordinances or codes within a 12-month period; (ii) there has been a complaint that substandard conditions exist within the building or there has been a request that the building be inspected; (iii) the inspection department has actual knowledge of an unsafe condition within the building; or (iv) violations of the local ordinances or codes are visible from the outside of the property. However, G.S. 160A-424 provides an exception to this rule. Periodic inspections may be required as part of a targeted effort within a geographic area that has been designated by City Council. The City cannot discriminate in its selection of areas or housing types to be targeted. Notice and public hearing is required prior to adoption of the periodic inspections plan.