



Agenda

Planning and Zoning Commission

June 19, 2012

6:30 PM

Council Chambers, City Hall, 200 W. 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 - Hap Maxwell

III. ROLL CALL

IV. APPROVAL OF MINUTES - May 15, 2012

V. NEW BUSINESS

REZONINGS

1. Ordinance requested by David Hill to rezone 0.3325 acres (14,483 square feet) located at the southeast corner of the intersection of Greenville Boulevard and Belvedere Drive from O (Office) to CG (General Commercial).
2. Ordinance requested by Storage Kings, LLC to rezone 0.174 acres (7,579 square feet) located along the southern right-of-way of Deck Street and feet east of the intersection of Deck Street and South Greene Street from R6 (Residential [High Density Multi-family]) to CH (Heavy Commercial).

TEXT AMENDMENTS

3. Zoning Ordinance Text Amendment Application submitted by Paradigm, Inc. requesting to provide a process that allows the Board of Adjustment to approve reasonable accommodations related to the City's 1/4 mile separation standard for family care homes subject to specified findings.

VI. OTHER ITEMS OF BUSINESS

4. Communities Putting Prevention to Work (CPPW) Work Plan

5. Election of Officers

VII. ADJOURN

DRAFT OF MINUTES PROPOSED FOR ADOPTION BY THE GREENVILLE PLANNING
AND ZONING COMMISSION
May 15, 2012

The Greenville Planning and Zoning Commission met on the above date at 6:30 p.m. in the Council Chambers of City Hall.

Mr. Tim Randall - *	
Mr. Godfrey Bell - *	Mr. Dave Gordon - X
Mr. Tony Parker - *	Ms. Linda Rich - *
Mr. Hap Maxwell - *	Ms. Ann Bellis - *
Ms. Shelley Basnight - *	Mr. Brian Smith - *
Mr. Doug Schrade - *	Mr. Jerry Weitz - *
Ms. Wanda Harrington-*	

The members present are denoted by an * and the members absent are denoted by an X.

VOTING MEMBERS: Bell, Parker, Maxwell, Basnight, Rich, Bellis, Smith, Schrade

PLANNING STAFF: Chantae Gooby, Planner II and Elizabeth Blount, Staff Support Specialist II.

OTHERS PRESENT: Dave Holec, City Attorney and Steve Hawley, Communications Manager.

MINUTES: Motion was made by Mr. Smith, seconded by Mr. Bell, to accept the April 17, 2012 minutes as presented. Motion carried unanimously.

NEW BUSINESS

REZONINGS

Ordinance requested by David Hill to rezone location at the southeast corner of the intersection of Greenville Boulevard and Belvedere Drive from O (Office) to CG (General Commercial).

Chairman Randall advised the Commission that a letter had been submitted on behalf of the Carolina East Neighborhood Association for a continuance until the June meeting.

Attorney Holec noted that the agent of the applicant was present. Mr. Ken Malpass, agent, indicated that Mr. Hill was in agreement with the continuance request.

Motion was made by Mr. Parker, seconded by Mr. Smith, to grant a continuance until the June 2012 meeting. Motion carried unanimously.

Chairman Randall stated that his term expired this month and he will not be involved with the Planning and Zoning Commission. He stated that his tenure was both enlightening and a

learning experience. He enjoyed working with great people and thanked the City staff for being nice and a pleasure to work with. He wished the board the best in the future.

Ms Chantae Gooby advised the Commission that Mr. Godfrey Bell, Vice Chair, will run next month's meeting and officers will be elected at the end of the meeting.

**With no further business, motion made by Mr. Bell, seconded by Ms Basnight, to adjourn.
Motion passed unanimously. Meeting adjourned at 6:35 p.m.**

Respectfully Submitted,

Merrill Flood, Secretary to the Commission
Director of Community Development Department



City of Greenville, North Carolina

Meeting Date: 6/19/2012
Time: 6:30 PM

Title of Item:

Ordinance requested by David Hill to rezone 0.3325 acres (14,483 square feet) located at the southeast corner of the intersection of Greenville Boulevard and Belvedere Drive from O (Office) to CG (General Commercial).

Explanation:

Required Notice:

Planning and Zoning Commission meeting notice (property owner and adjoining property owner(s) letters) mailed on June 5, 2012.

On-site sign(s) posted on June 5, 2012.

City Council public hearing notice (property owners and adjoining property owner(s) letters) mailed - N/A at this time.

Public hearing legal advertisement published - N/A at this time.

Comprehensive Plan:

The subject property is located in Vision Area E.

Greenville Boulevard is designated as a connector corridor from its intersection with Charles Boulevard to its intersection at Dickinson Avenue. Connector corridors are anticipated to contain a variety of higher intensity land uses.

Belvedere Drive is a standard residential collector street that provides access to Greenville Boulevard.

The Future Land Use Plan Map recommends office/institutional/multi-family (OIMF) along the southern right-of-way of Greenville Boulevard from Hooker Road to the western (Greenville Boulevard) entrance of Belvedere Subdivision, transitioning to medium density residential (MDR) in the interior areas to the south. Office development is preferred in lieu of multi-family in the areas abutting single-family neighborhoods.

The Comprehensive Plan states that, "office/institutional/multi-family development should be used as a buffer between light industrial and commercial development and adjacent lower density residential land uses."

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

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 1,588 trips to and from the site on Greenville Boulevard, which is a net increase of 1,552 additional trips per day.

During the review process, measures to mitigate traffic impacts will be determined. Mitigation measures may include limiting access onto Greenville Boulevard through cross access to the adjacent eastern parcel and constructing an eastbound right turn lane at the Bismarck Street intersection.

History/Background:

In 1969, the property was zoned R9 (Residential). In 1987, the property was part of a neighborhood rezoning (Club Pines, Belvedere, and Westhaven Subdivisions) to R9S (single-family only). In 2007, the property was rezoned from R9S to Office as part of a larger rezoning along this section of Greenville Boulevard that added additional commercial zoning to the adjacent property to the east.

Present Land Use:

Vacant

Water/Sewer:

Water and sanitary sewer are available in the right-of-way of Greenville Boulevard.

Historic Sites:

There is no known effect on designated sites.

Environmental Conditions/Constraints:

There are no known environmental constraints.

Surrounding Land Uses and Zoning:

North: CH - Tabeya and Kentucky Fried Chicken/Long John Silvers Restaurants
South: R9S - Belvedere Subdivision
East: CG - Vacant (under common ownership as applicant)
West: O - Vacant (under common ownership as applicant)

Density Estimates:

Under the current zoning (O), the site could yield 3,186+/- square feet of office space.

Under the proposed zoning (CG), the site could yield 3,186+/- square feet of retail/ restaurant/office space.

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

Additional Staff Comments:

Of primary concern is the protection of the Belvedere Subdivision entrance. The intersection of Greenville Boulevard and Belvedere Drive serves as a primary entrance into a substantial single-family neighborhood.

A similar zoning pattern has been established at the western corner of this intersection.

The proposed rezoning will reduce the office buffer along Belvedere Drive which was established by the previous rezoning in 2007.

The existing office zoning contains a compatible mix of business and office uses and serves as a transition between the commercial activities on Greenville Boulevard and the residential dwellings in the interior. Office zoning is the most restrictive non-residential zoning district. There is no residential option under the office zone.

This specific property has been the subject of a past rezoning request and continuing neighborhood concerns have resulted in the current zoning. Office zoning is the preferred zoning for this location due to the intersection's function as a primary entrance into the neighborhood. If approved, this request will result in a narrowing of the current office zoning that will likely result in the parcel not being developed in the preferred office-like character.

Under Article O. Parking, office zoning allows for cross-district parking for uses in the proposed CG district.

The subject property will have egress/ingress onto Greenville Boulevard via the signalized intersection at Bismarck Street. There is an approved site plan for Car Quest Auto Parts in the intervening lot between the subject property and the University Church of Christ. An additional curb cut along Belvedere Drive for access to the subject property is possible.

Any specific improvements above minimum bufferyard and street tree requirements, including additional plantings and the like, which the applicant may voluntarily offer, would be by private agreement. The City cannot participate in the development of or in the enforcement of any private agreements associated with any rezoning.

Fiscal Note:

No cost to the City.

Recommendation:

In staff's opinion, the request is not in compliance with Horizons: Greenville's Community Plan and the Future Land Use Plan Map due to the absence of an adequate buffer or other condition(s) determined sufficient to protect the interest of the neighborhood. However, the inclusion of transitional zoning or other private conditions of development that are agreeable to the affected neighborhood residents may accomplish the intent of the Plan.

The Plan recommends that buffers to commercial development be provided to minimize negative impacts on low density residential developments in proximity. Accomplishment of that objective is the primary concern.

In staff's opinion, the proposed CG (General Commercial) zoning would not be in compliance with Horizons: Greenville's Community Plan and the Future Land Use Plan Map in the absence of adequate buffer or other condition(s) determined sufficient to protect the interest of the abutting single-family neighborhood. The inclusion of transitional zoning (marginally beneficial in this case due to the limited depth of the property), or other private conditions of development that are agreeable to the affected neighborhood residents, may accomplish the intent of the Plan.

The Plan also recommends that buffers to that commercial development be provided to minimize negative impacts on low density residential developments in proximity. Accomplishment of that objective is the primary concern.

"Not in compliance with the comprehensive plan" should be construed as meaning the requested rezoning (i) is specifically noncompliant with plan objectives and recommendations including the range of allowable uses in the proposed zone, etc., and/or of a scale, dimension, configuration or location that is not objectively in keeping with the plan intent and (ii) does not promote or preserve the desired urban form. The requested rezoning is considered undesirable and not in the public interest, and staff recommends denial of the requested rezoning.

Note: In addition to 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 and Residential Density](#)
- [List of Uses_R9S_and_CG_894321](#)

Item # 1

EXISTING ZONING

O (Office) *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:

- * None

(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

(7) Office/ Financial/ Medical:

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

(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:

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

O (Office)

Special Uses

(1) General:

* None

(2) Residential:

i. Residential quarters for resident manager, supervisor or caretaker; excluding mobile homes

(3) Home Occupations (see all categories):

* None

(4) Governmental:

a. Public utility building or use

(5) Agricultural/ Mining:

* None

(6) Recreational/ Entertainment:

* None

(7) Office/ Financial/ Medical:

* None

(8) Services:

- a. Child day care facilities
- b. Adult day care facilities
- j. College and other institutions of higher learning
- l. Convention center; private
- bb. Civic organizations
- cc. Trade and business organizations

(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

PROPOSED ZONING

CG (General Commercial)

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:* * None

(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
- h. Commercial recreation; indoor only, not otherwise listed
- j. Bowling alleys
- n. Theater; movie or drama, indoor only
- q. Circus, carnival or fair, temporary only (see also section 9-4-103)
- s. Athletic Club; indoor only

(7) *Office/ Financial/ Medical:*

- a. Office; professional and business, not otherwise listed
- b. Operation/processing center
- d. Bank, savings and loan or other savings or investment institutions
- e. Medical, dental, ophthalmology or similar clinic, not otherwise listed
- g. Catalogue processing center

(8) Services:

- c. Funeral home
- e. Barber or beauty shop
- f. Manicure, pedicure, or facial salon
- k. Business or trade school
- 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.(1) Television and/or radio broadcast facilities including receiving and transmission equipment and towers not exceeding 200 feet in height or cellular telephone and wireless communication towers not exceeding 200 feet in height (see also section 9-4-103)
- 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)
 - hh. Exercise and weight loss studio; indoor only
- kk. Launderette; household users
- ll. Dry cleaners; household users
- oo. Clothes alteration or shoe repair shop
- pp. Automobile wash

(9) 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
- 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
- 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
- ee. Christmas tree sales lot; temporary only (see also section 9-4-103)

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

- 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.

(12) Construction:

- 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:

- c. Taxi or limousine service
- h. Parking lot or structure; principal use

(14) Manufacturing/ Warehousing:

- * None

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

- * None

CG (General Commercial)

Special Uses

(1) General:

- * None

(2) Residential:

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

(3) Home Occupations (see all categories):

- * None

(4) Governmental:

- a. Public utility building or use

(5) Agricultural/ Mining:

- * None

(6) Recreational/ Entertainment:

- d. Game center
- l. Billiard parlor or pool hall
- m. Public or private club
- t. Athletic club; indoor and outdoor facilities

(7) Office/ Financial/ Medical:

- c. Office; customer services, not otherwise listed, including accessory service delivery vehicle parking and indoor storage
- f. Veterinary clinic or animal hospital (see also animal boarding; outside facility, kennel and stable)

(8) Services:

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

(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
- j. Restaurant; regulated outdoor activities
- n. Appliances; commercial use, sales and accessory repair, excluding outside storage

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

- d. Rental of automobiles, noncommercial trucks or trailers, recreational vehicles, motorcycles and boats
- f. Automobile, truck, recreational vehicle, motorcycle and boat sales and service (see also major and minor repair)

(12) Construction:

- * None

(13) Transportation:

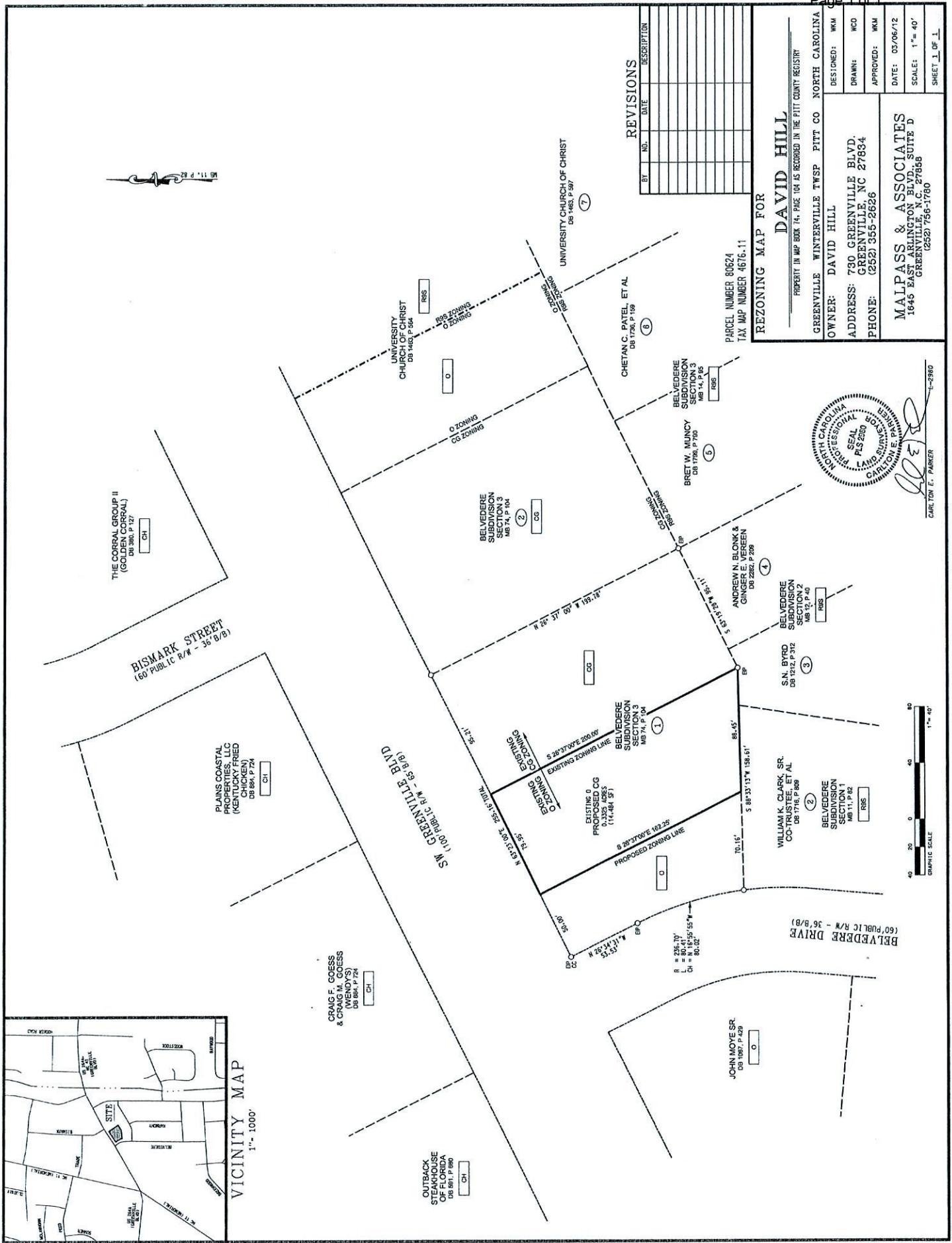
- * None

(14) Manufacturing/ Warehousing:

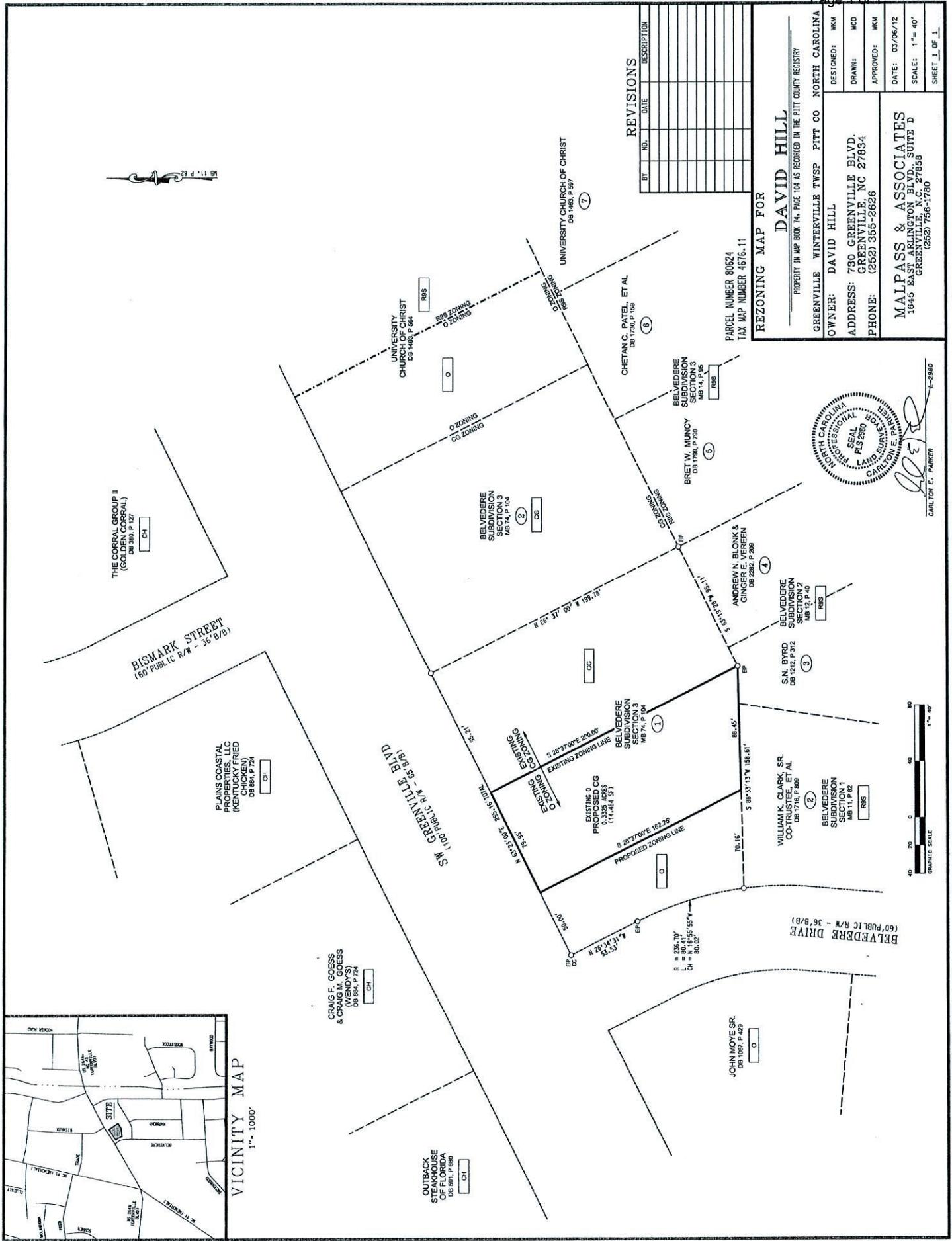
- k. Mini-storage warehouse, household; excluding outside storage

(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



PROJECT NO. P-877 . DRAWING NO. F877REZ.DGN



Item # 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.

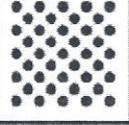
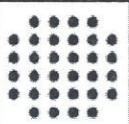
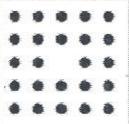
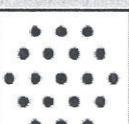
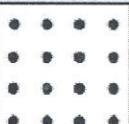
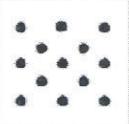
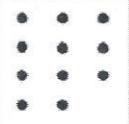
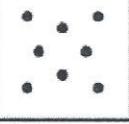
Residential Density		
Maximum density allowed by Zoning District based on average of 2.67 persons per dwelling unit		
High Density		
R6 R6-N R6-MH OR CDF	17 units per acre yields 45 persons per acre	
PUD	12 units per acre yields 32 persons per acre	
Medium Density		
R6-A	9 units per acre yields 24 persons 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: 6/19/2012
Time: 6:30 PM

Title of Item:

Ordinance requested by Storage Kings, LLC to rezone 0.174 acres (7,579 square feet) located along the southern right-of-way of Deck Street and feet east of the intersection of Deck Street and South Greene Street from R6 (Residential [High Density Multi-family]) to CH (Heavy Commercial).

Explanation:

Required Notice:

Planning and Zoning Commission meeting notice (property owner and adjoining property owner(s) letters) mailed on June 5, 2012.
On-site sign(s) posted on June 5, 2012.
City Council public hearing notice (property owners and adjoining property owner(s) letters) mailed - N/A at this time.
Public hearing legal advertisement published - N/A at this time.

Comprehensive Plan:

The subject property is located in Vision Area D.

Evans Street is designated as a connector corridor from Reade Circle to Caversham Road. Connector corridors are anticipated to contain a variety of higher intensity land uses.

Deck Street is a standard collector street that provides access to Evans Street.

The Future Land Use Plan Map recommends commercial (C) at the southwest corner of the intersection of Evans Street and Deck Street transitioning to high density residential (HDR) to the west and office/institutional/multi-family (OIMF) to the south.

The Future Land Use Plan Map further recommends a conservation area along the southern bank of the Tar River generally coinciding with the floodway area on the lower elevations. The Future Land Use Map identifies certain areas for conservation/open space uses. The map is not meant to be dimensionally

specific, and may not correspond precisely with conditions on the ground.

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

Since the requested rezoning would generate less traffic than the existing zoning, a traffic volume report was not generated.

History/Background:

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

Present Land Use:

Vacant

Water/Sewer:

Water is located in the right-of-way of Deck Street.

Sanitary sewer is available at the intersection of Deck Street and South Greene Street (sewer main extension required).

Historic Sites:

There is no known effect on designated sites.

Environmental Conditions/Constraints:

The site is impacted by the 100-year floodplain associated with Green Mill Run.

Surrounding Land Uses and Zoning:

North: OR and CH - Vacant

South: CH - Vacant (under common ownership of applicant)

East: CH - Vacant (under common ownership of applicant)

West: R6 - Vacant (under common ownership of applicant)

Density Estimates:

Under the current zoning (R6), the site could yield no more than one (1) duplex building.

Under the proposed zoning (CH), the site could yield 1,667+/- square feet of mini-storage space.

The anticipated build-out time is within one (1) year.

Fiscal Note: No cost to the City.

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

"In compliance with the comprehensive plan" should be construed as meaning the requested rezoning is (i) either specifically recommended in the text of the Horizons Plan (or addendum to the plan) or is predominantly or completely surrounded by the same or compatible zoning and (ii) promotes the desired urban form. The requested district is considered desirable and in the public interest, and staff recommends approval of the requested rezoning.

Note: In addition to 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 and Residential Density](#)
 - [List_of_Uses_R6_to_CH_929147](#)
-

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

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. 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:

- 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 upholster
- 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):

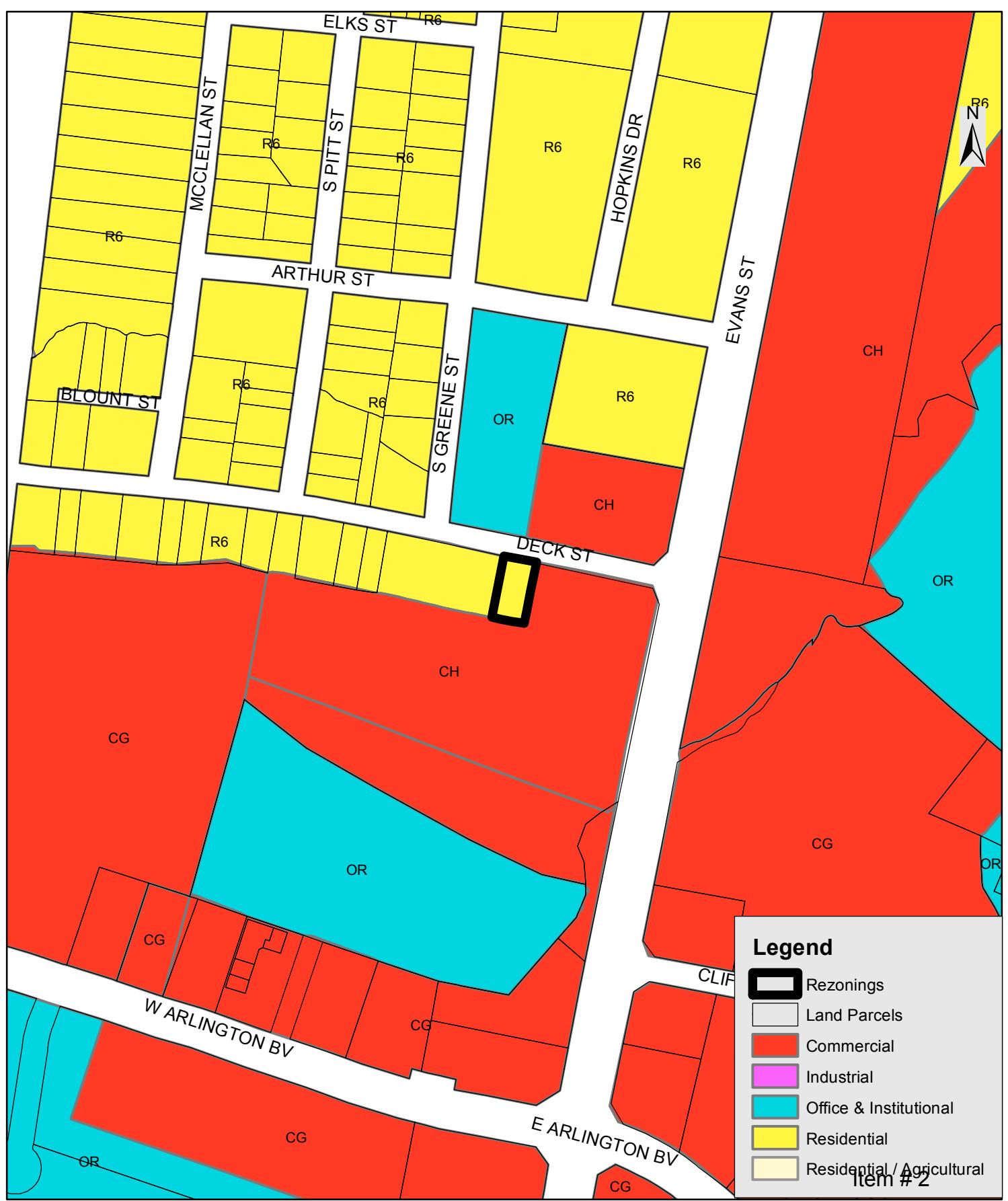
- a. Other activities; personal services not otherwise listed
- b. Other activities; professional activities not otherwise listed
- c. Other activities; commercial services not otherwise listed
- d. Other activities; retail sales not otherwise listed

Storage Kings, LLC (12-05)

From: R6 To: CH

Total Acreage: 0.174 (7,579 square feet)

June 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.

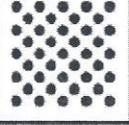
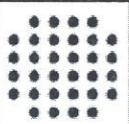
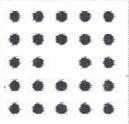
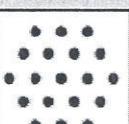
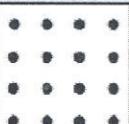
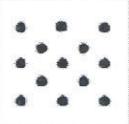
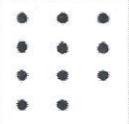
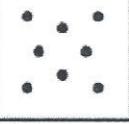
Residential Density		
Maximum density allowed by Zoning District based on average of 2.67 persons per dwelling unit		
High Density		
R6 R6-N R6-MH OR CDF	17 units per acre yields 45 persons per acre	
PUD	12 units per acre yields 32 persons per acre	
Medium Density		
R6-A	9 units per acre yields 24 persons 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: 6/19/2012
Time: 6:30 PM

Title of Item:

Zoning Ordinance Text Amendment Application submitted by Paradigm, Inc. requesting to provide a process that allows the Board of Adjustment to approve reasonable accommodations related to the City's 1/4 mile separation standard for family care homes subject to specified findings.

Explanation:

Background Information

It is the policy of the State of North Carolina to provide persons with disabilities the opportunity to live in a normal residential environment. The State further dictates that each person with a disability shall have the same rights as any other citizen to live and reside in residential communities, homes and group homes on the same basis as any other citizen. The State defined and created standards for family care homes in 1981, and later modified them in 2005, as a means of implementing this policy directive and to ensure compliance with federal law.

The City of Greenville first defined and created standards for family care homes in 1981. These new standards were modeled after the state law that was adopted earlier that year and included a 1/2 mile separation requirement for family care homes (i.e. a proposed family care home could not be located within 1/2 mile of an existing family care home). In 1991, the *Pitt County Group Home Board* requested that the City eliminate the 1/2 mile separation requirement so that such facilities could be more easily established throughout the community. The City Council found that eliminating the separation requirement altogether would not be appropriate, but they did reduce the requirement to 1/4 mile which is still the standard today.

Family care homes are defined by NCGS 168-21 as "a home with support and supervisory personnel that provides room and board, personal care and rehabilitation services in a family environment for not more than six resident persons with disabilities." The term "persons with disabilities" is broadly defined and includes, but is not limited to, the following:

- Persons with mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbance or orthopedic impairments;
- Persons suffering from Alzheimer's, senile dementia or organic brain syndrome;
- Persons with human immunodeficiency virus (HIV) and / or acquired immune deficiency syndrome (AIDS), who are in ambulatory condition; and
- Recovering alcoholics or drug addicts who are not currently using illegal controlled substances.

This definition does not include individuals that are considered to be "dangerous to others". Dangerous to others means that within the recent past, the individual has inflicted or attempted to inflict or threatened to inflict serious bodily harm on another, or has acted in such a way as to create a substantial risk of serious bodily harm to another, or has engaged in extreme destruction of property; and that there is a reasonable probability that this conduct will be repeated.

State Limits on Local Land Use Controls

The State of North Carolina, through NCGS 168-22, dictates that municipalities shall view family care homes as residential land uses for zoning purposes and shall allow them as a permitted use in all residential zoning districts. The statute further dictates that a family care home cannot be made subject to the issuance of a special use permit. A municipality may, however, prohibit a family care home from being located within a 1/2 radius of an existing family care home.

It should be noted that the prospective family care home operators must meet State licensing / permitting requirements as well as local zoning requirements. These two processes are independent of one another.

Federal Fair Housing Act

This request has federal Fair Housing Act implications. The federal Fair Housing Act makes it unlawful to make a dwelling unavailable to a person because of race, color, national origin, religion, sex, familial status, or handicapped condition. A violation of the Act includes failure to make a reasonable accommodation in rules and policies when it is necessary to afford a protected person equal opportunity to use and enjoy a dwelling. The Act applies to local governments including the requirement that local governments make a reasonable accommodation in rules and policies when it is necessary to afford a protected person equal opportunity to use and enjoy a dwelling.

The federal Fair Housing Act has resulted in litigation relating to Zoning Ordinance provisions which apply to group homes and family care homes which serve persons with disabilities. Included in the Zoning Ordinance provisions which have been challenged as being in violation of the Act is the separation requirement between family care homes. Although the courts in some states have invalidated separation requirements completely, the courts in other states have

upheld separation requirements. A North Carolina court has not yet ruled on this.

The standard as established by case law is that the accommodation is reasonable and necessary. The case law approved factors include the following:

(1) *Reasonable*. Factors which may be considered to determine whether an accommodation is reasonable include but are not limited to the following:

(a) the legitimate purposes and effects of existing zoning regulations are not undermined by the accommodation;

(b) the benefits that the accommodation provides to individuals with disabilities;

(c) alternatives to the accommodation do not exist which accomplish the benefits more efficiently; and

(d) a significant financial and administrative burden is not imposed by the accommodation upon the city.

(2) *Necessary*. Factors which may be considered to determine whether an accommodation is necessary include but are not limited to the following:

(a) direct or meaningful amelioration of the effects of the particular disability or handicap is provided by the accommodation; and

(b) individuals with disabilities are afforded by the accommodation equal opportunity to enjoy and use housing in residential neighborhoods.

Current Zoning Standards

The City's standards applicable to family care homes are consistent with the applicable state requirements outlined above as follows:

- The City's definition of a family care home is modeled after the state definition and also includes language from other applicable state statutes.

- The City permits family care homes as a use of right in all residential zoning districts including the RA-20, R-15S, R-9S, R-6S, R-6N, R-9, R-6, R-6A, R-6MH, MR, MRS, OR and CDG districts.

- Family care homes are not subject to a special use permit in any district.

- Family care homes are subject to a 1/4 mile (1,320-foot) separation requirement from other family care homes (this is a significantly less strict requirement than is permitted by state law).

(A complete copy of all City zoning standards applicable to family care homes is attached.)

As of April 4, 2012, there were 29 approved family care homes within the City's planning and zoning jurisdiction (24 active and 5 approved but pending State permitting). Additionally, there were 8 active Oxford House facilities that are not subject to the local zoning requirements related to spacing. Based on an analysis of the City's current standards and the location of these existing facilities, approximately 39.86 square miles or 59.8% of the city's planning and zoning jurisdiction would qualify to locate a new family care home facility by right (see attached map).

Current Request

Paradigm, Inc., a mental and behavioral health care provider, has submitted a Zoning Ordinance Text Amendment Application requesting to add a reasonable accommodation provision to the existing 1/4 mile separation requirement applicable to family care homes as follows:

That the Code of Ordinances, City of Greenville, be amended by adding a subsection (D)(4) to section 9-4-103, which subsection reads as follows:

(4) The Board of Adjustment may grant a reasonable accommodation to the one-fourth-mile (1,320 foot) separation requirement established by subsection (D)(3) above in accordance with the provisions of this subsection in order to allow for a reasonable accommodation under the Federal Fair Housing Act.

(a) The Board of Adjustment shall grant a reasonable accommodation under the Federal Fair Housing Act to the one-fourth-mile (1,320 foot) separation requirement established by subsection (D)(3) above if the Board finds from the evidence produced that the proposed accommodation is reasonable and necessary.

(1) *Reasonable.* Factors which may be considered to determine whether an accommodation is reasonable include but are not limited to the following:

(a) the legitimate purposes and effects of existing zoning regulations are not undermined by the accommodation;

(b) the benefits that the accommodation provides to individuals with disabilities;

(c) alternatives to the accommodation do not exist which accomplish the benefits more efficiently; and

(d) a significant financial and administrative burden is not imposed by the accommodation upon the city.

(2) *Necessary.* Factors which may be considered to determine whether an

accommodation is necessary include but are not limited to the following:

- (a) direct or meaningful amelioration of the effects of the particular disability or handicap is provided by the accommodation; and
- (b) individuals with disabilities are afforded by the accommodation equal opportunity to enjoy and use housing in residential neighborhoods.
- (b) The procedures governing the consideration of a special use as established by state law and the Rules of Procedure of the Board of Adjustment shall apply to the consideration of a reasonable accommodation under the Federal Fair Housing Act to the one-fourth-mile (1,320 foot) separation requirement established by subsection (D)(3) above. In determining whether to grant a reasonable accommodation under the Federal Fair Housing Act to the one-fourth-mile (1,320 foot) separation requirement established by subsection (D)(3) above, the general criteria set forth in section 9-4-81 may be considered when determining whether the accommodation is reasonable and necessary in accordance with subsection (D)(4)(a) above.
- (c) In granting a reasonable accommodation under the Federal Fair Housing Act to the one-fourth-mile (1,320 foot) separation requirement established by subsection (D)(3) above, the Board of Adjustment may prescribe appropriate conditions and safeguards to ensure the purposes of this chapter.

Staff Comments

The existing separation requirement applicable to family care homes is intended to ensure that these facilities do not congregate or cluster within residential neighborhoods. In staff's opinion, the establishment of multiple family care homes in close proximity to one another within a residential neighborhood could potentially lead to nonresidential characteristics within the neighborhood and have an adverse impact on the neighborhood's character and on its residents. Additionally, such concentration of these facilities could be adverse or detrimental to the City's efforts related to two specific Objectives of **Horizons: Greenville's Community Plan** as follows:

Objective H6: To improve and revitalize existing neighborhoods.

Objective UF6: To preserve neighborhood livability.

Other specific Objectives of

Horizons: Greenville's Community Plan that may be interpreted as supporting the basis of the requested text amendment include the following:

Objective H15: To partnership with others to provide affordable housing for special needs populations.

Objective UF2: To encourage a mixing of land uses.

Objective UF3: To encourage a diversity of housing options.

In staff's opinion, the proposed text amendment provides an opportunity for an individual to seek a reasonable accommodation under the Federal Fair Housing Act which would ensure compliance with federal law (the provision of a reasonable accommodation in rules and policies when it is necessary to afford a protected person equal opportunity to use and enjoy a dwelling). Additionally, the process proposed affords protection to neighborhoods by (1) including the opportunity for public input (public notice and public hearing); (2) requiring that the applicant prove the request for a reasonable accommodation is both reasonable and necessary; and (3) providing an opportunity for the Board of Adjustment to prescribe appropriate conditions and safeguards to ensure compatibility with surrounding land uses.

Fiscal Note: No fiscal impact is anticipated.

Recommendation: In staff's opinion, the proposed Zoning Ordinance Text Amendment is in compliance with **Horizons: Greenville's Community Plan**.

If the Planning and Zoning Commission determines to recommend approval of the request, in order to comply with statutory requirements, it is recommended that the motion be as follows:

"Motion to recommend approval of the proposed text 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."

If the Planning and Zoning Commission determines to recommend denial of the request, in order to comply with statutory requirements, it is recommended that the motion be as follows:

"Motion to recommend denial of the proposed text amendment, to advise that it is inconsistent with the comprehensive plan or other applicable plans, and to adopt the staff report which addresses plan consistency and other matters."

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

Attachments / [click to download](#)

- [!\[\]\(c41664cacd259c6cc9246370e713f5a4_img.jpg\) Application](#)
 - [!\[\]\(386bb874429d974de2e5d10fead037e3_img.jpg\) Family Care Homes Map](#)
 - [!\[\]\(af6e2d3be1e72a538b209d7c3d6351f2_img.jpg\) Family Care Homes Inventory](#)
 - [!\[\]\(e8b1d39ac30d73681eddf38c53af8d17_img.jpg\) Current Zoning Standards Family Care Homes 913173](#)
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Current Zoning Standards for Family Care Homes – City of Greenville

1. **Section 9-4-22** provides the definition of a family care home as follows:

Family care home. An establishment defined under G.S. 168-20 through 168-23 as amended, with support and supervisory personnel that provides room and board, personal care and rehabilitation services in a family environment for not more than six resident persons with disabilities. Person with disabilities means a person with a temporary or permanent physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbance and orthopedic impairments but not including mentally ill persons who are dangerous to others. Dangerous to others means that within the recent past, the individual has inflicted or attempted to inflict or threatened to inflict serious bodily harm on another, or has acted in such a way as to create a substantial risk of serious bodily harm to another, or has engaged in extreme destruction of property; and that there is a reasonable probability that this conduct will be repeated. Previous episodes of dangerousness to others, when applicable, may be considered when determining reasonable probability of future dangerous conduct.

- (1) The following shall be considered a person with disabilities for the purpose of this definition:
 - (a) An elderly and disabled person suffering from Alzheimer's, senile dementia, organic brain syndrome;
 - (b) A recovering alcoholic or drug addict who is not currently using an illegal controlled substance; and/or
 - (c) A person with human immunodeficiency virus (HIV) and/or acquired immune deficiency syndrome (AIDS), who is in ambulatory condition.
- (2) Professionals or paraprofessionals providing assistance to the occupants shall be allowed in addition to the maximum occupancy.

2. **Section 9-4-103 (D)** provides the following standards applicable to family care homes:

- (D) *Family care home.*
- (1) For purposes of this section, a family care home shall be as defined herein.
 - (2) Family care homes shall be deemed a residential use of property and shall be permissible in all residential districts subject to subsection (D)(3) below.

- (3) No family care home shall be permitted within a one-fourth-mile (1,320 foot) radius of an existing family care home as measured from the nearest lot line.
3. **Appendix A (C)(2)** provides the districts in which family care homes can be located as a permitted use as follows:

- RA-20 (Residential – Agricultural) district;
- R-15S (Residential – Single Family) district;
- R-9S (Residential – Single Family) district;
- R-6S (Residential – Single Family) district;
- R-6N(Residential – Neighborhood Revitalization) district;
- R-9 (Residential) district;
- R-6 (Residential) district;
- R-6A (Residential) district;
- R-6MH (Residential – Mobile Home) district;
- MR (Medical – Residential) district;
- MRS (Medical – Residential – Single Family) district;
- OR (Office – Residential) district; and
- CDF (Downtown Commercial Fringe) district.



Date Received 5-29-12

**CITY OF GREENVILLE
ZONING ORDINANCE TEXT AMENDMENT APPLICATION**

Applicant Name(s) Paradigm, Inc.

Mailing Address P. O. Box 31091
Greenville, N.C. 27833

Contact Phone Number (252) 341-6874

Contact Fax Number (252) 561-7455

Zoning Ordinance Section Proposed to be Amended: Section 9-4-103

Reason for Request: The Board of Adjustment for the City of Greenville to grant a reasonable accommodation to the 1/4 (1,320 foot) separation requirement applicable to Family Care Homes

Proposed Language of Text Amendment (attach additional pages if needed): See attached

Jeannette Barnett Jeannette Barnett 5-24-12

Print Name

Signature of Applicant

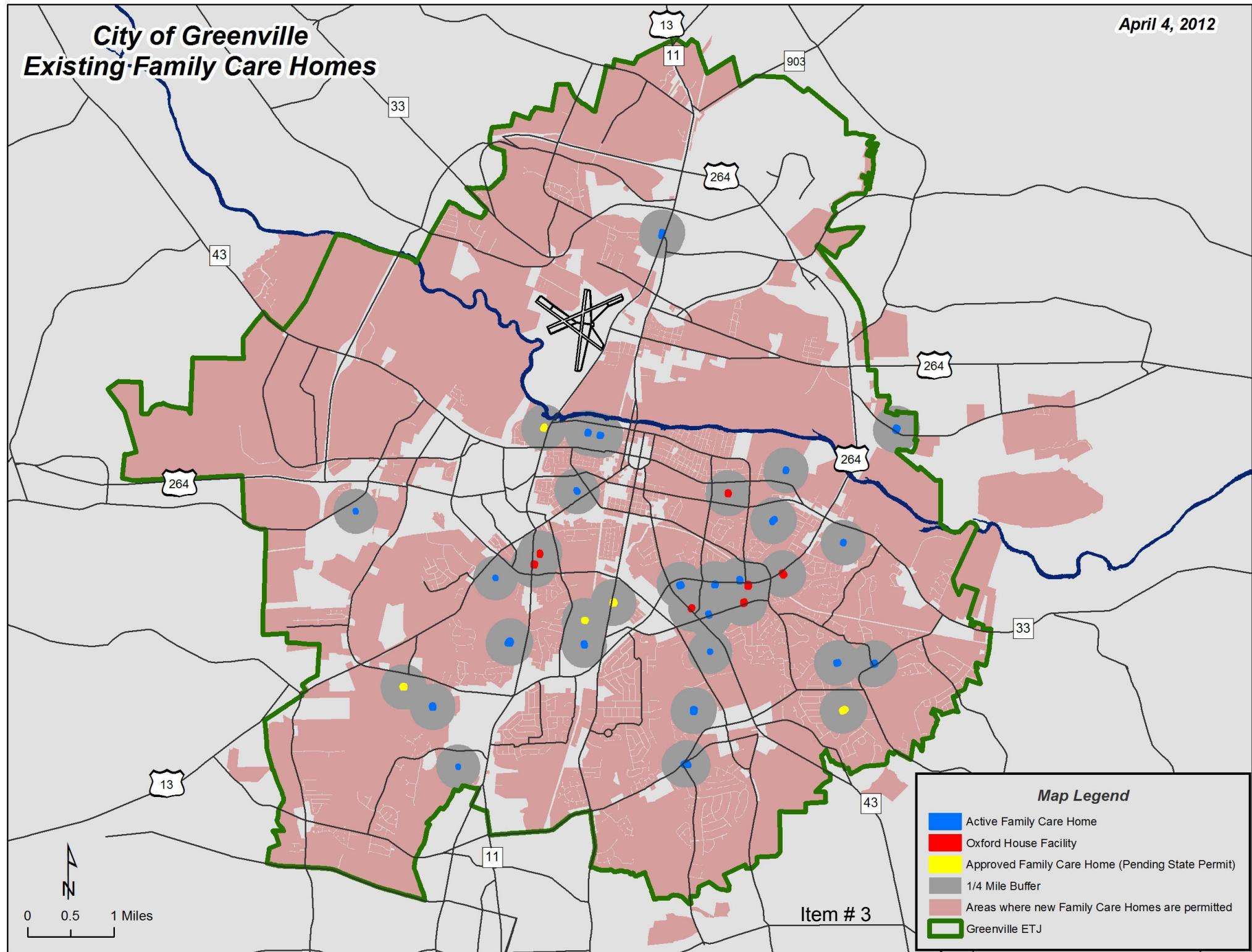
Date

That the Code of Ordinances, City of Greenville, be amended by adding a subsection (D)(4) to section 9-4-103, which subsection reads as follows:

- (4) The Board of Adjustment may grant a reasonable accommodation to the one-fourth-mile (1,320 foot) separation requirement established by subsection (D)(3) above in accordance with the provisions of this subsection in order to allow for a reasonable accommodation under the Federal Fair Housing Act.
- (a) The Board of Adjustment shall grant a reasonable accommodation under the Federal Fair Housing Act to the one-fourth-mile (1,320 foot) separation requirement established by subsection (D)(3) above if the Board finds from the evidence produced that the proposed accommodation is reasonable and necessary.
- (1) *Reasonable.* Factors which may be considered to determine whether an accommodation is reasonable include but are not limited to the following:
- (a) the legitimate purposes and effects of existing zoning regulations are not undermined by the accommodation;
 - (b) the benefits that the accommodation provides to individuals with disabilities;
 - (c) alternatives to the accommodation do not exist which accomplish the benefits more efficiently; and
 - (d) a significant financial and administrative burden is not imposed by the accommodation upon the city.
- (2) *Necessary.* Factors which may be considered to determine whether an accommodation is necessary include but are not limited to the following:
- (a) direct or meaningful amelioration of the effects of the particular disability or handicap is provided by the accommodation; and
 - (b) individuals with disabilities are afforded by the accommodation equal opportunity to enjoy and use housing in residential neighborhoods.
- (b) The procedures governing the consideration of a special use as established by state law and the Rules of Procedure of the Board of Adjustment shall apply to the consideration of a reasonable accommodation under the Federal Fair Housing Act to the one-fourth-mile (1,320 foot) separation requirement established by subsection (D)(3) above. In determining whether to grant a reasonable accommodation under the Federal Fair Housing Act to the one-fourth-mile (1,320 foot) separation requirement established by subsection (D)(3) above, the general criteria set forth in section 9-4-81 may be considered when determining whether the accommodation is reasonable and necessary in accordance with subsection (D)(4)(a) above.
- (c) In granting a reasonable accommodation under the Federal Fair Housing Act to the one-fourth-mile (1,320 foot) separation requirement established by subsection (D)(3) above, the Board of Adjustment may prescribe appropriate conditions and safeguards to ensure the purposes of this chapter.

April 4, 2012

City of Greenville
Existing Family Care Homes



Inventory of Existing Family Care Homes Located within Greenville's Planning and Zoning Jurisdiction April 4th 2012

NAME	ADDRESS	STATUS
Rosa Bradley Home For Adults I	2201 N MEMORIAL DR	Active
Freeman Family Care Home #4	1004 W THIRD ST	Active
Whites Family care Home	708 W THIRD ST	Active
Midland Supervised Living	3309 A MIDLAND CT	Active
Forest Hills Group Home	1913 FOREST HILL DR	Active
Pitt County Group Home #4	1203 REDBANKS RD	Active
Freeman Family Care Home #1	506 SEDGEFIELD DR	Active
King George Road Group Home	323 KING GEORGE RD	Active
Paradigm Facility for Adults	4001 A OLD PACTOLUS RD	Active
Freeman Family Care Home #2	108 KENWOOD LN	Active
MAAL-CARE	1200 E FIRE TOWER RD	Active
Our Fathers House	2605 A E THIRD ST	Active
Erin's Place	126 OAKMONT DR	Active
Paradigm, Inc.	2501 JEFFERSON DR	Active
Emmanuel Residential Facility	208 COUNTRY CLUB DR	Active
Keep Hope Alive	1110 SE GREENVILLE BV	Active
Bridging the Gap, LLC	3830 P6 STERLING POINTE DR	Active
Easter Seals UCP North Carolina, Inc.	108 GUINEVERE LN	Active
Keep Hope Alive	1419 SE GREENVILLE BV	Active
Wimbledon Place	1650 WIMBLEDON DR	Active
Better Connections, INC.	3330 A MOSELEY DR	Active
Tamika Groves	1205 B8 CROSS CREEK CI	Active
Freeman Familiy Care Home #5	1006 W THIRD ST	Active
Freeman Family Care Home #3	1408 CHESTNUT ST	Active
Oxford House DellWood	1428 SE GREENVILLE BV	Active-Oxford
Oxford House Eastwood	1614 SE GREENVILLE BV	Active-Oxford
Oxford House Glenwood II	203 GLENWOOD AV	Active-Oxford
Oxford House Greenville	2521 S MEMORIAL DR	Active-Oxford
Oxford House Memorial	2519 S MEMORIAL DR	Active-Oxford
Oxford House Red Banks	1401 RED BANKS RD	Active-Oxford
Oxford House Charles St.	2208 CHARLES BV	Active-Oxford
Oxford House Evans	1909 E EIGHTH ST	Active-Oxford
Genesis Inc. of NC	2411 EVANS ST	Approved (pending State Permit)
Carol Groves	307 BURRINGTON RD	Approved (pending State Permit)
Dominion Adult Care	207 LEE ST	Approved (pending State Permit)
Great Things Foundations, Inc.	1707 W THIRD ST	Approved (pending State Permit)
Tammy Vines	110 PEARL DR	Approved (pending State Permit)

Item # 3