



Agenda

Greenville City Council

August 9, 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 - Mayor Pro-Tem Glover

III. Pledge of Allegiance

IV. Roll Call

V. Approval of Agenda

VI. Special Recognitions

- Scotty Dixon, Public Works Department Retiree
- William A. Futrell, Public Works Department Retiree

VII. Appointments

1. Appointments to Boards and Commissions
2. Appointments to Cable Television Government Access Channel Ad Hoc Advisory Committee

VIII. New Business

Public Hearings

3. Ordinance requested by Brighton Park Apartments, LLC to rezone 0.63 acres located on the western right-of-way of Brighton Park Drive approximately 50 feet south of its intersection with

Melrose Drive from MO (Medical-Office) to MR (Medical-Residential)

4. 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)
5. 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 115+/- feet east of the intersection of Deck Street and South Greene Street from R6 (Residential [High Density Multi-family]) to CH (Heavy Commercial)
6. Ordinance requested by The East Carolina Bank to rezone 41.616 acres located along the southern right-of-way of Regency Boulevard between South Pointe Duplexes and the CSX Railroad from R6S (Residential-Single-family [Medium Density]) to R6A (Residential [Medium Density Multi-family])
7. Ordinance requested by Paradigm, Inc. to amend the Zoning Ordinance 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
8. Ordinance imposing a temporary development moratorium on internet sweepstakes businesses
9. Ordinance imposing a temporary development moratorium on tobacco shops

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. Report on alternatives for modifying the "no more than three unrelated" occupancy standard
11. Report on standards for internet sweepstakes businesses

IX. Comments from Mayor and City Council

X. City Manager's Report

XI. Adjournment



City of Greenville, North Carolina

Meeting Date: 8/9/2012
Time: 7:00 PM

Title of Item: Appointments to Boards and Commissions

Explanation: City Council appointments need to be made to the Affordable Housing Loan Committee, Board of Adjustment, Community Appearance Commission, Greenville Bicycle and Pedestrian Commission, Greenville Utilities Commission, Human Relations Council, Pitt-Greenville Convention & Visitors Authority, Police Community Relations Committee, and the Youth Council. Recommendations need to be made to fill two County positions on the Pitt-Greenville Convention & Visitors Authority.

Fiscal Note: No direct fiscal impact.

Recommendation: Make appointments to the Affordable Housing Loan Committee, Board of Adjustment, Community Appearance Commission, Greenville Bicycle and Pedestrian Commission, Greenville Utilities Commission, Human Relations Council, Pitt-Greenville Convention & Visitors Authority, Police Community Relations Committee, and the Youth Council, as well as give recommendations to fill the two County seats on the Pitt-Greenville Convention & Visitors Authority.

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[Muni_Report_Appointments to Boards and Commissions_914698](#)

Appointments to Boards and Commissions

August 9, 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

Board of Adjustment

Council: Council Member At-Large Dennis Mitchell

Name	District #	Current Term	Reappointment Status	Expiration Date
John Hutchens (Council Member Smith)	5	Second term	Ineligible	June 2012

Community Appearance Commission

Council Liaison: Council Member Calvin Mercer

Name	District #	Current Term	Reappointment Status	Expiration Date
Brenda Diggs	5	First term	Eligible	July 2012

Greenville Bicycle & Pedestrian Commission

Council Liaison: Council Member Calvin Mercer

Name	District #	Current Term	Reappointment Status	Expiration Date
Christopher Davis	4	Initial term	Resigned	January 2013

Greenville Utilities Commission

Council Liaison: Council Member Max Joyner, Jr.

Name	District #	Current Term	Reappointment Status	Expiration Date
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Greenville Utilities Commission continued

Virginia Hardy County First term Eligible June 30, 2012

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

Pitt-Greenville Convention & Visitors Authority

Council Liaison: Mayor Pro-Tem Rose Glover

Name	District #	Current Term	Reappointment Status	Expiration Date
Ivory Mewborn (County (3))		First term	Resigned	June 2013
Joseph Frigden (City (2))		Second term	Ineligible	July 2012
Robert Sheck (County (2))		First term	Eligible	July 2012

- 1: Owners/operators of hotels/motels
- 2: Members of tourist or convention-related businesses
- 3: Residents not involved in tourist or convention-related business

Police Community Relations Committee

Council Liaison: Mayor Pro Tem Rose Glover

Name	District #	Current Term	Reappointment Status	Expiration Date
Available (Mayor Pro Tem Glover)	2	Unexpired Term	Eligible	October 2013

Youth Council

Council Liaison: Council Member Marion Blackburn

Name	District #	Current Term	Reappointment Status	Expiration Date
Eight Available Slots		Filling unexpired term	Eligible	September 2012

Applicants for Affordable Housing Loan Committee

Christina W. Darden
387 Claredon Drive
Greenville, NC 27858

District #: 5

Application Date:

Home Phone: (252) 756-9249

Business Phone: (252) 215-1019

Email: chris@chrisdarden.com

Thomas Hines
211 Patrick Street
Greenville, NC 27834

District #: 1

Application Date: 10/6/2011

Home Phone: (252) 864-4907

Business Phone: (252) 695-9066

Email: thinesg@aol.com

Adam Lawler
502 Treybrooke Circle, Apt. 32
Greenville, NC 27858

District #: 1

Application Date: 7/11/2012

Home Phone: (252) 558-2037

Business Phone: (252) 737-4640

Email: adam.e.lawler@gmail.com

Applicants for Board of Adjustment

Cornell Allen
4030 Bells Chapel Road
Greenville, NC 27858

District #: 5

Adam Lawler
502 Treybrooke Circle, Apt. 32
Greenville, NC 27858

District #: 1

JJ McLamb
102 Christina Drive
Greenville, NC 27858

District #: 4

Dustin Mills
504 Daventry Drive
Greenville, NC 27858

District #: 5

Howard Stearn
2818 Jefferson
Greenville, NC 27858

District #: 3

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

District #: 4

Application Date: 5/8/2011

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

Application Date: 7/11/2012

Home Phone: (252) 558-2037
Business Phone: (252) 737-4640
Email: adam.e.lawler@gmail.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: 11/9/2011

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

Application Date: 7/13/2012

Home Phone: (252) 756-3085
Business Phone: (252) 327-6369
Email: titusyancey@gmail.com

Applicants for Community Appearance Commission

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

District #: 4

Application Date: 3/28/2012

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

Adam Lawler
502 Treybrooke Circle, Apt. 32
Greenville, NC 27858

District #: 1

Application Date: 7/11/2012

Home Phone: (252) 558-2037
Business Phone: (252) 737-4640
Email: adam.e.lawler@gmail.com

Henry H. Robbins
1084 Allen Road, Apartment 2G
Greenville, NC 27834

District #: 1

Application Date: 5/25/2012

Home Phone: (919) 909-4512
Business Phone: (252) 847-9550
Email: henryrobbins2@yahoo.com

Cora Ellan Tyson
215 Hardee Road
Greenville, NC 27858

District #: 4

Application Date: 5/11/2012

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

Applicants for Greenville Bicycle and Pedestrian Commission

Henry H. Robbins
1084 Allen Road, Apartment 2G
Greenville, NC 27834

Application Date: 5/25/2012

District #: 1

Home Phone: (919) 909-4512
Business Phone: (252) 847-9550
Email: henryrobbins2@yahoo.com

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

Application Date: 7/13/2012

District #: 4

Home Phone: (252) 756-3085
Business Phone: (252) 327-6369
Email: titusyancey@gmail.com

“COPY”



**PITT COUNTY
BOARD OF COMMISSIONERS**

1717 W. 5TH STREET
GREENVILLE, NC 27834-1696
TELEPHONE: (252) 902-2950
FAX: (252) 830-6311

**BOARD OF COUNTY
COMMISSIONERS**

Jimmy Garris
David Hammond
Eugene James
Tom Johnson, Sr.
Melvin McLawhorn
Mark W. Owens, Jr.
Glen Webb
Ephraim Smith
Beth B. Ward

June 5, 2012

Carol Barwick, City Clerk
City of Greenville
P.O. Box 7207
Greenville, NC 27835

Dear Mrs. Barwick:

On Monday, June 4, 2012, the Pitt County Board of Commissioners met in regular session and by unanimous vote, motioned to nominate Virginia Hardy to serve on the Greenville Utilities Commission for another term.

Virginia Hardy
2223 Sorrel Lane
Winterville, NC 28590
Contact: Daytime: 252-744-3078
Evening: 252-321-7114

We look forward to hearing from you regarding the appointment of Ms. Hardy. If you have any questions, please call me at 902-2950.

Sincerely,

Kimberly W. Hines

Kimberly W. Hines, CMC
Clerk to the Board

Cc: Tony Cannon, General Manager/CEO, Greenville Utilities

#12783

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

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 #: 4

Home Phone: (252) 756-3085

Business Phone: (252) 327-6369

Email: titusyancey@gmail.com

Applicants for Pitt-Greenville Convention and Visitors Authority

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

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 Pitt-Greenville Convention and Visitors Authority (County)

Debbie Avery
3010 Sapphire Lane
Winterville NC 28590

Day Phone: (252) 531-4590
Evening Phone: (252) 756-9832
Fax:
E-mail: davery60@hotmail.com

Gender: F
Race: White
District: 4
Priority:

Applied for this board on: 1/16/2009

Application received/updated: 01/20/2011

Applicant's Attributes: County Planning Jurisdiction
District 4

<u>Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)</u>			
	Organization	Description	Date(s)
Education	East Carolina	BS - Education	
Education	Ayden Grifton High		
Experience	First State Bank		1978-1984
Experience	ECU School of Medicine	Standardized Patient	2007-present
Experience	Pitt County Schools	Middle School Science Teacher	30 years
Experience	Winterville Chamber of Commer	Executive Director	
Volunteer/Prof. Associations	Winterville Kiwanis Club		
Volunteer/Prof. Associations	Winterville Watermelon Festival		

<u>Boards Assigned To</u>	
Development Commission	2/7/2011 to 12/31/2013

Brian Cooper
1149 Mulberry Lane #34G
Greenville NC 27858

Day Phone: (252) 439-0651
Evening Phone: (252) 439-0651
Fax:
E-mail: Brianevans_99@yahoo.co

Gender: M
Race: White
District: 5
Priority: 0

Applied for this board on: 12/23/2009

Application received/updated: 01/06/2011

Applicant Interest Listing

Applicant's Attributes: District 5
Greenville City Limits
South of the River

Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)			
	Organization	Description	Date(s)
Education	Princeton University	AB-History	
Education	University of Michigan	MA	
Education	Sewanhaka High		
Experience	Self-Employed - Cooper Pearson	Writer-Editor & Marketing	currently
Experience	Air Force	ROTC	2 years
Experience	Hill & Knowlton/New York	Senior Account Executive	1984-1985
Experience	St. Regis Paper Company/New Y	PR Project Manager	1978-1984
Experience	Harcourt Brace Jovanovich/New	Asst. to the CEO	1976-1978
Experience	The Port Authority		1972
Experience	Industry Experience	Publishing,Media, Airport Mang., Hea	
Experience	Treadway Ins. & Resorts	Marketing & Communications Directo	1976
Volunteer/Prof. Associations	Princeton Club of New York	Member, Board of Governors	1975-1990
Volunteer/Prof. Associations	The International Center	English/language tutor	
Volunteer/Prof. Associations	The Network of Independent Pub		1986-1988
Volunteer/Prof. Associations	Literacy Tutor/Orange County		
Volunteer/Prof. Associations	Radio Reading Services of Easter		
Volunteer/Prof. Associations	Greenville Writers Group	Member	
Volunteer/Prof. Associations	American Society of Journalists	Member	

Ralph Hall Jr
111 Hardee Street
Greenville NC 27858

Day Phone:
Evening Phone: (252) 756-0262
Fax:

Gender: M
Race: White
District: 6

Convention & Visitors Authority
Wednesday, April 18, 2012

Page 2 of 5

Applicant Interest Listing

E-mail: bajhall@aol.com

Priority: 0

Applied for this board on: 2/26/2003

Application received/updated: 02/26/2003

Applicant's Attributes: District 6

Greenville ETJ

<u>Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)</u>			
	<u>Organization</u>	<u>Description</u>	<u>Date(s)</u>
Education	University of South Carolina	Civil Engineering	1955-1957
Education	Edenton High		
Experience	Phillippines Construction	Project Manager	1962-1966
Experience	Foreign Service Staff Officer	Civil Engineer	1966-1969
Experience	Odell Associates	Hospital Construction Engineer	1969-1973
Experience	PCMH	Vice-President of Facilities	1973-2001
Volunteer/Prof. Associations	N.C. Bio-Medical Association		
Volunteer/Prof. Associations	N.C. Association of Health Care		
Volunteer/Prof. Associations	American Society of Health Care		
Volunteer/Prof. Associations	American Cancer Society		
Volunteer/Prof. Associations	State Board of Directors		

<u>Boards Assigned To</u>	
Industrial Revenue & Pollution Control Authority	3/15/2004 to 3/15/2007
P. C. M. H. Board of Trustees District 2	2/19/2008 to 3/31/2013

Steve Little
3314 NC 33 W
Greenville NC 27834

Day Phone: (252) 714-3559
Evening Phone: (252) 758-2040
Fax:
E-mail: steve.little@nashfinch.com

Gender: M
Race: White
District: 2
Priority:

Applicant Interest Listing

Applied for this board on: 1/5/2007

Application received/updated: 02/28/2012

Applicant's Attributes: District 2
County Planning Jurisdiction
North of the River

<u>Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)</u>			
	Organization	Description	Date(s)
Education	East Carolina University		
Education	Belvoir Elementary		
Experience		NC Real Estate Broker License	
Experience	Nash Finch	Division Manager	
Volunteer/Prof. Associations	Pitt County Planning Board		6 years

<u>Boards Assigned To</u>	
ABC Board	9/22/2009 to 6/30/2012
Pitt County Board of Adjustment North of the River	1/11/2010 to 1/1/2013

Edward Sontag
3902 Brookstone Drive
Winterville NC 28590

Day Phone: (252) 364-8198
Evening Phone:
Fax:
E-mail: edsbadger@gmail.com

Gender: M
Race:
District: 5
Priority:

Applied for this board on: 1/21/2011

Application received/updated: 01/21/2011

Applicant's Attributes: Greenville City Limits
South of the River
District 5

<u>Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)</u>			
	Organization	Description	Date(s)

Applicant Interest Listing

Education	Syracuse U		1971
Education	Buffalo State	BS; MS	1964, 1967
Education	Bennett High School; Buffalo N		
Experience	US Dept. of Education	Director of Special Education	
Experience	Governor Tommy Thompson	Policy Advisor	
Experience	CDC	Chief Management Official	2005-2010
Experience	HHS	Assistant Secretary	2001-2005
Volunteer/Prof. Associations	National Guard - NY State		

Elizabeth Weidner

116 Knight Drive
Winterville NC 28590

Day Phone: (252) 321-4034

Evening Phone:

Fax:

E-mail: demrs5@suddenlink.net

Gender: F

Race: White

District: 5

Priority:

Applied for this board on: 6/22/2010

Application received/updated: 06/22/2010

Applicant's Attributes: Greenville ETJ
South of the River
GUC Customer
District 5

Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)		
Organization	Description	Date(s)
Education	University of Alabama-Birmingh	
Education	Albemarle High School	

Applicants for Police Community Relations Committee

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

Ann Eleanor
102 Lindenwood Drive
Greenville, NC 27834

Application Date: 2/13/2011

District #: 5

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

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

Application Date: 2/11/2011

District #: 5

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

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

Howard Stearn
2818 Jefferson
Greenville, NC 27858

Application Date: 11/9/2011

District #: 3

Home Phone: (252) 862-6683
Business Phone: (252) 321-1101
Email: howardmstearn@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 Youth Council

Ashish Khanchandani
3703 Cancion Street
Greenville, NC 27858

Application Date: 7/25/2012

Home Phone: (252) 756-3711

Business Phone:

Email:

District #: 4



City of Greenville, North Carolina

Meeting Date: 8/9/2012
Time: 7:00 PM

Title of Item: Appointments to Cable Television Government Access Channel Ad Hoc Advisory Committee

Explanation: The City Council approved the creation of this Committee during its August 11, 2008, meeting. The purpose of said Committee is to gather and then provide the Council with public feedback and advice regarding the programming of the Government Access Channel.

The enabling legislation calls for the Committee to meet beginning in October for a duration of 90 days with the report to be submitted to the Council no later than December 31.

The Mayor and City Council shall each appoint one member for a total of 7 members. Attached is a copy of the June 6, 2008, City Council agenda item creating this committee.

Fiscal Note: No direct costs.

Recommendation: The Mayor and City Council each appoint one person to be a member of the Committee.

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[2008 Agenda Items](#)



City of Greenville, North Carolina

Meeting Date: 6/12/2008
Time: 7:00 PM

Title of Item: Cable Television Government Access Channel Ad Hoc Advisory Committee

Explanation: On June 11, 2007, the City Council at a regular City Council meeting passed an ordinance dissolving the Citizens Advisory Commission on Cable Television and the concomitant references in the Code of Ordinances. This action was taken in recognition of the recently implemented state law creating state cable franchises; thereby, the law significantly reduced this body's historical role and its need.

At the above City Council meeting, Councilmember Spell requested some form of citizens advisory commission on cable television and two versions of a proposed ordinance were considered by the City Council. After much Council discussion, a consensus was reached that there was some benefit to seeking citizen input on government access channel programming. While a move to create a permanent commission failed, Councilmember Dunn proposed a motion directing staff to return to the City Council a proposal to create an ad hoc committee. That motion was approved by the City Council.

This proposed plan accomplishes the City Council's directive. It was drafted by staff with the collective input from the Public Information Officer, City Manager, City Attorney, and Assistant City Manager.

Fiscal Note: Minimal direct expenses of \$250 and up to 100 staff hours or approximately 5% of a FTE.

Recommendation: Approve creation of the Cable Television Government Access Channel Ad Hoc Advisory Committee and direct the City Attorney to prepare a resolution formalizing the creation for City Council consideration at the August 14, 2008 City Council meeting.

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 [Government Access Channel Ad Hoc Committee_749029](#)

City of Greenville

Cable Television Government Access Channel Ad Hoc Advisory Committee

Article I – Government Access Channel Purpose

Section 1. Purpose

The City of Greenville Government Access Channel (GTV-9) exists chiefly to achieve the following objectives:

- 1) Provide information about programs and services offered by City departments, agencies, boards, commissions, and the government’s partner agencies.
- 2) Expand citizen awareness of government and its decision-making processes by exposing citizens to live and tape-delayed government meetings.
- 3) Enhance existing public information materials and use cable television as a public information tool.
- 4) Provide a convenient means for citizens to remain informed of City Council, boards, and commissions actions.
- 5) Provide and distribute programming of interest to residents that will inform, educate, and enlighten, as well as encourage participation in government services, programs, activities, employment opportunities, and decision-making.

Article II – Ad Hoc Advisory Committee Purpose, Qualifications, and Appointments

Section 1. Purpose

The City of Greenville City Council finds it beneficial to receive public comment and advice on a periodic basis from persons who reside in Greenville and subscribe to Suddenlink Cable service about the general programming of the Government Access Channel.

Section 2. Membership Qualifications

Members of the Government Access Channel Ad Hoc Advisory Committee shall:

- 1) Be residents of the City of Greenville
- 2) Be and remain subscribers to SuddenLink Cable service during the term of service.

- 3) Serve only while the Committee is convened by the City Council and serve only for the term set forth herein in Article III, Section 2.

Section 3. Appointments

In September of each even numbered year, the Mayor and each member of the City Council shall appoint one member. The total membership of the committee shall be seven (7).

Article III – Ad Hoc Advisory Committee Organization

Section 1. Organization

To help facilitate the efficient and orderly functioning of the Committee, the members of the Committee shall elect from its membership two (2) individuals to serve as Co-Chairs and one (1) person to serve as Secretary.

Section 2. Convening and Term

The Committee shall convene in October following appointment for a term of ninety (90) days and shall submit its report to the City Council no later than December 31.

Section 3. Co-Chairs and Secretary Responsibilities

Co-Chairs shall preside over all meetings of the Ad Hoc Advisory Committee and shall prepare the meeting agendas. The Secretary shall keep a record of actions taken during each meeting and coordinate with the Staff Liaison to ensure all meetings comply with the North Carolina open meetings law.

Article IV – Ad Hoc Advisory Committee Responsibilities and Meetings

Section 1. Responsibilities

The responsibilities of the Ad Hoc Advisory Committee shall be to:

- 1) Review and comment on the reports provided by the Staff Liaison.
- 2) Gather and collect input from a diversity of citizens and resources about the Greenville Government Access Channel.
- 3) Provide a report to the City Council.

Section 2. Meetings

The Committee may schedule meetings as it deems necessary to complete its work within the allotted time frame. All meetings shall be open to the public and adhere to the North Carolina open meetings law. To the fullest extent possible, meetings will be broadcast on the Government Access Channel.

Article V – Staff Liaison and Responsibilities

Section 1. Staff Liaison

The Public Information Officer or City Manager's designee shall serve as the Staff Liaison and shall assist the Ad Hoc Advisory Committee in the conduction of its role.

Section 2. Responsibilities

The responsibilities of the Staff Liaison to the Ad Hoc Advisory Committee will be to:

- 1) Provide a comprehensive report on the Government Access Channel's programming
 - a) By category (e.g., boards and commissions, public information, news/events, origination programming, public service announcements) and content focus by City department or service area
 - b) By target audience
 - Residents
 - Older adults
 - Teens and young adults
 - Elementary school aged children
 - University community
 - Business community
 - Visitors
- 2) Provide an overview of the Public Information Office division, including the mission of the Government Access Channel, so members are able to clearly distinguish the roles of a public access channel and a government access channel.
- 3) Provide Public Information Office division staffing plan that reflects the proportion of staff time devoted to videotaping, editing, and producing each category of program content.

- 4) Provide other relevant local information as requested by the Ad Hoc Advisory Committee.
- 5) Coordinate with the Secretary to ensure all meetings adhere to the North Carolina open meetings law.



City of Greenville, North Carolina

Meeting Date: 8/11/2008
Time: 6:00 PM

Title of Item: Resolution creating the Cable Television Government Access Channel Ad Hoc Advisory Committee

Explanation: At its June 12, 2008, meeting, City Council approved the creation of a Cable Television Government Access Channel Ad Hoc Committee and directed that a resolution formalizing the creation be presented in August. The approval of the creation of the committee was based upon a plan which was submitted to Council with the agenda material for the June 12, 2008, meeting.

Attached is a resolution which formally creates the Committee in accordance with the plan submitted to City Council.

Fiscal Note: Minimal direct expenses of \$250 and up to 100 staff hours or approximately 5% of a full-time employee.

Recommendation: Adopt the attached resolution which formalizes the creation of the Cable Television Government Access Channel Ad Hoc Advisory Committee.

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

Attachments / click to download

[D Resolution_Creating_the_Cable_Television_Government_Access_Channel_Ad_Hoc_Advisory_Committee_777996](#)

**RESOLUTION NO. 08-
RESOLUTION CREATING THE CABLE TELEVISION GOVERNMENT
ACCESS CHANNEL AD HOC ADVISORY COMMITTEE**

BE IT RESOLVED by the City Council of the City of Greenville that it does hereby create and establish the Cable Television Government Access Channel Ad Hoc Advisory Committee in accordance with the following:

Article I – Government Access Channel Purpose

Section 1. Purpose

The City of Greenville Government Access Channel (GTV-9) exists chiefly to achieve the following objectives:

- 1) Provide information about programs and services offered by City departments, agencies, boards, commissions, and the government’s partner agencies.
- 2) Expand citizen awareness of government and its decision-making processes by exposing citizens to live and tape-delayed government meetings.
- 3) Enhance existing public information materials and use cable television as a public information tool.
- 4) Provide a convenient means for citizens to remain informed of City Council, boards, and commissions actions.
- 5) Provide and distribute programming of interest to residents that will inform, educate, and enlighten, as well as encourage participation in government services, programs, activities, employment opportunities, and decision-making.

Article II – Ad Hoc Advisory Committee Purpose, Qualifications, and Appointments

Section 1. Purpose

The City of Greenville City Council finds it beneficial to receive public comment and advice on a periodic basis from persons who reside in Greenville and subscribe to Suddenlink Cable service about the general programming of the Government Access Channel.

Section 2. Membership Qualifications

Members of the Government Access Channel Ad Hoc Advisory Committee shall:

- 1) Be residents of the City of Greenville

- 2) Be and remain subscribers to SuddenLink Cable service during the term of service.
- 3) Serve only while the Committee is convened by the City Council and serve only for the term set forth herein in Article III, Section 2.

Section 3. Appointments

In September of each even numbered year, the Mayor and each member of the City Council shall appoint one member. The total membership of the committee shall be seven (7).

Article III – Ad Hoc Advisory Committee Organization

Section 1. Organization

To help facilitate the efficient and orderly functioning of the Committee, the members of the Committee shall elect from its membership two (2) individuals to serve as Co-Chairs and one (1) person to serve as Secretary.

Section 2. Convening and Term

The Committee shall convene in October following appointment for a term of ninety (90) days and shall submit its report to the City Council no later than December 31.

Section 3. Co-Chairs and Secretary Responsibilities

Co-Chairs shall preside over all meetings of the Ad Hoc Advisory Committee and shall prepare the meeting agendas. The Secretary shall keep a record of actions taken during each meeting and coordinate with the Staff Liaison to ensure all meetings comply with the North Carolina open meetings law.

Article IV – Ad Hoc Advisory Committee Responsibilities and Meetings

Section 1. Responsibilities

The responsibilities of the Ad Hoc Advisory Committee shall be to:

- 1) Review and comment on the reports provided by the Staff Liaison.
- 2) Gather and collect input from a diversity of citizens and resources about the Greenville Government Access Channel.
- 3) Provide a report to the City Council.

Section 2. Meetings

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 - a) By category (e.g., boards and commissions, public information, news/events, origination programming, public service announcements) and content focus by City department or service area
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 - Residents
 - Older adults
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- 2) Provide an overview of the Public Information Office division, including the mission of the Government Access Channel, so members are able to clearly distinguish the roles of a public access channel and a government access channel.
- 3) Provide Public Information Office division staffing plan that reflects the proportion of staff time devoted to videotaping, editing, and producing each category of program content.

- 4) Provide other relevant local information as requested by the Ad Hoc Advisory Committee.
- 5) Coordinate with the Secretary to ensure all meetings adhere to the North Carolina open meetings law.

This the 11th day of August, 2008.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk



City of Greenville, North Carolina

Meeting Date: 8/9/2012
Time: 7:00 PM

Title of Item: Ordinance requested by Brighton Park Apartments, LLC to rezone 0.63 acres located on the western right-of-way of Brighton Park Drive approximately 50 feet south of its intersection with Melrose Drive from MO (Medical-Office) to MR (Medical-Residential)

Explanation:

Required Notices:

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on March 6, 2012.

On-site sign(s) posted on March 6, 2012.

City Council public hearing notice (property owner and adjoining property owner letter) mailed on July 24, 2012.

Public hearing legal advertisement published on July 30 and August 6, 2012.

***This request was originally scheduled to go before Council on April 12, 2012. At the applicant's request, this item has been continued at the May 10 and June 14, 2012, meetings.

*****A valid Protest Petition has been submitted by affected property owners which will require a super majority vote of City Council for approval of the rezoning request.

Comprehensive Plan:

The subject area is located in Vision Area F.

The Future Land Use Plan Map recommends office/institutional/multi-family (OIMF) along the northern right-of-way of West Fifth Street between Schoolhouse Branch and Harris Run.

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

A traffic report was not generated since the proposed rezoning will

generate fewer trips on West Fifth Street than the existing zoning.

History/Background:

In 1986, the subject property was incorporated into the City's extra-territorial jurisdiction (ETJ) and zoned MD-3 and MD-5. Later, these districts were re-named to MO (Medical-Office) and MR (Medical-Residential), respectively.

Present Land Use:

Currently, the property is vacant.

Water/Sewer:

Water and sanitary sewer are located in the right-of-way of Brighton Park Drive.

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: MR - vacant
South: MO - vacant
East: MO and MR - vacant
West: MO - Carolina Ortho Prosthetics

Density Estimates:

Under the current zoning (MO), the site could yield 6,028+/- square feet of medical office space.

Under the proposed zoning (MR), the maximum density would allow 11 multi-family units (1, 2 and 3 bedrooms). Staff would anticipate the site to yield 8 multi-family units (1, 2 and 3 bedrooms).

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

Fiscal Note: No cost to the City.

Recommendation: In staff's opinion, the request is in compliance with Horizons: Greenville's Community Plan, the Future Land Use Plan Map and the Medical District Land Use Plan Update (2007).

"In compliance with the comprehensive plan" should be construed as meaning the requested zoning 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 and desirable 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.

The Planning and Zoning Commission voted to deny the request at its March 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 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 and Residential Density](#)
- [Ordinance Brighton Park Apt 920905](#)
- [Minutes Brighton Park Apartments 920909](#)
- [List of Uses for MO to MR 900329](#)

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 August 9, 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 MO (Medical-Office) to MR (Medical-Residential).

- TO WIT: Brighton Park Apartments, LLC Properties.
- LOCATION: Located at the western right-of-way of Brighton Park Drive approximately 50 feet south of its intersection with Melrose Drive.
- DESCRIPTION: Being all of Lot 3 and a portion of Lot 4 as shown on the map prepared by Baldwin and Associates recorded in Map Book 56, Page 101, Pitt County Register of Deeds.

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 9th day of August, 2012.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk

Doc. # 920905

Excerpt from the ADOPTED Planning & Zoning Minutes (3/20/2012)

REQUEST BY BRIGHTON PARK APARTMENTS, LLC - DENIED

Ordinance requested by Brighton Park Apartments, LLC to rezone 0.63 acres located on the western right-of-way of Brighton Park Drive approximately 50 feet south of its intersection with its intersection with Melrose Drive from MO (Medical-Office) to MR (Medical-Residential).

Mr. Andy Thomas, Planner, delineated the property. The property is located in the western section of the city near the intersection of Brighton Park Drive and West Fifth Street. The property is currently vacant and adjacent properties to the north, south and east of the property are vacant. Carolina Ortho Prosthetics is to the west of the property. The rezoning could generate fewer trips on West Fifth Street than the existing zoning. The property is currently zoned MO (Medical-Office) and the requested zoning is MR (Medical-Residential). Under the current zoning (MO), the site could yield 6,028+/- square feet of medical office space. Under the proposed zoning (MR), the maximum density would allow 11 multi-family units (1, 2 and 3 bedrooms). Staff would anticipate the site to yield 8 multi-family units (1, 2 and 3 bedrooms). The Future Land Use Plan Map recommends office/institutional/multi-family (OIMF) along the northern right-of-way of West Fifth Street between Schoolhouse Branch and Harris Run. In staff's opinion, the request is in compliance with Horizons: Greenville's Community Plan, the Future Land Use Plan Map and the Medical District Land Use Plan Update (2007).

Mr. Clay Tyre, representative of Brighton Park LLC, spoke in favor of the request.

Mr. Carl Tyndall, owner of Carolina Ortho Prosthetics, spoke in opposition of the request. Mr. Tyndall requested that the current zoning remain the same and not have apartments encroaching upon the medical area. Mr. Tyndall stated his property is zoned OI and goes back 650 feet from Fifth Street. The adjacent properties, the nursing home, dialysis center, and Brighton Park distance from Fifth street are 450 feet, 480 feet, and 445 feet, respectively. Brighton Park has the shortest distance. Mr. Tyndall stated that he foresaw the existing property going down in value, increase foot traffic, improper use of the lawn by animals and increase in crime. He pointed out that the location of the rezoning request is at the narrowest depth of MO zoning along that section of W. Fifth Street.

Mrs. Barbara Tyndall, wife of Mr. Tyndall, also spoke in opposition of the request. Mrs. Tyndall stated that she works at the Carolina Ortho Prosthetics office and no longer feels safe. The increase of foot and vehicular traffic along with increased crime makes her and her co-workers feel unsafe. Mrs. Tyndall presented a graph of crime statistics of Brighton Park to demonstrate the increase of crimes since the growth of the complex. She stated that she felt the more the

density of the area increases, the more unsafe it becomes. She suggested that the area remain medical office.

Motion made by Mr. Maxwell, seconded by Mr. Parker, to recommend denial of the proposed amendment, to advise that, although the proposed amendment is consistent with the Comprehensive Plan, there is a more appropriate zoning classification, and to adopt the staff report which addresses plan consistency. Those voting in favor: Bellis, Basnight, Parker, Maxwell, Schrade, Weitz and Harrington. Those voting in opposition: Bell. Motion passed.

EXISTING ZONING

MO (Medical-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:

- l. Group care facility
- n. Retirement center or home
- o. Nursing, convalescent center or maternity home; major care facility

(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 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:

- n. Auditorium
- r. Art gallery
- u. Art studio including art and supply sales
- ee. Hospital
- ii. Wellness center; indoor and outdoor facilities

(9) Repair:

* None

(10) Retail Trade:

- d. Pharmacy
- 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

Special Uses

MO (Medical-Office)

(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:

s. Athletic club; indoor only

(7) Office/ Financial/ Medical:

* None

(8) Services:

a. Child day care facilities

b. Adult day care facilities

e. Barber or beauty shop

f. Manicure, pedicure or facial salon

j. College and other institutions of higher learning

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)

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)

hh. Exercise and weight loss studios; indoor only

ll.(1) Dry cleaning; household users, drop-off/pick-up station only [2,000 sq. ft. gross floor area limit per establishment]

jj. Health services not otherwise listed

(9) Repair:

* None

(10) Retail Trade:

- f. Office and school supply, equipment sales [5,000 sq. ft. gross floor area limit per establishment]
- h. Restaurant; conventional
- i. Restaurant; fast food [limited to multi-unit structures which contain not less than three separate uses]
- j. Restaurant; regulated outdoor activities
- k. Medical supply sales and rental of medically related products including uniforms and related accessories.
- t. Hobby or craft shop [5,000 sq. ft. gross floor area limit per establishment]

(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

MR (Medical-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 recreation 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:

- 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

MR (Medical-Residential)

Special Uses

(1) General:

* None

(2) Residential:

- d. Land use intensity multifamily (LUI) development rating 50 per Article K
- l. Group care facility
- 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

(3) Home Occupations (see all categories):

- b. Home occupations; excluding barber and beauty shops
- d. Home occupations; excluding manicure, pedicure or facial salon

(4) Governmental:

- a. Public utility building or use

(5) Agricultural/ Mining:

* None

(6) Recreational/ Entertainment:

- 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

- 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)

(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):

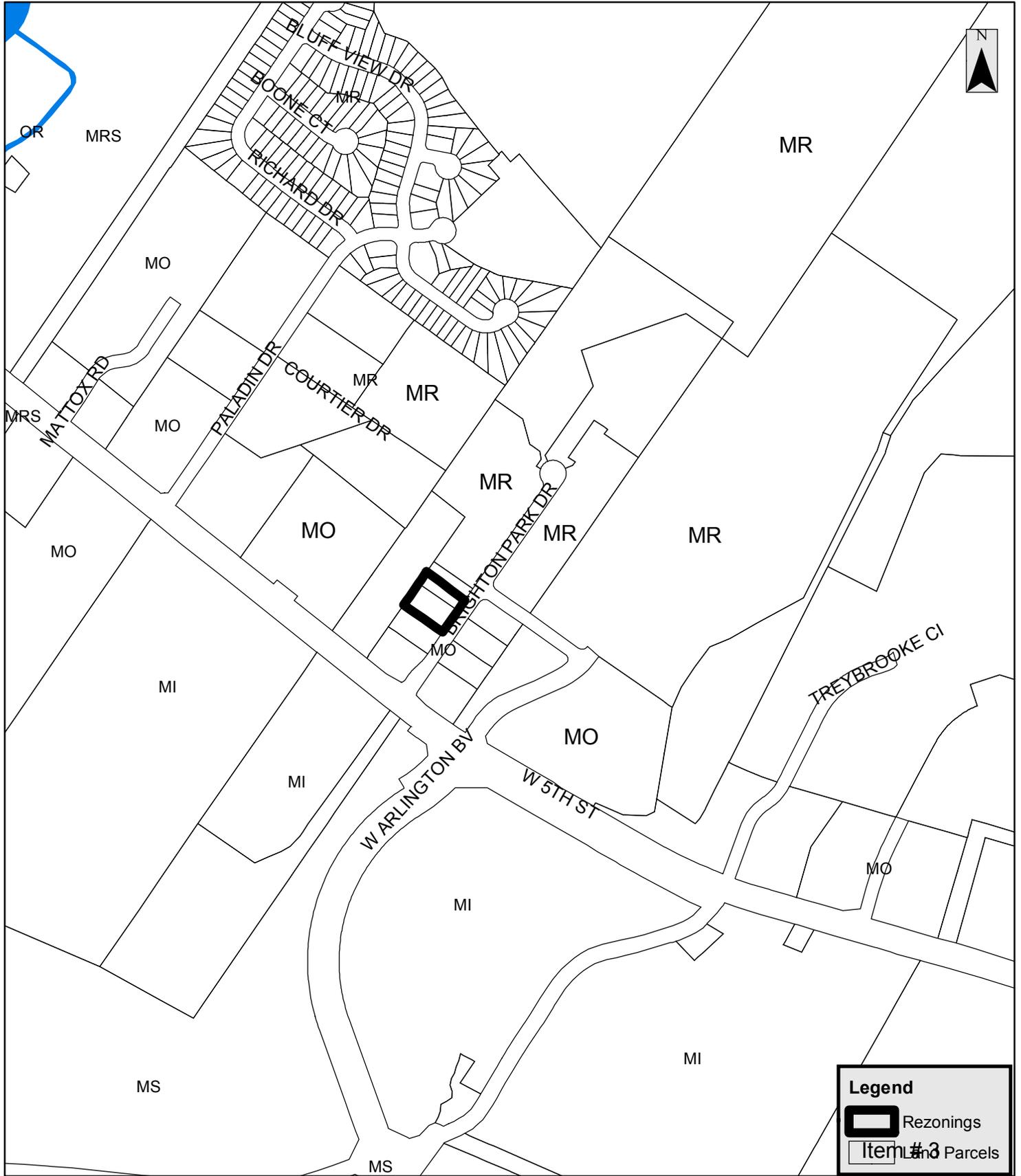
* None

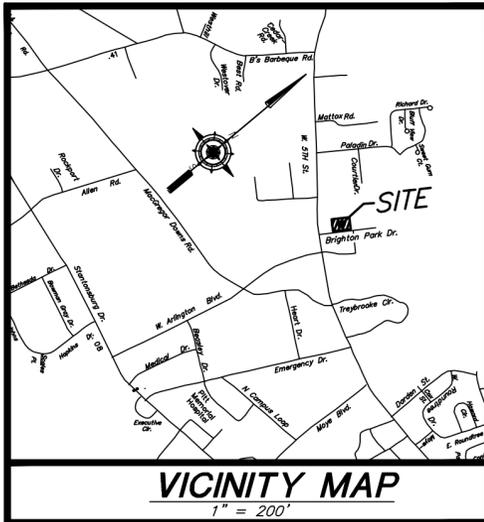
Brighton Park Apartments, LLC (12-01)

From: MO To: MR

0.43 acres

March 6, 2012





ADDRESSES OF ADJOINERS WITHIN 100 FEET OF SITE

BRIGHTON PARK APARTMENTS, LLC
LOT 2, BRIGHTON PARK
PO BOX 20370
GREENVILLE, NC 27858

BRIGHTON PARK APARTMENTS, LLC
LOT 5, BRIGHTON PARK
PO BOX 20370
GREENVILLE, NC 27858

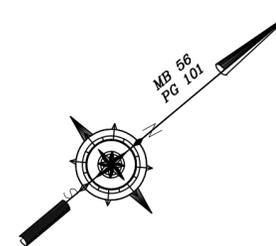
BRIGHTON PARK APARTMENTS 1, LLC
105C REGENCY BOULEVARD
GREENVILLE, NC 27858

CARL H. TYNDALL
359 HUNTINGRIDGE ROAD
GREENVILLE, NC 27834

CARROL & ASSOCIATES, INC.
LOT 6, BRIGHTON PARK
2510 S. CHARLES BOULEVARD
GREENVILLE, NC 27858

CARROL & ASSOCIATES, INC.
LOT 7, BRIGHTON PARK
2510 S. CHARLES BOULEVARD
GREENVILLE, NC 27858

CARROL & ASSOCIATES, INC.
LOT 8, BRIGHTON PARK
2510 S. CHARLES BOULEVARD
GREENVILLE, NC 27858



LEGEND

- B/B = BACK OF CURB TO BACK OF CURB
- C/L= CENTERLINE
- DB = DEED BOOK
- DH = DRILL HOLE
- EIP = EXISTING IRON PIPE
- LP = LIGHT POLE
- PG = PAGE
- R/W= RIGHT-OF-WAY
- SF = SQUARE FEET
- TPED = TELEPHONE PEDESTAL
- TRANS = ELECTRICAL TRANSFORMER
- "X" = X CHISELED IN CONCRETE

- = EXISTING ZONING
- = PROPOSED ZONING

SURVEY NOTES

1. ALL DISTANCES ARE HORIZONTAL GROUND MEASUREMENTS UNLESS SHOWN OTHERWISE.
2. ALL BEARINGS ARE BASED ON MAP BOOK 56, PAGE 101.
3. LOT AREAS CALCULATED BY COORDINATE GEOMETRY.
4. THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. REF: FIRM 3720467800J, DATED: JANUARY 2, 2004.
5. CURRENT ZONING LINE SCALED FROM PITT COUNTY ONLINE PARCEL INFORMATION SYSTEM.

CERTIFICATION

I, BENJAMIN J. PURVIS, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL FIELD SURVEY MADE BY ME FROM DESCRIPTIONS RECORDED IN BOOKS REFERENCED HEREON; THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS 1: 10,000+; THAT BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN BOOKS REFERENCED HEREON; THAT THIS SURVEY MEETS THE REQUIREMENTS OF "THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA" (21 NCAC 56.1600); I FURTHER CERTIFY THAT THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET. WITNESS MY HAND AND SEAL THIS 29th DAY OF FEBRUARY, A.D. 2012.



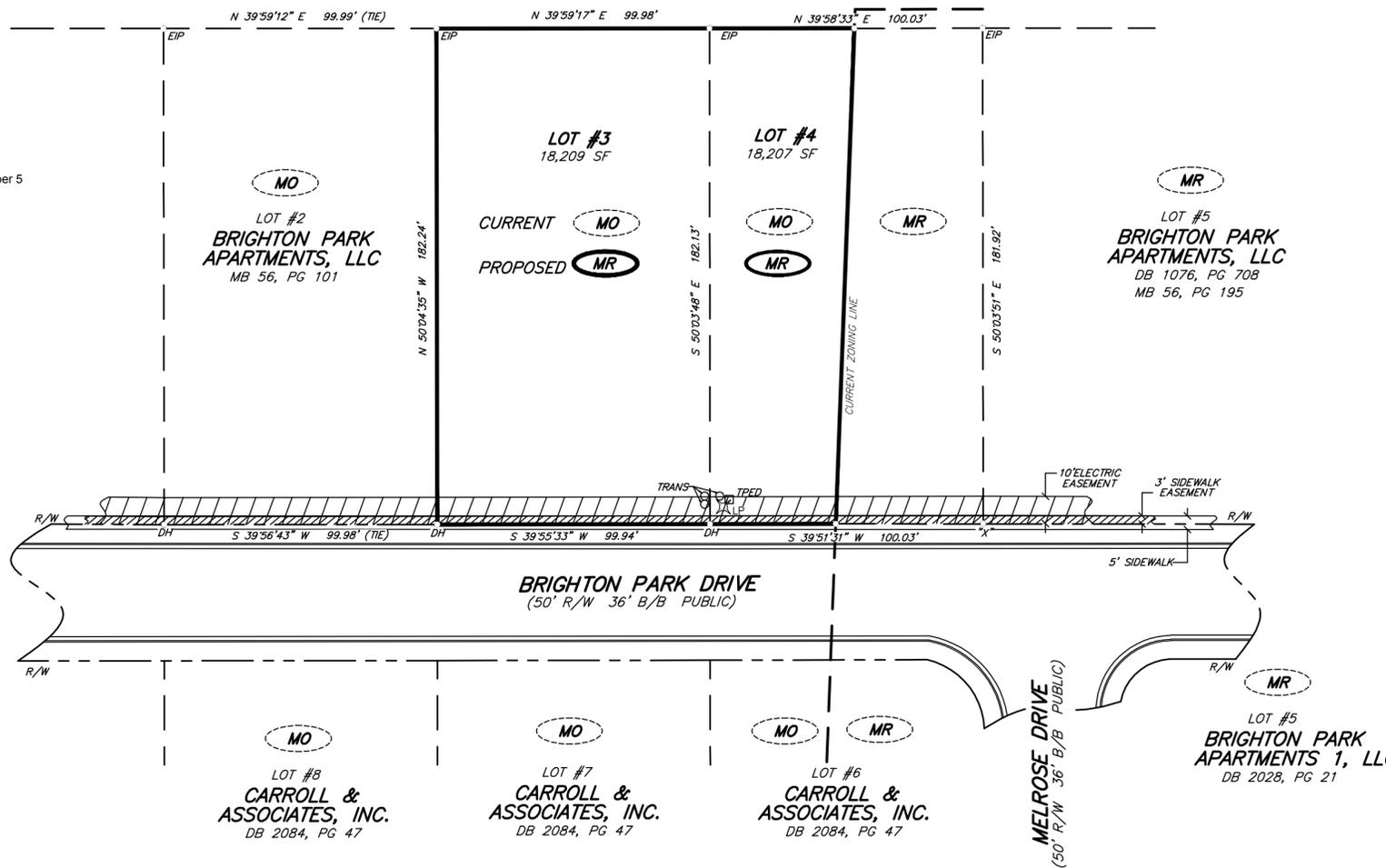
Benjamin J. Purvis

BENJAMIN J. PURVIS, P.L.S.

L-4290

Item # 3

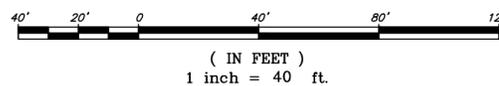
MO
CARL H. TYNDALL
DB C-50, PG 694



NOTES

1. REQUEST TO CHANGE ALL OF LOT 3 AND A PORTION OF LOT 4 TO MR ZONING.
2. LOT 3 = 18,209.18 SF CURRENTLY ZONED MO.
3. PORTION OF LOT 4 = ± 9,189.53 SF CURRENTLY ZONED MO. THE REMAINDER OF LOT 4 IS CURRENTLY ZONED MR. (APPROXIMATELY ± 9,017.65).
4. TOTAL AREA REQUESTED TO BE REZONED FROM MO TO MR = 27,398.71 SF (0.63 ACRES)
5. THERE ARE CURRENTLY NO STRUCTURES OR IMPROVEMENTS LOCATED ON LOTS 3 AND 4.

GRAPHIC SCALE



REZONING MAP FOR
BRIGHTON PARK APARTMENTS, LLC

REFERENCE: BEING A PORTION OF THE PROPERTY DESCRIBED IN DB 1076, PAGE 708 AND MAP BOOK 56, PAGE 101 OF THE PITT COUNTY REGISTRY
GREENVILLE, FALKLAND TOWNSHIP, PITT COUNTY, N.C.

OWNER: **BRIGHTON PARK APARTMENTS, LLC**
ADDRESS: PO BOX 20370
GREENVILLE, NC 27858
PHONE: (252) 756-4052

	BENJAMIN J. PURVIS, P.L.S. 2004 B. EAST 3RD. ST. GREENVILLE, N.C. 27858 (252) 341-5588 www.landsurvey.webs.com	SURVEYED: BJP	APPROVED: BJP
		DRAWN: CPT	DATE: 02/29/12
		CHECKED: BJP	SCALE: 1" = 40'

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.

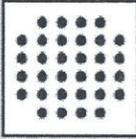
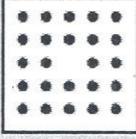
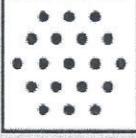
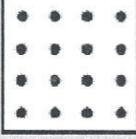
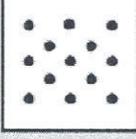
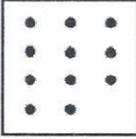
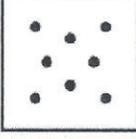
Residential Density		
Maximum density allowed by Zoning District based on average of 2.67 persons per dwelling unit		
High Density		
R6 R6-N R6-MH OR CDF	17 units per acre yields 45 persons per acre	
PUD	12 units per acre yields 32 persons per acre	
Medium Density		
R6-A	9 units per acre yields 24 persons 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: 8/9/2012
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:

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 July 24, 2012.
Public hearing legal advertisement published on July 30 and August 6, 2012.

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 and Residential Density](#)

- [📄 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 August 9, 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 9th day of August, 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

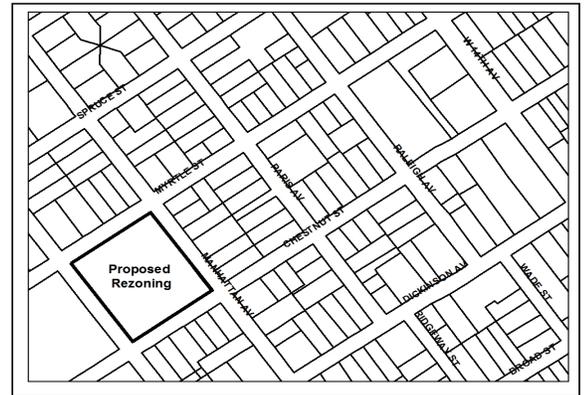
Current Zoning: OR (Office-Residential [High Density Multi-Family])

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):

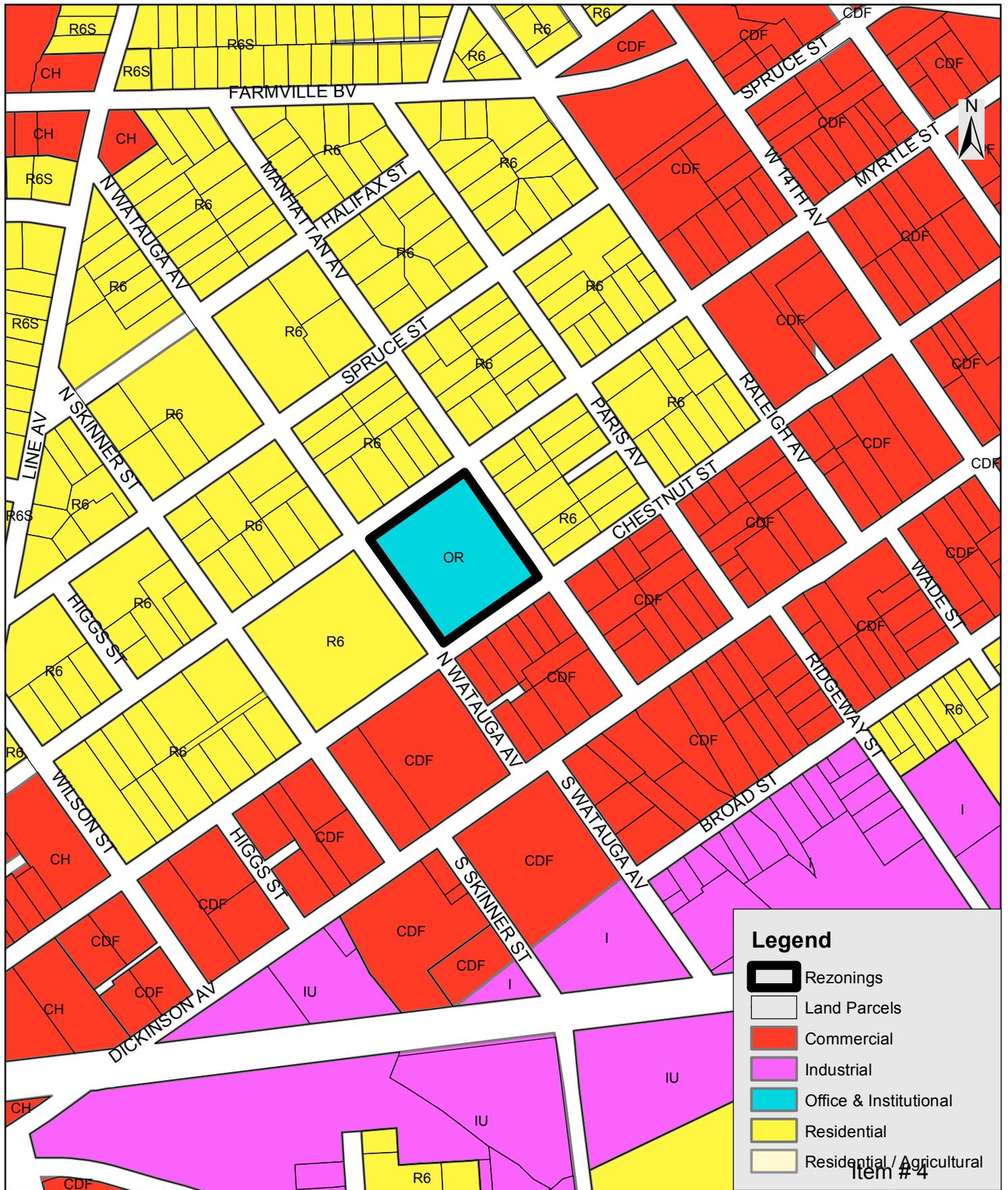
- a. Other activities; personal services not otherwise listed
- b. Other activities; professional activities not otherwise listed
- c. Other activities; commercial services not otherwise listed
- d. Other activities; retail sales not otherwise listed

Greenville Community Life Center, Inc. (12-06)

From: OR To: CDF

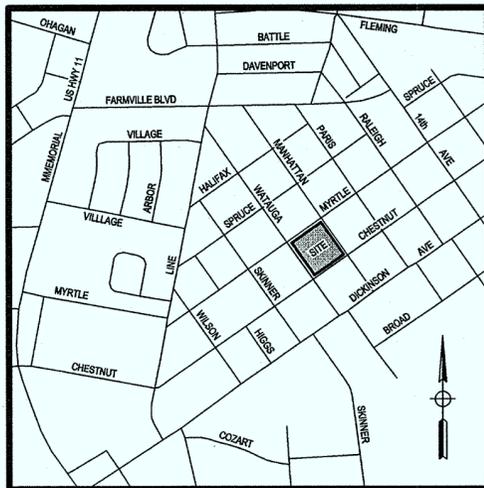
Total Acreage: 2.27

June 21, 2012



Legend

-  Rezoning
 -  Land Parcels
 -  Commercial
 -  Industrial
 -  Office & Institutional
 -  Residential
 -  Residential / Agricultural
- Item # 4



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

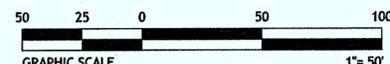
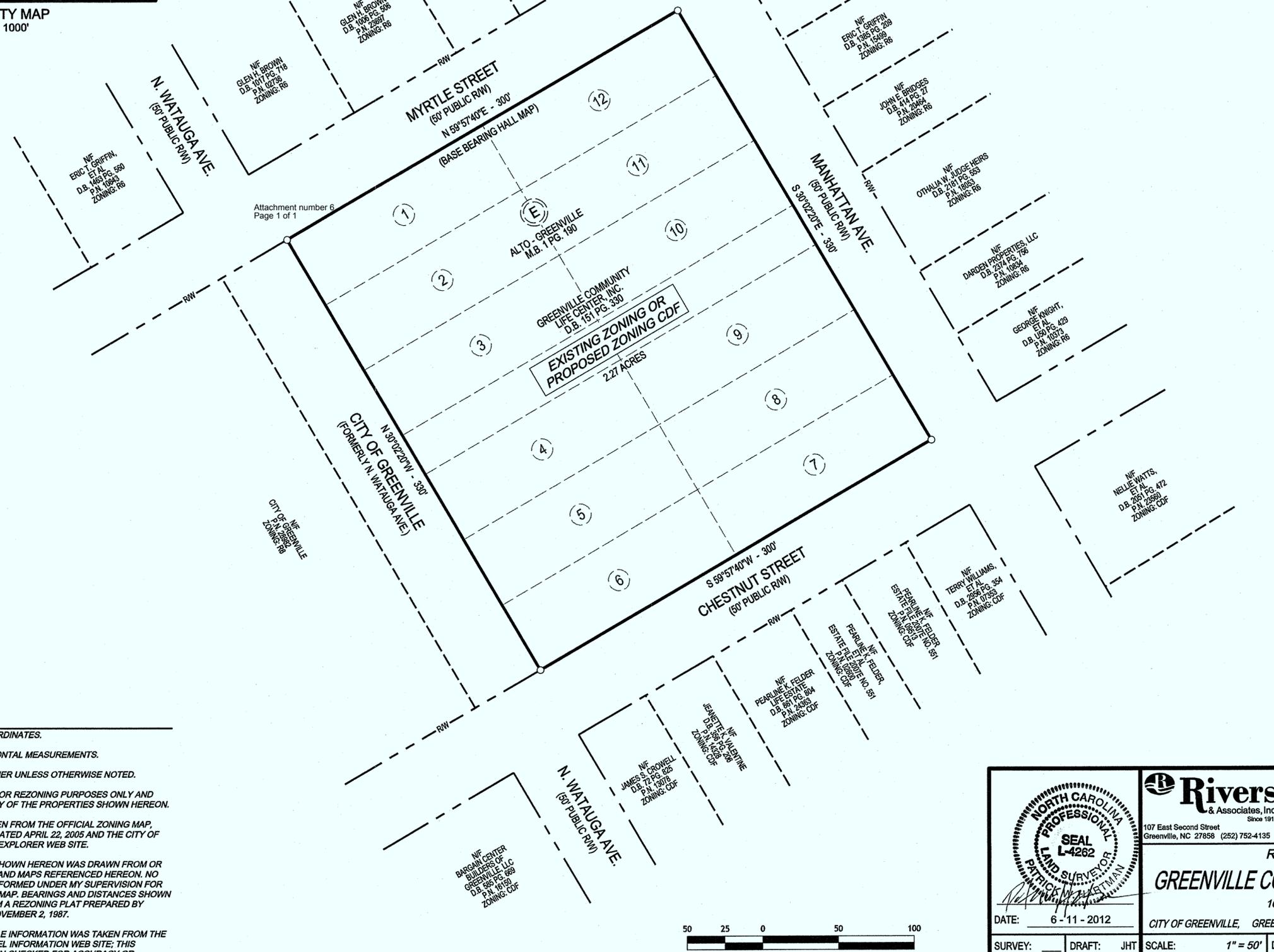
NORTH CAROLINA PITT COUNTY
I, PATRICK W. HARTMAN, PROFESSIONAL LAND SURVEYOR CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM DEEDS AND OR MAPS AS REFERENCED HEREON, AND DOES NOT REPRESENT A FIELD BOUNDARY SURVEY BY MYSELF OR RIVERS AND ASSOCIATES, INC.; I FURTHER CERTIFY PURSUANT TO G.S. 47-30 (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 # 4



PROFESSIONAL LAND SURVEYOR
NORTH CAROLINA
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'	DRAWING NO.
DESIGN:	CHECK:	PH	JOB NO.	2012075	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: 8/9/2012
Time: 7:00 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 115+/- 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 on July 24, 2012.
Public hearing legal advertisement published on July 30 and August 6, 2012.

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 Plan 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.

The Planning and Zoning Commission voted to approve the request at its June 19, 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 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](#)

[Ordinance Storage Kings LLC 932112](#)

[Minutes Storage King LLC 931192](#)

[List of Uses R6 to CH 929147](#)

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 August 9, 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) to CH (Heavy Commercial).

TO WIT: Storage Kings, LLC Property.

LOCATION: Located along the southern right-of-way of Deck Street and 115+/- feet east of the intersection of Deck Street and South Greene Street.

DESCRIPTION: Beginning at a point on the southern right-of-way of Deck Street, said point being located N 73°10'42" W, 235.65' as measured along the southern right-of-way of Deck Street from a point where the southern right-of-way of Deck Street intersects the western right-of-way of NCSR 1702 (Evans Street). From the above described beginning, so located, running thence as follows:

Leaving the southern right-of-way of Deck Street, S 16°49'18" W, 118.10', thence
Item # 5

N 73°10'42" W, 64.32', thence N 16°49'18" E, 118.10' to a point on the southern right-of-way of Deck Street, thence with the southern right-of-way of Deck Street, S 73°10'42" E, 64.32' to the point of beginning containing 0.174 acre and being a portion of the property described in Deed Book 2823, Page 691 of the Pitt County Register of Deeds Office.

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 9th day of August, 2012.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk

Doc. # 932112

Excerpt from the ADOPTED Planning & Zoning Minutes (6/19/2012)

REQUEST BY STORAGE KINGS, LLC – APPROVED

Ordinance requested by Storage Kings, LLC to rezone area from R6 (Residential [High Density Multi-family]) to CH (Heavy Commercial).

Ms Chantae Gooby, Planner, delineated the property. The property is located along the southern right-of-way of Deck Street and 115+/- feet east of the intersection of Deck Street and South Greene Street. The property is currently vacant. The property is impacted by the 100-year floodplain. No traffic report was generated since the requested rezoning will generate less traffic than the existing zoning. The property is currently zoned as R6 which can accommodate one duplex building. Under the proposed zoning (CH), the property could yield 1,667 additional square feet of mini-storage space. The Future Land Use Plan Map recommends commercial at the southwest corner of the intersection of Evans Street and Deck Street. In staff's opinion, the request is in compliance with Horizons: Greenville's Community Plan, and the Future Land Use Plan Map.

Mr. Mike Baldwin, representative of Storage Kings, spoke in favor of the request. He stated that the request was primarily for dimensional standards for the lot.

No one spoke in opposition of the request.

Mr. Weitz disagreed with staff's opinion concerning the rezoning being consistent with the developments in floodplains in the Horizons: Greenville's Community Plan. He stated that the rezoning also does not protect neighborhood livability. He also stated that the rezoning request of heavy commercial has to consider all possible businesses and does not believe it is good practice to put possible businesses in a floodplain.

Motion made by Mr. Smith, seconded by Mr. Schrade, 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. Those voting in favor: Smith, Bellis, Basnight, Parker, Griffin, Schrade, and Rich. 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

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

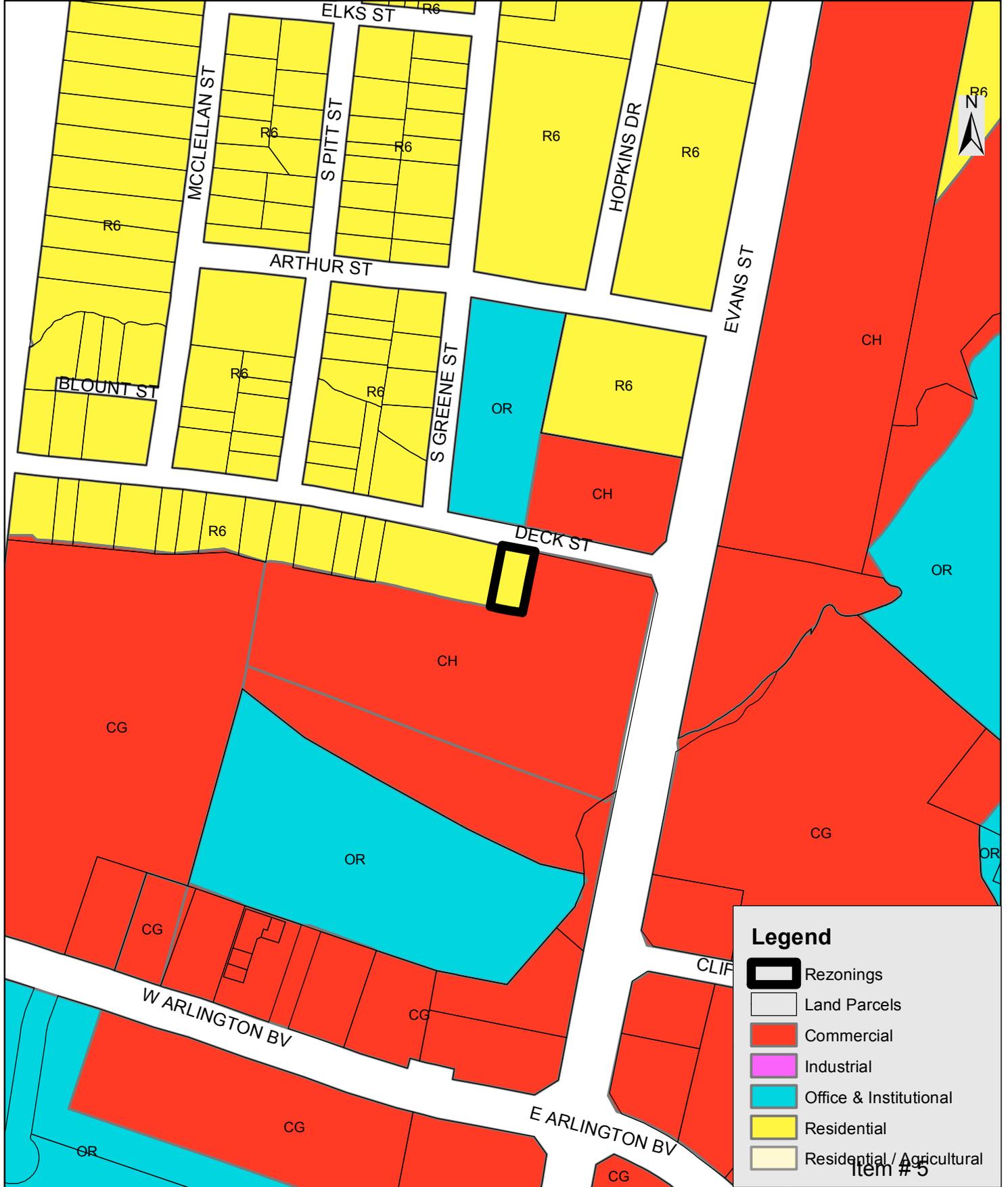
(14) Manufacturing/ Warehousing:

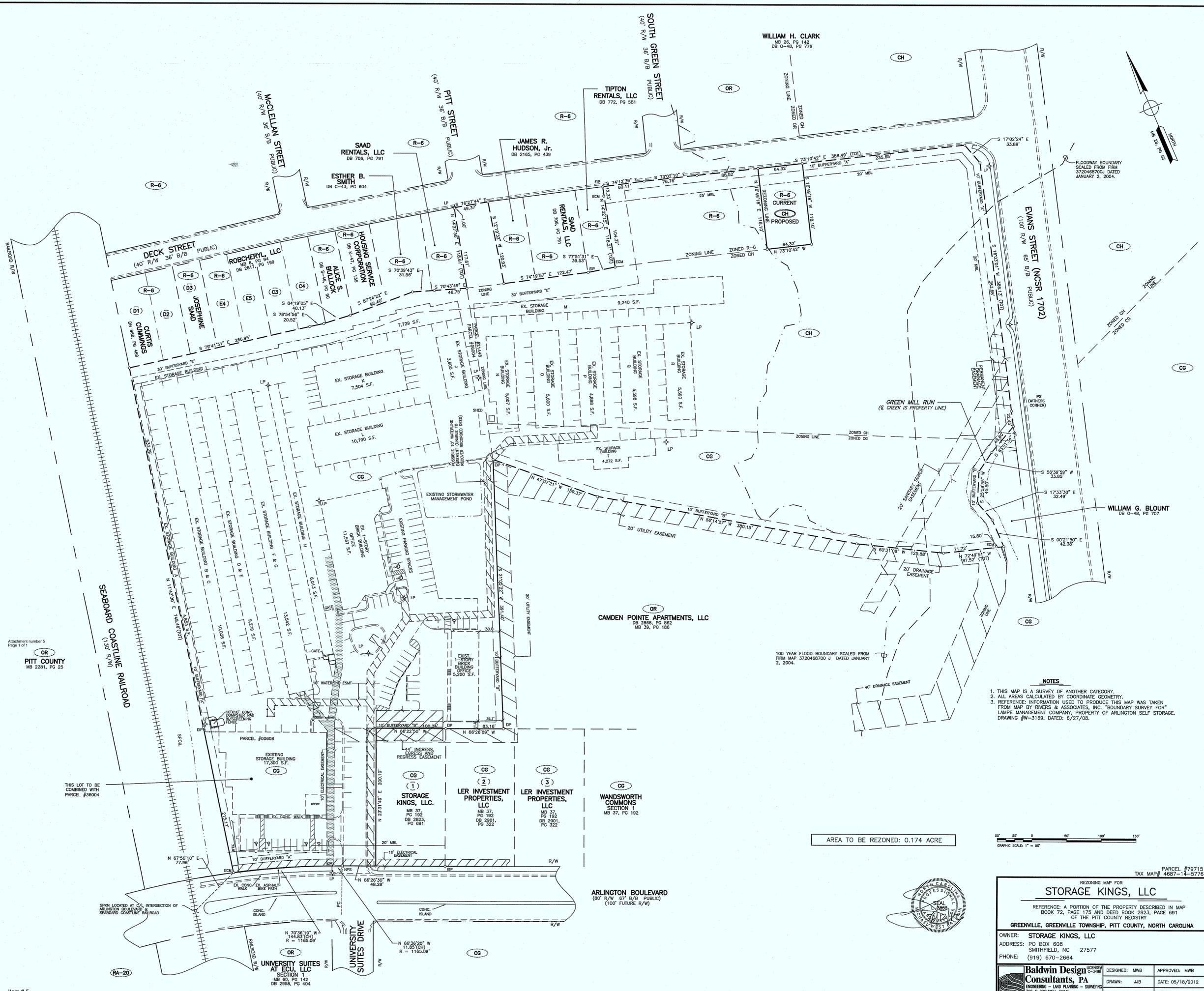
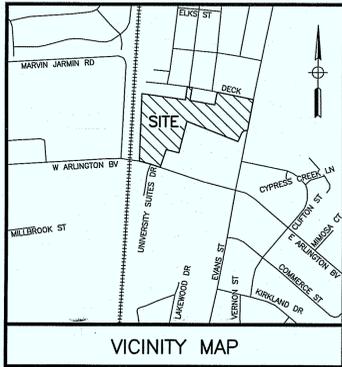
- d. Stone or monument cutting, engraving
- j. Moving and storage; including outside storage
- l. Warehouse or mini-storage warehouse, commercial or industrial; including outside storage
- y. Recycling collection station or facilities

(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





LEGEND
 EIP = EXISTING IRON PIPE
 R/W = RIGHT-OF-WAY
 R = RADIUS
 CH = CHORD
 ○ = EXISTING ZONING
 ○ = PROPOSED ZONING

Attachment number 5
 Page 1 of 1
PITT COUNTY
 MB 2261, PG 26

NOTES
 1. THIS MAP IS A SURVEY OF ANOTHER CATEGORY.
 2. ALL AREAS CALCULATED BY COORDINATE GEOMETRY.
 3. REFERENCE: INFORMATION USED TO PRODUCE THIS MAP WAS TAKEN FROM MAP BY RIVERS & ASSOCIATES, INC. BOUNDARY SURVEY FOR LAMPE MANAGEMENT COMPANY, PROPERTY OF ARLINGTON SELF STORAGE. DRAWING #W-3169. DATED: 6/27/08.

AREA TO BE REZONED: 0.174 ACRE



REZONING MAP FOR
STORAGE KINGS, LLC
 REFERENCE: A PORTION OF THE PROPERTY DESCRIBED IN MAP BOOK 72, PAGE 175 AND DEED BOOK 2823, PAGE 691 OF THE PITT COUNTY REISTRY
 GREENVILLE, GREENVILLE TOWNSHIP, PITT COUNTY, NORTH CAROLINA
 OWNER: STORAGE KINGS, LLC
 ADDRESS: PO BOX 608 SMITHFIELD, NC 27577
 PHONE: (919) 670-2664
 PARCEL #79715 TAX MAP# 4687-14-5778

Baldwin Design Consultants, PA ENGINEERING - LAND PLANNING - SURVEYING 708-D CRAWFORD DRIVE GREENVILLE, NC 27602	DESIGNED: MWB DRAWN: JWB CHECKED: MWB	APPROVED: MWB DATE: 05/16/2012 SCALE: 1" = 50'
---	---	--

CAD FILE: 09-022 THE LAMPE COMPANY INCORPORATED SURVEY REZONE MAP 5-18-12

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: 8/9/2012
Time: 7:00 PM

Title of Item: Ordinance requested by The East Carolina Bank to rezone 41.616 acres located along the southern right-of-way of Regency Boulevard between South Pointe Duplexes and the CSX Railroad from R6S (Residential-Single-family [Medium Density]) to R6A (Residential [Medium Density Multi-family])

Explanation:

Required Notice:

Planning and Zoning Commission meeting notice (property owner and adjoining property owner(s) letters) mailed on July 2, 2012.
On-site sign(s) posted on July 2, 2012.
City Council public hearing notice (property owners and adjoining property owner(s) letters) mailed on July 24, 2012.
Public hearing legal advertisement published on July 30 and August 6, 2012.

Comprehensive Plan:

The subject property is located in Vision Area E.

The applicable Comprehensive Plan Objectives:

UF2. To encourage a mixing of land uses.

UF3. To encourage a diversity of housing options.

UF21. To provide transitional buffers and/or zoning between incompatible land uses.

UF23. To allow rezonings in accordance with the Future Land Use Plan Map recommendations.

The applicable Comprehensive Plan Implementation Strategies:

2(h). Office/institutional/multi-family land uses should be developed along

transportation thoroughfares to provide transition between commercial nodes and to preserve vehicle carrying capacity.

- 2(i). Office/institutional/multi-family development should be used as a buffer between light industrial and commercial development and adjacent lower density residential land uses.

Regency Boulevard is designated as a connector corridor. Connector corridors are anticipated to contain a variety of higher intensity land uses.

The Future Land Use Plan Map recommends office/institutional/multi-family (OIMF) at the southeast corner of the intersection of Regency Boulevard and South Memorial Drive and transitioning to medium density residential (MDR) in the interior areas to act as a buffer to the commercial (C) north of Fire Tower Road.

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

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 1995 trips to and from the site on Regency Boulevard, which is a net increase of 416 additional trips per day.

During the review process, measures to mitigate traffic impacts will be determined. Mitigation measures may include limiting access onto Regency Boulevard through cross access to the adjacent parcels and constructing turn lanes into the development.

History/Background:

In 1972, the subject site was incorporated into the City's extra-territorial jurisdiction (ETJ) and zoned RA20. In 1987, a section of the property (adjacent to the railroad) was rezoned to R9S. In 2006, the remaining portion of the subject property was rezoned to R6S and R9S. In 2007, the R9S-zoned portion was rezoned to R6S.

Present Land Use:

This site is part of an approved preliminary plat for Westhaven South Cluster Subdivision (165 single-family lots).

Water/Sewer:

Water is located in the right-of-way of Thomas Langston Road and sanitary sewer is located to the south at the end of the proposed South Park Drive.

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: R9S - Westhaven South Subdivision

South: RA20 - vacant

East: R9S - Shamrock Cluster Subdivision; RA20 - Southall Subdivision; O - vacant

West: O - Vacant (under common ownership as applicant)

Density Estimates:

Under the current zoning (R6S), the site could yield 165 single-family lots.

Under the proposed zoning (R6A), the site could yield 300 multi-family units (1, 2 and 3 bedroom units).

The anticipated build-out time is 3-5 years.

Additional Staff Comments:

The rezoning site has been the subject of several rezonings over the years. The resulting zoning from all of the requests has been single-family. The current request, while in compliance with the Future Land Use Plan Map, contains a multi-family option.

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.

The Planning and Zoning Commission voted to deny 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 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 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](#)
- [📄 Ordinance_The_East_Carolina_Bank_932121](#)
- [📄 Rezoning_Case_12_07_The_East_Carolina_Bank_931308](#)
- [📄 Minutes_for_The_East_Carolina_Bank_932570](#)
- [📄 List_of_Uses_R6S_to_R6_921487](#)

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 August 9, 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 R6S (Residential-Single-family) to R6A (Residential).

TO WIT: The East Carolina Bank Properties

LOCATION: Located along the southern right-of-way of Regency Boulevard between South Pointe Duplexes and CSX Railroad.

DESCRIPTION: All that certain tract or parcel of land lying and being situated in the City of Greenville, Winterville Township, Pitt County, North Carolina, bounded on the north by Thomas Langston Road, on the east by CSXT Railroad (formerly Seaboard Coastline Railroad), on the south by the Fenner L. Allen, et al. property and the Jack Jones, LLC property, and on the west by South Pointe Subdivision and the Langston Farms, LLC property, and being described by metes and bounds as follows:

BEGINNING at a point in the southern right-of-way line of Thomas Langston Road where it intersects with the western right-of-way line of CSXT Railroad, thence with the western right-of-way line of CSXT Railroad S 22°09'02" W 889.43 feet to a point in said right-of-way, said point being a corner with the Fenner L. Allen, et al. property described in Deed Book 993, page 324, thence leaving CSXT Railroad and with the northern line of the Allen property N 83°01'07" W 41.33 feet, thence N 07°13'13" E 378.78 feet, thence N 84°25'41" W 1,262.66 feet, thence S 00°52'37" W 181.57 feet, thence S 01°39'23" E 82.36 feet, thence S 11°55'32" E 39.87 feet, thence S 72°17'54" E 102.87 feet, thence S 17°42'06" W 225.00 feet, thence N 72°17'54" W 150.00 feet to a point, a common corner with the Jack Jones, LLC property described in Deed Book 1054, page 823, thence leaving the Allen property and with the northern line of the Jones property N 84°17'54" W 1,060.48 feet to a point in the eastern line of South Pointe Subdivision, Section 2 and 3 recorded in Map Book 65, pages 185 and 186, thence leaving the Jones property and with the eastern line of South Pointe Subdivision N 07°18'00" E 171.53 feet, thence N 05°57'58" W 22.47 feet, thence N 14°57'05" W 114.55 feet, thence N 06°03'14" W 146.93 feet to a point, a common corner with the Langston Farms, LLC property recorded in Deed Book 1845, page 459, thence leaving South Pointe Subdivision and with the eastern line of the Langston Farms property N 06°03'14" W 271.59 feet to a point in the southern right-of-way line of Thomas Langston Road, thence leaving the Langston Farms property and with the southern right-of-way line of Thomas Langston Road N 76°52'01" E 607.12 feet to a point of curve, thence continuing along a curve in a clockwise direction, said curve having a radius of 1,210.00 feet, a chord bearing of N 85°53'29" E and a chord distance of 379.58 feet to a point of tangent, thence continuing with said right-of-way S 85°03'35" E 1,552.69 feet to a point of curve, thence continuing along a curve in a clockwise direction, said curve having a radius of 2,990.00 feet, a chord bearing of S 84°02'05" E and a chord distance of 106.99 feet to a point of tangent, thence continuing with said right-of-way S 83°00'34" E 178.54 feet to the point of BEGINNING, containing 41.616 acres more or less and being a portion of the property acquired by The East Carolina Bank described in Deed Book 2846, page 337 and shown on a plat by Rivers and Associates, Inc. dated June 15, 2012, being drawing number Z-2561 entitled Rezoning Map for The East Carolina Bank 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 9th day of August, 2012.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk

Doc. # 932121

Case No: 12-07

Applicant: The East Carolina Bank

Property Information

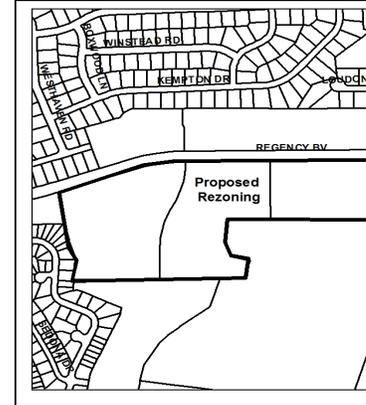
Current Zoning: R6S (Residential-Single-Family)

Proposed Zoning: R6A (Residential [Medium Density Multi-Family])

Current Acreage: 41.616 acres

Location: south side of Regency Blvd, west of Evans Street

Points of Access: Regency Boulevard



Location Ma

Transportation Background Information

1.) Regency Boulevard- State maintained

	<u>Existing Street Section</u>	<u>Ultimate Thoroughfare Street Sec</u>
Description/cross section	4-lane divided with curb & gutter	4-lane divided with curb & gutter
Right of way width (ft)	90 (varies)	90 (varies)
Speed Limit (mph)	45	45
Current ADT:	8,000 (*)	Ultimate Design ADT: 35,000
Design ADT:	35,000 vehicles/day (**)	
Controlled Access	No	
Thoroughfare Plan Status:	Minor Thoroughfare	

Other Information: There are sidewalks along Regency Boulevard that service this property.

Notes: (*) 2012 estimated City count
(**) Traffic volume based an operating Level of Service D for existing geometric c
ADT – Average Daily Traffic volume

Transportation Improvement Program Status: No planned improvements.

Trips generated by proposed use/change

Current Zoning: 1,579 -vehicle trips/day (*) **Proposed Zoning:** 1,995 -vehicle trips/day

Estimated Net Change: increase of 416 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 propos

Impact on Existing Roads

The overall estimated trips presented above are distributed based on current traffic patterns. The estimat Boulevard are as follows:

1.) Regency Boulevard , East of Site (50%): **“No build” ADT of 8,000**

Estimated ADT with Proposed Zoning (full build) – 8,998

Estimated ADT with Current Zoning (full build) – 8,790

Net ADT change = 208 (2% increase)

2.) Regency Boulevard , West of Site (50%):

“No build” ADT of 8,000

Estimated ADT with Proposed Zoning (full build) – 8,998

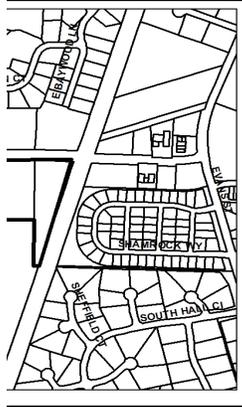
Estimated ADT with Current Zoning (full build) – 8,790

Net ADT change = 208 (2% increase)

Staff Findings/Recommendations

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate the site on Regency Boulevard, which is a net increase of 416 additional trips per day.

During the review process, measures to mitigate traffic impacts will be determined. Mitigation measures may include onto Regency Boulevard through cross access to the adjacent parcels and constructing turn lanes into the developr



p

tion

vehicles/day (**)

conditions

(*)

sed zoning.)

ted ADTs on Regency

: 1995 trips to and from

: lude limiting access
ment.

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

REQUEST BY THE EAST CAROLINA BANK - DENIED

Ms. Chantae Gooby, Planner, delineated the property. The property is located along the southern section of the city. The property is between Evans St. and Memorial Drive. The request is to change from single family to both single and multi-family zoning. Part of the property has been approved for a preliminary plat which includes 165 single family lots. The property is vacant. The proposed rezoning classification could generate 416 trips per day. The property is currently zoned for 165 single family lots. Under the proposed zoning, the property could yield 300 multi-family lots. The Future Land Use Plan Map recommends medium density residential (MDR) throughout the entire area. In staff's opinion, the request is in compliance with Horizons: Greenville's Community Plan, and the Future Land Use Plan Map.

Ms. Bellis asked what type of housing was allowed with multi-family dwellings

Ms. Gooby stated duplexes, townhomes or apartment buildings.

Mr. Weitz asked staff if the Comprehensive Plan had any policies or objectives to support the request.

Mr. Flood stated that the housing and mobility section of the plan describes having a mix of housing within a variety of neighborhoods throughout the city. He suggested that staff provide the board with the text excerpts from the plan at a later date.

Mr. Weitz asked was Regency Boulevard on the transit bus route.

Ms. Gooby said currently there are no bus stops on Regency Boulevard and did not know if the Great Bus traveled the road.

Mr. Parker asked if the city kept an occupancy rate of apartment buildings.

Ms. Gooby stated that the city does not have a record of occupancy due to the turnover rate.

Mr. Bell asked about the number of trips per day according to the traffic report.

Ms. Gooby stated that the total number of ins and outs is 416.

Ms. Bellis asked about the number of trips per day under the current zoning.

Ms. Gooby stated the current zoning is 1,579 and the proposed zoning would generate 1,995 trips per day.

Ms. Bellis asked if Regency Boulevard was a city maintained street or Department of Transportation road.

Doc #932570

Ms. Gooby stated a city maintained street. She also mentioned that the request is for a medium density district will has a cap of 9 units per acre.

Mr. Maxwell said that he is concerned about the backup of the current traffic near the requested area.

Mr. Bob Milam, Special Asset Coordinator of East Carolina Bank, spoke in favor of the request. He stated that the property was obtained by the bank via foreclosure. The bank is looking for a more advantageous way of marketing the property.

Mr. Weitz asked the applicant if a market study was done to prove that additional duplexes would serve a demand.

Mr. Milam stated that the bank talked to several real estate developers to see what they could do to make the property as attractive as they could to find a buyer for it. The applicant has no intention of building homes on the property.

Mr. Scott Anderson, representative of River & Associates, spoke in favor of the request. He stated that Regency Boulevard was designed for 35,000 trips per day and currently has 8,000. If used fully under the current zoning, it will have 8,790 trips per day. If the property was developed fully with multi-family, it will have 8,989 or 2% increase. He reiterated that the proposed request is on the low end of the number of multi-family units per acre.

Mr. John Selby, president of the Shamrock homeowners association, spoke in opposition of the request. He stated that the neighborhood is concerned about the impact of the proposed request. Due to Regency Boulevard, the neighborhood is dealing with the train and additional foot traffic. He asked will the developer fence off the area.

Ms. Gooby stated that if the proposed property is rezoned then the developer could build any type of housing within the zoning classification without having to come back to the Planning and Zoning Commission.

Chairman Bell closed the public hearing and opened board discussion.

Mr. Weitz stated that the request introduces multi-family zoning to an area that is entirely single family residents.

Ms. Gooby stated that R6A and office zoning are currently located beside the proposed property.

Mr. Schrade stated that he felt the request did coincide with the Comprehensive Plan because of the single family dwellings as the buffer for Westhaven.

Ms. Bellis asked if any buffering could be along the railroad track.

Ms. Gooby said vegetation requirements near a railroad track are minimum.

Motion made by Mr. Schrade, seconded by Ms. Harrington, 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. Those voting in favor: Harrington and Schrade. Those voting in opposition: Weitz, Bellis, Maxwell, Parker, Basnight, and Rich. Motion failed.

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

EXISTING ZONING

R6S (Residential-Single-Family)

Permitted Uses

(1) General:

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

(2) Residential:

- a. Single-family dwelling
- 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:

- 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

R6S (Residential-Single-Family)

Special Uses

(1) General:

* None

(2) Residential:

* None

(3) Home Occupations (see all categories):

- b. Home occupation; excluding barber and beauty shops
- c. Home occupation; excluding manicure, pedicure or facial salon
- d. Home occupation; including bed and breakfast inn (historic district only)

(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:

- 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)

(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

R6A (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:

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

R6A (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):

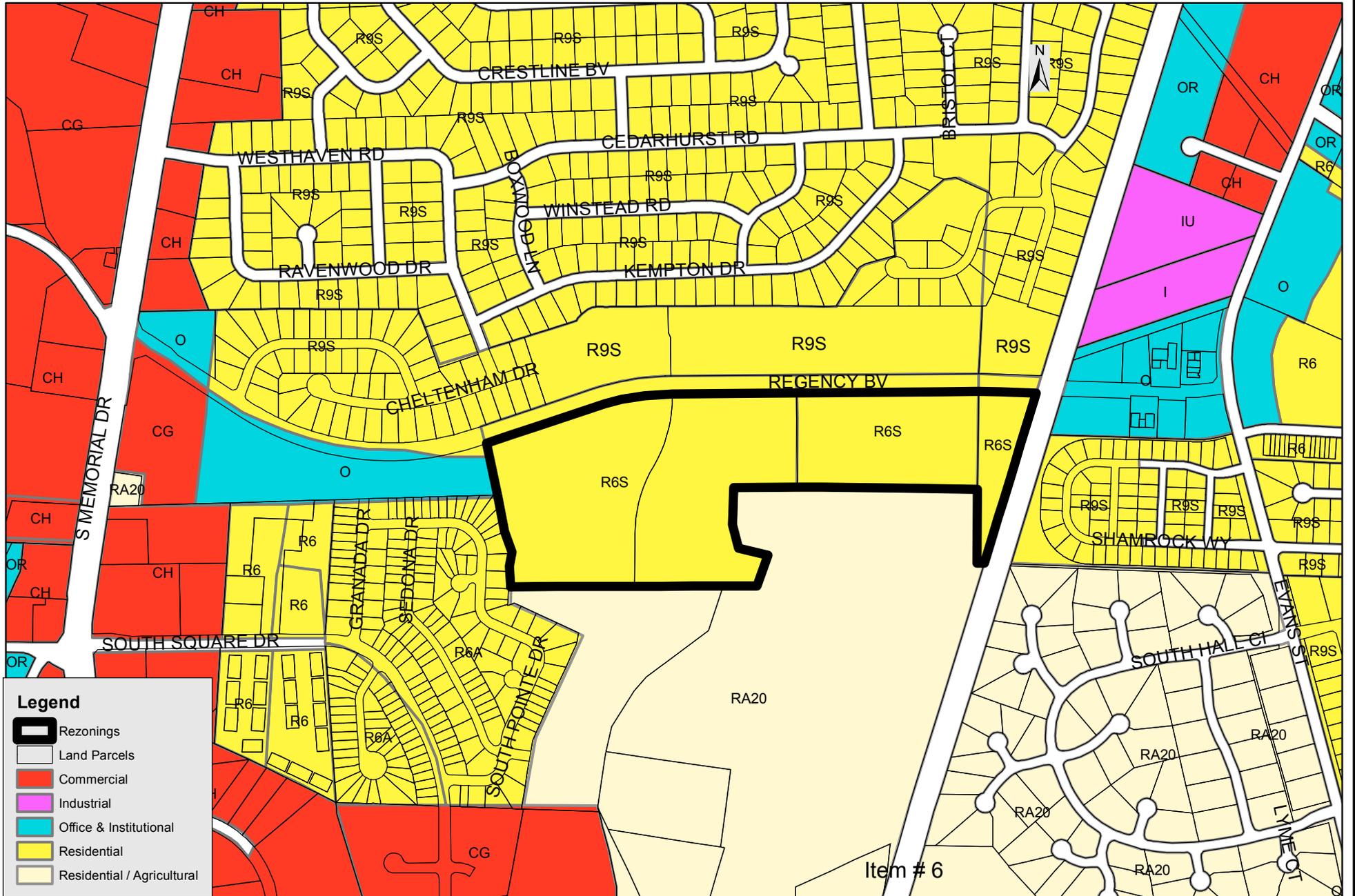
* None

The East Carolina Bank (12-07)

From: R6S To: R6A

Total Acreage: 41.616

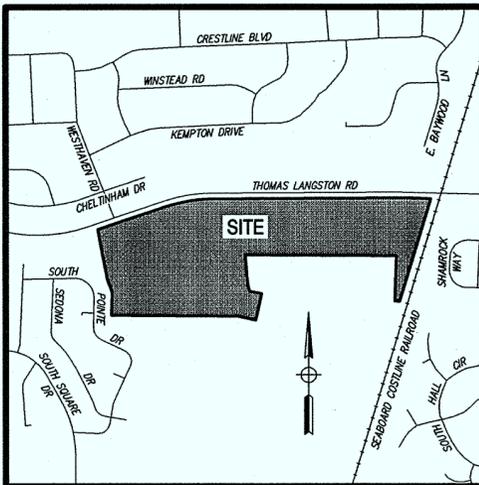
June 21, 2012



Legend

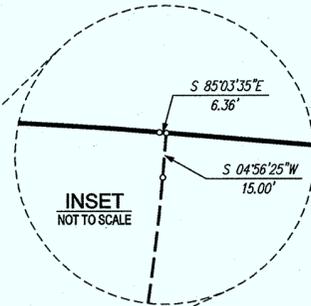
-  Rezonings
-  Land Parcels
-  Commercial
-  Industrial
-  Office & Institutional
-  Residential
-  Residential / Agricultural

Item # 6



VICINITY MAP
1" = 1000'

WESTHAVEN SOUTH - PHASE 1 R9 S ZONING				
LOT	OWNER	D.B.	PG.	PARCEL NO.
90	N/F THE EAST CAROLINA BANK	2846	337	76404
91	N/F THE EAST CAROLINA BANK	2846	337	76405
92	N/F DAVID BRIAN JERNIGAN, ET AL	2976	731	76406
93	N/F THE EAST CAROLINA BANK	2846	337	76407
94	N/F THE EAST CAROLINA BANK	2846	337	76408
95	N/F THE EAST CAROLINA BANK	2846	337	76409



LEGEND:
 O ZONING = OFFICE
 R6 A ZONING = RESIDENTIAL
 R6 S ZONING = RESIDENTIAL-SINGLE-FAMILY
 R9 S ZONING = RESIDENTIAL-SINGLE-FAMILY
 RA 20 ZONING = RESIDENTIAL-AGRICULTURAL
 N/F = NOW OR FORMERLY
 RW = RIGHT OF WAY
 B/B = BACK OF CURB TO BACK OF CURB
 P.N. = PARCEL NUMBER
 D.B. = DEED BOOK
 M.B. = MAP BOOK
 PG. = PAGE
 ET AL = AND OTHERS

REZONED AREA:
 TOTAL = 1,812,800 S.F. (41.62 ACRES)

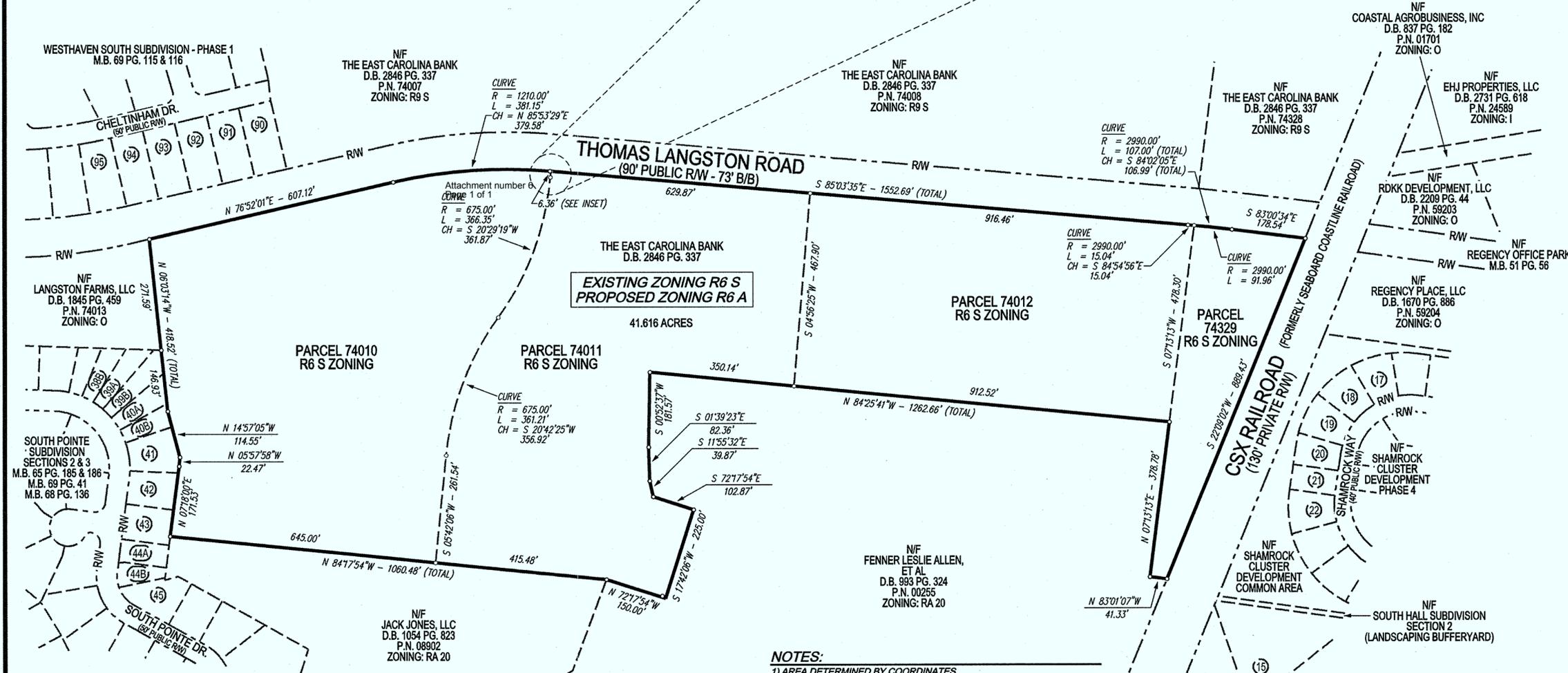
REFERENCES:
 D.B. 2846 PG. 337
 P.N. 74010, 74011, 74012 & 74329
 M.B. 65 PG. 154 LANGSTON FARMS, LLC
 M.B. 71 PG. 88
 REZONING MAP FOR TOMMIE L. LITTLE PREPARED BY BALDWIN & ASSOCIATES, SEALED 3/16/2007

OWNER:
 THE EAST CAROLINA BANK
 1816 PROGRESS RD.
 GREENVILLE, N.C. 27834
 PHONE: (252) 931-3787

CERTIFICATION

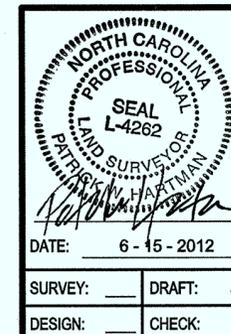
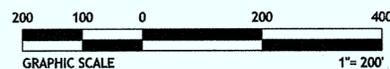
NORTH CAROLINA PITT COUNTY
 I, PATRICK W. HARTMAN, PROFESSIONAL LAND SURVEYOR CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM DEEDS AND OR MAPS AS REFERENCED HEREON, AND DOES NOT REPRESENT A FIELD BOUNDARY SURVEY BY MYSELF OR RIVERS AND ASSOCIATES, INC.; I FURTHER CERTIFY PURSUANT TO G.S. 47-30 (F)(1)J.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.
 - 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.
 - 8) IN THE INTEREST OF CLARITY, NO EXISTING EASEMENTS ARE BEING SHOWN.

SOUTH POINTE SUBDIVISION - SECTION 2 & 3 R6 A ZONING				SHAMROCK CLUSTER DEVELOPMENT - PHASE 4 R9 S ZONING					
LOT	OWNER	D.B.	PG.	PARCEL NO.	LOT	OWNER	D.B.	PG.	PARCEL NO.
38B	N/F WILLIAM H. FLEMMING, ET AL	2472	692	75322	17	N/F MICHAEL W. WIER, ET AL	2088	867	68110
39A	N/F WILLIAM H. FLEMMING, ET AL	2472	692	75323	18	N/F XUANNGOC THI LENGO	2437	329	68111
39B	N/F RANDOLPH F. HOBBS, JR.	2394	288	75324	19	N/F BARBARA G. BRILEY	2209	102	68112
40A	N/F NANCY W. ADAMS	2428	690	75517	20	N/F CHARLES FREDRICK KIRKLAND, ET AL	2823	130	68113
40B	N/F HEATHER HOUSE	2428	44	75518	21	N/F ROBERT J. PANCOAST, JR., TRUSTEE	2334	656	68114
41	N/F BRANCH BANKING & TRUST COMPANY	2881	393	72756	22	N/F KENNETH NIEL WALKER, ET AL	2040	568	68115
42	N/F BRANCH BANKING & TRUST COMPANY	2881	390	72757	SOUTH HALL SUBDIVISION - SECTION 2 RA 20 ZONING				
43	N/F BRANCH BANKING & TRUST COMPANY	2881	387	72758					
44A	N/F ALEXANDER P. PENNINO, ET AL	2450	645	76624					
44B	N/F LYNN W. EVANS, ET AL	2515	275	76625	15	N/F SCOTT M. SHOOK, ET AL	1582	410	46682
45	N/F LYNN W. EVANS, ET AL	2429	116	72760	16	N/F LOUIS DWANE SUTTON, ET AL	419	723	46681



Rivers
 & Associates, Inc.
 Since 1918
 107 East Second Street
 Greenville, NC 27858 (252) 752-4135

Engineers
 Planners
 Surveyors
 NC License: F-0334
 6131 Falls of Neuse Road, Suite 300
 Raleigh, NC 27609 (919) 848-3347

REZONING MAP FOR
THE EAST CAROLINA BANK

WINTERVILLE TOWNSHIP PITT COUNTY NORTH CAROLINA

DATE: 6-15-2012

SURVEY: DRAFT: JHT SCALE: 1" = 200' DRAWING NO.
 DESIGN: CHECK: PH JOB NO. 2012082 Z - 2561 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.

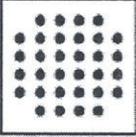
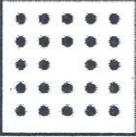
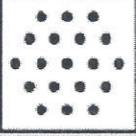
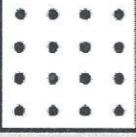
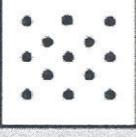
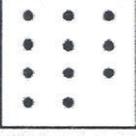
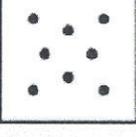
Residential Density		
Maximum density allowed by Zoning District based on average of 2.67 persons per dwelling unit		
High Density		
R6 R6-N R6-MH OR CDF	17 units per acre yields 45 persons per acre	
PUD	12 units per acre yields 32 persons per acre	
Medium Density		
R6-A	9 units per acre yields 24 persons 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: 8/9/2012
Time: 7:00 PM

Title of Item: Ordinance requested by Paradigm, Inc. to amend the Zoning Ordinance 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 mile 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 City Council determines to approve the request, a motion to adopt the attached ordinance will be needed. 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 amendment request, in order to comply with this statutory requirement, it is recommended that the motion be as follows:

"Motion to deny the proposed text amendment and to make a finding and determination that the denial is consistent with the comprehensive plan and that the denial 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."

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Attachments / click to download

- [Application](#)
- [Family Care Homes Map](#)
- [Family Care Homes Inventory](#)

[Current Zoning Standards Family Care Homes 913173](#)

[Family Care Homes Ordinance Final 925318](#)

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 August 9, 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 F, Section 9-4-103, of the City Code, is hereby amended by adding a new subsection (D)(4) 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.*

Section 2. 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 3. That this ordinance shall become effective immediately upon adoption.

Adopted this 9th day of August, 2012.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk



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

Print Name

Jeannette Barnett

Signature of Applicant

5-24-12

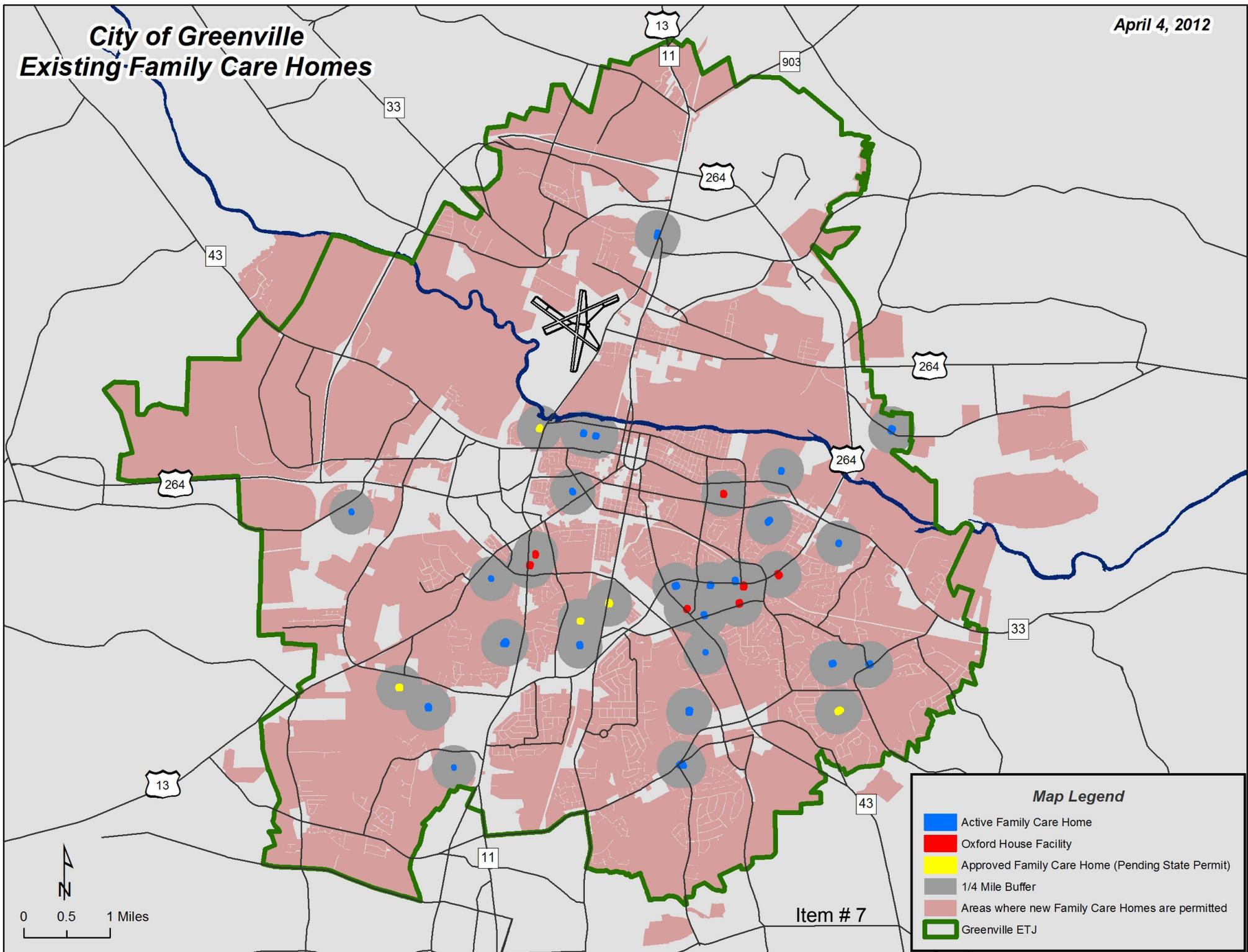
Date

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.

City of Greenville Existing Family Care Homes

April 4, 2012



Map Legend

- Active Family Care Home
- Oxford House Facility
- Approved Family Care Home (Pending State Permit)
- 1/4 Mile Buffer
- Areas where new Family Care Homes are permitted
- Greenville ETJ

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 Family 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 BURLINGTON 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)

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.



City of Greenville, North Carolina

Meeting Date: 8/9/2012
Time: 7:00 PM

Title of Item: Ordinance imposing a temporary development moratorium on internet sweepstakes businesses

Explanation: At its June 11, 2012, meeting, City Council directed that City staff prepare a report on standards for internet sweepstakes businesses. This report has been prepared and provides a review of the City's current standards and a listing of some possible standards to establish.

There are currently thirteen (13) internet sweepstakes businesses in the City's planning and zoning jurisdiction. City staff receives multiple inquiries each week from individuals interested in opening new internet sweepstakes businesses within the City's planning and zoning jurisdiction. These businesses 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.

There is a need to implement appropriate zoning regulations relating to the internet sweepstakes businesses. Currently, these businesses are considered as a Game Center and are permitted to be established after receipt of a special use permit. But, these establishments are unique, and regulations designed for the specific use would be appropriate. 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. A period of up to six (6) months to accomplish this would be adequate.

While the appropriate zoning regulations are being developed, a moratorium on the approval of special use permits for internet sweepstakes businesses would be appropriate. A temporary development moratorium would stop new establishments from being started. However, by law, it would 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. If the new regulations are not developed and approved by the expiration of the moratorium period, the moratorium may be extended or allowed to expire.

North Carolina General Statute 160A-381(e) authorizes cities to adopt a 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. 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 moratorium.

Recommendation: It is recommended that City Council approve the attached ordinance which establishes a six (6) month moratorium on the approval of special use permits for internet sweepstakes businesses.

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

Attachments / click to download

 [Ordinance_Establishing_a_Temporary_Moratorium_on_Internet_Sweepstakes_Businesses_932898](#)

ORDINANCE NO. 12-
AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON DEVELOPMENT
APPROVALS FOR INTERNET SWEEPSTAKES BUSINESSES

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

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

Section 1. A temporary moratorium is hereby 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 Internet Sweepstakes Businesses. Internet Sweepstakes Businesses include business enterprises, 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.

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 Internet Sweepstakes Businesses 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 Internet Sweepstakes Businesses. 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 Internet Sweepstakes Businesses to receive special use permits while the City of Greenville develops appropriate zoning regulations applicable to the specific use of Internet Sweepstakes Businesses 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 Internet Sweepstakes Businesses 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 Internet Sweepstakes Businesses. The moratorium will allow the City of Greenville to develop and implement appropriate zoning regulations relating to Internet Sweepstakes Businesses 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 Internet Sweepstakes Businesses thereby eliminating a risk to the health, safety and general welfare of the community.

(3) The moratorium will terminate on January 11, 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 Internet Sweepstakes Businesses 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 schedule for the actions are proposed to be taken: (a) evaluating best practices from other communities and preparing proposed regulations, August, 2012, through September, 2012; (b) engaging public participation, September, 2012, through January, 2013; (c) allowing the Planning and Zoning Commission to review and recommend regulations, September, 2012, through November, 2012; and allowing City Council to deliberate and act upon the recommended regulations, October, 2012, through January, 2013.

Section 3. The moratorium will terminate sooner than January 11, 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 Internet Sweepstakes Businesses.

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 9th day of August, 2012.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk



City of Greenville, North Carolina

Meeting Date: 8/9/2012
Time: 7:00 PM

Title of Item: Ordinance imposing a temporary development moratorium on tobacco shops

Explanation: City Council directed that City staff prepare a report on standards for tobacco shops. This report is being prepared and will provide a review of the City's current standards and a listing of some possible standards to establish.

There are currently numerous tobacco shops in the City's planning and zoning jurisdiction. City staff receives multiple inquiries each week from individuals interested in opening new tobacco shops within the City's planning and zoning jurisdiction. These businesses 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.

There is a need to implement appropriate zoning regulations relating to tobacco shops. Currently, these businesses are considered as a Use Not Otherwise Permitted and are permitted to be established after receipt of a special use permit. But, these establishments are unique, and regulations designed for the specific use would be appropriate. 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. A period of up to six (6) months to accomplish this would be adequate.

While the appropriate zoning regulations are being developed, a moratorium on the approval of special use permits for tobacco shops would be appropriate. A temporary development moratorium would stop new establishments from being started. However, by law, it would 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. If the new regulations are not developed and approved by the expiration of the moratorium period, the moratorium may be extended or allowed to expire.

North Carolina General Statute 160A-381(e) authorizes cities to adopt a 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. 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 moratorium.

Recommendation: It is recommended that City Council approve the attached ordinance which establishes a six (6) month moratorium on the approval of special use permits for tobacco shops.

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

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 [Ordinance Establishing a Temporary Moratorium on Tobacco Shops 932947](#)

ORDINANCE NO. 12-
AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON DEVELOPMENT
APPROVALS FOR TOBACCO SHOPS

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

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

Section 1. A temporary moratorium is hereby 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. 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 bong, 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 January 11, 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 schedule for the actions are proposed to be taken: (a) evaluating best practices from other communities and preparing proposed regulations, August, 2012, through October 2012; (b) engaging public participation, October, 2012, through January 2013; (c) allowing the Planning and Zoning Commission to review and recommend regulations, October, 2012, through November 2012; and allowing City Council to deliberate and act upon the recommended regulations, November, 2012, through January, 2013.

Section 3. The moratorium will terminate sooner than January 11, 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 9th day of August, 2012.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk



City of Greenville, North Carolina

Meeting Date: 8/9/2012
Time: 7:00 PM

Title of Item: Report on alternatives for modifying the "no more than three unrelated" occupancy standard

Explanation: On March 8, 2012, City Council adopted strategic goals for the 2012 and 2013 calendar years. The adoption of these goals and associated action items provided staff with a work plan to ensure that staff efforts are coordinated with, and supportive of, the strategic direction and vision that City Council has for the community.

One of the strategic goals adopted by City Council is titled "Neighborhood Preservation," and one of the 13 action items associated with this goal is as follows:

Prepare a report on the "no more than 3 unrelated" residential occupancy standards and present to City Council code amendment alternatives to permit more than three unrelated persons occupancy in residential structures.

The purpose of the attached report is to meet City Council's directive as provided by the specified action item adopted as part of City Council's Strategic Goals for 2012 and 2013.

Staff recognizes that this issue has generated a great deal of public interest and that there is a desire by many to provide verbal comment to City Council regarding possible modifications to the City's current unrelated occupancy limit. The item before City Council is the presentation of a staff report; thus, no public hearing is scheduled. The typical means of providing comment on items that are not the subject of a public hearing is the Public Comment Period available at each meeting. If City Council desires to allow for increased public comment given the level of interest generated by this item, there are two options available:

1. Increase the time allotted for the Public Comment Period (typically limited to 30 minutes). It should be noted that this opportunity for comment is scheduled

before the staff report; thus, speakers will not have the benefit of seeing the staff presentation prior to providing comment.

2. Provide a Special Comment Period solely for this item following the staff presentation. This Special Comment Period may have a time limit determined by City Council and would afford speakers the benefit of seeing the staff presentation prior to providing comment.

If City Council desires to allow either of the two enhanced opportunities for public comment outlined above, then it would be appropriate to modify the agenda accordingly at the August 9 meeting.

Fiscal Note: No fiscal impact anticipated.

Recommendation: Accept report provided by staff and provide direction regarding future action associated with modifying the City's "no more than three unrelated" occupancy standard.

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Attachments / click to download

[Report Appendix A, B and C](#)

[No More Than 3 Unrelated Report 930688](#)

Report on Alternatives for Modifying the “No More Than Three Unrelated” Occupancy Standard

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**Report Developed by the City of Greenville
Community Development Department - Planning Division
July 24, 2012**

Section I. City Council Directive

On March 8, 2012, City Council adopted strategic goals for the 2012 and 2013 calendar years. The adoption of these goals and associated action items provide Staff with a work plan to ensure that staff efforts are coordinated with, and supportive of, the strategic direction and vision that City Council has for the community.

One of the strategic goals adopted by City Council is titled “Neighborhood Preservation,” and one of the 13 action items associated with this goal is as follows:

Prepare a report on the “no more than 3 unrelated” residential occupancy standards and present to City Council code amendment alternatives to permit more than three unrelated persons occupancy in residential structures.

The purpose of this report is to meet City Council’s directive as provided by the specified action item adopted as part of City Council’s Strategic Goals for 2012 and 2013.

Section II. Background and Summary of Existing Standard

Occupancy by unrelated persons is a standard that is normally addressed by communities through land use controls such as a zoning ordinance. That is the case in Greenville as the zoning ordinance prescribes the community standard on this issue. The existing city-wide standard for the number of unrelated individuals that may occupy a dwelling in the City of Greenville was established by City Council on August 13, 1981 (Ordinance No. 1124), with the adoption of the definition of a family. This definition was as follows:

One or more persons related by blood, adoption, or marriage, or not more than three unrelated persons.

This standard is commonly referred to as the “Three Unrelated Rule” and applies to all dwelling units except those that are part of separately identified land uses such as dormitories, fraternity and sorority houses, bed and breakfasts, group care facilities, boarding houses, and dormitory style multi-family dwellings permitted under the land use intensity system of the zoning ordinance.

The definition was later amended by City Council on March 12, 1992 (Ordinance No. 2435), to define family relations and various combinations of related family members and other unrelated persons that may occupy a dwelling under the provisions in the following manner:

Specifically, the individual or combination of persons listed herein may occupy a dwelling unit under this definition.

- 1. One (1) individual living alone; or**
- 2. Up to three (3) unrelated individuals; or**
- 3. Two (2) or more individuals related by blood, adoption or marriage (i.e. family); or**
- 4. One (1) family (3. above) and up to two (2) unrelated individuals (i.e. room renting); or**
- 5. One (1) family (3. above) and up to two (2) related individuals (i.e. room renting).**

The amendment by City Council in 1992 did not change the number of unrelated individuals permitted to occupy a dwelling unit. There have been no other amendments to the definition since 1992.

The no more than three unrelated occupancy standard has been enforced by the Code Enforcement Division of the Police Department since 2009. It is often difficult to verify the number of unrelated individuals residing in a dwelling unit, so the Code Enforcement Division typically relies on citizen complaints and the identification of other code enforcement violations (excessive trash, parking on unimproved surfaces, noise, etc.) as a means of identifying possible violations to this City standard.

The Code Enforcement Division of the Greenville Police Department has investigated 22 cases since 2009 city-wide. Historically, the period with the greatest number of recorded unrelated occupancy violations occurred from June 2006 through December 2007, which included the investigation of 83 separate cases. A major reason for such a sharp increase was a result of a handful of property owners who owned a significant number of properties primarily in the area north of East 5th Street. Enforcement by the City resulted in litigation and a mediated settlement and agreement by the owners involved to comply with the terms of the City's ordinance.

It should be noted that the North Carolina State Building Code requires that every dwelling should have at least one habitable room of not less than 120 square feet of gross floor area and other habitable rooms shall have a floor area of not less than 70 square feet. An occupancy standard for the number of persons who may occupy the dwelling is not addressed by the State Building Code and is dependent upon local zoning requirements.

Section III. Survey of Other Communities

Staff surveyed numerous other communities to ascertain how they limit occupancy by unrelated individuals. The communities surveyed included 12 North Carolina cities that have colleges and/or universities and three out-of-state communities that have significant college populations.

The findings of these surveys are provided below in Table 1. Data collected depicts that the communities surveyed have a range of standards for the number of unrelated individuals that are permitted to reside in a dwelling unit ranging from two to an unlimited number. The most common numbers used as a maximum are three and four. Also noteworthy is that the vast majority of the communities surveyed use the definition of “family” as the mechanism for regulation and the occupancy limit is by-right and not subject to additional standards (limitations based upon the size of a dwelling unit or number of bedrooms). Upon reviewing this data, staff has concluded that there is not a single uniformly recognized standard for regulating the number of unrelated persons that may occupy a dwelling unit. Each community must develop its own “community standard” based upon its specific character, issues and objectives.

Table 1. Survey of Standards from Other Communities

Municipality	Number of Unrelated Individuals Permitted to Reside in a Dwelling Unit	How the Limit is Set	Occupancy Limited by Number of Bedrooms	Occupancy Limited by House Size
Asheville	5	Interpretation based on regulations in the NC Building Code	No	No
Boone	2 (4 in Multifamily Districts)	Specific Regulation	Yes (At least one bedroom for two nonrelated residents)	No
Chapel Hill	4 (No limit in Multifamily Units)	Definition of Family	No	Yes, in Overlay District
Charlotte	6	Definition of Family	No	No
Durham	3	Definition of Family	No	No

Municipality	Number of Unrelated Individuals Permitted to Reside in a Dwelling Unit	How the Limit is Set	Occupancy Limited by Number of Bedrooms	Occupancy Limited by House Size
Elizabeth City	No Limit	No Regulation	No	No
Fayetteville	5	Definition of Family	No	No
Greenville	3	Definition of Family	No	No
Greensboro	4	Definition of Family	No	No
Raleigh	4	Definition of Family and Dwelling Unit	No	No
Rocky Mount	5	Definition of Family	No	No
Wilmington	3	Definition of Family	No	No
Winston Salem	4	Definition of Family	No	No
Fort Collins, Colorado	3 (2 + you) by right Additional occupancy subject to meeting additional standards.	Specific Regulation & Definition of Family	No	Not for 3, but yes for additional occupancy.
Gainesville, Florida	3	Definition of Family	No	No
New Haven, Connecticut	4	Definition of Family	No	Yes

Each community is unique, and it is recognized that the information provided above in Table 1 is difficult to evaluate without some perspective regarding the character of the communities. Volumes of socio-economic data are available for these communities, but the nature of this report does not provide the platform for the conveyance of so much raw data. As such, Table 2 is provided below to provide some context related to character of the survey communities.

Table 2. Other Data from Survey Communities

Municipality	City Population	University Student Population	% Owner Occupied / Renter Occupied	% Housing Stock that is Multi-Family
Asheville	83,393	UNC Asheville: 3,644 Mars Hill: 1,237 Warren Wilson: 970 South College: 223 Total: 6,074	53% / 47%	34%
Boone	17,122	Appalachian State: 17,344 Total: 17,344	24% / 76%	67%
Chapel Hill	57,233	UNC Chapel Hill: 29,390 Total: 29,390	48% / 52%	45%
Charlotte	731,424	UNC Charlotte: 25,277 Gardner Webb: 4,300 Queens University: 2,600 Johnson & Wales: 2,500 Pfeiffer University: 2,020 Johnson C. Smith: 1,610 Belmont Abbey: 1,496 The Art Institute of Charlotte: 1,025 Carolina College of Health Sciences: 506 New Life Theological Seminary: 160 Total: 41,494	59% / 41%	34%
Durham	228,330	Duke: 14,746 NC Central: 8,612 Total: 23,358	51% / 49%	40%
Elizabeth City	18,683	Elizabeth City State: 3,100 Mid Atlantic Christian: 178 Total: 3,278	47% / 53%	29%
Fayetteville	200,654	Fayetteville State: 6,000 Methodist College: 2,400 Total: 8,400	54% / 46%	27%
Greenville	84,554	East Carolina: 27,816 Total: 27,816	38% / 62%	59%
Greensboro	269,666	UNC Greensboro: 18,771 NC A&T: 10,383 Guilford College: 2,706 Greensboro College: 1,250 Bennett College: 780 Total: 33,890	55% / 45%	37%

Municipality	City Population	University Student Population	% Owner Occupied / Renter Occupied	% Housing Stock that is Multi-Family
Raleigh	403,892	NC State: 34,000 Shaw: 2,800 Meredith: 2,132 Saint Augustine's: 1,500 Peace: 700 Total: 41,132	54% / 46%	39%
Rocky Mount	57,477	Wesleyan College: 1,467 Total: 1,467	55% / 45%	24%
Wilmington	106,476	UNC Wilmington: 14,071 Total: 14,071	49% / 51%	35%
Winston-Salem	229,617	Wake Forest: 6,830 Winston-Salem State: 6,000 UNC School of Arts: 1,144 Salem College: 1,100 Piedmont Baptist College: 519 Total: 15,593	58% / 42%	32%
Fort Collins, Colorado	143,986	Colorado State: 28,417 Institute of Business & Medical Careers: 800 Total: 29,217	56% / 44%	33%
Gainesville, Florida	124,354	University of Florida: 49,589 Santa Fe College: 17,391 Total: 66,980	40% / 60%	55%
New Haven, Connecticut	129,779	Yale: 11,593 Southern Connecticut State: 7,002 Albertus Magnus: 1,600 Total: 20,195	32% / 68%	74%

Fort Collins, Colorado Model

Fort Collins, Colorado, provides a unique model for regulating unrelated occupancy that includes close collaboration between the city and university (Colorado State University). Some basic provisions of this model include the following:

- On May 14, 2010, the “**Two Plus You**” occupancy ordinance was passed to encourage and provide an adequate supply of quality student housing while maintaining neighborhood quality and compatibility. Occupancy restrictions were implemented to address the following factors:
 - ✓ Increase in city population
 - ✓ Increase in Colorado State University student enrollment
 - ✓ Low vacancy rates
 - ✓ Student and long-term neighborhood issues
 - ✓ New proposed student housing projects in residential areas
- An **occupancy disclosure form** is required before any sale or lease of a property within the City’s jurisdiction. The form includes an explanation of the City ordinance, all occupants’ names with signatures, and the name and signature of the owner. The purpose of this procedure is to ensure that all parties associated with the property are fully aware of the ordinance.
- A property owner may request occupancy by more than three unrelated individuals by submitting an **Extra Occupancy Application**. This provides a mechanism in which property owners can state why they believe their property is appropriate for the additional occupancy. City staff review applications on a case-by-case basis. Properties may be permitted to house additional occupants if:
 - ✓ Reside in special zoned areas that allow for Extra Occupancy
 - ✓ Adhere to City’s Land Use Code
 - ✓ Adhere to City’s Building Code (350 square feet of habitable floor area per resident)
 - ✓ Have adequate parking as defined by the City (.75 spaces per occupant)
- The City takes a proactive approach to inform possible tenants of the City’s occupancy requirements by collaborating with Colorado State University (CSU). More specifically, the City’s Neighborhood Services Department collaborates with CSU’s Student Legal Services and Off-Campus Housing Department to create and distribute informational flyers and pamphlets intended to inform off-campus students of the City’s ordinance. These materials are available at CSU’s Off-Campus Housing main office and website.

- The enforcement process is complaint driven and generally includes the following:
 - ✓ Upon receipt of a complaint, staff (*a City Code Enforcement Officer*) begins an investigation.
 - ✓ If the investigation produces reasonable cause to suspect over-occupancy, a City inspector gives notice to all tenants, the landlord, and the property manager stating they may receive citations. The City will ask the owner or the landlord to provide a copy of a signed, occupancy disclosure form.
 - ✓ A reasonable amount of time will be given to correct the over-occupancy and come into compliance. A citation may be issued immediately.
 - ✓ If a citation is issued, correcting the situation does not relieve any of the parties of the potential fine. The penalty can be up to \$1,000 per person, per day the home is over-occupied. Prompt compliance is encouraged.
 - ✓ Fines can be assessed to the manager, owner, and/or tenants.
 - ✓ After being cited, the parties will have 10 days to pay the fine or request a hearing with a hearing officer.
 - ✓ If an investigation results in reasonable cause a rental housing violation exists, City inspectors may also conduct a rental housing inspection throughout the entire property.
 - ✓ If participants request a hearing, they will appear before the court-appointed hearing officer. During this hearing, the hearing officer will look at the evidence, hear from all sides, and then make a decision.

- City Officials have stated that the ordinance, while not perfect, has been a success. This is because the ordinance was designed in a way that would not disadvantage one public entity more than another. The ordinance attempts to preserve the City's neighborhoods while addressing the ever-growing demand for off-campus student housing. It also allows property owners to achieve the maximum amount of profit as long as their property is in compliance with city codes and ordinances. The nature in which the ordinance is enforced has also helped create a more positive public opinion. By allowing the ordinance to be complaint driven, it allows for the citizens to take ownership of the problem. Therefore, the ordinance is enforced to the degree that citizens desire.

Section IV. Overview of Public Input Process and Results

In early April 2012, staff developed a project schedule that outlined how public input would be collected and provided a timeline for completing this report and presenting it to City Council. This project schedule was shared with City Council via Notes to Council distribution on April 9, 2012. Three public input meetings were held in June 2012 (June 18 at the Eppes Center, June 20 at Jaycee Park, and the June 27 at City Hall). A total of approximately 236 persons attended these meetings.

The purpose of these meetings was to provide information on the existing city occupancy standard, allow the public to ask questions about the standard, and obtain public comment in written form. Attendees were asked to complete a questionnaire consisting of six questions developed by staff to determine the ranges of opinions on possible changes to the occupancy standard. Staff also provided a web-based comment form and informational packet for citizens to provide input regarding the proposed change. In total, 275 completed or partially completed questionnaires were submitted. The purpose of this section is to summarize the responses collected from these questionnaires and highlight other common themes in residents' answers.

Main Points

- Overall, a majority of residents who submitted questionnaires in June and July 2012 oppose changing the City of Greenville's 3-unrelated standard.
- Most residents' attitudes toward a change reflect broader concerns about quality-of-life in neighborhoods rather than occupancy alone.
- While a small percentage of residents support allowing more than 3 unrelated persons to live together, most supporters stress the importance of clear restrictions and diligent enforcement.

Minimum house and lot sizes¹

In response to "If the City of Greenville allowed more than 3 unrelated persons to live together, what is the smallest house (in square feet) that should be allowed to accommodate this change," residents suggest 800–15,000 square feet, with the most, albeit narrow, support for 2,000 square feet (about 6 percent).

In terms of smallest lot size that could accommodate more than 3 unrelated persons, responses range from more than 217,800 square feet (5 acres) to 1,000 square feet with 43,560 square feet (1 acre) and 21,780 (1/2 acre) getting the most support (about 3 percent each). However, a majority of residents (more than 79 percent) did not respond directly, disagreeing overall with changing the standard or emphasizing bedrooms or parking requirements as more relevant considerations than lot size.

¹ See Tables 3 and 5 for a summary of all the proposed minimum house and lot sizes.

Support for additional standards and review processes²

More than half of respondents (approximately 66 percent) support creating a bedroom requirement that matches the number of occupants. In addition to bedrooms, many respondents also recommended including a 1:1 bathroom provision, where 1 full bathroom is provided for every occupant.

More than one-third of all residents at the public meetings support parking screening and/or location standards; more than half of residents did not directly respond to this question; and approximately 10 percent do not feel additional parking standards are necessary. Even residents who do not directly support parking standards expressed concerns about loss of green space (especially front yards); stormwater runoff (from increased impervious surface); location of parking (preferably in side- or rear-yards); enforcement related to parking (such as parking on grass); off-street parking only; on-street parking only; and a 1:1 parking space provision. Some respondents support fences to keep parking out of view, while others think fences would create more code enforcement problems or may not be attractive.

While a majority of residents (more than 70 percent) do not support a special use permit as a means to allow more than 3 unrelated persons to live together, some responses reflect disagreement over needing special approval to use structures originally developed for more than 3 people. As one resident says, “If a house has four bedrooms, it is not a special use to house 4 persons; it is the intended use.”

Other residents feel a special use permit will open the door for a permanent change over time, calling it a “Trojan horse”. Even in cases where residents support a special use permit, residents stress the need for clear restrictions to ensure compliance with the permit’s standards.

Attitudes toward increased occupancy³

In general, almost all residents—whether they support or oppose a change to the current 3-unrelated rule—maintain additional safeguards are necessary to ensure responsible rentership and avoid quality-of-life problems.

Approximately 79 percent of respondents oppose the City of Greenville allowing more than 3 unrelated persons to live together. Citing a variety of concerns about trash, noise, parking, overcrowding, unsupervised or abandoned pets, crime, decreased property values, lax property maintenance, and overall neighborhood deterioration, residents expressed strong disagreement in their comments. Other respondents feel the 3-unrelated rule has mitigated these concerns since 1981, when Greenville City Council originally passed this standard. According to one respondent, “My experiences of living within walking distance of campus at 4

² See Tables 4, 6, and 7 for a summary of the total number of responses related to bedroom and parking requirements and support for a special use permit.

³ See Table 8 for a summary of the total number of responses that support or oppose a change to the City of Greenville’s 3-unrelated rule.

other universities have convinced me that the 1981 rule...is a good one and will help to preserve attractive neighborhoods around ECU.”

About 20 percent of respondents support allowing more than 3 unrelated persons to live together, yet cite a variety of reasons, as well as caveats, for allowing increased occupancy. Some respondents believe that recent financial hardship (in the form of higher utility bills or mortgages), increases in non-nuclear families, and growth of East Carolina University and Vidant Health Systems warrant revisiting this standard. As one respondent puts it, “[It’s] now time to allow this community to evolve and have ordinances that make sense.” Another resident sees the need for a more nuanced approach, saying “in most cases, I don’t think more than 3-unrelated should be allowed to live together, but with this qualification: It should be possible to apply for exceptions. Greenville should uphold a flexible definition of family.” Other supporters believe, in some instances, rehabbed rental property has attracted “higher quality” tenants and improved neighborhood stability. On the other hand, some residents do not think this ordinance has improved housing conditions, or in some cases, even negatively affected properties. Other residents support increasing occupancy, but with caveats like a special use permit, a rental registry, annual inspections, or additional performance standards to mitigate crowded conditions.

Other themes

In addition to specific responses, residents highlighted unanswered questions about revisiting this standard (and staff’s method to develop alternatives); broader assumptions about the people who own and live in rental property; and its relationship to increasing owner-occupancy. Residents raised questions about City Council’s motives for pursuing a change that respondents did not see as in line with the City’s comprehensive plan or City Council’s 2012–13 goal of neighborhood preservation. They also criticize the overall questionnaire, calling the questions “leading” and presupposing a change.

Among respondents, (somewhat stereotypical) assumptions about renters and landlords also emerged, where several residents broadly classified “unrelated persons” as students or criminals and investors or landlords as property owners who do not maintain their properties to minimum standards (and not to neighborhood norms). Respondents support these classifications with experiential evidence. Similarly, many residents communicate the importance of creating mechanisms (beyond a special use permit, such as a rental registry, annual inspection, etc.) to guarantee landlords, especially out-of-town landlords, can be held accountable for problems associated with their property in a timely manner.

Lastly, many respondents feel that increasing Greenville’s occupancy standard would ultimately make rental properties more prevalent and/or lower quality, and in turn, decrease owner-occupancy and deter families from locating or relocating in neighborhoods across the city—a desire among many respondents. One resident, whose comments summarize this common attitude, “[does] not feel that more than 3-unrelated individuals living in the same house will promote an environment conducive to families moving into the university [or other]

neighborhoods.” Families, according to several respondents, represent a long-term financial and community investment in these areas, fostering stewardship and community involvement. They note this long-term commitment is difficult to achieve among transient populations. Additionally, most of these responses differentiated between multifamily rentals, which respondents recognize the city needs to house more transient populations like students, and rentals in single-family areas, which to them, denote a higher standard for quiet neighborhoods.

Table 3. Responses to “If the City of Greenville allowed more than 3 unrelated persons to live together, what is the smallest house (in square feet) that should be allowed to accommodate this change?”

House size (ft ²)	Public meetings		Online/mail forms		All responses	
	No.	Percent	No.	Percent	No.	Percent
15,000	0	0.0	1	0.6	1	0.4
10,000	1	0.9	1	0.6	2	0.7
6,000	1	0.9	0	0.0	1	0.4
5,000	3	2.6	3	1.9	6	2.2
4,000	0	0.0	3	1.9	3	1.1
3,500	0	0.0	1	0.6	1	0.4
3,000	1	0.9	6	3.8	7	2.5
2,800	0	0.0	1	0.6	1	0.4
2,600	1	0.9	0	0.0	1	0.4
2,500	1	0.9	6	3.8	7	2.5
2,400	0	0.0	1	0.6	1	0.4
2,200	1	0.9	0	0.0	1	0.4
2,100	1	0.9	0	0.0	1	0.4
2,000	8	6.9	9	5.7	17	6.2
1,800	1	0.9	3	1.9	4	1.5
1,600	0	0.0	3	1.9	3	1.1
1,500	3	2.6	3	1.9	6	2.2
1,400	3	2.6	0	0.0	3	1.1
1,300	0	0.0	3	1.9	3	1.1
1,200	6	5.2	1	0.6	7	2.5
1,100	0	0.0	1	0.6	1	0.4
1,000	0	0.0	3	1.9	3	1.1
900	1	0.9	1	0.6	2	0.7
800	0	0.0	1	0.6	1	0.4
1,000/person	1	0.9	1	0.6	2	0.7
750/person	1	0.9	0	0.0	1	0.4
500/person	2	1.7	1	0.6	3	1.1
300/person	0	0.0	2	1.3	2	0.7
None	0	0.0	2	1.3	2	0.7
No response	80	69.0	102	64.2	182	66.2
Total	116	100.0	159	100.0	275	100.0

Table 4. Responses to “Should there be a bedroom requirement that matches the number of occupants allowed?”

Bedroom requirement?	Public meetings		Online/mail forms		All responses	
	No.	Percent	No.	Percent	No.	Percent
Yes	54	46.6	127	79.9	181	65.8
No	9	7.8	26	16.4	35	12.7
No response	53	45.7	6	3.8	59	21.5
Total	116	100.0	159	100.0	275	100.0

Table 5. Responses to “If the City of Greenville allowed more than 3 unrelated persons to live together, what is the smallest lot size that should be allowed for this change?”

Lot size (ft ²)	Public meetings		Online/mail forms		All responses	
	No.	Percent	No.	Percent	No.	Percent
217,800	0	0.0	1	0.6	1	0.4
87,120	1	0.9	1	0.6	2	0.7
65,340	1	0.9	0	0.0	1	0.4
43,560	5	4.3	4	2.5	9	3.3
40,000	3	2.6	0	0.0	3	1.1
32,670	1	0.9	1	0.6	2	0.7
25,000	0	0.0	1	0.6	1	0.4
21,780	3	2.6	6	3.8	9	3.3
21,000	0	0.0	1	0.6	1	0.4
20,000	0	0.0	1	0.6	1	0.4
14,520	0	0.0	1	0.6	1	0.4
12,000	2	1.7	1	0.6	3	1.1
10,890	1	0.9	1	0.6	2	0.7
10,000	1	0.9	5	3.1	6	2.2
9,000	2	1.7	1	0.6	3	1.1
7,500	1	0.9	0	0.0	1	0.4
6,000	1	0.9	0	0.0	1	0.4
4,000	1	0.9	0	0.0	1	0.4
3,500	0	0.0	1	0.6	1	0.4
2,500	1	0.9	0	0.0	1	0.4
2,000	1	0.9	0	0.0	1	0.4
1,500	0	0.0	1	0.6	1	0.4
1,000	1	0.9	0	0.0	1	0.4
None	2	1.7	2	1.3	4	1.5
No response	88	75.9	130	81.8	218	79.3
Total	116	100.0	159	100.0	275	100.0

Table 6. Should the City of Greenville require parking area screening and location standards (i.e., should parking be located in the front/rear of home and/or screened from the street by vegetation or a fence)?

Parking standards?	Public meetings		Online/mail forms		All responses	
	No.	Percent	No.	Percent	No.	Percent
Yes	42	36.2	52	32.7	94	34.2
No	7	6.0	20	12.6	27	9.8
No response	67	57.8	87	54.7	154	56.0
Total	116	100.0	159	100.0	275	100.0

Table 7. Responses to “The Zoning Ordinance should be amended to allow more than 3 unrelated persons to live together by the issuance of a special use permit through the city’s Board of Adjustment. Agree/Disagree”

Special use permit?	Public meetings		Online/mail forms		All responses	
	No.	Percent	No.	Percent	No.	Percent
Agree	18	15.5	27	17.0	45	16.4
Disagree	73	62.9	121	76.1	194	70.5
No response	25	21.6	11	6.9	36	13.1
Total	116	100.0	159	100.0	275	100.0

Table 8. Responses to “The City of Greenville should allow more than 3 unrelated persons to live together. Agree/Disagree”

Overall change?	Public meetings		Online/mail forms		All responses	
	No.	Percent	No.	Percent	No.	Percent
Agree	20	17.2	36	22.6	56	20.4
Disagree	95	81.9	123	77.4	218	79.3
No response	1	0.9	0	0.0	1	0.4
Total	116	100.0	159	100.0	275	100.0

Section V. Compliance with Comprehensive Plan

Consideration of any modification to the City zoning ordinance should include a review of the community's comprehensive plan. Greenville's comprehensive plan, **Horizons: Greenville's Community Plan**, contains policy statements and objectives related to numerous Plan Elements. While the content of the plan does not explicitly provide a community standard for the number of unrelated individuals that should be permitted to reside within a dwelling unit, it does offer broad policy statements and objectives that should be reviewed and considered to ensure that proposed amendment is in compliance with the plan, and effectively with the community's values.

The purpose of this report is to provide City Council with code amendment alternatives to permit more than three unrelated persons occupancy in residential structures. The alternatives provided will vary greatly in approach and will generally lack sufficient detail to fully evaluate compliance with the comprehensive plan; that level of evaluation typically takes place when a specific zoning amendment is proposed. Nonetheless, staff is providing the following policy statements and objectives to be considered when reviewing the alternatives provided herein:

The Housing Plan Element - Housing Policy Statement:

"The City recognizes that its residential neighborhoods are the lifeblood of the community, and that good quality, affordable housing is integral to a healthy neighborhood environment. To that end, the City will continue to make housing opportunities available throughout the City to low and moderate income families. The City will support the efforts of nonprofit organizations to address housing needs in Greenville. The City recognizes that local governments will be required to take increasing responsibility for addressing housing needs in the future.

The City will encourage the rehabilitation of substandard units and the development of vacant lots, and will encourage the preservation, renovation, code enforcement, and rehabilitation of its older housing stock. The City should require that quality design and appearance be important factors in the review of low and moderate income housing projects. ..."

Objective H1: *To encourage a variety of housing choices through preservation, rehabilitation, code enforcement, and new development.*

Objective H4: *To encourage the restoration and preservation of historic residential properties.*

Objective H5: *To improve and revitalize existing neighborhoods.*

Objective H16: *To encourage home ownership.*

Objective M4: *To preserve and protect existing and future residential neighborhoods.*

Objective E14: *To encourage healthy economic development.*

Objective CF3: *To increase interaction between the Police Department and citizens, in order to increase mutual respect, understanding and support.*

Objective CF5: *To ensure safe livable neighborhoods.*

Objective EQ13: *To encourage litter control and community-wide clean-up.*

Objective CC9: *To increase neighborhood livability and property values by preserving and enhancing historic areas.*

Objective UF1: *To encourage affordable housing options.*

Objective UF2: *To encourage a mixing of land uses.*

Objective UF3: *To encourage a diversity of housing options.*

Objective UF6: *To preserve neighborhood livability.*

Other adopted City plans that should be considered when evaluating a specific zoning amendment include:

- Task Force on Preservation of Neighborhoods and Housing – Report to City Council (2004);
- Neighborhood Report and Plan - College Court and Coghill Subdivisions (2007);
- Neighborhood Report and Plan - Lake Ellsworth, Clarks Lake and Tripp Subdivisions (2007);
- Neighborhood Report and Plan - Tar River / University Area (2009);
- Neighborhood Report and Plan - Carolina Heights, Greenbrier, Hillsdale and Tucker Circle Subdivisions (2010).

Section VI. Alternatives for Modifying Current Standard

There are several basic decisions City Council will have to make should they choose to permit more than three unrelated occupancy in residential dwellings. These substantive decision points are outlined below:

1. Geographic Application

Will the new occupancy standard be applicable city-wide or only in specified geographic areas?

A. If city-wide application is desired, then two options should be considered:

- Provide one standard for all dwelling units in the city. This can be accomplished by simply changing the definition of family to allow a specific unrelated occupancy greater than three.
- Provide one standard applicable in specified zoning districts, which are applicable city-wide. This can be accomplished by creating a new land use, such as Extra Occupancy Residences, that are permitted only in specified zoning districts.

B. If application to a specific geographic area or areas is desired, then an Overlay District may be created. The Overlay District should have a clearly defined purpose and the area or areas included should have some unique character that support inclusion within the district.

2. Permitting Mechanism

Will the increased occupancy be by right or should it be subject to a Special Use Permit?

3. Occupancy Standard

What number of unrelated individuals should be permitted to reside within a dwelling unit? Should this standard apply to all dwellings or should there be thresholds for qualification for the increased occupancy such as

- Size of Dwelling
- Number of Bedrooms
- Number of Bathrooms
- Lot Size
- On-site Parking

4. Toolbox of Additional Measures to Support Neighborhood Quality of Life

City Council may wish to consider adopting some additional requirements, programs or policies as a means of mitigating perceived impacts that increased unrelated occupancy could have on neighborhoods. Some measures that City Council may want to consider include:

- Increase minimum on-site parking requirements for increased occupancy;
- Limit the percentage of backyard area that can be improved for parking;
- Require screening of rear yard parking areas;
- Increase resources for Code Enforcement efforts;
- Automatic review of Special Use Permit by Board of Adjustment upon third Code Enforcement violation within any 12-month period (only available if Special Use Permit is required)
- Increased collaboration with East Carolina University related to promoting information related to the City's occupancy standard.



North Carolina law limits the ability of cities to address these issues. If City Council desires to pursue one or more of the items, then local legislation may need to be pursued through the North Carolina General Assembly.

- Minimum Housing Inspections for Rental Properties
- Crime Free Rental Housing Program
- Rental Registry Program
- Increase Code Enforcement Fines

Based on the decision points outlined above, there are numerous alternatives available to City Council should you choose to permit more than three unrelated occupancy in residential dwellings. The below list of alternatives does not include every possible combination of approaches available, but is intended to provide a sample of the alternatives City Council may want to consider. For the purpose of presenting these alternatives, the increased occupancy is provided as 4 unrelated individuals and no specific standards are provided. It is understood that the specific occupancy and standards will be determined as provided above.

Alternative 1

Change the definition of family to allow 4 unrelated individuals to occupy a dwelling unit.

Note: This approach would be applied city-wide to all dwelling units.

Alternative 2

Create a new land use (Extra Occupancy Residence) that allows up to 4 unrelated occupancy within specified zoning districts by right.

Note: This approach limits application to specified zoning districts with no additional standards.

Alternative 3

Create a new land use (Extra Occupancy Residence) that allows up to 4 unrelated occupancy within specified zoning districts by right subject to certain standards being met.

Note: This approach limits application to specified zoning districts with additional standards.

Alternative 4

Create a new land use (Extra Occupancy Residence) that allows up to 4 unrelated occupancy within specified zoning districts with a Special Use Permit subject to certain standards being met.

Note: This approach limits application to specified zoning districts with additional standards.

Alternative 5

Create an overlay district encompassing an area or areas of unique characteristics that allows up to 4 unrelated occupancy by right.

Note: Application limited to specified geographic area.

Alternative 6

Create an overlay district encompassing an area or areas of unique characteristics that allows up to 4 unrelated occupancy by right subject to certain standards being met.

Note: Application limited to specified geographic area.

Alternative 7

Create an overlay district encompassing an area or areas of unique characteristics that allows up to 4 unrelated occupancy with a Special Use Permit subject to certain standards being met.

Note: Application limited to specified geographic area.

Alternative 8

Leave existing standard unchanged (do nothing alternative).

Note: City-wide application.

Alternative 9

Establish a Work Group or Committee to further discuss increased unrelated occupancy and provide recommendations to City Council.

APPENDIX A

Greenville, N. C.

August 13, 1981

The City Council met in a regular meeting on the above date 8:00 P.M. in the City Council Chambers of the Municipal Building with Mayor Donald C. McGlohon presiding. The meeting was called to order by Mayor McGlohon and prayer was offered by Councilman W. J. Hadden, Jr. The following were-present:

Mayor Donald C. McGlohon

Councilmen:

Louis E. Clark

Clarence Gray

W. J. Hadden, Jr.

Richard J. McKee

Councilwoman:

Judy W. Greene

City Manager, Edward A. Wyatt
City Attorney, Laurence S. Graham

Absent: Mayor Pro-Tem Joseph M. Taft, Jr.

Mayor McGlohon expressed appreciation to Officer Edward C. Moore for serving as sergeant-at-arms during this meeting.

MINUTES. Motion was made by Councilman Gray, seconded by Councilman Clark, to dispense with reading the minutes of July 9, 1981, and approve same as received by each member. Motion unanimously carried.

CITY MANAGER'S REPORT

Recognition of City Employees. City Manager Wyatt recognized Assistant City Attorney, DeWitt McCarley and Chief Building Inspector, Jim Kaufman. Both of these men assumed their positions on July 15, 1981. He also recognized Mr. Jim Walters who is an MPA Intern from Shippensburg State College in Pennsylvania. He is providing volunteer assistance to the City this summer on several major projects. He is in the process of developing a promotional assessment center for police employees, providing assistance in the development of the pre-employment physical performance test for fire/rescue personnel, and studying and reviewing the job performance evaluation format for city employees. We are most appreciative to Mr. Walters for his contribution to the City.

He extended appreciation to ECU and particularly Col. Jim Thomas for his volunteer assistance in regard to a physical fitness program. He is in charge of ECU's ROTC program and is developing a program which tests the physical agility of our current fire/ rescue employees.

REPORT FROM ECU REPRESENTATIVE

MOTION. Motion was made by Councilman Hadden, seconded by Councilman Clark, to adopt the ordinance as presented with the deletion of the "Section 32-149". Motion unanimously carried. (ORDINANCE NO. 1123, PAGE 226, ORDINANCE BOOK 6)

Councilman Hadden commended the Tar River Neighborhood Association for the pride they have taken in their neighborhood.

ORDINANCE AMENDING ZONING ORDINANCE RE: DEFINITIONS IN SECTION 32-3

City Manager advised that notice of public hearing has been advertised in the Daily Reflector on July 31 and August 6, 1981, to consider amending Section 32-3 of the Zoning Ordinance by adding in the definition section the following new and amended terms: boarding or rooming house; family; hotel, motel, motor lodge, motor inn; and room renting. This amendment has been recommended by the Planning and Zoning Commission.

Mr. Bobby Roberson, Director of Planning, was recognized by the City Manager, who explained in detail the purpose and need for the amendment as studied by the Task Force. He noted that this request was made by the Tar River Neighborhood Association and has been worked on for approximately one year.

Mayor McGlohon declared the meeting a public hearing and solicited comments from the audience.

Mr. Marvin Braxton, ECU Representative, raised questions as to how the number four was decided on as a limit in boarding or rooming houses.

Mr. Roberson stated that this figure was based on the study made in which lot size and other factors were taken into consideration.

Mr. Donald C. McGlohon, Jr. stated that he felt a limit should not be placed on the number and each home should be looked at individually.

Mr. David Schorr expressed approval of the number four limit.

Ms. Etsil Mason stated the number of parking spaces available, number of bathrooms in a house, and square footage may be considered to determine the number residing in a house due to many large homes in the University area.

Mr. Roberson referred to the Code in answering questions raised by Ms. Mason.

Assistant City Attorney, DeWitt McCarley, answered questions raised concerning a rewrite of the special use provisions, special use permit, and the alternatives which he terms as "complicated".

Councilwoman Greene asked if these amendments are adopted, would it be easier to be enforced. Mr. Roberson stated yes.

Ms. Olivia Kay raised questions concerning the number as stated in the ordinance and entered into the discussion in general.

Others making comments and raising questions during the discussion were: Mr. Bruce Greene, Mr. Donald C. McGlohon, Jr., City Engineer Ron Sewell, Mr. John Schofield, Mr. Marvin Braxton, Ms. Etsil Mason, and members of the Council.

Councilwoman Greene reiterated that there is a need for some protection to the area and inasmuch as this kind of action has been established through the goals and objectives established by City Council, she felt it was a positive step.

Councilman Clark again emphasized that this would not affect those presently existing and his comments were substantiated by Planning Director Roberson.

After a full discussion, Mayor McGlohon closed the public hearing.

MOTION. Motion was made by Councilman Clark, seconded by Councilman Hadden, to adopt the ordinance as presented amending Section 32-3 of the Zoning Ordinance. Motion unanimously carried. (ORDINANCE NO. 1124, PAGE 227, ORDINANCE BOOK 6)

ORDINANCE AMENDING THE SUBDIVISION ORDINANCE RE: EXPIRATION DATE OF PRELIMINARY PLATS

City Manager advised that notice of public hearing was advertised in the Daily Reflector on July 29 and August 5, 1981, for this time, date, and place to consider an amendment to Article B, Section 9-5-43 of the Subdivision Ordinance regarding the expiration date of preliminary plats. Amendment was recommended by the Planning and Zoning Commission.

City Manager advised that Planning Director Roberson conferred with the Greenville Utilities Commission in regards to this ordinance and they advised that an approval for a period of five years may be excessive and felt that a two to three-year approval period would be more desirable. The reason is due to rapid changes which the utility systems have experienced within the past few years.

Planning Director, Bobby Roberson, was recognized by the City Manager and presented an explanation of the Subdivision Amendment relative to preliminary plats approval.

Ordinance was presented for consideration by City Council. Mayor McGlohon declared the meeting a public hearing and solicited comments from the audience.

Councilwoman Greene raised questions concerning the placement of septic tanks when city sewer was available. Planning Director Roberson referred to the Code in answer to these questions.

Mr. Dillon Watson, a representative from Home Builders Association, expressed favor to the

***This document was scanned into the system and the numbers have not been proofread for accuracy. Please see original document for accurate numbers.

ORDINANCE NO. 1124
AN ORDINANCE AMENDING SECTION 32-3 OF THE ZONING
ORDINANCE OF THE CITY OF GREENVILLE

THE CITY COUNCIL OF THE CITY OF GREENVILLE, NORTH CAROLINA, DO
ORDAIN:

Section 1. That Section 32-3 of the Zoning Ordinance of the City of Greenville, is hereby amended by adding in the definition section the following new and amended terms:

Boarding or Rooming House - Any dwelling, or that part of any dwelling, in which space is let by the owner to not more than four persons who are not related by blood, adoption, or marriage to the owner.

Family - One or more persons related by blood, adoption, or marriage, or not more than three unrelated persons.

Hotel, Motel, Motor Lodge, Motor Inn - A building or group of buildings providing lodging for the public, where such lodging is primarily for transient patrons.

Room Renting - The renting of rooms in an owner-occupied dwelling to not more than two persons. Room renting shall be a permitted use in all residential districts."

Section 2. All ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 3. This ordinance shall become effective upon its adoption.

ADOPTED this 13th day of August, 1981.

Donald C. McGlohon, Mayor

ATTEST:
Lois D. Worthington, City Clerk

Dwelling Unit. A building or portion thereof, providing complete living facilities for one family.

Extraterritorial Area. That land beyond the corporate limits extending for a distance of one mile in all directions as delineated on the official zoning map for the City of Greenville.

Deleted by Ord.
1667--11-13-86

-----~~Page of Ord. XXXXXX, page XXXXXX, for Ord. 1124, 11-13-81, amended by Ord. 1124, 11-13-81.~~

Amended by---Family. One or more persons related by blood, adoption, or marriage, Ord. 1124 or not more than three unrelated persons.
8-13-81

Amended by---Family Care Home. A home with support and supervisory personnel that Ord. 1213 provides room and board, personal care, and habilitation services in 9-9-82 a family environment for not more than six resident handicapped persons. (Refer G.S. 168-20 thru 23)

Flood Plain. That area which experience has shown to be, or which expert opinion holds likely to be, subject to high water conditions connected with tide, storm or seasonal changes.

Fraternity, Sorority House. A building occupied by and maintained exclusively for college or university students who are affiliated with a social, honorary, or professional organization which is chartered by a national, fraternal or sororal order and which is so recognized by the college, university or other institution of higher education.

Frontage. The distance between the two side lot lines as measured along the right of way line.

Deleted by Ord.
667--11-13-86

-----~~Page of Ord. XXXXXX, page XXXXXX, for Ord. 1124, 11-13-81, amended by Ord. 1124, 11-13-81.~~

Home Occupation. (Cottage industry.) An occupation for gain or support customarily conducted on the premises by a person or family residing thereon.

Amended by---Hotel, Motel, Motor Lodge, Motor Inn. A building or group of buildings Ord. 1124 providing lodging for the public, where such lodging is primarily for 8-13-81 transient patrons.

Junk Yard. Use of property for indoor or outdoor storage, sale, or resale of junk including scrap metal, rags, paper, or other scrap materials, used lumber, salvaged house wrecking, and structural steel, materials and equipment, or for the dismantling, demolition, or abandonment of automobiles and boats or other vehicles or machinery or parts thereof.

Kennel. A structure or an enclosed area used for the keeping of four or more dogs.

Lot. A parcel or plot of land, site or premises of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot may consist of:

- (a) A single lot of record.

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recommends that rooming houses and boarding houses be omitted from the permitted use section of the R-6 zoning classification, and be placed as a special use in the R-6 zoning classification.

It was noted by John Schofield, a resident of the Tar River Neighborhood, that during the discussion held with the Planning and Zoning Task Force Committee, it was agreed upon to add a sentence to the end of the definition for rooming houses.

Mr. Roberson agreed that the sentence being added is to read as follows: "A non-nuclear family shall not be considered as a family when questions arise concerning the definition of room renting."

A motion was made by Mr. Warner, seconded by Mr. Tugwell, to recommend to City Council to delete rooming house and boarding house as permitted uses in the R-6 zoning classification and place them as a special use in the R-6 zoning classification. The motion carried unanimously.

AMEND SECTION 32-3 ENTITLED "DEFINITIONS" REGARDING ROOMING HOUSE, BOARDING HOUSE, ROOM RENTING, FAMILY, AND OTHER INSTITUTIONAL USES: APPROVE

Mr. Roberson explained the purpose of the institutional definitions is to bring the Zoning Ordinance up-to-date with the current standards. He asked the Commission to consider adopting the definitions and include them in the Zoning Ordinance definition section. He also noted a sentence had been added at the end of the room renting definition in accordance with the previous discussion.

A motion was made by Mr. Tugwell, seconded by Mr. Joyner to amend the definition section as recommended. The motion carried unanimously.

AMEND SECTION 32-148 AND SECTION 32-150 TO PROVIDE FOR A ZONING ADMINISTRATOR AND REMOVE THE BUILDING INSPECTOR AS THE ADMINISTRATOR OF THE ZONING ORDINANCE: APPROVED

Mr. Roberson explained that the Engineering and Planning Departments are in the process of changing administrative procedures in regard to Zoning Ordinance interpretations. He stated Mr. Wade Pitt will begin zoning interpretations. Mr. Roberson noted that the Building Inspector will be responsible for the enforcement in the field, but the interpretations will be the responsibility of the Zoning Administrator in the Planning Department.

Mr. Sewell noted another administrative change. Permits will no longer be issued under the Building Inspector title, but anyone so designated from the Inspection Division will be responsible for issuing building permits.

It was pointed out these changes will not create another salaried position.

A motion was made by Mr. Mitchum, seconded by Mr. Hankins to amend Section 32-148 and 32-150 as recommended. The motion carried unanimously.

FINAL PLAT APPROVAL OF HARRY A. HARDEE PROPERTY: CONTINUED

REVIEW OF PARKING LOT DESIGN FOR CASABLANCA: WITHDRAWN

DISCUSSION PERTAINING TO CHANGING THE MEETING OF THE PLANNING AND ZONING COMMISSION FROM THE 4TH TO THE 3RD WEDNESDAY OF EACH MONTH: CONTINUED

Mr. Roberson noted when this item was placed on the agenda, it was overlooked that the County Planning Commission meets on the third Wednesday of each month. The reason for initiating a change is that the Board of Adjustments meets on the fourth Thursday of each month, which means there are two commission meetings back-to-back in the same week. Mr. Roberson also pointed out there is always a conflict around Thanksgiving and Christmas, and the meetings have to be rescheduled each year.

After further discussion, no decision was reached and the item was continued.



EXTRA OCCUPANCY RENTAL HOUSE REGULATIONS

Extra Occupancy Rental House conversions require compliance with Land Use Code and Building Code regulations adopted by the City of Fort Collins. An Extra Occupancy Rental House is a building or portion of which is used to accommodate, for compensation, four (4) or more tenants, boarders or roomers. It is not necessary for a family or owner to also occupy the house. The word compensation shall include compensation in money, services or other things of value.

The following information is offered as a guide and resource to explain the process required to convert a single-family dwelling or other building to an Extra Occupancy Rental House.

What zones allow Extra Occupancy Rental houses?

Extra Occupancy Rental Houses are allowed in the LMN, MMN, HMN, NCB, D, RDR, CC, CCN, CCR, C, CN, NC, CL, E, and I zoning districts.

How do I determine what zone my property is in?

Contact the Zoning office at 970-416-2745 or use the City's online zoning map. Instructions for using the online map are attached.

What type of review process is required?

Once you've determined that the property is in a zone that allows an Extra Occupancy Rental House, it is necessary to submit a development application for the conversion.

Extra Occupancy Rental Houses in the LMN zone for more than 4 tenants are subject to a Type 1, administrative public hearing. Extra Occupancy Rental Houses in the LMN zone for 4 or fewer tenants are subject to Basic Development Review (a non-public hearing process).

Extra Occupancy Rental Houses for more than 5 tenants in all of the other listed zones are subject to a Type 1, administrative public hearing. Extra Occupancy Rental Houses for 5 or fewer tenants in these zones are subject to Basic Development Review.

How do I apply for a Type 1 review?

The Type 1 review begins with a Conceptual Review meeting. Staff members from various City departments meet with the applicant and provide comments with regards to applicable development regulations. There is no fee for this meeting. A planner from the Current Planning Department is assigned as the project planner and assists the applicant with the submittal requirements necessary for the Type 1 public hearing. The applicant submits all of the required plans and documents to the Current Planning Department at 281 N. College Avenue, along with the completed development application form and fee. These plans are then routed to the departments and agencies that need to review the plans for compliance with the regulations. Once it has been determined that the plans and documents are in compliance, a public hearing will be scheduled. After the development plan has been approved, the applicant must then apply for a building permit and certificate of occupancy for the actual conversion. Contact the Current Planning Department at 970-221-6750 if you have additional questions about the Type 1 process or if you want to schedule a conceptual review meeting.

Extra Occupancy Rental House regulations
Page 2

How do I apply for a Basic Development Review (BDR)?

A conceptual review meeting is not required for a BDR. The process is initiated by submitting a completed development application form (see attached) for BDR to the Building Permit Office at 281 N. College Avenue. The fee for a BDR is \$200. The application must be accompanied by a plan that contains the site plan of the property showing the lot dimensions and parking area dimensions, and a floor plan of all floor levels of the building. The floor plan must indicate the use of each room and whether or not the room is finished. Additionally, the floor plan must show the room dimensions and window locations. (Note that additional plan details may be required at the time of building permit and certificate of occupancy application in order to ensure compliance with applicable building codes. See the attached Conversion Requirements handout). **Two copies of the site and floor plan on 24" x 36" paper are required to be submitted.** The BDR application must also be accompanied by a written statement that explains the current use of the building, the proposed use, the proposed number of occupants, the proposed number of parking spaces, and the amount of finished habitable floor space in the building. Once it has been determined that the plans are in compliance, the development application will be approved, and the applicant must then apply for a building permit and certificate of occupancy for the actual conversion. Contact the Zoning Office at 970-416-2745 if you have additional questions about the BDR process.

How do I apply for a building permit and certificate of occupancy?

After the development application has received Type 1 or BDR approval, it is necessary to apply for a building permit in order to ensure that the building complies with applicable building and rental housing codes (see attached Conversion Requirements handout). Contact the Neighborhood and Building Services Department at 970-221-6760 for submittal requirements. Once the permit has been issued and the subsequent remodel work (when required) has been completed, City staff will conduct an inspection of the premises and building for compliance with all approved plans and documents. Upon approval, the City will issue a certificate of occupancy for an Extra Occupancy Rental House.

What Land Use Code regulations apply to Extra Occupancy Rental Houses?

The Land Use Code establishes Extra Occupancy Rental House regulations for parking, square footage per occupant, and density.

Parking = .75 parking spaces per boarder, rounded up to the nearest whole parking space, plus 1 additional space if the house is owner occupied. Each parking space must have unobstructed access to a street or alley unless the lot has less than 65 feet of street frontage length and does not abut an alley, in which case one of the required parking spaces may be provided in a manner that does not provide direct access to the street. In all instances, no more than 40% of the area of the front yard can be used for parking.

Minimum building square footage = 350 square feet of habitable floor space per boarder plus an additional 400 square feet if owner occupied.

Density/number of Extra Occupancy Rental Houses = no more than 25% of parcels on a block face may be approved for Extra Occupancy Rental Houses in the LMN zone. No limit in the other zones.

Only detached single-family dwellings, zero lot line attached single-family dwellings (townhomes), and duplexes are eligible to be converted to Extra Occupancy Rental Houses. Apartments or condominiums that are in buildings containing three or more dwelling units are not eligible to be converted. Eligible dwellings must be located on a lot that is in a platted subdivision. If the lot is currently not a platted lot, then a subdivision plat must be processed and approved before an Extra Occupancy Rental House conversion application can be accepted.

In addition, the conversion may also be subject to other regulations, especially if the proposed Extra Occupancy Rental House is subject to a Type 1 Review.

Attachments:

Development application
Conversion requirements (building and rental housing codes)
Online zoning map instructions

Know the Occupancy Limit

Know the occupancy limit where you live. In Fort Collins, did you know that **no more than three unrelated individuals** may reside in a dwelling unit?



On January 1, 2007 the City's new housing occupancy-limit ordinance went into effect, and it is important to learn how students may be impacted by the enforcement of this code.

Regardless of whether you own or rent a property, both landlords and their tenants could be held responsible if found in violation of the ordinance.

How does the new ordinance differ from the one that's been on the books since the 1960's?

The major change is that the law is now a "civil infraction" rather than a criminal misdemeanor. This means that the "burden of proof" for establishing a violation is much less than in the case of a criminal offense.

The definition of occupant and family have been changed and the actual occupancy limit was added (it used to be within the definition of family). There is also a new requirement that all properties have an Occupancy Disclosure Statement signed at the time of lease or sale. A copy of the disclosure form can be found at <http://fcgov/building/pdf/disclosure-disclaimer.pdf>

Who can I contact if I have questions that are specific to my living arrangement?

Students who may be housed in an over-occupancy situation should seriously consider talking with Student Legal Services (if they are a full-time student) or see if Neighborhood Services' free mediation program might be a service to help you, your roommates, and your landlord come into compliance.

For inquiries about mediation, please call Neighborhood Services 224-6046 or go to www.fcgov.com/neighborhoodservices

For more information about Student Legal Services go to: www.sls.colostate.edu or call 491-1482.

Continued



Why does the occupancy code exist and how long has it been in the books?

Since the 1960s, the City of Fort Collins has had definitions and ordinances to limit occupancy of a family or no more than 3-unrelated individuals. The City created an occupancy limit to help ensure health and safety of residents and to help protect the quality and character of neighborhoods.

How will the occupancy ordinance be enforced and what will the process look like?

When someone calls the city to report a property they believe is over-occupied, staff will be interested in the following information: complainant's contact information, address of property in question, reasons for suspecting over-occupancy and any supporting evidence (tenants names, license plate numbers, etc.).

Once city staff completes an intake form based on the information provided by the complainant, they will begin an investigation and will contact owner/property manager and request a copy of the Disclosure form. Disclosure Forms have been required since December 2005 and there is a potential for up to \$1000 fine to the landlord for not having one upon request. The form acknowledges that all involved parties (sellers, leasers, tenants, buyers) have been informed about the occupancy limit in Fort Collins.

If the investigation produces "reasonable cause" to suspect over-occupancy the inspector will give notice to all tenants, the landlord, and the property manager that they may receive citations. They will have seven days to correct the over-occupancy and schedule an inspection to confirm compliance.

Correcting the situation within that time period on a first complaint will result in no citation or penalty being issued. However, if the situation is not corrected, the City can issue a citation to the owner, property manager/landlord and/or each tenant of the property and fines could be as high as \$1000 per day. After being cited, the parties will have 10 days to pay the fine or request a hearing.

If participants request a hearing they will be scheduled to appear before the court-appointed hearing officer. The inspector will also be at the hearing and any neighbor willing to participate as a witness can also attend. Hearings are binding and all statements made under oath with the consequence of criminal charges such as perjury or false information to authorities if false statements are made.

If an investigation results in reasonable cause to suspect a violation of the Rental Housing Standards, inspectors may also conduct a rental housing inspection throughout the entire property.

What if my landlord hasn't asked me to sign the disclosure form?

Ask them to provide the form for your signature. The disclosure form will protect both you and your landlord in the event of an over-occupancy investigation.

My landlord never had me sign a disclosure form and now the city is investigating an occupancy violation at my residence. Although I have four roommates, my landlord is asking that only three of us sign the agreement. What do we do, knowing that we are in violation?

If you are a CSU student, seek the services of Student Legal Services so that they can advise you what to do in this situation. Go to www.sls.colostate.edu or call 970-491-1482.

What if a house can easily accommodate more than three residents?

The property owner can get an "Extra Occupancy Rental House" (formerly known as Boarding House) designation if the house meets certain criteria. Not all neighborhoods are zoned to allow for Extra Occupancy Rental Homes. For more information go to: <http://www.fcgov.com/building>

Are there apartments that allow for four unrelated individuals to live together?

Yes! There are apartment complexes that were built and approved for four tenants. These complexes have a disclosure statement that reflects this occupancy limit. The following apartment complexes are approved for having a maximum of four roommates: The Lofts at Campus West, Ram's Crossing, Ram's Point, and Ram's Village.

What if I have guests on most weekends? Will I be in violation even though these guests don't technically live with me?

It depends on if those guests spend enough time at your place to be considered are occupants. The occupancy limit applies to occupants - not guests. However, the code that goes into effect in 2007 classifies anyone who spends more than 30 nights in a dwelling unit in a calendar year as an occupant. Therefore, a frequent guest could actually be considered an occupant.

Still have questions?

Contact Melissa Emerson, Community Liaison (970) 491-6707 Email: memerson@fcgov.com

**Off-Campus Student Services
Main Level, Lory Student Center**



Neighborhood Services
281 N College Av
PO Box 580
Fort Collins, CO 80522-0580
970-224-6046

OCCUPANCY LIMITS DISCLOSURE STATEMENT FOR PROPERTY LEASE

The City of Fort Collins Code requires that any person selling or leasing a home, apartment or other dwelling unit must inform the buyer or renter about the maximum number of people who, by law, are allowed to occupy that home. All parties must sign where indicated below.

The maximum permissible occupancy of this dwelling unit is:

1. One (1) family (related by blood, marriage, adoption) and not more than one (1) additional person; or
2. Two (2) adults and their dependents, if any, and not more than one (1) additional person.
3. Up to four (4) unrelated persons in a dwelling unit located in an apartment complex containing units which were approved by the City to house four unrelated persons.

Actual signatures are required on this form. *It is required that this form be verified by electronic means OR notarized, attached to your lease, and a copy kept at the leased property or on-site management office. The shaded areas are for notary use. If the form is not notarized, the shaded areas should be left blank.

Property Address: _____

Tenant 1 Name: _____ Signature: _____ Date: _____

Subscribed to and affirmed before me on _____ (date) by _____
Notary Public: _____ State of: _____
County of| _____ My commission expires: _____

Tenant 2 Name: _____ Signature: _____ Date: _____

Subscribed to and affirmed before me on _____ (date) by _____
Notary Public: _____ State of: _____
County of| _____ My commission expires: _____

Tenant 3 Name: _____ Signature: _____ Date: _____

Subscribed to and affirmed before me on _____ (date) by _____
Notary Public: _____ State of: _____
County of| _____ My commission expires: _____

Property Owner Name: _____ Phone: _____
Address: _____

Property Manager Name: _____ Phone: _____
Address: _____

Owner/Manager Name: _____ Signature: _____ Date: _____ Phone: _____

Subscribed to and affirmed before me on _____ (date) by _____
Notary Public: _____ State of: _____
County of| _____ My commission expires: _____

If requested by the City, you are required to provide this fully executed disclosure statement to the City pursuant to City Code Section 5-265(b). Failure to properly execute and retain this statement is a civil infraction punishable by a fine of not more than \$1000, in addition to any costs, fees or surcharges assessed by a court or referee. Fines may be assessed to the owner, manager, and/or tenant(s).

APPENDIX C

Memo

To: Greenville City Council

From: Ann Maxwell, Chair, City of Greenville Neighborhood Advisory Board

CC: NAB membership; Thom Moton, Interim City Manager; Chris Padgett, Interim Assistant City Manager; Merrill Flood, Director, City of Greenville (CDD); Laura Searfoss, Neighborhood Liaison/Ombudsman (CDD)

Date: 7/24/2012

Re: Neighborhood Advisory Board's (NAB) response to the City of Greenville's three-unrelated standard

Since Fall 2011, representatives from individual neighborhoods expressed concerns about potential changes to the city's definition of family, which does not allow more than three unrelated persons to live together in any dwelling unit. The NAB—which aims to preserve and strengthen neighborhoods in the City of Greenville—and its membership began following this issue closely to keep residents throughout the city aware of possible changes and what those changes could entail.

At its March 2012 meeting, Chris Padgett, Interim Assistant City Manager, shared the City Council's 2012–13 strategic goals with the NAB, specifically its request for CDD staff to develop alternatives to permit more than three unrelated persons to live together in residential structures. At that time, Mr. Padgett said he planned to solicit input from a variety of stakeholder groups, including the NAB, as he developed his report to City Council. At the NAB's April 2012 meeting, Laura Searfoss, Neighborhood Liaison/Community Ombudsman, provided an overview of CDD's timeline and process, including three public meetings, to develop these alternatives and provided a brief presentation that summarized common planning terms and the three-unrelated standard to ensure well-informed participants prior to these public meetings.

NAB members attended the three public input meetings organized by CDD staff in June 2012—and encouraged their neighbors to attend or fill out an online questionnaire. Several members expressed concern over the public input meetings' format and questionnaire—namely that residents could only ask questions at the meetings (limiting constructive dialogue); that no concrete alternatives were shared for consideration; that staff did not communicate how the input from the questionnaires would be used and communicated back to attendees; and that the form's questions assume a change will occur.

Without concrete alternatives to consider, the NAB voted unanimously to support the three-unrelated rule as written at its June 2012 meeting. Additionally, as part of its 2012–

13 vision to create safer, more attractive neighborhoods with more cooperative relationships between neighbors and among neighborhoods, the NAB recognizes the need to broadly consider the quality-of-life considerations raised by residents throughout the input-gathering process. An occupancy standard alone cannot address these considerations—increased likelihood of trash, noise, crime that detract from neighborhood appearance and pride; maintenance of housing and yard conditions that suggest neighborhood decline; and ill will toward renters, landlords, and homeowners that threaten cooperative relationships and community involvement.

In addition to keeping the three-unrelated standard unchanged, the NAB recommends that the City of Greenville undertake a broader discussion on how the city approaches preserving and enhancing the integrity of its established neighborhoods—of which occupancy is only a small, yet significant, part. For this purpose, the NAB asks City Council to reconvene a Neighborhood Preservation and Housing Taskforce to analyze occupancy, along with innovative approaches to systematically address the potential negative effects of increased occupancy; endorse strategies to improve the long-term health of all neighborhoods; and identify financing mechanisms to achieve them. The NAB, with its diverse geographic and demographic representation and charge to preserve and strengthen neighborhoods in the City of Greenville, would like to assist city staff and Councilmembers by acting as the core group of this taskforce.



City of Greenville, North Carolina

Meeting Date: 8/9/2012
Time: 7:00 PM

Title of Item: Report on standards for internet sweepstakes businesses

Explanation: At their 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.

Staff has developed the attached report as a means of meeting City Council's directive. The report includes sections addressing the following:

- Description of Internet Sweepstakes Businesses;
- Legal Authority for Local Land Use Regulation;
- Background and Summary of Existing Standards;
- Identification of Existing and Approved Internet Sweepstakes Businesses;
- Survey of Other Communities;
- Potential Standards; and
- Analysis of Potential Standards.

Fiscal Note: No fiscal impact anticipated.

Recommendation: Accept report provided by staff and consider initiating a zoning ordinance text amendment defining and creating standards for internet sweepstakes businesses.

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

Attachments / click to download

 [Report on Standards for Internet Sweepstakes Businesses 931958](#)

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. Potential Standards – Page 10
- Section VIII. Analysis of Potential Standards – Page 11



**Report Developed by the City of Greenville
Community Development Department - Planning Division
July 20, 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.

SECTION II – Description of Internet Sweepstakes Businesses

Planning Division staff visited five of the 13 local internet sweepstakes businesses in an effort to better understand how they operate. The following facility descriptions are based upon information provided by the 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, and the vast majority of the facility allowed smoking.
- None offer alcoholic beverages; however, this type of facility is eligible to apply for an ABC permit.
- 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**

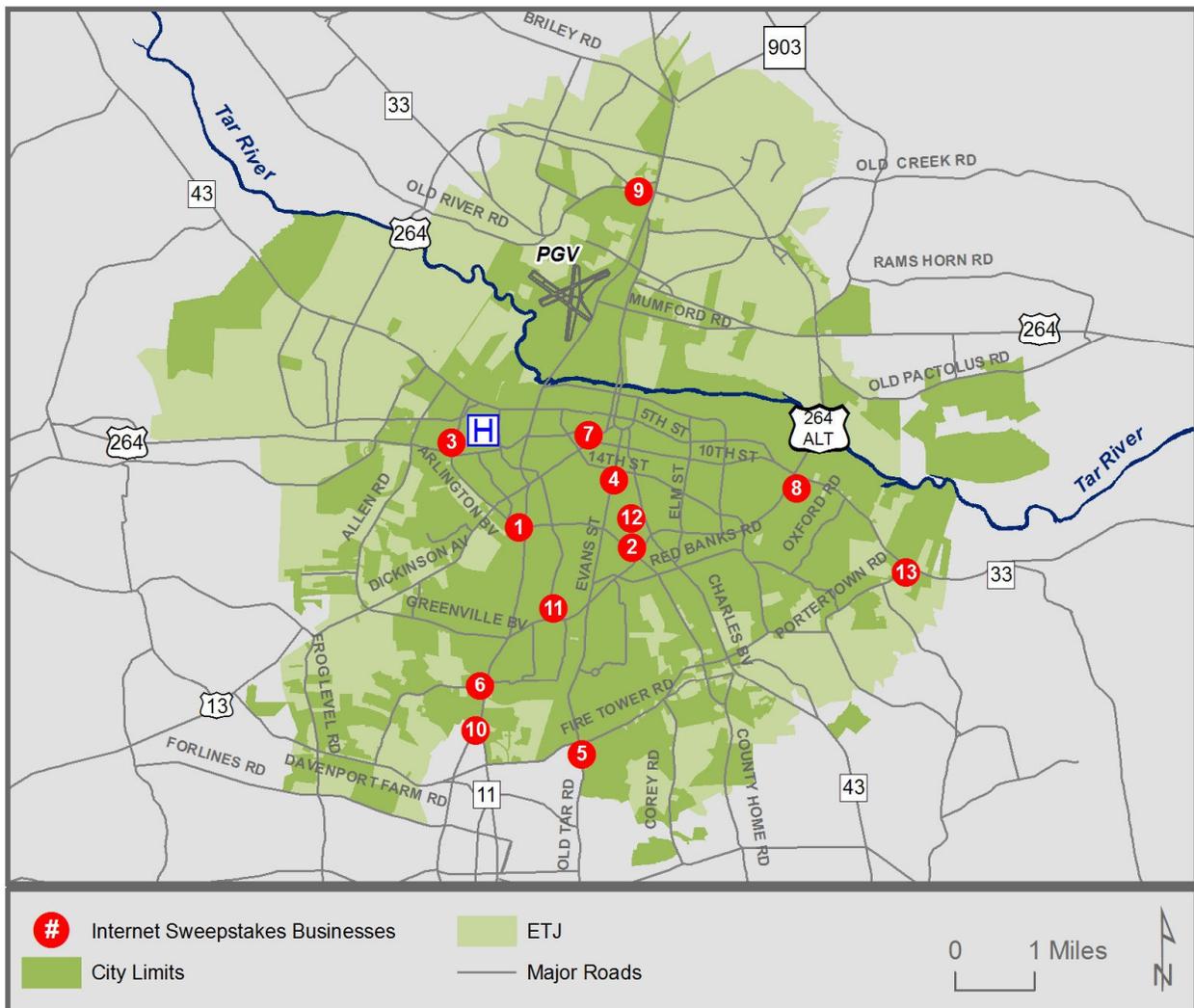
Table 1, below, identifies all of the internet sweepstakes businesses operating within the City’s planning and zoning jurisdiction as of July 14, 2012. Also included is one facility that was approved by the Board of Adjustment on June 28, 2012, through the issuance of a Special Use Permit, but has not yet opened for business. 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	Plrate'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

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 – Potential 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.

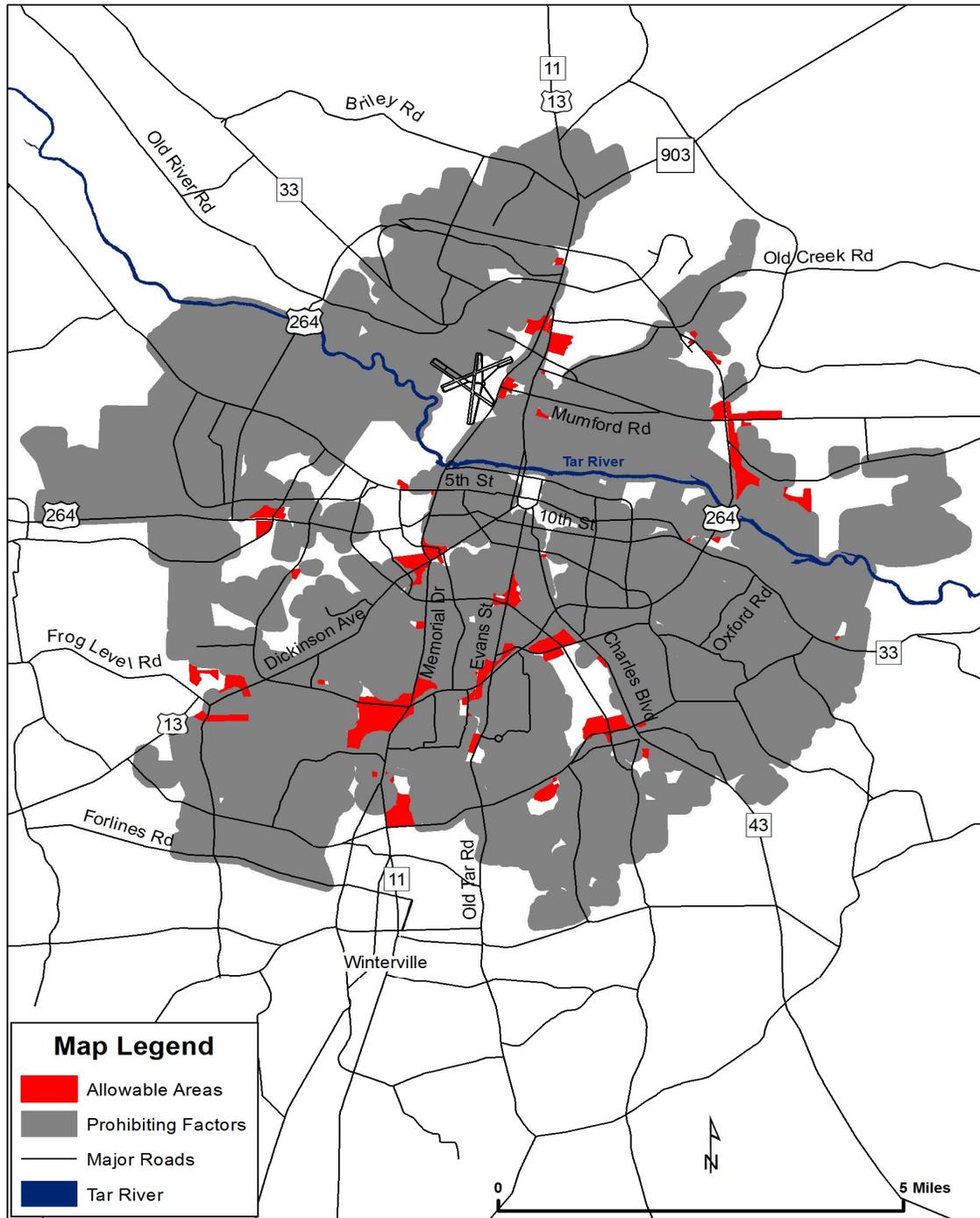
2. Allow internet sweepstakes businesses, subject to the issuance of a Special Use Permit, within the Heavy Commercial (CH) and General Commercial (CG) zoning districts.
3. Specific Criteria.
 - A. At the time of special use permit approval, a proposed internet sweepstakes business shall not be located within a ¼ mile (1,320 feet) radius, including street rights-of-way, of an existing or approved internet sweepstakes business. The required measurement shall be from the building or structure containing the proposed internet sweepstakes business to the nearest lot line of the parcel on which the existing internet sweepstakes business is located.
 - B. At the time of special use permit approval, a proposed internet sweepstakes business shall not be located within a 500-foot radius, including street rights-of-way, of (i) **a conforming use single-family dwelling located in any district**, (ii) **any single-family residential zoning district**, or (iii) **a school**. The required measurement shall be from the building or structure containing the internet sweepstakes business to the nearest single-family dwelling lot line, school lot line, or single-family residential zoning district boundary line. For purpose of this section, the term “single-family residential zoning district” shall include any RA20, R15S, R9S, R6S, and MRS district.

- C. The use shall be conducted within a completely enclosed building, and no outside congregation of customers is permitted for any purpose.
4. Parking Requirement.
- One parking space per computer / gaming terminal plus one parking space per employee on largest shift.
5. Other Standards that May be Considered:
- A. Additional separation requirements from parks, daycares or churches.
 - B. Limitations on hours of operation.
 - C. Limitation on the number of computer / gaming terminals.
 - D. Limitations on co-locating or dual use of structures with specified land uses (i.e. public or private clubs, dining and entertainment establishments, tobacco shops, check cashing, etc...).

SECTION VIII – Analysis of Potential Standards

An analysis of the potential standards prescribed in Section VII, subsections 2 and 3, of this report results in 927 acres (2%) of property within the City’s planning and zoning jurisdiction that 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, Firetower Road, Dickinson Avenue, and Evans Street).

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



¹ Owens, D. (2012, April 17). *Land Use Regulation of Internet Sweepstakes Cafes*.

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