



# Agenda

## Greenville City Council

November 8, 2012  
7:00 PM  
City Council Chambers  
200 West Fifth Street

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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.

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**I. Call Meeting To Order**

**II. Invocation - Council Member Smith**

**III. Pledge of Allegiance**

**IV. Roll Call**

**V. Approval of Agenda**

**VI. Appointments**

1. Appointments to Boards and Commissions
2. Appointments to University Neighborhood Revitalization Initiative Citizen Working Group

**VII. New Business**

**Public Hearings**

3. Ordinance requested by Fleming Allen, LLC to rezone 1.30 acres located near the northeast corner of the intersection of W. H. Smith Boulevard and Dickinson Avenue, 200+/- feet east of W. H. Smith Boulevard and 300+/- feet north of Dickinson Avenue from CG (General Commercial) to MCG (Medical General Commercial)
4. Ordinance requested by Michael Garrett to rezone 0.15 acres located along the western right-of-way of Albemarle Avenue between Bonners Lane and South Alley Street from IU (Unoffensive Industry) to CD (Downtown Commercial)

5. Ordinance requested by Greenville Community Life Center, Inc., to amend the Zoning Ordinance so that the land use titled "shelter for homeless or abused" be permitted with the issuance of a special use permit in the OR (Office - Residential) district subject to a minimum lot area requirement of two acres
6. Adoption of the Development Code Review and Policy Gap Analysis to Improve the Community's Health, Design and Appearance
7. Ordinance requiring the repair or the demolition and removal of the dwelling located at 1004 Bancroft Avenue
8. Ordinance requiring the repair or the demolition and removal of the dwelling located at 1114 Colonial Avenue
9. Ordinance requiring the repair or the demolition and removal of the dwelling located at 1208 Battle Street
10. Ordinance requiring the repair or the demolition and removal of the dwelling located at 1304 Battle Street
11. Ordinance requiring the repair or the demolition and removal of the dwelling located at 1504 Fleming Street
12. Ordinance requiring the repair or the demolition and removal of the dwelling located at 1506 Fleming Street
13. Ordinance requiring the repair or the demolition and removal of the dwelling located at 1911 South Pitt Street
14. Ordinance requiring the repair or the demolition and removal of the dwelling located at 610 Hudson Street
15. Ordinance requiring the repair or the demolition and removal of the dwelling located at 800 Vanderbilt Lane

### **Public Comment Period**

- **Public Comment Period**

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

### **VIII. Comments from Mayor and City Council**

**IX. City Manager's Report**

**X. Adjournment**



# City of Greenville, North Carolina

Meeting Date: 11/8/2012  
Time: 7:00 PM

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**Title of Item:** Appointments to Boards and Commissions

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

**Fiscal Note:** No direct fiscal impact

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

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 [Muni Report Appointments to Boards and Commissions 914698](#)

# Appointments to Boards and Commissions

November 8, 2012

## Affordable Housing Loan Committee

**Council Liaison:** Council Member Kandie Smith

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

## Greenville Bicycle & Pedestrian Commission

**Council Liaison:** Council Member Calvin Mercer

<b>Name</b>	<b>District #</b>	<b>Current Term</b>	<b>Reappointment Status</b>	<b>Expiration Date</b>
Uriah Ward		First term	Resigned	January 2014

## Human Relations Council

**Council Liaison:** Mayor Pro Tem Rose Glover

### Student Representatives

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

## Pitt Greenville Convention & Visitors Authority

**Council Liaison:** Mayor Pro-Tem Rose Glover

<b>Name</b>	<b>District #</b>	<b>Current Term</b>	<b>Reappointment Status</b>	<b>Expiration Date</b>
Joseph Frigden (City (2))		Second term	Ineligible	July 2012

1: Owners/operators of hotels/motels

*Pitt-Greenville Convention & Visitors Authority continued*

- 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

<b>Name</b>	<b>District #</b>	<b>Current Term</b>	<b>Reappointment Status</b>	<b>Expiration Date</b>
Richard Crisp <i>(Council Member At-Large Dennis Mitchell)</i>	2	Unexpired Term	Eligible	October 2013
Dennis Winstead <i>(Mayor Allen Thomas)</i>	3	Second Term	Ineligible	October 2012

**Redevelopment Commission**

**Council Liaison:** Council Member At-Large Dennis Mitchell

<b>Name</b>	<b>District #</b>	<b>Current Term</b>	<b>Reappointment Status</b>	<b>Expiration Date</b>
Evan Lewis	5	Final Term	Ineligible	November 2012
Terri Williams	4	Final Term	Ineligible	November 2012

**Youth Council**

**Council Liaison:** Council Member Marion Blackburn

<b>Name</b>	<b>District #</b>	<b>Current Term</b>	<b>Reappointment Status</b>	<b>Expiration Date</b>
14 Available Slots		Filling unexpired term	Eligible	September 2013

## Applicants for Affordable Housing Loan Committee

Christina W. Darden  
387 Claredon Drive  
Greenville, NC 27858

**District #:** 5

Thomas Hines  
211 Patrick Street  
Greenville, NC 27834

**District #:** 1

**Application Date:**

**Home Phone:** (252) 756-9249

**Business Phone:** (252) 215-1019

**Email:** chris@chrisdarden.com

**Application Date:** 10/6/2011

**Home Phone:** (252) 864-4907

**Business Phone:** (252) 695-9066

**Email:** thinesg@aol.com

## Applicants for Greenville Bicycle and Pedestrian Commission

John Derek Swart  
309 S. Jarvis Street  
Greenville, NC 27858

**Application Date:** 8/2/2012

**District #:** 3

**Home Phone:** (919) 818-1163

**Business Phone:**

**Email:** jds1030@gmail.com

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

**Application Date:** 7/13/2012

**District #:** 2

**Home Phone:** (252) 756-3085

**Business Phone:** (252) 327-6369

**Email:** titusyancey@gmail.com

## Applicants for Human Relations Council

Wanda Carr  
2304 British Court  
Greenville, NC 27834

**District #:** 1

Isaac Chemmanam  
402 Lochview Drive  
Greenville, NC 27858

**District #:** 4

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

**District #:** 4

Aaron Lucier  
1516 Thayer Drive  
Winterville, NC 28590

**District #:** 5

Angela Marshall  
2609B Boone Court  
Greenville, NC 27834

**District #:** 1

Brian J. Paiz  
1936-204 Tara Court  
Greenville, NC 27858

**District #:** 5

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

**District #:** 1

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

**District #:** 2

**Application Date:** 10/13/2010

**Home Phone:** (252) 321-1409

**Business Phone:**

**Email:** carrwdc@hotmail.com

**Application Date:** 1/18/2012

**Home Phone:** (252) 561-8759

**Business Phone:** (252) 412-2045

**Email:** isaac.chemmanam@gmail.com

**Application Date:** 2/20/2012

**Home Phone:**

**Business Phone:** (252) 328-2950

**Email:** scottthduke@gmail.com

**Application Date:** 2/23/2011

**Home Phone:** (252) 321-3910

**Business Phone:** (252) 328-2758

**Email:** luciera@ecu.edu

**Application Date:** 4/29/2011

**Home Phone:** (252) 258-4104

**Business Phone:** (252) 328-4173

**Email:** marshalla@ecu.edu

**Application Date:** 10/18/2012

**Home Phone:** (803) 201-9907

**Business Phone:** (252) 752-7168

**Email:** bpaiz2333@gmail.com

**Application Date:** 7/15/2010

**Home Phone:** (252) 489-8390

**Business Phone:**

**Email:** partridgeb06@students.ecu.edu

**Application Date:** 7/13/2012

**Home Phone:** (252) 756-3085

**Business Phone:** (252) 327-6369

**Email:** titusyancey@gmail.com

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

Brian Brown  
2237 Penncross Drive  
Greenville, NC 27834

**District #:** 5

**Application Date:** 2/23/2011

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

Wanda Carr  
2304 British Court  
Greenville, NC 27834

**District #:** 1

**Application Date:** 10/13/2010

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

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

**District #:** 5

**Application Date:** 3/5/2011

**Home Phone:** (252) 439-0651  
**Business Phone:** (252) 439-0651  
**Email:** brianevans\_99@yahoo.com

Ann Eleanor  
102 Lindenwood Drive  
Greenville, NC 27834

**District #:** 5

**Application Date:** 2/13/2011

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

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

**District #:** 2

**Application Date:** 8/25/2012

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

JJ McLamb  
102 Christina Drive  
Greenville, NC 27858

**District #:** 4

**Application Date:** 2/27/2012

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

Bridget Moore  
4128A Bridge Court  
Winterville, NC 28590

**District #:** 5

**Application Date:** 7/13/2011

**Home Phone:** (252) 355-7377  
**Business Phone:** (252) 756-1002  
**Email:** bmoore2004@netzero.com

Brian J. Paiz  
1936-204 Tara Court  
Greenville, NC 27858

**District #:** 5

**Application Date:** 10/18/2012

**Home Phone:** (803) 201-9907  
**Business Phone:** (252) 752-7168  
**Email:** bpaiz2333@gmail.com

## Applicants for Police Community Relations Committee

Isaac Chemmanam 402 Lochview Drive Greenville, NC 27858 <b>District #:</b> 4	<b>Business</b> <b>Home Phone:</b> <b>Email:</b>	<b>Application Date:</b> 1/18/2012 (252) 412-2045 (252) 561-8759 isaac.chemmanam@gmail.com
Ann Eleanor 102 Lindenwood Drive Greenville, NC 27834 <b>District #:</b> 5	<b>Business</b> <b>Home Phone:</b> <b>Email:</b>	<b>Application Date:</b> 2/13/2011 (252) 227-4240 aeleanor@suddenlink.net
Terry King 1310 Thomas Langston Rd. #7 Winterville, NC 28590 <b>District #:</b> 2	<b>Business</b> <b>Home Phone:</b> <b>Email:</b>	<b>Application Date:</b> 8/25/2012 (252) 412-5228 terryeu2@aol.com
Aaron Lucier 1516 Thayer Drive Winterville, NC 28590 <b>District #:</b> 5	<b>Business</b> <b>Home Phone:</b> <b>Email:</b>	<b>Application Date:</b> 2/23/2011 (252) 328-2758 (252) 321-3910 luciera@ecu.edu
Belinda Perkinson 126 N. Harding Street Greenville, NC 27858 <b>District #:</b> 3	<b>Business</b> <b>Home Phone:</b> <b>Email:</b>	<b>Application Date:</b> 8/15/2012 (252) 328-9190 (252) 341-8186 perkinsons@ecu.edu
Howard Stearn 2818 Jefferson Greenville, NC 27858 <b>District #:</b> 3	<b>Business</b> <b>Home Phone:</b> <b>Email:</b>	<b>Application Date:</b> 11/9/2011 (252) 321-1101 (252) 862-6683 howardmstearn@gmail.com
Cora Tyson 215 Hardee Road Greenville, NC 27858 <b>District #:</b> 4	<b>Business</b> <b>Home Phone:</b> <b>Email:</b>	<b>Application Date:</b> 5/11/2012 (252) 758-6333 (252) 917-7069 coolcrittr@aol.com

## Applicants for Redevelopment Commission

Cornell Allen  
4030 Bells Chapel Road  
Greenville, NC 27858

**District #:** 5

**Application Date:** 5/8/2011

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

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

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

**District #:** 2

**Application Date:** 8/25/2012

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

JJ McLamb  
102 Christina Drive  
Greenville, NC 27858

**District #:** 4

**Application Date:** 2/27/2012

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

Dustin Mills  
504 Daventry Drive  
Greenville, NC 27858

**District #:** 5

**Application Date:** 4/9/2012

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

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

**District #:** 1

**Application Date:** 7/15/2010

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

Richard S. Patterson  
107 Woodhaven Road  
Greenville, NC 27834

**District #:** 5

**Application Date:** 7/20/2010

**Home Phone:** (252) 916-6593  
**Business Phone:** (252) 746-7018  
**Email:** rspattersonsr33@gmail.com

*Redevelopment Commission continued*

Katherine Wetherington  
1503 East 4th Street  
Greenville, NC 27858

**Application Date:** 6/19/2010

**Home Phone:**

**Business Phone:**

**Email:** katherinewetherington@yahoo.com

**District #:** 3

# Applicants for Youth Council

None – 14 Available Slots



# City of Greenville, North Carolina

Meeting Date: 11/8/2012  
Time: 7:00 PM

**Title of Item:** Appointments to University Neighborhood Revitalization Initiative Citizen Working Group

**Explanation:** **Abstract:** On August 9, 2012, City Council voted to initiate the University Neighborhood Revitalization Initiative (UNRI). One of the actions included in the motion was to establish a temporary citizen working group for a period of up to 12 months, composed of two appointees each by City officials elected by the district (district council person, at-large council person, mayor) to assist in the implementation of revitalization efforts. As such, Mayor Thomas, Council Member Blackburn, and Council Member Mitchell are requested to make two appointments each to the University Neighborhood Revitalization Initiative Citizen Working Group.

**Explanation:** On August 9, 2012, City Council voted to initiate the University Neighborhood Revitalization Initiative (UNRI). The motion adopted by City Council included initiating changes in the zoning ordinance text, zoning map and other actions.

One of the actions included in the motion was to establish a temporary citizen working group for a period of up to 12 months, composed of two appointees each by City officials elected by the district (district council person, at-large council person, mayor) to assist in the implementation of items described below and further define and execute additional revitalization efforts within the overlay district. Specific items that the UNRI directs the working group to address include:

- Pursue funding sources to establish favorable terms and low interest loans and grants for revitalization of properties for citizens in the overlay district with the goal of encouraging transition/upfit over a period to owner-occupied homes.
- Pursue a parking permit plan for the overlay district which includes permits by right to all legal residents and/or employees in the overlay

district with valid driver's licenses as well as a set number of available permits for purchase to East Carolina University students, staff, and faculty. Funds generated will be dedicated to increased code enforcement, trash collection, lighting, security, and marketing of best practices for the overlay district.

- Launch an active community watch program joining together residents, law enforcement, neighborhood, and university groups in the overlay district.
- Attach unpaid code violation fees to property tax bills of property owners.

**Fiscal Note:** No fiscal impact anticipated other than staff time which is already budgeted.

**Recommendation:** Mayor Thomas, Council Member Blackburn, and Council Member Mitchell are requested to make two appointments each to the University Neighborhood Revitalization Initiative Citizen Working Group.

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# City of Greenville, North Carolina

Meeting Date: 11/8/2012  
Time: 7:00 PM

**Title of Item:** Ordinance requested by Fleming Allen, LLC to rezone 1.30 acres located near the northeast corner of the intersection of W. H. Smith Boulevard and Dickinson Avenue, 200+/- feet east of W. H. Smith Boulevard and 300+/- feet north of Dickinson Avenue from CG (General Commercial) to MCG (Medical General Commercial)

**Explanation:** **Abstract:** Ordinance requested by Fleming Allen, LLC to rezone 1.30 acres located near the northeast corner of the intersection of W. H. Smith Boulevard and Dickinson Avenue, 200+/- feet east of W. H. Smith Boulevard and 300+/- feet north of Dickinson Avenue from CG (General Commercial) to MCG (Medical General Commercial).

**Required Notices:**

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on October 2, 2012.  
On-site sign(s) posted on October 2, 2012.  
City Council public hearing notice (property owner and adjoining property owner letter) mailed on October 23, 2012.  
Public hearing legal advertisement published on October 29 and November 5, 2012.

**Comprehensive Plan:**

The subject area is located in Vision Area F.

Vision Area F. Management Actions

F4. Increase the number of intensity of medical-related establishments.

F6. Strengthen and support Medical District Plan.

The Future Land Use Plan Map recommends commercial (C) for the area bounded by W. H. Smith Boulevard, Dickinson Avenue, and the Norfolk Southern Railroad.

The subject property is considered to be part of the regional focus area at the intersection of Dickinson Avenue and Memorial Drive. These nodes typically contain 175,000-350,000 square feet of conditioned floor space.

W. H. Smith Boulevard is considered a connector corridor. Connector corridors are anticipated to contain a variety of higher intensity land uses.

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

Based on the analysis comparing the existing zoning and requested rezoning, the proposed rezoning classification could generate 344 trips to and from the site on Dickinson Avenue, which is a net *decrease* of 108 less trips per day. Since the traffic analysis for the requested rezoning indicates that the proposal would generate less traffic than the existing zoning, a traffic volume report was not generated.

**History/Background:**

In 1972, the subject property was incorporated into the City's extra-territorial jurisdiction (ETJ) and zoned RA20. In 1989, the property was rezoned to CS (Shopping Center) which was later re-named to CG (General Commercial).

**Present Land Use:**

Vacant

**Water/Sewer:**

Water and sanitary sewer are located on-site.

**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: CG - Miller Motte College

South: CG - Vacant

East: CG - Vacant

West: CG - Med Moore Park Commercial Subdivision

**Density Estimates:**

Under the current zoning (CG), staff would anticipate the site to yield 12,458+/- square feet of retail/restaurant/office uses.

Under the proposed zoning (MCG), staff would anticipate the site to yield 12,458+/- square feet of retail/office/institutional uses.

The anticipated build-out time is within 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, 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 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 recommend approval of the request at its October 16, 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.

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**Attachments / click to download**

- [Location Map](#)
- [Survey](#)
- [Bufferyard and Vegetation Standards](#)
- [Ordinance Fleming Allen 939105](#)
- [Excerpt P\\_Z\\_minutes Rezoning of Fleming Allen 939448](#)
- [List of Uses CG to MCG 938076](#)

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 November 8, 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 CG (General Commercial) to MCG (Medical-General Commercial).

TO WIT: Fleming Allen, LLC Property

LOCATION: Located near the northeast corner of W. H. Smith Boulevard and Dickinson Avenue, 200+/- feet east of W. H. Smith Boulevard and 300+/- feet north of Dickinson Avenue.

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 on the north by Med-Moore Park, Lot 10, Block A; on the east by the POHL Partnership property; on the south by Med-Moore Park, Lot 2, Block A; and on the west by Med Moore Park, Lots 3 and 9, Block A; and being described by metes and bounds as follows:

BEGINNING at the southeast corner of Med-Moore Park, Lot 11, Block A as recorded in Map Book 74, Page 127, said corner being the northeast corner of Med-Moore Park, Lot 2, Block A as recorded in Map Book 74, Page 127 and in the western line of the POHL, LLC property recorded in Deed Book 1869, Page 157; thence leaving the POHL, LLC property and with the southern line of Med-Moore Park, Lot 11, Block A and with the northern line of Med-Moore Park, Lot 2, Block A N 43°54'56" W 80.00 feet, thence N 46°05'04" E 30.00 feet, thence N 43°54'56" W 183.00 feet to a point in the eastern line of Med-Moore Park, Lot 3, Block A as recorded in Map Book 70, Page 152, said point being the southwestern corner of Med-Moore Park, Lot 11, Block A; thence cornering and with the western line of Med-Moore Park, Lot 11, Block A and with the eastern line of Med-Moore Park, Lot 3, Block A N 46°05'04" E 4.98 feet to the southeast corner of Med-Moore Park, Lot 9, Block A as recorded in Map Book 70, Page 152; thence continuing with the western line of Med-Moore Park, Lot 11, Block A and the eastern line of Med-Moore Park, Lot 9, Block A N 46°05'04" E 612.36 feet to a point, said point being the northwest corner of Med-Moore Park, Lot 11, Block A; thence cornering and with the northern line of Med-Moore Park, Lot 11, Block A and the southern line of Med-Moore Park, Lot 10, Block A as recorded in Map Book 74, page 127 S 43°54'56" E 263.00 feet to a point in the western line of the POHL, LLC property recorded in Deed Book 1869, Page 157, said point being the northeast corner of Med-Moore Park, Lot 11, Block A and the southeast corner of Med-Moore Park, Lot 10, Block A; thence cornering and with the western line of the POHL, LLC property and the eastern line of Med-Moore Park, Lot 11, Block A S 46°05'04" W 237.00 feet to the point of BEGINNING containing 1.30 acres more or less and being all of Med-Moore Park, Lot 11, Block A recorded in Map Book 74, Page 127 and shown on a plat by Rivers and Associates, Inc. dated September 18, 2012, being drawing number Z-2563 entitled Rezoning Map for Fleming Allen, LLC 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 8<sup>th</sup> day of November, 2012.

\_\_\_\_\_  
Allen M. Thomas, Mayor

ATTEST:

\_\_\_\_\_  
Carol L. Barwick, City Clerk

Doc. # 939105

**Excerpt from the DRAFT Planning & Zoning Commission Meeting Minutes (10/16/12)**

ORDINANCE REQUESTED BY FLEMING ALLEN, LLC TO REZONE 1.30 ACRES  
LOCATED NEAR THE NORTHEAST CORNER OF THE INTERSECTION OF W.H. SMITH  
BOULEVARD AND DICKINSON AVENUE-APPROVED

Ms. Chantae Gooby, Planner II, delineated the property. The property is located in the central portion of the city, 200+/- feet east of W.H. Smith Boulevard and 300 +/- feet north of Dickinson Avenue. The property is currently vacant. The rezoning could result in a decrease of 108 less trips per day. The property is currently zoned as CG (General Commercial) which yields the same square footage as MCG (Medical General Commercial) but offers more medical-related uses and limits non-medical uses. The Future Land Use Plan Map recommends commercial for the area bounded by W.H. Smith Boulevard, Dickinson Avenue and the Norfolk Southern Railroad. In staff's opinion, the request is in compliance with Horizons: Greenville's Community Plan, the Future Land Use Plan and the Medical District Land Use Plan. It is specifically recommended in the text of Horizons "to increase the number of intensity of medical-related establishments" and promotes the desired urban form.

Mr. Bell asked for further explanation of the entire range of permitted and special uses.

Ms. Gooby stated that some non-medical uses in the general commercial zoning are not allowed in the medical general commercial zone such as, a photography studio or an appliance store.

Chairman Bell opened the public hearing.

Mr. Durk Tyson, representative of the applicant, spoke in favor of the application. He stated that he did not have anything to add to the presentation and would answer any questions.

Mr. Weitz asked why the applicant wanted to change to Medical General Commercial.

Mr. Tyson stated that a tenant needs the medical zoning for his proposed use.

No one spoke in opposition of the request.

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

No discussion from board members.

**Motion made by Ms. Bellis, seconded by Mr. Maxwell, 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**

### **CG (General Commercial)** ***Permitted Uses***

*(1) General:*

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

*(2) Residential: \* None*

*(3) Home Occupations (see all categories):*

\*None

*(4) Governmental:*

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

*(5) Agricultural/ Mining:*

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

*(6) Recreational/ Entertainment:*

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

*(7) Office/ Financial/ Medical:*

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

*(8) Services:*

- c. Funeral home
- e. Barber or beauty shop
- f. Manicure, pedicure, or facial salon
- k. Business or trade school
- o. Church or place of worship (see also section 9-4-103)
- q. Museum
- r. Art Gallery
- s. Hotel, motel, bed and breakfast inn; limited stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)
- u. Art studio including art and supply sales
- v. Photography studio including photo and supply sales

- y.(1) Television and/or radio broadcast facilities including receiving and transmission equipment and towers not exceeding 200 feet in height or cellular telephone and wireless communication towers not exceeding 200 feet in height (see also section 9-4-103)
- z. Printing or publishing service including graphic art, map, newspapers, magazines and books
- aa. Catering service including food preparation (see also restaurant; conventional and fast food)
- hh. Exercise and weight loss studio; indoor only
- kk. Launderette; household users
- ll. Dry cleaners; household users
- oo. Clothes alteration or shoe repair shop
- pp. Automobile wash

*(9) Repair:*

- g. Jewelry, watch, eyewear or other personal item repair

*(10) Retail Trade:*

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

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

- b. Rental of home furniture, appliances or electronics and medically related products (see also (10)k.)
- c. Rental of cloths and accessories; formal wear, etc.

*(12) Construction:*

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

*(13) Transportation:*

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

*(14) Manufacturing/ Warehousing:*

\* None

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

\* None

**CG (General Commercial)**

***Special Uses***

*(1) General:*

\* None

*(2) Residential:*

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

*(3) Home Occupations (see all categories):*

\* None

*(4) Governmental:*

a. Public utility building or use

*(5) Agricultural/ Mining:*

\* None

*(6) Recreational/ Entertainment:*

d. Game center

l. Billiard parlor or pool hall

m. Public or private club

t. Athletic club; indoor and outdoor facilities

*(7) Office/ Financial/ Medical:*

c. Office; customer services, not otherwise listed, including accessory service delivery vehicle parking and indoor storage

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

*(8) Services:*

a. Child day care facilities

b. Adult day care facilities

l. Convention center; private

*(9) Repair:*

a. Major repair; as an accessory or principal use

b. Minor repair; as an accessory or principal use

*(10) Retail Trade:*

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

j. Restaurant; regulated outdoor activities

n. Appliances; commercial use, sales and accessory repair, excluding outside storage

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

d. Rental of automobiles, noncommercial trucks or trailers, recreational vehicles, motorcycles and boats

f. Automobile, truck, recreational vehicle, motorcycle and boat sales and service (see also major and minor repair)

*(12) Construction:*

\* None

*13) Transportation:*

\* None

*(14) Manufacturing/ Warehousing:*

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

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

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

## **PROPOSED ZONING**

### **MCG (Medical-General Commercial)**

#### ***Permitted Uses***

*(1) General:*

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

*(2) Residential:*

\* None

*(3) Home Occupations (see all categories):*

\*None

*(4) Governmental:*

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

*(5) Agricultural/ Mining:*

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

*(6) Recreational/ Entertainment:*

- f. Public park or recreational facility
- s. Athletic club; indoor only

*(7) Office/ Financial/ Medical:*

- a. Office; professional and business, not otherwise listed
- d. Bank, savings and loan or other savings or investment institutions

*(8) Services:*

- e. Barber or beauty shop
- f. Manicure, pedicure, or facial salon
- v. Photography studio including photo and supply sales
- z. Printing or publishing service including graphic art, maps, newspapers, magazines and books
- aa. Catering service including food preparation (see also restaurant; conventional and fast food)
- hh. Exercise and weight loss studio; indoor only
- ii. Wellness center; indoor and outdoor facilities

- kk. Launderette; household users
- ll. Dry Cleaners; household users

*(9) Repair:*

- g. Jewelry, watch, eyewear or other personal item repair

*(10) Retail Trade:*

- a. Miscellaneous retail sales; non-durable goods, not otherwise listed
- c. Grocery; food or beverage, off premise consumption (see also Wine Shop)
- c.1 Wine shop (see also section 9-4-103)
- d. Pharmacy
- f. Office and school supply, equipment sales
- 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
- s. Book or card store, news stand
- t. Hobby or craft shop
- v. Video or music store; records, tape, compact disk, etc. sales
- 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:*

- c. Bakery; production, storage and shipment facilities

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

- \* None

**MCG (Medical-General Commercial)**

***Special Uses***

*(1) General:*

- \* None

*(2) Residential:*

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

*(3) Home Occupations (see all categories):*

- \* None

*(4) Governmental:*

- a. Public utility building or use

*(5) Agricultural/ Mining:*

- \* None

*(6) Recreational/ Entertainment:*

- t. Athletic club; indoor and outdoor facilities

*(7) Office/ Financial/ Medical:*

\* None

*(8) Services:*

- a. Child day care facilities
- b. Adult day care facilities
- jj. Health services not otherwise listed

*(9) Repair:*

\* None

*(10) Retail Trade:*

- j. Restaurant; regulated outdoor activities

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

\* None

*(12) Construction:*

\* None

*(13) Transportation:*

\* None

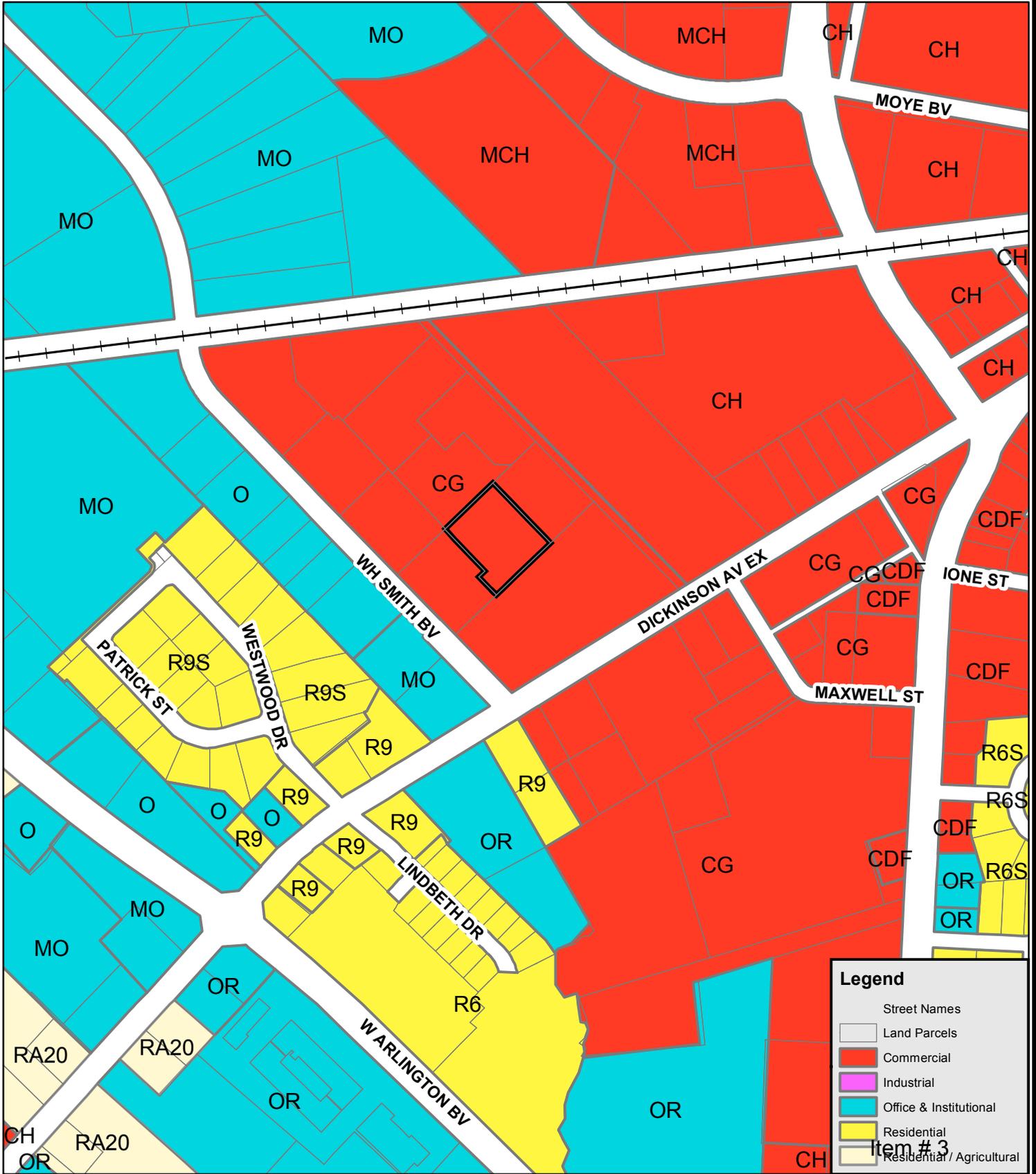
*(14) Manufacturing/ Warehousing:*

\* None

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

\* None

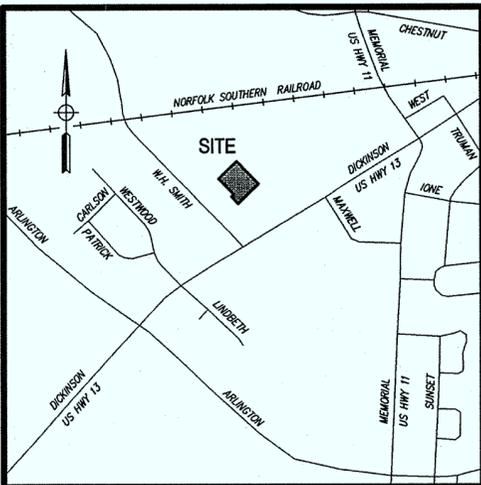
Fleming Allen (12-10)  
1.30 acres  
From: CG To: MCG  
October 1, 2012



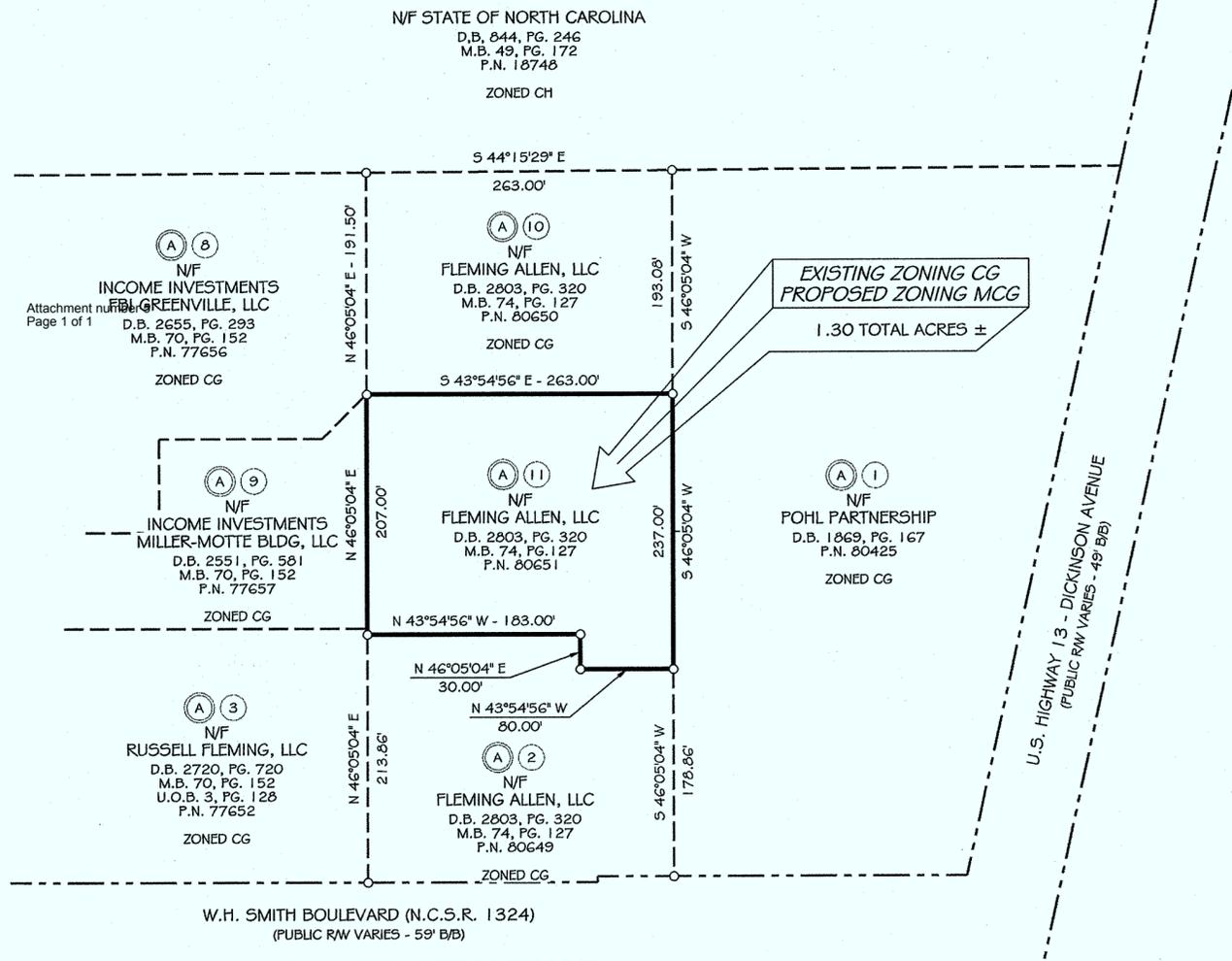
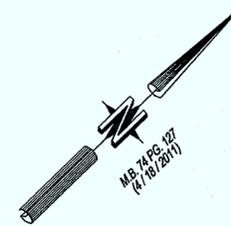
**Legend**

- Street Names
- Land Parcels
- Commercial
- Industrial
- Office & Institutional
- Residential
- Residential / Agricultural

Item # 3



VICINITY MAP  
1" = 1000'



**LEGEND:**  
 CG ZONING = GENERAL COMMERCIAL DISTRICT  
 MCG ZONING = MEDICAL GENERAL COMMERCIAL DISTRICT  
 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  
 U.O.B. = UNIT OWNERSHIP BOOK

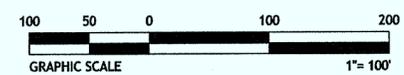
**REZONED AREA:**  
 TOTAL = 56,841 S.F. ± (1.30 ACRES ±)

**REFERENCES:**  
 D.B. 2803 PG. 320  
 P.N. 80651  
 M.B. 74 PG. 127

**OWNER:**  
 FLEMING ALLEN, LLC  
 P.O. BOX 2575  
 GREENVILLE, N.C. 27836  
 PHONE: (252) 355-7355

**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)(11)D., THAT THIS SURVEY IS OF ANOTHER CATEGORY, REZONING MAP. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 18th DAY OF SEPTEMBER, 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 AUGUST 2nd, 2011 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.



	<b>Rivers &amp; Associates, Inc.</b> 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	
	<b>REZONING MAP FOR</b> <b>FLEMING ALLEN, LLC</b> MED-MOORE PARK - PHASE III, BLOCK 'A', LOT 11 GREENVILLE GREENVILLE TOWNSHIP PITT COUNTY NORTH CAROLINA			
DATE: 9-18-2012	DRAFT: JHT	SCALE: 1" = 100'	DRAWING NO. Z-2563	
DESIGN: BCF	CHECK: PWH	JOB NO. 2012123	SHEET 1 OF 1	

## 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.



# City of Greenville, North Carolina

Meeting Date: 11/8/2012  
Time: 7:00 PM

**Title of Item:** Ordinance requested by Michael Garrett to rezone 0.15 acres located along the western right-of-way of Albemarle Avenue between Bonners Lane and South Alley Street from IU (Unoffensive Industry) to CD (Downtown Commercial)

**Explanation:** **Abstract:** Ordinance requested by Michael Garrett to rezone 0.15 acres located along the western right-of-way of Albemarle Avenue between Bonners Lane and South Alley Street from IU (Unoffensive Industry) to CD (Downtown Commercial).

**Required Notices:**

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on October 2, 2012.

On-site sign(s) posted on October 2, 2012.

City Council public hearing notice (property owner and adjoining property owner letter) mailed on October 23, 2012.

Public hearing legal advertisement published on October 29 and November 5, 2012.

**Comprehensive Plan:**

The subject area is located in Vision Area G.

The Future Land Use Plan Map recommends commercial (C) along either side of Albemarle Avenue.

The subject property is located in the designated regional focus area described as the central business district (Uptown area). These nodes typically contain 175,000-350,000 square feet of conditioned floor space.

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

Based on analysis comparing the existing zoning and requested rezoning, it is apparent that both of the classifications are extremely low traffic generators. The actual increase in daily traffic volumes will be from 5 trips per day to 8 trips per day. In either case, traffic generated by either zoning classification would be

insignificant in comparison to the volume of traffic already on West 5th Street. As such, a traffic volume report was not generated.

**History/Background:**

In 1969, the property was zoned IU (Unoffensive Industry).

**Present Land Use:**

Office building

**Water/Sewer:**

Water and sanitary sewer are located in the right-of-way of Albemarle Avenue.

**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: IU - Vacant

South: IU - Vacant

East: CDF - Commercial building

West: R6S - Two (2) duplex buildings

**Density Estimates:**

Under the current zoning (IU), staff would anticipate the site to yield 1,485+/- square feet of manufacturing/warehouse uses.

Under the proposed zoning (CD), staff would anticipate the site to yield 1,485+/- square feet of office/retail/personal services uses.

The anticipated build-out time is within 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, the Future Land Use Plan Map and the West Greenville 45-Block Revitalization Plan.

"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 recommend approval of the request at its October 16, 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.

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

**Attachments / click to download**

- [📎 Location Map](#)
  - [📎 Bufferyard and Vegetation Standards and Residential Density](#)
  - [📎 Ordinance Michael Garrett 939091](#)
  - [📎 Excerpt P Z Minutes Rezoning Michael Garrett 10 16 12 939477](#)
  - [📎 List of Uses IU to CD 938066](#)
-

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 November 8, 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 IU (Unoffensive Industry) to CD (Downtown Commercial).

TO WIT:                      Michael W. Garrett Property

LOCATION:                    Located along the western right-of-way of Albemarle Avenue between Bonners Lane and South Alley Street.

DESCRIPTION:

Beginning at a known point, said point being the northwestern corner of the intersection of Albemarle Avenue and South Alley Street, thence running along the western right-of-way of Albemarle Avenue in a northerly direction for 90+/- feet; thence cornering and running along the southern property line of the property identified as Pitt County parcel number 08288 in a westerly direction for 135+/- feet; thence cornering and running along the western property line of the property identified as Pitt County parcel number 08288 in a northerly direction for 50+/- feet; thence cornering and running along the northern

property line of the property identified as Pitt County parcel number 08288 in a easterly direction for 135+/- feet; thence cornering and running along the eastern property lines of the properties identified as Pitt County parcel numbers 08288, 26951 and 28197 in a southerly direction for 140+/- feet returning to the point of beginning and containing 0.15 acres.

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

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

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

ADOPTED this 8<sup>th</sup> day of November, 2012.

\_\_\_\_\_  
Allen M. Thomas, Mayor

ATTEST:

\_\_\_\_\_  
Carol L. Barwick, City Clerk

Doc. # 939091

**Excerpt from the DRAFT Planning & Zoning Commission Meeting Minutes (10/16/12)**

**ORDINANCE REQUESTED BY MICHAEL GARRETT TO REZONE 0.15 ACRES  
LOCATED ALONG THE WESTERN RIGHT-OF-WAY OF ALBEMARLE AVENUE  
BETWEEN BONNERS LANE AND SOUTH ALLEY STREET - APPROVED**

Ms. Chantae Gooby, Planner II, delineated the property. The property is located in the downtown area near the former location of the old Icehouse. The area contains a variety of uses. The rezoning could result in a small increase of traffic from 5 trips per day to 8. Since 1969, the property has been zoned IU (Unoffensive Industry). Both the current and the proposed zoning districts yield the same square footage, but the proposed zoning offers more neighborhood-friendly uses such as, retail and offices. The area is a part of the 45-Block Revitalization Plan. The Future Land Use Plan Map recommends commercial along either side of Albemarle Avenue. The property is considered a part of the Downtown Focus Area. Over the years, other rezonings in this area have resulted in CD zoning which is preferred over the CDF district. In staff's opinion, the request is in compliance with Horizons: Greenville's Community Plan, the Future Land Use Plan and the 45-Block Revitalization Plan. The request promotes the desired urban form.

Mr. Bell stated that the 45-Block Revitalization Plan shows this area as a business hub for the surrounding community.

Chairman Bell opened the public hearing.

Mr. Michael Garrett, applicant, spoke in favor of the application. He stated that the property was owned by his father for many years and that his tenants desire to use the building as a barber shop.

Mr. Weitz asked if the applicant consider any other rezoning classifications.

Mr. Garrett stated that he was shocked that the property would need to be rezoned due to barber shops being located in the area for many years. He said he did not consider any other classifications.

Mr. Weitz asked if the applicant relied on staff's recommendation.

Mr. Garrett stated yes and that he did not realize he had a choice.

No one spoke in opposition of the request.

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

Ms. Gooby stated that Mr. Garrett was informed that the current zoning did not allow barber shops and that he would need to rezone the property. Ms. Gooby consulted with Economic Development Staff for the recommended zoning. Downtown Commercial (CD) was

Doc #939477

recommended for the area. Based upon this information, Mr. Garrett chose to rezone his property.

Mr. Weitz stated that he also looked at the Center City Revitalization Plan along with the comprehensive plan and that the application is consistent with both plans. He was concerned that the CD zoning included unlimited residential density in the same area and recommended rezoning to General Commercial.

Mr. Bell stated that the 45-Block Revitalization Plan recommended Albemarle Avenue as commercial.

Mr. Weitz stated that the two plans contradict each other.

Ms Gooby stated over the years there have been other rezonings in the area that have resulted in the CD zoning and that it is preferred over the CDF zoning. Some uses in CDF are not desirable in the Downtown area so CD zoning is recommended. One of the 2 downtown commercial zones should be used in this area.

Mr. Parker asked if CDF zoning will be eliminated in the long term.

Ms Gooby stated yes.

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

Mr. Weitz stated that he was worried about unlimited residential density should another owner buy the property.

**Motion passed unanimously.**

## **EXISTING ZONING**

### **IU (Unoffensive Industry)**

#### ***Permitted Uses***

##### *(1) General:*

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

##### *(2) Residential:*

\* None

##### *(3) Home Occupations (see all categories):*

\*None

##### *(4) Governmental:*

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

##### *(5) Agricultural/ Mining:*

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

##### *(6) Recreational/ Entertainment:*

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

##### *(7) Office/ Financial/ Medical:*

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

##### *(8) Services:*

- n. Auditorium
- s. Hotel, motel, bed and breakfast inn; limited stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)
- 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

- gg. Vocational rehabilitation center
- mm. Commercial laundries; linen supply
- nn. Industrial laundries
- 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]

*(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
- h. Appliance; commercial and industrial equipment repair not otherwise listed

*(10) Retail Trade:*

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

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

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

*(12) Construction:*

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

*(13) Transportation:*

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

*(14) Manufacturing/ Warehousing:*

- a. Ice plant and freezer lockers
- b. Dairy; production, storage and shipment facilities
- c. Bakery; production, storage and shipment facilities
- d. Stone or monument cutting, engraving
- g. Cabinet, woodwork or frame shop; excluding furniture manufacturing or upholster
- h. Engraving; metal, glass or wood
- j. Moving and storage; including outside storage
- k. Mini-storage warehouse, household; excluding outside storage
- l. Warehouse or mini-storage warehouse, commercial or industrial; including outside storage
- m. Warehouse; accessory to approved commercial or industrial uses within a district; excluding outside storage
- o. Feed and grain elevator, mixing, redrying, storage or sales facility
- p. Tobacco redrying or processing plant
- s. Manufacture of nonhazardous products; general, including nonhazardous and nontoxic chemicals and/or materials not otherwise listed
- t. Manufacture of nonhazardous medical supplies or medical products, including distribution
- u. Tire recapping or retreading plant

- v. Bottling or packing plant for nonhazardous materials or products
- y. Recycling collection station of facilities
- cc. Manufacture of pharmaceutical, biological, botanical, medical, and cosmetic products, and related materials

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

\* None

**IU (Unoffensive Industry)**  
***Special Uses***

*(1) General:*

\* None

*(2) Residential:*

- i. Residential quarters for resident manager, supervisor or caretaker; excluding mobile home
- j. Residential quarters for resident manager, supervisor or caretaker; including mobile home
- o. Nursing, convalescent center or maternity home; major care facility

*(3) Home Occupations (see all categories):*

\* None

*(4) Governmental:*

\* None

*(5) Agricultural/ Mining:*

\* None

*(6) Recreational/ Entertainment:*

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

*(7) Office/ Financial/ Medical:*

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

*(8) Services:*

- a. Child day care facilities
- b. Adult day care facilities
- l. Convention center; private
- o. Church or place of worship (see also 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)

*(9) Repair:*

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

*(10) Retail Trade:*

- j. Restaurant; regulated outdoor activities

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

- g. Mobile home sales including accessory mobile home office

*(12) Construction:*

\* None

*(13) Transportation:*

- c. Taxi and limousine service

*(14) Manufacturing/ Warehousing:*

- z. Metallurgy, steel fabrication, welding

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

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

## **PROPOSED ZONING**

### **CD (Downtown Commercial)**

#### ***Permitted Uses***

*(1) General:*

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

*(2) Residential:*

- c. Multi-family development per Article 1
- i. Residential quarters for resident manager, supervisor or caretaker; excluding mobile home
- n. Retirement center or home
- o. Nursing, convalescent center or maternity home; major care facility
- q. Room renting

*(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
- 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
- h. Commercial recreation; indoor only, not otherwise listed
- j. Bowling alleys
- o. Theater; movie or drama, including outdoor facility
- s. Athletic club; indoor only

*(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
- 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
- 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
- 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
- x. Dance studio
- 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 organizations
- cc. Trade or business organizations
- hh. Exercise and weight loss studios; indoor only
- kk. Launderette; household users
- ll. Dry cleaners; household users
- oo. Clothes alteration or shoe repair shop

*(9) Repair:*

- 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
- 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 facilities)
- 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.
- d. Rental of automobiles, noncommercial trucks or trailers, recreational vehicle, motorcycles and boats

*(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)
- f. Hardware store

*(13) Transportation:*

- b. Bus station; passenger and related freight
- c. Taxi or limousine service
- e. Parcel delivery service
- h. Parking lot or structure; principal use

*(14) Manufacturing/ Warehousing:*

- g. Cabinet, woodwork or frame shop; excluding furniture manufacturing or upholstery
- h. Engraving; metal, glass or wood

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

\* None

**CD (Downtown Commercial)**

***Special Uses***

*(1) General:*

\* None

*(2) Residential:*

- e.(1) Dormitory development

*(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
- t. Athletic club; indoor and outdoor facilities

*(7) Office/ Financial/ Medical:*

\* None

*(8) Services:*

- a. Child day care facilities
- b. Adult day care facilities
- i. School; kindergarten or nursery (see also section 9-4-103)
- l. Convention center; private

*(9) Repair:*

- 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
- n. Appliance; commercial use, sales and accessory repair, excluding outside storage
- aa. Pawnbroker

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

\* None

*(12) Construction:*

\* None

*(13) Transportation:*

\* None

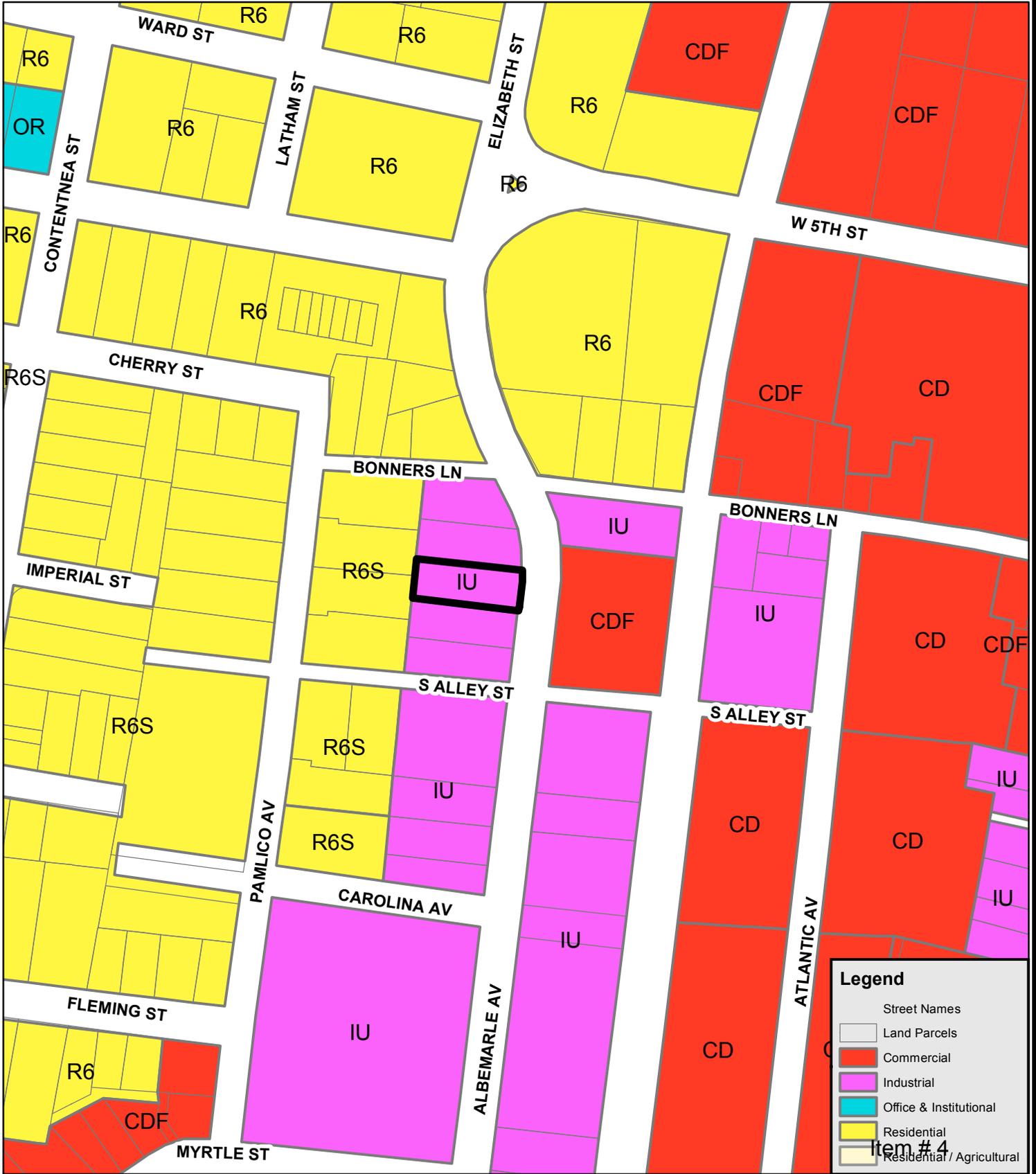
*(14) Manufacturing/ Warehousing:*

- 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

Michael Garrett (12-11)  
0.15 acres  
From: IU To: CDF  
September 19, 2012



Item # 4

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)			
Multi-Family Development (2)	C	B	B	B	B	Residential (1) - (2)	Non-Residential (3) - (5)	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		
<b>High Density</b>		
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	
<b>Medium Density</b>		
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	
<b>Low Density</b>		
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: 11/8/2012  
Time: 7:00 PM

**Title of Item:** Ordinance requested by Greenville Community Life Center, Inc., to amend the Zoning Ordinance so that the land use titled "shelter for homeless or abused" be permitted with the issuance of a special use permit in the OR (Office - Residential) district subject to a minimum lot area requirement of two acres

**Explanation:** **Abstract:** Greenville Community Life Center, Inc., is requesting that the land use titled "shelter for homeless or abused" be permitted with the issuance of a special use permit in the OR (Office - Residential) district subject to a minimum lot area requirement of two acres. The applicant owns and operates the homeless shelter located at 207 Manhattan Avenue. The applicant's stated purpose for submitting this request is to allow for a new homeless shelter facility to be constructed on the site replacing the current facility which is need of significant repair.

### **Current Standard**

The land use titled "shelter for homeless or abused" is only permitted in the CDF (Downtown Commercial Fringe) district with a special use permit.

### **Background**

The land use was permitted in the O&I (Office and Institutional) district with a special use permit until 1997. At that time the O&I district was replaced with the newly created OR district, which did not permit the land use.

### **Current Facilities**

There is currently one known homeless shelter located within the City's jurisdiction, the Greenville Community Shelter located at 207 Manhattan Avenue.

### **Staff Comments**

The purpose of the OR district is to accommodate a compatible mix of two-family attached and multi-family dwellings and business and professional uses in addition to providing a desirable buffer between commercial and high-density residential uses. As such, the district allows a range of service-oriented

commercial, office, multi-family and group quarter uses (i.e. fraternity/sorority house, nursing/convalescent/maternity home, rooming house, retirement center, etc.) either as uses of right or with a special use permit.

It is recognized that shelter facilities can cause adverse impacts to adjacent and nearby properties if they are not properly designed and managed. As a means of mitigating these potential impacts, the special use permit process allows the opportunity for a site specific development plan to be reviewed, adjacent and nearby residents to provide input, and for design and/or operational conditions to be attached to an approval.

Specific objectives of **Horizons: Greenville's Community Plan** that may be construed as supporting the requested amendment include:

Objective H12: To provide transitional housing.

Objective H13: To increase the quality and quantity of shelters for homeless people.

Objective UF 2: To encourage a mixing of land uses.

Objective UF3: To encourage a diversity of housing options.

Specific objectives of **Horizons: Greenville's Community Plan** that may be construed as being adverse to the requested amendment include:

Objective H5: To improve and revitalize existing neighborhoods.

Objective UF6: To preserve neighborhood livability.

**Fiscal Note:** No fiscal impact anticipated.

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

The Planning and Zoning Commission voted unanimously to recommend approval of the request at its October 16, 2012, meeting.

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

If City Council determines to deny the request, in order to comply with this statutory requirement, it is recommended that the motion be as follows: "Motion to deny the request and to make a finding and determination that the denial of the request is consistent with the adopted comprehensive plan and the denial of the

request is reasonable and in the public interest due to the denial being consistent with the comprehensive plan and, as a result, the denial furthers the goals and objectives of the comprehensive plan."

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

**Attachments / click to download**

- [Application](#)
  - [OR Zoning Map](#)
  - [OR Uses](#)
  - [Homeless Shelter Ordinance 939639](#)
  - [Excerpt P\\_Z\\_Minutes\\_Text\\_Amendment\\_Greenville\\_Shelter\\_939643](#)
-

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 November 8, 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 D, Section 9-4-78 (Appendix A), of the City Code, is hereby amended by modifying the land use identified as (8)m “*Shelter for homeless or abused*” by adding a note as follows “(see also §9-4-103)”, and by allowing this land use with a special use permit in the OR district.

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

*(V) Shelters for the homeless or abused located within the OR district shall be located on a parcel of land at least two acres in area.*

Section 3. That any part or provision of this ordinance found by a court of competent jurisdiction to be in violation of the Constitution or laws of the United States or North Carolina is hereby deemed severable and shall not affect the validity of the remaining provisions of the ordinance.

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

Adopted this 8<sup>th</sup> day of November, 2012.

---

Allen M. Thomas, Mayor

ATTEST:

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Carol L. Barwick, City Clerk

**Excerpt from the DRAFT Planning & Zoning Minutes (10/16/12)**

ZONING TEXT AMENDMENT APPLICATION SUBMITTED BY GREENVILLE  
COMMUNITY LIFE CENTER, INC. -APPROVED

Mr. Chris Padgett, Chief Planner, provided background information on the request to the Commission. He stated the City's current standards, that homeless shelters were permitted with a special use permit in the O&I district, but they had been omitted as an acceptable use when the OR district was formed in 1997. The proposed text amendment request that "shelter for homeless or abused" be permitted in the OR (Office Residential) district with the issuance of a special use permit subject to a minimum lot area requirement of two acres. The OR district is designed to be a transitional zoning district. To this end, it allows a range of duplex, multi-family, business and professional office uses. Staff listed the specific objectives in the Comprehensive Plan that may support or be adverse to the requested amendment. In staff's opinion, the proposed text amendment is in compliance with Horizons: Greenville's Community Plan.

Chairman Bell opened the public hearing.

Mr. Durk Tyson, representative of Greenville Homeless Shelter, spoke in favor of the application. He stated that the building for the Shelter is functionally obsolete and the Shelter started a fundraising program for a new building. The previously requested rezoning to CDF was thought to have the least impact, but neighbors opposed it. The applicant is now applying for a text amendment that would allow the shelter to obtain a special use permit in the OR district.

Lynn James, Executive Director of Homeless Shelter, spoke in favor of the application. She stated that the organization is pleased with the text amendment as an alternative option to rezoning and hopes to get the project moving forward.

Mr. Weitz asked was the two acre requirement on behalf of the applicant or staff.

Ms James stated that staff recommended the two acre requirement based on planning and land use purposes due to the nature of the operation.

Mr. Weitz asked the current lot size of the property.

Ms James stated she was not sure.

Mr. Padgett stated 2.3 acres.

No one spoke in opposition of the request.

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

Doc #939511

Ms Bellis asked if the neighbors withdrew their objections.

Mr. Padgett stated that text amendments are not site-specific so there are no mailings to adjoining properties. The approval of the text amendment will allow the applicant to go before the Board of Adjustment and request a special use permit which will require notification of adjoining property owners.

Mr. Schrade stated that the complaints from the neighbors were not about the shelter but about rezoning the property to commercial.

Mr. Weitz stated the text amendment will open up more of the city to the homeless or abused uses as long as it is on a two acre lot.

**Motion made by Mr. Weitz, 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.**



## Greenville Community Shelters, Inc.

P.O. Box 687 / Greenville, NC 27835 / (252) 752-0829 / Fax: (252) 752-8766  
www.greenvillecommunityshelter.org

October 5, 2012

Mr. Christopher N. Padgett, AICP  
Chief Planner  
City of Greenville  
PO Box 7207  
Greenville, NC 27835

Subject: Text Amendment Request  
Greenville Community Shelter

Dear Mr. Padgett,

On behalf of Greenville Community Life Center, please find enclosed a completed City of Greenville Zoning Ordinance Text Amendment Application. The purpose of this request is to add "Shelter for homeless and abused" as a Special Use in the OR zoning district.

To aid in your review, please let me provide a little background about the Greenville Homeless Emergency Shelter located on Manhattan Avenue (Pitt County Tax Parcel 28949):

In 1987, the Greenville Community Life Center (GCLC) petitioned to have this property rezoned from R-6 to O&I (office / institutional). The O&I zoning category allowed a "shelter for the homeless or abused" as a Special Use. This petition was approved by both the Planning and Zoning Commission and the City Council. Next, GCLC applied to the Board of Adjustment for a Special Use Permit to allow a homeless shelter. This application was also approved, and the shelter opened in 1988.

In 1997, the City of Greenville updated their Zoning Ordinance and the O&I category was replaced with OR (office / residential) and a "shelter for the homeless and abused" was deleted as an allowable use.

And that brings us to 2012. After 24 years of operation, the Emergency Shelter facility has become functionally obsolete. The building is in need of significant repairs, it does not meet the current accessibility codes, and the mechanical systems are outdated and energy inefficient. Earlier this year, the Greenville Community Life Center decided that it was time to replace the shelter. After interviewing several architectural firms, MHAworks was selected as the designer for our new building. Rivers and Associates is their sub-consultant for civil engineering and landscape architecture.

*"Helping Others to Help Themselves"*



A United Way Agency

Item # 5

As our consultants began their due diligence and code reviews, they discovered that due to the 1997 Zoning Ordinance update the shelter was no longer an allowable use.

The two options available to us were 1) rezone the property to CDF, which allows a shelter as a Special Use, and apply to the Board of Adjustment for a new Special Use Permit or 2) apply for a Text Amendment to return "Shelter for the homeless or abused" as a special use in the OR zoning district. After meeting with the Planning Division of the Community Development Department, the consensus was that GCLC should apply to have our property rezoned to CDF.

On July 17<sup>th</sup>, the Planning and Zoning Commission reviewed our application and recommended approval. At that meeting, several of the neighbors were present and expressed their concerns about the intrusion of commercial zoning into their residential neighborhood. After consideration of the neighbors' comments and consulting with the Planning staff, Greenville Community Life Center requested that the rezoning request be tabled while the Planning staff reevaluated the Zoning Ordinance Text Amendment option.

After further meetings with the Planning Division staff, the consensus now is that the Zoning Ordinance Text Amendment is the best path forward.

Thank you for your assistance with this endeavor. Please do not hesitate to contact me or our design team with any questions, comments or concerns.

With best regards,  
Greenville Community Shelters, Inc.



Lynne James  
Executive Director



Date Received 10-8-12

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

Applicant Name(s) Greenville Community Life Center, Inc. dba  
Greenville Community Shelters, Inc.

Mailing Address PO Box 687  
Greenville, NC 27835

Contact Phone Number ( 252 ) 752-0829

Contact Fax Number ( 252 ) 752-8766

Zoning Ordinance Section Proposed to be Amended: 1) Title 9, Chapter 4, Article D,  
Section 9-4-78 (Appendix A) and 2) Title 9, Chapter 4, Article F, Section 9-4-103

Reason for Request: To add "Shelter for homeless or abused" as a Special Use in  
the OR zoning district.

Proposed Language of Text Amendment (attach additional pages if needed): \_\_\_\_\_

1) Add the use titled "Shelter for homeless or abused" as a Special Use in the OR District.

2) Add a new subsection (V)(1) as follows:

(V). Shelter for homeless or abused.

(1) A shelter for homeless or abused located in the OR district on a parcel  
of land at least two acres in area.

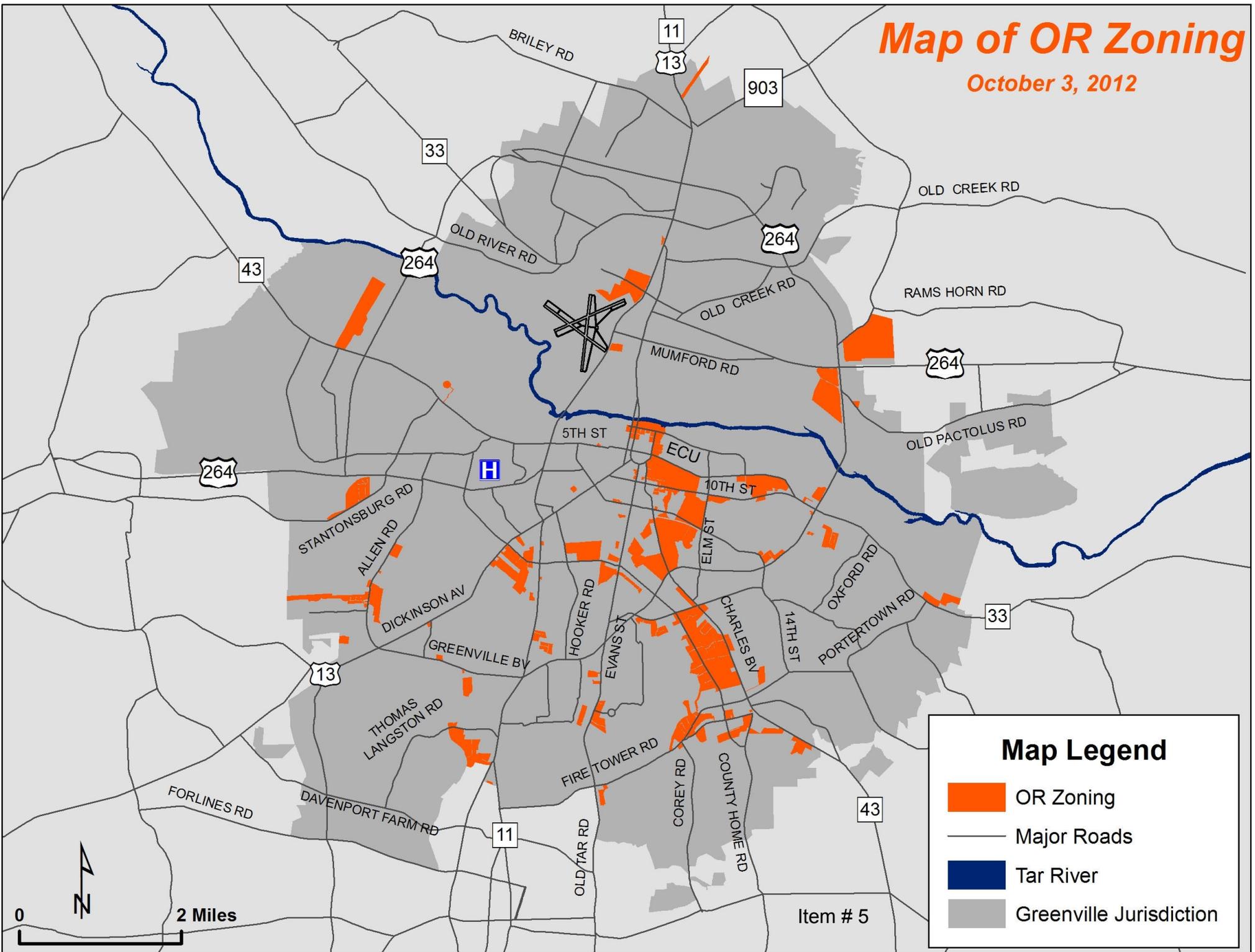
Lynne F. James  
Print Name

Lynne F. James  
Signature of Applicant

10/08/12  
Date

# Map of OR Zoning

October 3, 2012



### Map Legend

-  OR Zoning
-  Major Roads
-  Tar River
-  Greenville Jurisdiction



Item # 5

**OR (Office-Residential)**

***Permitted Uses***

*(1) General:*

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

*(2) Residential:*

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

*(3) Home Occupations (see all categories):*

\*None

*(4) Governmental:*

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

*(5) Agricultural/ Mining:*

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

*(6) Recreational/ Entertainment:*

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

*(7) Office/ Financial/ Medical:*

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

*(8) Services:*

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

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

*(9) Repair:*  
\* None

*(10) Retail Trade:*  
s. Book or card store, news stand  
w. Florist

*(11) Wholesale/ Rental/ Vehicle- Mobile Home Trade:*  
\* None

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

*(13) Transportation:*  
\* None

*(14) Manufacturing/ Warehousing:*  
\* None

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

**OR (Office-Residential)**  
***Special Uses***

*(1) General:*  
\* None

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

*(3) Home Occupations (see all categories):*  
\* None

*(4) Governmental:*  
a. Public utility building or use

*(5) Agricultural/ Mining:*  
\* None

*(6) Recreational/ Entertainment:*  
c.(1). Tennis club; indoor and outdoor facilities  
h. Commercial recreation; indoor only, not otherwise listed

*(7) Office/ Financial/ Medical:*

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

*(8) Services:*

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

*(9) Repair:*

- \* None

*(10) Retail Trade:*

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

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

- \* None

*(12) Construction:*

- \* None

*(13) Transportation:*

- h. Parking lot or structure; principle use

*(14) Manufacturing/ Warehousing:*

- \* None

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

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



# City of Greenville, North Carolina

Meeting Date: 11/8/2012  
Time: 7:00 PM

**Title of Item:** Adoption of the Development Code Review and Policy Gap Analysis to Improve the Community's Health, Design and Appearance

**Explanation:** **Abstract:** The City received the Communities Putting Prevention to Work (CPPW) Grant in the amount of \$20,000 from the Pitt County Health Department to hire a consultant to review existing community plans and development standards from a public health perspective and to facilitate meetings with representatives of the local development community and citizens to build consensus on policy and development standards that will improve community health, design, and appearance.

**Explanation:** The Pitt County Health Department received a \$1.3 million grant from the American Recovery and Reinvestment Act of 2009 from the National Center for Disease Control. The grant program is titled "Communities Putting Prevention to Work," and the purpose of the funding is to assist local health departments in the development of jurisdiction-wide plans and programs that will improve the health of citizens. A primary focus is to address the growing rates of obesity and increases in chronic diseases such as diabetes and heart disease.

The program supports the development of comprehensive strategies that impact many sectors of a community in the prevention of chronic diseases due to inactivity, lack of proper diet, and other lifestyle habits. Health officials, school administrators, health care professionals, planners, engineers, business sector representatives, and others work together to address the health of the community. This blended approach creates opportunities for communities to examine policies affecting public health, including modifications to the built environment that will lead to the improved health of citizens.

This initiative includes members of local governments (City of Greenville, Town of Ayden, Town of Winterville, and Pitt County), Greenville-Pitt County Chamber of Commerce, Vidant Health (formerly University Health Systems), and Pitt County Schools. Each member sent a representative to attend three days of required training in November 2010, and the governing board/body of each

entity adopted a resolution supporting the effort (see City of Greenville Resolution No. 11-11 attached).

The Pitt County Health Department awarded the City of Greenville \$24,000 as part of this grant program. \$4,000 of this funding was designated for hosting a symposium that was conducted on September 8, 2011, at the Greenville Hilton. The remaining \$20,000 is designated to hire a consultant to review existing community plans and development standards from a public health perspective and to facilitate meetings with representatives of the local development community to build consensus on policy and development standard modifications that will improve community health, design, and appearance.

On February 10, 2011, Council adopted a resolution supporting and endorsing the Pitt County Board of Health's resolution entitled "Recommending a Comprehensive Strategy to Promote Healthy and Active Living in Pitt."

On January 17, 2012, Council adopted a work plan as a means to moving forward on the CPPW Grant. The work plan included the composition of a work group that would meet with consultants and staff and make recommendations.

Clark Nexsen was hired as a consultant to facilitate meetings with City staff and the work group and to make recommendations related to preferred policy and/or development standard modifications that will improve community health, design, and appearance. The following stakeholders participated in the work group:

Hyman Brody (Commercial Developer)  
Rocky Russell (Residential Developer)  
Caroline Doherty (Neighborhood Advisory Board Representative)  
Tony Parker (Planning and Zoning Commission Representative)  
Robin Little (Bicycle and Pedestrian Commission Representative)  
Debra Jo Grafi (Recreation and Parks Commission Representative)  
Brenda Diggs (Community Appearance Commission Representative)

The consultant, City staff, and the work group met over the last few months to build consensus on policy and development standards modifications. The attached Development Code Review and Policy Gap Analysis to Improve the Community's Health, Design and Appearance is the product of this initiative.

The following items were identified as the top five (5) priority elements having the most positive impacts on making Greenville a healthier community:

1. Drafting and implementation of a Mixed-Use development ordinance offering incentives for the provision of programs promoting a healthier community.
2. Improve/increase the acceptance of property dedications for inclusion into the greenway corridor and/or community's park program.
3. Adoption and implementation of recommendations presented in the 2011 Bicycle and Pedestrian Master Plan.

4. Adoption of NCDOT Complete Streets Planning and Design Guidelines to promote design flexibility and alternatives to increase pedestrian amenities in street design.

5. Adoption of language to require commercial developments to install sidewalks along corridors adjoining property development.

If Council approves this plan, the recommendations will be forwarded to the appropriate board and/or commission for study and review. Any resulting plan or ordinance modification will be forwarded to Council for consideration.

**Fiscal Note:**

100% of this project is funded from a grant from the Pitt County Health Department via the American Recovery and Reinvestment Act of 2009.

**Recommendation:**

Recommend approval of the Development Code Review and Policy Gap Analysis to Improve the Community's Health, Design and Appearance. Upon approval of the report, staff will work with the various departments to implement the recommendations of the study and bring amendments to City Council for approval.

The Planning and Zoning Commission voted to approve the report at its October 16, 2012, meeting.

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

**Attachments / click to download**

 [Resolution 11-11](#)

 [Plan](#)

RESOLUTION NO. 011-11  
RESOLUTION SUPPORTING AND ENDORSING THE PITT COUNTY BOARD OF  
HEALTH RESOLUTION RECOMMENDING A COMPREHENSIVE STRATEGY TO  
PROMOTE HEALTHY EATING AND ACTIVE LIVING IN PITT

WHEREAS, the Pitt County Board of Health is committed to improve the health of Pitt County Residents; and

WHEREAS, the Pitt County Board of Health recently adopted a resolution entitled, "RECOMMENDING A COMPREHENSIVE STRATEGY TO PROMOTE HEALTHY EATING AND ACTIVE LIVING IN PITT COUNTY", and is developing multi-jurisdictional programs for all of Pitt County; and,

WHEREAS, the Greenville City Council is committed to insuring that healthy options and environments are available to all of Greenville's residents; and

WHEREAS, the City Council of the City of Greenville recognizes the importance of the health and social well-being of the community; and

WHEREAS, the City of Greenville develops programs and policies that affect the well being of its citizens;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville that it does hereby support and endorses the Pitt County Board of Health's program for the development of strategies to promote healthy eating and active living in Pitt County.

This 10<sup>th</sup> day of February, 2011.

  
Patricia C. Dunn, Mayor

Attest:

  
Carol L. Barwick

887317



DEVELOPMENT CODE REVIEW AND POLICY  
GAP ANALYSIS TO IMPROVE THE COMMUNITY'S  
HEALTH, DESIGN, AND APPEARANCE



**CLARK ♦ NEXSEN**  
*Architecture & Engineering*



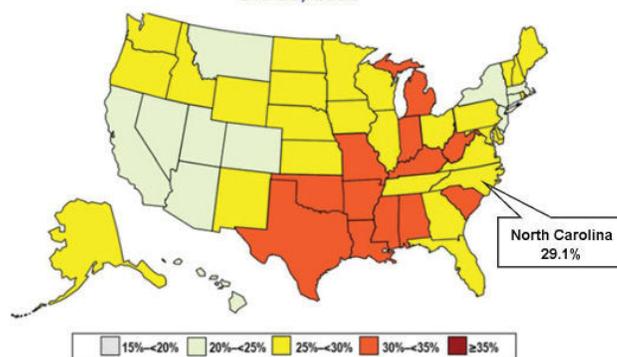
## Introduction

Chronic diseases such as cardiovascular disease, diabetes, and obesity account for the majority of death, disability, and healthcare costs in the United States today. Lack of exercise and poor diet together can be directly linked to approximately fourteen (14%) percent of all deaths; more than alcohol, drugs, firearms, and motor vehicles combined.<sup>1</sup> However, these chronic conditions are preventable by maintaining healthy lifestyles that include regular physical activity and proper nutrition.

Regular physical activity reduces the risk of coronary heart disease, hypertension, colon cancer, osteoporosis, arthritis, and non-insulin dependent diabetes. Additionally, physical activity improves mental health by reducing stress, anxiety and depression, while enhancing and prolonging the ability perform daily activities throughout one's life span.

Unfortunately, despite the clear health benefits of physical activity, two-thirds of American adults do not meet the Center for Disease Control and Prevention's (CDC) recommendations of at least thirty (30) minutes or more of physical activity at least five (5) days a week.<sup>2</sup>

Prevalence of Self-Reported Obesity Among U.S. Adults  
BRFSS, 2011



1 McGinnis J, Foegen W. Actual Causes of Death in the United States. JAMA. 1993

2 Centers for Disease Control and Prevention. *The Burden of Chronic Diseases and Their Risk Factors: National and State Perspectives*. 2004. Atlanta: U.S. Department of Health and Human Services; 2004.



Physical activity does not need to be a vigorous routine or extreme exercise regime, but rather can be accomplished in regular daily lifestyle activities such as walking to and from school or the office, climbing the stairs, gardening, or recreational walking, biking, or swimming. In fact, studies indicate it is not even necessary to obtain the thirty (30) minutes of activity in one occurrence. It has been shown that similar positive results of 30 minutes of physical activity are obtained even when these pursuits are spread out over the course of the day.<sup>2</sup> In short, positive, beneficial physical activity can be incorporated into the daily routines of the average American citizen.

To help promote healthier lifestyles, the US Department of Health and Human Services created the Communities Putting Prevention to Work program (CPPW) with the goal of making healthier living easier. Led by the CDC, the CPPW is a local grant funded initiative focused on improving community health by promoting environmental changes at the local level.<sup>3</sup>

This includes improving access to healthier food choices as well as promoting ways of increasing physical activity through neighborhood and community design.

The Pitt County Health Department is a grant recipient of the CPPW program. As a leadership team member, and in support of the program's objectives, the City of Greenville established a Project Work Group (PWG) to execute a review of city's existing plans and development standards, from a public health perspective, to identify opportunities for policy and/or development standard modifications that would improve the community's health, design and appearance.

<sup>2</sup> Centers for Disease Control and Prevention. *The Burden of Chronic Diseases and Their Risk Factors: National and State Perspectives*. 2004. Atlanta: U.S. Department of Health and Human Services; 2004.

<sup>3</sup> Centers for Disease Control and Prevention. *Communities Putting Prevention to Work brochure*; 2012



## Benefits of Physical Activity

- Reduce your risk of cardiovascular disease
- Reduce your risk for Type 2 diabetes and metabolic syndrome
- Reduce your risk of some cancers
- Strengthen bones and muscles
- Improve mental health and mood / lowers stress levels
- Increases your chances of living longer

## Background

Since 1900, life expectancy in the United States has increased by approximately 40 years, and of this accomplishment, only about 7 of those years can be attributed to improvements in disease care (cures through medication or eradication). Instead, the vast majority of years are the result of improved environmental conditions, such as sanitation and water improvements, and other prevention efforts. <sup>4</sup> The link between a community's health and the environment is unmistakable, and it is the focus and intent of this project to illustrate the correlation between personal individual health and the physical / built environment of the community in which we live.

Physical environments are a combined product of the natural and built environment, which together form the necessary infrastructure for physical activity. <sup>5</sup> The natural environment determines conditions such as weather, terrain, natural topography or scenery, while it is the built environment, consisting of buildings, roadways, sidewalks and their arrangement, that create the complete physical environment. Unquestionably, the built environment has an effect on the natural

environment, and can sometimes have a negative effect in promoting and supporting human physical activity.

For example, typical suburban design that separates residential, commercial, and industrial uses into distinct areas, often at substantial distances, can discourage at best, and often eliminate entirely, any options of walking or biking from one destination to another. This requires residents to drive more, offers fewer opportunities to walk and bicycle, and further decreases daily prospects for physical activity.

<sup>4</sup> Centers for Disease Control and Prevention. *Healthy Community Design* Fact Sheet brochure; 2006

<sup>5</sup> The Robert Wood Johnson Foundation. *Healthy Places, Healthy People: Promoting Public Health & Physical Activity Through Community Design*. 2004. Washington, DC.



Master Plan Concept  
Woods Corner, Virginia Beach

Past efforts in reversing the obesity epidemic focused solely on changing individual behaviors towards increased physical activity.<sup>6</sup> These efforts failed in part because little emphasis was placed on the physical surroundings where individuals lived, worked and played. So, many of today's efforts build on the concept of creating healthy communities that support and promote healthy eating and active living. This new approach requires commitment from diverse organizations and sectors such as education, health care, housing, transportation, city planning, parks and recreation, and public health, as well as engagement of business leaders and residents, in discussions of community transformation.

6 McCann B. *Community design for healthy eating: How land use and transportation solutions can help*. Princeton, NJ: Robert Wood Johnson Foundation; 2006



## Focus

Active living communities remove barriers to physical activity and provide amenities (e.g., parks, bike paths, playgrounds, recreation centers) that support healthy behaviors, especially walking and bicycling. Walkable neighborhoods are characterized by proximity (a mix of homes, shops, schools and other destinations) and connectivity (streets providing direct routes and safe connections to destinations for pedestrians and bicyclists).<sup>7</sup> Recent research also shows that more children walk to school when there are sidewalks available, and in general, people with access to a variety of built and natural facilities are forty-three (43) percent more likely to exercise for thirty (30) minutes on most days, compared with people who have poor access to such facilities.<sup>8</sup>

Local policies such as zoning codes, which regulate the use and development of property within specific categories, and subdivision development codes, which regulate the design and layout of new developments, have a tremendous influence on the built environments. It is often these very development regulations that limit opportunities for healthy community design. Therefore smarter land-use practices that provide the flexibility to encourage and promote healthy community design principles should be explored.

Within the framework of the CPPW grant, the City of Greenville, through the Community Development Department established a Project Work Group (PWG) comprised of representatives from various committees and boards. With attention focused on public health perspectives, the PWG completed a review of the city's existing plans and development standards to identify opportunities for policy and/or development standard modifications that would improve the community's health, design and appearance.

7 Active Living Research. *Designing for Active Transportation*. Feb. 2005. Quoting Saelens B.E., Sallis J.F., and Frank, L.D. *Environmental Correlates of Walking and Cycling: Findings from the Transportation, Urban Design, and Planning Literatures*. *Annals of Behavioral Medicine*, 25, 80–91 (2003).

8 Active Living Research. *Designing for Active Recreation*. Feb. 2005. Quoting Frank L.D., Andresen M.A., and Schmid T.L. *Obesity Relationships with Community Design, Physical Activity, and Time Spent in Cars*. *American Journal of Preventative Medicine*, 27, 87–96 (2004).



Specific project objectives include:

1. Identify specific local policies and regulations that work for and against the goals of making Greenville a healthier community.
2. Detect and consider revisions to local policies and regulations that have a significant impact on traditional land use development patterns that limit opportunities for mixed-use development areas in favor of separate isolated land use patterns (traditional zoning).
3. Distinguish for continued or enhanced implementation, local policies and regulations that have a significant impact on walkability, bicycling, and other non-motorized forms of transportation.
4. Discover local policies and regulations, or lack thereof, that will increase the community's residents access to healthy food choices, by expanding opportunities to locate, purchase, and/or grow healthier food options.
5. Understand how other internal city departments, as well as other governmental agencies such as school systems or NCDOT, work with or against each other and whether consistent and effective policies can be coordinated that achieve the goals of the city's CPPW program.



## Codes, Ordinances, and Plans of Primary Focus

The appraisal of existing plans, policies and ordinances began with reviews of the following City of Greenville development guidance documents:

1. *Zoning Ordinance* for Greenville, North Carolina.
2. *Subdivision Regulations* for Greenville, North Carolina.
3. *2011 Bicycle & Pedestrian Master Plan*  
for the Greenville Urban Area Metropolitan Planning Organization.
4. *Horizons: Greenville's Community Plan.*
5. *Horizons: 2009-2010 Comprehensive Plan Review and Update.*
6. *2004 Greenway Master Plan*, City of Greenville, North Carolina.
7. *2004 Greenville Urban Area Thoroughfare Plan.*



## Purpose

Through its partnership with Pitt County, in the participation in the CPPW grant, the City of Greenville is committed to improving opportunities for daily physical activity to its residents. This report summarizes the findings of the Land Use Policy Review of the City of Greenville’s CPPW Project Work Group, and is considered a first step in enhancing the physical environment of the City of Greenville.

The overall goal of this audit is to identify specific policy recommendations or requirements that have impact on the built environment, as it relates to the physical activity of the city’s residents. Through this discovery, it will be possible to determine corrective actions necessary for the strengthening, coordinating and integrating local land use policies that will increase their consistency and effectiveness in achieving the goals of the CPPW program. More specifically, it will provide a clearer path to achieving the city’s goal of making

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## Gap Analysis Guide

At its simplest, a gap analysis is the process of studying the differences between existing standards and the delivery results of those standards in relation to the desired goal. For the purpose of this review, the gap analysis process was utilized to determine

the difference between the expectation of a specific policy, and actual policy experience as it relates to improved opportunities for physical activity.



## Policy Gap Analysis

Analysis of the information derived from policy review audit indicates that the City of Greenville has taken considerable proactive measures to improve the health and physical activity opportunities for its residents. Conflicts between regulatory code requirements are rare. The most common limitations appear to be discrepancies between stated policy objectives and the controlling legislative authority to compel its completion. In other words, a plan may identify a certain goal or objective, but there are little or no adopted codes or regulations that can be applied to require its execution. A common strategy to increase walkability discussed during PWG meetings was to encourage mixed-use developments to allow residents close, safe, pedestrian, access to many of their daily activities like work, dining, shopping, and recreational activities. However, outside of the Master Plan Community, with a fifty (50) acre minimum land area requirement, there are no regulatory mechanisms available to promote this type of development.

The following regulatory language items were identified as the top five (5) priority elements having the most positive impacts on making Greenville a healthier community.

1. Drafting and implementation of a Mixed-Use development ordinance.

2. Improve/increase the acceptance of property dedications for inclusion into the greenway corridor system and/or the community's parks program.
3. Adoption and implementation of recommendations presented in the 2011 Bicycle & Pedestrian Master Plan.
4. Adoption of NCDOT Complete Streets Planning and Design Guidelines to promote design flexibility and alternatives to increase pedestrian amenities in street design.
5. Adopt language to require commercial developments to install sidewalks along corridors adjoining property development

Tabular listings of all existing policies, standards, and regulations identified as contributing to physical activity design elements in the City of Greenville are provided below. *Table 1* provides a listing of policy guidelines that are viewed as positive elements where implementation efforts should continue, or where only minor policy amendments are recommended to improve on obtaining the objective of the language. *Table 2* cites references that appear contrary to the efforts of promoting a healthy Greenville, or at a minimum may need to be amended through ordinance revisions to meet the policy objective. Where appropriate, recommendation statements are provided for guidance on how

**Item # 6**

**TABLE 1: Existing Ordinance Citations that Promote a Healthy Greenville**

CODE / SECTION / TITLE	EXISTING TEXT	RECOMMENDATION
<p>* Zoning * Article J - Master Plan Community * Sec. 9-4-167 - Site Design Criteria; General * (B) Site planning; internal relationship</p>	<p>(3) Pedestrian circulation. A pedestrian circulation system is encouraged in such development. Walkways for pedestrian use shall form a logical, safe and convenient system of access to all dwelling units, project facilities and principal off-site pedestrian destinations. Walkways to be used by substantial numbers of children as routes to schools, play areas or other destinations shall be so located and safeguarded as to minimize contact with normal automobile traffic. Street crossings shall be held to a minimum. Such walkways, where appropriately located, designed and constructed, may be combined with other easements and used by emergency or public service vehicles, but not be used by other automobile traffic. In addition, bike paths may be incorporated into the pedestrian circulation system and are to be encouraged in such developments.</p>	<p>Positive element.</p> <p>Consider potential design elements for assistance in promoting this.</p>
<p>* Zoning * Article M - Residential Cluster Development * Sec. 9-4-202 - Area; Permitted Districts, Exemption; Street Access; Open Spaces; Relationship to Greenway Plan; Density; Dimensional Standards * (D) Open Space</p>	<p>(5) The area shall be left in its natural or undisturbed state if wooded at the time of development, except for the cutting of trails for walking or jogging or, if not wooded at the time of development, is improved for the uses listed under subsection (D)(3) above, or is properly vegetated and landscaped with the objectives of creating a wooded area or other area that is consistent with the objective set forth in subsection (D)(6) below; (6) The area shall be capable of being used and enjoyed for purposes of informal and unstructured recreation and relaxation or for horticulture if not devoted to other allowable uses in this subsection; (7) The area shall be legally and practically accessible to the residents of the development, or to the public if so dedicated;</p>	<p>Positive element.</p> <p>Consider potential design elements for assistance in promoting this</p>
<p>* Zoning * Article O - Parking * Sec. 9-4-241 - Purpose * (A)(2)</p>	<p>(2) The purpose of these regulations is also to improve the visual quality of parking areas by making them more pleasant, attractive, and compatible with the surrounding environment; to ensure safe and efficient operation of parking areas by clearly defining and delineating potential circulation movements of motorists and pedestrians; and to improve air quality and encourage energy conservation by moderating the microclimate of parking lots.</p>	<p>Positive element.</p> <p>Consider design elements to better clarify a distinction between interior pedestrian/ automobile circulation patterns.</p>

**TABLE 1: Existing Ordinance Citations that Promote a Healthy Greenville**

CODE / SECTION / TITLE	EXISTING TEXT	RECOMMENDATION
<p><b>* Zoning</b>  <b>* Article 0 - Parking</b>  <b>* Sec. 9-4-251 - Improvement Standards</b>  <b>* (B)(16)</b></p>	<p>(16) Parking areas so designed to serve ten or more vehicles, may reduce the required number of spaces by 10%, to a maximum reduction of three spaces, where off-street parking or storage of non-motorized vehicles is provided at a rate of ten non-motorized spaces per motorized space reduced. Non-motorized spaces shall be conveniently located in relation to the assigned use;</p>	<p>Positive element.</p> <p>Consider design elements to better clarify a distinction between interior pedestrian/ automobile circulation patterns.</p>
<p><b>Subdivision Regulations</b>  <b>* Sec. 9-5-96 - Pedestrian Crosswalks within Blocks</b></p>	<p>Where orientation or length of blocks or other considerations justify such action, the Planning and Zoning Commission may require pedestrian circulation and provide access to schools, playgrounds, shopping centers, transportation and other facilities. Where such crosswalks are provided, they shall be located, dimensioned, fenced, screened or otherwise improved by the subdivider in such a manner as to provide security, tranquility and privacy for occupants of adjoining property, and safe use. Such pedestrian ways, if suitably improved, may be used by emergency vehicles but shall not be used by other motor vehicles.</p>	<p>Positive element. Consider greater utilization.</p> <p>However, consider some design changes. Complete screening and size limits have great potential for creating an unsafe and non-desirable pedestrian pathway.</p>
<p><b>Subdivision Regulations</b>  <b>* Sec. 9-5-100 - Public Sites and Open Spaces; Relation to Quasi-Public and Private Open Space Network; Intent (A) &amp; (B)</b></p>	<p>(A) To provide for efficiency, economy and amenity, it is the intent of these regulations to encourage and promote the development and maintenance of public open space systems.</p> <p>(B) It is intended that to the maximum extent reasonably feasible there shall be a continuous network of public lands adapted to multiple purposes, including preservation and maintenance of natural waterways and water areas, protection of watersheds, neighborhood or community service areas and other public uses requiring extensive open space.</p>	<p>Positive element that promotes the expansion and connectivity of public greenways and parks. Consider greater utilization, and explore options to expand.</p>

**TABLE 1: Existing Ordinance Citations that Promote a Healthy Greenville**

CODE / SECTION / TITLE	EXISTING TEXT	RECOMMENDATION
<p><b>Subdivision Regulations</b> * Sec. 9-5-100 - <b>Public Sites and Open Spaces; Relation to Quasi-Public and Private Open Space Network; Intent (C)</b></p>	<p>(C) It is further intended that these regulations shall encourage and promote consolidation, combination and coordination of quasi-public and private common open space with the public land network where appropriate. The purposes of such action shall include the following, applied generally or under particular sets of circumstances:</p> <p>(1) To increase the extent, effectiveness and amenity of the total open space network;</p> <p>(2) To provide protection for areas of substantial ecological importance; and</p> <p>(3) To minimize conflicts among automotive traffic, pedestrians and cyclists, and to provide safe, convenient movement systems for pedestrians and cyclists through open spaces not generally open to automotive traffic, in a pattern connecting their principal origins with destinations such as schools, parks and recreational facilities; and otherwise to ensure the advantages arising from an open space network with multiple potentials for public use and reuse, as contrasted with scattered open spaces serving only limited functions.</p>	<p>Positive element that promotes the expansion and connectivity of public greenways and parks.</p> <p>Consider greater utilization, and explore options to expand.</p>
<p><b>Subdivision Regulations</b> * Sec. 9-5-101 - <b>Reservations for Recreation Areas; Generally</b></p>	<p>All subdivisions shall indicate recreation area at the time of submission of the preliminary plat. If the subdivision is developed in sections, the recreation area shall be contained within the first section unless as otherwise approved by the Planning and Zoning Commission upon recommendation of the Director of Recreation and Parks. At the time of submission of the final plat, the owner shall give the city a valid option on the land provided for as recreation area. The total development area shall be used as the basis for computation of the area reserved for recreation purposes.</p>	<p>Positive element that is not well utilized. Zoning ordinance has language that allows for exceptions.</p> <p>Consider limiting or eliminating exceptions, and explore a more aggressive approach in purchasing or acquiring the recreational land set aside.</p>
<p><b>Subdivision Regulations</b> * Sec. 9-5-102 - <b>Same; Minimal Area</b></p>	<p>The minimum amount of land which shall be reserved for recreation area in the subdivision plan shall be one acre for each subdivision and in addition, for all subdivisions over 25 acres in area, reservation of recreation space shall include one acre plus 4% of the gross total area over 25 acres or 400 square feet for each lot over 110, whichever is greater.</p>	<p>Positive element that is not well utilized. Zoning ordinance has language that allows for exceptions. Consider limiting or eliminating exceptions, and explore a more aggressive approach in purchasing or acquiring the recreational land set aside.</p>

**TABLE 1: Existing Ordinance Citations that Promote a Healthy Greenville**

CODE / SECTION / TITLE	EXISTING TEXT	RECOMMENDATION
<p><b>Subdivision Regulations</b> *Sec. 9-5-105 - Same; Owner to Give Option to City; Provisions of Option (B)</p>	<p>(B) This option may contain such terms as shall be mutually agreed to by the owner and the city but shall contain the following:</p> <p>(1) Provision for payment of \$100 to the owner upon execution of the option, which shall be applied to the purchase price if the option is exercised;</p> <p>(2) Provision that the owner shall sell the land at an agreed raw land value. The raw land value is the fair market value of the recreation area before improvements or development. Should the city and the owner fail to agree on the raw land value, they shall choose one M.A.I. appraiser to appraise the recreation area. The sum per acre determined by the M.A.I. appraiser shall constitute the price per acre for the land. Cost of this process shall be equally divided between the city and the owner;</p> <p>(3) Provision that the option shall have a term of at least four years unless terminated by exercise of the option to purchase by the city, or unless sooner terminated by the city by an instrument in writing;</p> <p>(4) Provision that in addition to the stipulated purchase price if the option is exercised, the owner shall be entitled to interest on the purchase price from the date of execution of the option at 6% per year; and</p> <p>(5) Provision that the option shall become effective upon recordation of the final subdivision plat containing such recreation area in the Pitt County Register of Deeds.</p>	<p>Consider greater execution of options in the future to ensure more opportunities for parks, play areas, and connectivity through the communities.</p>
<p><b>Subdivision Regulations</b> *Sec. 9-5-106 - Same; Relation to Bikeway Plan</p>	<p>Arrangement, character, extent, width, grade and location of the bikeway system for Greenville shall conform to the bikeway plan of the city and elements thereof officially adopted.</p>	<p>Positive element.</p> <p>Consider implementation of other design and functional elements of the Bike and Pedestrian Plan.</p>

Item # 6

**TABLE 1: Existing Ordinance Citations that Promote a Healthy Greenville**

CODE / SECTION / TITLE	EXISTING TEXT	RECOMMENDATION
<p><b>Subdivision Regulations</b> * <b>Article E Required Improvements</b> * <b>Sec. 9-5-123 - Sidewalks; Where to be Installed.</b></p>	<p>Sidewalks shall be provided by the subdivider in accordance with the following:</p> <p>(A) Sidewalks shall be provided in conjunction with public street extensions pursuant to section 9-5-81 of this chapter.</p> <p>(B) The location of proposed sidewalks required pursuant to this section shall be in accordance with the Manual of Standard Designs and Details.</p> <p>(C) Sidewalks shall be provided along both sides of all minor and major thoroughfare streets as shown on the official Thoroughfare Plan.</p> <p>(D) Sidewalks shall be provided along one side of all collector, standard residential, and planned industrial streets.</p> <p>(E) Sidewalks shall be provided along one side of all minor residential streets which are in excess of 500 feet in length in the case of a cul-de-sac/terminal street or 1,000 feet in length in the case of a loop/connecting street.</p> <p>(F) The arrangement of sidewalks in new subdivisions shall make provision for the continuation of existing sidewalks in adjoining areas.</p>	<p>Positive element to promote sidewalks.</p> <p>However, consider adoption of NCDOT Complete Streets manual to offer development alternatives for street designs that better promote walking and biking with greater detailed sidewalk design options.</p>
<p><b>2011 Greenville Bicycle and Pedestrian Plan</b></p>	<p>General – Bicycle and Pedestrian Plan for the future of the Greenville Metropolitan Planning Area. Identifies multiple projects and measures for attainment.</p>	<p>Encourage complete adoption of policy recommendations referenced in the Bicycle and Pedestrian Plan.</p>

**TABLE 2: Existing Ordinance Citations that Do Not Promote a Healthy Greenville**

CODE / SECTION / TITLE	EXISTING TEXT	RECOMMENDATION
<p>* Zoning * Article (F) * Sec. 9-4-106 * Relationship to Greenway Plan</p>	<p>(If any portion of the area proposed for development lies within an area designated in the officially adopted Greenway Master Plan as a greenway corridor, the area so designated shall be dedicated and/or reserved to the public <b>at the option of the city.</b></p>	<p>To further promote and support this initiative, remove "at the option of the city."</p>
<p>* Zoning * Article G * Sec. 9-4-119 * Bufferyard Setback Table (F) Fence Option</p>	<p>Must create a complete visual barrier for at least six feet in height. Acceptable materials are cedar, masonry, redwood, chain link with slats and treated lumber resistant to rot. Fence installation should be consistent with acceptable building practices.</p>	<p>Fences or walls create a barrier completely blocking connectivity between uses that could benefit from pedestrian connectivity.</p> <p>Consider revisions that allow for penetrations to promote connectivity with existing or potential pedestrian linkages.</p>
<p>* Zoning * Article G * Sec. 9-4-120 * Bufferyard Standards (H) Encroachments</p>	<p>(3) General (public/customer) pedestrian access walkways shall be subject to compliance with all of the following requirements: (a) Such walkways shall be designed to provide direct access to and from adjacent public and/or private streets, designated common property, public access easements and lot lines; (b) Encroachment zone. Walkways are allowed to cross individual or abutting bufferyards within an area equal in width to the minimum bufferyard as measured perpendicular to the property line; (c) Maximum width of each individual walkway shall not exceed six feet; and (d) Within the minimum bufferyard area two or more walkways providing access to a lot along any single property line shall be separated by not less than 50 feet as measured from center of walkway to center of walkway.</p>	<p>Six (6) feet may or may not be adequate depending on the uses involved.</p> <p>Consider scale to determine appropriate design and dimensions.</p> <p style="text-align: right;">Item # 6</p>

**TABLE 2: Existing Ordinance Citations that Do Not Promote a Healthy Greenville**

CODE / SECTION / TITLE	EXISTING TEXT	RECOMMENDATION
<p>* Zoning * Article G * Sec. 9-4-120 * Bufferyard Standards (I) Recreational Use of Bufferyards</p>	<p>A bufferyard may be used for passive recreation; it may contain pedestrian, bike or equestrian trails, provided that: (1) The total width of the bufferyard is increased in direct proportion to the width of any encroachment(s) except as further provided; (2) Public dedicated greenway improvements shall be exempt from subsection (I)(1) above; and (3) All other regulations of this article and Article P of this chapter are met. In no event, however, shall the following uses be permitted in bufferyards: playground equipment, playfields, stables, swimming pools and ball courts.</p>	<p>Positive element to promote non-motorized mobility.</p> <p>Consider removal of item 1 to promote use of bufferyards for this activity without making it punitive to the developer that selects this option.</p>
<p>* Zoning * Article H * Sec. 9-4-133 * Mobile Home Park Development Standards (J) Recreation Area Requirement</p>	<p>(1) Common recreation area shall be provided at a ratio of 100 square feet per dwelling unit. (2) The recreation requirement for a mobile home park development shall not apply if the project is within one-half mile radius of a public recreation facility. (3) No portion of an active recreation area shall be located within the peripheral boundary setback or less than 20 feet from any mobile home stand. (4) Passive recreation areas may be located in the peripheral boundary setback in accordance with the bufferyard regulations. (5) Swimming pools shall be fenced in accordance with Article F.</p>	<p>Could have positive impacts.</p> <p>Consider possible design alternatives rather than a straight ban on these activities.</p>
<p>* Zoning * Article I - Multi-Family Development * Sec. 9-4-144 (E) - Open Space</p>	<p>(E) If any portion of the area proposed for a multi-family development lies within an area designated in the officially adopted Greenway Master Plan as a greenway corridor, the area so designated shall be included as part of the area set aside to satisfy the open space requirements of this section. The area within the greenway corridor shall be dedicated and/or reserved to the public <b>at the option of the city.</b></p>	<p>To further promote and support this initiative, remove "at the option of the city."</p>

**TABLE 2: Existing Ordinance Citations that Do Not Promote a Healthy Greenville**

CODE / SECTION / TITLE	EXISTING TEXT	RECOMMENDATION
<p><b>* Zoning</b>  <b>* Article I - Multi-Family Development</b>  <b>* Sec. 9-4-145 - Development Standards (D) Setback for Recreation Areas</b></p>	<p>(1) Active: No portion of an active recreation area shall be located within the peripheral boundary setback or less than 20 feet from any dwelling unit.            (2) Passive: May be located within the peripheral boundary setback in accordance with the bufferyard regulations.</p>	<p>Elements of active recreation areas may not always be a negative.</p> <p>Consider possible design alternatives rather than a straight ban on these activities.</p>
<p><b>* Zoning</b>  <b>* Article I - Multi-Family Development</b>  <b>* Sec. 9-4-146 - Recreation Area Requirements (Private)</b></p>	<p>(A) The recreation area requirement shall not apply to developments that:            (1) Contain less than two net acres; and/or            (2) Are located within a one-half-mile radius of a public recreation area.            (B) Common recreation areas shall be provided at a ratio of 100 square feet per dwelling unit.</p>	<p>Understanding of concept but results could be detrimental to the goal of increasing children’s physical activity. Radius may be excessive, especially if no pedestrian connectivity to get from home to park.</p> <p>Consider revisions that would ensure park facilities are safely accessible to children and pedestrians.</p>
<p><b>* Zoning</b>  <b>* Article J - Master Plan Community</b>  <b>* Sec. 9-4-162 - Area; Regulation of Uses; Density; Open Space; Recreation; Parking; Landscape; Density Bonus Requirements.</b>  <b>* (A) Minimum area requirements.</b></p>	<p>(3) Except as provided under subsection (C) (3) below, master plan communities comprising 75 gross acres or more and 250 or more dwelling units may contain all of the uses permitted by subsections (B)(5) and (B)(6) of this section provided that all designated nonresidential area(s) shall meet all of the following design requirements:            (a) Shall be designed and located with the primary intention of serving the immediate needs and convenience of the residents of the master plan community.</p>	<p>Positive element to promote mixed uses, but still focuses on separation of uses. And, specifically requires that uses within the particular development are not “open” to others.</p> <p>Consider revisions that incorporate a variety of uses throughout the development rather than sections of individual uses throughout, and development that is open, attractive, and accessible to all residents within walkable distances to the development.</p>

**TABLE 2: Existing Ordinance Citations that Do Not Promote a Healthy Greenville**

CODE / SECTION / TITLE	EXISTING TEXT	RECOMMENDATION
<p>* Zoning * Article J - Master Plan Community * Sec. 9-4-162 - Area; Regulation of Uses; Density; Open Space; Recreation; Parking; Landscape; Density Bonus Requirements. * (F) Dedication of open space, park lands and greenways.</p>	<p>(1) If any portion of the area proposed for a master plan community lies within an area designated in the officially adopted greenway master plan as a greenway corridor, the area so designated shall be included as part of the area set aside to satisfy the open space requirements of this section. The area within such greenway corridor shall be dedicated and/or reserved to the public <b>at the option of the city.</b></p>	<p>To further promote and support this initiative, remove "at the option of the city."</p>
<p>* Zoning * Article J - Master Plan Community * Sec. 9-4-162 - Area; Regulation of Uses; Density; Open Space; Recreation; Parking; Landscape; Density Bonus Requirements. * (J) Residential density bonus provisions and standards.</p>	<p>(2) Bike paths/greenway systems. The provision of a constructed system of bike paths/pedestrian greenways that form a logical, safe and convenient system of access to all dwelling units, interior project facilities or principal off-site pedestrian destinations shall qualify for a density bonus. Such facilities shall be appropriately located, designed and constructed with existing topography, land form, and vegetation in accordance with the Greenway Master Plan requirements and other amenities associated with the master plan community. The density bonus allowed under this provision shall be 25% - (one total unit per gross acre) - above the base density of a master plan community.</p>	<p>Positive element. However density bonus maximum is smaller than what is allowed for other design features.</p> <p>To promote connectivity and increase walkability may want to consider revisions to how bonuses are calculated or at a minimum, increase to the density bonus for bike/pedestrian amenities.</p>
<p>* Zoning * Article J - Master Plan Community * Sec. 9-4-1623 - Master Plan Community; Residential Uses Dimensional Standards * (K) Recreation Area Setback</p>	<p>(K) Recreation area setback. No portion of an active private recreation area shall be located within 100 feet of the external boundary of the master plan community. Public recreation areas or park land dedicated or deeded to the city shall not be subject to any external boundary setback and may be located in the peripheral boundary setback area.</p>	<p>Could have positive impacts for the development and the community.</p> <p>Consider possible design alternatives rather than a straight ban on these activities.</p>

**TABLE 2: Existing Ordinance Citations that Do Not Promote a Healthy Greenville**

CODE / SECTION / TITLE	EXISTING TEXT	RECOMMENDATION
<p><b>* Zoning</b>  <b>* Article M - Residential Cluster Development</b>  <b>* Sec. 9-4-202 - Area; Permitted Districts, Exemption; Street Access; Open Spaces; Relationship to Greenway Plan; Density; Dimensional Standards</b>  <b>* (E) Open Space</b></p>	<p>(E) If any portion of the area proposed for a residential cluster development lies within an area designated in the officially adopted Greenway Master Plan as a greenway corridor, the area so designated shall be included as part of the area set aside to satisfy the open space requirements of this section. The area within the greenway corridor shall be dedicated and/or reserved to the public <b>at the option of the city.</b></p>	<p>To further promote and support this initiative, remove "at the option of the city."</p>
<p><b>Subdivision Regulations</b>  <b>* Sec. 9-5-81 Street Design Standards</b></p>	<p>General - Street designs are regulated through the Manual of Standard Designs and Details, and focuses mainly on the movement of automobiles.</p>	<p>Consider adoption of NCDOT Complete Streets manual to offer development alternatives for street designs that promote walking and biking.</p>
<p><b>Subdivision Regulations</b>  <b>* Sec. 9-5-81 - Street Design Standards (G)</b></p>	<p>(G) Reserve strips controlling access to public streets shall be prohibited except under conditions approved by the Planning and Zoning Commission.</p>	<p>Positive element, but should not be used indiscriminately.</p> <p>May want to define clear, limited instances in which this may be considered.</p>

**TABLE 2: Existing Ordinance Citations that Do Not Promote a Healthy Greenville**

CODE / SECTION / TITLE	EXISTING TEXT	RECOMMENDATION
<p><b>Subdivision Regulations</b> * <b>Sec. 9-5-81 - Street Design Standards (H)</b></p>	<p>(H) The street arrangement within new subdivisions shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it or affect the health, safety and welfare of property owners and residences in the surrounding area. Streets within or adjacent to subdivisions intended for residential purposes shall be so designed that their use by through traffic shall be discouraged except, however, where such streets are existing or proposed thoroughfares.</p>	<p>Actually promotes a lack of connectivity throughout the community.</p> <p>Consider revisions to remove language that discourages connectivity.</p>
<p><b>Subdivision Regulations</b> * <b>Sec. 9-5-89 - Same; Maintenance of Natural Waterways and Water Areas; Relationship to Greenways Plan.</b></p>	<p>(B) If any portion of the area proposed for subdivision lies within an area designated in the officially adopted Greenway Master Plan as a greenway corridor, the area so designated shall be dedicated and/or reserved to the public <b>at the option of the city.</b></p>	<p>To further promote and support this initiative, remove “at the option of the city.”</p>
<p><b>Subdivision Regulations</b> * <b>Sec. 9-5-103 - Same; Waiver Provisions</b></p>	<p>Any subdivision owner may submit a map to the Planning and Zoning Commission of the area which is intended to be developed as a subdivision and request advice as to whether or not a recreation area shall be required in the proposed subdivision. Within 30 days, the Planning and Zoning Commission shall make a decision as to whether a recreation area should be included in the subdivision plan. It is the intent of this section to permit an early determination regarding recreation areas, especially of small subdivisions which, because of their proximity to other recreation areas or other good reasons, may not need recreation areas for the orderly development of the proposed subdivision. The owner or developer shall consider final any decision made pursuant to this section only if the final subdivision plat is approved.</p>	<p>Coordination review between developer and staff is a positive element. However, review of design should be for most appropriate layout for the facilities and/or linkage to existing facility, not an opportunity for non-dedication.</p>



## Conclusions

Throughout the Project Work Group's codes review process, a central issue of continuous discussion was that this step was but a beginning in moving Greenville towards becoming a healthier community. The impacts of improved design go beyond improvements in physical health. In addition to lower health care costs, walkable communities provide greater opportunity for social interaction, increasing community spirit and civic pride, lowers the risk of traffic related injuries, improves air and water quality, and increases opportunities to obtain healthier foods. Walkable neighborhoods have been shown to retain higher property values benefiting both the individual property owner as well as the local government tax base. In fact for each 1 point increase in a neighborhood's walk score, property values will have between a \$700 to \$3,000 additional home worth.

Upon witnessing the obvious benefits of healthy community design, it is the desire of the Project Work Group to further promote healthy living, and healthy community design within the City of Greenville. To do so, the PWG understands that efforts will need to expand beyond the parameters of this grant funded project, and begin to address not just existing codes, but also begin the dialog on issues and items that could use additional focus.

As the city continues to balance growth and development demands, and prepares for the the process of for major revisions to *Horizons: Greenville's Community Plan*, the PWG would like to offer additional recommendations and topics for consideration that should be considered during discussions of the physical development of the city.



A. Economically disadvantaged areas have higher potential to be areas known as “Food Deserts”. Food deserts are areas where access to healthy foods is unavailable or inaccessible within the district. Typically food services within the area are provided by fast food restaurants and/or convenience markets offering prepackaged processed food items. In order to promote economic development and combat the lack of access to healthy foods, efforts to attract super markets and promote community farmer’s markets should be targeted towards areas defined as food deserts.

B. Lack of pedestrian/bicycle access to schools within the area. The location and siting of schools is the responsibility of the Pitt County School System. To combat the lack of neighborhood connectivity to schools within the City of Greenville, the Community Development Department should open direct dialog with the school system to provide pertinent development data that would be useful in determining new school locations. By being involved in the process early, it will provide both entities with greater opportunities to provide alternate means of transportation to and from the schools. Federal programs are available to assist in promoting safe walking and biking to school initiatives.

C. Broaden the healthy communities conversation within the various segments of the private sector that can provide valuable assets and support to the city’s efforts. Specifically beginning dialog with the medical community to establish programs that concentrate not only on a cure to chronic disease, but promote prevention through neighborhood and community activities and programs.

D. In addition to schools and the medical community, explore options with companies and corporations for sponsorships of programs, activities, or even construction of trails or placement of benches or water stations along the trails.

E. In efforts to further promote mixed-use developments, the city should investigate the use of form based codes in areas where greater density would be appropriate.

F. Consider revisions to the city parking standards that considers maximum number of allowable spaces as opposed to only a minimum number of spaces. In addition imposes circulation standards within large lots that take into consideration the movement of pedestrians through the lot as opposed to only the vehicular traffic.



The recommendations provided above are presented in an effort to get the residents and leaders within Greenville to begin thinking about how plans and policies can be used to create and enhance environments that are supportive of different forms of physical activity, a key aspect of overall health. These recommendations are just a sample of ideas generated during the PWG's work efforts, and are considered starting points open for constructive discussion.

Through the Department of Health and Human Services, the CDC, and various other government and private organizations, there are multiple programs that offer grant funding to support these types of activities. In addition, communities throughout the United States are aggressively attacking the issue of obesity through walking, cycling, and active living programs. The PWG feels the City of Greenville can learn from these prior experiences but understands the need for local knowledge and context. Each of the examples provided can be effectively tailored to

meet local conditions, issues and concerns, and advancing policies of these conversations should be considered for inclusion into future municipal plans and ordinances.



# City of Greenville, North Carolina

Meeting Date: 11/8/2012  
Time: 7:00 PM

**Title of Item:** Ordinance requiring the repair or the demolition and removal of the dwelling located at 1004 Bancroft Avenue

**Explanation:** **Abstract:** Requesting the approval of an ordinance to demolish and remove the dwelling located at 1004 Bancroft Avenue. The dwelling has been vacated and closed for a period of at least six months. The utilities to the dwelling have been disconnected since October 10, 2006, on side A and July 29, 2008, on side B. The ordinance provides the owner 90 days to repair or demolish and remove the dwelling and if the owner fails to accomplish this within 90 days, then the City will proceed with repairing or demolishing and removing the dwelling.

**Explanation:** The Code Enforcement Officer for the City of Greenville is requesting that the City Council approve an ordinance requiring the owner of a dwelling which has been vacated and closed for a period of at least six months pursuant to the enforcement of the Minimum Housing Code to repair or demolish and remove the dwelling located at 1004 Bancroft Avenue. The ordinance provides that the owner has 90 days to repair or demolish and remove the dwelling and if the owner fails to accomplish this within 90 days, then the City will proceed with repairing or demolishing and removing the dwelling.

The initial notice of violation was sent by certified mail on February 3, 2009, to the property owner informing the owner of the condition of abandoned structure and minimum housing violations cited by the Code Enforcement Officer and of the remedies necessary to bring the structure into compliance. Staff has attempted to work with the owner, but no repairs have been made. The most recent notice to the owner was sent on October 4, 2012, and provided notice to the owner that the dwelling was considered as an abandoned structure.

The dwelling has been vacated and closed for a period of at least six months. The utilities to the dwelling have been disconnected since October 10, 2006, on side A and July 29, 2008, on side B.

There have been 10 Code Enforcement cases initiated on this property since 2004

including public nuisance, minimum housing, and abandoned structure.

The Greenville Police Department has responded to 35 calls for service at this property since June 1995. Calls include assault, breaking and entering, larceny, burglary, damage to property, domestic, and violations of the NC Controlled Substance Act.

The tax value on the property as of May12, 2010, is \$7,276 (the building value is \$3,366 and the land value is \$3,910).

The estimated costs to repair the property are \$45,915.20.

**Fiscal Note:**

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

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

**Recommendation:**

Approval of the ordinance requiring the repair or demolition and removal of the dwelling located at 1004 Bancroft Avenue.

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

**Attachments / click to download**

 [1004 Bancroft Avenue Photos](#)

 [1004 Bancroft Ave Council ordinance 939138](#)

ORDINANCE NO.  
ORDINANCE REQUIRING THE OWNER OF A DWELLING VACATED  
AND CLOSED FOR A PERIOD OF AT LEAST SIX MONTHS PURSUANT TO THE  
ENFORCEMENT OF THE MINIMUM HOUSING CODE TO REPAIR OR DEMOLISH  
AND REMOVE THE DWELLING LOCATED AT 1004 BANCROFT AVENUE  
TAX PARCEL NUMBER 21928

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

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

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

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

Section 1. The owner(s), Richard Brian Stewart, of the dwelling located at 1004 Bancroft Avenue in the City of Greenville, North Carolina, is hereby directed and required to either repair said dwelling so that it fully complies with the standards of the Minimum Housing Code or to demolish and remove said dwelling within ninety (90) days from the effective date of this ordinance.

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

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

approval by the Code Enforcement Officer in Section 2, said dwelling being located at 1004 Bancroft Avenue and owned by Richard Brian Stewart.

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

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

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

This the 8<sup>th</sup> day of November, 2012.

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Allen M. Thomas, Mayor

ATTEST:

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Carol L. Barwick, City Clerk

# 939138



Item # 7



Item # 7



# City of Greenville, North Carolina

Meeting Date: 11/8/2012  
Time: 7:00 PM

**Title of Item:** Ordinance requiring the repair or the demolition and removal of the dwelling located at 1114 Colonial Avenue

**Explanation:** **Abstract:** Requesting the approval of an ordinance to demolish and remove the dwelling located at 1114 Colonial Avenue. The dwelling has been vacated and closed for a period of at least six months. The utilities to the dwelling have been disconnected since March 10, 2001. The ordinance provides the owner 90 days to repair or demolish and remove the dwelling and if the owner fails to accomplish this within 90 days, then the City will proceed with repairing or demolishing and removing the dwelling.

**Explanation:** The Code Enforcement Officer for the City of Greenville is requesting that the City Council approve an ordinance requiring the owner of a dwelling which has been vacated and closed for a period of at least six months pursuant to the enforcement of the Minimum Housing Code to repair or demolish and remove the dwelling located at 1114 Colonial Avenue. The ordinance provides that the owner has 90 days to repair or demolish and remove the dwelling and if the owner fails to accomplish this within 90 days, then the City will proceed with repairing or demolishing and removing the dwelling. The initial notice of violation was sent by certified mail on March 12, 2007, to the property owner informing the owner of the condition of abandoned structure and minimum housing violations cited by the Code Enforcement Officer and of the remedies necessary to bring the structure into compliance.

Staff has attempted to work with the owner, but no repairs have been made. The most recent notice to the owner was sent on October 4, 2012, and provided notice to the owner that the dwelling was considered as an abandoned structure. The dwelling has been vacated and closed for a period of at least six months. The utilities to the dwelling have been disconnected since March 10, 2001.

There have been 14 Code Enforcement cases initiated on this property since 2004 including public nuisance, minimum housing, and abandoned structure. The Greenville Police Department has responded to 48 calls for service at this

property since December 1992. Calls include breaking and entering, suspicious activity, damage to property, shots fired, and missing person.

The current tax value on the property as of October 16, 2012, is \$6,593 (the building value is \$2,453 and the land value is \$4,140).

The estimated costs to repair the property are \$42,673.85.

**Fiscal Note:**

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

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

**Recommendation:**

Approval of the ordinance requiring the repair or demolition and removal of the dwelling located at 1114 Colonial Avenue.

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 [1114 Colonial Avenue](#)

 [1114 Colonial Ave ordinance 938801](#)

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ORDINANCE NO.  
ORDINANCE REQUIRING THE OWNER OF A DWELLING VACATED  
AND CLOSED FOR A PERIOD OF AT LEAST SIX MONTHS PURSUANT TO THE  
ENFORCEMENT OF THE MINIMUM HOUSING CODE TO REPAIR OR DEMOLISH  
AND REMOVE THE DWELLING LOCATED AT 1114 COLONIAL AVENUE  
TAX PARCEL NUMBER 20883

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

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

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

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

Section 1. The owner(s), Debra F. Barrett, of the dwelling located at 1114 Colonial Avenue in the City of Greenville, North Carolina, is hereby directed and required to either repair said dwelling so that it fully complies with the standards of the Minimum Housing Code or to demolish and remove said dwelling within ninety (90) days from the effective date of this ordinance.

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

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

approval by the Code Enforcement Officer in Section 2, said dwelling being located at 1114 Colonial Avenue and owned by Debra F. Barrett.

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

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

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

This the 8<sup>th</sup> day of November, 2012.

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Allen M. Thomas, Mayor

ATTEST:

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Carol L. Barwick, City Clerk

# 938801





Roof Collapse



Item # 8



# City of Greenville, North Carolina

Meeting Date: 11/8/2012  
Time: 7:00 PM

**Title of Item:** Ordinance requiring the repair or the demolition and removal of the dwelling located at 1208 Battle Street

**Explanation:** **Abstract:** Requesting the approval of an ordinance to demolish and remove the dwelling located at 1208 Battle Street. The dwelling has been vacated and closed for a period of at least six months. The utilities to the dwelling have been disconnected since June 3, 2005. The ordinance provides the owner 90 days to repair or demolish and remove the dwelling and if the owner fails to accomplish this within 90 days, then the City will proceed with repairing or demolishing and removing the dwelling.

**Explanation:** The Code Enforcement Officer for the City of Greenville is requesting that the City Council approve an ordinance requiring the owner of a dwelling which has been vacated and closed for a period of at least six months pursuant to the enforcement of the Minimum Housing Code to repair or demolish and remove the dwelling located at 1208 Battle Street. The ordinance provides that the owner has 90 days to repair or demolish and remove the dwelling and if the owner fails to accomplish this within 90 days, then the City will proceed with repairing or demolishing and removing the dwelling.

The initial notice of violation was sent by certified mail on March 13, 2009, to the property owner informing the owner of the condition of abandoned structure and minimum housing violations cited by the Code Enforcement Officer and of the remedies necessary to bring the structure into compliance.

Staff has attempted to work with the owner, but no repairs have been made. The most recent notice to the owner was sent on October 4, 2012, and provided notice to the owner that the dwelling was considered as an abandoned structure.

The dwelling has been vacated and closed for a period of at least six months. The utilities to the dwelling have been disconnected since June 3, 2005.

There have been 14 Code Enforcement cases initiated on this property since 2002

including public nuisance, minimum housing, and abandoned structure.

The Greenville Police Department has responded to 22 calls for service at this property since October 1994. Calls include breaking and entering, larceny, assault, damage to property, gun shots, and violations of the NC Controlled Substance Act.

The current tax value on the property as of October 17, 2012, is \$13,691 (the building value is \$11,036 and the land value is \$2,545).

The estimated costs to repair the property are \$26,387.20.

**Fiscal Note:**

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

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

**Recommendation:**

Approval of the ordinance requiring the repair or demolition and removal of the dwelling located at 1208 Battle Street.

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 [1208 Battle Street Photos](#)

 [1208\\_Battle\\_Street\\_ordinance\\_938934](#)

ORDINANCE NO.  
ORDINANCE REQUIRING THE OWNER OF A DWELLING VACATED  
AND CLOSED FOR A PERIOD OF AT LEAST SIX MONTHS PURSUANT TO THE  
ENFORCEMENT OF THE MINIMUM HOUSING CODE TO REPAIR OR DEMOLISH  
AND REMOVE THE DWELLING LOCATED AT 1208 BATTLE STREET  
TAX PARCEL NUMBER 00435

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

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

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

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

Section 1. The owner(s), Lonnie Barrett Anderson heirs c/o Ann E. Melton, of the dwelling located at 1208 Battle Street in the City of Greenville, North Carolina, is hereby directed and required to either repair said dwelling so that it fully complies with the standards of the Minimum Housing Code or to demolish and remove said dwelling within ninety (90) days from the effective date of this ordinance.

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

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

approval by the Code Enforcement Officer in Section 2, said dwelling being located at 1208 Battle Street and owned by Lonnie Barrett Anderson heirs c/o Ann E. Melton.

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

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

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

This the 8<sup>th</sup> day of November, 2012.

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Allen M. Thomas, Mayor

ATTEST:

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Carol L. Barwick, City Clerk

#938934



Item # 9



Item # 9



# City of Greenville, North Carolina

Meeting Date: 11/8/2012  
Time: 7:00 PM

**Title of Item:** Ordinance requiring the repair or the demolition and removal of the dwelling located at 1304 Battle Street

**Explanation:** **Abstract:** Requesting the approval of an ordinance to demolish and remove the dwelling located at 1304 Battle Street. The dwelling has been vacated and closed for a period of at least six months. The utilities to the dwelling have been disconnected since January 2009 on side A and June 2006 on side B. The ordinance provides the owner 90 days to repair or demolish and remove the dwelling and if the owner fails to accomplish this within 90 days, then the City will proceed with repairing or demolishing and removing the dwelling.

**Explanation:** The Code Enforcement Officer for the City of Greenville is requesting that the City Council approve an ordinance requiring the owner of a dwelling which has been vacated and closed for a period of at least six months pursuant to the enforcement of the Minimum Housing Code to repair or demolish and remove the dwelling located at 1304 Battle Street. The ordinance provides that the owner has 90 days to repair or demolish and remove the dwelling and if the owner fails to accomplish this within 90 days, then the City will proceed with repairing or demolishing and removing the dwelling.

The initial notice of violation was sent by certified mail on October 30, 2009, to the property owner informing the owner of the condition of abandoned structure and minimum housing violations cited by the Code Enforcement Officer and of the remedies necessary to bring the structure into compliance. Staff has attempted to work with the owner, but no repairs have been made. The most recent notice to the owner was sent on October 11, 2012, and provided notice to the owner that the dwelling was considered as an abandoned structure.

The dwelling has been vacated and closed for a period of at least six months. The utilities to the dwelling have been disconnected since January 2009 on side A and June 2006 on side B.

There have been 17 Code Enforcement cases initiated on this property since 2001

including public nuisance, minimum housing, and abandoned structure.

The Greenville Police Department has responded to 13 calls for service at this property since April 1995. Calls include auto larceny, assault, recovered property, and death investigations.

The current tax value on the property as of October 16, 2012, is \$9,504 (the building value is \$ 7,304 and the land value is \$2,200).

Th estimated costs to repair the property are \$40,480.20.

**Fiscal Note:**

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

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

**Recommendation:**

Approval of the ordinance requiring the repair or demolition and removal of the dwelling located at 1304 Battle Street.

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 [1304 Battle Street Photos](#)

 [1304 Battle Street ordinance 938870](#)

ORDINANCE NO.  
ORDINANCE REQUIRING THE OWNER OF A DWELLING VACATED  
AND CLOSED FOR A PERIOD OF AT LEAST SIX MONTHS PURSUANT TO THE  
ENFORCEMENT OF THE MINIMUM HOUSING CODE TO REPAIR OR DEMOLISH  
AND REMOVE THE DWELLING LOCATED AT 1304 BATTLE STREET  
TAX PARCEL NUMBER 21953

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

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

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

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

Section 1. The owner(s), Richard Brian Stewart, of the dwelling located at 1304 Battle Street in the City of Greenville, North Carolina, is hereby directed and required to either repair said dwelling so that it fully complies with the standards of the Minimum Housing Code or to demolish and remove said dwelling within ninety (90) days from the effective date of this ordinance.

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

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

approval by the Code Enforcement Officer in Section 2, said dwelling being located at 1304 Battle Street and owned by Richard Brian Stewart.

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

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

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

This the 8<sup>th</sup> day of November, 2012.

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Allen M. Thomas, Mayor

ATTEST:

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Carol L. Barwick, City Clerk

# 938870







# City of Greenville, North Carolina

Meeting Date: 11/8/2012  
Time: 7:00 PM

**Title of Item:** Ordinance requiring the repair or the demolition and removal of the dwelling located at 1504 Fleming Street

**Explanation:** **Abstract:** Requesting the approval of an ordinance to demolish and remove the dwelling located at 1504 Fleming Street. The dwelling has been vacated and closed for a period of at least six (6) months. The utilities to the dwelling have been disconnected since January 2007 on side A and December 2006 on side B. The ordinance provides the owner 90 days to repair or demolish and remove the dwelling and if the owner fails to accomplish this within 90 days, then the City will proceed with repairing or demolishing and removing the dwelling.

**Explanation:** The Code Enforcement Officer for the City of Greenville is requesting that the City Council approve an ordinance requiring the owner of a dwelling which has been vacated and closed for a period of at least six months pursuant to the enforcement of the Minimum Housing Code to repair or demolish and remove the dwelling located at 1504 Fleming Street. The ordinance provides that the owner has 90 days to repair or demolish and remove the dwelling and if the owner fails to accomplish this within 90 days, then the City will proceed with repairing or demolishing and removing the dwelling.

The initial notice of violation was sent by certified mail on August 3, 2009, to the property owner informing the owner of the condition of abandoned structure and minimum housing violations cited by the Code Enforcement Officer and of the remedies necessary to bring the structure into compliance. Staff has attempted to work with the owner, but no repairs have been made. The most recent notice to the owner was sent on October 10, 2012, and provided notice to the owner that the dwelling was considered as an abandoned structure.

The dwelling has been vacated and closed for a period of at least six (6) months. The utilities to the dwelling have been disconnected since January 2007 on side A and December 2006 on side B.

There have been 20 Code Enforcement cases initiated on this property since 2000

including public nuisance, minimum housing, and abandoned structure.

The Greenville Police Department has responded to 14 calls for service at this property since December 1992. Calls include larceny, damage to property, assault, and violations of the NC Controlled Substance Act.

The tax value on the property as of October 16, 2012 is \$18,346 (the building value is \$14,783 and the land value is \$3,563).

The estimated costs to repair the property are \$48,976.50.

**Fiscal Note:**

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

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

**Recommendation:**

Approval of the ordinance requiring the repair or demolition and removal of the dwelling located at 1504 Fleming Street.

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 [1504 Fleming Street Photos](#)

 [1504 Fleming Street ordinance 938838](#)

ORDINANCE NO.  
ORDINANCE REQUIRING THE OWNER OF A DWELLING VACATED  
AND CLOSED FOR A PERIOD OF AT LEAST SIX MONTHS PURSUANT TO THE  
ENFORCEMENT OF THE MINIMUM HOUSING CODE TO REPAIR OR DEMOLISH  
AND REMOVE THE DWELLING LOCATED AT 1504 FLEMING STREET  
TAX PARCEL NUMBER 14498

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

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

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

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

Section 1. The owner(s), Deutsche Bank National Trust Company Trustee, of the dwelling located at 1504 Fleming Street in the City of Greenville, North Carolina, is hereby directed and required to either repair said dwelling so that it fully complies with the standards of the Minimum Housing Code or to demolish and remove said dwelling within ninety (90) days from the effective date of this ordinance.

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

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

approval by the Code Enforcement Officer in Section 2, said dwelling being located at 1504 Fleming Street and owned by Deutsche Bank National Trust Company Trustee.

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

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

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

This the 8<sup>th</sup> day of November, 2012.

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Allen M. Thomas, Mayor

ATTEST:

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Carol L. Barwick, City Clerk

# 938838







# City of Greenville, North Carolina

Meeting Date: 11/8/2012  
Time: 7:00 PM

**Title of Item:** Ordinance requiring the repair or the demolition and removal of the dwelling located at 1506 Fleming Street

**Explanation:** **Abstract:** Requesting the approval of an ordinance to demolish and remove the dwelling located at 1506 Fleming Street. The dwelling has been vacated and closed for a period of at least six months. The utilities to the dwelling have been disconnected since November 2004 on side A and March 2006 on side B. The ordinance provides the owner 90 days to repair or demolish and remove the dwelling and if the owner fails to accomplish this within 90 days, then the City will proceed with repairing or demolishing and removing the dwelling.

**Explanation:** The Code Enforcement Officer for the City of Greenville is requesting that the City Council approve an ordinance requiring the owner of a dwelling which has been vacated and closed for a period of at least six months pursuant to the enforcement of the Minimum Housing Code to repair or demolish and remove the dwelling located at 1506 Fleming Street. The ordinance provides that the owner has 90 days to repair or demolish and remove the dwelling and if the owner fails to accomplish this within 90 days, then the City will proceed with repairing or demolishing and removing the dwelling.

The initial notice of violation was sent by certified mail on January 3, 2007, to the property owner informing the owner of the condition of abandoned structure and minimum housing violations cited by the Code Enforcement Officer and of the remedies necessary to bring the structure into compliance. Staff has attempted to work with the owner, but no repairs have been made. The most recent notice to the owner was sent on October 10, 2012, and provided notice to the owner that the dwelling was considered as an abandoned structure.

The dwelling has been vacated and closed for a period of at least six months. The utilities to the dwelling have been disconnected since November 2004 on side A and March 2006 on side B.

There have been 32 Code Enforcement Cases initiated on this property since

1998 including public nuisance, minimum housing, and abandoned structure.

The Greenville Police Department has responded to 11 calls for service at this property since November 1993. Calls include larceny, recovered property, assault, communicating threats, and shots fired.

The current tax value on the property as of October 16, 2012 is \$18,374 (the building value is \$15,320 and the land value is \$3,054).

The estimated costs to repair the property are \$49,090.90.

**Fiscal Note:**

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

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

**Recommendation:**

Approval of the ordinance requiring the repair or demolition and removal of the dwelling located at 1506 Fleming Street.

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**Attachments / click to download**

[1506 Fleming Street Photos](#)

[1506 Fleming Street ordinance\\_938864](#)

ORDINANCE NO.  
ORDINANCE REQUIRING THE OWNER OF A DWELLING VACATED  
AND CLOSED FOR A PERIOD OF AT LEAST SIX MONTHS PURSUANT TO THE  
ENFORCEMENT OF THE MINIMUM HOUSING CODE TO REPAIR OR DEMOLISH  
AND REMOVE THE DWELLING LOCATED AT 1506 FLEMING STREET  
TAX PARCEL NUMBER 14492

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

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

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

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

Section 1. The owner(s), Deutsche Bank National Trust Company Trustee, of the dwelling located at 1506 Fleming Street in the City of Greenville, North Carolina, is hereby directed and required to either repair said dwelling so that it fully complies with the standards of the Minimum Housing Code or to demolish and remove said dwelling within ninety (90) days from the effective date of this ordinance.

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

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

approval by the Code Enforcement Officer in Section 2, said dwelling being located at 1506 Fleming Street and owned by Deutsche Bank National Trust Company Trustee.

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

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

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

This the 8<sup>th</sup> day of November, 2012.

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Allen M. Thomas, Mayor

ATTEST:

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Carol L. Barwick, City Clerk

# 938864



Item # 12



Item # 12



# City of Greenville, North Carolina

Meeting Date: 11/8/2012  
Time: 7:00 PM

**Title of Item:** Ordinance requiring the repair or the demolition and removal of the dwelling located at 1911 South Pitt Street

**Explanation:** **Abstract:** Requesting the approval of an ordinance to demolish and remove the dwelling located at 1911 South Pitt Street. The dwelling has been vacated and closed for a period of at least six months. The utilities to the dwelling have been disconnected since June 20, 2011. The ordinance provides the owner 90 days to repair or demolish and remove the dwelling and if the owner fails to accomplish this within 90 days, then the City will proceed with repairing or demolishing and removing the dwelling.

**Explanation:** The Code Enforcement Officer for the City of Greenville is requesting that the City Council approve an ordinance requiring the owner of a dwelling which has been vacated and closed for a period of at least six months pursuant to the enforcement of the Minimum Housing Code to repair or demolish and remove the dwelling located at 1911 South Pitt Street. The ordinance provides that the owner has 90 days to repair or demolish and remove the dwelling and if the owner fails to accomplish this within 90 days, then the City will proceed with repairing or demolishing and removing the dwelling.

The initial notice of violation was sent by certified mail on August 20, 2008, to the property owner informing the owner of the condition of abandoned structure and minimum housing violations cited by the Code Enforcement Officer and of the remedies necessary to bring the structure into compliance. Staff has attempted to work with the owner, but no repairs have been made. The most recent notice to the owner was sent on October 11, 2012, and provided notice to the owner that the dwelling was considered as an abandoned structure.

The dwelling has been vacated and closed for a period of at least six months. The utilities to the dwelling have been disconnected since June 20, 2011.

There have been 23 Code Enforcement cases initiated on this property since 2005 including public nuisance, minimum housing, and abandoned structure.

The Greenville Police Department has responded to eight calls for service at this property since January 2000. Calls include larceny, assault, damage to property, and violations of the NC Controlled Substance Act.

The current tax value on the property as of October 18, 2012, is \$15,176 (the building value is \$7,976 and the land value is \$7,200).

The estimated costs to repair the property are \$25,988.

**Fiscal Note:**

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

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

**Recommendation:**

Approval of the ordinance requiring the repair or demolition and removal of the dwelling located at 1911 South Pitt Street.

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**Attachments / click to download**

 [1911 South Pitt Street Photos](#)

 [1911\\_South\\_Pitt\\_Street\\_ordinance\\_939148](#)

ORDINANCE NO.  
ORDINANCE REQUIRING THE OWNER OF A DWELLING VACATED  
AND CLOSED FOR A PERIOD OF AT LEAST SIX MONTHS PURSUANT TO THE  
ENFORCEMENT OF THE MINIMUM HOUSING CODE TO REPAIR OR DEMOLISH  
AND REMOVE THE DWELLING LOCATED AT 1911 SOUTH PITT STREET  
TAX PARCEL NUMBER 06264

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

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

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

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

Section 1. The owner(s), Saad Rentals LLC, of the dwelling located at 1911 South Pitt Street in the City of Greenville, North Carolina, is hereby directed and required to either repair said dwelling so that it fully complies with the standards of the Minimum Housing Code or to demolish and remove said dwelling within ninety (90) days from the effective date of this ordinance.

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

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

approval by the Code Enforcement Officer in Section 2, said dwelling being located at 1911 South Pitt Street and owned by Saad Rentals LLC.

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

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

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

This the 8<sup>th</sup> day of November, 2012.

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Allen M. Thomas, Mayor

ATTEST:

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Carol L. Barwick, City Clerk

# 939148



Item # 13





# City of Greenville, North Carolina

Meeting Date: 11/8/2012  
Time: 7:00 PM

**Title of Item:** Ordinance requiring the repair or the demolition and removal of the dwelling located at 610 Hudson Street

**Explanation:** **Abstract:** Requesting the approval of an ordinance to demolish and remove the dwelling located at 610 Hudson Street. The dwelling has been vacated and closed for a period of at least six months. The utilities to the dwelling have been disconnected since March 23, 2009, on side A and August 24, 2007. The ordinance provides the owner 90 days to repair or demolish and remove the dwelling and if the owner fails to accomplish this within 90 days, then the City will proceed with repairing or demolishing and removing the dwelling.

**Explanation:** The Code Enforcement Officer for the City of Greenville is requesting that the City Council approve an ordinance requiring the owner of a dwelling which has been vacated and closed for a period of at least six months pursuant to the enforcement of the Minimum Housing Code to repair or demolish and remove the dwelling located at 610 Hudson Street. The ordinance provides that the owner has 90 days to repair or demolish and remove the dwelling and if the owner fails to accomplish this within 90 days, then the City will proceed with repairing or demolishing and removing the dwelling.

The initial notice of violation was sent by certified mail on November 13, 2009, to the property owner informing the owner of the condition of abandoned structure and minimum housing violations cited by the Code Enforcement Officer and of the remedies necessary to bring the structure into compliance.

Staff has attempted to work with the owner, but no repairs have been made. The most recent notice to the owner was sent on October 4, 2012, and provided notice to the owner that the dwelling was considered as an abandoned structure.

The dwelling has been vacated and closed for a period of at least six months. The utilities to the dwelling have been disconnected since March 23, 2009, on side A and August 24, 2007.

There have been 10 Code Enforcement cases initiated on this property since 2003

including public nuisance, minimum housing, and abandoned structure.

The Greenville Police Department has responded to 26 calls for service at this property since August 1995. Calls include animal complaints, damage to property, breaking and entering, larceny, communicating threats, burglary, and assaults.

The current tax value on the property as of October 18, 2012, is \$7,006 (the building value is \$3,556 and the land value is \$3,450).

The estimated costs to repair the property are \$44,425.20.

**Fiscal Note:**

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

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

**Recommendation:**

Approval of the ordinance requiring the repair or demolition and removal of the dwelling located at 610 Hudson Street.

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**Attachments / click to download**

 [610 Hudson Street Photos](#)

 [610 Hudson Street\\_939129](#)

ORDINANCE NO.  
ORDINANCE REQUIRING THE OWNER OF A DWELLING VACATED  
AND CLOSED FOR A PERIOD OF AT LEAST SIX MONTHS PURSUANT TO THE  
ENFORCEMENT OF THE MINIMUM HOUSING CODE TO REPAIR OR DEMOLISH  
AND REMOVE THE DWELLING LOCATED AT 610 HUDSON STREET  
TAX PARCEL NUMBER 21479

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

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

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

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

Section 1. The owner(s), Gloria S. White and William C. White Jr., of the dwelling located at 610 Hudson Street in the City of Greenville, North Carolina, is hereby directed and required to either repair said dwelling so that it fully complies with the standards of the Minimum Housing Code or to demolish and remove said dwelling within ninety (90) days from the effective date of this ordinance.

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

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

approval by the Code Enforcement Officer in Section 2, said dwelling being located at 610 Hudson Street and owned by Gloria S. White and William C. White Jr.

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

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

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

This the 8<sup>th</sup> day of November, 2012.

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Allen M. Thomas, Mayor

ATTEST:

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Carol L. Barwick, City Clerk

# 939129





Item # 14



# City of Greenville, North Carolina

Meeting Date: 11/8/2012  
Time: 7:00 PM

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

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

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

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

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

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

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

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

The estimated costs to repair the property are \$33,497.20.

**Fiscal Note:**

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

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

**Recommendation:**

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

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 [800 Vanderbilt Lane Photos](#)

 [800\\_Vanderbilt\\_Lane\\_ordinance\\_939124](#)

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

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

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

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

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

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

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

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

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

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

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

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

This the 8<sup>th</sup> day of November, 2012.

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Allen M. Thomas, Mayor

ATTEST:

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Carol L. Barwick, City Clerk

# 939124

2012-10-03 10:5



Item # 15

