



Agenda

Planning and Zoning Commission

December 13, 2011

6:30 PM

Council Chambers, City Hall, 200 West Fifth Street

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I. CALL MEETING TO ORDER -

II. INVOCATION - Doug Schrade

III. ROLL CALL

IV. APPROVAL OF MINUTES - November 15, 2011

V. NEW BUSINESS

TEXT AMENDMENTS

1. Zoning Ordinance Text Amendment Application submitted by Paradigm, Inc. requesting to modify the city's standards for Family Care Homes.
2. Zoning Ordinance Text Amendment modifying the standards for portable temporary storage units.

VI. ADJOURN

DRAFT OF MINUTES PROPOSED FOR ADOPTION BY THE GREENVILLE PLANNING
AND ZONING COMMISSION
November 15, 2011

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

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

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

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

PLANNING STAFF: Merrill Flood, Community Development Director; Chris Padgett, Chief Planner; Chantae Gooby, Planner; Valerie Paul, Secretary

OTHERS PRESENT: Bill Little, Assistant City Attorney; Tim Corley, Engineer; Jonathan Edwards, Communications Technician

MINUTES: Motion was made by Mr. Bell, seconded by Mr. Smith, to accept the September 20, 2011 minutes as presented. Motion carried unanimously.

NEW BUSINESS

Rezoning

Ordinance requested by Michael Overton to rezone 1.0172 acres located at the southwest corner of the intersection of Arlington Boulevard and Dickinson Avenue from RA20 (Residential-Agricultural) to OR (Office-Residential [High Density Multi-family]).

Ms. Chantae Gooby, Planner, delineated the property. The property is located at the southwest corner of the intersection of Arlington Boulevard and Dickinson Avenue. There are office and residential uses in this area. This intersection serves as the entrance into the Medical District. This rezoning could generate a net increase of 68 trips with 60% of the trips turning right and 40% of the trips turning left on to Dickinson Avenue. The property is currently zoned residential-agricultural. Under the requested zoning, the site could yield up to 16 multi-family units. The Future Land Use Plan Map recommends office/institutional/multi-family at the southwest corner at Arlington Boulevard and Dickinson Avenue. In staff's opinion, the request is in compliance with Horizons: Greenville's Community Plan and the Future Land Use Plan Map.

No one spoke in favor of the request.

No one spoke in opposition of the request.

Motion made by Mr. Gordon, seconded by Mr. Smith, to recommend approval of the proposed amendment to advise that 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.

Text Amendments

Zoning Ordinance Text Amendment - Modifications to standards for dining and entertainment establishments.

Mr. Christopher Padgett provided background information on this request to the Commission. It began when City Council requested that staff provide them with a report on Dining and Entertainment (D&E) establishments at their August meeting. Staff prepared and presented the report to City Council at their September meeting. City Council then directed staff to draft a text amendment related to the hours that D&E's can have amplified audio entertainment; and more specifically, for a text amendment that would allow D&E's in primarily commercial areas to have extended hours of amplified audio entertainment on Thursday evenings. Staff developed and presented the text amendment to the City Council at their October meeting at which time City Council formally initiated the text amendment and requested that the Neighborhood Advisory Board review and provide input. Mr. Padgett gave a history on D&E's in general; the D&E land use category and its associated standards were adopted by the City Council in April 2009. The D&E category is a hybrid land use between conventional restaurants and public or private clubs. They may not have amplified audio entertainment after 11 p.m., Monday – Thursday and on Sunday; the exception would be found in the Downtown Commercial district where such is allowed until 2 a.m. on Thursday evenings. Mr. Padgett presented the proposed standards:

"The allowable period of amplified audio entertainment for any dining and entertainment establishment that meets the following separation requirements may be extended, at the option of the owner/operator, from the times specified under subsection (F)1.(6) on each Thursday night to no later than 2:00 a.m. the following day. To qualify for this provision, the dining and entertainment establishment shall not be located within a 500-foot radius, including street rights-of-way, of (i) a conforming use single-family dwelling located in any district, or (ii) any single-family residential zoning district. The required measurement shall be from the building or structure containing the dining and entertainment establishment to the nearest single-family dwelling lot line or single-family residential zoning district boundary line. For purpose of this section, the term "single-family residential zoning district" shall include any RA20; R15S; R9S; R6S; and MRS district."

Mr. Padgett explained that they based their proposed separation standards on existing separation standards applicable to public or private clubs; staff believes that since the standards are sufficient for public or private clubs, which are intended to be a more intensive use, then it would serve this purpose for extended hours of amplified audio entertainment. Mr. Padgett presented a map that located existing D&E establishments in Greenville. Out of the five establishments currently operating, four would meet the criteria and would be allowed to have the extended hours of amplified audio entertainment. City Council had a significant amount of discussion about the possibility of adding holidays so that no matter on which days they fall, D&E's that meet the specified spacing requirements would be permitted to have amplified audio entertainment up until 2 a.m. Specific holidays or observances provided for the Commission's review and discussion:

- St. Patrick's Day (March 17);
- Cinco de Mayo (May 5);
- Independence Day (July 4);
- Halloween (October 31).

No one spoke in favor of the request.

No one spoke in opposition of the request.

Ms. Bellis asked if there was a provision for noise that would limit sound from extending beyond the property line or beyond the 500 ft.

Mr. Padgett answered that currently there is not a standard like that specifically for either a public or private club or for entertainment establishments. All establishments in the City are subject to the nuisance ordinance and it is enforced by the Police Department.

Mr. Parker commented that the nuisance ordinance would address Ms. Bellis' concern.

Ms. Bellis recalled an issue with an establishment on 10th Street and she asked if that particular establishment had a restriction where they could not have sound beyond 50 ft. from the building.

Mr. Flood answered that was a former nightclub, Faces, and the noise restriction was one of the conditions of their Special Use Permit from the Board of Adjustment.

Mr. Parker asked if the holidays were included in the text amendment.

Mr. Padgett answered that it was not in the text amendment that City Council had sent to the Commission, but since they had spent a considerable amount of time discussing it, staff felt that it would be appropriate to bring it before the Commission for discussion.

Mr. Parker said that he was in favor of adding them because they are four holidays that people enjoy going out on and it would help businesses. He suggested that they include the holidays in the text amendment.

Mr. Padgett explained that if the Commission wanted the holidays included, then they would need to note that in the motion.

Chairman Randall asked if there was a consensus from City Council on everyone wanting the holidays listed in there.

Mr. Padgett said that he did not think that there was a consensus.

Mr. Weitz said that there are three provisions in the City Code that address noise or amplified sound. He suggested that the Commission add some additional language to the text amendment that would specify that existing noise control provisions of the City Code would be applicable. He suggested the following language:

In no event shall amplified audio entertainment exceed the provisions of the Greenville City Code, Title 12, Chapter 5, Sec. 12-5-4 with regard to maximum permitted sound levels; Nor shall amplified audio entertainment rise to the level of "nuisance noise" made unlawful by Sec. 12-5-5, Greenville City Code.

Mr. Parker said that it would be a clarification of codes that are already in the books and he did not have a problem with it.

Chairman Randall said that he felt that it would be redundant, but if the Commission members felt that it would make it clear for someone, then adding it should not be a problem.

Mr. Schrade asked if there were any other holidays that needed to be added to the list.

Mr. Bell said that he felt that the list was sufficient.

Mr. Gordon commented that they would probably get someone in the next couple of years asking to add another holiday to the list and he asked where it would stop.

Mr. Bell made a motion to approve the proposed text amendment to advise that it is consistent with the Comprehensive Plan and other applicable plans and to adopt the staff report which addresses plan consistency and other matters, and to have it to include the proposed holidays provided in the staff report and make reference to the current noise control provisions within the city code. Ms. Basnight seconded the motion. Mr. Bell, Mr. Parker, Mr. Maxwell, Ms. Basnight, Ms. Rich, Ms. Bellis, Mr. Smith voted in favor; Mr. Gordon voted in opposition, and the motion carried.

Other

Scheduling of the Planning & Zoning Commission meeting for December 2011.

Mr. Padgett said that due to the Christmas holiday, the Planning & Zoning Commission's regularly scheduled December meeting would fall on December 20th; Staff said that there are items of business that would necessitate a December meeting so they proposed that the Commission move the meeting to December 13th.

Mr. Bell made the motion to move the meeting to December 13th, Ms. Rich seconded and it carried unanimously.

With no further business, a motion was made, seconded, and unanimously voted on to adjourn at 6:54 p.m.

Respectfully Submitted,

Merrill Flood, Secretary



City of Greenville, North Carolina

Meeting Date:
12/13/2011
Time: 6:30 PM

Title of Item: Zoning Ordinance Text Amendment Application submitted by Paradigm, Inc. requesting to modify the city's standards for Family Care Homes.

Explanation: **Background Information**

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

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

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

- Persons with mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbance or orthopedic impairments;
- Persons suffering from Alzheimer's, senile dementia or organic brain syndrome;

- Persons with human immunodeficiency virus (HIV) and / or acquired immune deficiency syndrome (AIDS), who are in ambulatory condition; and
- Recovering alcoholics or drug addicts who are not currently using illegal controlled substances.

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

State Limits on Local Land Use Controls

The State of North Carolina, through NCGS 168-122, dictates that municipalities shall view family care homes as residential land uses for zoning purposes and shall allow them as a permitted use in all residential zoning districts. The statute further dictates that a family care home cannot be made subject to the issuance of a special use permit. A municipality may, however, prohibit a family care home from being located within a 1/2 radius of an existing family care home.

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

Current Zoning Standards

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

- The city's definition of a family care home is modeled after the state definition and also includes language from other applicable state statutes.
- The city permits family care homes as a use of right in all residential zoning districts including the RA-20, R-15S, R-9S, R-6S, R-6N, R-9, R-6, R-6A, R-6MH, MR, MRS, OR and CDG districts.
- Family care homes are not subject to a special use permit in any district.
- Family care homes are subject to a 1/4 mile (1,320-foot) separation requirement from other family care homes (this is a significantly less strict requirement than is permitted by state law).

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

Current Request

Paradigm, Inc., a mental and behavioral health care provider, has submitted a Zoning Ordinance Text Amendment Application requesting that the city eliminate the existing 1/4 mile separation requirement applicable to family care homes. Specifically, they are requesting that subsection (D)(3) under Section 9-4-103 of the Zoning Ordinance be deleted.

Staff Comments

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

Objective H6: To improve and revitalize existing neighborhoods.

Objective UF6: To preserve neighborhood livability.

In staff's opinion, the city's current standards for family care homes, including the 1/4 mile separation requirement, provides reasonable opportunities / accommodations for family care homes within the city's planning and zoning jurisdiction. As of December 1, 2011, there are 33 approved family care homes within the city's planning and zoning jurisdiction (26 active and 7 approved but pending state permitting). Additionally, there are 8 active Oxford House facilities that are not subject to the local zoning requirements related to spacing. Based on an analysis of the city's current standards and the location of these existing facilities, approximately 39.63 square miles or 59% of the city's planning and zoning jurisdiction would qualify to locate a new family care home facility by right (see attached map).

Fiscal Note: No fiscal impact is anticipated.

Recommendation:

In staff's opinion, the proposed Zoning Ordinance Text Amendment is not in compliance with **Horizons: Greenville's Community Plan**.

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

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

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

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

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Attachments / click to download

- [Application](#)
 - [Existing Family Care Homes Map](#)
 - [Current Zoning Standards Family Care Homes 913173](#)
 - [Family Care Home Separation Standards Survey 912969](#)
 - [Family Care Home Inventory 913159](#)
-

Current Zoning Standards for Family Care Homes – City of Greenville

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

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

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

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

(D) *Family care home.*

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

(3) No family care home shall be permitted within a one-fourth-mile (1,320 foot) radius of an existing family care home as measured from the nearest lot line.

3. **Appendix A (C)(2)** provides the districts in which family care homes can be located as a permitted use as follows:

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

Survey of Other North Carolina Jurisdictions: Separation Requirements for Family Care Homes

Staff surveyed numerous other North Carolina municipalities and Pitt County to verify which entities have spacing requirements for Family Care Homes (i.e. a set distance that a proposed Family Care Home must be from an existing Family Care Home). The results of the survey are provided below:

Pitt County

Ayden: 2,640 ft. (½ mile)
Farmville: No separation standard.
Greenville: 1,320 ft (¼ mile)
Grifton: 2,640 ft. (½ mile)
Pitt County: 2,640 ft. (½ mile)
Winterville: 2,640 ft. (½ mile)

Eastern North Carolina

Goldsboro: 1,320 ft (¼ mile)
Jacksonville: 2,640 ft. (½ mile)
New Bern: 2,500 ft.
Rocky Mount: 750 ft.
Washington: 2,640 ft. (½ mile)
Wilmington: 2,640 ft. (½ mile)
Wilson: No separation standard.

Statewide

Apex: 2,640 ft. (½ mile)
Cary: 1,320 ft (¼ mile)
Charlotte: 800 ft.
Durham: No separation standard.
High Point: 2,640 ft. (½ mile)

Inventory of Existing Family Care Homes Located within
Greenville's Planning and Zoning Jurisdiction
December 1, 2011

NAME	ADDRESS	STATUS
My Savior Family Care #3	100 ADAMS BV	Active
Rosa Bradley Home For Adults I	2201 N MEMORIAL DR	Active
Freeman Family Care Home #4	1004 W THIRD ST	Active
Whites Family care Home	708 W THIRD ST	Active
Midland Supervised Living	3309 A MIDLAND CT	Active
Forest Hills Group Home	1913 FOREST HILL DR	Active
Pitt County Group Home #4	1203 REDBANKS RD	Active
Freeman Family Care Home #1	506 SEDGEFIELD DR	Active
King George Road Group Home	323 KING GEORGE RD	Active
Paradigm Facility for Adults	4001 A OLD PACTOLUS RD	Active
Freeman Family Care Home #2	108 KENWOOD LN	Active
MAAL-CARE	1200 E FIRE TOWER RD	Active
Our Fathers House	2605 A E THIRD ST	Active
Erin's Place	126 OAKMONT DR	Active
Paradigm, Inc.	2501 JEFFERSON DR	Active
Emmanuel Residential Facility	208 COUNTRY CLUB DR	Active
My Savior Family Care	1306 DUSK CT	Active
Keep Hope Alive	1110 SE GREENVILLE BV	Active
Bridging the Gap, LLC	3830 P6 STERLING POINTE DR	Active
Easter Seals UCP North Carolina, Inc.	108 GUINEVERE LN	Active
Keep Hope Alive	1419 SE GREENVILLE BV	Active
Wimbledon Place	1650 WIMBLEDON DR	Active
AFL	2235 B LOCKSLEY WOODS DR	Active
Better Connections, INC.	3330 A MOSELEY DR	Active
Freeman Family Care Home #5	1006 W THIRD ST	Active
Freeman Family Care Home #3	1408 CHESTNUT ST	Active
McFarlin Residential Care Services	2763 W FIFTH ST	Approved (pending State Permit)
Angels On Earth -Orion Star Inc.	2411 EVANS ST	Approved (pending State Permit)
Carol Groves	307 BURRINGTON RD	Approved (pending State Permit)
Tamika Groves	1205 B8 CROSS CREEK CI	Approved (pending State Permit)
James A Turnage	611 FORD ST	Approved (pending State Permit)
Dominion Adult Care	207 LEE ST	Approved (pending State Permit)
Great Things Foundations, Inc.	1707 W THIRD ST	Approved (pending State Permit)
Oxford House DellWood	1428 SE GREENVILLE BV	Active-Oxford House
Oxford House Eastwood	1614 SE GREENVILLE BV	Active-Oxford House
Oxford House Glenwood II	203 GLENWOOD AV	Active-Oxford House
Oxford House Greenville	2521 S MEMORIAL DR	Active-Oxford House
Oxford House Memorial	2519 S MEMORIAL DR	Active-Oxford House
Oxford House Red Banks	1401 RED BANKS RD	Active-Oxford House
Oxford House Charles St.	2208 CHARLES BV	Active-Oxford House
Oxford House Evans	1909 E EIGHTH ST	Active-Oxford House



Date Received 11-21-11

CITY OF GREENVILLE
ZONING ORDINANCE TEXT AMENDMENT APPLICATION

Applicant Name(s) Paradigm, Inc
(Jason + Jeannette Barnett)

Mailing Address PO Box 31091
Greenville, NC 27833-31091

Contact Phone Number (252) 561-8112

Contact Fax Number (252) 561-7455

Zoning Ordinance Section Proposed to be Amended: Section 9-4-103
Item D-3

Reason for Request: We are requesting an amendment
to eliminate space requirement for family
care homes.

Proposed Language of Text Amendment (attach additional pages if needed): We are
proposing removal of section D-3 of
9-4-103 zoning ordinance for
family care homes.

Jason T. Barnett

Print Name

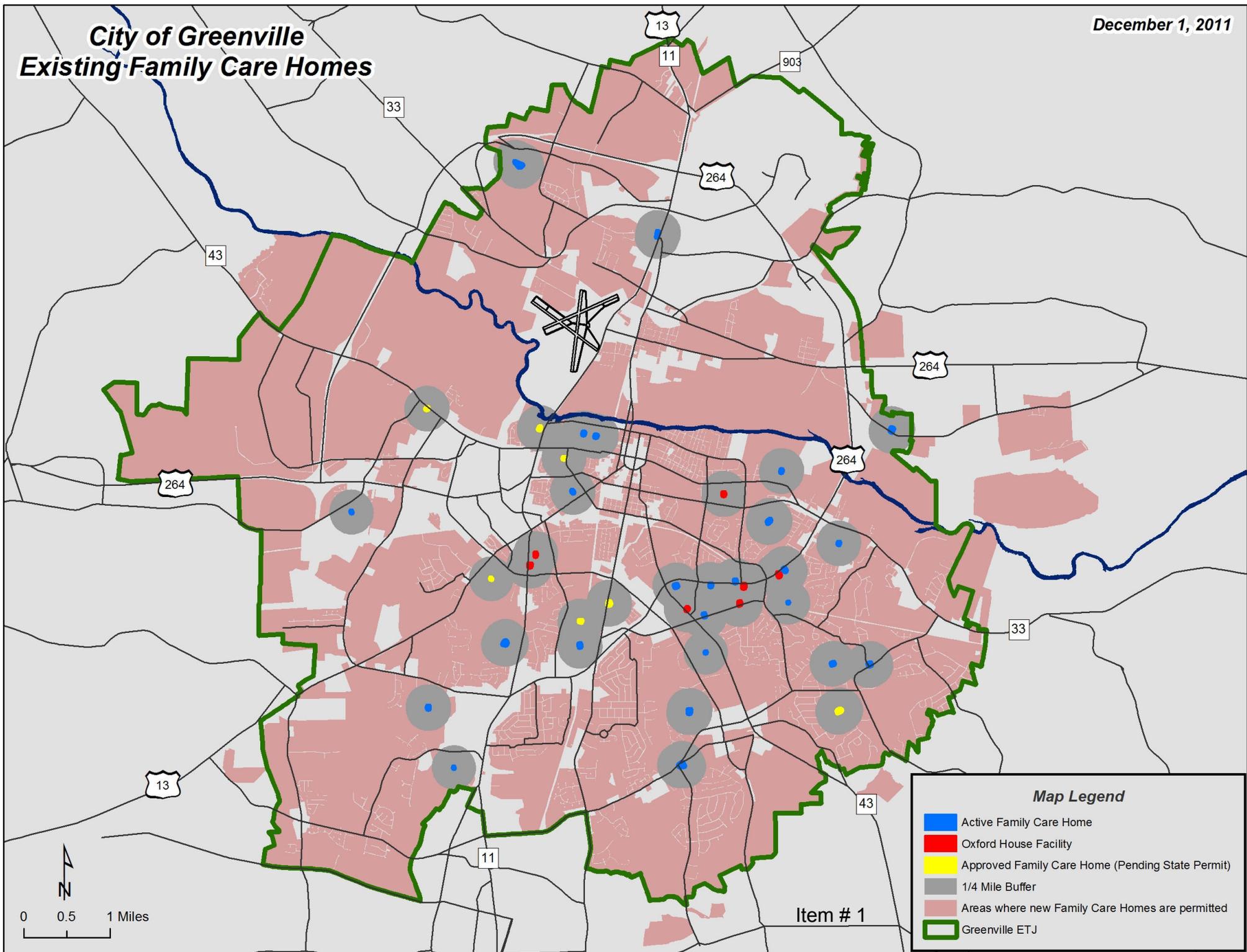
Jason T. Barnett 11-21-11

Signature of Applicant

Date

City of Greenville Existing Family Care Homes

December 1, 2011



Map Legend

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



City of Greenville, North Carolina

Meeting Date:
12/13/2011
Time: 6:30 PM

Title of Item: Zoning Ordinance Text Amendment modifying the standards for portable temporary storage units.

Explanation: **Background**
Beginning in 2005, the availability and use of portable temporary storage units, typically called “PODS”, within the city increased significantly. This was in part due to several companies that were established or expanded to carry and rent these units to individuals and businesses. Consequently, the City began getting numerous complaints about individuals renting and locating portable temporary storage units in their front yards within residential neighborhoods. At that time, the City did not have regulations in place to address these temporary structures.

On March 9, 2006, City Council adopted Ordinance 06-25. This ordinance amended the zoning ordinance to include a new definition entitled “portable temporary storage unit” and to include minimum standards concerning the location, duration, frequency, number and use of units on residential and nonresidential lots. Adoption of this ordinance followed a six-month process, which included extensive communication with several companies that were actively renting these units within the City’s planning and zoning jurisdiction.

The City now receives far fewer complaints related to portable temporary storage units than it did prior to the development and adoption of standards to address them. The few complaints received recently have involved units being used by businesses located along commercial corridors. The standards adopted in 2006 prohibit these units from being used as permanent accessory structures on residential lots; however, the units may be used as permanent accessory structures on commercial lots so long as they meet the minimum requirements applicable to an accessory building and/or structure for the district in which they are proposed (i.e. setbacks, lot coverage, height, etc...). There is no limitation on the number of accessory structures that can be located on a lot with a commercial, industrial, or office primary use.

Current Request

The topic of portable temporary storage units was discussed by the City Council at their November 14, 2011, meeting. Planning Division staff developed and presented the attached report as a means of providing information related to these land uses at City Council's request. The result of this discussion was City Council initiating a Zoning Ordinance Text Amendment that limits the number of portable temporary storage units that can be used as permanent accessory structures on non-residential lots and prohibits their use as permanent accessory structures in the CD (Downtown Commercial) and CDF (Downtown Commercial Fringe) districts.

Specifically, the draft text amendment proposes to replace Section 9-4-103 (R) (25) with the following:

Any storage units to be located and used as permanent accessory structures on a nonresidential zoned lot and/or on any lot used for commercial, office, institutional and/or industrial purposes shall meet the minimum requirements applicable to an accessory building and/or structure for the district and use as well as the following:

(a) The number of units that may be located and utilized as permanent accessory structures will be determined by the size of the lot on which the unit(s) is (are) proposed to be located as follows: (i) If the lot is one acre or less in area, then no more than one unit totaling no more than 320 square feet in total floor surface storage area may be utilized as a permanent accessory structure. (ii) If the lot is greater than one acre, but less than three acres in area, then no more than two units totaling no more than 640 square feet in combined total floor surface storage area may be utilized as permanent accessory structures. (iii) If the lot is three acres or greater in area, then no more than three units totaling no more than 960 square feet in combined total floor surface storage area may be utilized as permanent accessory structures.

(b) No storage unit shall be used as a permanent accessory structure in the CD or CDF districts.

Staff Comments

In staff's opinion, the proposed text amendment will benefit the community by providing standards to help improve the community's aesthetic quality while continuing to provide a range of storage opportunities for businesses. Specific provisions of **Horizons: Greenville's Community Plan** that will be furthered or supported by this text amendment include:

Community Character Goal: To enhance the appearance of all areas of the city.

Objective E12: To revitalize the downtown area.

Objective CC3: To restore the historic character of downtown.

Objective CC11: To ensure that new development in historic areas is

compatible in style, scale and character with existing development.

Fiscal Note: No fiscal impact anticipated.

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

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

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

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 [Report on Portable Temporary Storage Units 909940](#)

Report on Standards for Portable Temporary Storage Units

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**Report Developed by the City of Greenville
Community Development Department - Planning Division
October 20, 2011**

SECTION I – Report Purpose

The topic of portable temporary storage units has been placed on the November 14, 2011, City Council meeting agenda at the request of Council Member Joyner. This report developed by the Community Development Department, Planning Division, provides City Council with information related to these land uses. Specifically, the report provides history and background information related to the development of the city’s current standards; a summary of the city’s existing standards; and examples of portable temporary storage units currently located in nonresidential areas within the city.

SECTION II – History and Background Information

Beginning in 2005, the availability and use of portable temporary storage units, typically called “PODS”, within the city increased significantly. This was in part due to several companies that were established or expanded to carry and rent these units to individuals and businesses. Consequently, the City began getting numerous complaints about individuals renting and locating portable temporary storage units in their front yards within residential neighborhoods. At that time, the City did not have regulations in place to address these temporary structures.

On March 9, 2006, City Council adopted Ordinance 06-25. This ordinance amended the zoning ordinance to include a new definition entitled “portable temporary storage unit” and to include minimum standards concerning the location, duration, frequency, number and use of units on residential and nonresidential lots. Adoption of this ordinance followed a six-month process, which included extensive communication with several companies that were actively renting these units within the City’s planning and zoning jurisdiction.

The City now receives far fewer complaints related to portable temporary storage units than it did prior to the development and adoption of standards to address them. The few complaints received recently have involved units being used by businesses located along commercial corridors. The standards adopted in 2006 prohibit these units from being used as permanent accessory structures on residential lots; however, the units may be used as permanent accessory structures on commercial lots so long as they meet the minimum requirements applicable to an accessory building and/or structure for the district in which they are proposed (i.e. setbacks, lot coverage, height, etc...). There is no limitation on the number of accessory structures that can be located on a lot with a commercial, industrial, or office primary use.

SECTION III – Summary of Existing Standards

Section 9-4-22. Definitions.

Portable temporary storage unit. Any temporary and portable accessory use container, trailer, cart, sled or other portable structure that exceeds ten square feet in floor surface storage area, that is owned, leased or rented for the purpose of temporary storage and/or transport of personal property, items and materials and which is located on any lot, other than the unit owner's commercial storage lot or facility, for more than 336 continuous hours. This definition shall include motorized and nonmotorized units, enclosed and unenclosed units, and wheeled and non-wheeled units. Exempt from this definition are licensed motor vehicles and trailers customarily associated with the on-site principal use and approved garbage and waste containers located on nonresidential or multi-family sites.

Section 9-4-103(R): Special Standards for Certain Specific Uses

(R) *Portable temporary storage unit.*

- (1) No individual unit shall exceed 320 square feet in floor surface storage area.
- (2) No storage unit shall be utilized as a principal use structure.
- (3) Except as further provided below under subsection (R)(10), not more than two units totaling 320 square feet in combined total floor surface storage area shall be permitted concurrently on any residential zoned lot and/or on any lot used for residential purposes. Exempt from this requirement are lots containing residential quarters for resident managers, supervisors or caretakers as set forth under section 9-4-78 and Appendix A to this chapter. For purposes of this section, the on-site and/or right-of-way placement of the first unit shall begin the running of time set forth under subsection (R)(7) below. See also subsection (R)(8) below.
- (4) Except as further provided below under subsection (R)(10), not more than three units totaling 960 square feet in combined floor surface storage area shall be permitted concurrently on any non-residential zoned lot and/or on any lot used for commercial, office, institutional and/or industrial purposes. For purposes of this section, the on-site and/or right-of-way placement of the first unit shall begin the running of time set forth under subsection (R)(7) below. See also subsection (R)(9) below.
- (5) Except as further provided below under subsection (R)(10), all unit(s) subject to this subsection shall be located on an improved parking surface in accordance with

Article O. Units located on any site for 336 continuous hours or less may be located on an unimproved surface.

- (6) Except as further provided below under subsection (R)(10), no unit on-site parking area, in addition to other improved on-site vehicle parking areas, shall exceed 30% of the front yard area of a single-family dwelling lot or more than 40% of any two-family attached dwelling lot in accordance with Article O.
- (7) Except as further provided below under subsection (R)(10), the maximum duration of any temporary unit located on any lot shall not exceed 120 continuous days or more than 120 total days in any 12-month period. The placement of the first unit shall begin the running of time under this subsection.
- (8) Except as further provided below under subsection (R)(10), the maximum frequency of any temporary unit located on any residential zoned lot and/or on any lot used for residential purposes shall not exceed three separate occurrences in any 12-month period. Exempt from this requirement are lots containing residential quarters for resident managers, supervisors or caretakers as set forth under section 9-4-78 and Appendix A. Each separate period of one or more concurrently placed units shall count toward the maximum frequency.
- (9) Except as further provided below under subsection (R)(10), the maximum frequency of any temporary unit located on any non-residential zoned lot and/or on any lot used for commercial, office, institutional and/or industrial purposes shall not exceed three separate occurrences in any 12-month period. Each separate period of one or more concurrently placed units shall count toward the maximum frequency.
- (10) Placement in conjunction with an active construction permit, natural disaster damage repair permit or other building permit may exceed the maximum number, duration and frequency set forth above under subsections (R)(3), (4), (7), (8) and (9) above, and the improved parking surface material and maximum coverage requirements set forth above under subsections (R)(5) and (6), provided the unit(s) shall be removed immediately following completion of the associated permit activity; provided, however, no unit(s) located on a single-family or duplex lot, excepting placement in conjunction with a building permit for the construction of the principal dwelling(s) and/or in conjunction with a natural disaster damage repair permit for any single-family or duplex dwelling(s), shall exceed 180 continuous days. Maximum frequency under this section shall not exceed one occurrence in any 12-month period.

- (11) When located on property containing a principal residential use the unit shall only be used for temporary incidental residential accessory use purposes. No unit located on any principal use residential property shall be used for commercial, office, institutional and/or industrial purposes or storage. No unit shall be used in conjunction with any home occupation.
- (12) The unit may temporarily displace minimum required parking for the associated principal use dwelling or nonresidential use.
- (13) Any unit located on a residential lot may encroach into the minimum public and/or private street (MBL) setback; provided, however, no unit shall be located within any public street right-of-way or private street easement, except as further provided. No such unit shall be located in any minimum side and/or rear yard setback or minimum bufferyard setback applicable to an accessory structure except when located on an existing improved driveway or qualified parking area. A unit may be located within a public street right-of-way upon issuance of an encroachment agreement from the authority having jurisdiction, provided compliance with all other provisions of this section.
- (14) Any unit located on a commercial, office, institutional and/or industrial lot may encroach into the minimum public and/or private street (MBL) setback, provided however no unit shall be located within any minimum perimeter and/or street bufferyard.
- (15) No unit shall encroach within the area of minimum protection (by plant material type) set forth under section 9-4-265(G)(2) for required vegetation.
- (16) No unit shall contain or receive permanent or temporary electric service, water and/or sanitary sewer service.
- (17) No unit shall be used for human or animal occupancy.
- (18) The unit shall comply with Accessory Structure Building Code placement, tie-down and other applicable standards as determined by the Building Inspector in the particular case.
- (19) Except as further provided, no unit shall be stored in any public street right-of-way or private street easement. A licensed motor vehicle unit or wheeled trailer unit attached to a licensed motor vehicle may be stored in the street right-of-way or street easement on a temporary basis in accordance with this section and applicable zoning and traffic regulations. A unit may be located within a public street

right-of-way upon issuance of an encroachment agreement from the authority having jurisdiction, provided compliance with all other provisions of this section.

- (20) Permanent signage attached to a licensed motor vehicle unit, licensed wheeled trailer unit or other non-wheeled container unit transported to the lot on a removable chassis shall be exempt from the sign regulations; provided, however, any permanent use of any unit shall not be exempt from the sign regulations.
- (21) No unit shall be located in any street sight distance area, or in any manner that obstructs vehicle or pedestrian access or lines of sight.
- (22) No unit shall be located and/or used in any manner that creates a nuisance, public health or safety hazard. When a nuisance, public health or safety hazard condition is found to exist, the owner of the lot and/or unit shall immediately remove the unit to a location in compliance with this section following personal and/or written notice from any building Inspector, nuisance abatement officer or Zoning Enforcement Officer. Any location or use inconsistent with the provisions of this section shall be construed as both a nuisance and a violation of the zoning regulations.
- (23) No unit shall be located in any manner that obstructs any designated fire lane or that otherwise obstructs or blocks access to any fire hydrant, building or structure.
- (24) Except as provided above under subsection (R)(18) above, no additional permit shall be required for any unit regulated under this section.
- (25) Permanent location and placement of an approved unit on a nonresidential zoned lot and/or on any lot used for commercial, office, institutional and/or industrial purposes shall be in accordance with the minimum requirements applicable to an accessory building and/or structure for the district and use.
- (26) No storage unit shall be used as a permanent accessory structure or building on any residential zoned lot and/or on any lot containing a residential use; provided, however, lots containing residential quarters for resident managers, supervisors or caretakers as set forth under section 9-4-78 and Appendix A shall be exempt from this requirement.

**SECTION IV. Examples of Portable Temporary Storage Units
Currently Located in Nonresidential Districts**

Photograph 1: Wal-Mart (Greenville Boulevard)



Photograph 2: Sears (Memorial Drive)



Photograph 3: Applebee's (Greenville Boulevard)



Photograph 4: 2 Give to the Troops (Landmark Street)



Photograph 5: Village Pawn (N.W. Corner of Arlington Boulevard and Evans Street))



Photograph 6: Dickinson Tire and Service Center (Dickinson Avenue)

