



# Agenda

## Planning and Zoning Commission

December 15, 2009  
6:30 PM  
Council Chambers

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- I. INVOCATION - Godfrey Bell
- II. ROLL CALL
- III. APPROVAL OF MINUTES - November 17, 2009
- IV. NEW BUSINESS

### TEXT AMENDMENTS

1. Request by the Community Development Department, at the initiation of City Council, to amend the zoning regulations to include a 500 foot minimum separation requirement between "public or private clubs".

### PLAN AMENDMENTS

2. Ordinance amending Horizons: Greenville's Community Plan to incorporate by reference the Carolina Heights, Greenbrier, Hillsdale and Tucker Circle Subdivisions Neighborhood Report and Plan.

- V. OTHER ITEMS OF BUSINESS
  3. City Council Action - November 9, 2009
- VI. ADJOURN



# City of Greenville, North Carolina

**Meeting Date:**  
**12/15/2009**  
**Time: 6:30 PM**

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**Title of Item:** November 17, 2009

**Explanation:** Minutes from November 17, 2009 Planning and Zoning Commission

**Fiscal Note:** n/a

**Recommendation:** Review and approval

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[November 17 2009 Planning and Zoning Minutes 849265](#)

**DRAFT OF MINUTES PROPOSED FOR ADOPTION BY THE GREENVILLE  
PLANNING AND ZONING COMMISSION**

November 17, 2009

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

Mr. Bill Lehman - \*  
Mr. Bob Ramey - \*                      Mr. Dave Gordon - X  
Mr. Tony Parker - \*                    Mr. Tim Randall - \*  
Mr. Len Tozer - \*                      Mr. Godfrey Bell, Sr. - \*  
Ms. Shelley Basnight - \*            Mr. Hap Maxwell - \*  
Mr. Allen Thomas - \*                 Ms. Linda Rich - X

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

**VOTING MEMBERS:** Lehman, Ramey, Parker, Randall, Tozer, Bell, Basnight and Thomas

**PLANNING STAFF:** Chantae Gooby, Planner; Andy Thomas, Planner; Harry Hamilton, Chief Planner; Merrill Flood, Director of Community Development; and Sarah Radcliff, Secretary.

**OTHERS PRESENT:** Dave Holec, City Attorney

**MINUTES:** Motion was made by Mr. Ramey, seconded by Mr. Tozer, to accept the October 20, 2009 minutes as presented. Motion carried unanimously.

**NEW BUSINESS**

**2009-2010 Comprehensive Plan Review and Public Forum**

Mr. Merrill Flood, Director of the Community Development Department, said the Comprehensive Plan was a tool used in many communities to guide policy decisions and land use decisions and help shape the future of communities. He said the plan usually has a ten to twenty year vision and is a representation of communities' vision of the future. Greenville's Horizons Plan was first adopted in 1991 and has been updated twice since then. The most recent update began in 2002 and was adopted in 2004. Mr. Flood stated we are currently in the review process with the next anticipated major update occurring sometime in 2014. He said the public is invited to offer comments tonight after staff's presentation. He asked that the public state their name for the record and keep their comments within a five minute period. He said the commission needs to consider amending their standard policy on public participation from an opposition or favor request to one in which they may provide input on this document.

Mr. Tozer wanted to clarify that this was a review of small portions of the plan of areas that had more activity or rezoning requests and not a complete overview.

Mr. Flood said that was correct. He said it was also a review of areas that staff has identified based on changes that have occurred since the five year update.

Mr. Tom Wisemiller said this was the initial discussion of the review. He said this was not an action item. He said it was a time to establish procedures & timelines, review the main sections of the report, gather additional facts and information, solicit public input, evaluate the five-year progress of the Comprehensive Plan (CP), explore need for changes to *Horizons* plan text and Future Land Use Plan Map (Areas of Interest Map). He said additional public forums will be scheduled as necessary. He said there really is not a deadline because this is an ongoing project. We are currently at the five year point and questions to ask are: How are we doing?; What's happened in the 5 years since the CP was updated?; How can the community respond to the next 5 years of challenges? He said this was an opportunity to recommit to long-range planning vision, make changes as necessary but too soon to undergo a full update. The project outline for 2009 is to complete preliminary draft report in October/November, present preliminary draft to P&Z (Public Hearing) in November, incorporate P&Z recommendations into draft from November to January 2010, hold 1-2 public meetings for additional input in December and January, present draft to P&Z for final review and action in February 2010, complete draft report by February/March 2010, present draft report to City Council in March 2010, and complete the final report by March/April 2010. During the public forum the commission will receive comments regarding CP text and CP Review Report. He said questions/requests pertaining to rezoning, subdivision, changes to Future Land Use Plan Map should be addressed at future meetings. If there are geographical areas or text amendments that the commission would like to look at more closely they can vote on the items to be placed on the agenda during the next couple of months then advertise a public notice for each of those items. After the commission has approved the final report and any recommendations for amendment the City Council will hold a public hearing. Mr. Wisemiller said the report begins with an Introduction/How to Use Guide followed by Background on the Comprehensive Plan, Small Area and Specialized Plans, 4 Main review/analysis sections: Implementation Review, Planning for Growth & Development, Review of requests to change FLUPM and Review of rezoning activity. At the end of the report there are text amendment recommendations and new recommended planning initiatives. The report will be a full review and analysis and once completed will include an executive summary. Mr. Wisemiller said the implementation review will include an up-to-date status report on all Implementation Strategies, Management Actions, and Vision Area Policy from *Horizons* text (more than 300 items). Staff received feedback from more than 20 City departments, divisions, committees/commissions responsible for implementing the plan. He said a plan is only as good as the results that it achieves. The long-range vision requires effective, feasible implementation tools and strategies. He said there were a couple of recommended text amendments, both pertaining to Transportation 1E. The ordinance currently says "*Design the street network with multiple connections and relatively direct routes.*" Staff recommends removing relatively direct routes as this leads to "cut-through" traffic and is not recommended as part of proactive traffic calming measures and rewrite to read "relatively indirect routes." Also from Transportation 1E (continued) "*Keep speeds on local streets down to 20 mph*". Staff recommends adding "during the development process." "*Eliminate right turns on red lights in high pedestrian areas.*" Staff recommends deletion as this decreases efficiency of a signalized intersection and staff has not identified any areas where conflicts have been common. The next section of the report refers to Growth and Development Trends. He said Greenville's population

continues to grow with a 15-16% increase in the last five years. There has been quite a bit of development activity during the period between 2004-2008. Annexation activity is also covered in this section. Mr. Wisemiller showed a map of potential areas for ETJ extensions based on high growth and urban fringe. He said the City of Greenville and the Town Of Winterville have had several agreements dealing with annexation and ETJ limits and have also agreed on a proposed urban growth boundary. The next section of the report covers the process for amending the FLUPM. The FLUPM is a valuable tool for protecting physical character and environment and promoting good urban form, while accommodating growth. He said the process begins with a public hearing process at Planning & Zoning Commission then City Council. Adopting or changing FLUPM does not directly alter zoning for any property. However, future changes to the zoning map are intended to be consistent with the uses shown on FLUPM. The FLUPM is an integrated guide for decision makers when reviewing development proposals. When consistent with comprehensive plan, land use decisions more likely to be equitable, efficient, predictable; less likely to be controversial or cause unexpected financial hardships. It is not a static blueprint. He said to deviate from the plan one's argument should be as convincing as the one in the plan. It should be possible but not necessarily easy to change the plan. The FLUPM amendments should be consistent with *Horizons* plan vision and policy framework and take into consideration Focus Area and Transportation Corridors maps, transportation & other applicable plans. We should ask if the amendment is compatible or incompatible with the comprehensive plan intent and objectives taking into consideration uniformity, functionality, mobility/connectivity, efficiency and integration. Mr. Wisemiller said the city had initiated some FLUPM amendments in the Medical District. He said there have been seven private requests to amend the FLUPM since 2004, four of which were approved and 3 were denied. He said the requests were clustered toward the faster growing urban/suburban "fringe" areas along Allen Road, Thomas Langston Road, East Fire Tower Road, and East 10<sup>th</sup> Street. They were mostly located outside (or just inside of) Greenville Boulevard/264 "belt" with all sites located south of the Tar River. Mr. Wisemiller said the next section of the report deals with rezoning request. The process for these requests is also a public hearing at Planning and Zoning Commission and City Council. He said the amendments to the official zoning map are amendments to the City's Zoning Ordinance. There were a number of city initiated rezonings in the West Greenville area. Only .72% of the city's entire zoning jurisdiction is inconsistent with the FLUPM. Mr. Wisemiller said some of the suggested text amendments to the plan were criteria for reviewing rezoning requests, requests to amend the FLUPM, and the Planned Unit Development Ordinance. Some of the new planning initiatives include ETJ extension discussions with Pitt County, an annexation study policy, implementation of the US Mayors' Climate Protection Agreement, and encouragement of development of land use compatible alternative energy sources.

Mr. Ramey asked if the "no right turns on red light" was a state law.

Mr. Wisemiller said he would have to check on that. He said the request came from the Public Works department.

Mr. Ramey said the commission could make no changes contrary to state laws.

Mr. Randall said the recommendation was to delete that language.

Mr. Wisemiller said that was correct. He said if there were other layers of jurisdiction involved staff would look into it.

Mr. Wisemiller said there were some specific areas of interest. Those areas are high growth corridors and intersections. They are not parcel or individual site specific. The areas of interest map incorporates the FLUPM , the inquiries, the focus area map, the discrepancies, Thoroughfare Plan and other pertinent land use variables. He said it places potential areas of interest within larger-scale comprehensive planning context. Some of the areas include the SW 264 Bypass/Dickinson Avenue Extension area, the East 10<sup>th</sup> Street area, Greenville Boulevard at 14<sup>th</sup> Street, Memorial Drive and Evans Street.

Mr. Tozer asked if the landowners in the areas where changes are being proposed had been involved.

Mr. Wisemiller said they weren't proposing any changes at this time. He said these were just areas of interest where the board may want to look more closely.

Mr. Bell asked if the public comment period was advertised.

Mr. Wisemiller said it was advertised twice in the Daily Reflector and packages were sent out to people who had shown interest in the plan and the review process. He said the public comment period was open discussion on any portion of the current Horizons Plan or draft report, including the FLUPM and other maps. He said the Commission's adopted public comment policy does not apply and the Commission may establish a time limit for individual speakers.

Mr. Randall asked if the Commission members saw items they felt they needed to be addressed how they would handle that.

Mr. Wisemiller said they staff could accommodate them if they wanted to have a workshop or they could just email him at any time during the process.

Mr. Parker asked if any of their comment would be open to public review.

Mr. Wisemiller said it would.

Mr. Lehman opened the public hearing.

Mike Baldwin, Baldwin and Janowski, spoke on behalf of the owners of parcel numbers 10412, 30723 and 17290. He said several months ago they sent in a Land Use Plan Map Amendment to staff and a decision was made to wait on the matter in order to take care of all of it at one time. He said this was one of the areas of interest that staff had presented. The property is located across the road on Highway 33 from where the board approved the Price rezoning. He said the reason for the request to change the land use map from Multifamily/Office to Commercial is because Eastern Pines area has experienced the highest growth in the Greenville area, which dictates a need for commercial areas.

Mr. Parker asked when the last time the property was rezoned was.

Mr. Baldwin said it was rezoned two years ago from RA20 to OR.

Mr. Wisemiller said one of the possible areas for discussion for the commission is whether or not to address this during the review process or as a Land Use Plan Map Amendment request.

Mr. Baldwin said staff recommended they do it this way, rather than as individual request.

Mr. Holec stated the board should listen to all the requests before voting.

Mr. Baldwin spoke again on behalf of the owners of parcel 13788, approximately 50 acres on the south side of US 13/264 Alternate. This request is to consider this area for a change on the Land Use Plan Map to commercial. He said the property ½ mile east, across the street and to the north is already zoned commercial. The property is immediately adjacent to the city's ETJ. He said when the southwest bypass is put in there will be a high demand for commercial property.

Mr. Rick Smiley, chair of the Neighborhood Advisory Board of the City of Greenville, said the land use plan reflects the interest of the city. He encouraged the board to avoid any consideration of any specific parcel change. He said the preservation of the land use plan as a usable tool would be better served if their review was focused on the broader picture, rather than individual requests. He asked if the neighborhood liaisons could be involved in the process and notified of any further public comments.

Mr. Don Williams of River Hills said he did not see a need to update the Land Use Plan. He said the property concerned is bordered by Port Terminal Road. He felt there was adequate commercially zoned property in the area at this time.

Mr. Steven Brody stated he owned a home in the area of interest on Evans Street. He requested that area be changed from Residential to Office and Multi-Use. He said being a single family household on a multi-lane road, he has not seen it be consistent with single-families moving in the area. He felt the highest and best use for that area would be Office and Multi-Use.

Mr. Bryan Glover of Overlook Drive stated none of the properties being discussed were accessible other than by private automobile. He asked that consideration be given to bicycle pedestrian and transit access. He also spoke in favor of the urban growth boundary. He said we should be concentrating all residential and commercial growth inside the dense center of the city.

With no other speakers, Mr. Lehman closed the public hearing.

Mr. Wisemiller gave a recap of the requests.

Mr. Thomas asked to be excused from voting on the first item presented by Mr. Baldwin due to a conflict of interest.

Motion was made by Mr. Bell, seconded by Mr. Ramey to excuse Mr. Thomas from voting on the first item due to a conflict of interest. Motion carried unanimously.

Mr. Holec said if they do not feel an item there should be considered for further study they should not vote to include that item in the further study.

Motion was made by Mr. Bell, seconded by Mr. Tozer to accept all items presented for further study.

Mr. Parker asked if they were voting on each item individually or on all items.

Mr. Lehman said the motion on the table was for all items.

Mr. Randall asked if Mr. Wisemiller could finish reading the list first.

Mr. Holec said they only had three areas where map amendments were suggested.

Mr. Wisemiller said there were three areas of consideration: 10<sup>th</sup> Street, Southwest Bypass and along Evans Street. He said there was a request to have the neighborhood advisory board liaison participate in the review process and a potential Horizons text amendment dealing with urban growth boundaries.

Mr. Ramey offered an amendment to the motion that they vote on the first item and table the other items.

Mr. Bell withdrew his motion.

Mr. Lehman asked for a vote on the first issue presented by Mr. Baldwin.

Motion was made by Mr. Ramey, seconded by Mr. Bell to have further study on the area of interest located on Highway 33. All but Mr. Parker voted in favor. Motion carried.

Mr. Lehman asked for a motion on the second issue presented by Mr. Baldwin concerning the area of interest located on Dickinson Avenue and the Southwest Bypass.

Motion was made by Mr. Ramey, seconded by Mr. Randall, to carry the item forward for further study. Motion carried unanimously.

Mr. Lehman asked for a motion to include the Neighborhood Advisory Board liaisons in the review process.

Motion was made by Mr. Ramey, seconded by Mr. Tozer, to include them in the study. Motion carried unanimously.

Mr. Lehman stated the next item was from Mr. Williams wishing to keep the FLUPM as is. Mr. Lehman asked for a motion to include his request in any discussions that involve this area.

Motion was made by Mr. Randall, seconded by Mr. Maxwell, to accept Mr. Williams' request.

Mr. Holec stated since Mr. Williams was opposing Mr. Baldwin's request and the board had already decided to go forward with that study, they wouldn't be able to consider Mr. Williams' request.

Mr. Randall withdrew his motion.

Mr. Lehman stated the next item was the area of interest on Evans Street presented by Mr. Brody.

Motion was made by Mr. Bell, seconded by Mr. Thomas to include the area for further study. Motion carried unanimously.

Mr. Lehman stated the next item was to consider the inclusion of bicycle access for all areas involved.

Motion was made by Mr. Parker, seconded by Mr. Randall to include this item for discussion at the workshop. Motion carried unanimously.

Mr. Wisemiller said there was also a suggestion for review of urban growth boundaries.

Motion was made by Mr. Maxwell, seconded by Mr. Parker to study ideas for preventing urban sprawl. Motion carried unanimously.

#### Text Amendments

Ordinance to amend the Planned Unit Development (PUD) regulations by deleting Article J in its entirety and substituting a new Article J entitled Master Planned Community (MPC) including associated standards and requirements.

Mr. Andy Thomas stated at their April 9, 2009 meeting, City Council instructed staff to initiate an amendment to the Planned Unit Development (PUD) regulations to facilitate affordable housing and streamline the PUD development process. Some of the items they considered were:

- to allow reduced size higher density developments in a wider variety of locations
- allow smaller lots & reduced front and side yard setbacks in single-family subdivisions
- allow age-based dwelling density exemption
- allow limited size senior housing units
- require residential units be constructed to "visit-ability" standards
- allow mixed uses in a wider variety of areas
- require a minimum percentage of multi-family units be suitable for households with children
- require linkage fees for commercial and office development to provide for minimum wage "work force" housing
- establish a new low density by-right multi-family zone with density bonus allowance for provision of affordable units as a percentage of total
- require mandatory percentage of affordable housing units in all residential subdivisions and developments, and/or allow payment of a fee in lieu of providing such units, and create or

modify a conditional use housing option that includes density bonus options for provision of affordable housing.

Mr. Thomas said they decided on “Incentive zoning”. “Incentive zoning” is the awarding of bonus credits to a development in the form of allowing more intensive use of land if public benefits are voluntarily included in a project. Incentive zoning is the granting of additional development capacity in exchange for a public benefit or amenity such as an increase in required open space and provisions for affordable housing. Mr. Thomas said City Council is committed to affordable housing and has established and implemented the following housing strategies:

- a city-wide affordable housing production and lending program for 1<sup>st</sup> time low to moderate income home buyers (families with income below area median)
- revitalization area partnership programs for affordable rental housing production;
- home buyer assistance in the University Area
- federal and state grant programs that provide housing assistance for low income individuals and families.

Mr. Thomas said the comprehensive goals of an affordable housing program were to decrease dwelling unit overcrowding (1 person per room max), de-concentrate poverty, increase and maintain supply of work-force housing, increase housing location choices for low to moderate-income families and decrease in rental and home ownership cost burden. He said one of the objectives of City Council’s 2009 goal “Keep Planning Ahead of Anticipated Growth” was to “*Encourage use of the planned unit development zoning classification*”. They wanted to eliminate the additional zoning district designation requirement and to substitute a performance-based special use permit process in its place. Mr. Thomas said the name will no longer be called PUD, but will be known as the Master Plan Community. A MPC is a conditional use development under single ownership or unified control that is guided by a total design (master land use) plan, including a range of dwelling and non-residential use options, which allows flexibility and creativity in site design, lot layout and building configuration. Some common MPC characteristics are reduced lot area and building setback requirements, increased open space and recreation areas, mixed land use (limited project dependent office/commercial component), and site design guidelines. MPC is a viable option to accomplish desirable neighborhoods inclusive of a greater variety of housing types – an alternative to the traditional strict separation of use. Mr. Thomas said this would promote City Council’s goal of promoting diversity an all-inclusive community. The current PUD regulations were adopted in 1987 and have remained essentially unchanged. He said there have been three locations rezoned for PUD development. Two have been completed, Westpointe & Wesley Commons and one is undeveloped, which is Ironwood. Mr. Thomas said Ironwood went through the two step process. They initiated the first step and got the rezoning to PUD but have yet to file Land Use Plan amendment. The current process is to get the property rezoned to PUD, which requires consideration from P&Z and approval from City Council. After it is rezoned to PUD they apply for a Land Use Plan Amendment and hold a public hearing at the Planning and Zoning Commission and City Council where the Land Use Plan is adopted. Then the Preliminary & Final Plats and Site Plan are completed (in-house). The proposed process is the property will be rezoned only if necessary. They will then apply for a Special Use Permit consisting of a public hearing at City Council, and the Preliminary & Final Plats and Site Plan will still be completed in-house. Mr. Thomas said there are six objectives of the proposed amendment: to eliminate the PUD rezoning requirement to streamline the approval process and improve the development probability; to permit MPC as a special use in a variety of standard residential districts (e.g. R6, R6A, R9, R6S and RA20) \*Note: PUD is currently only allowed in a

PUD district – this will greatly increase the variety of locations available for MPC consideration while retaining final approval authority with City Council (previously a City Council rezoning decision); to establish a MPC base density (e.g. 4 units per gross acre) equal to the base density of the lowest density general purpose single-family zoning district (RA-20) – this will insure that the MPC residential density will not exceed Horizons Plan base density recommendations as previously established, except as may be achieved via the density bonus provisions specifically designed to accomplish certain public purposes; to provide density bonus options to allow increased density up to a set maximum number of units per gross acre (e.g. 12 units) – this will allow an increase in density in exchange for a public benefit or amenity, such as increased common public open space and/or providing dwellings which meet housing diversity goals; to encourage a wider variety of dwelling types in future neighborhoods built under the proposed MPC ordinance – this will provide a method, with City Council approval, to include detached and attached dwellings in a planned neo-traditional neighborhood setting which can accommodate a greater variety of socio-economic populations; to provide an affordable housing density bonus option – this will provide a viable addition to, and/or alternative to, public construction and/or local public subsidy of affordable housing units for low- and moderate-income households while allowing the development of a greater number of dwellings above the base density (up to 3 additional units per acre) as incentive for the private development of affordable housing - this will provide an additional tool for accomplishing affordable housing goals. Some of the proposed density bonus areas include:

- Common open space (additional)
- Bike paths/greenway systems
- Solar access site design
- Large scale development – e.g. 100+ acres
- Community facilities (e.g. fire/police station sites)
- Public school sites
- Public transit facilities
- Affordable housing

Mr. Thomas stated each bonus qualified rental affordable housing dwelling shall be constructed under and utilize the State of NC Low Income Rental Tax. There will be a Credit Program administered by North Carolina Housing Finance Agency, or similar and equivalent program. Under Unit ownership housing, each bonus qualified unit ownership affordable housing dwelling shall be constructed under and utilize a Low Income Home Ownership Production Program administered by N. C. Housing Finance Agency, or similar and equivalent program. Mr. Thomas gave the density bonus specifics starting with a base density of 4 units/acre. He said increasing the common open space area by 20% or more may allow a bonus of 50% or 2 total units per gross acre. The provision of a constructed system of bike paths/pedestrian greenways may allow a bonus of 25% or 1 total unit per gross acre. If 60% of the dwelling units have proper solar access that maximize the solar energy systems for heating and cooling purposes may allow a density bonus of 50% or 2 total units per gross acre. Where a MPC land use plan consists of 100 gross acres or more a density bonus of 75% or 3 total units per gross acre may be allowed. Voluntary dedication or fee simple gift of public facility property (minimum of 1 acre per facility lot) for unrestricted use by the city for public service delivery, including fire and rescue and police stations and the like, may allow a density bonus of 25% or 1 total unit per gross acre for each separate one (1) acre facility lot desired by and accepted by the city. Voluntary dedication or fee simple gift of a public school property site (minimum of 20 acre per property site) for unrestricted use by the Pitt County School Board may allow a density bonus of

75% or 3 total units per gross acre for each separate 20 acre facility lot desired and accepted by the county. The provision of fully functional public transit stops, including base pads, seating, foul weather enclosure and roofs, and vehicle turnouts at convenient locations for pedestrian and vehicle access may qualify for a density bonus of 25% or 1 total unit per gross acre. The provision of affordable rental and/or unit ownership housing may qualify for a density bonus of 75% or 3 total units per gross acre for both rental/ownership affordable housing. Open Space Requirements is not less than 25% gross acreage, one-third of which will be required in one piece. Not more than 25% shall be in a floodway. Open space dedication is required with initial platting. A minimum of 25% of required open space is to be active recreation. Mr. Thomas said the property is to be perpetually maintained by the Property Owner's Association. There will be a 60-foot peripheral boundary setback. He said zero lot line development is allowed. Any private recreation area must be setback 100 feet from the peripheral boundary. He said it also has required accessory storage (attached or detached) for residential uses. Mr. Thomas gave the types of findings City Council would have to make when issuing this special use permit:

- Property zoned for Master Planned Community
- Applicant is legal owner
- Property owners within 100 feet notified
- Hearing was advertised
- Meets all ordinance requirements
- There are adequate utilities to serve the project
- Acceptable transportation system
- In conformity with Horizons Comprehensive Plan
- The project or subsections can exist as an independent unit creating an environment of desirability and stability
- Will not adversely affect safety and welfare
- Will not harm adjoining property or improvements
- Will be in harmony with the surrounding area

Mr. Thomas said the City Council can then approve the application as submitted, approve the application with reasonable conditions, table the application or deny the application. After City Council Approval a Preliminary Plat will be prepared based off the approved master plan and be submitted to P&Z for approval. A Site Plan must be submitted to staff for all non single-family or duplex development and a Final Plat would be submitted to staff for approval. Mr. Thomas said the purpose of this request is to change the name to Master Plan Community and to remove the requirement for rezoning. Mr. Thomas stated staff had shared the request with the Chamber of Commerce, the Neighborhood Advisory Board, builders, engineers and surveyors and have incorporated their feedback into the ordinance.

Mr. Lehman asked what the maximum number of units per acre would be if the developer exercised all of the options.

Mr. Thomas said the maximum that would be allowed is 12 units per acre. He said there were a variety of things a developer could choose from to get the elements that best suit their development.

Mr. Bell said this would be a positive change and would allow the builders more options to choose from. He asked Mr. Thomas if he knew of any negatives to the request.

Mr. Thomas said he saw it as a positive planning tool.

Mr. Parker said this was a positive step towards walkable sustainable communities.

No one spoke in favor or opposition to the request.

Motion was made by Mr. Bell, seconded by Mr. Tozer 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. Motion carried unanimously.

There being no other business, motion was made by Mr. Ramey, seconded by Mr. Thomas to adjourn at 8:40 p.m.

Respectfully submitted,

Merrill Flood  
Secretary



# City of Greenville, North Carolina

Meeting Date:  
12/15/2009  
Time: 6:30 PM

**Title of Item:** Request by the Community Development Department, at the initiation of City Council, to amend the zoning regulations to include a 500 foot minimum separation requirement between "public or private clubs".

**Explanation:** Following a public hearing on November 9, 2009, and after consideration of various options to improve public safety within the downtown and other areas wherein entertainment establishments are permitted, the City Council determined to proceed with consideration of an amendment to the zoning regulations that will require all new public or private clubs to be separated by not less than 500 feet as measured between the closest property line.

This new requirement will apply to all public or private clubs located both within the downtown and within the outlying areas of the city's jurisdiction.

Prior to their November 9, 2009 public hearing City Council requested and received a report on possible actions to improve public or private club safety from the City Attorney which included the following option: "7) Enact a zoning ordinance which establishes a minimum separation requirement for the location of public or private clubs in order to reduce the adverse impact which is caused by the concentration of such clubs. The concentration of public or private clubs within an area has an adverse impact from a land use perspective in addition to the adverse impact that the concentration creates for law enforcement purposes. There are sixteen (16) public or private clubs located in approximately a four (4) block area of the downtown area. Establishment of a separation requirement in the zoning ordinance would disperse these uses and minimize their adverse impact. A separation requirement would apply to the location of new establishments and the expansion of existing establishments. Current establishments would be grandfathered. A separation requirement would not have an immediate impact but it would ensure that additional public or private clubs would not be located in the immediate area."

On November 20, 2009 the City Attorney's office mailed notice of City Council's

determination to proceed with consideration of ordinances that apply to all public or private clubs to the owners and managers of all clubs. The notice invited the club owners and managers to attend the scheduled meetings and voice their opinion on this and related proposals if they so desired.

Excerpt from the City Attorney's Planning and Zoning Commission meeting notice to the club owners and managers is included below.

"The Planning and Zoning Commission of the City of Greenville will hold a public hearing on the 15th day of December, 2009, at 6:30 p.m. in the Council Chambers of City Hall, 200 West Fifth Street, in order to consider a recommendation to City Council on a proposed ordinance amending the Zoning Ordinance which establishes a minimum separation requirement for the location of public or private clubs so that no new club and no addition to an existing club will be allowed unless the club meets the minimum separation requirement. Existing clubs in their current location and size are "grandfathered" and may continue operation indefinitely provided that club activity does not cease for a period of six (6) months. A change in ownership does not impact this "grandfather" protection. A copy of the proposed ordinance is enclosed. On the basis of objections, debate and discussion at the hearing, changes may be made from what has been proposed. If you have any questions, please do not hesitate to contact me at 252-329-4426."

As summarized in the above meeting notice, (i) no new club and no addition to an existing club will be allowed unless the club meets the minimum 500 foot separation requirement, and (ii) existing clubs in their current location and size are "grandfathered" and may continue operation indefinitely provided that club activity does not cease for a period of six (6) months. A change in ownership does not impact this "grandfather" protection. This proposed spacing requirement is an amendment to the zoning ordinance.

Other related ordinances, not involving amendment of the zoning regulations or review and recommendation of the Planning and Zoning Commission, which the City Council has determined to also consider include the following: (1) a prohibition on a public or private club employing a person as a bouncer who has been convicted of certain crimes and a requirement that a public or private club conduct criminal record checks of each person employed as a bouncer and (2) a prohibition on a public or private club employing a person as a bouncer who has not completed a training program for bouncers conducted by the police department within certain time frames and a requirement that a bouncer employed at a public or private club annually complete a training program for bouncers conducted by the police department.

The above options (1) and (2) are scheduled to be considered by City Council at their December 10, 2009 meeting. On November 20, 2009, the City Attorney's office provided written notice to the owners and managers of all public and private clubs concerning these proposed amendments to the city code. Although

related to the common goal of increased public safety, the City Council's consideration of the afore stated options (1) and (2) is separate from the proposed public or private club spacing requirement.

**Fiscal Note:** No cost to the City.

**Recommendation:** In staff's opinion the request 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 the statutory requirement, it is recommended that the motion be as follows:

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.

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

**Attachments / click to download**

[ORD Public or private club spacing requirement and Title 11 Chapter 12 reference 841377](#)

[Restaurant D E Club regulations 849164](#)

[Official List of All Public Private Clubs Spreadsheet 841247](#)

[Nightclub and Restaurant Survey 740703](#)

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ORDINANCE NO. 10 - \_\_\_\_  
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 January 14, 2010 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 that the adoption of the ordinance involving the text amendment 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.

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

Section 1: That Title 9, Chapter 4, Article E, Section 9-4-86(f), of the City Code, is hereby amended to include a new subsection (6) to read as follows:

“(6) No public or private club located in any district shall be located within a five-hundred (500) foot radius of an existing or approved public or private club as measured from the nearest lot line in accordance with the following. When a public or private club is located or to be located on a lot exclusive to itself, the measurement shall be from the perimeter lot line of the exclusive lot. When a public or private club is located or to be located in a separate structure exclusive to itself on a lot containing multiple uses, the measurement shall be from the perimeter lot line of the lot containing multiple uses. When a public or private club is located or to be located in a common structure with other uses such as a shopping center on a common lot, the measurement shall be from the perimeter lot line of the common lot.”

Section 2: That all ordinances and sections of ordinances in conflict with this ordinance are hereby repealed.

Section 3: That this ordinance shall become effective upon its adoption.

This 14<sup>th</sup> day of January, 2010.

\_\_\_\_\_  
Patricia C. Dunn, Mayor

ATTEST:

\_\_\_\_\_  
Wanda T. Elks, City Clerk

## Greenville, NC Zoning Ordinance excerpts – 11/17/09

**Public or private club.** An establishment of which the principal use is entertainment and which meets all of the following:

- (1) May be open to the general public;
- (2) May require a membership, cover, or minimum charge for admittance or service during regular or special periods of operation;
- (3) May provide live or recorded amplified music;
- (4) May provide a floor show;
- (5) May provide a dance area;
- (6) May offer a full service bar;
- (7) May offer food services;
- (8) May provide food attendant (waiter/waitress) table ordering and busboy services; and
- (9) Does not qualify under the definition of “restaurant, fast food” or “restaurant, conventional” or “dining and entertainment establishment”, as contained herein;
- (10) Any proposed or established “dining and entertainment establishment” that does not comply with the definition, standards or requirements applicable to “dining and entertainment establishments” as contained herein shall be classified as a “public or private club” for purposes of zoning regulation.

**Dining and entertainment establishment.** An eating and entertainment establishment open to the general public and which meets all of the following:

- (1) May require a membership, cover, or minimum charge for admittance or service during special periods of operation in accordance with this Chapter;
- (2) Has sales of prepared and/or packaged foods, in a ready to consume state, in excess of thirty (30) percent of the total gross receipts for such establishment during any month. In determining the portion of sales that can be attributed to the sale of prepared and/or packaged food in a ready to consume state, the following sales shall be included: (i) food prepared in the establishment's kitchen and served as a meal to be consumed on the premises or as a take-out order, (ii) packaged food sold to accompany the meal, and (iii) non-alcoholic beverages sold to accompany the meal. The following shall not be included in the portion of sales that can be attributed to the sales of prepared and/or packaged food in a ready to consume state: (i) mixed alcoholic beverages, including the mixer, (ii) any other alcoholic beverage, (iii) grocery items not ordered and purchased with meals, and (iv) any other product, item, entertainment, service, or gratuity which is not specified in this subsection (2) as a sale to be included in the portion of sales that can be attributed to the sales of prepared and/or packaged food in a ready to consume state. A membership, cover, or minimum charge for admittance or service shall not be included in either the total gross receipts for such establishment or in the portion of sales that can be attributed to the sale of prepared and/or packaged food in a ready to consume state. For purposes of determining compliance under this subsection (2), the zoning enforcement officer may utilize and rely upon any routine or special audit report prepared by a department, division of a department, or agency of the State of North Carolina;
- (3) Does provide sit down dining area(s);
- (4) May provide food attendant (waiter/waitress) table ordering and busboy services;
- (5) May offer food in disposable containers;
- (6) May offer carry-out and/or off-site delivery services;

- (7) Does not offer drive-in attendant services;
- (8) May exhibit one (I) but not both of the following operational functions or characteristics:
  - (a) Drive thru service.
  - (b) Over the counter service. For purposes of this section the term "over the counter service" shall include both customer ordering and the receipt of food, excepting beverages, condiments, utensils, etc., from an order/delivery station or counter remote to the on-site place of consumption;
- (9) May have one or more of the following activities or services, which is open to the establishments patrons and general public and is limited to the hours of operation of complete food services including regular menu food ordering, food preparation and on-premise food consumption, except as otherwise provided in this subsection (9): full service bar, live or recorded amplified music, floor show and dancing area. Complete food services including regular menu food ordering, food preparation and on-premise food consumption services may be suspended at the option of the owner/operator not less than one (1) hour prior to the close of business each evening. For purposes of interpretation of this section, when a dining and entertainment establishment closes for business at 12:00 AM (midnight) complete restaurant services including regular menu food ordering, food preparation and on-premise food consumption shall be provided until not less than 11:00 PM of the same day;
- (10) Shall be limited to a maximum mechanically conditioned floor area requirement and shall comply with a minimum separation and security requirement as specified under sections 9-4-86 and 9-4-103;
- (11) Does not qualify under the definition of "restaurant, fast food" or "restaurant, conventional" as contained herein; and
- (12) Any dining and entertainment establishment that does not meet the aforesaid requirements shall be classified as a "public or private club" for purposes of zoning regulation.

*Restaurant, conventional. An eating establishment open to the general public of which the principal use is food services including food ordering, food preparation and on-premise food consumption, and which meets all the following:*

- (1) Does not require a membership, cover, or minimum charge for admittance or service during regular or special periods of operation;
- (2) Has sales of prepared and/or packaged foods, in a ready to consume state, in excess of fifty (50) percent of the total gross receipts for such establishment during any month. In determining the portion of sales that can be attributed to the sale of prepared and/or packaged food in a ready to consume state, the following sales shall be included: (i) food prepared in the establishment's kitchen and served as a meal to be consumed on the premises or as a take-out order, (ii) packaged food sold to accompany the meal, and (iii) non-alcoholic beverages sold to accompany the meal. The following shall not be included in the portion of sales that can be attributed to the sales of prepared and/or packaged food in a ready to consume state: (i) mixed alcoholic beverages, including the mixer, (ii) any other alcoholic beverage, (iii) grocery items not ordered and purchased with meals, and (iv) any other product, item, entertainment, service, or gratuity which is not specified in this subsection as a sale to be included in the portion of sales that can be attributed to the sales of prepared and/or packaged food in a ready to consume state. For purposes of determining compliance under this section, the zoning enforcement officer may utilize and rely upon any routine or special audit report prepared by a department, division of a department, or agency of the State of North Carolina;
- (3) May offer food in disposable containers;

- (4) Does provide sit down dining area(s);
- (5) Does provide table cleaning and clearing (busboy) services;
- (6) Does provide attendant (waiter/waitress) food delivery services, unless over the counter service is provided in accordance with subsection 9 below;
- (7) May offer carry-out and/or off-site delivery services provided such food service is an accessory activity;
- (8) Does not offer drive-in attendant services;
- (9) May exhibit one (1) but not both of the following operational functions or characteristics:
  - (a) Drive thru service.
  - (b) Over the counter service. For purposes of this section the term “over the counter service” shall include both customer ordering and the receipt of food, excepting beverages, condiments, utensils, etc., from a order/delivery station or counter remote to the on-site place of consumption; and
- (10) May have as an ancillary or accessory use a full service bar, live or recorded amplified music, floor show and dancing area which is open to the restaurant patrons and general public and is limited to the hours of operation of the principal use restaurant.

*Restaurant, fast food.* An eating establishment open to the general public of which the principal use is food services including food ordering, food preparation and on-premise food consumption, and which meets all of the following:

- (1) Does not require a membership, cover, or minimum charge for admittance or service during regular or special periods of operation;
- (2) Has sales of prepared and/or packaged foods, in a ready to consume state, in excess of fifty (50) percent of the total gross receipts for such establishment during any month. In determining the portion of sales that can be attributed to the sale of prepared and/or packaged food in a ready to consume state, the following sales shall be included: (i) food prepared in the establishment’s kitchen and served as a meal to be consumed on the premises or as a take-out order, (ii) packaged food sold to accompany the meal, and (iii) non-alcoholic beverages sold to accompany the meal. The following shall not be included in the portion of sales that can be attributed to the sales of prepared and/or packaged food in a ready to consume state: (i) mixed alcoholic beverages, including the mixer, (ii) any other alcoholic beverage, (iii) grocery items not ordered and purchased with meals, and (iv) any other product, item, entertainment, service, or gratuity which is not specified in this subsection as a sale to be included in the portion of sales that can be attributed to the sales of prepared and/or packaged food in a ready to consume state. For purposes of determining compliance under this subsection, the zoning enforcement officer may utilize and rely upon any routine or special audit report prepared by a department, division of a department, or agency of the State of North Carolina;
- (3) Does not qualify as a conventional restaurant by definition; and
- (4) May have as an ancillary or accessory use a full service bar, live or recorded amplified music, floor show, and dancing area which is open to the restaurant patrons and general public and is limited to the hours of operation of the principal use restaurant.
- (5) The following is not considered a “restaurant, fast food” under this definition.
  - (a) Ancillary or accessory food service for a permitted principal use where such food service is open to the general public such as an employee and/or patron cafeteria or eating area;
  - (b) Temporary food service as part of permitted temporary uses such as carnivals, fairs, street fairs, circuses, athletic events, community events, concerts, nonprofit fund raising events, emergency shelters, and the like; or
  - (c) Any establishment where the preparation of food is merely incidental to the sale of food such as a grocery store or food market and the like.







development or his authorized representative as a result of this annual review shall be compiled in a written staff report.

- (c) At a meeting of the board of adjustment, the director of community development or his authorized representative shall present to the board of adjustment the staff report of a public or private club for which the annual review includes a finding of one or more instances of non-compliance with applicable laws, codes, and ordinances including, but not limited to, noise regulations, litter control regulations, fire codes, building codes, nuisance and public safety regulations, and special use permit conditions of approval. The special use permit holder as specified under subsection (4) below shall be provided notice of the meeting and a copy of the staff report.
- (d) Based on the staff report, the board of adjustment, by a majority vote, may either determine that a rehearing is not required for the special use permit or order a rehearing on the special use permit. An order for a rehearing shall be based upon a determination by the board of adjustment that either (i) the use of the property is inconsistent with the approved application, (ii) the use is not in full compliance with all specific requirements set out in Title 9, Chapter 4 of the Greenville City Code, (iii) the use is not compliant with the specific criteria established for the issuance of a special use permit including conditions and specifications, health and safety, detriment to public welfare, existing uses detrimental, injury to properties or improvements, and nuisance or hazard, or (iv) the use is not compliant with any additional conditions of approval established by the board and set out in the order granting the permit. The rehearing shall be in the nature of, and in accordance with the requirements for a hearing upon a special use permit application. After the rehearing and in accordance with the provisions of section 9-4-81, the board of adjustment may grant a special use permit with conditions imposed pursuant to this subsection (f) and section 9-4-82 or deny the special use permit. The grant or denial of the special use permit by the board of adjustment after the rehearing shall constitute a revocation of the previously granted special use permit for a public or private club.
- (e) The requirements and standards set forth in this subsection (f)(1) are in addition to other available remedies and nothing herein shall prohibit the enforcement of applicable codes, ordinances and regulations as provided by law.
- (2) The owner(s) and operator(s) of a public or private club shall collect and properly dispose of all litter and debris generated by their establishment or patrons immediately following the closure of business or not later than 7:00 AM each morning following any period of operation. All litter or debris shall be collected from within the boundaries of the establishment, associated parking areas, adjacent sidewalks and public right-of-ways or other adjacent public property open to the public. In addition, the owner(s) and operator(s) of a public or private club shall comply with the provisions of Title 11, Chapter 9 of the City Code whether or not the establishment is a nightclub, bar or tavern.
- (3) In addition to subsection (2) above, the board of adjustment may establish specific and reasonable litter and trash mitigation standards or requirements.
- (4) The special use permit shall be issued to the property owner as listed on the tax records of the county. When the ownership of any property, which has a special use permit for a

public or private club, is transferred to a new owner by sale or other means, the new owner shall sign and file with the office of the director of community development an acknowledgement of the rights, conditions and responsibilities of the special use permit prior to operation of the use under the permit. The acknowledgement shall be made on forms provided by the planning office.

- (5) Any public or private club that has been issued a special use permit by the board of adjustment, that is subject to mandatory annual renewal, shall continue under the terms and conditions of the issued special use permit, until the expiration of said permit. All subsequent special use permit approvals for said location shall be subject to the specific criteria set forth under this subsection (f). (Ord. No. 06-75, §1, 8-10-06)

**(f)1. Dining and entertainment establishments.**

- (1) (a) A special use permit for a dining and entertainment establishment is subject to revocation in accordance with the provisions of this subsection (f)(l). Nothing herein shall prohibit or restrict the authority of the board of adjustment to rescind or revoke a special use permit for a dining and entertainment establishment in accordance with the provisions of section 9-4-83.

(b) An annual review shall be conducted by the director of community development or his authorized representative of a dining and entertainment establishment which has received a special use permit for the purpose of determining and ensuring compliance with applicable laws, codes, and ordinances including, but not limited to, noise regulations, litter control regulations, fire codes, building codes, nuisance and public safety regulations, and special use permit conditions of approval. The findings of the director of community development or his authorized representative as a result of this annual review shall be compiled in a written staff report.

(c) At a meeting of the board of adjustment, the director of community development or his authorized representative shall present to the board of adjustment the staff report of a dining and entertainment establishment for which the annual review includes a finding of one or more instances of non-compliance with applicable laws, codes, and ordinances including, but not limited to, noise regulations, litter control regulations, fire codes, building codes, nuisance and public safety regulations, and special use permit conditions of approval. The special use permit holder as specified under subsection (4) below shall be provided notice of the meeting and a copy of the staff report.

(d) Based on the staff report, the board of adjustment, by a majority vote, may either determine that a rehearing is not required for the special use permit or order a rehearing on the special use permit. An order for a rehearing shall be based upon a determination by the board of adjustment that either (i) the use of the property is inconsistent with the approved application, (ii) the use is not in full compliance with all specific requirements set out in Title 9, Chapter 4 of the Greenville City Code, (iii) the use is not compliant with the specific criteria established for the issuance of a special use permit including conditions and specifications, health and safety, detriment to public welfare, existing uses detrimental, injury to properties or improvements, and nuisance or hazard, or (iv) the use is not compliant with any additional conditions of approval established by the board and set out in

the order granting the permit. The rehearing shall be in the nature of, and in accordance with the requirements for a hearing upon a special use permit application. After the rehearing and in accordance with the provisions of section 9-4-81, the board of adjustment may grant a special use permit with conditions imposed pursuant to this subsection (f)1 and section 9-4-82 or deny the special use permit. The grant or denial of the special use permit by the board of adjustment after the rehearing shall constitute a revocation of the previously granted special use permit for a dining and entertainment establishment.

(e) The requirements and standards set forth in this subsection (f)(1) are in addition to other available remedies and nothing herein shall prohibit the enforcement of applicable codes, ordinances and regulations as provided by law.

- (2) The owner(s) and operator(s) of a dining and entertainment establishment shall collect and properly dispose of all litter and debris generated by their establishment or patrons immediately following the closure of business or not later than 7:00 AM each morning following any period of operation. All litter or debris shall be collected from within the boundaries of the establishment, associated parking areas, adjacent sidewalks and public right-of-ways or other adjacent public property open to the public. In addition, the owner(s) and operator(s) of a dining and entertainment establishment shall comply with the provisions of Title 11, Chapter 9, of the City Code entitled Litter Control in Parking Lots.
- (3) In addition to subsection (2) above, the board of adjustment may establish specific and reasonable litter and trash mitigation standards or requirements.
- (4) The special use permit shall be issued to the property owner as listed on the tax records of the county. When the ownership of any property, which has a special use permit for a dining and entertainment establishment, is transferred to a new owner by sale or other means, the new owner shall sign and file with the office of the director of community development an acknowledgement of the rights, conditions and responsibilities of the special use permit prior to operation of the use under the permit. The acknowledgement shall be made on forms provided by the planning office.
- (5) May require a membership, cover, or minimum charge for admittance or service during regular or special periods of operation.
- (6) Weekdays. Except as further provided under subsection (8) below, dining and entertainment establishments shall not have amplified audio entertainment after 11:00 PM each Monday, Tuesday, Wednesday, and Thursday night and before 11:00 AM of the next day. For purposes of this section "amplified audio entertainment" shall mean any type of music or other entertainment delivered through and by an electronic system, provided however televisions operating with no amplification other than their internal speakers or televisions connected to a master sound system operating at low amplification and indoor background music system operating at a low amplification and not intended as a principal form of entertainment shall not be deemed amplified audio entertainment.
- (7) Weekends. Except as further provided under subsection (8) below, dining and entertainment establishments shall not have amplified audio entertainment after 2:00 AM each Friday and Saturday night and before 11:00 AM of the next day, and shall not have amplified audio

entertainment after 11:00 PM each Sunday night and before 11:00 AM of the next day. For purposes of this section “amplified audio entertainment” shall mean any type of music or other entertainment delivered through and by an electronic system, provided however televisions operating with no amplification other than their internal speakers or televisions connected to a master sound system operating at low amplification and indoor background music system operating at a low amplification and not intended as a principal form of entertainment shall not be deemed amplified audio entertainment.

- (8) Special period of operation. The allowable period of amplified audio entertainment may be extended, at the option of the owner/operator, from the times specified under subsections (6) and (7) above to not later than 2:00 AM and before 11:00 AM of the next day on the following day: December 31st (New Years Eve).
- (9) Shall have sales of prepared and/or packaged foods, in a ready to consume state, in excess of thirty (30) percent of the total gross receipts for such establishment during any month. In determining the portion of sales that can be attributed to the sale of prepared and/or packaged food in a ready to consume state, the following sales shall be included: (i) food prepared in the establishment’s kitchen and served as a meal to be consumed on the premises or as a take-out order, (ii) packaged food sold to accompany the meal, and (iii) non-alcoholic beverages sold to accompany the meal. The following shall not be included in the portion of sales that can be attributed to the sales of prepared and/or packaged food in a ready to consume state: (i) mixed alcoholic beverages, including the mixer, (ii) any other alcoholic beverage, (iii) grocery items not ordered and purchased with meals, and (iv) any other product, item, entertainment, service, or gratuity which is not specified in this subsection as a sale to be included in the portion of sales that can be attributed to the sales of prepared and/or packaged food in a ready to consume state. A membership, cover, or minimum charge for admittance or service shall not be included in either the total gross receipts for such establishment or in the portion of sales that can be attributed to the sale of prepared and/or packaged food in a ready to consume state. For purposes of determining compliance under this subsection, the zoning enforcement officer may utilize and rely upon any routine or special audit report prepared by a department, division of a department, or agency of the State of North Carolina.
- (10) Records related to the sale of prepared and/or packaged food in a ready to consume state and the sale of all other products and services shall be maintained on premises for not less than one (1) year and shall be open for inspection or audit at all reasonable hours during any period of establishment operation by the zoning enforcement officer. The zoning enforcement officer may view the records on the premises of the establishment or may request copies of such written records be delivered to the city. Records of sales of prepared and/or packaged food in a ready to consume state and the sale of all other products and services shall be filed separate and apart from all other records maintained on the premises. The requirements of this subsection shall be for the purpose of determining compliance with subsection (9) above. Failure to provide all records required by this subsection in a timely manner, to be determined by the city, upon written request of the zoning enforcement officer shall constitute a violation of the zoning regulations.
- (11) A lighting plan shall be submitted to the director of community development, or authorized agent for review and approval and lighting fixtures shall be installed and maintained pursuant to such approved plan which illuminates all exterior portions of the building, lot area and parking

lot as determined appropriate by the director of community development, or authorized agent. Lighting shall be located and shielded to prevent the light cone of all exterior fixtures from encroaching beyond the property boundary line and into any adjacent public right-of-way, property or dwelling. Required or additional optional lighting shall comply with this subsection and section 9-4-104.

- (12) A parking plan which conforms to the provisions of Article O, Parking, shall be submitted to the director of community development, or authorized agent for site plan review and approval in accordance with the provisions of the Land Development Administrative Manual. The exemption provisions of section 9-4-243(2) shall not apply to a dining and entertainment establishment and each establishment shall provide all required parking spaces specified under section 9-4-252 on-site or in an approved remote parking facility in accordance with section 9-4-250.
- (13) No dining and entertainment establishment located in a CN (neighborhood commercial) district shall contain more than 7,000 total square feet of mechanically conditioned floor area, including but not limited to any activity area, kitchen, restroom, interior walk-in storage room, hallway, foyer, bar and serving station, seating area, dance floor, and sound stage.
- (14) No dining and entertainment establishment located in a CN (neighborhood commercial) district shall be located within a two-hundred (200) foot radius of an existing or approved dining and entertainment establishment located within any CN (neighborhood commercial) district as measured from the nearest lot line.
- (15) When a dining and entertainment establishment (i) is located within five-hundred (500) foot radius, including street right-of-ways, of a residential zoning district as measured from the building or structure containing a dining and entertainment establishment to the nearest residential zoning district boundary, and (ii) such establishment provides or utilizes amplified audio entertainment as defined herein after 11:00 PM on any day, such establishment shall be subject to a security requirement during and after such period of amplified audio entertainment as follows:
  - a. Establishments that have an approved occupancy above 50 but less than 200 total persons as determined by the building inspector shall employ not less than one (1) uniformed off-duty law enforcement officer, or not less than one (1) uniformed security guard provided by a security guard and control profession licensed in accordance with the provisions of Chapter 74C of the North Carolina General Statutes, to patrol the parking lot, and to disperse the crowd, and to direct traffic during the period 11:00 PM to the close of business and later to such time that all patrons and other persons, other than employees, have vacated the premises and associated parking area. The required security personnel shall remain on duty and visible outside the establishment, and shall be accessible to law enforcement officers at all time. This section shall apply regardless of the number of patrons actually within the establishment at the time of amplified audio entertainment.
  - b. Establishments that have an approved occupancy of 200 or more total persons as determined by the building inspector shall employ not less than two (2) uniformed off-duty law enforcement officers, or not less than two (2) uniformed security guards provided by a security guard and control profession licensed in accordance with the provisions of Chapter

74C of the North Carolina General Statutes, to patrol the parking lot, and to disperse the crowd, and to direct traffic during the period 11:00 PM to the close of business and later to such time that all patrons and other persons, other than employees, have vacated the premises and associated parking area. The required security personnel shall remain on duty and visible outside the establishment, and shall be accessible to law enforcement officers at all time. This section shall apply regardless of the number of patrons actually within the establishment at the time of amplified audio entertainment.

c. For purposes of this section the term “residential zoning district” shall include the following districts: RA20, R6MH, R6, R6A, R6A-RU, R6N, R6S, R9, R9S, R15S, PUD, MR, and MRS. (Ord. No. 09-27, § 7, 4-9-08)

(q) *Restaurant; conventional or fast food.*

- (1) Except as further provided, whenever a proposed restaurant is to be located adjacent to a permitted residential use, or a residential zoning district, the following minimum standards shall be required:
  - (a) The restaurant principal structure shall maintain a public street (front yard) setback not less than the adjoining residential zoning district;
  - (b) The restaurant principal structure shall maintain a side and rear yard setback not less than twenty-five (25) feet from any property line which abuts a residential zoning district or a permitted residential use;
  - (c) The maximum height of the restaurant principal and/or accessory structure(s) shall not exceed thirty-five (35) feet; and
  - (d) Any exterior menu reader board or order station which contains an audio speaker(s) shall be setback not less than fifty (50) feet from any side or rear property line which abuts a permitted residential use or residential zoning district, and such speaker shall be oriented and directed away from any adjacent permitted residential use or residential zoning district in a manner approved by the director of community development or the director’s authorized representative and such requirements shall be indicated upon an approved site plan. Separation of such speaker from an adjacent permitted residential use or residential zoning district by an intervening nonresidential building or structure of sufficient dimension to negate or block the transmission of sound may, upon approval of the director of community development or representative, substitute for the speaker setback, orientation and direction standards of this section. No exterior menu reader board or order station shall be utilized or operated in a manner which constitutes a nuisance or hazard to the general public.
- (2) No new restaurant within any MS zoning district shall be located within five hundred (500) feet of any existing or vested restaurant in any zoning district or within one thousand (1000) feet of any existing or vested restaurant in any MS district, as measured between the nearest enclosed structural part of such establishments.
- (3) Within any MO zoning district no fast food restaurant shall be located in a freestanding detached structure exclusive to such use. All fast food restaurants in any MO zoning district shall be located within and be part of an attached multi-unit structure which contains not less than three (3) individual units occupied by, or are available for sale or lease, to separate establishments. (Ord. No. 06-75, §1, 8-10-06)

**Sec. 9-4-103. Special standards for certain specific uses. (Permitted Uses – i.e. P)**

*(o) Restaurant; fast food and/or restaurant; conventional utilizing drive-thru services*

1. Except as further provided, whenever a proposed restaurant is to be located adjacent to a permitted residential use, or a residential zoning district, the following minimum standards shall be required:

- a. The restaurant principal structure shall maintain a public street (front yard) setback not less than the adjoining residential zoning district;
- b. The restaurant principal structure shall maintain a side and rear yard setback not less than twenty-five (25) feet from any property line which abuts a residential zoning district or a permitted residential use;
- c. The maximum height of the restaurant principal and/or accessory structure(s) shall not exceed thirty-five (35) feet; and
- d. Any exterior menu reader board or order station which contains an audio speaker(s) shall be setback not less than fifty (50) feet from any side or rear property line which abuts a permitted residential use or residential zoning district, and such speaker shall be oriented and directed away from any adjacent permitted residential use or residential zoning district in a manner approved by the Director of Community Development or his designee and such requirement shall be indicated upon an approved site plan. Separation of such speaker from an adjacent permitted residential use or residential zoning district by an intervening nonresidential building or structure of sufficient dimension to negate or block the transmission of sound may, upon approval of the Director of Community Development or his designee, substitute for the speaker setback, orientation or direction standards of this section. No exterior menu reader board or order station shall be utilized or operated in a manner which constitutes a nuisance or hazard to the general public. (Ord. No. 06-75, §1, 8-10-06)

*(o.1) Restaurant; conditional and/or restaurant; fast food records retention requirement.*

1. Records related to the sale of prepared and/or packaged food in a ready to consume state and the sale of all other products and services shall be maintained on premises for not less than one (1) year and shall be open for inspection or audit at all reasonable hours during any period of establishment operation by the zoning enforcement officer. The zoning enforcement officer may view the records on the premises of the establishment or may request copies of such written records be delivered to the city. Records of sales of prepared and/or packaged food in a ready to consume state and the sale of all other products and services shall be filed separate and apart from all other records maintained on the premises. The requirements of this section shall be for the purpose of determining the portion of sales attributed to the sale of prepared and/or packaged food in a ready to consume state. Failure to provide all records required by this section in a timely manner, to be determined by the city, upon written request of the zoning enforcement officer shall constitute a violation of the zoning regulations.

(t) Dining and entertainment establishment not subject to Article E Standards and Criteria for Special Uses shall comply with all of the following:

(1) When a dining and entertainment establishment (i) is located within five-hundred (500) foot radius, including street right-of-ways, of a residential zoning district as measured from the building or structure containing a dining and entertainment establishment to the nearest residential zoning district boundary, and (ii) such establishment provides or utilizes amplified audio entertainment as defined herein after 11:00 PM on any day, such establishment shall be subject to a security requirement during and after such period of amplified audio entertainment as follows:

a. Establishments that have an approved occupancy above 50 but less than 200 total persons as determined by the building inspector shall employ not less than one (1) uniformed off-duty law enforcement officer, or not less than one (1) uniformed security guard provided by a security guard and control profession licensed in accordance with the provisions of Chapter 74C of the North Carolina General Statutes, to patrol the parking lot, and to disperse the crowd, and to direct traffic during the period 11:00 PM to the close of business and later to such time that all patrons and other persons, other than employees, have vacated the premises and associated parking area. The required security personnel shall remain on duty and visible outside the establishment, and shall be accessible to law enforcement officers at all time. This section shall apply regardless of the number of patrons actually within the establishment at the time of amplified audio entertainment.

b. Establishments that have an approved occupancy of 200 or more total persons as determined by the building inspector shall employ not less than two (2) uniformed off-duty law enforcement officers, or not less than two (2) uniformed security guards provided by a security guard and control profession licensed in accordance with the provisions of Chapter 74C of the North Carolina General Statutes, to patrol the parking lot, and to disperse the crowd, and to direct traffic during the period 11:00 PM to the close of business and later to such time that all patrons and other persons, other than employees, have vacated the premises and associated parking area. The required security personnel shall remain on duty and visible outside the establishment, and shall be accessible to law enforcement officers at all time. This section shall apply regardless of the number of patrons actually within the establishment at the time of amplified audio entertainment.

c. For purposes of this section the term “residential zoning district” shall include the following districts: RA20, R6MH, R6, R6A, R6A-RU, R6N, R6S, R9, R9S, R15S, PUD, MR, and MRS.

(2) The owner(s) and operator(s) of a dining and entertainment establishment shall collect and properly dispose of all litter and debris generated by their establishment or patrons immediately following the closure of business or not later than 7:00 AM each morning following any period of operation. All litter or debris shall be collected from within the boundaries of the establishment, associated parking areas, adjacent sidewalks and public right-of-ways or other adjacent public property open to the public. In addition, the owner(s) and operator(s) of a dining and entertainment establishment shall comply with the provisions of Title 11, Chapter 9, of the City Code entitled Litter Control in Parking Lots.

(3) May require a membership, cover, or minimum charge for admittance or service during regular or special periods of operation.

(4) Weekdays. Except as further provided under subsection (6) below, dining and entertainment establishments shall not have amplified audio entertainment after 11:00 PM each Monday, Tuesday, Wednesday, and Thursday night and before 11:00 AM of the next day. For purposes of this section “amplified audio entertainment” shall mean any type of music or other entertainment delivered through and by an electronic system, provided however televisions operating with no amplification other than their internal speakers or televisions connected to a master sound system operating at low amplification and indoor background music system operating at a low amplification and not intended as a principal form of entertainment shall not be deemed amplified audio entertainment.

(5) Weekends. Except as further provided under subsection (6) below, dining and entertainment establishments shall not have amplified audio entertainment after 2:00 AM each Friday and Saturday night and before 11:00 AM of the next day, and shall not have amplified audio entertainment after 11:00 PM each Sunday night and before 11:00 AM of the next day. For purposes of this section “amplified audio entertainment” shall mean any type of music or other entertainment delivered through and by an electronic system, provided however televisions operating with no amplification other than their internal speakers or televisions connected to a master sound system operating at low amplification and indoor background music system operating at a low amplification and not intended as a principal form of entertainment shall not be deemed amplified audio entertainment.

(6) Special period of operation. The allowable period of amplified audio entertainment may be extended, at the option of the owner/operator, from the times specified under subsections (4) and (5) above to not later than 2:00 AM and before 11:00 AM of the next day on the following day: December 31st (New Years Eve).

(7) Shall have sales of prepared and/or packaged foods, in a ready to consume state, in excess of thirty (30) percent of the total gross receipts for such establishment during any month. In determining the portion of sales that can be attributed to the sale of prepared and/or packaged food in a ready to consume state, the following sales shall be included: (i) food prepared in the establishment’s kitchen and served as a meal to be consumed on the premises or as a take-out order, (ii) packaged food sold to accompany the meal, and (iii) non-alcoholic beverages sold to accompany the meal. The following shall not be included in the portion of sales that can be attributed to the sales of prepared and/or packaged food in a ready to consume state: (i) mixed alcoholic beverages, including the mixer, (ii) any other alcoholic beverage, (iii) grocery items not ordered and purchased with meals, and (iv) any other product, item, entertainment, service, or gratuity which is not specified in this subsection as a sale to be included in the portion of sales that can be attributed to the sales of prepared and/or packaged food in a ready to consume state. A membership, cover, or minimum charge for admittance or service shall not be included in either the total gross receipts for such establishment or in the portion of sales that can be attributed to the sale of prepared and/or packaged food in a ready to consume state. For purposes of determining compliance under this subsection, the zoning enforcement officer may utilize and rely upon any routine or special audit report prepared by a department, division of a department, or agency of the State of North Carolina.

(8) Records related to the sale of prepared and/or packaged food in a ready to consume state and the sale of all other products and services shall be maintained on premises for not less than one (1) year and shall be open for inspection or audit at all reasonable hours during any period of establishment operation by the zoning enforcement officer. The zoning enforcement officer may view the records on the premises of the establishment or may request copies of such written records be delivered to the city. Records of sales of prepared and/or packaged food in a ready to consume state and the sale of all other products and services shall be filed separate and apart from all other records maintained on the premises. The requirements of this subsection shall be for the purpose of determining compliance with subsection (7) above. Failure to provide all records required by this subsection in a timely manner, to be determined by the city, upon written request of the zoning enforcement officer shall constitute a violation of the zoning regulations.

(9) A lighting plan shall be submitted to the director of community development, or authorized agent for review and approval and lighting fixtures shall be installed and maintained pursuant to such approved plan which illuminates all exterior portions of the building, lot area and parking lot as determined appropriate by the director of community development, or authorized agent. Lighting shall be located and shielded to prevent the light cone of all exterior fixtures from encroaching beyond the property boundary line and into any adjacent public right-of-way, property or dwelling. Required or additional optional lighting shall comply with this subsection and section 9-4-104.

(10) A parking plan which conforms to the provisions of Article O, Parking, shall be submitted to the director of community development, or authorized agent for site plan review and approval in accordance with the provisions of the Land Development Administrative Manual. The exemption provisions of section 9-4-243(2) shall not apply to a dining and entertainment establishment and each establishment shall provide all required parking spaces specified under section 9-4-252 on-site or in an approved remote parking facility in accordance with section 9-4-250.

# Survey of Nightclub & Restaurant Zoning Requirements City of Greenville, Planning Division January 31, 2008

The term “nightclub” as used in this survey includes public or private club, bar, pub, etc.

Survey conducted by Mike Dail, Zoning Administrator

## Cary, NC

**Percentage of food sales required to be considered a restaurant:** 51% (taken from definition of nightclub/bar)

**Can a restaurant charge an admittance or cover charge:** Although not specified in the zoning regulations a restaurant may occasionally charge a cover provided however if a restaurant operates as a nightclub, based on activity or frequency, the establishment would be considered a nightclub regardless of the food sales percentage

**Are nightclubs a permitted uses or special uses:** Nightclubs are a permitted use in some commercial zoning districts and special uses in other commercial districts

**Are there any additional specific requirements for nightclubs:** If a nightclub has outdoor activities it must be located at least a 100 feet from any residential zoning district

## Chapel Hill, NC

**Percentage of food sales required to be considered a restaurant:** The zoning ordinance does not specify a minimum food sales percentage

**Can a restaurant charge an admittance or cover charge:** Restaurants can charge a cover

**Are nightclubs a permitted uses or special uses:** No specific requirement for nightclubs – all nonresidential land uses are subject to either Planning Commission (site plan) approval or City Council special use permit approval, the approval method being dependent on the building size and/or amount of land disturbance and the land use intensity rating of the existing and proposed use; nonresidential developments that contain more than 20,000 sq. ft. of building floor area or involve more than 40,000 sq. ft. of land disturbance, and which involve a change in land use intensity require City Council special use permit approval

**Are there any additional specific requirements for nightclubs:** No additional requirements

## Fayetteville, NC

**Percentage of food sales required to be considered a restaurant:** The zoning ordinance does not specify a minimum food sales percentage

**Can a restaurant charge an admittance or cover charge:** Restaurants can charge a cover

**Are nightclubs a permitted use or special use:** Permitted use

**Are there any additional specific requirements for nightclubs:** Clubs and other places of entertainment operated as commercial enterprises except clubs and places of entertainment defined under section 30-125 (Adult Establishments) shall be located 500 feet or more from daycares, schools or places of worship as measured from the exterior walls of such uses.

## Garner, NC

**Percentage of food sales required to be considered a restaurant:** 51% (specified in the zoning regulations)

**Can a restaurant charge an admittance or cover charge:** Although not specified in the zoning regulations a restaurant may occasionally charge a cover provided however if a restaurant operates as a nightclub, based on activity or frequency, the establishment would be considered a nightclub regardless of the food sales percentage

**Are nightclubs a permitted use or special use:** Nightclubs are a permitted use in some industrial zoning districts and special use in some commercial districts

**Are there any additional specific requirements for nightclubs:** Nightclubs located in industrial districts (permitted use category) cannot be located within 500 feet of a residential use or residential zoning district

## Jacksonville, NC

**Percentage of food sales required to be considered a restaurant:** 30% (specified in the zoning regulations)

**Can a restaurant charge an admittance or cover charge:** Restaurants cannot charge a cover

**Are nightclubs a permitted use or special use:** Special use

**Are there any specific requirements for nightclubs:** No additional requirements

## **Kinston, NC**

**Percentage of food sales required to be considered a restaurant:** The zoning ordinance does not specify a minimum food sales percentage

**Can a restaurant charge an admittance or cover charge:** Restaurants cannot charge a cover

**Are nightclubs a permitted use or special use:** Nightclubs are a permitted use in some commercial zoning districts and a special uses in other commercial districts

**Are there any additional specific requirements for nightclubs:** Nightclubs cannot be located within 300 feet of another nightclub

## **Rocky Mount, NC**

**Percentage of food sales required to be considered a restaurant:** The zoning ordinance does not specify a minimum food sales percentage

**Can a restaurant charge an admittance or cover charge:** Restaurants cannot charge a cover

**Are nightclubs a permitted use or special use:** Nightclubs are a permitted use in some commercial districts

**Are there any additional specific requirements for nightclubs:** No additional requirements

## **Washington, NC**

**Percentage of food sales required to be considered a restaurant:** 50% (specified in the zoning regulations)

**Can a restaurant charge an admittance or cover charge:** Restaurants cannot charge a cover

**Are nightclubs a permitted use or special use:** Nightclubs are a special use in some commercial zoning districts

**Are there any additional specific requirements for nightclubs:** Nightclubs cannot be located within 500 feet of another nightclub

## Wilmington, NC

**Percentage of food sales required to be considered a restaurant:** The zoning ordinance does not specify a minimum food sales percentage

**Can a restaurant charge an admittance or cover charge:** Although not specified in the zoning regulations a restaurant may occasionally charge a cover provided however if a restaurant operates as a nightclub, based on activity or frequency, the establishment would be considered a nightclub regardless of the food sales percentage

**Are nightclubs a permitted use or special use:** Nightclubs are a permitted use in some commercial zoning districts and special uses in other commercial districts

**Are there any additional specific requirements for nightclubs:** No additional requirements

## Wilson, NC

**Percentage of food sales required to be considered a restaurant:** 30% (specified in the zoning regulations)

**Can a restaurant charge an admittance or cover charge:** Restaurants cannot charge a cover

**Are nightclubs a permitted use or special use:** Nightclubs are a special use in some commercial zoning districts

**Are there any additional specific requirements for nightclubs:** Nightclubs cannot be located within 500 feet of a residence, church or public park

## Greenville, NC

**Percentage of food sales required to be considered a restaurant:** Greater than 50% (specified in the zoning regulations)

**Can a restaurant charge an admittance or cover charge:** Restaurants cannot charge a cover

**Are nightclubs a permitted uses or special uses:** Nightclubs are a special use some commercial zoning districts (CD, CDF, CG and CH only)

**Are there any additional specific requirements for nightclubs:** Yes -- see Section 9-4-86(f) below:

**“(f) Public or private club.**

- (1) (a) A special use permit for a public or private club is subject to revocation in accordance with the provisions of this subsection (f)(1). Nothing herein shall prohibit or restrict the authority of the board of adjustment to rescind or revoke a special use permit for a public or private club in accordance with the provisions of section 9-4-83.
- (b) An annual review shall be conducted by the director of community development or his authorized representative of a public or private club which has received a special use permit for the purpose of determining and ensuring compliance with applicable laws, codes, and ordinances including, but not limited to, noise regulations, litter control regulations, fire codes, building codes, nuisance and public safety regulations, and special use permit conditions of approval. The findings of the director of community development or his authorized representative as a result of this annual review shall be compiled in a written staff report.
- (c) At a meeting of the board of adjustment, the director of community development or his authorized representative shall present to the board of adjustment the staff report of a public or private club for which the annual review includes a finding of one or more instances of non-compliance with applicable laws, codes, and ordinances including, but not limited to, noise regulations, litter control regulations, fire codes, building codes, nuisance and public safety regulations, and special use permit conditions of approval. The special use permit holder as specified under subsection (4) below shall be provided notice of the meeting and a copy of the staff report.
- (d) Based on the staff report, the board of adjustment, by a majority vote, may either determine that a rehearing is not required for the special use permit or order a rehearing on the special use permit. An order for a rehearing shall be based upon a determination by the board of adjustment that either (i) the use of the property is inconsistent with the approved application, (ii) the use is not in full compliance with all specific requirements set out in Title 9, Chapter 4 of the Greenville City Code, (iii) the use is not compliant with the specific criteria established for the issuance of a special use permit including conditions and specifications, health and safety, detriment to public welfare, existing uses detrimental, injury to properties or improvements, and nuisance or hazard, or (iv) the use is not compliant with any additional conditions of approval established by the board and set out in the order granting the permit. The rehearing shall be in the nature of, and in accordance with the requirements for a hearing upon a special use permit application. After the rehearing and in accordance with the provisions of section 9-4-81, the board of adjustment may grant a special use permit with conditions imposed pursuant to this subsection (f) and section 9-4-82 or deny the special use permit. The grant or denial of the special use permit by the board of adjustment after the rehearing shall constitute a revocation of the previously granted special use permit for a public or private club.
- (e) The requirements and standards set forth in this subsection (f)(1) are in addition to other available remedies and nothing herein shall prohibit the enforcement of applicable codes, ordinances and regulations as provided by law.

- (2) The owner(s) and operator(s) of a public or private club shall collect and properly dispose of all litter and debris generated by their establishment or patrons immediately following the closure of business or not later than 7:00 AM each morning following any period of operation. All litter or debris shall be collected from within the boundaries of the establishment, associated parking areas, adjacent sidewalks and public right-of-ways or other adjacent public property open to the public. In addition, the owner(s) and operator(s) of a public or private club shall comply with the provisions of Title 11, Chapter 9 of the City Code whether or not the establishment is a nightclub, bar or tavern.
- (3) In addition to subsection (2) above, the board of adjustment may establish specific and reasonable litter and trash mitigation standards or requirements.
- (4) The special use permit shall be issued to the property owner as listed on the tax records of the county. When the ownership of any property, which has a special use permit for a public or private club, is transferred to a new owner by sale or other means, the new owner shall sign and file with the office of the director of community development an acknowledgement of the rights, conditions and responsibilities of the special use permit prior to operation of the use under the permit. The acknowledgement shall be made on forms provided by the planning office.
- (5) Any public or private club that has been issued a special use permit by the board of adjustment, that is subject to mandatory annual renewal, shall continue under the terms and conditions of the issued special use permit, until the expiration of said permit. All subsequent special use permit approvals for said location shall be subject to the specific criteria set forth under this subsection (f).”

## **OTHER**

To qualify as a restaurant, under the current State Alcoholic Beverage Control Commission (ABC) regulations, an establishment must have sales of prepared and/or packaged foods, in a ready to consume state, in excess of thirty (30) percent of the total gross receipts. For purposes of this rule alcoholic beverages and blinded non-alcohol mixers do not constitute “food”. This State ABC requirement is separate from any city/county zoning standard unless such standard is specifically adopted by the jurisdiction. Under Greenville’s zoning requirements a restaurant must have sales of prepared and/or packaged foods, in a ready to consume state, in excess of fifty (50) percent of the total gross receipts for such establishment during any month..

State Alcohol Law Enforcement (ALE) officers routinely inspect and audit restaurant establishments for compliance with State ABC requirements (i.e. 30% rule) and other matters. The frequency of such inspection is determined by ALE. The City may also request ALE inspection of establishments and review audit results to determine compliance with local zoning requirements. When the City suspects that an establishment is not in compliance with the zoning regulation (50% rule), either as a result of staff observation of reoccurring nightclub type activity or neighborhood resident complaint of such activity, ALE has, at the request of the city, conducted an inspection at the next available opportunity and provided audit result to the City.

Restaurants which sale alcoholic beverages are subject to periodic ALE inspection, at a frequency determined by ALE, and the City may review the results of any audit to determine compliance with local zoning requirements.

Below are excerpts from the Alcoholic Beverage Control Commission (ABC) website concerning audits and record keeping requirements (emphasis added) :

The ABC Commission's Audit Division through financial and inventory audits ensures that ABC permit holders comply with the ABC laws and rules. ABC permittees are required to maintain certain qualifications that are monitored through required reports and verified by routine visits to the business location. All ABC businesses are subject to being audited, however, those that possess mixed beverage permits receive the most scrutiny.

The ABC Commission rules require all mixed beverage permittees to maintain full and accurate monthly records of their finances and to submit reports on their financial and inventory on a schedule set by the Audit Division. In addition, the ABC statutes require businesses to meet certain criteria by definition. For example, Mixed Beverage Restaurants shall have gross receipts from food sales of not less than thirty percent (30%) of the business's total gross receipts. Once the application requirements are met and a retail ABC permit is issued, an ABC auditor will visit the location to discuss the ABC regulations.

#### **Restaurants, Hotels: Record Keeping**

Monthly Records. Restaurants, hotels and tour boats holding Mixed Beverages Permits shall maintain full and accurate monthly records of their finances, separately indicating each of the following:

1. Amounts expended for the purchase of spirituous liquor from ABC stores and the quantity of spirituous liquor purchased;
2. Amounts collected from the sale of mixed beverages and, by brand and container size, the quantity of spirituous liquor sold;
3. If a guest room cabinet permittee, the amounts collected from the sale of liquor from guest room cabinets, and by container size, the quantity of liquor sold from cabinets;
4. The quantity of spirituous liquor, by brand and container size, that was not sold but is no longer on the premises due to stated reasons, such as breakage or theft;
5. If a restaurant, amounts collected from the sale of
  - A. Food and non-alcoholic beverages;
  - B. Items other than food and beverages of all kinds; and
  - C. Malt beverages, unfortified wine and fortified wine;
6. If a hotel, amounts collected from:
  - A. Furnishing lodging;
  - B. Sale of meals;
  - C. Sale of malt beverages, unfortified wine and fortified wine; and
  - D. All other sources.

Segregation of Records. Records of purchases of spirituous liquor and sales of alcoholic beverages shall be filed separate and apart from all other records maintained on the premises.

Retention and Inspection of Records. Records, including original invoices related to alcoholic beverages and mixed beverages, shall be maintained on the premises for three years and shall be open for inspection or audit.

Submission of Financial records. A restaurant or hotel holding a Mixed Beverages Permit shall submit to the Commission for its review, on forms provided by the Commission, regular reports summarizing the information required to be maintained by this Rule. These reports shall be submitted on a schedule set by the Commission.



# City of Greenville, North Carolina

Meeting Date:  
12/15/2009  
Time: 6:30 PM

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**Title of Item:** Ordinance amending Horizons: Greenville's Community Plan to incorporate by reference the Carolina Heights, Greenbrier, Hillsdale and Tucker Circle Subdivisions Neighborhood Report and Plan.

**Explanation:** As part of the Task Force on Preservation of Neighborhoods and Housing's recommendations, City Council's 2006-2007 Goals, and Horizons: Greenville's Community Plan recommendations, the Community Development Division has prepared the Carolina Heights, Greenbrier, Hillsdale and Tucker Circle Subdivisions Neighborhood Report and Plan. This plan is intended to guide policy and investment decisions for the Carolina Heights, Greenbrier, Hillsdale and Tucker Circle Subdivisions.

**Fiscal Note:** Costs of specific recommendations to be determined prior to their implementation.

**Recommendation:** Staff recommends approval of the ordinance amending Horizons: Greenville's Community Plan to incorporate by reference the Carolina Heights, Greenbrier, Hillsdale and Tucker Circle Subdivisions Neighborhood Report and Plan.

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.

**Attachments / click to download**

 [Carolina Heights Plan](#)

 [Report and Plan for Carolina Heights, Tucker Circle, Greenbrier and Hillsdale](#)

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## **Neighborhood Plan for the Carolina Heights, Greenbrier, Hillsdale and Tucker Circle Subdivisions**

2009

### **Goals:**

To create, maintain and enhance a sustainable neighborhood.

### **Objectives:**

To identify by analysis and citizen input, the strengths and weaknesses of neighborhood issues affecting sustainability and to create broad support for recommended improvement strategies.

### **Policy Implementation and Improvement Strategies:**

The City Council and City Staff will take such actions as necessary for the support and implementation of the neighborhood plan as follows:

- City Council will amend HORIZONS: Greenville's Community Plan to incorporate the Carolina Heights, Greenbrier, Hillsdale, and Tucker Circle Area Report and Plan by reference.
- City Staff will conduct a periodic review of the neighborhood report and plan, and the adopted implementation and improvement strategies to evaluate plan progress toward the goal of continued neighborhood sustainability.
- Completion of current City Council Goals (2006 - 2007) and future goals, as may be adopted, in accordance with established schedules.
- Completion of current City Council Goals (2008 - 2009) and future goals, as may be adopted, in accordance with established schedules.
- City Council will consider creating a Rental Registration Program as recommended by the Task Force on Preservation of Neighborhoods and Housing and per City Council 2006-2007 Goals and Objectives.
- City Staff will investigate options for neighborhood identification signage to be located at neighborhood entrances including easement acquisition and/or in right-of-way location.
- City Staff will increase neighborhood-wide code enforcement efforts through the allocation of additional resources and staff directed patrols.
- City Staff will prepare cost estimates and project schedules for the Capital Improvement and Implementation Strategies included in this plan.

- City Council will utilize this plan to guide public policy and investment decisions within the Carolina Heights, Greenbrier, Hillsdale and Tucker Circle Subdivisions.

### **Capital Improvement and Implementation Strategies:**

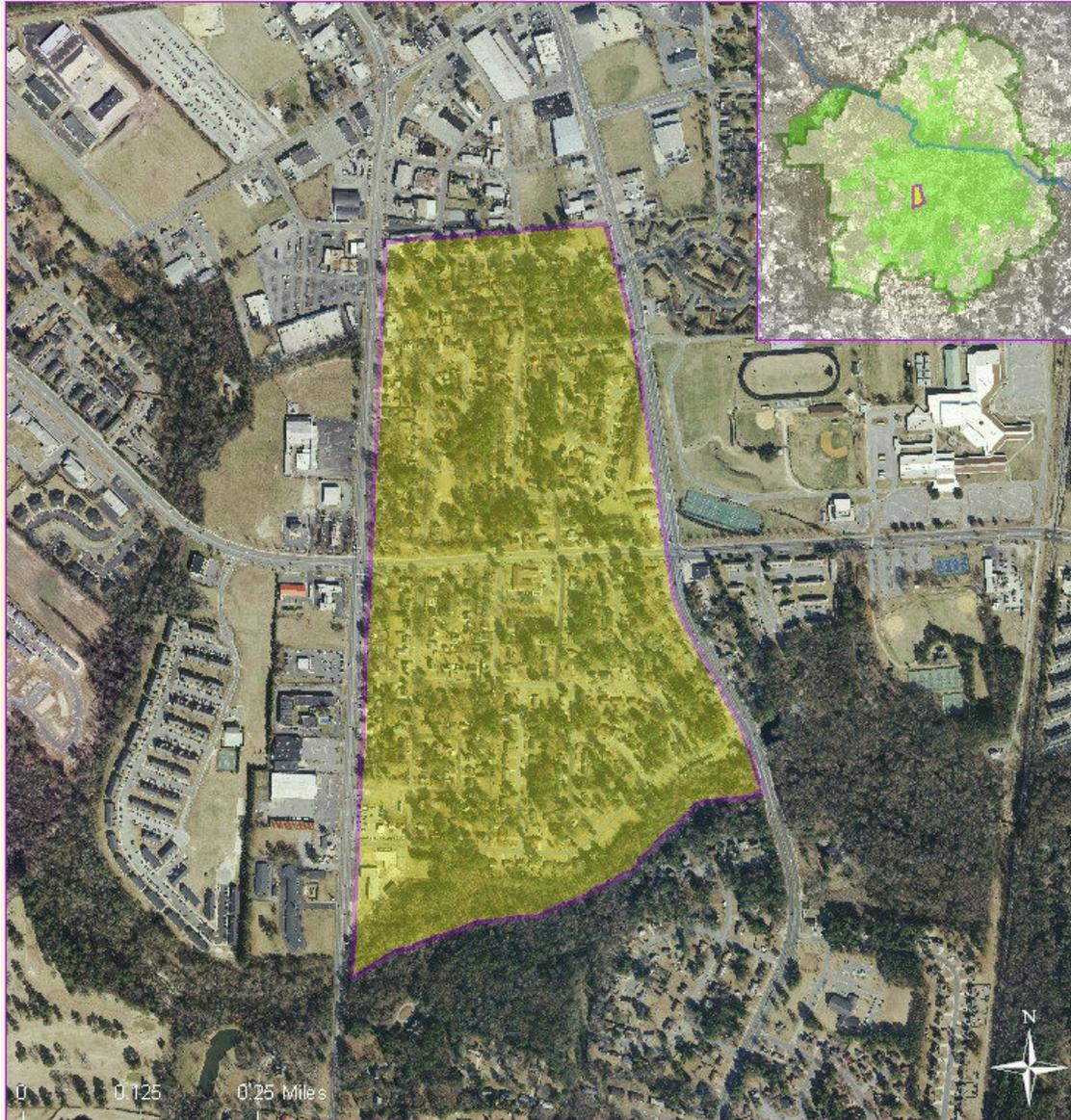
The City Council and City Staff will take such actions as necessary for the support and implementation of the neighborhood plan as follows:

- The City will investigate the creation of a home improvement matching grant fund for older site-built single-family owner-occupied dwellings (example - not less than 30-years old) to be awarded on an annual basis, to encourage qualified home improvement/upgrades that will increase the tax value and marketability of older dwellings. Such grant to be secured by an owner occupancy condition (Deed of Trust) for a determined period.
- The City will provide grants, in accordance with current program/policy, to the neighborhood homeowners associations for design and construction of neighborhood (subdivision) entrance signs.
- The City will install appropriate GREAT system bus stop improvements at locations as determined necessary and appropriate by the Public Works Department as recommended by the Thoroughfare Plan.
- The City will encourage additional neighborhood volunteer participation in the Adopt-A-Street program.
- The City will assess street lighting levels throughout the neighborhood and cause the installation of additional lamps as determined necessary by the City Engineer.
- The City will monitor Green Mill Run and institute bank stabilization as necessary to minimize sedimentation/erosion and land (building site) loss as determined to be necessary by the City Engineer.
- The City will assist neighborhood and area residents in the establishment of a Neighborhood Association and a Neighborhood Watch Program.
- The City will evaluate passenger vehicle speeds on neighborhood streets and shall install additional traffic calming devices as determined to be necessary by the City Engineer, especially on Millbrook Drive and Sunset Avenue.
- The City will notify property owners of address number display requirements.
- The City will update the GIS-GPS coverage for storm water improvements throughout and adjacent to the neighborhood.

- The City will request and encourage GUC to update the GIS-GPS coverage for all public utilities, including water, sanitary sewer, gas and electric lines, and street lights throughout and adjacent to the neighborhood.
- The City will investigate enhancing existing crosswalks and suitability of additional crosswalks in the neighborhood.



# **Carolina Heights, Greenbrier, Hillsdale and Tucker Circle Subdivisions Neighborhood Report and Plan (09-01)**



**Prepared by the Community Development Department  
December, 2009**

## ACKNOWLEDGEMENTS

### Greenville City Council and Administrative Staff

Ms. Pat Dunn, Mayor  
Mr. Bryant Kittrell, Mayor Pro-Tem  
Ms. Kandie Smith  
Ms. Rose Glover  
Ms. Marion Blackburn  
Mr. Calvin Mercer  
Mr. Max Joyner, Jr.

Mr. Wayne Bowers, City Manager  
Mr. Thom Moton, Assistant City Manager  
Ms. Wanda Elks, City Clerk  
Mr. Dave Holec, City Attorney

### Greenville Planning and Zoning Commission

Mr. Bill Lehman, Chairman  
Mr. Dave Gordon, Vice Chairman  
Mr. Len Tozer  
Ms. Shelley Basnight  
Mr. Tim Randall  
Mr. Bob Ramey  
Mr. James L. Wilson  
Mr. Godfrey B. Bell, Sr.  
Mr. Tony Parker  
Mr. Arthur "Hap" Maxwell  
Mr. Allen Thomas  
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# Carolina Heights, Greenbrier, Hillsdale and Tucker Circle Subdivisions Neighborhood Report and Plan (09-01) 2009

## Report

### 1. Background/Introduction

In February 2004, the Greenville City Council established an ad hoc citizen Task Force on Preservation of Neighborhoods and Housing. This Task Force was charged with examining the conditions that exist in older, established neighborhoods, determining the impacts of rental properties, and recommending actions that would strengthen and enhance neighborhood vitality. The Task Force recommended 10 neighborhood improvement strategies, including strategy #9: "Develop and adopt Neighborhood Plans to guide public policy and investment decisions in older, established neighborhoods". These recommendations were submitted to and accepted by the Greenville City Council in December, 2004. The Task Force on Preservation of Neighborhoods and Housing Report to City Council, December 13, 2004 is available on-line at the city's web page, [www.greenvillenc.gov/department/communitydevelopment/plans](http://www.greenvillenc.gov/department/communitydevelopment/plans). The Greenville City Council also has established as one of its 2006-2007 Goals, "Emphasize the importance of neighborhood stabilization and revitalization". In an effort to achieve this goal, comprehensive neighborhood plans will be prepared and presented to the Planning and Zoning Commission for review and recommendation, and to the City Council for adoption. The adopted plans will be in the form of an amendment to HORIZONS: Greenville's Community Plan.

### 2. Neighborhood Profile (see map 1)

The Carolina Heights, Greenbrier, Hillsdale and Tucker Circle Subdivisions, hereafter referred to collectively as "the neighborhood", are located in the central section of the city, and more specifically, between Memorial Drive and Hooker Road, north of Green Mill Run and south of Ione Street. The neighborhood is located in Voting District # 2 and within the city limits. As designated in HORIZONS: Greenville's Community Plan, the neighborhood is located in Vision Area G. The neighborhood began developing in the early 1950's. The neighborhood is composed of the Carolina Heights, Greenbrier, Hillsdale and Tucker Circle Subdivisions and collectively contains a total of 422 lots (381 residential lots, -- non-residential lots, and 24 vacant lots) on 130.16 net acres (152.20 total acres). The neighborhood has 4.37 miles (23,096.19 linear feet) of paved public streets. The average year of construction of single-family dwellings is 1962.

Below is a break-out of all of the land uses within the neighborhood by number of lots:

Commercial	10
Duplex	3
Institutional	2
Multi-family lots	5
Recreation	1
Single-family dwellings	373
Vacant lots	24
Cemetery	1

<u>Office</u>	<u>3</u>
<b>TOTAL</b>	<b>422</b>

As of 1969, the neighborhood was zoned residential (R6) and commercial (CH).

### 3. Index of Report Attachments

Due to shape and size of neighborhood, the attached maps are for illustrative purposes only and can be reproduced in larger sizes.

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- Map 2: Streams and Open Ditches
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- Map 28: Street Addresses (House Numbers)
- Map 29: City-owned Properties
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- Map 32: Non-Conforming Uses

Other Supplemental Attachments:

- Citizens Survey Results

- Calls for Police Services and Code Enforcement Actions/Investigations
- Neighborhood Plan Development and Consideration Process Outline
- Issues for Consideration in the Development of Neighborhood Plans
- Report Identifying Issues and Considerations Concerning City-Initiated Rezoning of Lots Fronting the Memorial Drive Corridor

## 4. Current Conditions

### A. Natural Environment (see maps 2-6)

The neighborhood is generally located between Memorial Drive and Hooker Road, north of Green Mill Run and south of Ione Street. Green Mill Run is a major tributary to the Tar River and is located to the south of the neighborhood. Green Mill Run feeds into the Tar River and is designated as part of the City's adopted Greenway system.

The topography (NGVD) of the neighborhood ranges from a high of 62' to a low of 36' along Green Mill Run. The highest area is located near the intersection of Memorial Drive and Arlington Boulevard. The neighborhood ultimately drains to the Tar River.

The Tar River and Green Mill Run contain a regulated flood hazard area including a mapped floodway, 100 and 500-year floodplains. See also Title 9, Chapter 6, Flood Damage Prevention, of the City Code.

In 1999, the City of Greenville was impacted by Hurricane Floyd. Because of its proximity to Green Mill Run, the neighborhood was impacted by flood waters where several residential structures were severely impacted.

There are six (6) lots that are owned by the City that were purchased for the purpose of revitalization. These lots are located on the south side of Millbrook Street and are vacant. These lots are maintained by the City.

Within the neighborhood, the owners of three (3) single-family residences and four (4) duplex buildings applied for the Hazard Mitigation Grant Program (Buy-out) with an average of 59.36% damage. Of these, 2 single-family residences and 1 duplex building were purchased by the City. The dwellings/buildings were demolished and the properties are to remain vacant under the Buy-out guidelines.

There were nine (9) other single-family residences that were impacted and inspected for storm-related damage. The average damage was 48.36%. These properties were not included in the Buy-out. There may have been other hurricane-related damage reported to private insurance.

Green Mill Run provides a large area of natural growth tree cover in the neighborhood. This area also provides limited wildlife habitat. The remaining areas of the neighborhood have little natural growth tree cover. Most tree cover within the area has been as a result of independent residential lot landscaping.

There are opportunities in or within reasonable walking distance for residents in the neighborhood to access greenways. The Tar River and Green Mill Run are designated as greenway corridors on the official Greenway Master Plan (2004). There is a sidewalk along

Hooker Road that connects Guy Smith Park with Greenville Boulevard and is considered part of the greenway system.

There is a planned greenway trail (3.54 miles) from Allen Road to Evans Street along Green Mill Run that would consist of a 10-12-foot wide, multi-use paved trail. The greenway is listed a Priority C, which indicates the intended completion of the greenway within 5-10 years of the adopted plan in 2004. This greenway will provide a connection from Allen Road to Evans Park and to the Central Hub trail (downtown area). This greenway will intersect with the Lake Ellsworth Trail. A sewer easement on the north side of Green Mill Run defines the path of the greenway. The design of the project is listed on City Council’s 2009 Goals. The scope of the project depends on the amount of dollars that remain after completing the South Tar River Greenway.

With the exception of the Green Mill Run corridor, there are no known regulated wetlands located within the neighborhood.

**B. Land Suitability (see maps 7-8)**

With the exception of the city-owned Buy-out lots, on which development is prohibited, there is no known soil, water table, topological, or other environmental limitations that would prohibit continued residential use of the lots within the neighborhood.

Due to the severe flooding associated with Hurricane Floyd in 1999, especially along the Tar River, the City amended its Flood Damage Prevention Ordinance. The neighborhood is impacted by the floodway, 100 and 500-year floodplains associated with the Tar River. The following are the elevation standards under the current City Code.

**ELEVATION STANDARDS**

Use	Elevation
Non-residential and single-family lots over 20,000 square feet	Base Flood Elevation (BFE) plus 1 foot
Duplexes, multi-family and single-family lots less than 20,000 square feet	BFE plus 1 foot or 500-year floodplain elevation, whichever is greater
Manufactured Homes	BFE plus 2 feet

Green Mill Run is classified as a regulated stream and is subject to the Tar-Pamlico Buffer Protection Rules and associated stream buffer setback requirements. Pursuant to the Tar-Pamlico buffer rules, no structures or other land-disturbing activity is permitted within 50-feet of the top of the stream bank. Green Mill Run is located south of the Tar River and traverses the city in a west to east direction.

Hydric soils (Bb, Ra, Co, and Ly) are mainly located near and along Green Mill Run corridor. Remaining soils within the neighborhood include ExA, OcB, WaB, CrB2, GoA and GoB. Neighborhood property soils are suitable for sanitary sewer-dependent residential development.

**C. Transportation (see maps 9-11, 30 and 31)**

The neighborhood has an inter-connected grid street system that provides excellent multi-directional access.

Current ingress and egress to the neighborhood are mainly served by Memorial Drive, Hooker Road, and Arlington Boulevard.

Memorial Drive, from Dickinson Avenue to Greenville Boulevard, is a state-maintained, existing major thoroughfare with four (4) travel lanes contained within a 100-foot right-of-way. Future planned improvements include sidewalks in both travel directions. At time of this report, there are no sidewalks along this section of Memorial Drive.

Hooker Road is a city-maintained, existing minor thoroughfare with four (4) travel lanes that provides a direct north to south connection through the neighborhood. Currently, there are sidewalks in both directions and bike lanes are recommended along the entire length of the road. The segment from May Street to Greenville Boulevard contains a raised median. All segments are contained within a 100-foot right-of-way. There are nine (9) Greenville Area Transit (GREAT) bus stops along Hooker Road. All GREAT buses return to the transfer point, in the downtown area, every hour, which allows riders to change buses to reach destinations along all the GREAT bus routes. Only the bus stops at the Wal-Mart Shopping Center and north of Arlington Boulevard have a shelter and bench. An additional bus stop planned on the east side of Hooker Road across the street from the Piggly Wiggly Shopping Center.

Arlington Boulevard, between Memorial Drive and Hooker Road, is a city-maintained, existing major thoroughfare that provides an east to west connection through the neighborhood with four (4) travel lanes. The existing rights-of-way are between 75-80 feet. Future planned improvements include the addition of two (2) travel lanes with sidewalks and bike lanes in both directions contained within a 100-foot right-of-way. At the time of this report, there is a sidewalk along the north side of Arlington Boulevard within the neighborhood.

Sunset Avenue, Millbrook Street, Pittman Drive, and Pine Street are collector roads for the neighborhood. There are signalized intersections at the intersection of Arlington Boulevard and Memorial Drive and at the intersection of Arlington Boulevard and Hooker Road. There are crosswalks at Arlington Boulevard and Hooker Road, Hooker Road and Pendleton Street/Marvin Jarman Road, and on Arlington Boulevard at the entrance to Evans Park/River Birch Tennis Center.

In the neighborhood, the posted public street speed limits range from 25 to 35 miles per hour.

All streets within the neighborhood are publicly dedicated, city-maintained streets with curb and gutter construction and a piped storm drainage system. On-street parking is permitted on all streets except for Arlington Boulevard and Hooker Road.

Due to the age of the neighborhood, sidewalks were not required at the time of development but have been added over time. The Public Works Department has made an evaluation of sidewalks to determine no additional sidewalks are needed in the neighborhood.

There are multiple stop conditions throughout the neighborhood to help discourage cut-through traffic and excessive speed on collector streets. There are no speed bumps within the neighborhood. At the neighborhood meeting, there was discussion of the need for speed bumps to discourage cut-thru traffic and reduce excessive speed, especially along Millbrook Street.

In the past, there have been traffic studies done in the neighborhood by the Engineering Division. Based on those studies, those areas did not qualify for any type of mitigation. Currently, there is

a petition with a neighborhood representative for another traffic study. Once the petition is submitted with the required amount of signatures, the Engineering Division can proceed.

There are four (4) Greenville Area Transit (GREAT) system bus stops on Hooker Road that are located in the neighborhood: north of Pendleton Street, at Green Villa Apartments, south of Arlington Boulevard, and at Millbrook Drive. None of the stops have a bench or shelter. All GREAT transit system buses begin and end their routes at the transfer point, located in the downtown area. Patrons can also switch buses at this location to reach destinations on all the bus routes. There is a bus stop at the Piggly Wiggly Supermarket, located to the north of the neighborhood, which is a transfer point for two of the bus routes. An additional bus stop is planned on the east side of Hooker Road across the street from the Piggly Wiggly Shopping Center.

Currently, a paving condition rating survey, including this area, is being conducted by the Public Works Department to determine if and when street resurfacing is needed.

#### **D. Public Utilities: Water, Sanitary Sewer, Gas and Electric (see map 12)**

Public utilities are provided and maintained by Greenville Utilities Commission (GUC).

All lots within the neighborhood currently have direct access to water, sanitary sewer, gas and electric services of the GUC. GUC has identified no significant infrastructure concerns, with regard to the aforementioned utilities, that will affect the current or future level of service.

Electric, telephone, and cable TV service are via overhead lines supported by utility poles located within the public rights-of-way.

#### **E. Storm Drainage: Public and Private Storm Water Drainage (see map 13)**

The street drainage system and associated out of right-of-way drainage improvements, including subsurface systems and open channels, and the portions of Green Mill Run located within the city limits, are maintained by the City of Greenville Public Works Department.

Per the current Stormwater Management and Control ordinance, street catch basins are designed for a 2-year storm and the subsurface stormwater system is designed for a 10-year storm. The Tar River is monitored by the Pamlico-Tar Riverkeeper.

Using the 2004 Stormwater Drainage Improvement Bond money, there were stormwater drainage improvements made on Sylvan Drive.

During heavy rain storms, some lots experience temporary down-slope flooding.

Due to the limited size of its drainage area at most locations, Green Mill Run storm flow has not impacted any additional structures. Currently, there are no bank destabilization projects, along the section of Green Mill Run in the neighborhood, being undertaken by the city.

The neighborhood does not contain any private or common storm water detention facility, due to the age of the development.

The Public Works Department has identified no significant infrastructure concerns with regard to the public stormwater drainage system that would affect the current and future level of service of the vehicle travel-ways. All subsurface drainage improvements and open channels are adequate for the ordinance specified design storm.

#### **F. Structures and Building Activity (see maps 8, 14, 15)**

The neighborhood is comprised of a variety of uses, including residential, vacant, institutional and commercial. The average year of construction of single-family dwellings is 1962.

In a 30-month period (01/1/07 - 7/31/09), there were eight (8) building permits issued within the neighborhood for alterations and additions. The total recorded permit value of the improvements was \$110,540. The total 30-month improvements were less than 1% of the total 2008 building tax value.

In 2008, the total building (excluding land) tax value in the neighborhood is \$24,895,969.00. The combined land and building (total) tax value in the neighborhood is \$30,661,332.00. At the current city tax rate (\$0.56 per \$100) the total property valuation results in \$171,703.00 annual revenue to the city. See Section L. Public Services for a general description of municipal services provided to the neighborhood.

Due to the period of construction, many neighborhood homes do not contain relatively modern conveniences and energy-efficient systems.

At the time of this report, there are no boarded up/dilapidated or abandoned structures located within the neighborhood.

#### **G. Socioeconomic (see maps 16, 17)**

Based on a comparison of physical addresses and tax mailing addresses of single-family dwellings, the subject area is approximately 64% owner-occupied and 36% rental property at the time of this report.

According to the U.S. Census Bureau, the 2007 adjusted average (mean) household income in Greenville is \$47,433. The average (mean) family income is \$67,883 and average (mean) non-family household income is \$28,929.

The average (mean) 2008 tax value of homes (single-family only - including lots) in the neighborhood is \$102,479. The average (mean) 2008 tax value of residential homes in Greenville is \$144,896 (including condominiums and townhouses) and \$176,896 (excluding condominiums and townhouses).

The neighborhood does contains a mix of housing options, both price and unit type, for transitional housing purposes.

#### **H. Health and Life Safety (see maps 4, 8, 18, 19, 20, 28)**

There are multiple access points into the neighborhood, and the existing interconnected street system affords alternate access routes to the thoroughfare streets. Interconnected public streets also allow public service vehicles (police, fire, sanitation, etc.) alternate routes for ingress and egress into and through the neighborhood.

There are regulatory flood hazard areas (floodway and floodplain) associated with Green Mill Run. As illustrated by the City's geographical information system (GIS) coverage for structures and the flood hazard area overlay, there are no dwellings or buildings, within the neighborhood, located within the floodway of Green Mill Run, wherein no fill or construction is permitted. There are 21 single-family dwellings, 3 duplex buildings and the former Carolina Dairy property that are impacted by the 100-year floodplain. The minimum finished floor elevation requirement for new construction or expansion of a dwelling is base flood (100-year) elevation plus one (1) foot, or the 500-year flood elevation, whichever is greater. The minimum flood elevation varies depending on location along the watercourse. Since some structures were purchased via the Buy-out, impact has been minimized as many of the impacted structures have been removed and the property is to remain vacant as required by Buy-out program guidelines.

There were 656 calls/actions for the Greenville Police Department in the twelve (12) month period from January, 2008 to December, 2008. There were personal and property crimes recorded during this period including animal complaints (129), breaking and enterings (11), and various parking violations including parking on unimproved surfaces (17). There are additional parking violations (32) issued through the Code Enforcement Division for parking on unimproved surfaces.

There is an official Community Watch Program in the Hillsdale Subdivision only.

Fire suppression and rescue services for the neighborhood are primarily provided by City Fire/Rescue Station #2 (Hemby Lane) and City Fire/Rescue Station #1 (Downtown), as needed. Stations #2 and #1 can be dispatched separately or simultaneously depending on the type of call. The Fire/Rescue Department provides Paramedic Service which is a higher level of service compared to basic Emergency Medical Technician (EMT) Service. While the neighborhood is accessible via an interconnected street system, fire suppression and rescue services mainly use Memorial Drive, Arlington Boulevard, and Hooker Road to access the neighborhood. However, all streets are accessible by emergency vehicles.

Fire hydrants are located throughout the neighborhood. Recommended hydrant to single-family dwelling separation is 500 or fewer feet. All dwellings are located within the recommended hydrant to dwelling radius. Water pressure and fire flow meets or exceeds the requirements of the city and fire apparatus access roads comply with NC and local Fire Code requirements. The emergency response travel time and distance from the service delivery stations to the furthestmost point in the subdivision are in accordance with recommended standards.

There are no known hazardous waste/materials (surface and/or underground) sites in the neighborhood. Some of the homes currently utilize, or may have on-site (unsecured) abandoned, underground fuel oil storage tanks that may pose a risk of groundwater contamination.

The city conducts periodic mosquito control activities in the neighborhood. There are no known conditions of rodent infestation associated with any flood hazard area, overgrown lot, standing water, or abandoned structure/vehicle.

Overhead street lights are maintained by GUC on standard (wood) transmission line poles. Currently, there are no plans to place utility lines underground. Changes or additions of street lights are performed by GUC at the City Engineer's request. Street light placement is done in accordance with applicable neighborhood GUC lighting manual standards. Based on the type,

power, and location of the current street lights there have been no substandard (under-lighted) areas identified in the neighborhood based on minimum design standard requirements.

There were complaints from neighborhood residents, collected from surveys and at the neighborhood meeting, of under-lighted areas throughout the neighborhood. There was concern these under-lighted areas made unsafe conditions when walking through the neighborhood and created conditions for criminal activity. There was concern about amount of non-neighborhood foot traffic through the neighborhood.

At the time of this report a significant number of structures within the neighborhood do not display code compliant address numbers on the dwelling structure. Minimum size house numbers are: single-family and duplex dwellings - four (4) inches high and multi-family dwellings - six (6) inches high. Currently, many dwellings are reliant on address numbers posted on street-side mail boxes, painted on street curbs, or address numbers that are smaller than the required size in lieu of having properly-sized address numbers affixed to the dwelling structure. All dwelling units are coded to the 911 emergency response system.

### **I. Quality of Life (see maps 8, 21, 22, 23, and 29)**

At the time of this report, the neighborhood does not have an organized and active property or homeowners' association. At the neighborhood meeting, there was interest expressed in starting an association. The neighborhood was informed of the benefits of organizing an association, which would include access to funds through the Neighborhood Advisory Board. A few residents stated, at the neighborhood meeting, that there was an unofficial neighborhood association composed of a few of the homeowners.

The neighborhood is bisected by Arlington Boulevard in an east to west direction. At the neighborhood meeting, there were concerns voiced about the difficulty of crossing Arlington Boulevard, especially for residents trying to reach Hillside Park. The commercial to the north can be difficult for pedestrian traffic to reach due to lack of sidewalks along Memorial Drive. There is a pedestrian crossing at the intersection of Hooker Road and Arlington Boulevard. Hooker Road has sidewalks in both directions.

The aesthetic quality of public views and the overall general streetscape is good due to mature tree cover, paved and adequate driveways, and uniformity of dwelling orientation and setbacks of most dwellings. There are no neighborhood identifiers, such as entrance markers or signage at street access points, public art or public/common property landscape improvements within the neighborhood that further define community character, identity and sense of place. However, with the formation of a neighborhood association, there are funds available that could be used by the neighborhood association to purchase signage/entrance markers.

Electric and other copper wire services are via overhead utility lines, and lack of pedestrian level street lighting negatively impacts the visual quality of the neighborhood.

Some of the lots purchased via the Buy-out are leased by adjoining property owners and others are maintained by the City.

The neighborhood contains a variety of land uses including Arlington Boulevard Baptist Church, child care centers, former Carolina Dairy property, office uses, two (2) car dealerships, the Hope Station Wellness Center, beauty salon, and a cleaning agency.

At the time of the report, the roadsides along Arlington Boulevard, that are located within the neighborhood, are maintained under the Adopt-A-Street program by the Phi Kappa Tau Fraternity. Millbrook Street, between Memorial Drive and Hooker Road, is available for adoption.

The neighborhood does not contain any mapped archaeological sites.

There are several public or common leisure, educational or recreational opportunities within the bounds of the neighborhood or within reasonable walking distance of some of the neighborhood. The closest public leisure, educational, or recreational opportunities are Hillsdale Park and the vacant city-owned lots along Millbrook Drive that are located within the neighborhood. Evans Park/River Birch Tennis Center, South Greenville Park/Center, and J. H. Rose High school are in reasonable walking distance of some of the neighborhood. Guy Smith Park and the city pool are within a short driving distance of the neighborhood. It should be noted that Arlington Boulevard bisects the neighborhood in an east and west direction. Therefore, residents in the southern section of the neighborhood have to cross Arlington Boulevard to reach Hillsdale Park, J. H. Rose High School and South Greenville Park/Center. All residents in the area have to cross Hooker Road to reach Evans Park/River Birch Tennis Center, J. H. Rose High School and South Greenville Park/Center. There are crosswalks at Arlington Boulevard and Hooker Road, Hooker Road and Pendleton Street/Marvin Jarman Road, and on Arlington Boulevard at the entrance to Evans Park/River Birch Tennis Center.

The Comprehensive Recreation and Park's Master Plan was adopted by City Council on November 6, 2008. The Plan recommends an additional neighborhood park in the vicinity of Fairlane Road, which is located south of the neighborhood.

As previously mentioned, there is a planned greenway that includes a section of Green Mill Run within the neighborhood.

**City-Owned Recreation and Parking Facilities located within or in reasonable walking distance of some of the neighborhood (see map 22):**

Evans Park and River Birch Tennis Center – four (4) lighted tennis courts, two (2) lighted softball fields, archery range, restrooms and the River Birch Tennis Center. The tennis center contains eight (8) lighted tennis courts, and The Rotary Club picnic shelter.

Hillsdale Park – swing sets, jungle gym, slides, and picnic shelter.

J.H. Rose High School – open space available to neighborhood residents during and after school hours and weekends.

South Greenville Park/Center - gymnasium/recreation center, youth baseball field, multi-purpose field, playground, and picnic shelter.

Green Mill Run Greenway (proposed) – from Allen Road to Evans Street along Green Mill Run. This 3.54 mile greenway would consist of a 10-12 foot wide, multi-use paved trail. This walkway provides a scenic and environmentally friendly walkway and bike path along Green Mill Run for the enjoyment of walkers, runners, bicyclists, and nature enthusiasts.

Buy-out lots – these lots are maintained by the Public Works Department unless leased by outside individuals/entities. The City purchased two (2) single-family and one (1) duplex lots in the neighborhood. Of these, two (2) lots are maintained by the City of Greenville and one (1) lot is leased to an individual.

City-owned lots – these six (6) lots were purchased by the City in 2000 for the purpose of revitalization. Currently, these lots are vacant and are maintained by the Public Works Department.

#### Buy-out Property Statistics (within neighborhood only)

##### Single-family and duplex dwellings only

Total: 16 inspected for storm-related damage

7 applied for the Buy-out (single-family& duplex)

3 purchased via the Buy-out

4 withdrawn (owner elected not to participate in Buy-out Program)

59.36% - average damage of properties that applied for the Buy-out

9 inspected for damage that did not apply for the Buy-out

48.36% - average damage

There may have been other hurricane-related damage reported to private insurance.

The east side of the neighborhood is near the Seaboard Coastline Railroad which is east of J. H. Rose High School. The west side of the neighborhood is bordered by Memorial Drive. The proximity of the railroad and Memorial Drive to the neighborhood are external noise generators.

There are two (2) commercial/service focus areas for residents of the neighborhood: centered at the intersection of Memorial Drive and Dickinson Avenue Extension and along the western right-of-way of Memorial Drive south of Arlington Boulevard. These commercial areas are within reasonable walking distance of most of the neighborhood, but due to the lack of a pedestrian crossing at Memorial Drive and Arlington Boulevard and lack of sidewalks along Memorial Drive, these areas can be difficult to reach on foot. These areas contain the Piggly Wiggly Shopping Center, Greenville Buyer's Market, retail shops, convenience stores, restaurants (conventional and fast food), post office, motels, car dealerships, a furniture store and other establishments that provide necessary and convenience services.

#### **J. Code Compliance (Code Enforcement unless otherwise noted) (see maps 24, 24a, 24b, 24c, 24d, and 25)**

In the 30-month period, January, 2007 – June, 2009, there were 327 code enforcement-related staff investigations and/or actions in the neighborhood.

Code enforcement and selected police investigations/actions were as follows:

Animal complaints (stray, domestic animals and nuisance wildlife): 129\*

Parking on unimproved surfaces: 32

Weeded lots: 94

Public nuisances: 81

Litter/rubbish: 0

Abandoned/junked vehicles: 78

Residential occupancy (3 unrelated rule): 0  
Minimum housing code: 3  
Zoning and land use: 0  
Abandoned structure: 2  
Structure Numbering: 32  
Voided: 2

\* Information provided for GPD is for the time period from January, 2008 to December, 2008. These investigations/calls are included in the 656 GPD service calls.

### **K. Current and/or Pending Planned Public Improvements**

The Greenway Master Plan proposes the Green Mill Run Greenway from Allen Road to Evans Street. At the time of this report, the design of the project is listed as one as an action item on City Council's 2009 Goals.

The Greenville Urban Area Thoroughfare Plan proposes widening Arlington Boulevard, between Memorial Drive and Hooker Road, to six (6) travel lanes within a 100 foot right-of-way and bike lanes and sidewalks. This section of Arlington Boulevard currently has a right-of-way of 75-80 feet and four (4) travel lanes. At the time of this report, this project is not on the Metropolitan Planning Organization (MPO) Priority List.

### **L. Public Services**

The neighborhood is located within the Greenville city limits (see map 1).

The City and GUC currently provide the following services to the neighborhood:

- General government, vested in a city council of six (6) members (5 district and 1 at-large) and a mayor elected from the qualified voters. The neighborhood is located in voting district 2.
- Sanitation services including residential (curbside/rear yard) garbage, bulk refuse and yard debris disposal and recycling are provided on a weekly schedule. Vector (malaria/rodent) control and seasonal leaf collection also are provided.
- Street maintenance and traffic services including repair and reconstruction of street travel-ways and street drainage facilities located within the right-of-way of public streets.
- Public drainage system construction and maintenance.
- Fire suppression and life rescue, including paramedic service and transport on a 24-hour basis.
- Police services for the protection of life and property including traffic control and crime investigation on a 24-hour basis.
- Recreation and Parks services including passive open spaces, active recreation facilities and parks.
- Library services and branch facilities.
- Utilities including water, sanitary sewer, gas and electric service, streetlights and stormwater.

Building inspection, minimum housing code, nuisance abatement, zoning and subdivision regulations and related enforcement services are provided within the city limits.

Cable television and telephone service lines are constructed and maintained by Suddenlink and Embarrq, respectively.

### **M. Information Technology**

Internet service is available via phone line and cable (copper wire) and satellite connection. Fiber optic and public access wireless internet service is not currently available in the neighborhood.

### **N. Future Land Use Plan Map Recommendations (HORIZONS) (see map 26)**

The Future Land Use Plan recommends several types of land uses within the neighborhood. The described recommendations are only for the area within the boundary of the neighborhood. The majority of the neighborhood is recommended for medium density residential (MDR). Conservation/open space (COS) is recommended along Green Mill Run, Hillsdale Park, and south of the commercial area that abuts property along North Sylvan Drive. Commercial (C) is recommended at the northeast corner of the intersection of Memorial Drive and Sylvan Drive, and at the southeast corner of the intersection of Memorial Drive and Millbrook Street. Office/institutional/multi-family (OIMF) is recommended along the eastern right-of-way of Memorial Drive between Sylvan Drive and Millbrook Street and along the right-of-way of Hooker Road in the general area of Glendale Drive and Pendleton Street. Office (O) zoning is the preferred in this area due to the restriction of multi-family and due to diminished long-term liveability of the dwellings that front along Memorial Drive due to roadway impacts.

The Future Land Use Plan Map recommendations for adjoining and area properties support a sustainable environment for the neighborhood.

### **O. Zoning Classification(s) (see maps 27 and 32)**

In 2007, a significant portion of the neighborhood was rezoned from R6 (multifamily, duplex and single-family) to R6S (single-family only) as part of the Task Force on Preservation of Neighborhoods and Housing Strategy # 6: "Identify neighborhoods that are predominantly single-family in character, but are zoned in a manner that would permit intrusion of duplex and multi-family uses. Rezone such neighborhoods to prohibit further intrusion."

At the time of the rezoning, a majority of the neighborhood was zoned R6 which allowed single-family, duplex and multi-family development. Lots that were zoned O, OR, CDF and CH (in the neighborhood along Memorial Drive) were not included in the rezoning. There is a small section of R6-zoned property, which is part of the Carolina Dairy property, that was excluded from the rezoning. This section of the property is not developable as it doesn't meet minimum lot requirements.

As noted above, the Future Land Use Plan Map recommends office/institutional/multi-family (OIMF) along the eastern right-of-way of Memorial Drive between Sylvan Drive and Millbrook Street with office (O) zoned being preferred.

In 2007, the Community Development Department staff (at the request of City Council) prepared a report that identified issues and considerations concerning the lots that front along Memorial Drive between. The report addressed the possibility of a city-initiated zoning on the lots fronting Memorial Drive between Sylvan Drive and Millbrook Drive.

As stated in the report, there are inherent problems with rezoning the subject lots to office to be considered. The issues, as stated in the report, are:

1. Rezoning of the subject residential (dwelling) lots to O (office-only) will create non-conforming use situation due to the fact that the existing residential use is not a permitted or special use option in the O district. The non-conforming provision of the zoning regulation would allow continuation of the existing single-family use including maintenance and routine repair; however, the rezoning to O would prevent the construction of a new dwelling on a vacant lot or the residential reconstruction, repair and/or use of a dwelling willfully abandoned for a period of 6 months. A dwelling destroyed by fire, wind, flood or other natural disaster may be repaired and reoccupied regardless of the extent of damage provided such reconstruction is begun within 6 months of the date of destruction.
2. Residential mortgage lenders may be concerned with the rezoning of residential property to a non-residential use category due to the resultant application of the non-conforming use provisions mentioned under 1 above.
3. City-initiated zoning of the subject lots may galvanize opposition from other area property owners concerned that they may be targeted by similar ad hoc city-initiated rezoning. Other-area property owners may believe the city has a “hidden agenda” or undisclosed list of other sites targeted for additional city-initiated rezoning. A city-initiated rezoning program may also jeopardize property owner cooperation in future land use planning efforts.
4. Several property owners have assembled contiguous parcels, likely in anticipation of acquiring additional properties for a future consolidated development, and rezoning from residential to office may increase future acquisition expenses. Due to the fact that the subject lots are already impacted by development limitations, including physical location, expense of house removal or adaptive reuse improvement of the dwelling structure, and limited lot dimensions, the redevelopment of the subject “hard-to-build” lots may not then be cost effective when coupled with increased acquisition costs.
5. Rezoning related value increase may benefit the current residential owner; however, the anticipated or actual value increase due to rezoning may create a “cost avoidance” effect resulting in a prospective developer’s decision not to purchase a “hard-to-build” lot due to the homeowner’s zoning inflated sales price expectation. Inflated sales prices may be a disincentive to further investment and redevelopment in this area.
6. A property owner rezoning petition is subject to a filing fee of \$500.00 (flat fee) plus \$50.00 per acre or additional fraction thereof. The filing fee is specified in the city’s manual of fees and is designed to recoup the processing cost of a rezoning application. Typical filing fee for an individual single-family lot is \$500.00. A city initiated rezoning of property does relieve the affected property owner of typical rezoning application expenses including the required filing fee. The monetary cost of processing a city-initiated rezoning request including legal advertisement, property owner and adjacent owner mailed notice, as well as nonmonetary administrative costs, including interagency analysis and report preparation, printing expenses, etc. would then be absorbed by the city.

7. The Pitt County Tax Appraiser has advised the planning staff that the rezoning from R6S to O may increase the tax liability of the affected properties. Specifically with respect to the subject lots (i) the appraised value of the “land” is higher as office property than as residential property, and (ii) the value of the dwelling structure may also be considered as contributing to the “office” value if the dwelling can reasonably be anticipated to be adaptable for office use. If the dwelling structure can not be adapted for office use, the value of the dwelling structure would be deleted from the calculation and the total “office value” would therefore be reduced. If the value of the office lot, absent the dwelling structure (potential office) value, is less than the current total residential (dwelling and lot) value no additional tax liability would apply. The Pitt County Tax Office would have to determine the applicable after-rezoning tax value of each lot on a case by case basis.

The current R6S zone is restricted to single-family dwellings only. However, there are three (3) existing duplex buildings and Green Villa Apartments have been “grandfathered”. “Grandfathered” uses may remain provided such uses are not abandoned for more than 6 months.

The remaining sections of the neighborhood are zoned: R6, O, OR, CDF, CH.

The goal of the single-family zoning is to provide an added measure of neighborhood stability and to demonstrate the city’s commitment to single-family neighborhood preservation as part of a comprehensive housing revitalization strategy. The prior R6 zoning allowed single-family and duplex dwellings, and multifamily development. The remaining portions of the neighborhood are zoned R6 (single-family/duplex/multi-family) which is part of the Carolina Dairy property, O which contains a salon/beauty shop, two (2) office buildings, OR that contains a cleaning service, one (1) day care center, the Hope Station Wellness Center and one (1) single-family residence, CDF that contains three (3) day care centers, one (1) single-family residence, and CH that contains two (2) vacant lots, and insurance office, two (2) car dealerships, and the vacant Carolina Dairy building.

There are seven (7) legal non-conforming uses within the neighborhood. Three (3) duplex buildings along Millbrook Street and four (4) multi-family buildings along Hooker Road are non-conforming uses under the current single-family only zoning.

The current zoning map designations for the neighborhood and area properties support a sustainable environment for the neighborhood.

Zoning District Standards for R6S zoning district.

Select R6S Zoning Standards (minimums per Title 9, Chapter 4, Article F of the City Code)

Lot size: 6,000 square feet

Front setback: 25 feet

Side setback: 8 feet

Rear setback: 15 feet

Accessory structure setbacks: 15 feet or less in height - 5 foot rear yard setback;  
15 feet or more in height - 15 foot rear yard setback;  
10 foot separation between accessory structure and dwelling; or  
5 foot separation with 1-hour fire rated assembly

Carports (open and unenclosed): 5 foot side setback

Because the O, OR, CDF and CH district standards are so varied, those standards are not specifically listed. See Title 9, Chapter 4. Zoning of the City Code.

## **5. Current Condition Assessment based in part on Citizens' Input compiled from the mailed/internet survey (6 below), comments received during the neighborhood information meeting (9 below), and Staff Analysis.**

The purpose of the current condition assessment is to the identifying neighborhood strengths and weaknesses and for prioritization of remedial action plans and improvements.

- Scale:**
- 1 = Severe negative neighborhood-wide impact requiring immediate remedial action.
  - 2 = Substantial negative neighborhood-wide impact requiring the immediate development and implementation of a remedial action plan.
  - 3 = Moderate negative neighborhood-wide or localized impact requiring the development and implementation of a remedial action plan.
  - 4 = Positive neighborhood-wide attribute, condition or factor that promotes and/or facilitates sustainability, no remedial action necessary.
  - 5 = Optimal neighborhood-wide attribute, condition or factor that promotes and/or facilitates sustainability, no remedial action necessary.

- A. Natural Environment - 4
- B. Land Suitability - 4
- C. Transportation - 3
- D. Public Utilities - 4
- E. Storm Drainage - 3
- F. Structures and Building Activity - 3
- G. Socioeconomic - 3
- H. Health and Safety - 2
- I. Quality of Life - 2
- J. Code Compliance - 3
- K. Current and/or Planned Public Improvements - 3
- L. Public Services - 4
- M. Information Technology - 3
- N. Future Land Use Plan Map - 4
- O. Zoning - 2

### **Identified Areas for Consideration of Neighborhood Improvement:**

#### **C. Transportation – 3**

- Arlington Boulevard thoroughfare improvements
- Sidewalks on one side of all neighborhood collector streets
- Sidewalks along Memorial Drive
- Cut-thru traffic from Memorial Drive to Hooker Road on neighborhood streets

#### **E. Storm Drainage - 3**

- Localized street intersection flooding

F. Structures and Building Activities - 3

- Aging housing stock, and lack of reinvestment and improvement resulting in competitive disadvantage for continued owner occupancy

G. Socioeconomic - 3

- Comprehensive reinvestment in and continued improvement of the housing stock

H. Health and Safety - 2

- Unsecured underground fuel oil tanks
- Street Lighting
- Posted street addresses
- Park safety
- Under-lighted areas
- Lack of pedestrian-friendly crossing at Arlington Boulevard and Memorial Drive

I. Quality of Life - 2

- Neighborhood identifiers, entrance signs, etc.
- Overhead utility lines and services
- Street lighting
- Pedestrian/bike (sidewalk/bike lane) access to services and parks
- Lack of Homeowner's Association
- Lack of Community Watch Program (except in Hillsdale Subdivision)
- Participation in Adopt-A-Street Program
- Lack of recreational opportunities (all subdivisions) within reasonable walking distance
- Crime

J. Code Compliance - (CDD Code Enforcement Division unless otherwise noted) - 3

- Minimum housing code
- Abandoned/junked vehicles
- Parking on unimproved surfaces
- Weeded lots
- Public nuisances
- Abandoned Structures
- Animal complaints (Police)

K. Current and/or Planned Public Improvements- 3

- Completion of Thoroughfare Plan improvements
- Greenway along Green Mill Run

M. Information Technology- 3

- Fiber optic services
- Wireless internet

O. Zoning - 2

- Residential lots fronting along Memorial Drive

## 6. Survey Results Summary

Surveys were mailed to property owners and residents, utilizing tax parcel information, requesting their opinion of current neighborhood conditions. In total, 104 surveys (93-owners, 11-renters) were returned. Due to the small number of surveys from renters, no meaningful statistics could be derived. Therefore, the survey results have been combined from owners and renters. Below is the average score of those responses.

### OWNERS & RENTERS (combined)

5 - very satisfied 4 - satisfied 3 - unsatisfied 2 - no interest 1 - N/A or unable to answer

- 4.5 - Convenience to retail shopping
- 3.3 - Convenience to personal services (daycare, etc.)
- 3.6 - Convenience to place of employment
- 3.7 - Accessibility to and from the neighborhood (turning movements and wait times)
- 3.7 - Neighborhood appearance (curb appeal, style and character of homes)
- 3.5 - Neighborhood identification (sense of place)
- 2.4 - Neighborhood organization (home owners' association effectiveness)
- 2.4 - Number of rental properties (percent of rental dwellings)
- 2.9 - Condition of rental properties
- 3.3 - Sidewalks and pedestrian friendly street crossings
- 3.2 - Security of investment (anticipated or realized appreciation in home value)
- 3.6 - Personal safety (personal and property crime)
- 3.7 - External noise (road noise, adjacent incompatible use)
- 3.6 - Internal noise (frequent amplified sound and other noise emanating from neighborhood dwellings or adjacent properties)
- 3.7 - Streetscape appearance (shoulder maintenance, litter and trash)
- 3.8 - Neighborhood lighting quality (street lights, property/building lighting)
- 3.6 - Outdoor environmental quality (natural settings, open spaces)
- 3.3 - Recreational opportunities within or in convenient walking distance of the neighborhood (accessibility to parks, play grounds)
- 3.7 - Convenient and accessible on-street parking
- 3.7 - Street drainage conditions (neighborhood streets and neighborhood entrances)
- 3.9 - Residential lot drainage conditions (your dwelling)
- 3.8 - Neighborhood public street condition and maintenance
- 2.0 - Private parking lot condition and maintenance (for apartments, etc.)
- 2.9 - Convenient access to public (GREAT) transit system stops
- 2.2 - Convenient access to ECU STUDENT transit system stops

Note – The primary area of concerns expressed on surveys were lack of recreational opportunities, personal safety, condition of rental properties, the need for more police presence, loitering, lack of sidewalks, and noise and foot traffic along Memorial Drive.

### Does your neighborhood have an organized and active Neighborhood Association?

- 73% - No
- 13.5% - Yes
- 13.5% - No answer

At the neighborhood meeting, it was mentioned that a few of the homeowners have an unofficial association that meets occasionally.

**Do you regularly attend meetings of the neighborhood association?**

- 75 % - No
- 20% - No answer
- 5% - Yes

**How many years have you lived in this neighborhood?**

- 27% - over 25 years
- 13% - 1 to 5 years
- 14% - 10 to 15 years
- 12.5% - 5 to 10 years
- 12.5% - 15 to 20 years
- 11% - 20 to 25 years
- 8% - no answer
- 2% - less than 1 year

20 years on average

Note - Overall, survey responses would indicate that a significant number of homes may, in the near future, be available for owner occupant or rental occupancy due to demographic shift.

**My previous address located outside this neighborhood was:**

- 57% - a Greenville in-city neighborhood
- 14% - a Pitt County out-of-city area (rural subdivision or stand alone rural lot)
- 12% - a State other than North Carolina
- 12% - no answer
- 2% - a Country other than the United States
- 2% - a County in North Carolina other than Pitt County
- 1% - a Winterville in-city neighborhood
- 1% - a Pitt County city other than Greenville or Winterville

**Do you plan on moving out of your current neighborhood in the next 1 to 3 years?**

- 82% - No
- 10% - Yes
- 8% - No answer

**If yes**, check all that apply (consideration or reasons for moving):

Represents the number of time issue was marked as a reason. Some surveys indicated multiple reasons.

- 4 - Security issues (personal or property crime)
- 4 - Other
- 3 - Need larger dwelling (bedrooms, bathrooms, yard area, etc.)
- 3 - Physical condition of current dwelling

- 2 - Quality of life issues (quiet enjoyment, recreational, open spaces, etc...)
- 2 - Employment opportunity in another area
- 1 - Retirement
- 1 - Prefer a smaller dwelling/yard (less space, less maintenance)

**Do you have any of these problems [structural, mechanical, electrical, plumbing, etc.] at your current dwelling?**

Of the homeowner surveys received, 43 surveys indicated some type of problem. The responses and windshield survey by staff would indicate that the housing stock is in good physical condition however, due to the period of construction, many houses are in need of upgrades and improvements.

- Frequent poor yard drainage: 16
- Plumbing system problems: 21
- Electrical system problems: 12
- Foundation or structural problems: 12
- Heating and cooling: 21
- Leaking Roof: 10
- Weatherization: 3
- Sewer: 1
- Insects: 1

**Do you view your current neighborhood as:**

- 40% - stable
- 33% - declining
- 16% - some improvement
- 5% - no answer
- 4% - excellent
- 3% - substantial improvement

**Please check the appropriate age range for the person(s) completing this survey.**

- 49% - 60 and over
- 32% - 45 – 60 years old
- 14% - 25 – 45 years old
- 3% - 18 – 25 years old
- 2% - No answer

**Which of the following best describes your household?**

Family = 2 or more adults living together (married couple, roommates, etc...)

- 34% - Single occupant (an adult living alone)
- 34 % - Family with no children in the household
- 13% - Family with a young child(ren) (infant – 13 years old)
- 3.5 % - No answer
- 12% - Family with an older child(ren) (14 – 18 years old)
- 3.5% - Family with young and older children

## **7. HORIZONS: Greenville's Community Plan (2004) Recommendations: (see also map 27)**

### **Vision area**

The neighborhood is located in Vision Area G, West Central.

The following are Management Actions for Vision Area F, which are related to this specific neighborhood:

G3. Develop a greenway along Green Mill Run.

G8. Implement more police protection.

**Other Contextual Recommendations** (objectives, policy statements and implementation strategies specific to this neighborhood)

### **Objectives**

#### Housing

H5. To improve and revitalize existing neighborhoods.

#### Mobility

M4. To preserve and protect existing and future residential neighborhoods.

M5. To provide safe, convenient and efficient opportunities for pedestrian and bicycle movements.

#### Recreation and Parks

RP1. To provide park and open spaces in all neighborhoods.

RP5. To increase access to and use of recreational facilities at City parks and public schools.

RP7. To continue the construction of greenway projects in the City.

RP9. To expand recreational infrastructure (i.e. sidewalks and bike paths).

#### Environmental Quality

EQ11. To reserve areas of floodplain for open space corridors and greenways.

#### Urban Form

UF6. To preserve neighborhood livability.

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

UF30. To discourage undesirable "cut through" traffic in subdivisions and developments by the use of circuitous street routes, multiple stop conditions, and other design options.

## **Implementation Strategies**

### Land Use

- 2 (i). Office/institutional/multi-family development should be used as a buffer between light industrial and commercial development and adjacent lower density residential land uses.
- 4 (e). Implement programs to increase home ownership.

### Growth and Development

- 2(b). Implement the Greenway Master Plan.
- 2 (x). Maintain neighborhood character and identity.
- 2 (y). Create walkable communities/neighborhoods.
- 2 (z). Encourage citizen involvement within neighborhoods.

### **Implementation Strategies (completed to date)**

- General planning principles supported
- Rezoning of neighborhood to single-family only
- Greenway Master Plan adopted
- Recreation and Parks, Master Plan adopted
- Thoroughfare Plan adopted

### **Implementation Strategies (pending)**

- Green Mill Run Greenway Extension

## **8. City Council Goals (2006-2007)**

### Completed to Date

- 6. Goal: Emphasize the Importance of Neighborhood Stabilization and Revitalization
  - A. Objective: Preserve/prevent deterioration of single-family neighborhoods for more sustainable communities
    - Action Item # 6: Rezone remaining predominantly single-family use neighborhoods to an “S district” classification (see TFPNH recommendation # 6)

### Pending

- 6. Goal: Emphasize the Importance of Neighborhood Stabilization and Revitalization
  - A. Objective: Preserve/prevent deterioration of single-family neighborhoods for more sustainable communities
    - Action Item # 7: Develop and adopt neighborhood plans to guide policy and investment decisions in older, established single-family neighborhoods (see TFPNH recommendation # 9)

6. Goal: Emphasize the Importance of Neighborhood Stabilization and Revitalization
  - A. Objective: Setup pilot program in T.R.U.N.A. and all areas of the City to increase homeownership
    - Action Item# 1: Create economic incentives to encourage reinvestment in established single-family neighborhoods
    - Action Item # 2: Develop and empower neighborhood associations, including financial assistance to train leaders and build organizational capacity (see TFPNH recommendation # 8)
  - E. Objective: Expand loan program for conversion of rental property
    - Action Item # 1: Convert rental properties to owner-occupied housing; develop a citywide down payment assistance program to assist 20 homebuyers over the next two years
8. Goal: Provide a Safe Community
  - A. Objective: Create and implement community policing policies that increase public contact and improve the perception of the Police Department
    - Action Item # 1: Allocate resources to best provide community policing based on calls for service analysis completed in 2005

## **8a. City Council Goals (2008-2009)**

### **Completed**

6. Goal: Enhance Cultural and Recreational Opportunities
  - A. Objective: Provide better and improved park/recreation facilities in underserved neighborhoods

Action Item: Replace outdated playground equipment at South Greenville Park with new play structures and two new swings sets

### **Pending**

3. Goal: Promote Sustainability and Livability of Both Old and New Neighborhoods
  - B. Objective: Expand the greenway system
    - Action Item # 4: Complete design of the Green Mill Run Greenway Extension to Evans Park.

## **9. Public comments received during the public information meeting held at Arlington Boulevard Baptist Church on July 28, 2009**

- City-owned lot maintenance (brush is taking over more of lot)
- Code enforcement
- Access to parks and recreation – difficulty of crossing Arlington Boulevard to reach Hillsdale Park
- Former Carolina Dairy property – neglect of site/lack of maintenance and safety
- Sidewalks – especially for crime prevention and safety
- Fire safety -
- Sylvan Drive signage (street signs and speed limit)
- Speed bumps – especially on Millbrook to slow traffic and deter cut-through traffic
- Signage – not to block intersection specifically at Cherokee Drive, mainly due to proximity to traffic signal at intersection of Arlington Boulevard and Hooker Road
- Neighborhood Association (trying to establish one)
- Yard debris in streets (leaves, lawn clippings that clog up catch basins)
- Animal control
- Tree roots damaging streets and driveways
- Trash pick-up rules and regulations
- Security issues – crime, personal safety, and loitering

## Issues for Consideration in the Development of Neighborhood Plans

### Community Development Department

#### Land Suitability

- Topography
- Soils
- Watershed protection
- Buffers

#### Comprehensive Land Use Plan

- Vision Area designation
- Current HORIZONS Plan contextual recommendations
- Current Future Land Use Plan Map recommendations

#### Structures and Building Activity

- Dwelling types and condition
- Improvement permit records

#### Socioeconomic

- Demographics
- Dwelling Occupancy
- Median home value
- Home improvements
- Retail trade service areas
- Employment areas

#### Quality of Life

- Community character and identity
- Unifying and complementary elements
- Aesthetics
- History and heritage
- Open spaces
- Noise pollution
- Minimum housing code compliance and enforcement
- Nuisance abatement code compliance and enforcement
- Walkability
- Private development identification signage
- Neighborhood property owners association
- Access to commercial, services and employment nodes

#### Code Compliance

- Building
- Residential Occupancy
- Minimum housing
- Abandoned/junk vehicles
- Public nuisance
- Weeded lots
- Zoning and land use
- Garbage and trash, etc. collection standards

Information Technology

Cable TV  
Telephone  
Fiber optic

Cultural Resources

Library services, etc.  
Civic and private art resources  
Cultural /historical resources and landmarks

**Public Works Department**

Natural Environment

Flood hazard areas  
Stream channels and bodies water  
Street trees  
Wildlife habitat  
Environmental hazards and limitations  
Mosquito control

Transportation

Traffic circulation  
Connectivity of streets  
GREAT bus stops/routes existing  
ECU bus stops/routes existing  
Sidewalks and bike lanes  
Thoroughfare and street construction/improvement plans  
On-street parking  
Street identification, and regulatory signage  
Speed limits within neighborhood  
Traffic control and traffic calming

Storm Drainage

Stormwater management systems  
Road flooding conditions  
Lot flooding conditions  
Stream bank stabilization  
Riparian buffers  
Storm water detention  
Storm water utility program improvements

Service Delivery

Garbage collection  
Mosquito control  
Trash collection  
Yard debris collection  
Recycling

Other

Adopt-A-Street program

## **Greenville Utilities Commission**

### **Public Utilities**

- Water system
- Sanitary sewer system
- Gas system
- Electric distribution system
- Street lights

### **Police Department**

#### **Health & Safety**

- Crime control and calls for service with number of citations issued
- Animal control and calls for service with number of citations issued
- Police presence and programs
- Neighborhood watch program

#### **Quality of Life**

- Residential noise violations with number of citations issued

### **Fire/Rescue Department**

#### **Health & Safety**

- Fire/Rescue service delivery station(s) and response time
- Fire/Rescue apparatus access roads
- Hydrant location and dwelling separation
- Chemical hazards

### **Recreation and Parks Department**

#### **Quality of Life**

- Public recreational and open space improvements and facilities
- Public recreation programs
- Accessibility of public green spaces
- Condition of public green spaces
- Usability of public green spaces
- Private recreation and open space

### **Adopted Plans Affecting Neighborhoods – All Departments**

- HORIZONS, Greenville's Community Plan (2004)
- West Greenville Revitalization Plan (2005)
- Center City-West Greenville Streetscape Master Plan (2006)
- Recreation and Parks Comprehensive Master Plan (2000) [update adopted by CC November 6, 2008]
- Greenville Urban Area Thoroughfare Plan (2004)
- Transportation Improvement Program (2006)
- Greenway Master Plan (2004)
- Hazard Mitigation Plan (2004)

## **Neighborhood Plan for the Carolina Heights, Greenbrier, Hillsdale and Tucker Circle Subdivisions**

2009

### **Goals:**

To create, maintain and enhance a sustainable neighborhood.

### **Objectives:**

To identify by analysis and citizen input, the strengths and weaknesses of neighborhood issues affecting sustainability and to create broad support for recommended improvement strategies.

### **Policy Implementation and Improvement Strategies:**

The City Council and City Staff will take such actions as necessary for the support and implementation of the neighborhood plan as follows:

- City Council will amend HORIZONS: Greenville's Community Plan to incorporate the Carolina Heights, Greenbrier, Hillsdale, and Tucker Circle Area Report and Plan by reference.
- City Staff will conduct a periodic review of the neighborhood report and plan, and the adopted implementation and improvement strategies to evaluate plan progress toward the goal of continued neighborhood sustainability.
- Completion of current City Council Goals (2006 - 2007) and future goals, as may be adopted, in accordance with established schedules.
- Completion of current City Council Goals (2008 - 2009) and future goals, as may be adopted, in accordance with established schedules.
- City Council will consider creating a Rental Registration Program as recommended by the Task Force on Preservation of Neighborhoods and Housing and per City Council 2006-2007 Goals and Objectives.
- City Staff will investigate options for neighborhood identification signage to be located at neighborhood entrances including easement acquisition and/or in right-of-way location.
- City Staff will increase neighborhood-wide code enforcement efforts through the allocation of additional resources and staff directed patrols.
- City Staff will prepare cost estimates and project schedules for the Capital Improvement and Implementation Strategies included in this plan.
- City Council will utilize this plan to guide public policy and investment decisions within the Carolina Heights, Greenbrier, Hillsdale and Tucker Circle Subdivisions.

### **Capital Improvement and Implementation Strategies:**

The City Council and City Staff will take such actions as necessary for the support and implementation of the neighborhood plan as follows:

- The City will investigate the creation of a home improvement matching grant fund for older site-built single-family owner-occupied dwellings (example - not less than 30-years old) to be awarded on an annual basis, to encourage qualified home improvement/upgrades that will increase the tax value and marketability of older dwellings. Such grant to be secured by an owner occupancy condition (Deed of Trust) for a determined period.
- The City will provide grants, in accordance with current program/policy, to the neighborhood homeowners associations for design and construction of neighborhood (subdivision) entrance signs.
- The City will install appropriate GREAT system bus stop improvements at locations as determined necessary and appropriate by the Public Works Department as recommended by the Thoroughfare Plan.
- The City will encourage additional neighborhood volunteer participation in the Adopt-A-Street program.
- The City will assess street lighting levels throughout the neighborhood and cause the installation of additional lamps as determined necessary by the City Engineer.
- The City will monitor Green Mill Run and institute bank stabilization as necessary to minimize sedimentation/erosion and land (building site) loss as determined to be necessary by the City Engineer.
- The City will assist neighborhood and area residents in the establishment of a Neighborhood Association and a Neighborhood Watch Program.
- The City will evaluate passenger vehicle speeds on neighborhood streets and shall install additional traffic calming devices as determined to be necessary by the City Engineer, especially on Millbrook Drive and Sunset Avenue.
- The City will notify property owners of address number display requirements.
- The City will update the GIS-GPS coverage for storm water improvements throughout and adjacent to the neighborhood.
- The City will request and encourage GUC to update the GIS-GPS coverage for all public utilities, including water, sanitary sewer, gas and electric lines, and street lights throughout and adjacent to the neighborhood.
- The City will investigate enhancing existing crosswalks and suitability of additional crosswalks in the neighborhood.

## Supplemental Information

Greenville Police Department calls for service are for the period of January 1, 2008 – December 31, 2008 for the neighborhood.

Type	Number of Calls	Disposition
Abandoned Vehicle	9	1-citation
Alarm	28	0
Animal Complaint	129	3-warnings; 7-citations; 1-arrest
Arrest	3	3-arrests
Assault	20	6-arrests
Auto Larceny	7	0
Breaking & Entering	11	0
Burglary	1	0
Chase	2	1-arrest
Check on Welfare	10	0
Communicating Threats	9	0
Damage to property	16	2-arrests
Directed Patrol	94	0
Dispute	35	1-arrest
Disturbance	13	2-verbal warnings
Domestic	11	1-arrests
Escort	4	1-arrest
Fight	6	0
Fireworks	2	0
Fraud	8	0
Harassment	3	0
Hit and Run Injury	3	3-citations
Hit and Run- Property Damage	3	0
Juvenile Complaint	20	0
Larceny	23	0
Missing Person	6	0
Open door, window, etc	4	0
Parking Violation	17	1-citation; 2-verbal warnings
Recovered Property / Vehicle	6	0
Request Officer	41	1-arrest
Sexual Assault	1	1-arrest
Shots Fired	3	0
Suspicious Activity/Person/Vehicle	60	1-citation; 1-arrest
Traffic Complaint	14	1-citation
Trespassing	20	0
Vehicle Crash – Property Damage	14	9-citations
<b>TOTAL</b>	656	

## Neighborhood Plan Development and Consideration Process Outline

1. Identification of neighborhood boundaries.
2. City departments meeting to compile current condition assessment and assemble facts, statistics and past and pending actions.
3. Mail surveys to each property owner (tax listing) and household (street address) if different, and advise the owner/occupants of a scheduled neighborhood meeting (time - place TBA), and schedule of the Planning and Zoning Commission meeting.
4. Activate the on-line (city web page) survey option for the particular neighborhood.
5. Compile survey responses received prior to neighborhood meeting and create a data spread sheet for distribution to city departments.
6. Conduct neighborhood information meeting to present current condition assessment and receive input from neighborhood resident/owners, and advise persons of the scheduled Planning and Zoning Commission meeting.
7. Staff to compile public comments collected from the neighborhood input meeting.
8. Staff to prepare a draft comprehensive neighborhood plan report for presentation to the Planning and Zoning Commission including goals, objectives, and implementation strategies.
9. Advertise Planning and Zoning Commission meeting (newspaper).
10. Planning and Zoning Commission to hold a public meeting to consider the draft neighborhood plan report and plan recommendations at which time the report and plan may be recommended for adoption, or continued for further study prior to recommendation; forward recommendation to City Council.
11. Advertise City Council meeting item as a proposed amendment to the comprehensive plan – HORIZONS: Greenville's Community Plan (newspaper).
12. City Council to hold a public hearing to consider adoption of the neighborhood plan report and amendment to the comprehensive plan
13. City Council to consider plan project/improvement funding at the time of annual budget or capital improvement plan adoption.
14. Neighborhood Plan projects to be completed in accordance with program schedule and funding availability.

## **Report Identifying Issues and Considerations Concerning City-Initiated Rezoning Of Lots Fronting the Memorial Drive Corridor**

This report specifically concerns the 30 lots fronting the eastern right-of-way of Memorial Drive, being those lots located south of Sylvan Drive and north of Millbrook Street, which are currently zoned either O (office-only), OR (office-residential) or R6S(single-family residential).

### Background information concerning the subject lots

- The subject lots are owned by 23 separate property owners, 6 of whom own multiple and contiguous properties.
- The residentially-zoned lots were rezoned from R6 (Multi-family residential) to R6S (single-family residential) in March 2007, pursuant to the Task Force on Preservation of Neighborhoods and Housing Report and zoning recommendations. The rezoning from R6 to R6S was for the purpose of prohibiting dwelling conversion from single-family to duplex and/or multi-family use, and such action does not prohibit further rezoning in accordance with comprehensive plan recommendations.
- The Future Land Use Plan Map recommends OIMF (office/institutional/multifamily) for the subject lots, with O (office-only) preferred due to the multi-family restriction. Low intensity non-residential use is recommended due to the fact that the long-term livability of the single-family dwellings fronting Memorial Drive is expected to diminish over time as a result of roadway impacts.
- To date, 8 of the subject lots have been rezoned from the previous residential category to O (3 lots) and OR (5 lots) for adaptive reuse purposes. The OR lots were rezoned prior to the Housing Task Force Report.
- Rezoning to O (office-only) would be recommended by staff, for both the existing OR and R6S properties.
- Pitt County owns 2 contiguous OR zoned lots (former city fire station site). The existing social services use is permitted under both the existing OR and recommended O zoning districts.
- Typical lot area of the subject (individual) lots is 10,000 + square feet. Minimum lot size of non-residential use lots is: 7,500 sq. ft. in the OR district and 12,000 sq. ft. in the O district. If an individual lot is rezoned to O and the dwelling is removed for redevelopment, the new building site must meet the minimum area requirement of 12,000 sq. ft. individually or in combination with other lots to qualify for zoning purposes. Adaptive reuse of an existing dwelling would be permitted on a substandard lot provided all other zoning requirements are met.

Rezoning issues for consideration concerning the subject lots

1. Rezoning of the subject residential (dwelling) lots to O (office-only) will create a non-conforming use situation due to the fact that the existing residential use is not a permitted or special use option in the O district. The non-conforming provision of the zoning regulation would allow continuation of the existing single-family use including maintenance and routine repair; however, the rezoning to O would prevent the construction of a new dwelling on a vacant lot or the residential reconstruction, repair and/or use of a dwelling willfully abandoned for a period of 6 months. A dwelling destroyed by fire, wind, flood or other natural disaster may be repaired and reoccupied regardless of the extent of damage provided such reconstruction is begun within 6 months of the date of destruction.
2. Residential mortgage lenders may be concerned with the rezoning of residential property to a non-residential use category due to the resultant application of the non-conforming use provisions mentioned under 1 above.
3. City-initiated zoning of the subject lots may galvanize opposition from other area property owners concerned that they may be targeted by similar ad hoc city-initiated rezoning. Other-area property owners may believe the city has a “hidden agenda” or undisclosed list of other sites targeted for additional city-initiated rezoning. A city-initiated rezoning program may also jeopardize property owner cooperation in future land use planning efforts.
4. Several property owners have assembled contiguous parcels, likely in anticipation of acquiring additional properties for a future consolidated development, and rezoning from residential to office may increase future acquisition expenses. Due to the fact that the subject lots are already impacted by development limitations, including physical location, expense of house removal or adaptive reuse improvement of the dwelling structure, and limited lot dimensions, the redevelopment of the subject “hard-to-build” lots may not then be cost effective when coupled with increased acquisition costs.
5. Rezoning related value increase may benefit the current residential owner; however, the anticipated or actual value increase due to rezoning may create a “cost avoidance” effect resulting in a prospective developer’s decision not to purchase a “hard-to-build” lot due to the homeowner’s zoning inflated sales price expectation. Inflated sales prices may be a disincentive to further investment and redevelopment in this area.
6. A property owner rezoning petition is subject to a filing fee of \$500.00 (flat fee) plus \$50.00 per acre or additional fraction thereof. The filing fee is specified in the city’s manual of fees and is designed to recoup the processing cost of a rezoning application. Typical filing fee for an individual single-family lot is \$500.00. A city initiated rezoning of property does relieve the affected property owner of typical rezoning application expenses including the required filing fee. The monetary cost of processing a city-initiated rezoning request including legal advertisement, property owner and adjacent owner mailed notice, as well as nonmonetary administrative costs, including interagency analysis and report preparation, printing expenses, etc. would then be absorbed by the city.

7. The Pitt County Tax Appraiser has advised the planning staff that the rezoning from R6S to O may increase the tax liability of the affected properties. Specifically with respect to the subject lots (i) the appraised value of the “land” is higher as office property than as residential property, and (ii) the value of the dwelling structure may also be considered as contributing to the “office” value if the dwelling can reasonably be anticipated to be adaptable for office use. If the dwelling structure can not be adapted for office use, the value of the dwelling structure would be deleted from the calculation and the total “office value” would therefore be reduced. If the value of the office lot, absent the dwelling structure (potential office) value, is less than the current total residential (dwelling and lot) value no additional tax liability would apply. The Pitt County Tax Office would have to determine the applicable after-rezoning tax value of each lot on a case by case basis.

Attached is supplemental information concerning city-initiated zoning in general.

Supplemental information concerning city initiated zoning in general

- Zoning map amendments are, in most cases, at the request of the property owner. In the past 20 years (1987 through 2007) there have been 579 property owner-initiated rezoning petitions and 48 city-initiated petitions. (627 total petitions of which 7.5+ % were city-initiated)
- Zoning actions should be reasonable and in the public interest and should promote the public health, safety, morals, and general welfare, regardless of the initiating party.
- All zoning actions should be supported by the comprehensive plan. This is a basic requirement of state law and does support desirable community goals, which are the product of a lengthy public process, involving large numbers of citizens and compromises among competing interests.
- Zoning actions do not have to insure the most profitable use of each tract – there is no “highest and best use” standard. A “reasonable use” approach is appropriate in administration of zoning.
- The city has initiated rezoning of property in the past – e.g., the Medical District Plan (1986) and the more recent Housing Task Force Plan (2005 – 2007). Rezoning in those and similar cases was pursuant to specific planning efforts and had the general support of the majority of property owners and/or major stake holders in the affected areas. In these and other special plan based cases, the plan objectives could not have been accomplished if dependent on the individual rezoning petition of the affected owners. City-initiated rezoning is often the only effective implementation strategy where multiple property owners are involved.
- The rezoning of property is typically viewed as either increasing the use options (up-zoning) or decreasing the use options (down-zoning). Involuntary change of land use options (up or down) may be viewed by the affected property owner as detrimental for various reasons including:
  - (a) non-conforming issues created by the change, although pre-zoning use is allowed to continue under certain conditions,

- (b) perceived and/or actual real estate value change, and the fear of additional tax liability in the case of “up-zoned” properties, and
- (c) the change may reduce use options in the case of “down-zoning” or create other conditions that adversely impact the owner’s investment-backed expectations under the current zoning.

- In addition to the property owners’ concerns noted above (a-c), various lending institutions have in the past expressed concerns with respect to the potential effect of city-initiated rezoning of secured (deed-of-trust, etc.) properties. The zoning of developed, and particularly undeveloped property, may affect the market value of a note held as security for an outstanding loan. This typically would not be an issue with respect to “up-zoning” of a property.
- There are 12 separate land use categories illustrated on the Future Land Use Plan Map. Each of these categories is associated with 1 or more of the 28 zoning districts, or as conservation/open space. Therefore, the Future Land Use Plan Map, in many cases, represents a range of available land use options to be evaluated on a site-specific, case-by-case basis at the time of zoning consideration. Due to this range of options, and in the absence of a more detailed neighborhood, corridor or area plan, such as the Medical District Plan, or other immediate comprehensive plan based objective, rezoning initiation is generally left to the discretion of the individual owner.
- As part of the ongoing city-wide neighborhood, corridor, and area planning efforts, staff will be preparing detailed plans to supplement the current comprehensive plan. Those detailed plans will include implementation strategies that may involve rezoning recommendations, and may result in city-initiated rezoning.

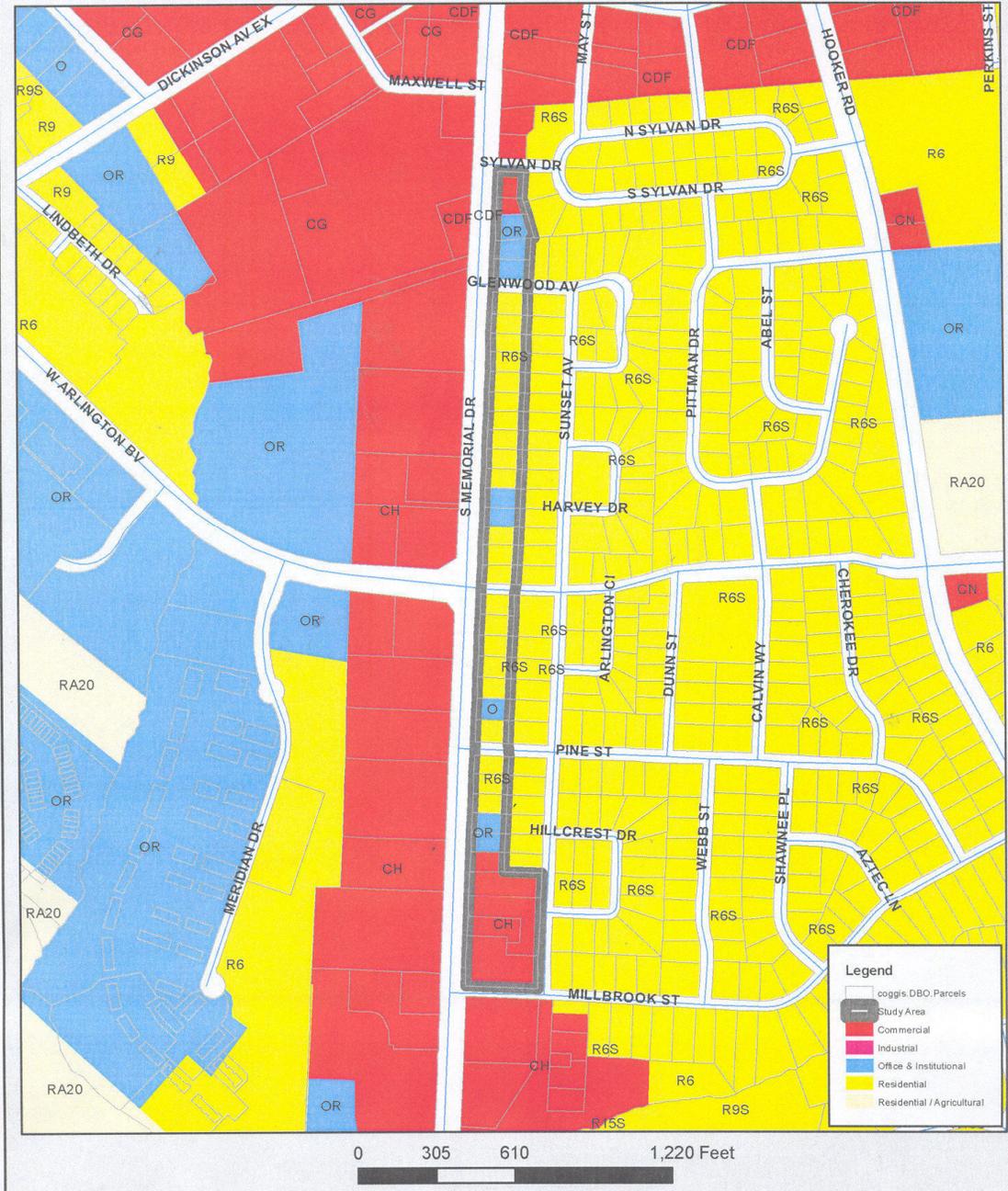


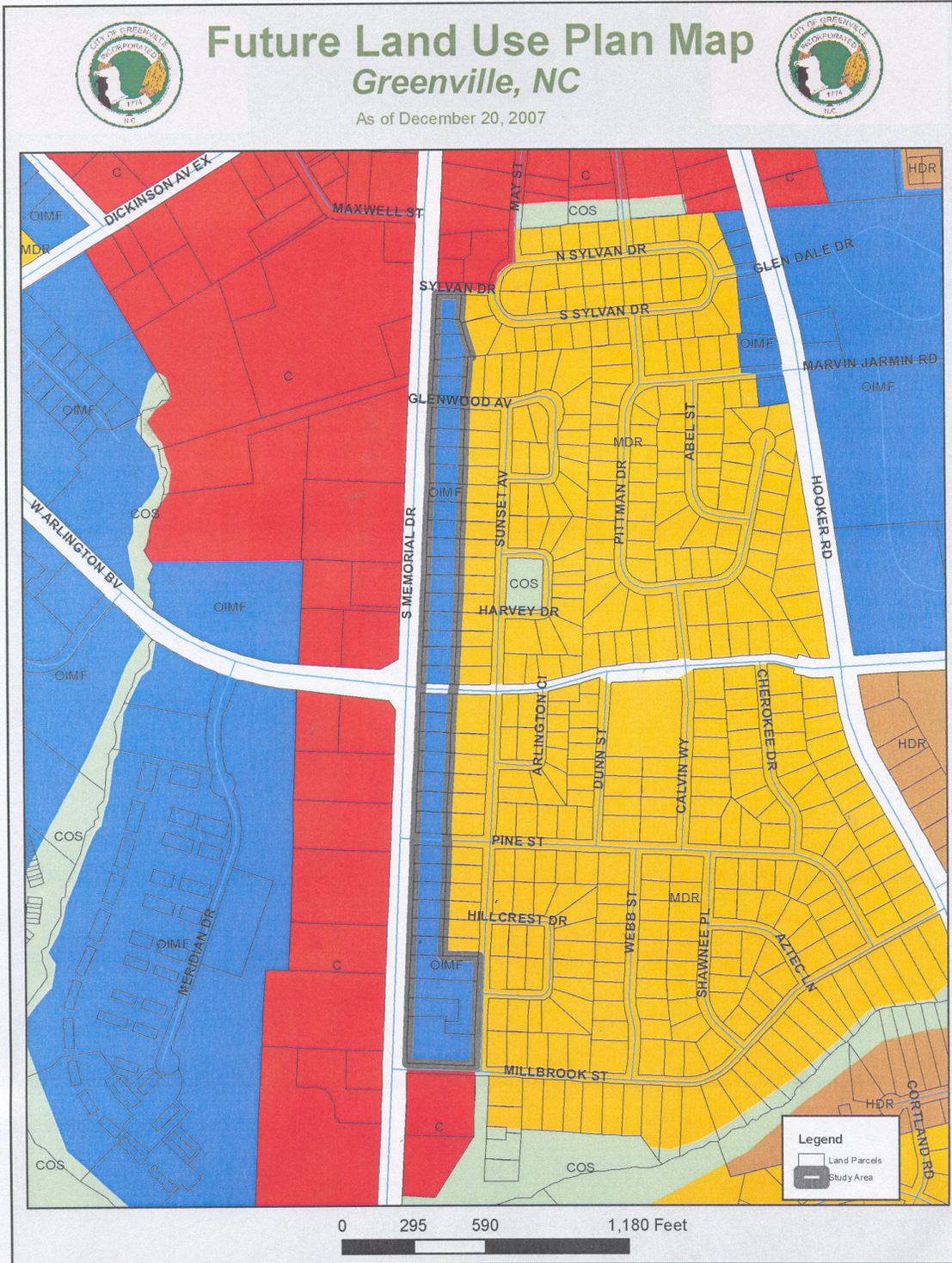
# Zoning Map

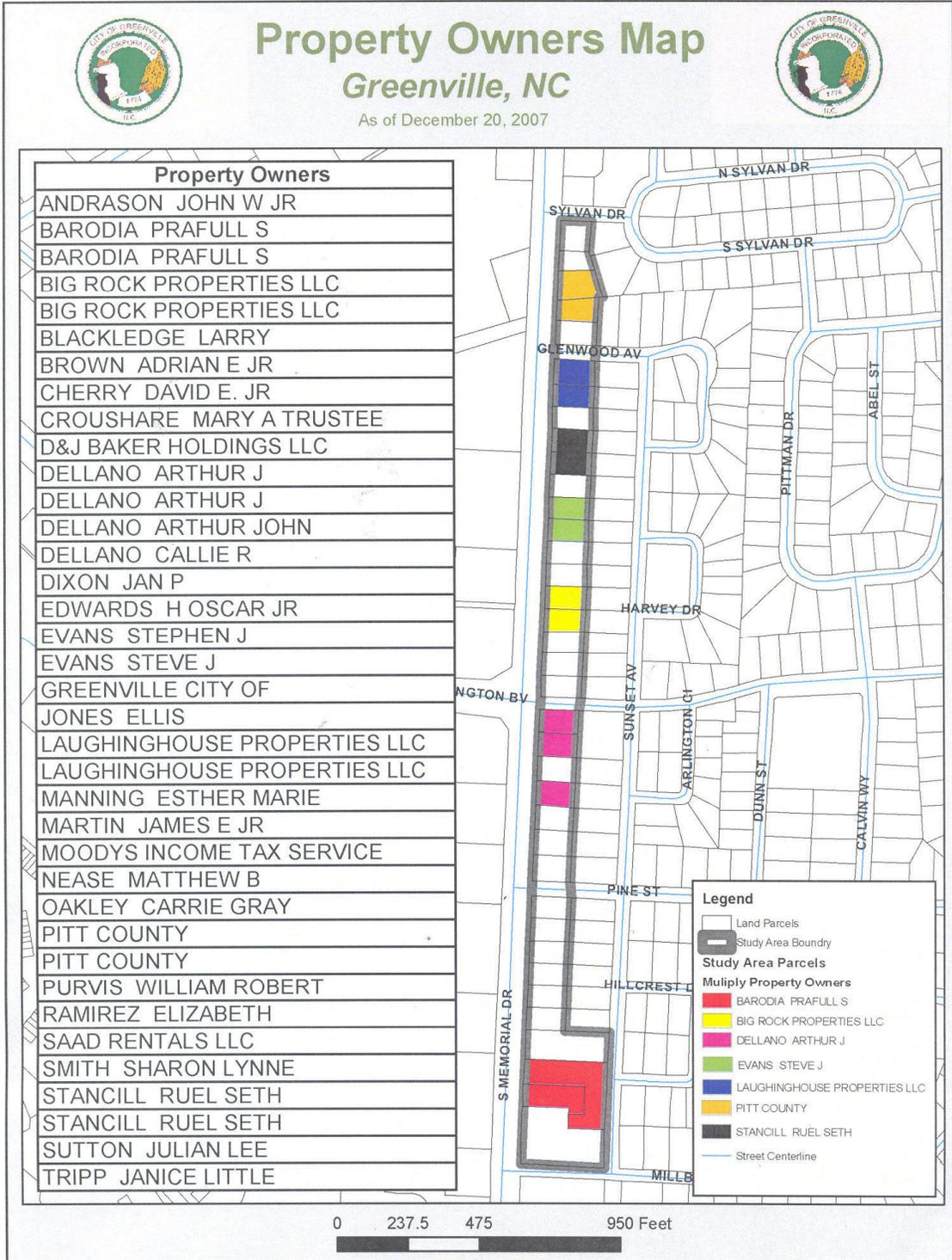
## Greenville, NC



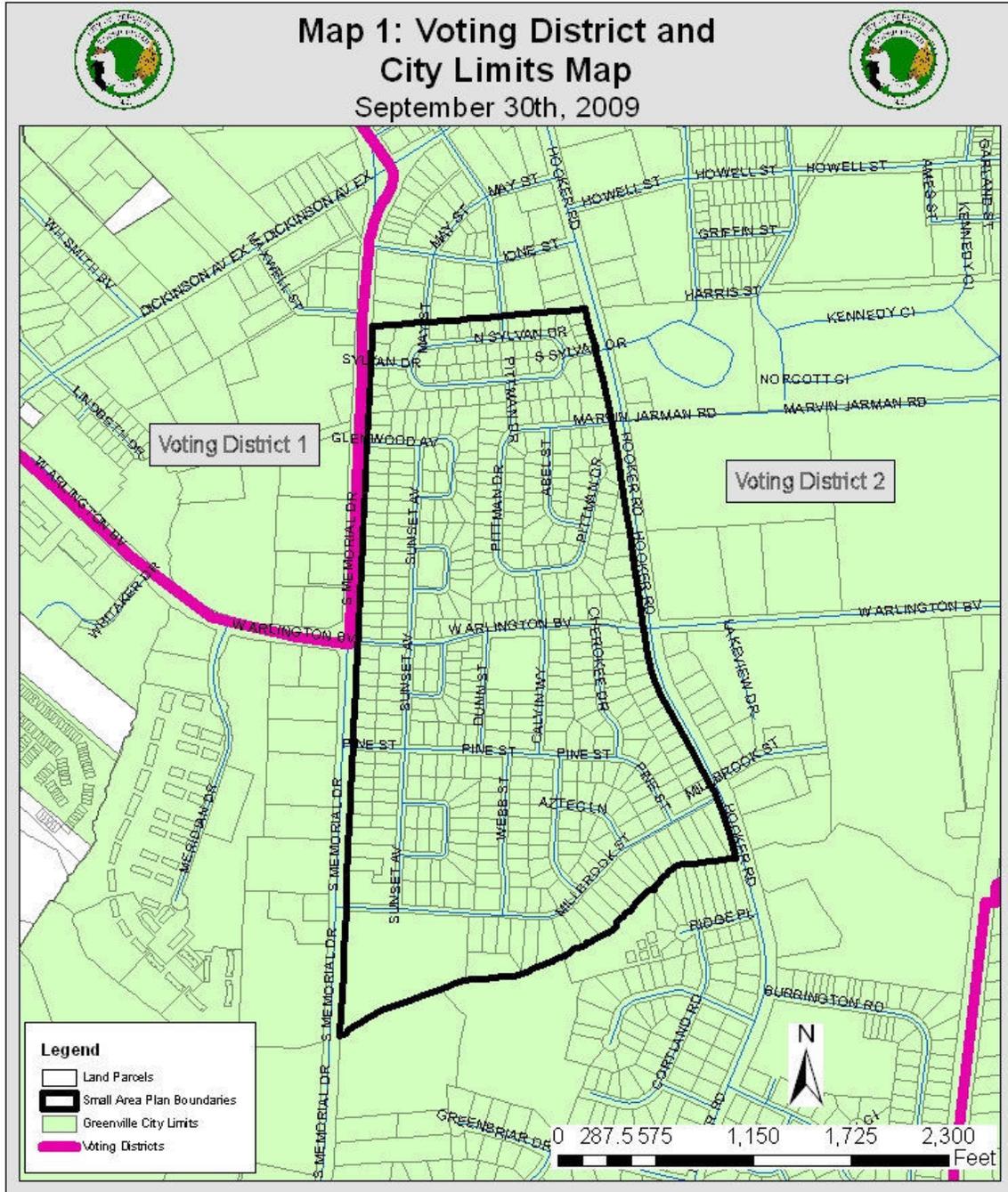
As of January 17, 2007







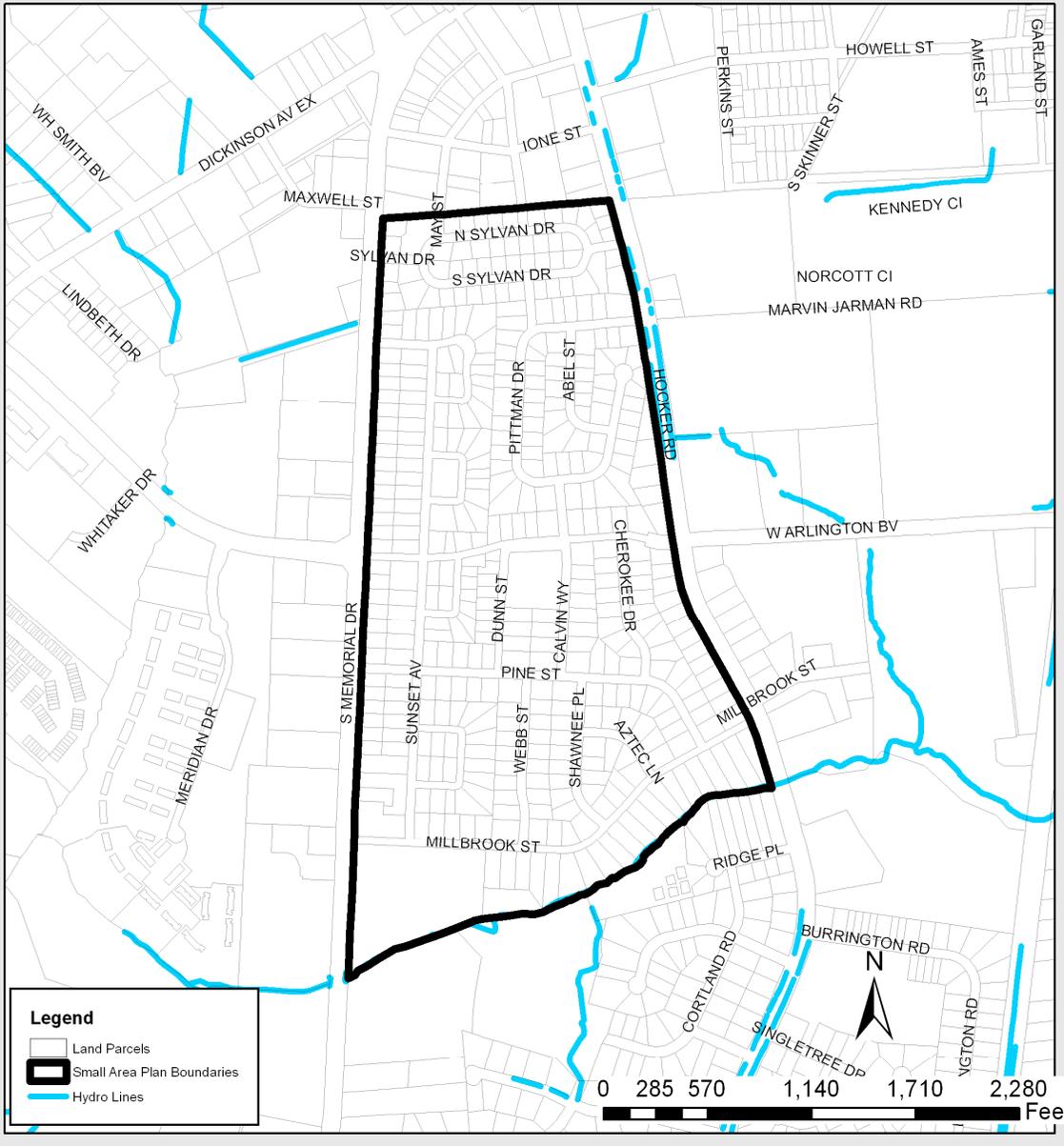
Property Owners
ANDRASON JOHN W JR
BARODIA PRAFULL S
BARODIA PRAFULL S
BIG ROCK PROPERTIES LLC
BIG ROCK PROPERTIES LLC
BLACKLEDGE LARRY
BROWN ADRIAN E JR
CHERRY DAVID E. JR
CROUSHARE MARY A TRUSTEE
D&J BAKER HOLDINGS LLC
DELLANO ARTHUR J
DELLANO ARTHUR J
DELLANO ARTHUR JOHN
DELLANO CALLIE R
DIXON JAN P
EDWARDS H OSCAR JR
EVANS STEPHEN J
EVANS STEVE J
GREENVILLE CITY OF
JONES ELLIS
LAUGHINGHOUSE PROPERTIES LLC
LAUGHINGHOUSE PROPERTIES LLC
MANNING ESTHER MARIE
MARTIN JAMES E JR
MOODYS INCOME TAX SERVICE
NEASE MATTHEW B
OAKLEY CARRIE GRAY
PITT COUNTY
PITT COUNTY
PURVIS WILLIAM ROBERT
RAMIREZ ELIZABETH
SAAD RENTALS LLC
SMITH SHARON LYNNE
STANCILL RUEL SETH
STANCILL RUEL SETH
SUTTON JULIAN LEE
TRIPP JANICE LITTLE





# Map 2: Streams and Open Ditches Map

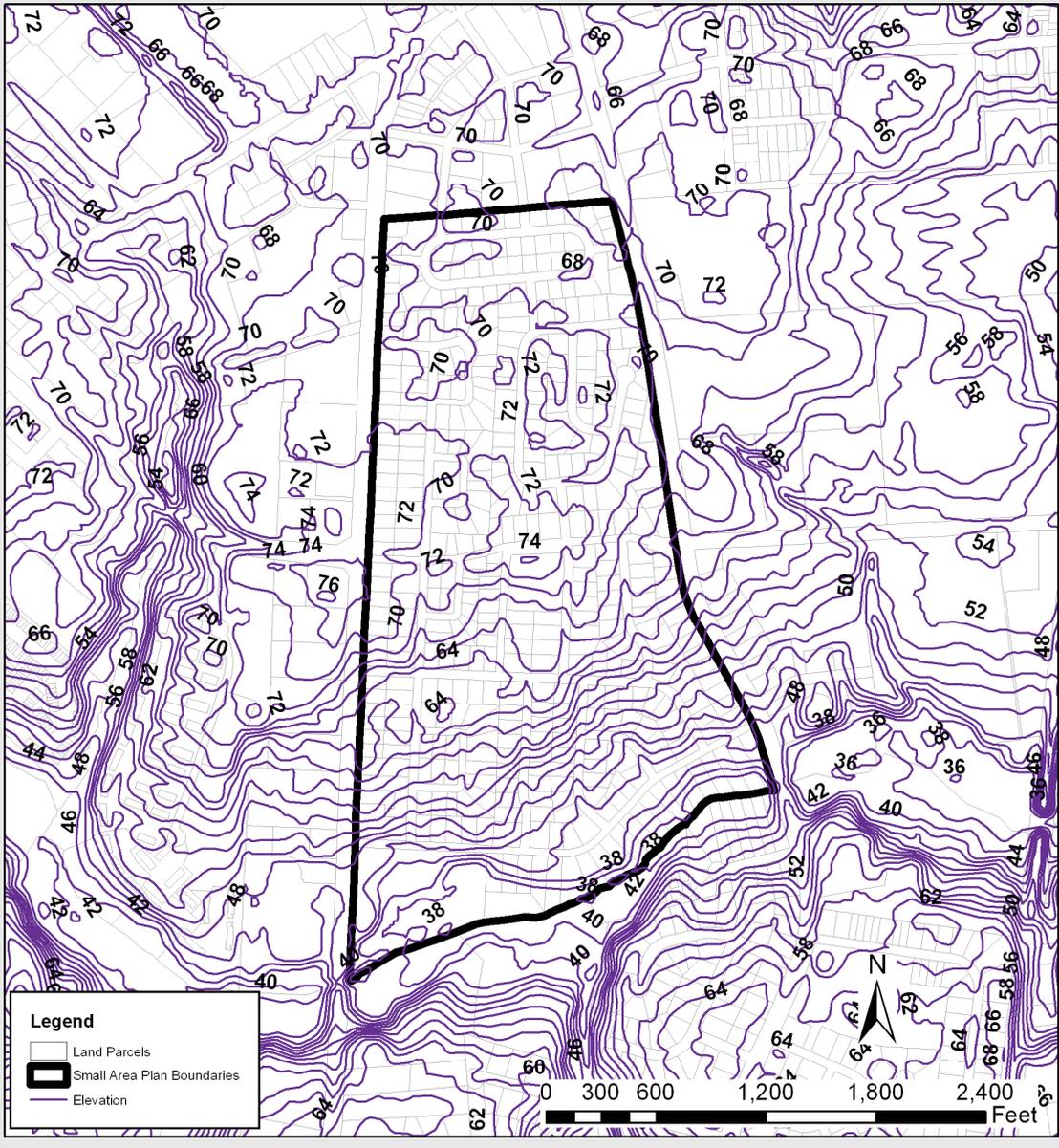
September 30th, 2009





# Map 3: Topography

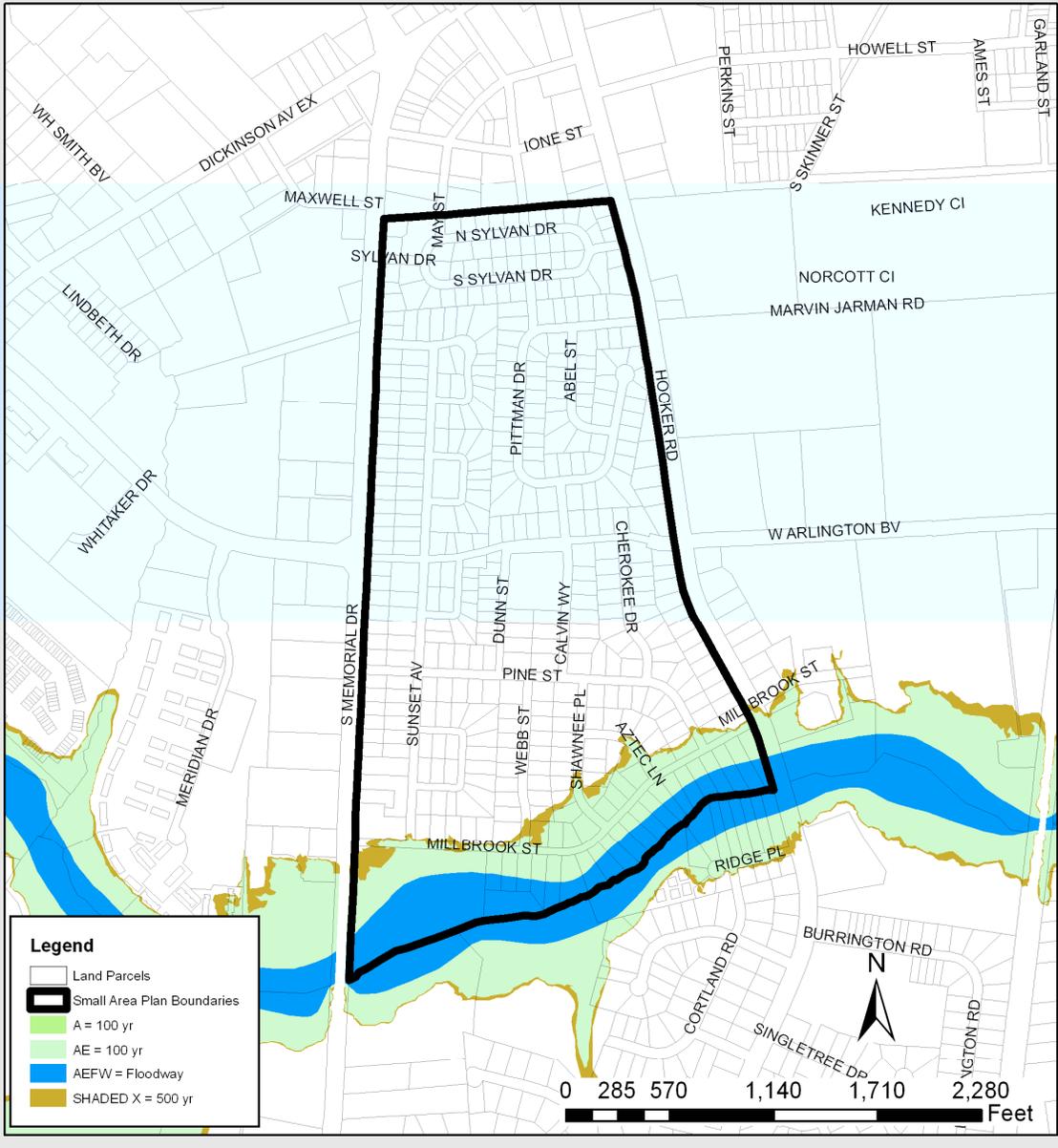
September 30th, 2009





# Map 4: Flood Hazard Map

September 30th, 2009

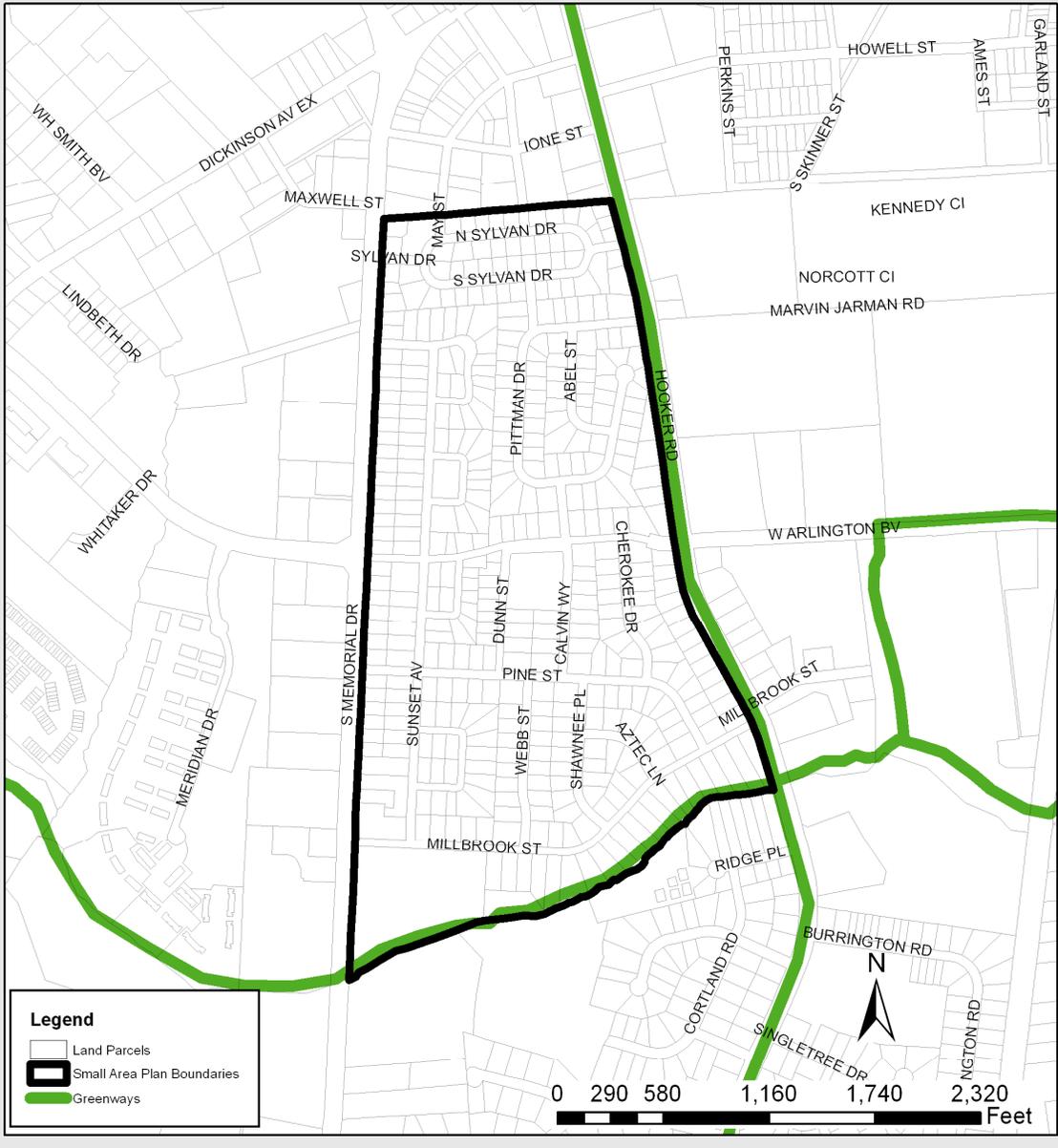


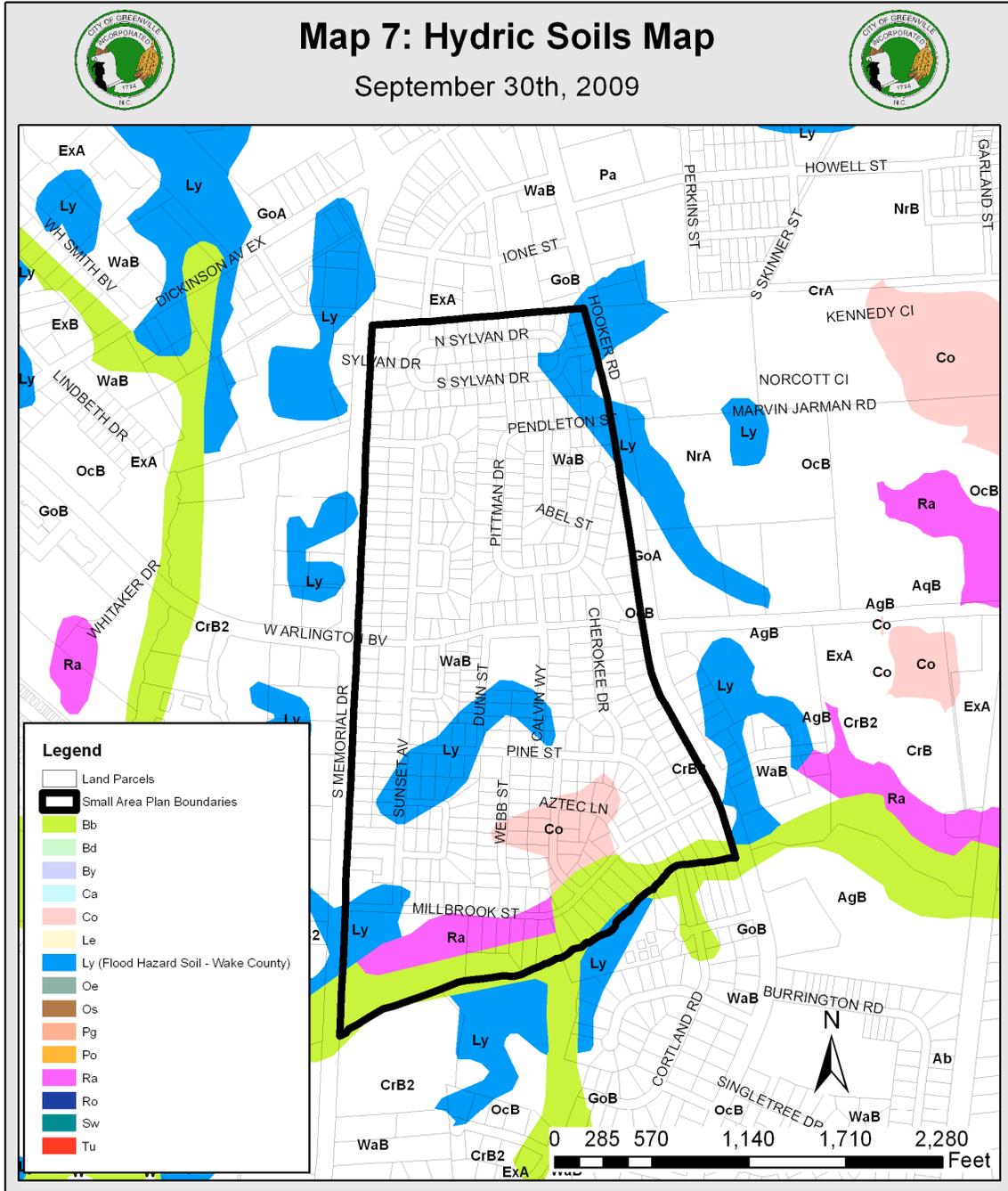




# Map 6: Greenways Map

September 30th, 2009

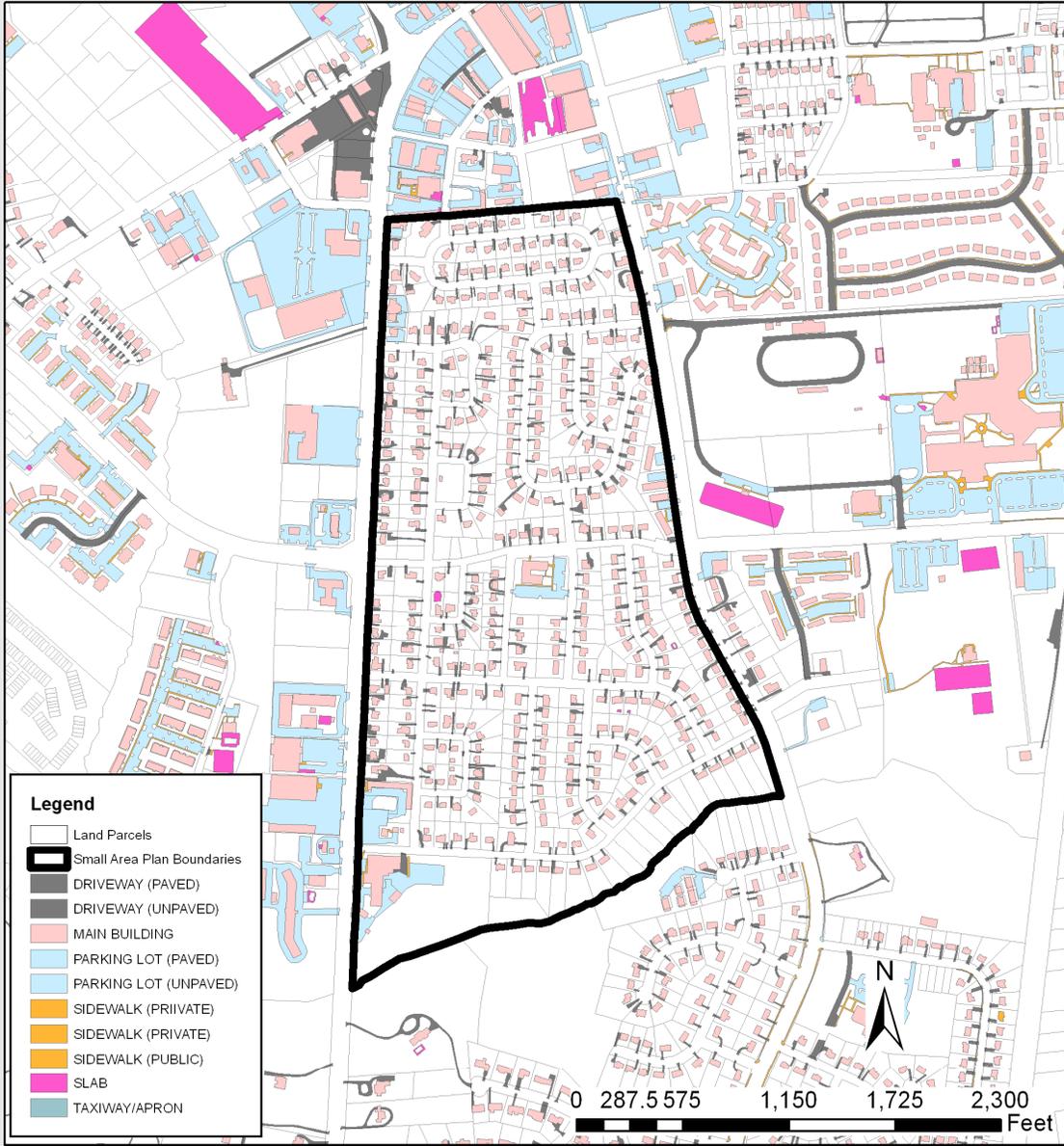






# Map 8: Impervious Surface Map

September 30th, 2009



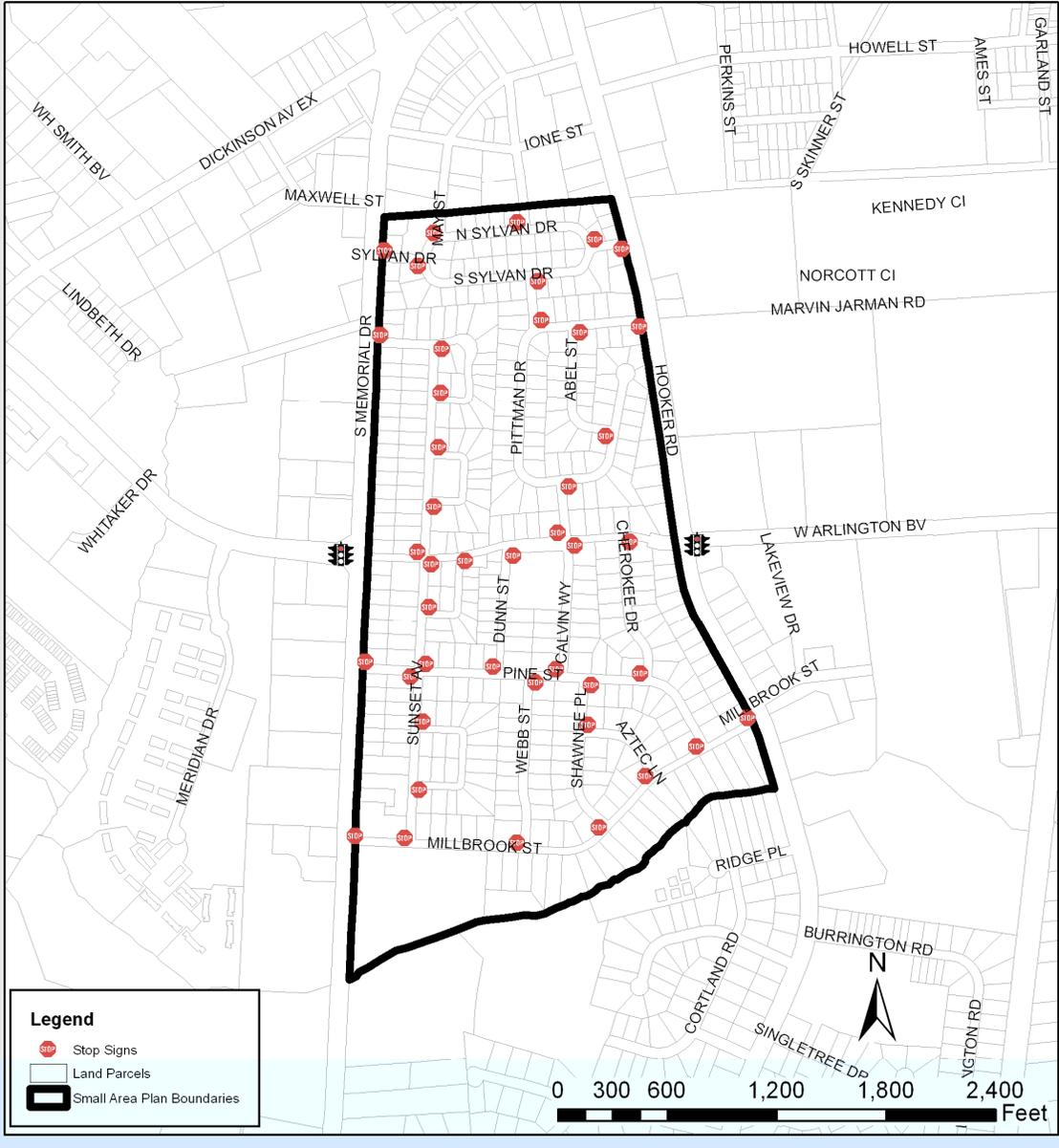






# Map 11: Traffic Calming Map

September 30th, 2009



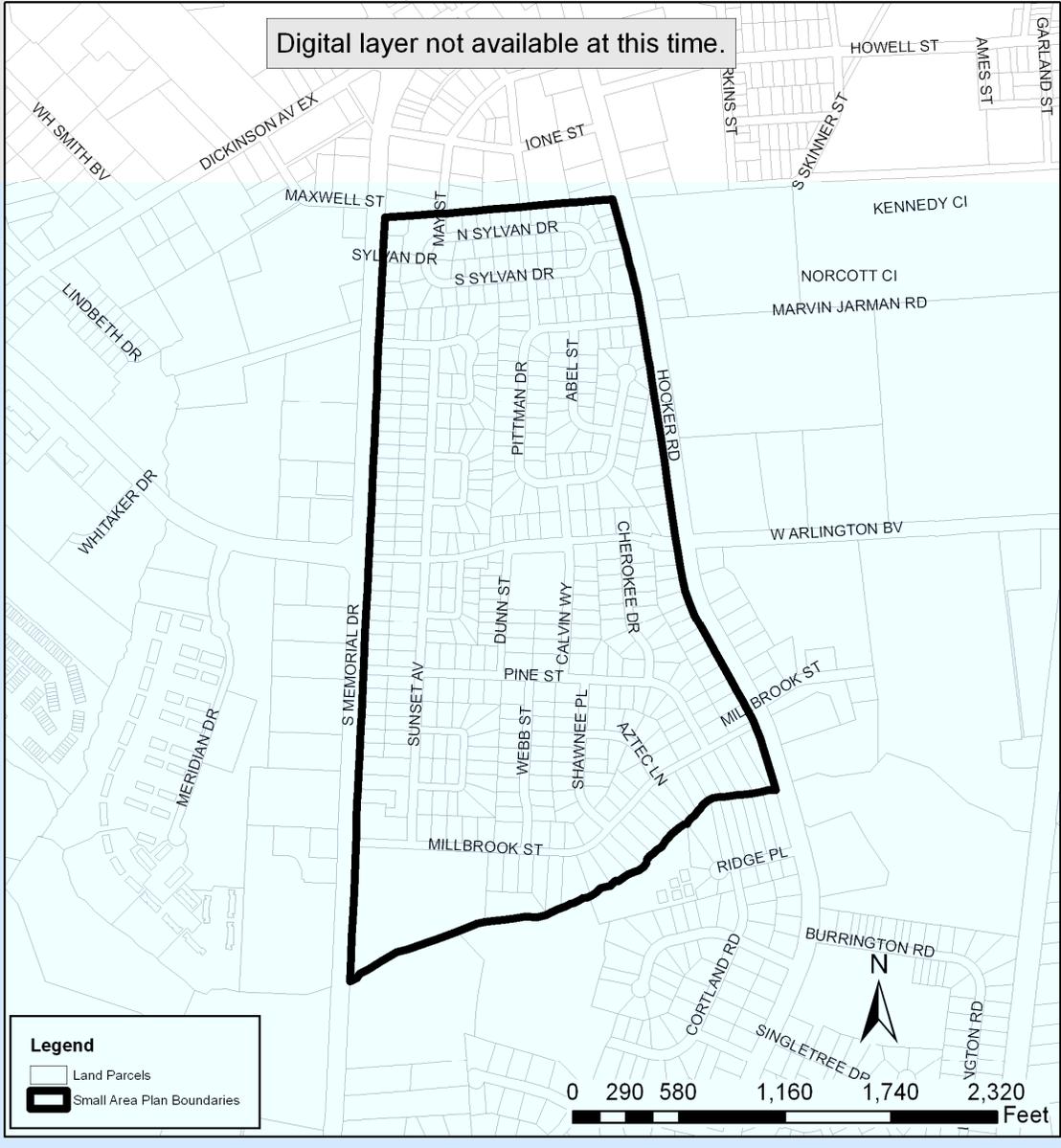


### Map 12: Water and Sanitary Sewer Systems (Public) Map

September 30th, 2009



Digital layer not available at this time.



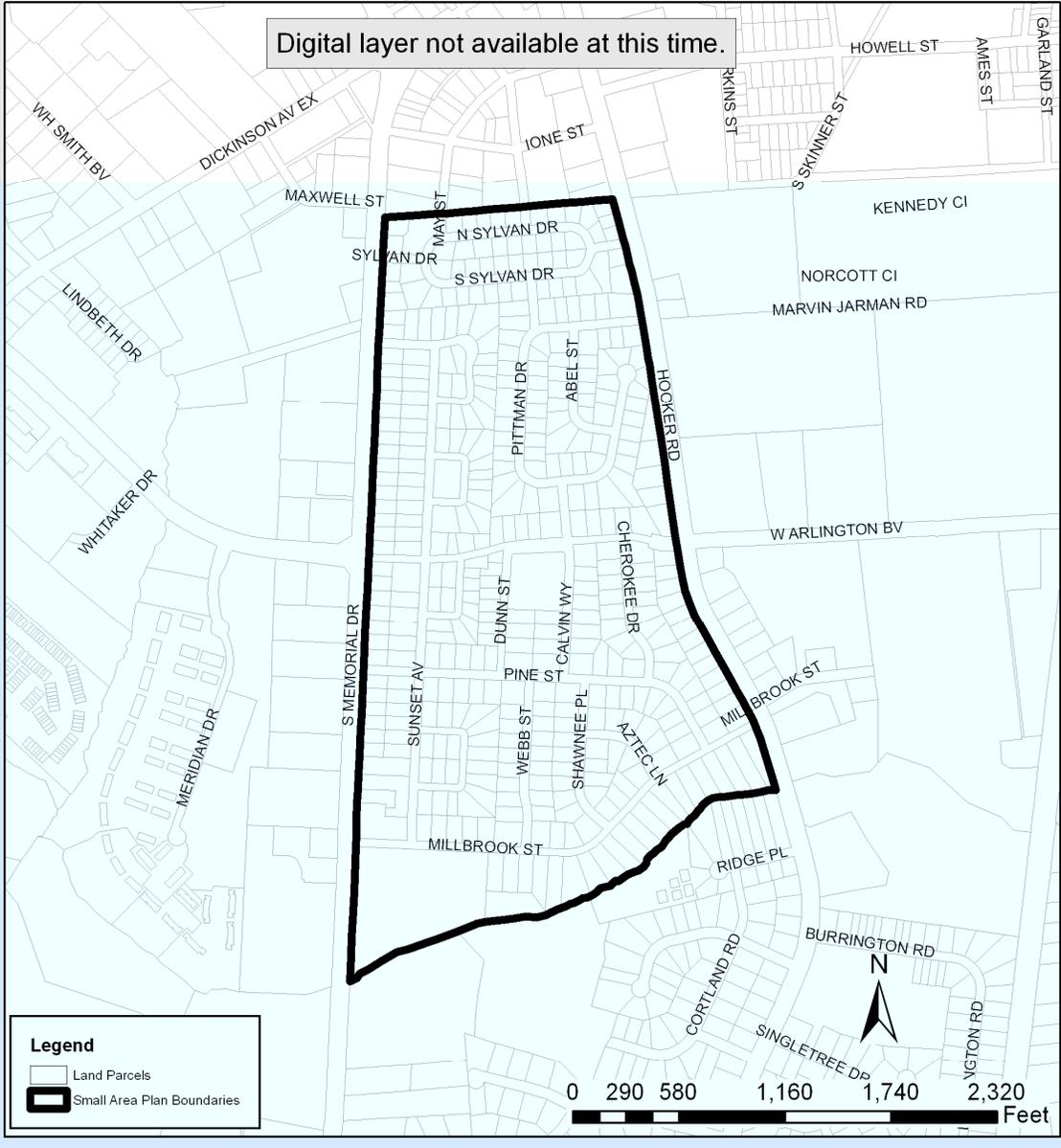


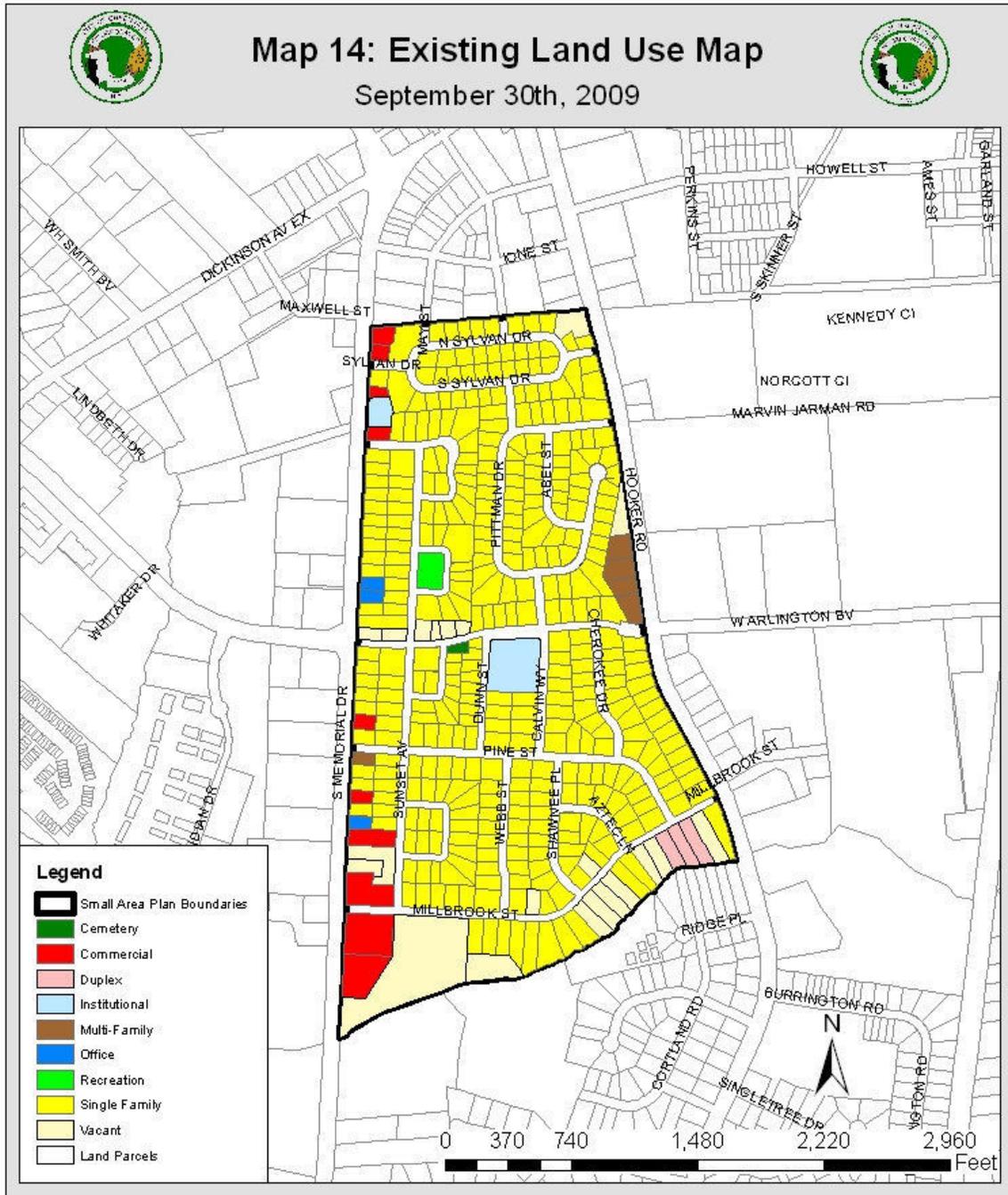
# Map 13: Drainage Systems (Public) Map

September 30th, 2009



Digital layer not available at this time.





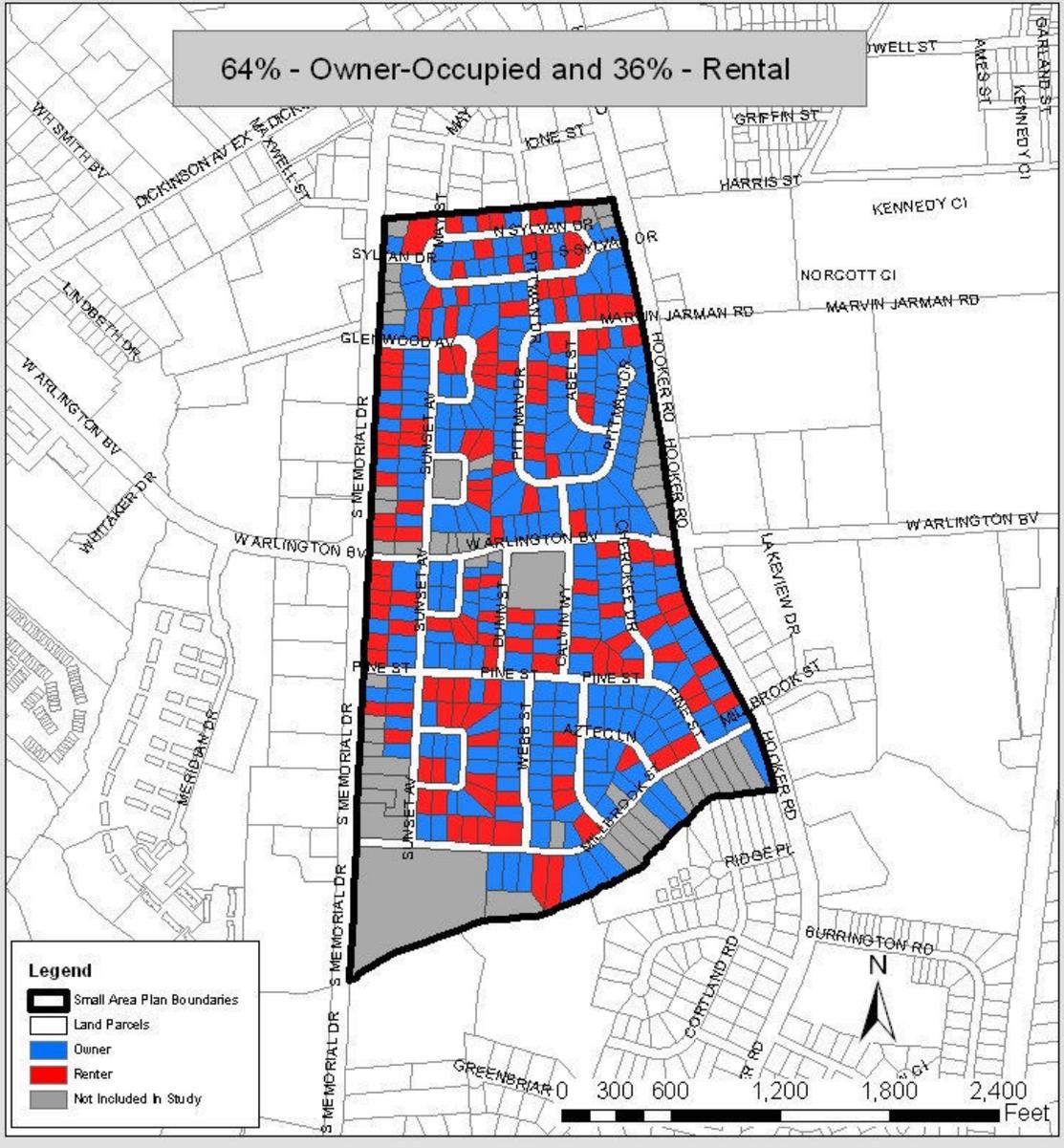




### Map 16: Owner Units and Rental Units Map September 30th, 2009

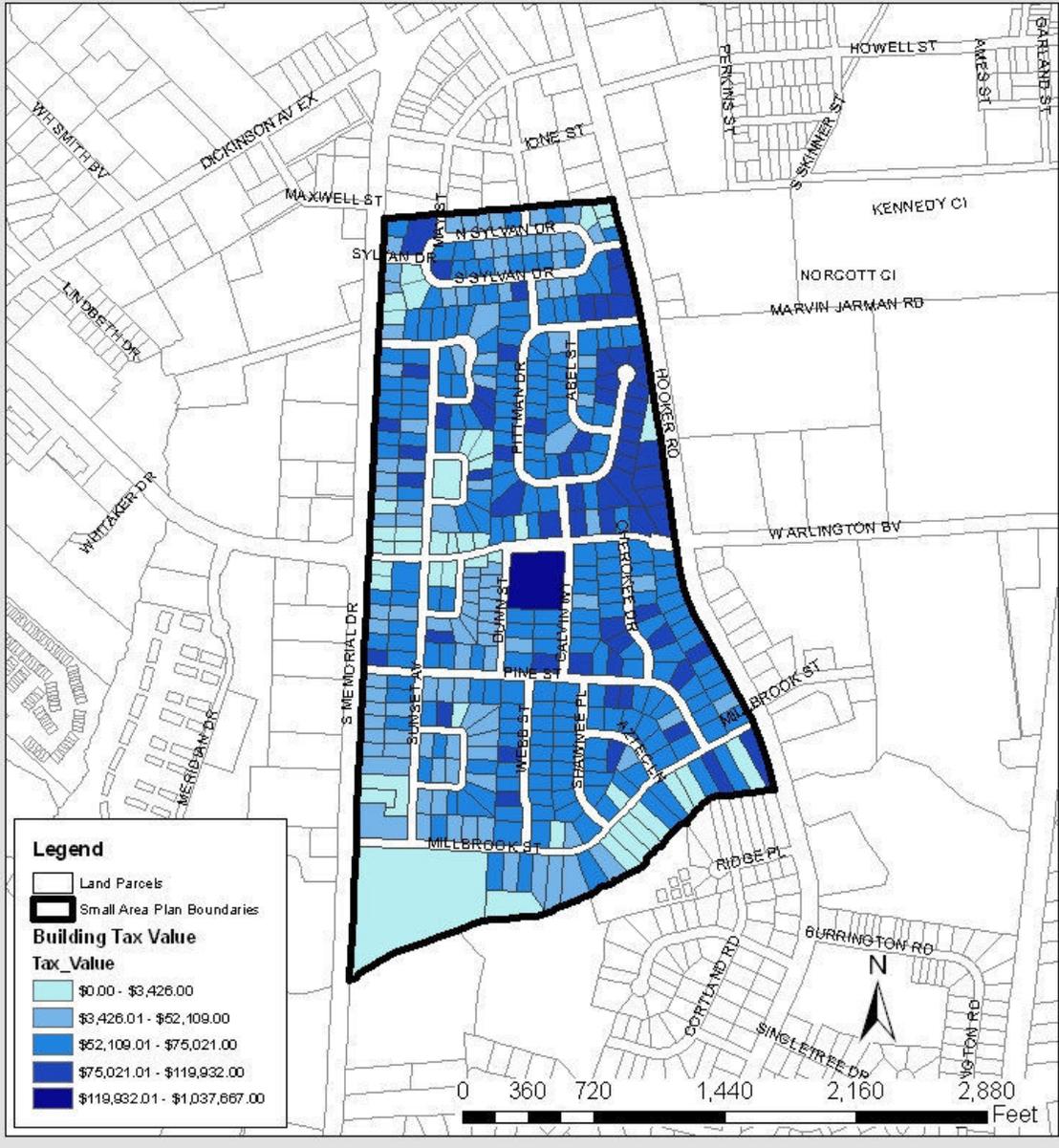


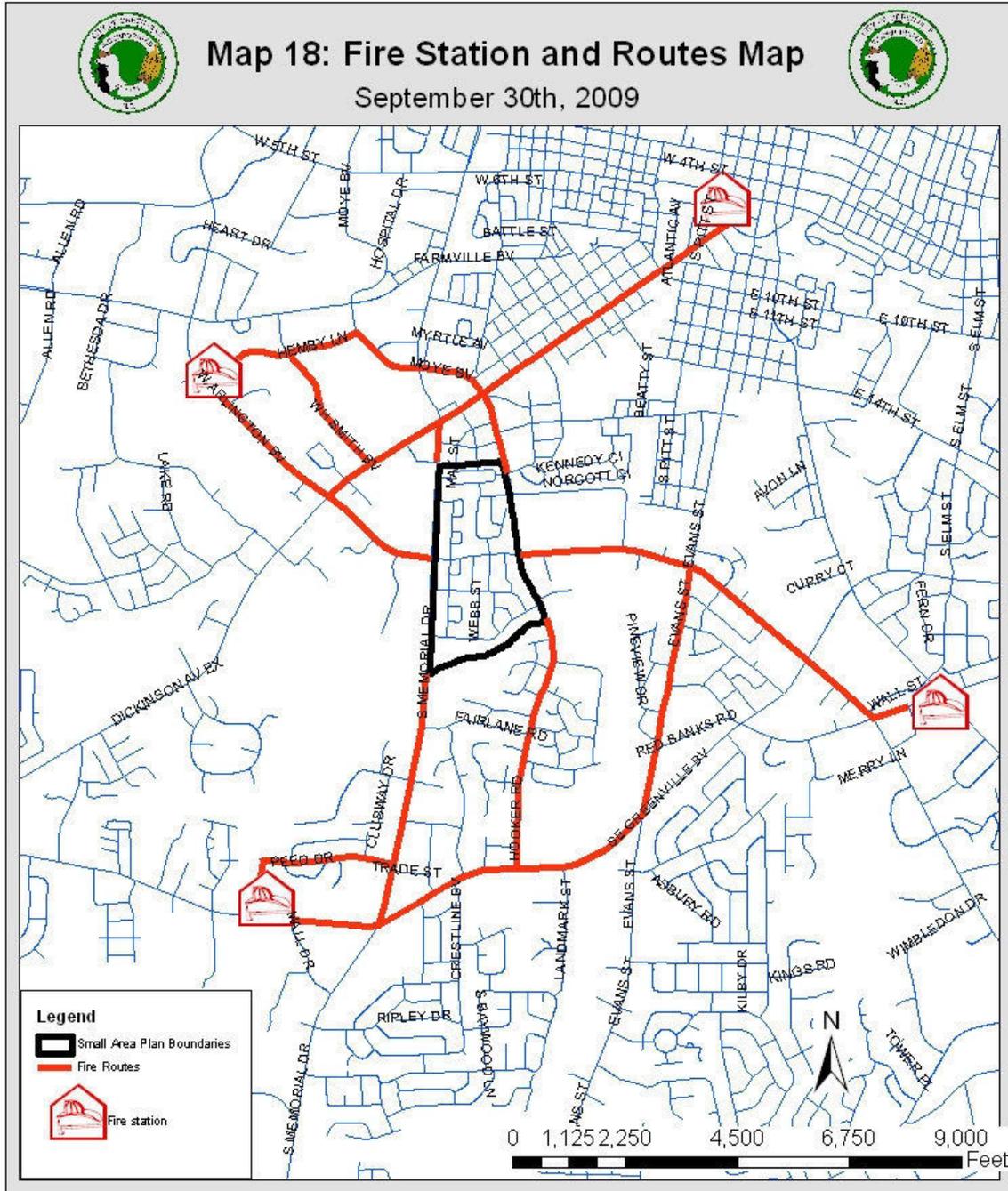
64% - Owner-Occupied and 36% - Rental





### Map 17: Building Tax Value Map September 30th, 2009

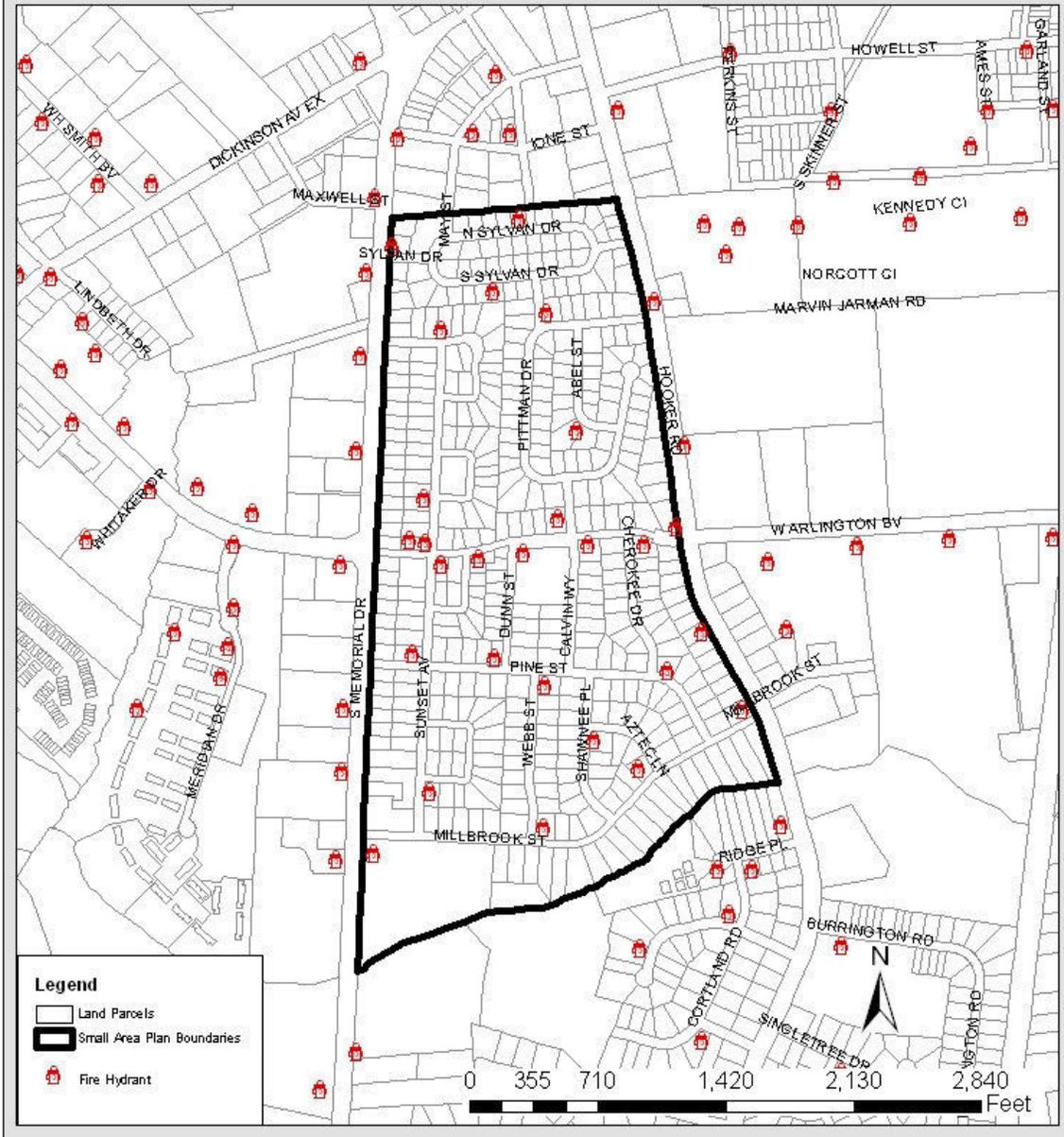






# Map 19: Fire Hydrants Map

September 30th, 2009



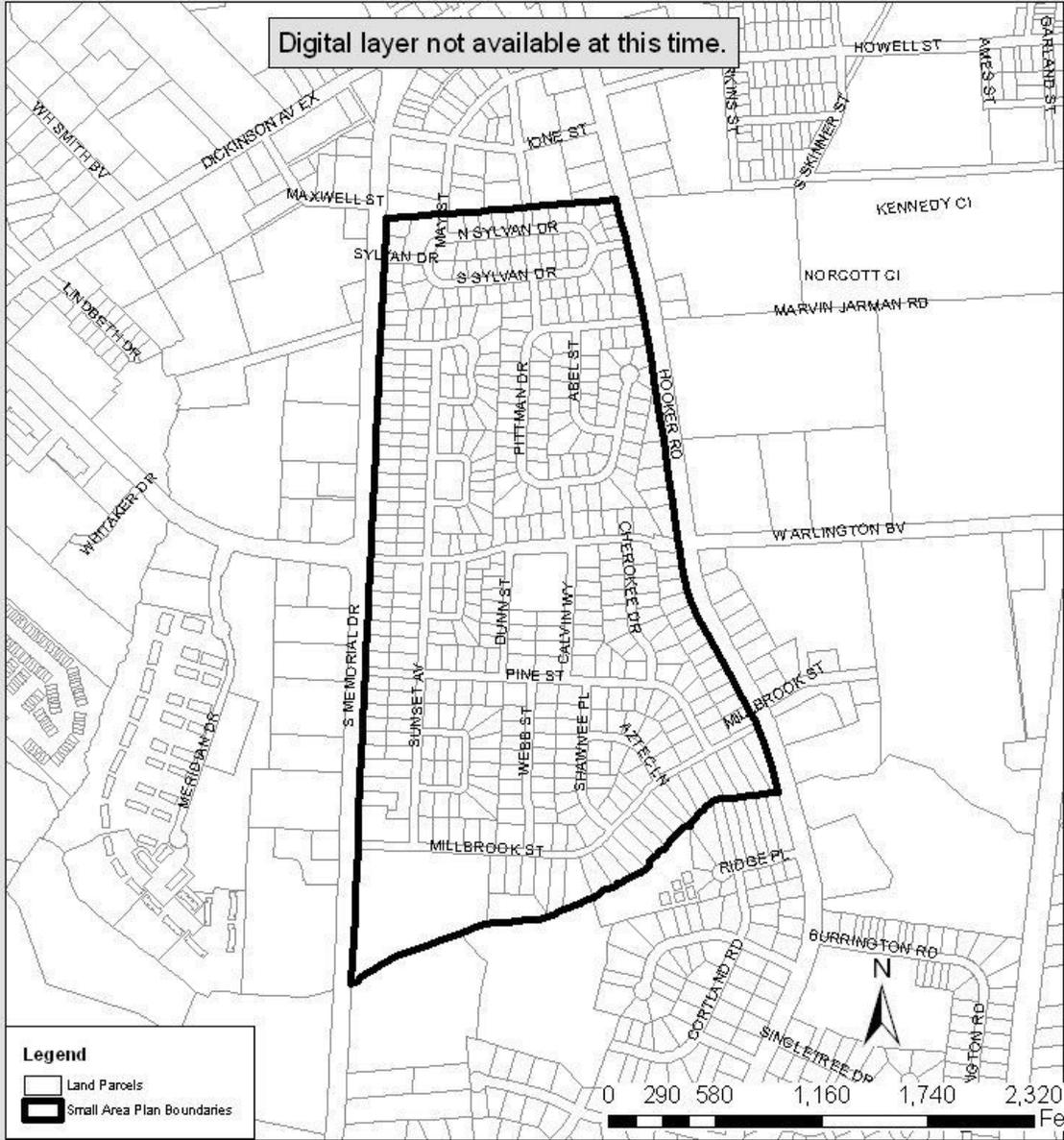


# Map 20: Street Lights Map

September 30th, 2009



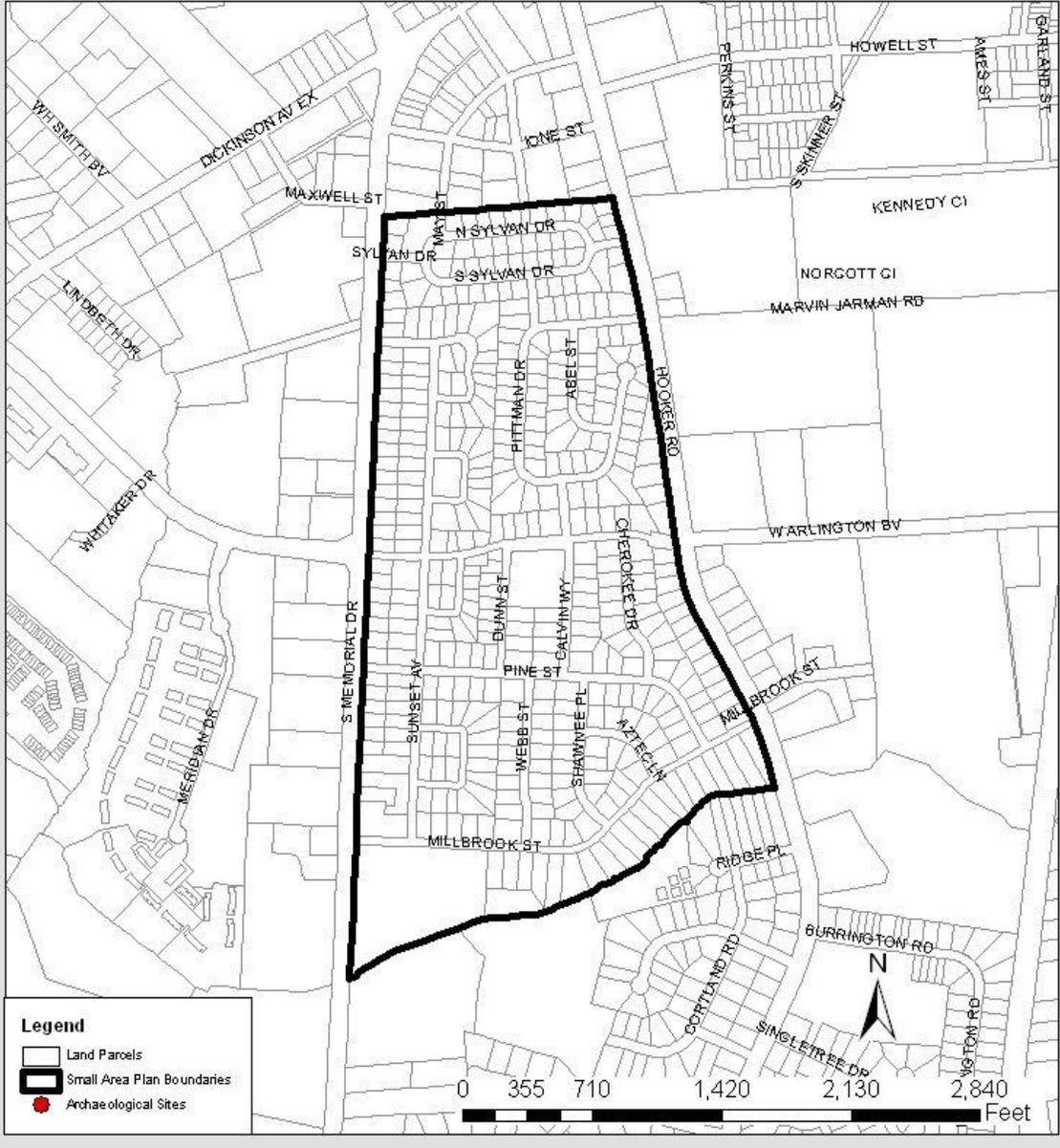
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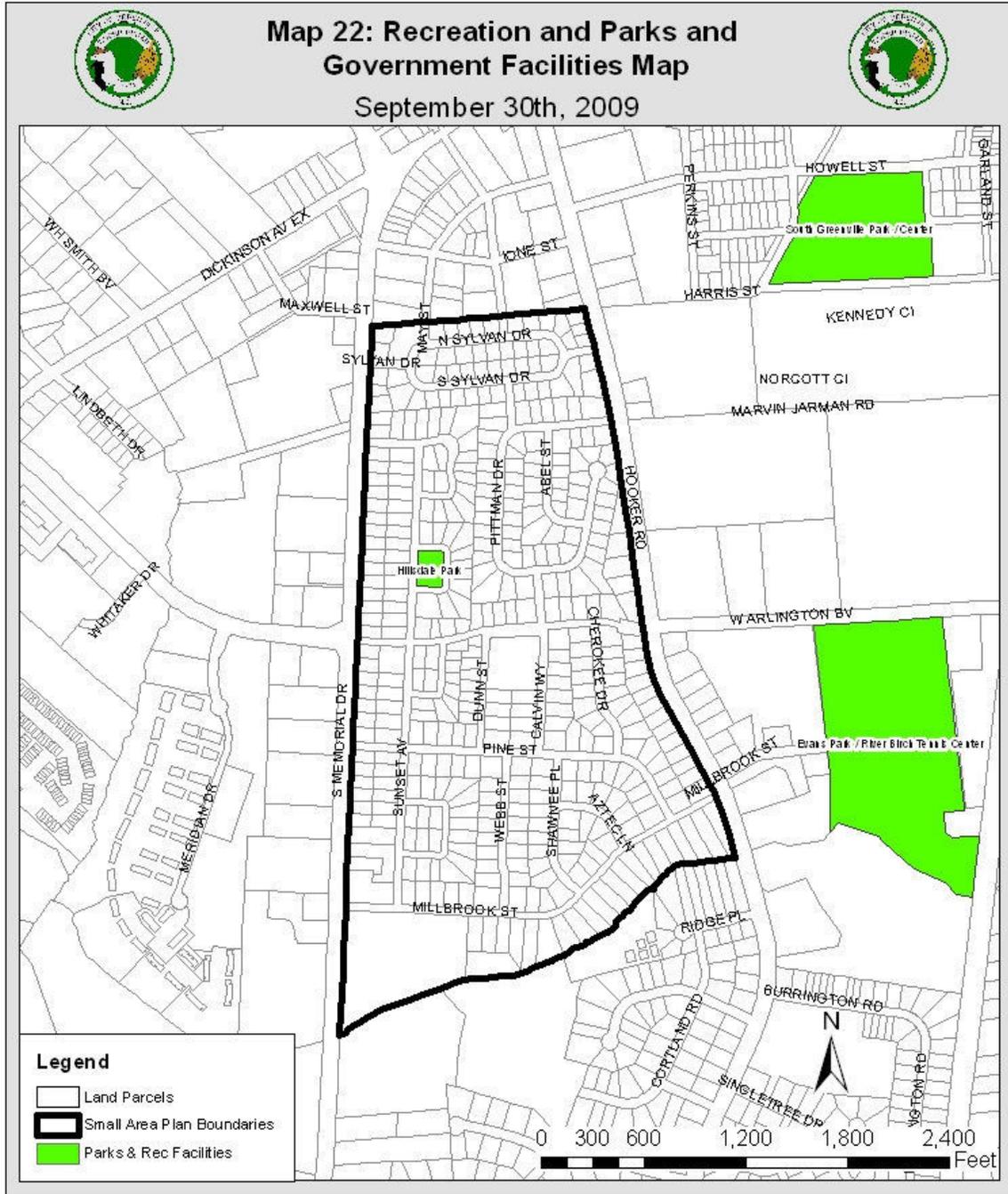


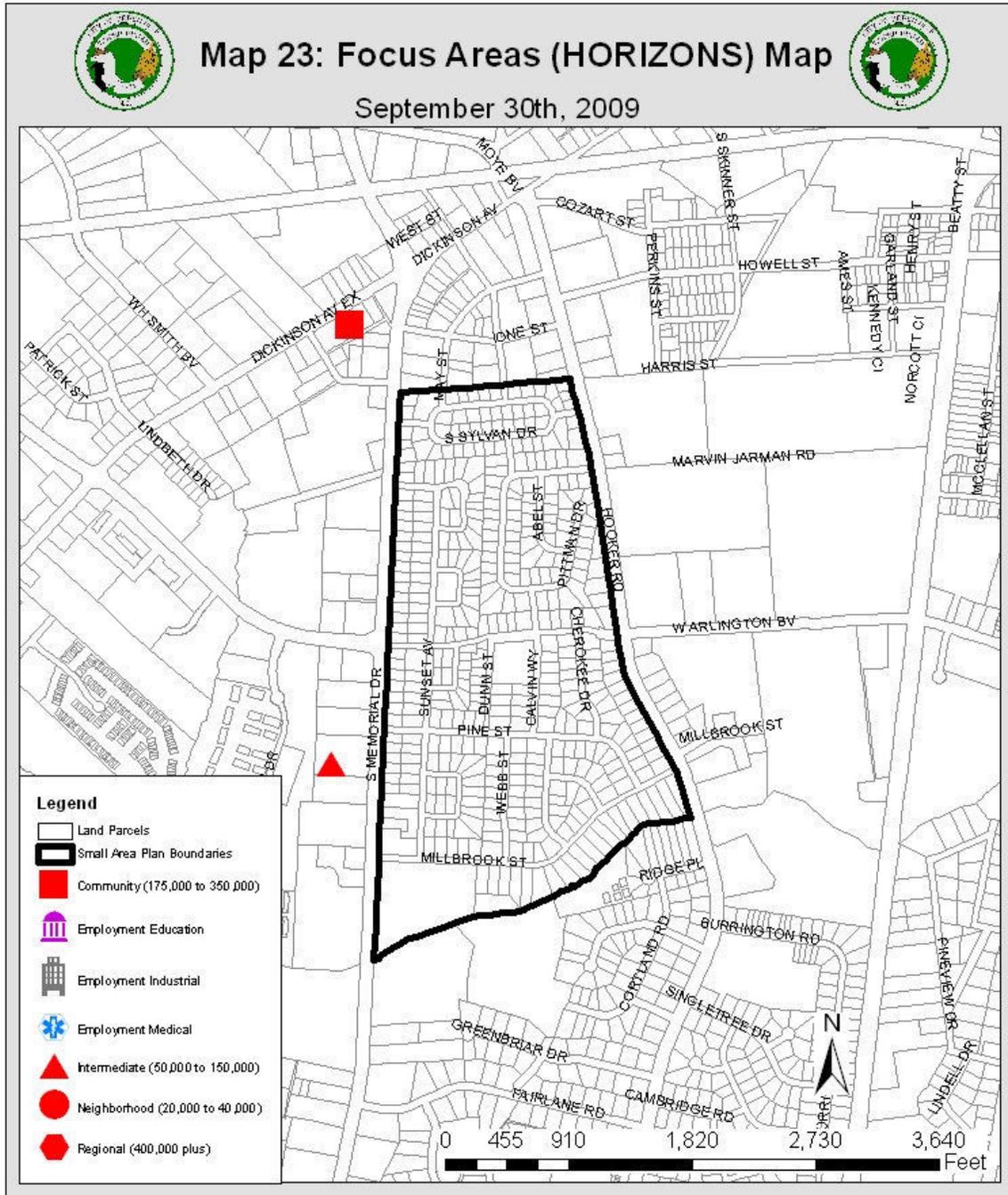


# Map 21: Cultural Resources Map

September 30th, 2009



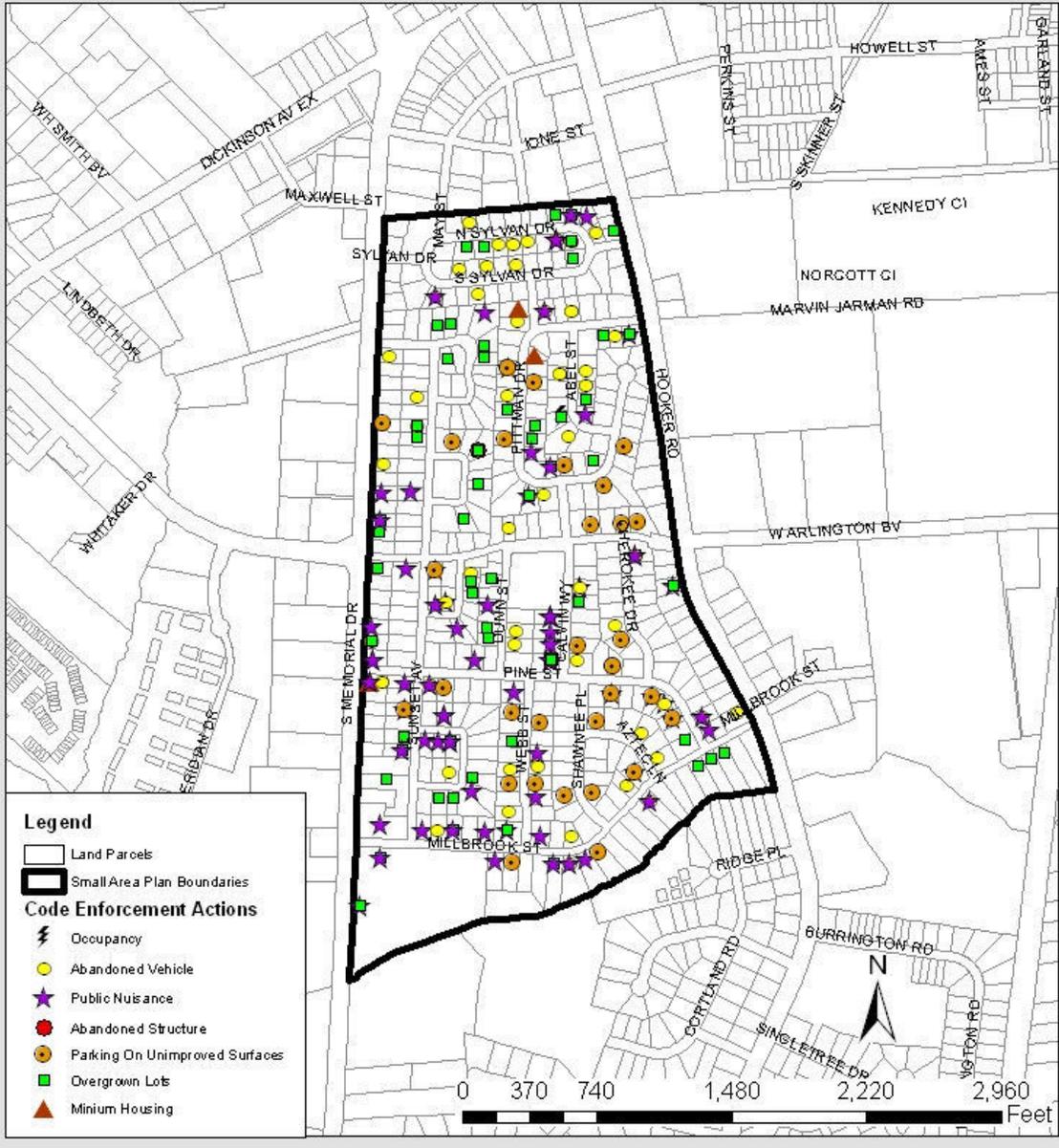


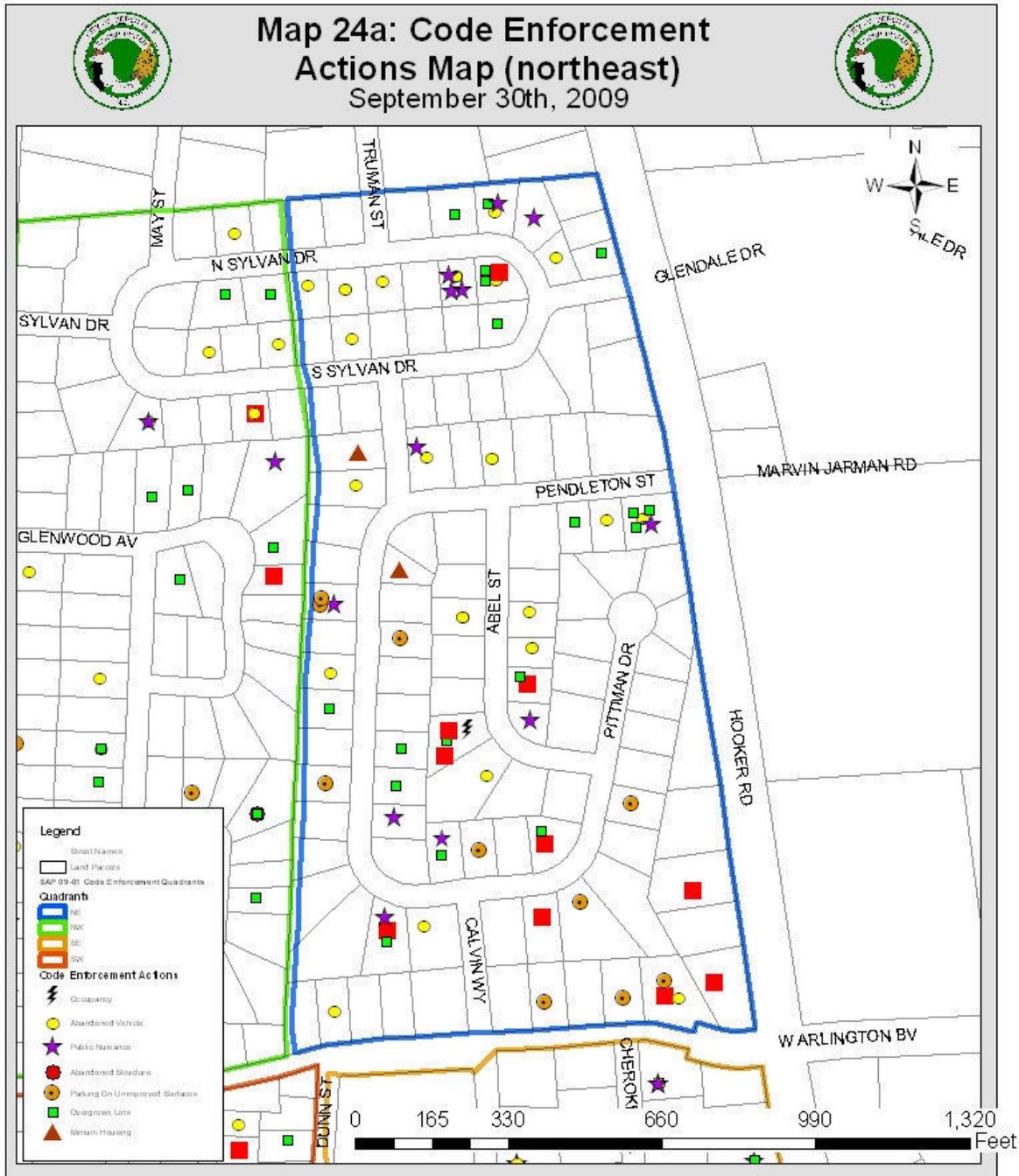


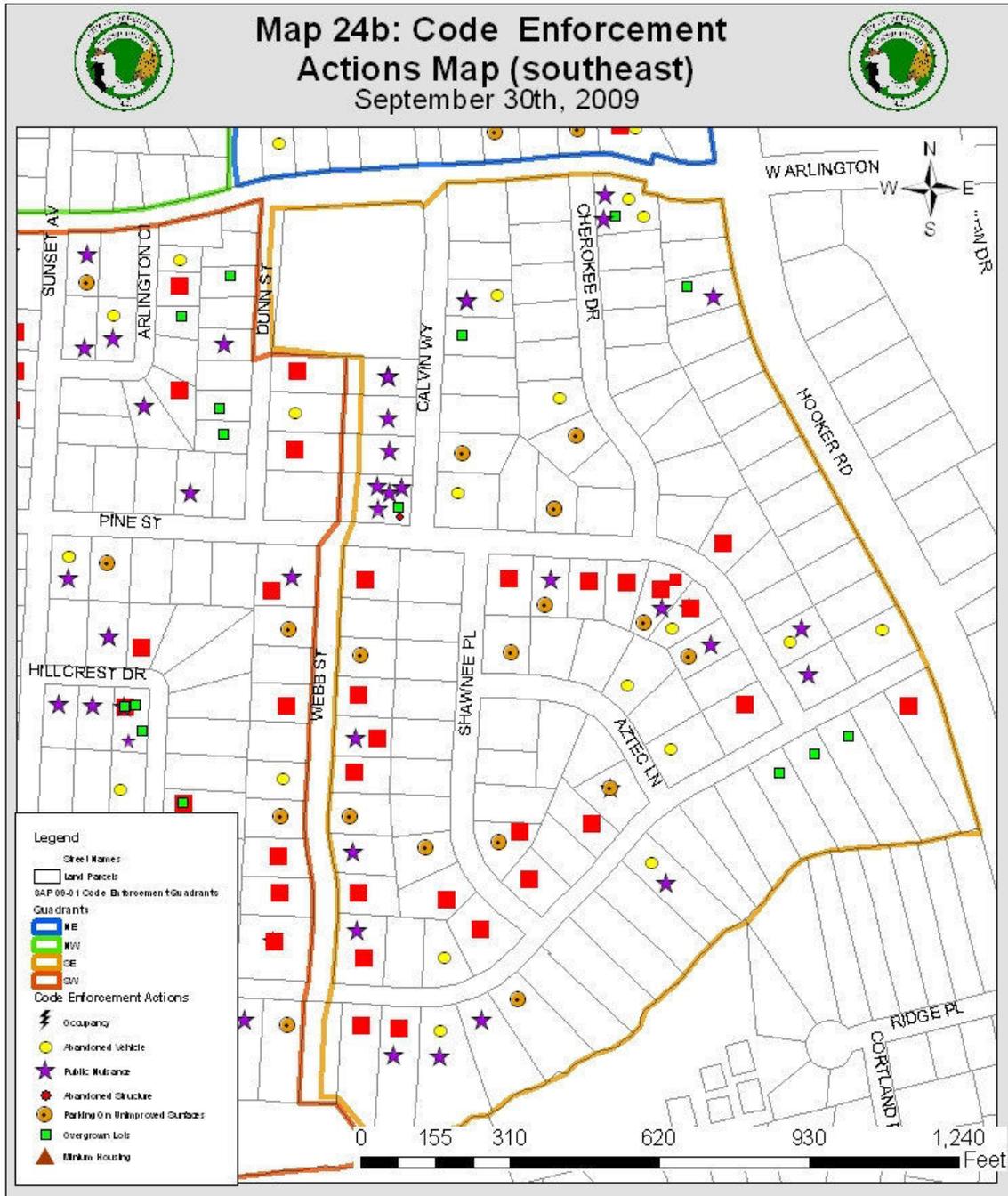


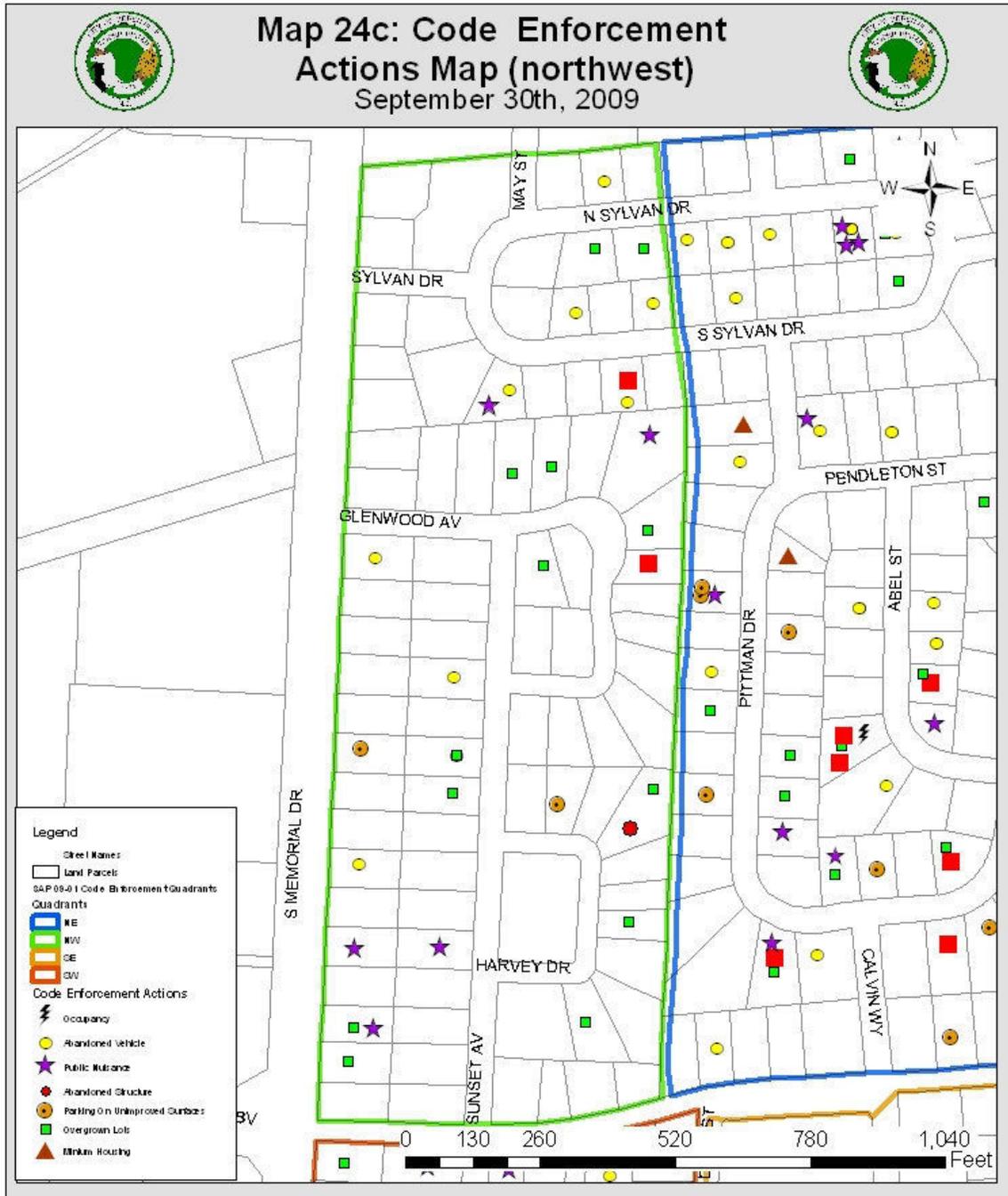
# Map 24: Code Enforcement Actions Map

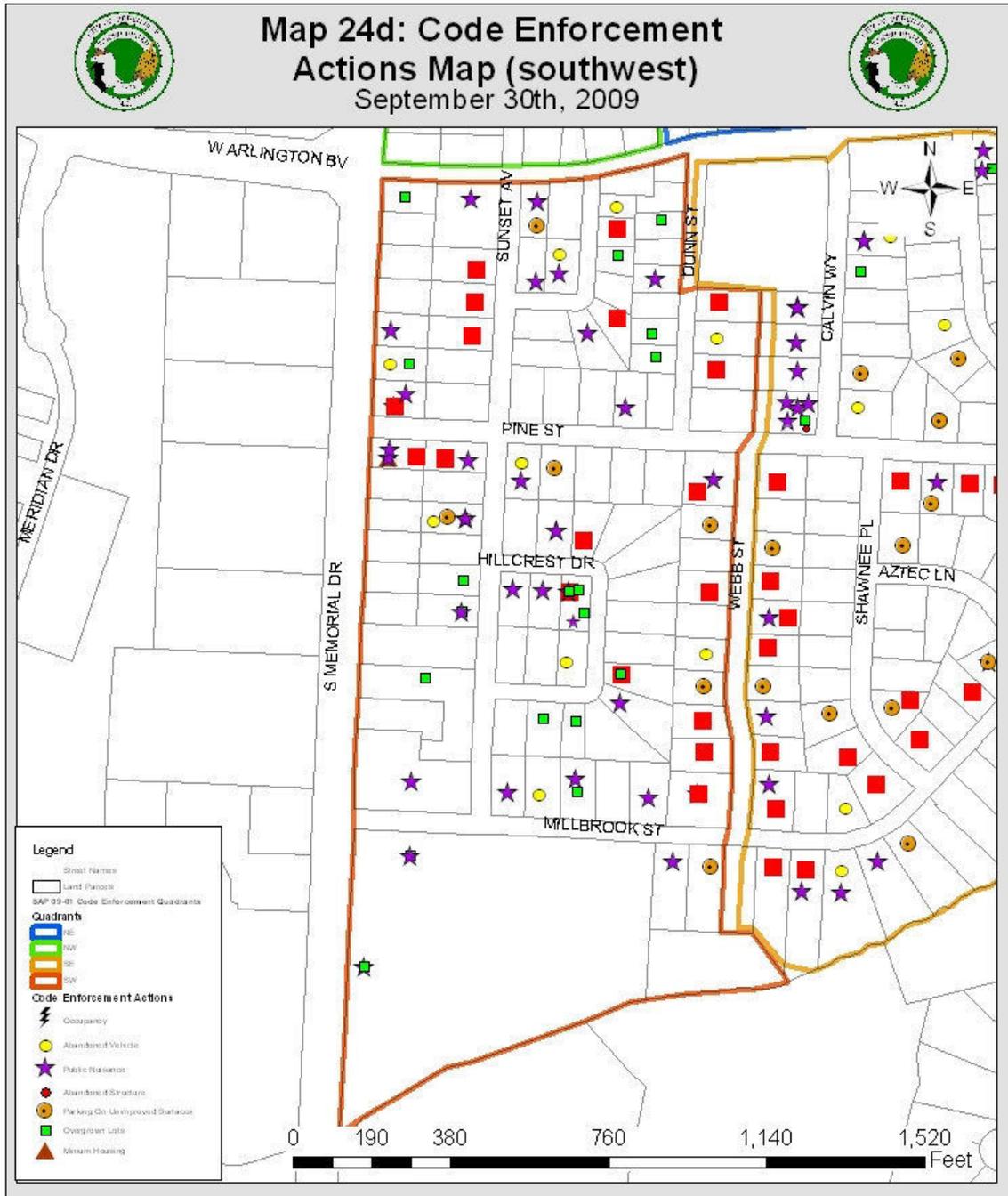
September 30th, 2009











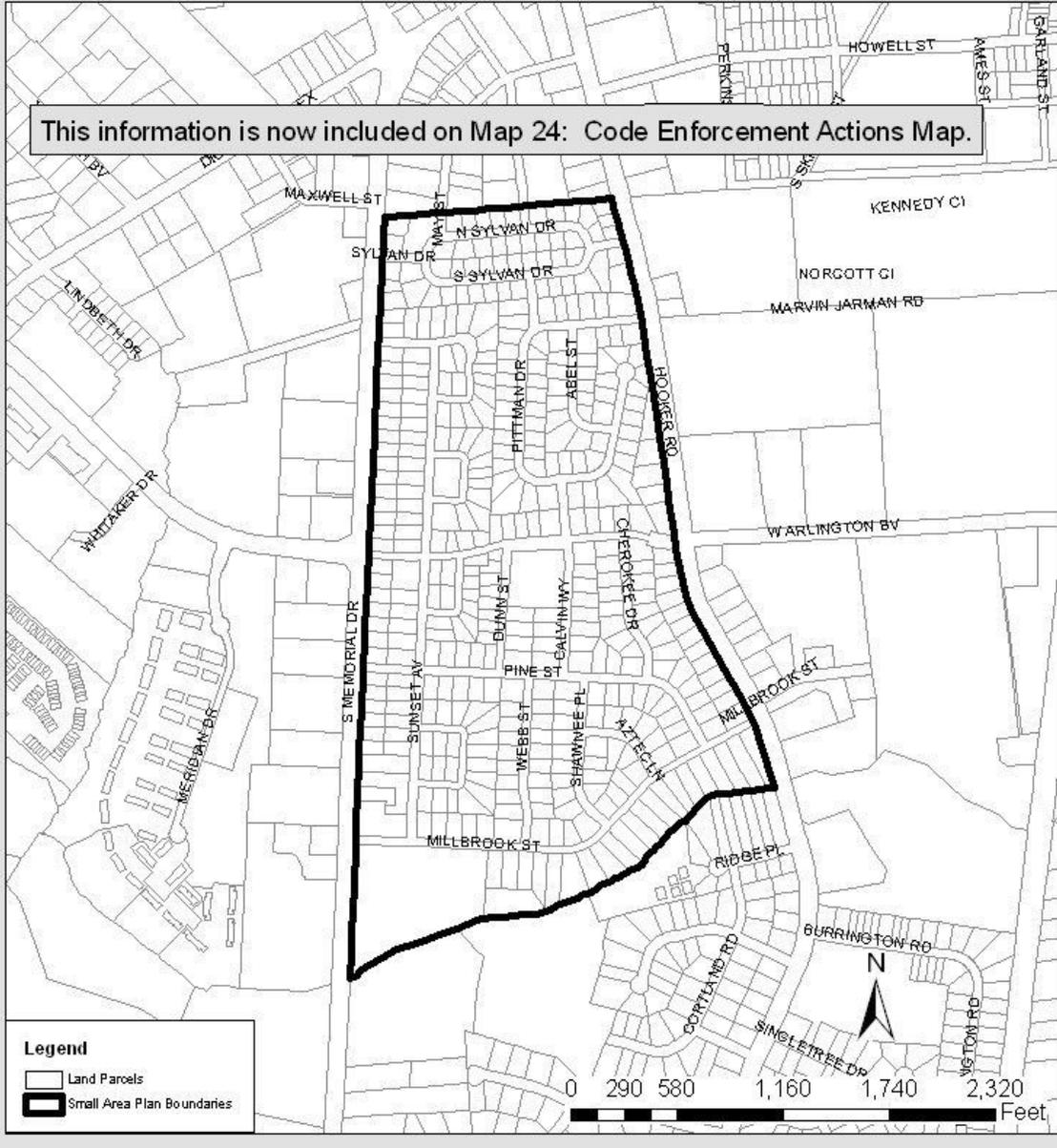


# Map 25: Occupancy Investigations Map

September 30th, 2009

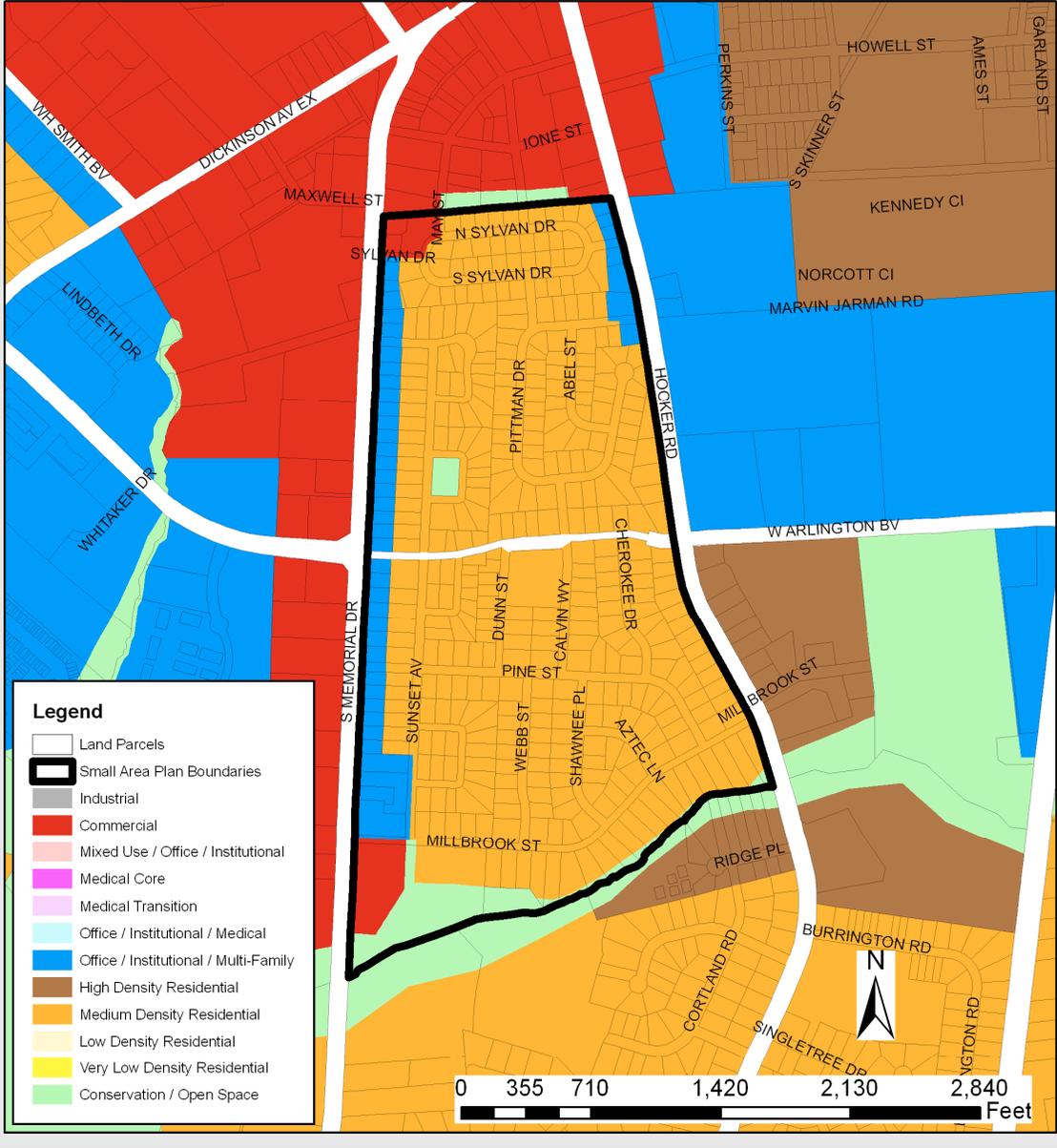


This information is now included on Map 24: Code Enforcement Actions Map.





# Map 26: Future Land Use Plan Map (HORIZONS) September 30th, 2009





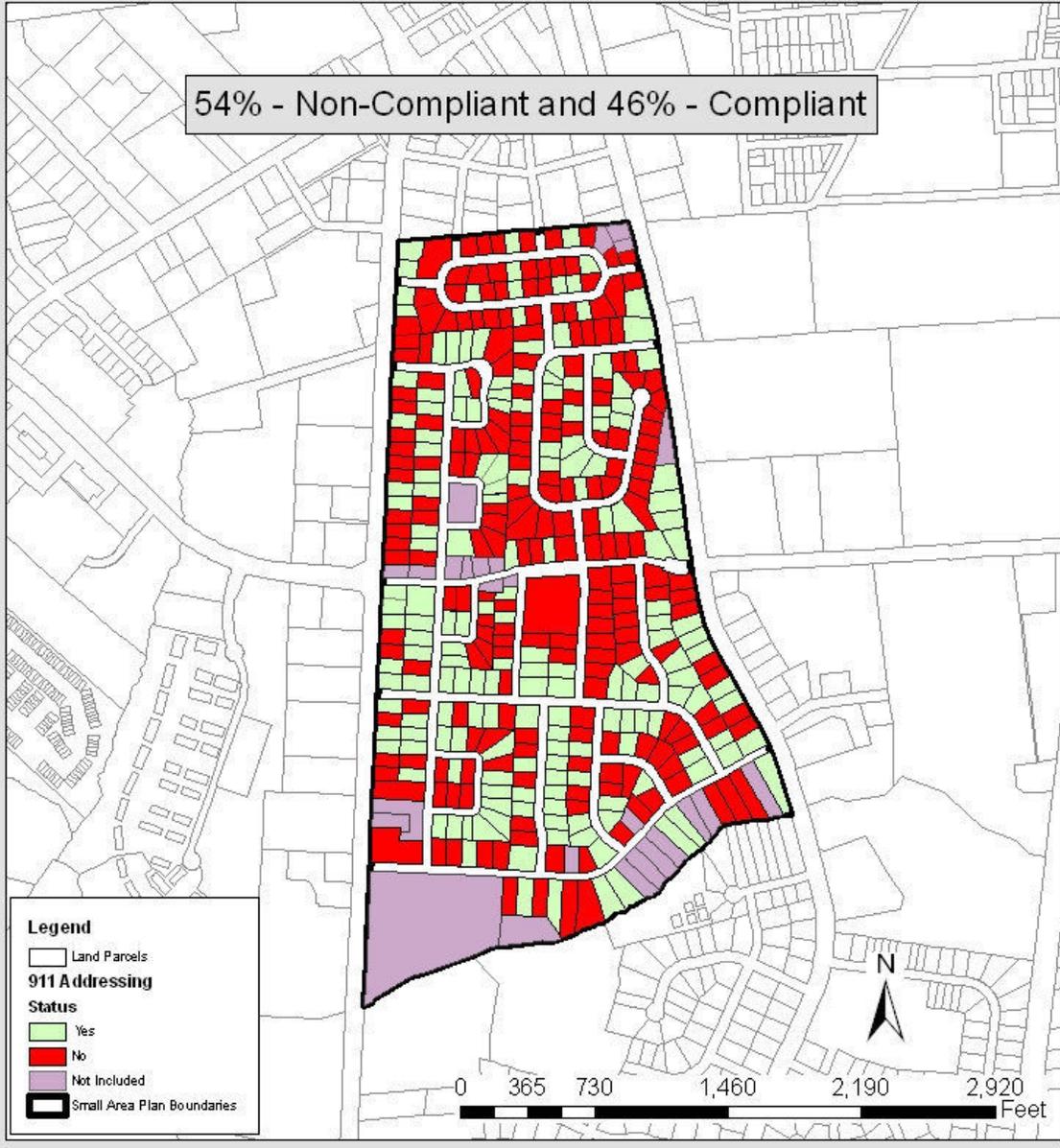


### Map 28: Street Addresses (House Numbers) Map

September 30th, 2009



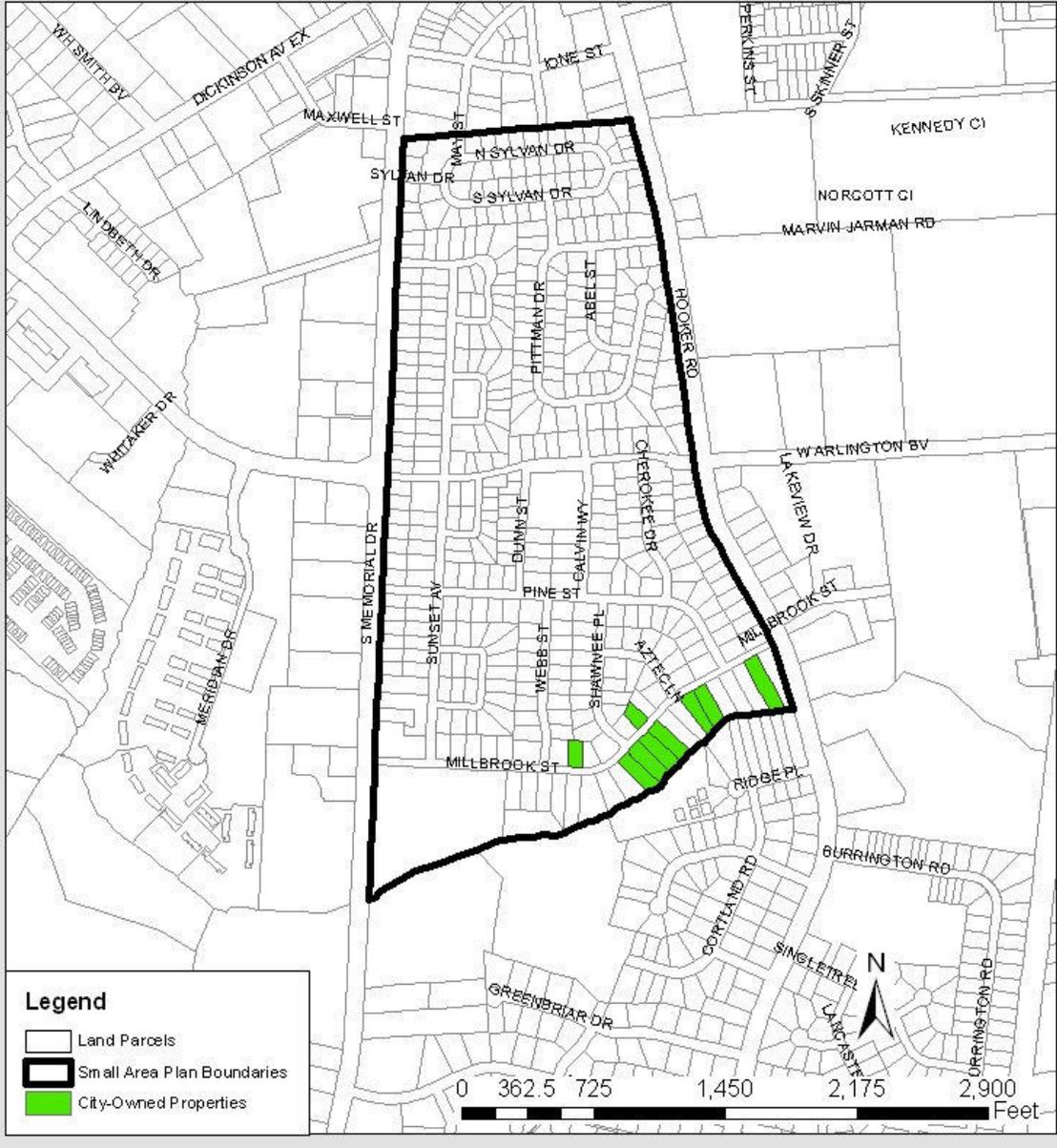
54% - Non-Compliant and 46% - Compliant



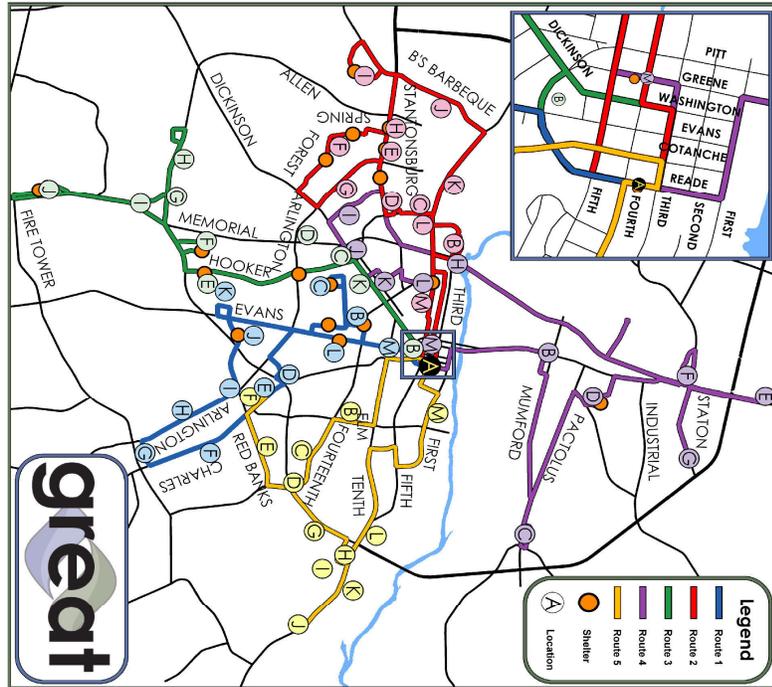


### Map 29: City-Owned Lots

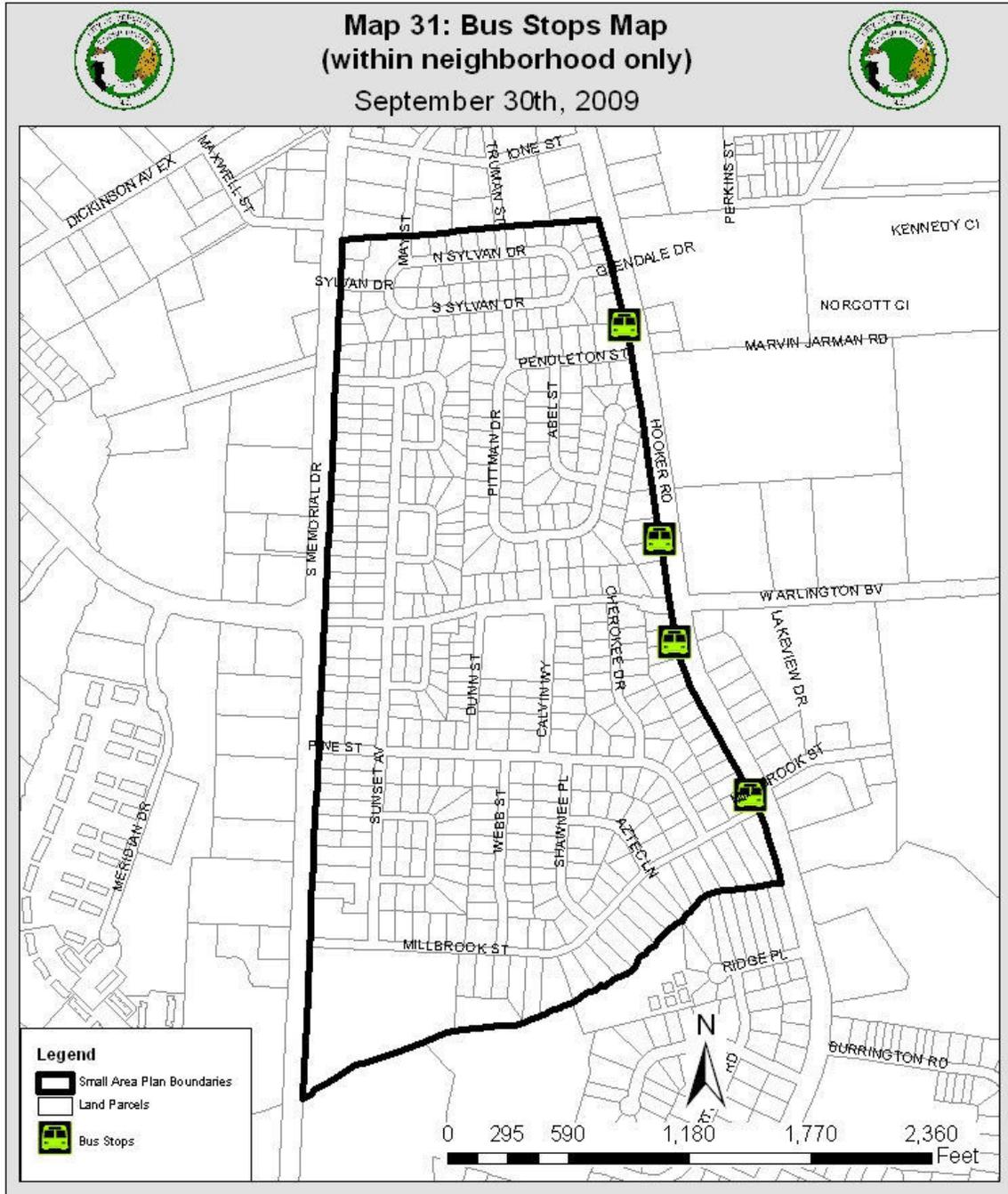
September 30th, 2009



### Map 30: GREAT (Greenville Area Transit) Routes Map November 3, 2008



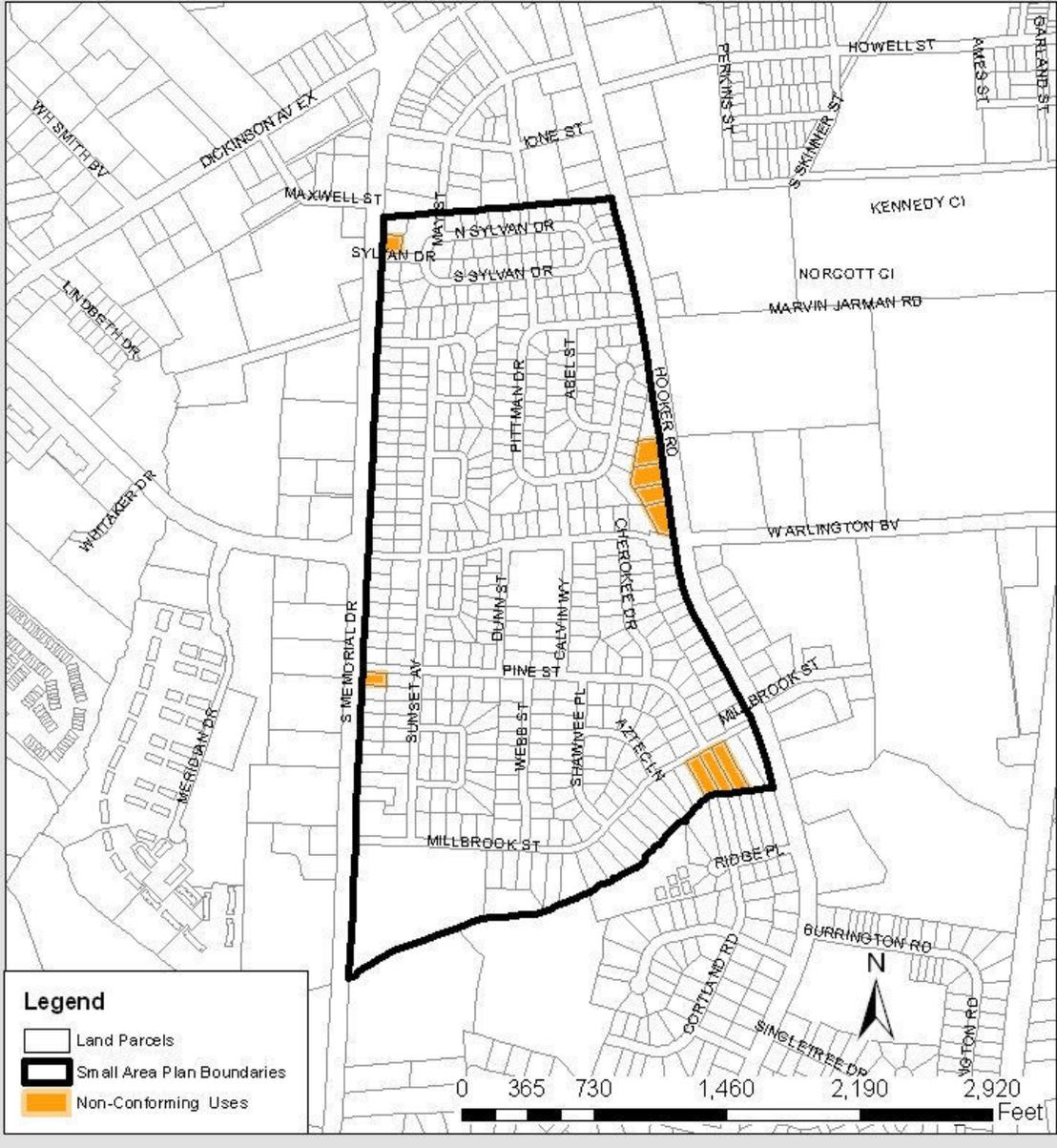
Route	Letter	Time																								
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	B	6:30	C	6:35	D	6:40	E	6:45	F	6:50	G	6:55	H	7:00	I	7:05	J	7:10	K	7:15	L	7:20	M	7:25	A	7:30
	C	6:35	D	6:40	E	6:45	F	6:50	G	6:55	H	7:00	I	7:05	J	7:10	K	7:15	L	7:20	M	7:25	A	7:30	B	7:35
	D	6:40	E	6:45	F	6:50	G	6:55	H	7:00	I	7:05	J	7:10	K	7:15	L	7:20	M	7:25	A	7:30	B	7:35	C	7:40
	E	6:45	F	6:50	G	6:55	H	7:00	I	7:05	J	7:10	K	7:15	L	7:20	M	7:25	A	7:30	B	7:35	C	7:40	D	7:45
	F	6:50	G	6:55	H	7:00	I	7:05	J	7:10	K	7:15	L	7:20	M	7:25	A	7:30	B	7:35	C	7:40	D	7:45	E	7:50
	G	6:55	H	7:00	I	7:05	J	7:10	K	7:15	L	7:20	M	7:25	A	7:30	B	7:35	C	7:40	D	7:45	E	7:50	F	7:55
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	I	7:05	J	7:10	K	7:15	L	7:20	M	7:25	A	7:30	B	7:35	C	7:40	D	7:45	E	7:50	F	7:55	G	8:00	H	8:05
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	M	7:25	A	7:30	B	7:35	C	7:40	D	7:45	E	7:50	F	7:55	G	8:00	H	8:05	I	8:10	J	8:15	K	8:20	L	8:25
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L	8:25	M	8:30	A	8:35	B	8:40	C	8:45	D	8:50	E	8:55	F	9:00	G	9:05	H	9:10	I	9:15	J	9:20	K	9:25	
M	8:30	A	8:35	B	8:40	C	8:45	D	8:50	E	8:55	F	9:00	G	9:05	H	9:10	I	9:15	J	9:20	K	9:25	L	9:30	
A	8:35	B	8:40	C	8:45	D	8:50	E	8:55	F	9:00	G	9:05	H	9:10	I	9:15	J	9:20	K	9:25	L	9:30	M	9:35	
B	8:40	C	8:45	D	8:50	E	8:55	F	9:00	G	9:05	H	9:10	I	9:15	J	9:20	K	9:25	L	9:30	M	9:35	A	9:40	
C	8:45	D	8:50	E	8:55	F	9:00	G	9:05	H	9:10	I	9:15	J	9:20	K	9:25	L	9:30	M	9:35	A	9:40	B	9:45	
D	8:50	E	8:55	F	9:00	G	9:05	H	9:10	I	9:15	J	9:20	K	9:25	L	9:30	M	9:35	A	9:40	B	9:45	C	9:50	
E	8:55	F	9:00	G	9:05	H	9:10	I	9:15	J	9:20	K	9:25	L	9:30	M	9:35	A	9:40	B	9:45	C	9:50	D	9:55	
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G	9:05	H	9:10	I	9:15	J	9:20	K	9:25	L	9:30	M	9:35	A	9:40	B	9:45	C	9:50	D	9:55	E	10:00	F	10:05	
H	9:10	I	9:15	J	9:20	K	9:25	L	9:30	M	9:35	A	9:40	B	9:45	C	9:50	D	9:55	E	10:00	F	10:05	G	10:10	
I	9:15	J	9:20	K	9:25	L	9:30	M	9:35	A	9:40	B	9:45	C	9:50	D	9:55	E	10:00	F	10:05	G	10:10	H	10:15	
J	9:20	K	9:25	L	9:30	M	9:35	A	9:40	B	9:45	C	9:50	D	9:55	E	10:00	F	10:05	G	10:10	H	10:15	I	10:20	
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A	9:40	B	9:45	C	9:50	D	9:55	E	10:00	F	10:05	G	10:10	H	10:15	I	10:20	J	10:25	K	10:30	L	10:35	M	10:40	
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C	9:50	D	9:55	E	10:00	F	10:05	G	10:10	H	10:15	I	10:20	J	10:25	K	10:30	L	10:35	M	10:40	A	10:45	B	10:50	
D	9:55	E	10:00	F	10:05	G	10:10	H	10:15	I	10:20	J	10:25	K	10:30	L	10:35	M	10:40	A	10:45	B	10:50	C	10:55	
E	10:00	F	10:05	G	10:10	H	10:15	I	10:20	J	10:25	K	10:30	L	10:35	M	10:40	A	10:45	B	10:50	C	10:55	D	11:00	
F	10:05	G	10:10	H	10:15	I	10:20	J	10:25	K	10:30	L	10:35	M	10:40	A	10:45	B	10:50	C	10:55	D	11:00	E	11:05	
G	10:10	H	10:15	I	10:20	J	10:25	K	10:30	L	10:35	M	10:40	A	10:45	B	10:50	C	10:55	D	11:00	E	11:05	F	11:10	
H	10:15	I	10:20	J	10:25	K	10:30	L	10:35	M	10:40	A	10:45	B	10:50	C	10:55	D	11:00	E	11:05	F	11:10	G	11:15	
I	10:20	J	10:25	K	10:30	L	10:35	M	10:40	A	10:45	B	10:50	C	10:55	D	11:00	E	11:05	F	11:10	G	11:15	H	11:20	
J	10:25	K	10:30	L	10:35	M	10:40	A	10:45	B	10:50	C	10:55	D	11:00	E	11:05	F	11:10	G	11:15	H	11:20	I	11:25	
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B	10:50	C	10:55	D	11:00	E	11:05	F	11:10	G	11:15	H	11:20	I	11:25	J	11:30	K	11:35	L	11:40	M	11:45	A	11:50	
C	10:55	D																								





# Map 32: Non-Conforming Uses Map

September 30th, 2009





# City of Greenville, North Carolina

**Meeting Date:**  
**12/15/2009**  
**Time: 6:30 PM**

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**Title of Item:** City Council Action - November 9, 2009

**Explanation:** Action taken on items from the November 9, 2009 City Council Meeting

**Fiscal Note:** N/A

**Recommendation:** Review

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[November 9, 2009 City Council Agenda](#)

# Greenville City Council Agenda

Monday, November 9, 2009  
6:00 PM  
City Council Chambers

- I. Call Meeting to Order
- II. Invocation - Council Member Glover
- III. Pledge of Allegiance
- IV. Roll Call
- V. Approval of Agenda
- VI. Special Recognitions
  - Lead Supervisor and Worker Training
- VII. Appointments
  1. Appointments to Boards and Commissions
  2. Recommendation of City representative to serve on the Pitt County Development Commission
- VIII. Consent Agenda - Approved
  3. Minutes of the October 5 and October 8, 2009 City Council meetings - Approved
  4. Resolution amending the Board and Commission Policy - Adopted (Resolution No. 09-55)  
  
Resolution No. 09-55
  5. Resolution accepting dedication of rights-of-way and easements for Kittrell Farms Duplexes, Section 2; August Trails, Section 4, Phase 1; Brook Hollow, Section Three; Relocation of Moye Boulevard; University Medical Park North, Lots 1 and 12; and Brighton Place (Cluster), Section 3, Phase 1 - Adopted (Resolution No. 09-56)  
  
Resolution No. 09-56

6. Amendment 5 to the contract with Moser/Mayer/Phoenix Associates for the Intermodal Transportation Center Project - Approved  
  
Contract No. 1599
7. Contract award for the Arlington Boulevard Turn Lane Improvements Project - Approved (Resolution No. 09-57)  
  
Resolution No. 09-57
8. Contract award for the Arlington Boulevard Sidewalk Construction Project - Approved (Resolution No. 09-58)  
  
Resolution No. 09-58
9. Contract award for the Charles Boulevard Sidewalk Construction Project - Approved (Resolution No. 09-59)  
  
Resolution No. 09-59
10. Municipal agreement with the North Carolina Department of Transportation for biennial bridge inspections - Approved
11. Resolution to support the Washington-Greenville Greenway planning activities - Adopted (Resolution No. 09-60)  
  
Resolution No. 09-60
12. Resolutions authorizing the agreement for replacement of the current golf cart fleet at Bradford Creek Golf Course - Adopted (Resolution Nos. 09-61 and 09-62)  
  
Resolution No. 09-61  
  
Resolution No. 09-62
13. Resolution abandoning a Greenville Utilities Commission electrical easement on property located off Oakley Road - Adopted (Resolution No. 09-63)  
  
Resolution No. 09-63
14. Water and sewer capital project budget ordinances for Greenville Utilities Commission's Portertown Road Bridge Replacement Project - Adopted (Ordinance Nos. 09-89 and 09-90)

Ordinance No. 09-89

Ordinance No. 09-90

15. Various tax refunds - Approved

IX. Old Business

16. Status report on the ordinance requiring the repair or the demolition and removal of the dwelling located at 609 Wyatt Street - Approved
17. Potential actions to address downtown crime issues
18. Crime-free rental housing program - Continued to January Planning Session
19. Special task force on public safety

X. New Business

20. Presentations by boards and commission
- a. Recreation and Parks Commission
  - b. Historic Preservation Commission
  - c. Pitt-Greenville Airport Authority

Public Hearings

21. Ordinance requested by WLA Enterprises, Incorporated (James K. Price) to rezone 28.9+ acres located between East 10th Street (NC 33) and the Norfolk Southern Railroad and east of Portertown Road from RA20 (Residential-Agricultural) and OR (Office-Residential [High Density Multi-family]) to CG (General Commercial) - Adopted (Ordinance No. 09-91)

Ordinance No. 09-91

22. Ordinance to annex Lynndale East, Section 8, Block H, Lot 2 involving 2.831 acres located north of Stonehenge Office Park, west of Arlington Place at Stonehenge, Sections One and Two, and east of Lynndale East, Section 9 - Adopted (Ordinance No. 09-22)

Ordinance No. 09-92

23. Ordinance directing the enforcement officer to remove or demolish the nonresidential building or structure located at 1600 South Greene Street -

Adopted (Ordinance No. 09-93)

Ordinance No. 09-93

24. Ordinance directing the enforcement officer to repair, alter, or improve or to vacate and close the nonresidential building or structure located at 1500 North Greene Street - Adopted (Ordinance No. 09-94)

Ordinance No. 09-94

#### Public Comment Period

#### Other Items of Business

25. Focus Group for North of the River
26. Sewer service for S & S Realty property - Approved
27. Agreement for federal lobbying services with The Ferguson Group and consideration of the City's FY 2011 Federal Agenda - Approved
28. Greenville Downtown Intermodal Transportation Center Memorandum of Agreement - Approved
29. Proposed City Council inquiry of Housing Authority
30. 2009-2010 Capital Reserve Fund calculation and current designations
31. Budget ordinance amendment #4 to the 2009-2010 City of Greenville General Fund, amendment to Ordinance #05-127 Center City Revitalization Capital Project Fund, and ordinance establishing the COPS Hiring Recovery Program Grant Special Revenue Project Fund - Adopted (Ordinance Nos. 09-95 and 09-96)
- Ordinance No. 09-95
- Ordinance No. 09-96
32. Fiscal years 2010-2011 budget and 2011-2012 financial plan schedule

XI. Comments from Mayor and City Council

XII. City Manager's Report

XIII. Adjournment