



Agenda

Greenville City Council

October 11, 2012
7:00 PM
City Council Chambers
200 West Fifth Street

Assistive listening devices are available upon request for meetings held in the Council Chambers. If an interpreter is needed for deaf or hearing impaired citizens, please call 252-329-4422 (voice) or 252-329-4060 (TDD) no later than two business days prior to the meeting.

I. Call Meeting To Order

II. Invocation - Mayor Thomas

III. Pledge of Allegiance

IV. Roll Call

V. Approval of Agenda

VI. Special Recognitions

- Kenneth Warren, Recreation and Parks Department Retiree

VII. Appointments

1. Appointments to Boards and Commissions

VIII. New Business

Public Hearings

2. Ordinance to annex Emerald Park, Phase 1, Section 3, and Phase 2, Section 1, involving 10.05 acres located at the terminus of Rhinestone Drive and Emerald Park Drive adjacent to Emerald Park Subdivision, Phase 1, Section 1 and west of Thomas Langston Road
3. Ordinance requested by U.S. Cellular to amend the Zoning Ordinance regarding standards applicable to communications towers

4. Ordinance initiated by the Greenville City Council to amend the Zoning Ordinance by establishing the University Neighborhood Revitalization Initiative (UNRI) Overlay District
5. Ordinance initiated by the Greenville City Council to amend the Zoning Map to designate territory as a University Neighborhood Revitalization Initiative (UNRI) Overlay District
6. Order to close a portion of Carolina Avenue
7. Order to close a portion of McKinley Avenue

Public Comment Period

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

Other Items of Business

8. Request for amendment to Recreation and Parks Department budget

IX. Comments from Mayor and City Council

X. City Manager's Report

XI. Closed Session

- To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes, said law rendering the information as privileged or confidential being the Open Meetings Law
- To establish or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease

XII. Adjournment



City of Greenville, North Carolina

Meeting Date:
10/11/2012
Time: 7:00 PM

Title of Item: Appointments to Boards and Commissions

Explanation: City Council appointments need to be made to the Affordable Housing Loan Committee, Greenville Bicycle & Pedestrian Commission, Human Relations Council, Investment Advisory Committee, Pitt-Greenville Convention & Visitors Authority, Police Community Relations Committee, Public Transportation & Parking Commission, Sheppard Memorial Library Board, and the Youth Council.

Fiscal Note: No direct fiscal impact.

Recommendation: Make appointments to the Affordable Housing Loan Committee, Greenville Bicycle & Pedestrian Commission, Human Relations Council, Investment Advisory Committee, Pitt-Greenville Convention & Visitors Authority, Police Community Relations Committee, Public Transportation & Parking Commission, Sheppard Memorial Library Board, and the Youth Council.

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[Muni_Report_Appointments_to_Boards_and_Commissions_914698](#)

Appointments to Boards and Commissions

October 11, 2012

Affordable Housing Loan Committee

Council Liaison: Council Member Kandie Smith

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

Greenville Bicycle & Pedestrian Commission

Council Liaison: Council Member Calvin Mercer

Name	District #	Current Term	Reappointment Status	Expiration Date
Cori Hines	5	First term	Resigned	January 2015

Human Relations Council

Council Liaison: Mayor Pro Tem Rose Glover

Student Representatives

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

Investment Advisory Committee

Council Liaison: Mayor Allen Thomas

Name	District #	Current Term	Reappointment Status	Expiration Date
Frederick Niswander	4	Second term	Ineligible	October 2012

Pitt Greenville Convention & Visitors Authority

Council Liaison: Mayor Pro-Tem Rose Glover

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

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

Police Community Relations Committee

Council Liaison: Mayor Pro Tem Rose Glover

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

Public Transportation & Parking Commission

Council Liaison: Council Member Calvin Mercer

Name	District #	Current Term	Reappointment Status	Expiration Date
Lisa Simmons	1	First Term	Resigned	January 2013

Sheppard Memorial Library Board

Council Liaison: Council Member At-Large Dennis Mitchell

Name	District #	Current Term	Reappointment Status	Expiration Date
Patricia Rawls	2	First term	Eligible	October 2012
Ralph Scott	3	First term	Eligible	October 2012

Youth Council

Council Liaison: Council Member Marion Blackburn

Name	District #	Current Term	Reappointment Status	Expiration Date
Daniel Barondes	5	First Term	Eligible	September 2012
Mercy Buckman	County	First term	Eligible	September 2012
Bridget Demery	4	Second term	Eligible	September 2012
Charlotte Overton	4	First term	Eligible	September 2012
Lorenzo Person	2	Third term	Eligible	September 2012
Samaria Trimble	County	First term	Eligible	September 2012
Rivik Verma	4	First term	Eligible	September 2012

Applicants for Affordable Housing Loan Committee

Christina W. Darden
387 Claredon Drive
Greenville, NC 27858

District #: 5

Application Date:

Home Phone: (252) 756-9249
Business Phone: (252) 215-1019
Email: chris@chrisdarden.com

Thomas Hines
211 Patrick Street
Greenville, NC 27834

District #: 1

Application Date: 10/6/2011

Home Phone: (252) 864-4907
Business Phone: (252) 695-9066
Email: thinesg@aol.com

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

District #: 1

Application Date: 7/11/2012

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

Applicants for Greenville Bicycle and Pedestrian Commission

Kathryn Kavanagh
310 Baytree Drive
Greenville, NC 27858

District #: 4

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

District #: 3

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

District #: 2

Application Date: 8/15/2012

Home Phone: (608) 444-0934

Business Phone: (252) 328-0734

Email: kavanaghk@ecu.edu

Application Date: 8/2/2012

Home Phone: (919) 818-1163

Business Phone:

Email: jds1030@gmail.com

Application Date: 7/13/2012

Home Phone: (252) 756-3085

Business Phone: (252) 327-6369

Email: titusyancey@gmail.com

Applicants for Human Relations Council

Wanda Carr
2304 British Court
Greenville, NC 27834

District #: 1

Isaac Chemmanam
402 Lochview Drive
Greenville, NC 27858

District #: 4

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

District #: 4

Aaron Lucier
1516 Thayer Drive
Winterville, NC 28590

District #: 5

Angela Marshall
2609B Boone Court
Greenville, NC 27834

District #: 1

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

District #: 1

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

District #: 2

Application Date: 10/13/2010

Home Phone: (252) 321-1409

Business Phone:

Email: carrwdc@hotmail.com

Application Date: 1/18/2012

Home Phone: (252) 561-8759

Business Phone: (252) 412-2045

Email: isaac.chemmanam@gmail.com

Application Date: 2/20/2012

Home Phone:

Business Phone: (252) 328-2950

Email: scottthduke@gmail.com

Application Date: 2/23/2011

Home Phone: (252) 321-3910

Business Phone: (252) 328-2758

Email: luciera@ecu.edu

Application Date: 4/29/2011

Home Phone: (252) 258-4104

Business Phone: (252) 328-4173

Email: marshalla@ecu.edu

Application Date: 7/15/2010

Home Phone: (252) 489-8390

Business Phone:

Email: partridgeb06@students.ecu.edu

Application Date: 7/13/2012

Home Phone: (252) 756-3085

Business Phone: (252) 327-6369

Email: titusyancey@gmail.com

Applicants for Investment Advisory Committee

Brian Brown
2237 Penncross Drive
Greenville, NC 27834

District #: 5

Business

Home Phone:

Email:

Application Date: 2/23/2011

(252) 353-7379

(252) 414-3943

bbrown@myrepexpress.com

Will Litchfield
310 Dupont Circle
Greenville, NC 27858

District #: 5

Business

Home Phone:

Email:

Application Date: 4/9/2010

(252) 439-1100

(252) 364-2243

Tyrone Walston
2706 Webb Street
Greenville, NC 27834

District #: 2

Business

Home Phone:

Email:

Application Date: 6/12/2012

(252) 355-8736

(252) 412-7351

walston_tyrone@yahoo.com

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

Brian Brown
2237 Penncross Drive
Greenville, NC 27834

District #: 5

Wanda Carr
2304 British Court
Greenville, NC 27834

District #: 1

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

District #: 5

Ann Eleanor
102 Lindenwood Drive
Greenville, NC 27834

District #: 5

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

District #: 2

JJ McLamb
102 Christina Drive
Greenville, NC 27858

District #: 4

Bridget Moore
4128A Bridge Court
Winterville, NC 28590

District #: 5

Application Date: 2/23/2011

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

Application Date: 10/13/2010

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

Application Date: 3/5/2011

Home Phone: (252) 439-0651
Business Phone: (252) 439-0651
Email: brianevans_99@yahoo.com

Application Date: 2/13/2011

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

Application Date: 8/25/2012

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

Application Date: 2/27/2012

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

Application Date: 7/13/2011

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

Applicants for Police Community Relations Committee

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

Applicants for Sheppard Memorial Library Board

Cornell Allen 4030 Bells Chapel Road Greenville, NC 27858 District #: 5	Business Home Phone: Email:	Application Date: 5/8/2011 (252) 258-9718 (252) 215-0486 mrcallen2436@gmail.com
Richard Ericson 310 Hastings Court Greenville, NC 27858 District #: 4	Business Home Phone: Email:	Application Date: 3/13/2006 (252) 328-6750 (252) 367-4313 ericsonr@ecu.edu
Melinda Galtress 332 Cedarhurst Road Greenville, NC 27834 District #: 5	Business Home Phone: Email:	Application Date: 4/25/2012 (252) 756-8915
Mary Grier 1704 South Elm Street Greenville, NC 27858 District #: 4	Business Home Phone: Email:	Application Date: 9/20/2011 (252) 756-1076 perfecttaste2002@yahoo.com
Thomas Hines 211 Patrick Street Greenville, NC 27834 District #: 1	Business Home Phone: Email:	Application Date: 10/6/2011 (252) 695-9066 (252) 864-4907 thinesg@aol.com
Tyler Russell 3856 Forsyth Park Ct. Winterville, NC 28590 District #:	Business Home Phone: Email:	Application Date: (252) 215-4000 (910) 840-0337 tjr@wardandsmith.com
Tyrone Walston 2706 Webb Street Greenville, NC 27834 District #: 2	Business Home Phone: Email:	Application Date: 6/12/2012 (252) 355-8736 (252) 412-7351 walston_tyrone@yahoo.com

Applicants for Youth Council

None – 13 Available Slots



City of Greenville, North Carolina

Meeting Date:
10/11/2012
Time: 7:00 PM

Title of Item: Ordinance to annex Emerald Park, Phase 1, Section 3, and Phase 2, Section 1, involving 10.05 acres located at the terminus of Rhinestone Drive and Emerald Park Drive adjacent to Emerald Park Subdivision, Phase 1, Section 1 and west of Thomas Langston Road

Explanation: **Abstract:** A voluntary annexation petition to annex Emerald Park, Phase 1, Section 3, and Phase 2, Section 1, involving 10.05 acres located at the terminus of Rhinestone Drive and Emerald Park Drive adjacent to Emerald Park Subdivision, Phase 1, Section 1, and west of Thomas Langston Road. Subject area is undeveloped, and anticipated build-out is 47 single-family homes.

ANNEXATION PROFILE

A. SCHEDULE

1. Advertising date: October 1, 2012
2. City Council public hearing date: October 11, 2012
3. Effective date: June 30, 2013

B. CHARACTERISTICS

1. Relation to Primary City Limits: Contiguous
2. Relation to Recognized Industrial Area: Outside
3. Acreage: 10.05
4. Voting District: 2
5. Township: Winterville

- 6. Vision Area: E
- 7. Zoning: R9S (Residential-single-family)
- 8. Land Use: Existing: Vacant
Anticipated: 47 single-family dwellings
- 9. Population:

	Formula	Number of People
Total Current	-----	0
Estimated at full development	47 x 2.35*	110
Current Minority	-----	0
Estimated Minority at full development	110 x 43.4%	48
Current White	-----	0
Estimated White at full development	110-48	62

- 10. Rural Fire Tax District: Red Oak
- 11. Greenville Fire District: Station #5 (Distance of 5.3 miles)
- 12. Present Tax Value: \$238,688
Estimated Future Tax Value: \$10,108,688

Fiscal Note: The total estimated tax value at full development is \$10,108,688.

Recommendation: Approve the attached ordinance to annex Emerald Park, Phase 1, Section 3, and Phase 2, Section 1.

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

Attachments / click to download

- [Survey](#)
- [Ordinance Emerald Park Ph 1 Sect 3 and Ph 2 Sect 1 937146](#)

ORDINANCE NO. 12-
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE CITY OF GREENVILLE, NORTH CAROLINA

Attachment number 1
Page 1 of 3

WHEREAS, the City Council of the City of Greenville has been petitioned under G.S. 160A-31, as amended, to annex the area described herein; and

WHEREAS, the City Council has directed the City Clerk to investigate the sufficiency of said petition; and

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at City Hall at 7:00 p.m. on the 11th day of October, 2012, after due notice by publication in The Daily Reflector on the 1st day of October, 2012; and

WHEREAS, the City Council does hereby find as a fact that said petition meets the requirements of G. S. 160A-31, as amended.

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

Section 1. That by virtue of the authority vested in the City Council of the City of Greenville, North Carolina, under G. S. 160A-31, as amended, the following described contiguous territory is annexed:

TO WIT: Being all of that certain property as shown on the annexation map entitled "Emerald Park, Phase 1, Section 3, and Phase 2, Section 1", involving 10.05 acres as prepared by Coastal Carolina Surveyors.

LOCATION: Lying and being situated in Winterville Township, Pitt County, North Carolina, located at the terminus of Rhinestone Drive and Emerald Park Drive adjacent to Emerald Park Subdivision, Phase 1, Section 1 and west of Thomas Langston Road.

GENERAL DESCRIPTION:

Beginning at a point in the eastern right of way of Jade Lane, being further located from a point at the intersection of Emerald Park Drive and Jade Lane N 18 06 06 E 85.00 feet to the beginning; thence continuing with the eastern right of way of Jade Lane N 18 06 06 E 69.00 feet to a point; thence crossing to a point in the western right of way N 71 53 54 W 50.00 feet; thence S 18 06 06 W 104.88 feet to a point; thence N 71 53 54 W 110.14 feet to a point; thence N 18 06 06 E 165.00 feet to a point; thence N 18 30 47 E 59.24 feet to a point; thence N 25 16 31 E 70.08 feet to a point; thence S 60 46 08 E 160.19 feet to a point; thence with a curve to the left having a radius of 275, arc length of 51.43 feet, delta angle of 10 42 59 and a cord bearing and distance of S 24 57 21 W 51.36 feet to a point; thence S 70 20 10 E 109.95 feet; thence S 18 06 06 W 173.00 feet to a point; thence N 71 53 54 W 110.00 feet to the point and place of beginning containing 1.34 acres, approximately, being a portion of the lands described in Deed Book 2891, Page 274 in the Pitt County Registry.

Section 2. That by virtue of the authority vested in the City Council of the City of Greenville, North Carolina, under G. S. 160A-31, as amended, the following described contiguous territory is annexed:

TO WIT: Being all of that certain property as shown on the annexation map entitled “Emerald Park, Phase 1, Section 3, & Phase 2, Section 1”, involving 10.05 acres as prepared by Coastal Carolina Surveyors.

LOCATION: Lying and being situated in Winterville Township, Pitt County, North Carolina, located at the terminus of Rhinestone Drive and Emerald Park Drive adjacent to Emerald Park Subdivision, Phase 1, Section 1 and west of Thomas Langston Road.

Attachment number 1
Page 2 of 3

GENERAL DESCRIPTION:

Beginning at a point in the northern boundary line, being further located from a point at the intersection of Emerald Park Drive and Jade Lane N 18 06 06 E 85.00 feet thence; S 71 53 54 E 460.00 feet to the beginning; thence continuing S 71 53 54 E 277.89 feet to a point; thence N 18 06 06 E 178.81 feet to a point; thence N 49 55 20 E 66.78 feet to a point; thence N 63 31 57 E 148.44 feet to a point; thence S 42 28 32 E 188.56 feet to a point; thence S 35 55 59 E 69.04 feet to a point; thence S 32 02 28 W 228.64 feet to a point; thence S 63 46 31 E 114.58 feet to a point; thence with a curve to the right having a radius of 775 feet, arc length of 17.67 feet, delta angle of 01 18 22 and a cord bearing and distance of N 26 52 40 E 17.67 feet to a point; thence S 62 09 54 E 166.08 feet to a point; thence S 26 31 10 W 60.90 feet to a point; thence with a curve to the left having a radius of 50 feet, arc length of 61.39 feet, delta angle of 70 20 55 and a cord bearing and distance of N 63 55 50 E 57.61 feet to a point; thence S 26 31 10 W 54.90 feet to a point; thence S 19 48 50 W 104.67 to a point; thence with a curve to the left having a radius of 50 feet, arc length of 57.59 feet, delta angle of 65 59 38 and a cord bearing and distance of N 22 44 44 W 54.46 feet to a point; thence S 19 48 50 W 65.89 feet to the point; thence S 24 32 00 W 77.81 feet to a point; thence S 40 42 12 W 86.44 feet to a point; thence S 58 08 53 W 86.44 feet to a point; thence S 75 35 35 W 86.44 feet to a point; thence N 86 55 41 W 86.48 feet to a point; thence S 11 35 49 W 9.60 feet to a point; thence N 70 31 42 W 66.61 feet to a point; thence N 18 06 06 E 115.98 feet to a point; thence S 71 53 54 E 34.00 feet to a point; thence with a curve to the left having a radius of 175 feet, arc length of 53.36 feet, delta angle of 17 28 18 and a cord bearing and distance of S 80 38 05 E 53.16 feet to a point; thence N 00 37 46 E 50.00 feet to a point; thence with a curve to the right having a radius of 125 feet, arc length of 38.12 feet, delta angle of 17 28 18 and a cord bearing and distance of N 80 38 05 W 37.97 feet to a point; thence N 71 53 54 W 11.88 feet to a point; thence N 18 06 06 E 110.00 feet to a point; thence N 71 53 54 W 550.00 feet to a point; thence N 18 06 06 E 110.00 feet to a point; thence S 71 53 54 E 50.00 feet to a point; thence N 18 06 06 E 50.00 feet to a point; thence N 71 53 54 W 50.00 feet to a point; thence N 18 06 06 E 110.00 feet to the point and place of beginning containing 8.71 acres, approximately, being a portion of the lands described in Deed Book 2891, Page 274.

Section 3. Territory annexed to the City of Greenville by this ordinance shall, pursuant to the terms of G. S. 160A-23, be annexed into Greenville municipal election district two. The City Clerk, City Engineer, representatives of the Board of Elections and any other person having responsibility or charge of official maps or documents shall amend those maps or documents to reflect the annexation of this territory into municipal election district two.

Section 4. The territory annexed and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Greenville and shall be entitled to the same privileges and benefits as other territory now within the City of Greenville. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 5. The Mayor of the City of Greenville, North Carolina, shall cause a copy of the map of the territory annexed by this ordinance and a certified copy of this ordinance to be recorded in the office of the Register of Deeds of Pitt County and in the Office of the Secretary of State in Raleigh, North Carolina. Such a map shall also be delivered to the Pitt County Board of Elections as required by G.S. 163-288.1.

Section 6. This annexation shall take effect from and after the 30th day of June, 2013.

ADOPTED this 11th day of October, 2012.

Allen M. Thomas, Mayor

ATTEST:

Attachment number 1
Page 3 of 3

Carol L. Barwick, City Clerk

NORTH CAROLINA
PITT COUNTY

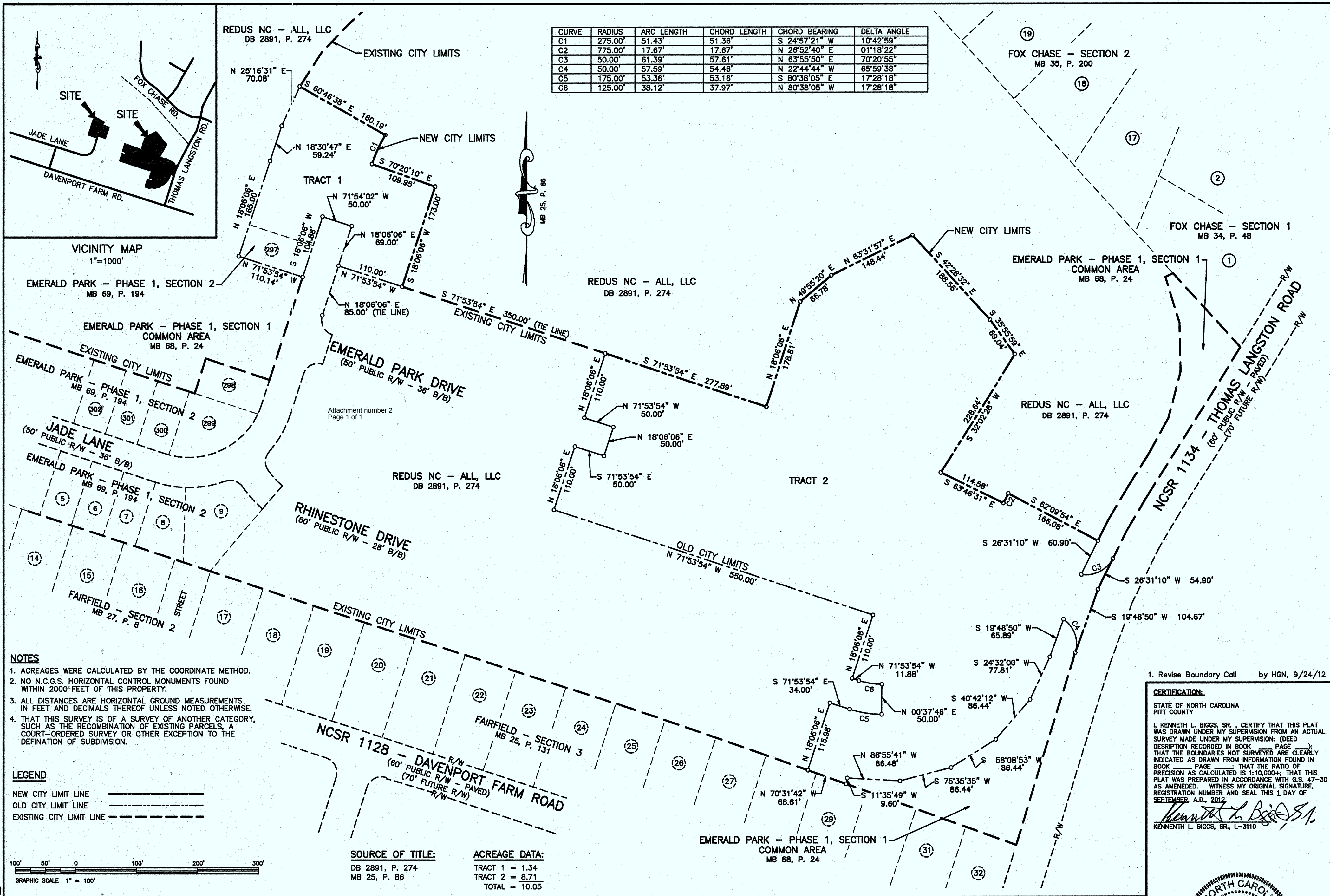
I, _____, Notary Public for said County and State, certify that Carol L. Barwick personally came before me this day and acknowledged that she is the City Clerk of the City of Greenville, a municipality, and that by authority duly given and as the act of the municipality, the foregoing instrument was signed in its name by its Mayor, sealed with the corporate seal, and attested by herself as its City Clerk.

WITNESS my hand and official seal this ____ day of _____, 2012.

Notary Public

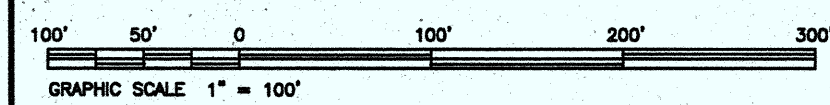
My Commission Expires: _____

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	275.00'	51.43'	51.36'	S 24°57'21" W	10°42'59"
C2	775.00'	17.67'	17.67'	N 26°52'40" E	01°18'22"
C3	50.00'	61.39'	57.61'	N 63°55'50" E	70°20'55"
C4	50.00'	57.59'	54.46'	N 22°44'44" W	65°59'38"
C5	175.00'	53.36'	53.16'	S 80°38'05" E	17°28'18"
C6	125.00'	38.12'	37.97'	N 80°38'05" W	17°28'18"



- NOTES**
1. ACREAGES WERE CALCULATED BY THE COORDINATE METHOD.
 2. NO N.C.G.S. HORIZONTAL CONTROL MONUMENTS FOUND WITHIN 2000' FEET OF THIS PROPERTY.
 3. ALL DISTANCES ARE HORIZONTAL GROUND MEASUREMENTS IN FEET AND DECIMALS THEREOF UNLESS NOTED OTHERWISE.
 4. THAT THIS SURVEY IS OF A SURVEY OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.

- LEGEND**
- NEW CITY LIMIT LINE
 - OLD CITY LIMIT LINE
 - EXISTING CITY LIMIT LINE



SOURCE OF TITLE:
DB 2891, P. 274
MB 25, P. 86

ACREAGE DATA:
TRACT 1 = 1.34
TRACT 2 = 8.71
TOTAL = 10.05

1. Revise Boundary Call by HGN, 9/24/12

CERTIFICATION:
STATE OF NORTH CAROLINA
PITT COUNTY

I, KENNETH L. BIGGS, SR., CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION: (DEED DESCRIPTION RECORDED IN BOOK _____ PAGE _____); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK _____ PAGE _____; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 1 DAY OF SEPTEMBER, A.D., 2012.

Kenneth L. Biggs, Sr.
KENNETH L. BIGGS, SR., L-3110



ANNEXATION MAP
EMERALD PARK
PHASE 1, SECTION 3 & PHASE 2, SECTION 1
A PORTION OF THE PROPERTY DESCRIBED IN DEED BOOK 2891, PAGE 274
OF THE PITT COUNTY REGISTRY.
WINTERVILLE TOWNSHIP - PITT COUNTY - NORTH CAROLINA

Coastal Carolina Surveyors, PLLC
LAND SURVEYORS
P-0790
PO Box 2768 Winterville, NC 28590
KB Cell (252) 702-1427
Fax (252) 321-8621
kenbiggs1@yahoo.com

SURVEYED: KLB APPROVED: KLB
DRAWN: HGN DATE: 9/01/12
CHECKED: KLB SCALE: 1" = 100'

MAP NO.	PLATS RECORDED	MAP BOOK	PAGE

MAP SHOWING AREA ANNEXED BY
THE CITY OF GREENVILLE, N.C
EFFECTIVE DATE _____, ORDINANCE # _____, AREA: 10.05 Acres
WINTERVILLE TOWNSHIP, PITT COUNTY, NORTH CAROLINA

CCS Project No. 2012031
ECC Project No. 081 12-11 - EMERALD



City of Greenville, North Carolina

Meeting Date:
10/11/2012
Time: 7:00 PM

Title of Item: Ordinance requested by U.S. Cellular to amend the Zoning Ordinance regarding standards applicable to communications towers

Explanation: **Abstract**
U.S. Cellular has submitted a Zoning Ordinance text amendment application requesting to amend the City's zoning standards applicable to communications towers. The text amendment requests that communications towers up to 80 feet in height be permitted in various medical zoning districts subject to specified standards. The approval of this requested text amendment will allow for the continued growth of the City's medical district by accommodating the technological infrastructure needed to support such growth.

Additional Information

Additional information associated with this request, the City's current standards, and the proposed amendment are included in the staff report attached hereto.

Fiscal Note: No fiscal impact anticipated.

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




The Planning and Zoning Commission voted unanimously to recommend approval of the requested amendment at their September 18, 2012, meeting. If the City Council determines to approve the request, a motion to adopt the attached ordinance will be needed. The ordinance includes the statutorily required statement describing whether the action taken is consistent with the comprehensive plan and explaining why Council considers the action taken to be reasonable and in the public interest.

If City Council determines to deny the amendment request, in order to comply with this statutory requirement, it is recommended that the motion be as follows:

"Motion to deny the proposed text amendment and to make a finding and determination that the denial is consistent with the comprehensive plan and that the denial is reasonable and in the public interest due to the denial being consistent with the comprehensive plan and, as a result, the denial furthers the goals and objectives of the comprehensive plan."

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

Attachments / click to download

-  [Staff Report](#)
 -  [Cell Tower Ordinance 936990](#)
 -  [Excerpt P Z minutes Text Amendment Cellular 936946](#)
-

ORDINANCE NO. 12-
AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 19, Chapter 160A, of the General Statutes of North Carolina, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on October 11, 2012 at 7:00 p.m., in the City Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance amending the City Code; and

WHEREAS, in accordance with the provisions of North Carolina General Statute 160A-383, the City Council does hereby find and determine that the adoption of the ordinance involving the text amendment is consistent with the adopted comprehensive plan and is reasonable and in the public interest.

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

Section 1: That Title 9, Chapter 4, Article D, Section 9-4-78 (Appendix A), of the City Code, is hereby amended by a new subsection (8)y(3), entitled "*Television and/or radio broadcast facilities, including receiving and transmission equipment and towers or cellular telephone and wireless communications towers not exceeding 80 feet in height*" (see also §9-4-103), with a LUI# "3", within the table of uses, as a permitted use within the MCH, MCG, MS, MI and MO districts.

Section 2: That Title 9, Chapter 4, Article F, Section 9-4-103, of the City Code, is hereby amended by adding a new subsection (Q)(3) as follows:

(Q) *Television and radio broadcast, cellular telephone, and wireless communication towers.*

(3) *Towers located within the MCH, MCG, MS, MI and/or MO districts shall be subject to all of the following requirements:*

(a) *Shall not exceed 80 feet in height above the adjacent grade, as measured to the highest point, including the support structure and any communication equipment;*

(b) *Shall be a monopole structure that does not utilize or require guy-wire or other similar support;*

(c) *Shall be located on a one-acre or larger lot, hereafter referred to as the "parent lot." A tower lease lot of less than one-acre within the one-acre or larger parent lot that includes the tower structure, tower accessory structures, ground level mechanical and/or communication equipment, fencing, landscaping, attendant parking, and drives shall be permitted, provided compliance with all requirements;*

- (d) No tower shall be located within a 500-foot radius of any other existing or vested tower as measured from the center of the towers;*
- (e) The tower structure shall be setback from any residential zoned lot or tract a distance equal to 75% of the tower height. The required setback shall be measured from the outside edge of the base of the tower structure to the nearest property line or zoning boundary line; and*
- (h) Co-location of television, radio, cellular telephone, or other wireless communication equipment shall be permitted on all tower(s), provided compliance with all requirements.*

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

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

Adopted this 11th day of October, 2012.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk

Excerpt from the DRAFT Planning & Zoning Minutes (9/18/2012)

ZONING TEXT AMENDMENT APPLICATION SUBMITTED BY U.S. CELLULAR
REQUESTING TO AMEND THE CITY'S ZONING STANDARDS APPLICABLE TO
COMMUNICATIONS TOWERS- APPROVED

Mr. Chris Padgett, Chief Planner, provided background information on the request to the Commission. The presentation included a summary of the City's existing standards, identification of existing and approved communications towers located within the City's jurisdiction, and a survey of standards from other communities. The proposed amendment would allow communications towers as a permitted use within the MCH, MCG, MS, Mi and MO districts so long as they do not exceed 80 feet in height, are a monopole structure type, are located on an one acre or greater lot, are located at least 500 feet from existing towers and are setback from any residential zoned lot a distance at least 75% of the tower height. In staff's opinion, the request will allow for continued growth of the medical districts and is in compliance with Horizons: Greenville's Community Plan.

Mr. Weitz asked if the suggested amendment should say one or two acres.

Mr. Padgett stated the second reference should say one.

Mr. Michael Darwin, representative of U.S. Cellular, spoke in favor of the application. He stated that staff did a nice job in presenting the request and he was available for any questions.

No one spoke in opposition of the request.

Acting Chair Basnight closed the public hearing.

No discussion from board members.

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

Staff Report:

Zoning text amendment application submitted by U.S. Cellular requesting to amend the City's zoning standards applicable to communications towers.

Contents:

- Section I. Summary of Existing Standards – Page 1
- Section II. Identification of Existing and Approved Communications Towers – Page 3
- Section III. Survey of Other Communities – Page 6
- Section IV. Proposed Standards – Page 7
- Section V. Staff Comments – Page 9

Attachment: Application Packet Materials

**Staff Report Developed by the City of Greenville
Community Development Department - Planning Division
September 12, 2012**

Section I. Summary of Existing Standards

The City's current standards applicable to communications towers are summarized as follows:

Table of Uses

The table of uses includes three classifications for "Television and/or radio broadcast facilities, including receiving and transmission equipment and towers or cellular telephone and wireless communications towers" as follows:

1. Towers are generally permitted as follows:
 - With a Special Use Permit in the MRS district;
 - As a Permitted Use in the CD, CH, IU and I districts.
2. Towers not exceeding 200 feet in height are also permitted as follows:
 - As a Permitted Use in the CG district.
3. Towers not exceeding 120 feet in height are also permitted as follows:
 - As a Permitted Use in the OR district.

Height and Setbacks

The height of a communications tower is limited by three factors:

1. The applicable height limitation of the Airport Overlay District;
2. A limitation of 120' in the OR district and 200' in the CG district; and
3. A limitation based on setback (see below).

The setbacks applicable to communications towers are determined as follows:

1. Most setbacks are determined using a formula primarily based upon the proposed tower height. Examples of the application of said formula include:

80' Tower Height – 20' Setback
100' Tower Height – 23' Setback
150' Tower Height – 32' Setback
200' Tower Height – 40' Setback
250' Tower Height – 48' Setback

2. The OR district is the only district with an increased setback requirement adjacent to residential zoned lots. This setback is equal to two times the tower height, or 200', whichever is greater.

Additional Standards

Additional standards are applicable as follows:

1. Towers located in the CG and OR districts must be a monopole structure type.
2. Towers located in the OR district must be located on a tract at least two acres in area.
3. Towers located in the OR district must be located at least 500' feet from any existing communications towers.

Section II. Identification of Existing and Approved Communications Towers

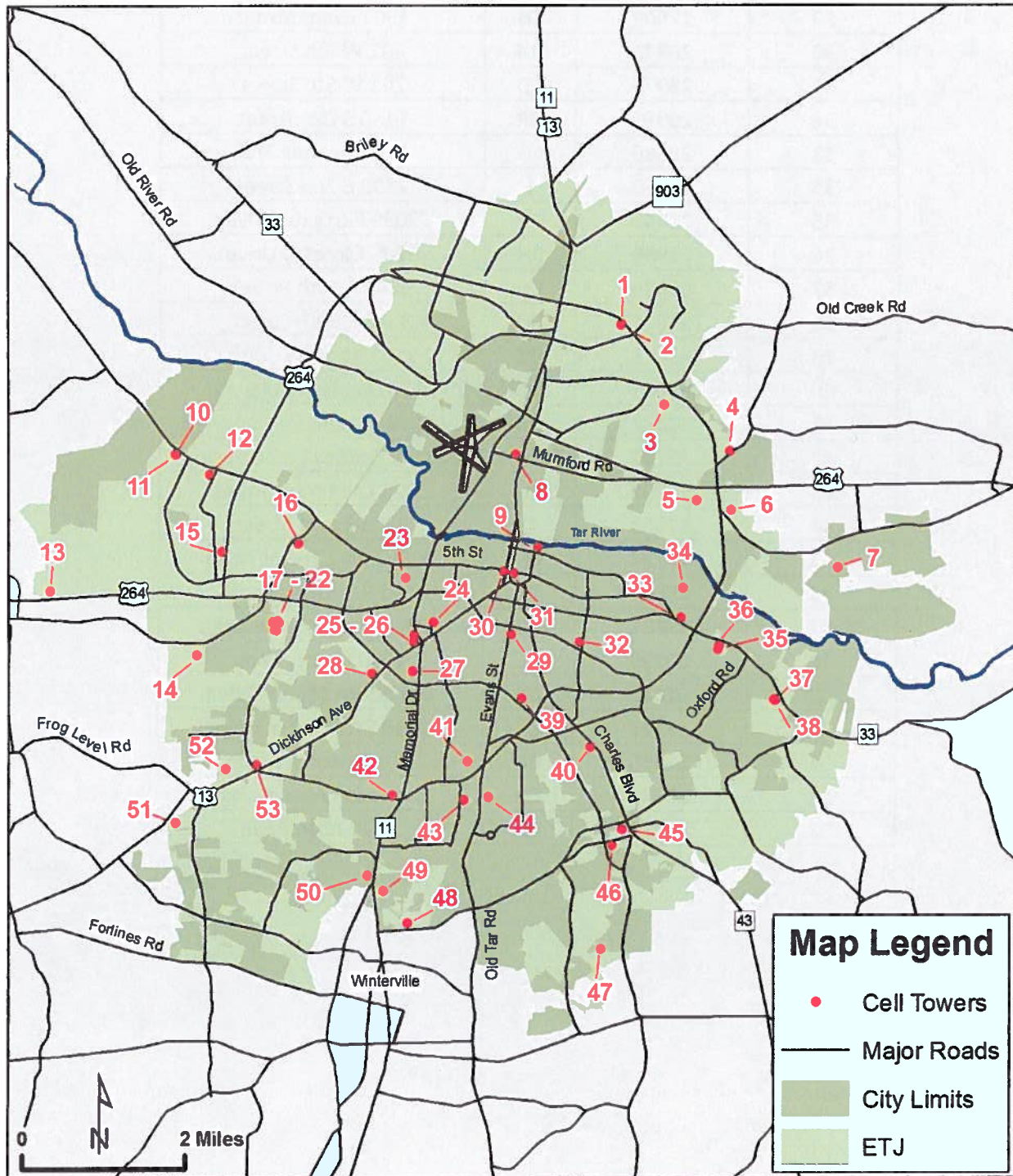
Table 1, below, identifies all of the communications towers known to exist within the City's planning and zoning jurisdiction, or approved to do so, as of September 8, 2012. The Map I.D. Number provided for each establishment corresponds to the establishment's location on the Map 1 that follows.

Table 1: Inventory of Communications Towers Located Within the City of Greenville

Map Number	Parcel Number	Zoning	Address
1	48289	I	5603 Martin Luther King Jr. Highway
2	48289	I	5603 Martin Luther King Jr. Highway
3	80995	I	Terminus of Progress Road
4	66290	RA20	3645 Whichard Road
5	28088	RA20	Old Pactolus Road
6	57631	CH	3501 Tupper Drive
7	22506	IU	350 Aqua Lane
8	12826	IU	210 Airport Road
9	23797	OR	105 E 1st Street
10	16239	RA20	3633 NC 43 N
11	16307	RA20	3633 NC 43 N
12	11787	RA20	NC 43 N
13	23817	RA20	1766 Silas Lane
14	00324	RA20	3763 Stantonsburg Road
15	11788	RA20	1077 Rock Spring Road
16	36701	MR	1131 B's Barbeque Road
17	17564	MRS	2929 Stantonsburg Road
18	17564	MRS	2929 Stantonsburg Road
19	17564	MRS	2929 Stantonsburg Road
20	17564	MRS	2929 Stantonsburg Road
21	17564	MRS	2929 Stantonsburg Road
22	17564	MRS	2929 Stantonsburg Road
23	29144	MI	1717 W 5th Street
24	19401	CH	2000 Chestnut Street
25	16463	CH	916 S Memorial Drive
26	58960	CH	2228 Dickinson Avenue Ext.
27	14286	CG	2508 S Memorial Drive
28	80049	CH	1095 Spring Forest Road

Map Number	Parcel Number	Zoning	Address
29	17909	CH	1501 Evans Street
30	28843	CDF	401 W 5th Street
31	28977	CD	201 W 5th Street
32	28951	OR	1150 S Elm Street
33	28686	CG	2910 Tammie Trail
34	28980	I	2899 E 2nd Street
35	72940	CH	2039 Eastgate Drive
36	72939	CH	3205 Moseley Drive
37	60808	CH	3842 E 10th Street
38	56931	CH	3842 E 10th Street
39	38623	CG	2101 Mimosa Court
40	30489	CG	2530 Charles Boulevard
41	47884	R6	148 SW Greenville Boulevard
42	79706	CH	720 SW Greenville Boulevard
43	16257	CH	3229 Landmark Street
44	17563	O	3221 Evans Street
45	57724	CH	2050 E Fire Tower Road
46	78526	IU	Old Firetower Road
47	58131	RA20	4730 County Home Road
48	80293	CG	4050 Victory Lane
49	61020	CH	611 South Square Drive
50	23767	CH	3838 S Memorial Drive
51	28066	CH	4671 Dickinson Avenue Ext.
52	80045	CH	Dickinson Avenue Ext.
53	80324	CG	2471 Allen Road

Map 1. Location of Communication Towers



SECTION III – Survey of Other Communities

Staff contacted numerous other communities to obtain information regarding how each classifies and regulates communications towers. Table 2, below, summarizes the findings of these inquiries.

**Table 2: Survey Results – Communications Tower Standards
From Other Communities**

City	Permitted Zoning Districts	Permitted By Right or SUP/CUP	Separation Standards	Special Standards
Goldsboro	All Districts	SUP is required for all districts.		Maximum height: 150' unless in Airport Overlay
Jacksonville	Non-residential	SUP is required in non-residential districts.		Maximum height: 100'
Rocky Mount	Residential and Non-residential	SUP is required in all residential districts. Permitted by-right in non-residential districts unless over 100' (SUP required).		Applicant must prove to BOA that co-location is not possible.
Wilmington	Non-residential districts if height does not exceed more than 20' greater than the zoning district height.	SUP is required if height exceeds 20' of the zoning district height. Not allowed in mixed-use or residential.	1,500'	If monopole, setbacks can be reduced.
Raleigh	Residential and Non-residential	SUP is required in non-residential districts for towers over 200' in height. SUP required in all residential districts.		

SECTION IV –Proposed Standards

The following outlines the text amendment requested by the applicant, U.S. Cellular:

Amend Section 9-4-78 Table of Uses / Appendix A by adding a new subsection C(8)y(3) as follows and add the same as a permitted use in the MCH, MCG, MS, MI and MO zoning districts:

Television and/or radio broadcast facilities, including receiving and transmission equipment and towers or cellular telephone and wireless communications towers not exceeding 80 feet in height (see also §9-4-103)

Amend Section 9-4-103 Special Standards for Certain Specific Uses by adding a new subsection (Q)(3) as follows:

(Q) Television and radio broadcast, cellular telephone, and wireless communication towers.

(3) Towers located within the MCH, MCG, MS, MI and/or MO districts shall be subject to all of the following requirements:

- (a) Shall not exceed 80 feet in height above the adjacent grade, as measured to the highest point, including the support structure and any communication equipment;
- (b) Shall be a monopole structure that does not utilize or require guy-wire or other similar support;
- (c) Shall be located on a one-acre or larger lot, hereafter referred to as the “parent lot.” A tower lease lot of less than one-acre within the one-acre or larger parent lot that includes the tower structure, tower accessory structures, ground level mechanical and/or communication equipment, fencing, landscaping, attendant parking, and drives shall be permitted, provided compliance with all requirements;
- (d) No tower shall be located within a 500-foot radius of any other existing or vested tower as measured from the center of the towers;
- (e) The tower structure shall be setback from any residential zoned lot or tract a distance equal to 75% of the tower height. The required setback shall be measured from the outside edge of the base of the tower structure to the nearest property line or zoning boundary line; and

(h) Co-location of television, radio, cellular telephone, or other wireless communication equipment shall be permitted on all tower(s), provided compliance with all requirements.

SECTION V – Staff Comments

Advances in wireless technology have led to the wireless communications industry to build additional towers across the country. These new towers are generally shorter than in years past, a modification that reflects the needs of this evolving technology and assists in ensuring their compatibility with adjacent and nearby land uses.

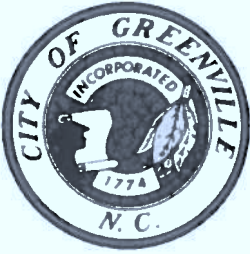
The City of Greenville’s standards applicable to communications towers are restrictive in that they do not permit these devices in any medical zoning district or residential zoning district, with the exception of the MRS district with a Special Use Permit. Because of the changes in technology and the growth of the major entities located within the medical zoning districts, there appears to be a need for additional communications towers to serve this area. The text amendment application submitted reflects that need.

It is staff’s opinion that the requested modifications will allow for the continued growth of the City’s medical district by accommodating the technological infrastructure needed to support such growth. The proposed standards provide strict limitations on tower height (80-foot maximum), require a preferred tower design (monopole), and provide for additional setback from residential lots or tracts. It is further staff’s opinion that the proposed standards will mitigate potential adverse impacts to adjacent and nearby properties. Additionally, staff finds that the proposed text amendment would support the following objectives of **Horizon’s: Greenville’s Community Plan**:

- E1:** To create conditions favorable for healthy economic expansion in the area.
- E2:** To attract new industry and businesses which strengthen Greenville’s role as a regional center.
- E14:** To encourage healthy economic development.

It should be noted that the Medical District Plan does not directly address the issue of communications towers, but the comprehensive plan does contain a management action to remove the opportunity to have them in the MRS district.

ATTACHMENT:
Application Packet Materials



Date Received 6-28-12

CITY OF GREENVILLE ZONING ORDINANCE TEXT AMENDMENT APPLICATION

Applicant Name(s) U S Cellular

Mailing Address 1125 Corporate Dr.
Greenville N.C. 27958

Contact Phone Number (217) 622-1377

Contact Fax Number () _____

Zoning Ordinance Section Proposed to be Amended: See Attached

Reason for Request: See Attached

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

Michael Doran

6-28-12

Print Name

Signature of Applicant

Date

Reason for the Text Amendment as well as Background of Search Ring:

U.S. Cellular has previously been working with a company in an effort to secure a telecommunications site on Vidant Hospital property. For the past two years, our attempts have been unsuccessful. There are a number of critical reasons we need this zoning relief; 1) Due to the close proximity to the airport, the height of 80' limits our ability to fill the existing gap in this area, and 2) The capacity issue on our existing sites is severe, however, this could be alleviated with two 80' monopoles (further explained).

This type of situation has created what is known in the industry as a "Two Site Solution." As a result, this means we will also be proposing an additional site approximately .07 miles to the East. That property is zoned Commercial /Medical and does not allow for telecommunications construction in the area. Once we have the site location secured for the first monopole, we will be able to propose a text amendment for the second location.

I have attached as Exhibits to this submittal other supporting documents;

Multiple views of photo simulation, what the site would look like from different vantage points

Exhibit 1: Tax map for the County property.

Exhibit 2: Depiction of the Two Site Solution (TSS).

Exhibit 3: Site plan and tower elevation.

Exhibit 4: Zoning map and Legend.

Exhibit 5: Topography map.

Exhibit 6: Picture of existing USC site.

Exhibit 7: Stealth pole.

Exhibit 8: RF propagation map showing coverage of existing sites.

556704 PCMH
6th St.
Greenville, NC 27834

Facing South



EXISTING

Item #.3



556704 PCMH
6th St.
Greenville, NC 27834

Facing South



PROPOSED

Item #.3



556704 PCMH
6th St.
Greenville, NC 27834

Facing West

W-T
W-T COMMUNICATION
DESIGN GROUP, LLC
WIRELESS INFRASTRUCTURE

EXISTING

Item # 3

 **U.S. Cellular**

556704 PCMH
6th St.
Greenville, NC 27834

Facing West



PROPOSED



556704 PCMH

6th St.
Greenville, NC 27834

Facing Northeast



EXISTING

Item # 3



556704 PCMH
6th St.
Greenville, NC 27834

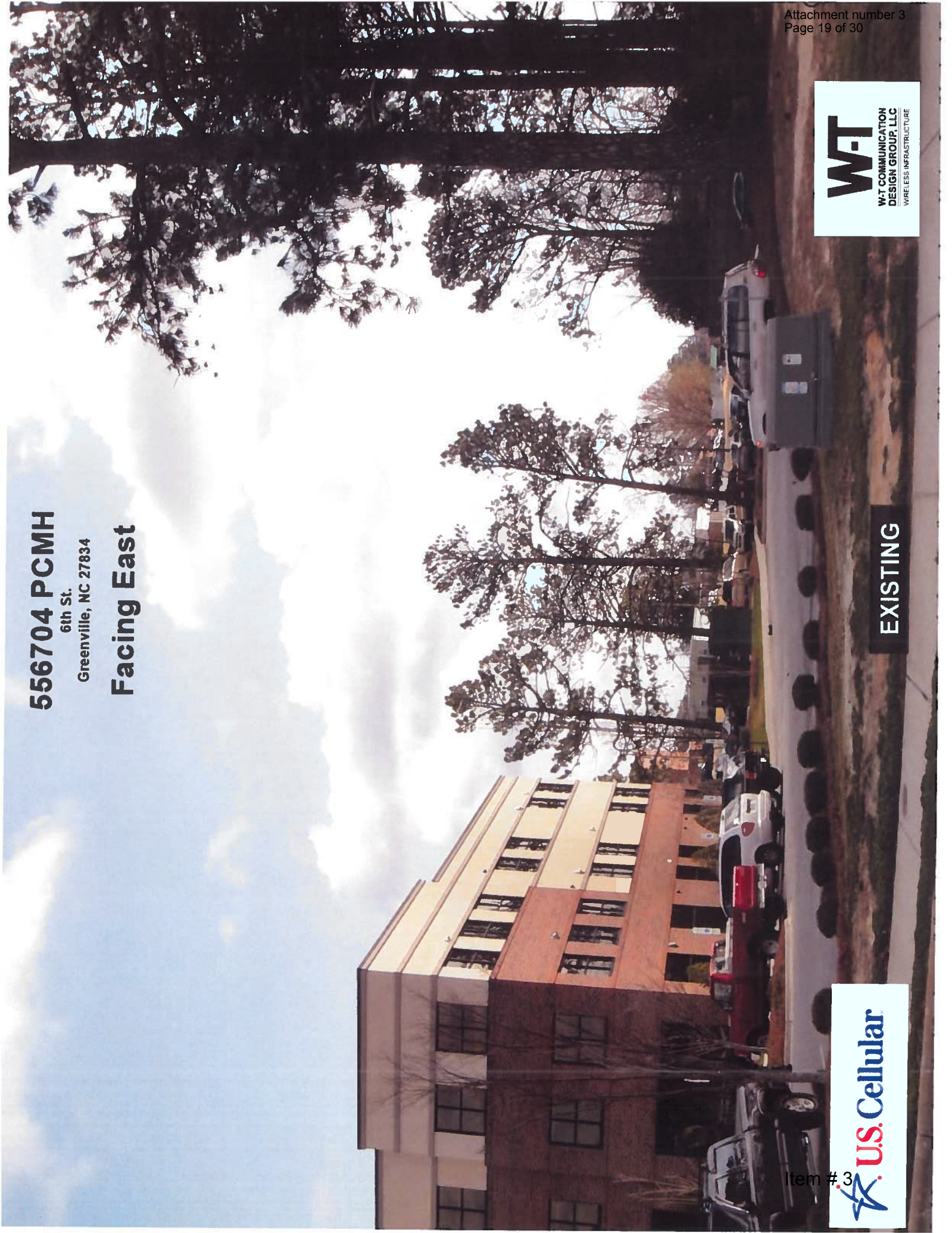
Facing East



EXISTING



Item # 3



556704 PCMH

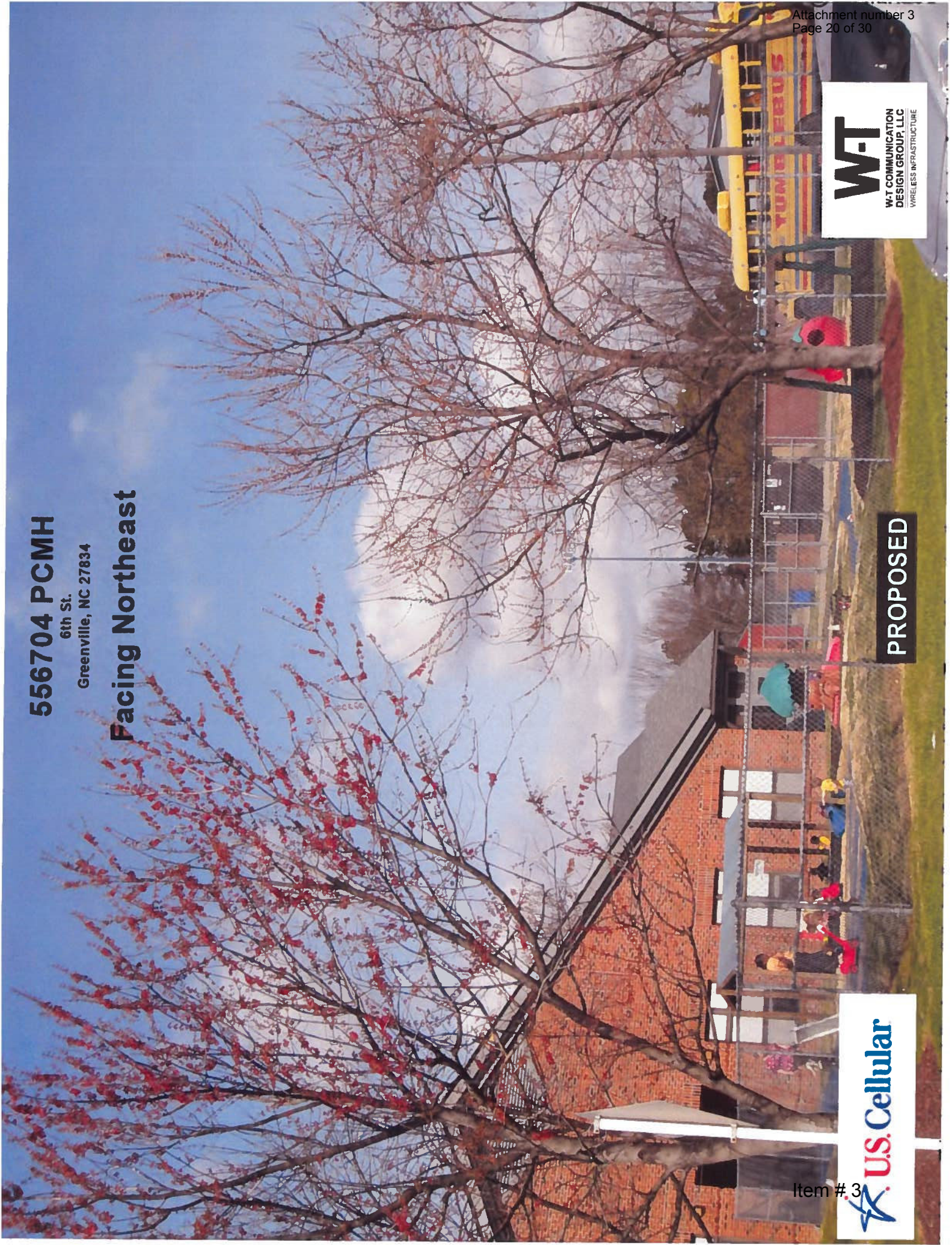
6th St.
Greenville, NC 27834

Facing Northeast



PROPOSED

Item # 3



556704 PCMH
6th St.
Greenville, NC 27834

Facing East



PROPOSED

Item #3



Exhibit 1





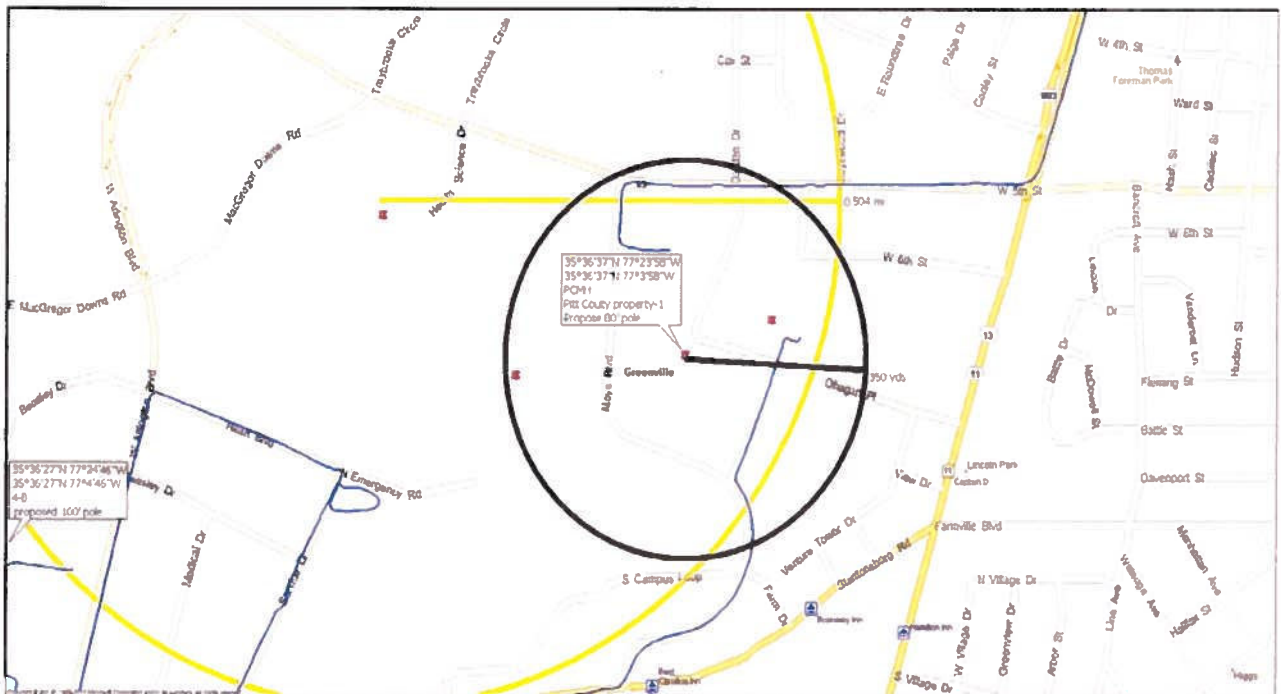
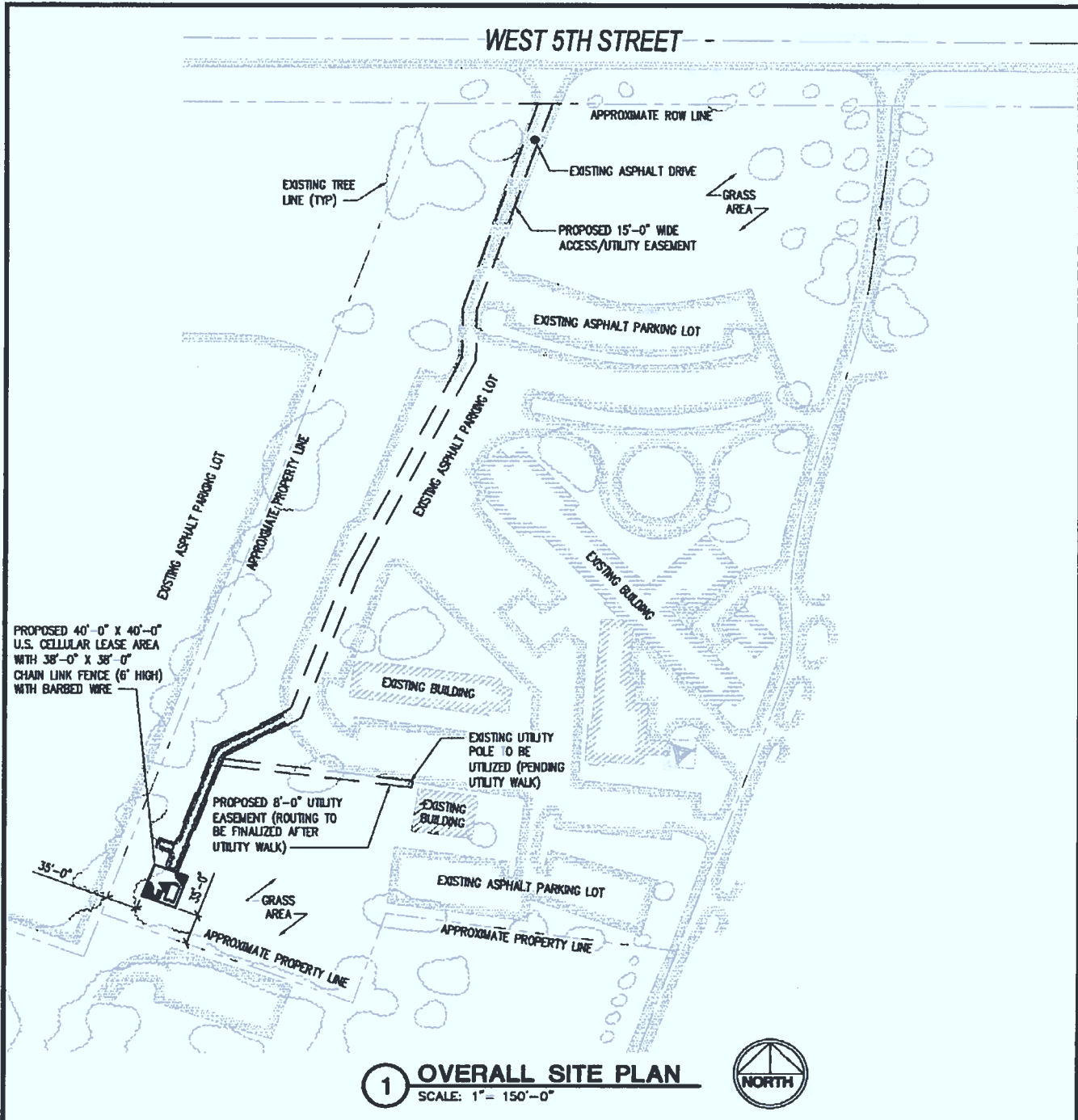
 Pitt County Government Greenville, North Carolina www.pittcountync.gov 			
	Parcel	29144	
	Physical Address	1717 W FIFTH ST	
	Owner Name	PITT COUNTY	
	OwnerAddress1	1717 W FIFTH ST	
	OwnerAddress2		
	OwnerAddress3		
	City / State / Zip	GREENVILLE NC 27834	
	NC PIN	4678610203	
	Subdivision / Section / Phase		
	Prior Legal Description	COUNTY OFFICE BUILDING	
	Block / Lot Tract		
	Building Number / Unit		
	Acres	18.40	
	Current Owner Deed/Document	000C25 00623	
	Map Book	DBC25-623	
	Deed / Document Date	03/1948	
	Deed / Document Sales Price	\$0	
	Building Type / Use	OFF CONST(OTHERMUNICP)	
Number of Buildings	5		
Year Built	1950		
Heated Square Feet	78550		
Building Value	\$7,736,351		

Exhibit 2





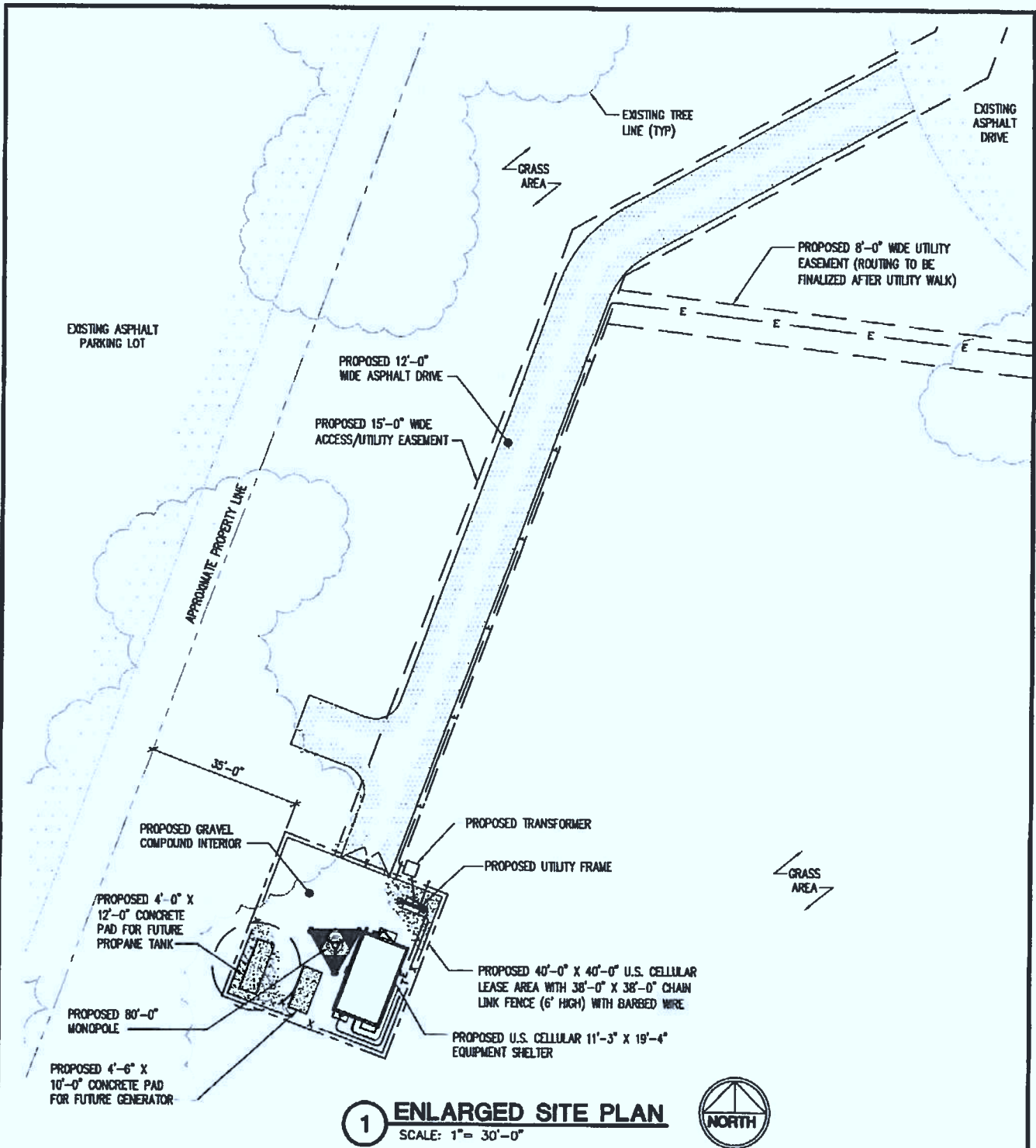
From the Greenville office take Charles Blvd to ALT 264 turn left and follow signs to Memorial rive turn right and go approx 3 miles look for 5th street turn left and go approx 2 blocks look for tower on your left go there and site will be just west in open area see site sketch for details

Exhibit 3



1 OVERALL SITE PLAN
SCALE: 1" = 150'-0"
NORTH

 <p>1125 CORPORATE DRIVE GREENVILLE, NC 27858 OFFICE: (252) 438-2052 FAX: (321) 244-0307</p>	STRUCTURE HEIGHT: <u>80'-0"</u>	SITE NUMBER: 556704	 <p>W-T COMMUNICATION DESIGN GROUP, LLC. WIRELESS INFRASTRUCTURE</p> <p>2573 Prater Avenue Hickman Lakeside Greens 60150 PH (704) 289-6033 FAX (704) 289-6644 www.wtengineering.com</p>
	PROPOSED RAD CENTER: <u>80'-0"</u>	SITE NAME: PCMH	
AZIMUTHS: <u>0°, 120°, 240° (T.B.D.)</u>	ADDRESS: 1717 5TH STREET GREENVILLE, NC 27834	<p>SITE SKETCH</p> <p><small>COPYRIGHT © 2012 W-T COMMUNICATION DESIGN GROUP, LLC.</small></p>	
DATE WALKED: <u>03/21/12</u>	ACCEPTED BY: _____		



1 ENLARGED SITE PLAN
SCALE: 1" = 30'-0"



U.S. Cellular

1125 CORPORATE DRIVE
GREENVILLE, NC 27858
OFFICE: (252) 439-2062
FAX: (321) 244-0307

STRUCTURE HEIGHT: 80'-0"
 PROPOSED RAD CENTER: 80'-0"
 AZIMUTHS: 0°, 120°, 240° (T.B.D.)
 DATE WALKED: 03/21/12
 ACCEPTED BY: _____

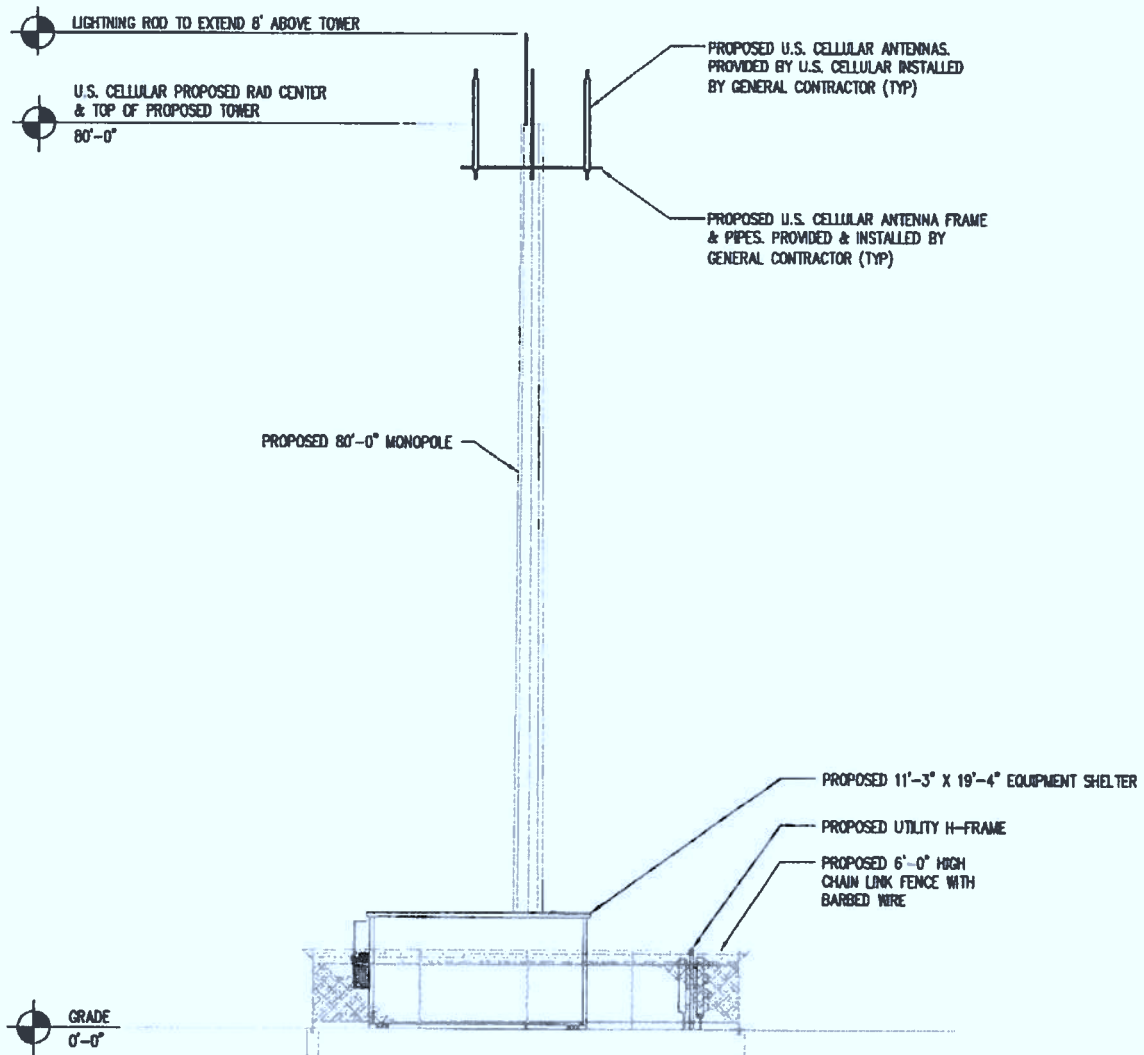
SITE NUMBER:
556704
 SITE NAME:
PCMH
 ADDRESS:
1717 5TH STREET
GREENVILLE, NC 27834

SITE SKETCH

W-T
W-T COMMUNICATION DESIGN GROUP, L.L.C.
 WIRELESS INFRASTRUCTURE

2876 Priddy Avenue
Hoffman Estates, Illinois 60192
PH (224) 282-8333 FAX (224) 293-4444
www.wtengineering.com

COPYRIGHT © 2012 W-T COMMUNICATION DESIGN GROUP, L.L.C.



1 EAST ELEVATION
SCALE: 1" = 15'-0"



1125 CORPORATE DRIVE
GREENVILLE, NC 27856
OFFICE: (252) 439-2052
FAX: (321) 244-0307

STRUCTURE HEIGHT: 80'-0"
PROPOSED RAD CENTER: 80'-0"
AZIMUTHS: 0°, 120°, 240° (T.B.D.)
DATE WALKED: 03/21/12
ACCEPTED BY: _____

SITE NUMBER:
5567D4
SITE NAME:
PCMH
ADDRESS:
1717 5TH STREET
GREENVILLE, NC 27834

SITE SKETCH

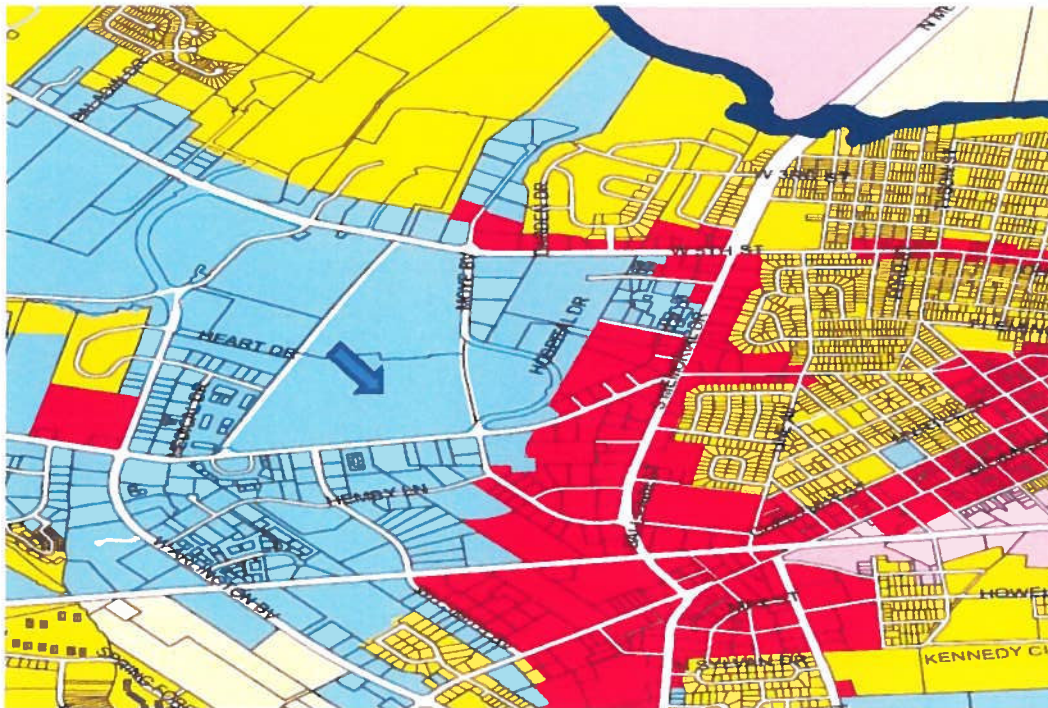


**W-T COMMUNICATION
DESIGN GROUP, LLC.**
WIRELESS INFRASTRUCTURE

2579 Pratum Avenue
Hickman Station, (P.O.) 60192
PH (252) 283-6283 FAX (252) 763-4444
www.wtengr.com

COPYRIGHT © 2012 W-T COMMUNICATION DESIGN GROUP, LLC.

Exhibit 4



Legend

- Commercial
- Industrial
- Office & Institutional
- Residential
- Residential / Agricultural

Exhibit 5

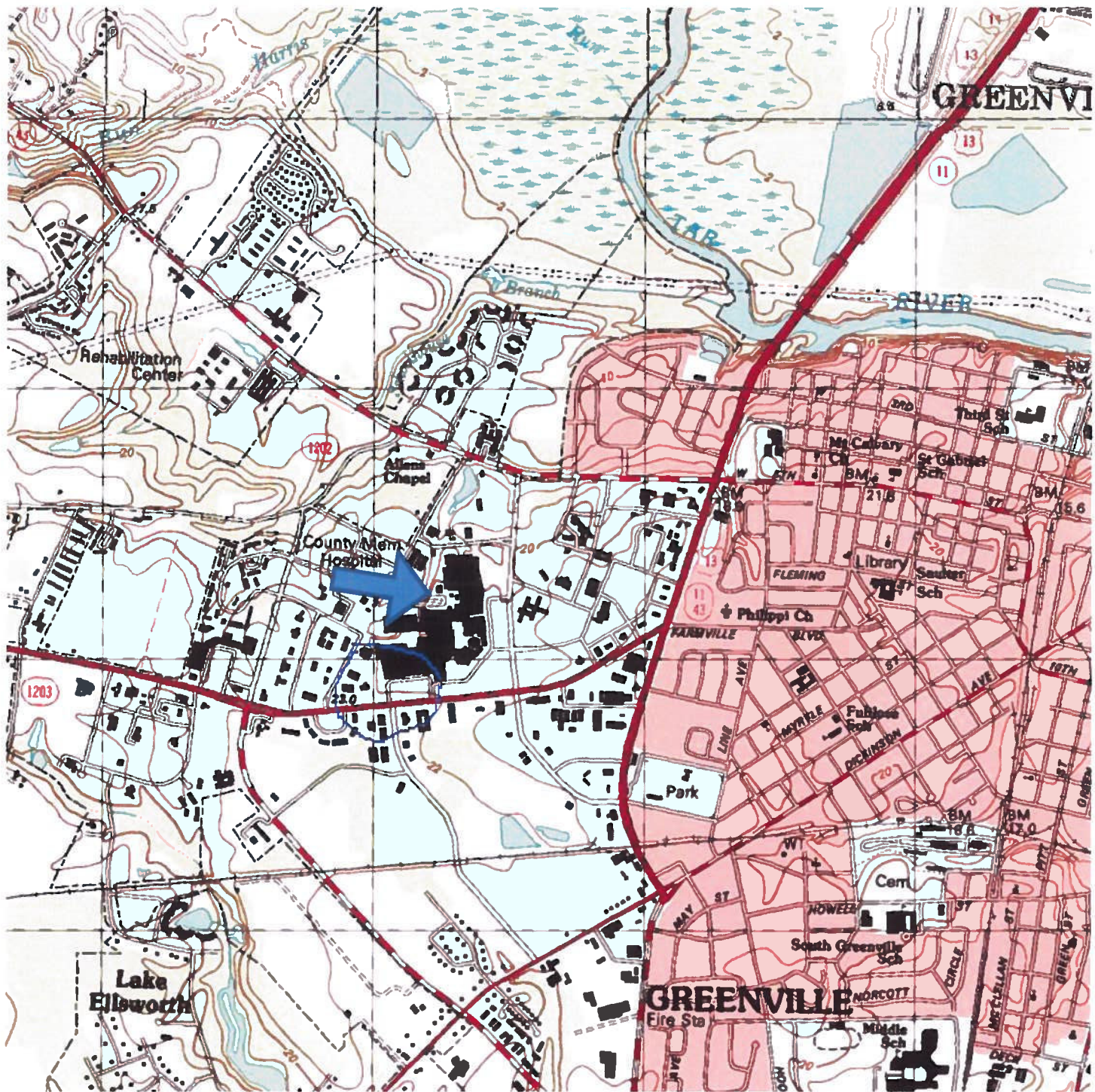


Exhibit 6



Exhibit 7



Item # 3



City of Greenville, North Carolina

Meeting Date:
10/11/2012
Time: 7:00 PM

Title of Item: Ordinance initiated by the Greenville City Council to amend the Zoning Ordinance by establishing the University Neighborhood Revitalization Initiative (UNRI) Overlay District

Explanation: **Abstract**
City Council voted to initiate the University Neighborhood Revitalization Initiative (UNRI) at their August 9, 2012, meeting. The UNRI includes changes in the zoning ordinance text, zoning map, and other actions. The topic of this specific request is a zoning ordinance text amendment that creates the University Neighborhood Revitalization Initiative (UNRI) Overlay District.

Explanation

The purpose of the UNRI Overlay District is to allow appropriate and limited increased occupancy by unrelated persons, with appropriate standards and safeguards that provide for compatibility with other university neighborhood properties, in order to encourage investment in the university neighborhood and to facilitate the preservation, restoration, and revitalization of the university neighborhood.

Within the overlay district, up to four unrelated individuals are permitted to reside together within a single-family dwelling, a two-family attached dwelling (duplex), or a multi-family development, subject to the following standards:

- The dwelling unit shall have four or more bedrooms;
- The dwelling unit shall contain at least 1,500 square feet of heated floor area; and
- At least three off-street parking spaces shall be provided on-site for the dwelling unit.

A Zoning Compliance Letter shall be obtained from the City to ensure that the dwelling unit meets all applicable standards for increased occupancy. A crime-

free rental addendum shall be included in all rental agreements for properties within the overlay district which have obtained the Zoning Compliance Letter for each lease term during which four unrelated individuals are residing in the dwelling unit.

Fiscal Note:

There is no anticipated fiscal impact associated with establishing the University Neighborhood Revitalization Initiative (UNRI) Overlay District within the Zoning Ordinance text. The fiscal impact of administering and enforcing the zoning occupancy program is unknown at this time.

Recommendation:

In staff's opinion, the proposed Zoning Ordinance Text Amendment is in general compliance with Horizons: Greenville's Community Plan and other applicable adopted plans (see further details included in the attached Combined Staff Report).

The Planning and Zoning Commission voted 6-2 to recommend denial of the request at its September 18, 2012, meeting.

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

If City Council determines to deny the request, in order to comply with this statutory requirement, it is recommended that the motion be as follows:

"Motion to deny the request and to make a finding and determination that the denial of the request is consistent with the adopted comprehensive plan and the denial of the request is reasonable and in the public interest due to the denial being consistent with the comprehensive plan and, as a result, the denial furthers the goals and objectives of the comprehensive plan."

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

Attachments / click to download

- [APPENDIX C](#)
- [APPENDIX D](#)
- [APPENDIX E](#)
- [APPENDIX F](#)
- [APPENDIX A](#)

📄 [APPENDIX B](#)

📄 [UNRI Overlay report 935467](#)

📄 [Excerpt P_Z minutes Text Amendment UNRI 936871](#)

Combined Staff Report:

1. University Neighborhood Revitalization Initiative Overlay District Text Amendment; and
 2. University Neighborhood Revitalization Initiative Overlay District Map Amendment
-

Contents:

- Section I. Background – Page 1
- Section II. Overview of the University Neighborhood Revitalization Initiative (UNRI) – Page 2
- Section III. Location of Proposed UNRI Overlay District – Page 4
- Section IV. Zoning History and Current Zoning – Page 5
- Section V. Character of Proposed UNRI Overlay District – Page 7
- Section VI. Compliance with the Comprehensive Plan and Other Applicable Adopted Plans – Page 18

- Appendix A: Proposed Text Amendment
- Appendix B: Proposed Map Amendment
- Appendix C: Report on Alternatives for Modifying the “No More Than Three Unrelated” Occupancy Standard
- Appendix D: Excerpt of Draft Minutes from August 9, 2012 City Council Meeting
- Appendix E: Crime Free Lease Addendum
- Appendix F: List of Permitted / Special Uses for Applicable Zoning Districts

**Staff Report Developed by the City of Greenville
Community Development Department - Planning Division
September 12, 2012**

Section I: Background

On March 8, 2012, City Council adopted strategic goals for the 2012 and 2013 calendar years. One of the strategic goals adopted by City Council is titled “Neighborhood Preservation” and one of the 13 action items associated with this goal is as follows:

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

City staff presented a report, as attached, to City Council at their August 9, 2012 meeting. Upon receiving the report and accepting public comments, City Council voted to initiate the University Neighborhood Revitalization Initiative (UNRI).

Section II: Overview of University Neighborhood Revitalization Initiative (UNRI)

The UNRI includes changes in the zoning ordinance text, zoning map, and other actions as follows:

1. Zoning Ordinance Modifications

- A. Initiate a text amendment that creates the University Neighborhood Revitalization Initiative (UNRI) Overlay District. The purpose of the UNRI Overlay District is to allow appropriate and limited increased occupancy by unrelated persons, with appropriate standards and safeguards that provide for compatibility with other university neighborhood properties, in order to encourage investment in the university neighborhood and to facilitate the preservation, restoration, and revitalization of the university neighborhood.

Within the overlay district, up to four unrelated individuals are permitted to reside together within a single-family dwelling, a two-family attached dwelling (duplex), or a multi-family development, subject to the following standards:

- The dwelling unit shall have four or more bedrooms;
- The dwelling unit shall contain at least 1,500 square feet of heated floor area; and
- At least three off-street parking spaces shall be provided on-site for the dwelling unit.

A Zoning Compliance Letter shall be obtained from the City to ensure that the dwelling unit meets all applicable standards for increased occupancy. A crime free rental addendum shall be included in all rental agreements for properties within the overlay district which have obtained the Zoning Compliance Letter for each lease term during which four unrelated individuals are residing in the dwelling unit.

B. Zoning Map Amendment

Initiate a zoning map amendment that applies the University Neighborhood Revitalization Initiative (UNRI) Overlay District to properties as depicted below on Map 1.

Note: *The zoning ordinance text and map amendments generally described in subsection 1A and 1B above are the subject of Planning and Zoning Commission consideration. The “Other Actions” described in subsection 2A-E below were part of the*

motion initiating the UNRI, but do not fall under the Planning and Zoning Commission's purview.

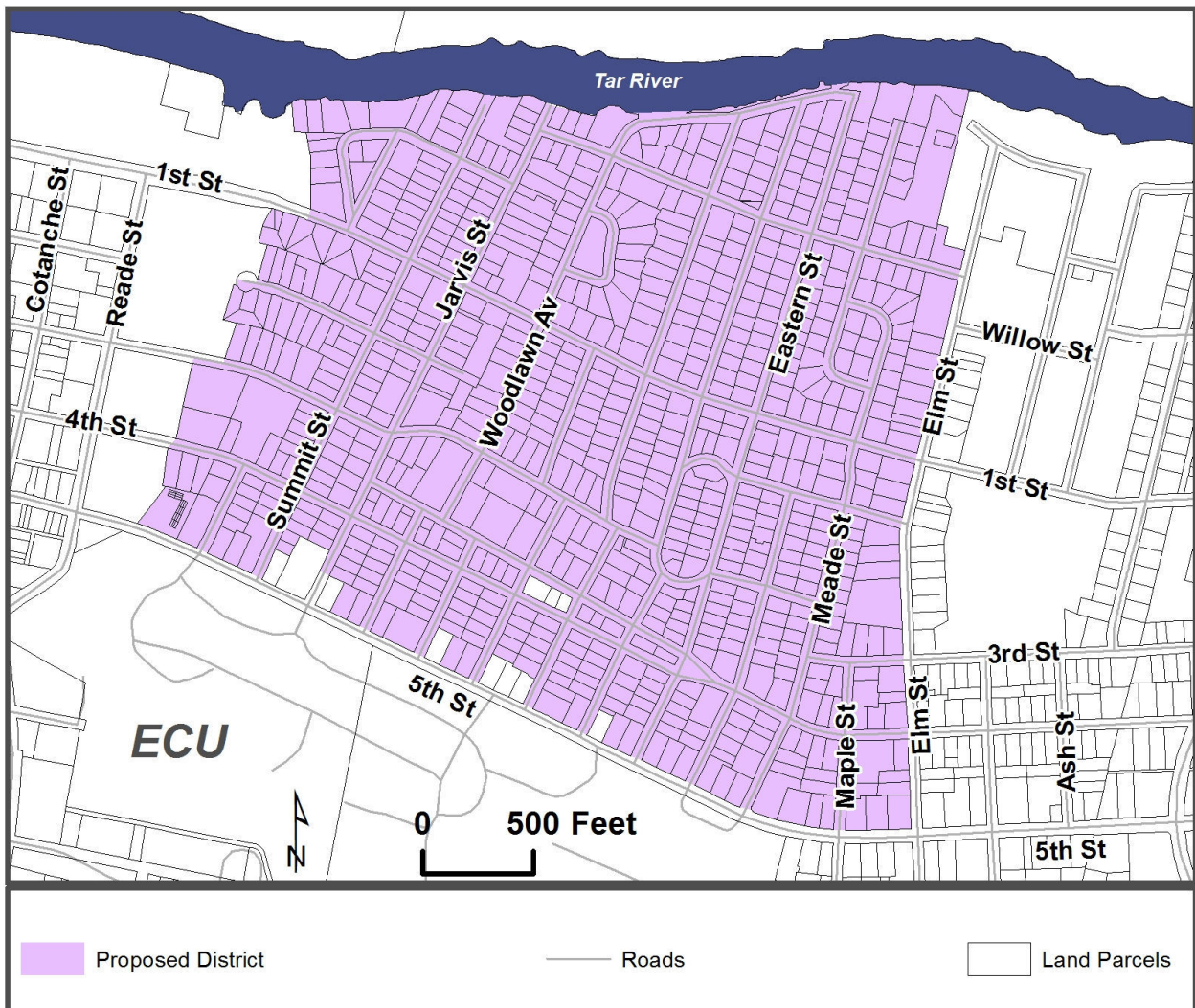
2. Other Actions

- A. **Establish a temporary citizen working group** for a period of up to 12 months, composed of two appointees each by City officials elected by the voters residing in the district (District 3 Council Member, At-large Council Member, and Mayor) to assist in the implementation of items described below and further define and execute additional revitalization efforts within the overlay district.
- B. **Pursue funding sources** to establish favorable terms and low interest loans and grants for the revitalization of properties in the overlay district.
- C. **Pursue a parking permit plan** for the overlay district which includes permits by-right to all legal residents and/or employees and a limited number of permits available for purchase by East Carolina University students, staff and faculty. Funds generated will be dedicated to increase code enforcement, trash collection, lighting, security and marketing of best practices for the overlay district.
- D. **Launch an active community watch program** joining together residents, law enforcement, neighborhood and university groups within the overlay district.
- E. **Attach unpaid code violation fees to property tax bills** of property owners.

Section III: Location of Proposed UNRI Overlay District

The location of the proposed UNRI Overlay District is a portion of the area bounded on the north by the Tar River, on the east by Elm Street, extended to the Tar River, on the south by E. 5th Street, and on the west by Reade Street, extended to the Tar River. The more specific location is as depicted below on Map 1.

Map 1: Proposed University Neighborhood Revitalization Initiative Overlay District



Section IV: Zoning History and Current Zoning

The original Greenville Zoning Regulations were adopted in 1947 and created three districts – Residential, Business and Industrial. The 1947 “residential district” included all residential options, including single-family, duplex and multi-family (“multiple”) dwellings. This three-district system remained in place until the zoning ordinance update in 1969, at which time the City’s second-generation zoning regulations were adopted.

In 1969, in response to the need to further refine the distinction between newly perceived incompatible uses such as “modern high density” multi-family complexes and single-family homes, the City elected to expand the number of residential districts. These new zones narrowed the range of residential dwellings in each category by excluding dwelling types and specifying minimum lot sizes and dimensional standards particular to each use and district.

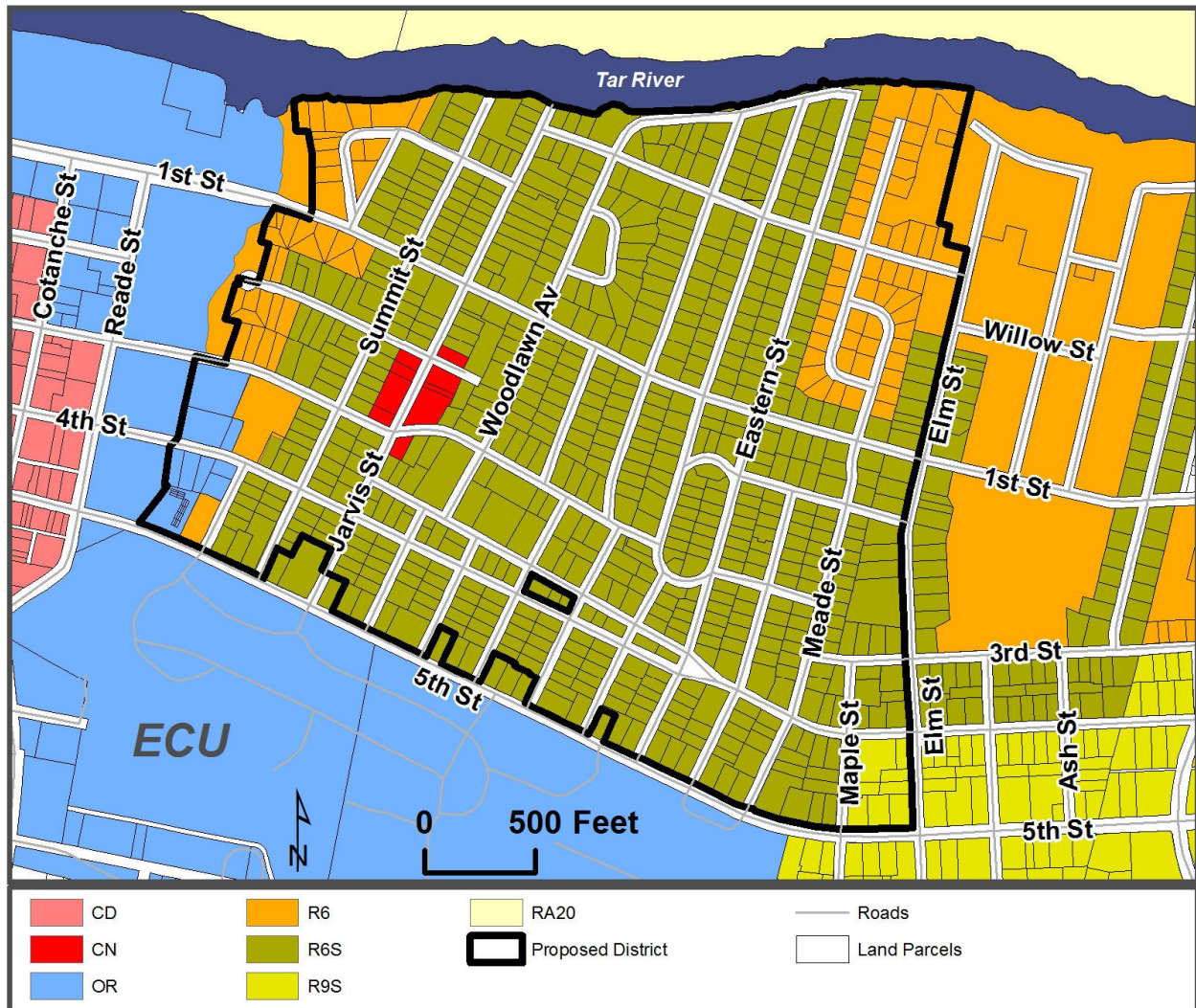
In February 2004, the City Council established the Task Force on Preservation of Neighborhoods and Housing. Initially, the Task Force identified issues relating to rental housing and neighborhood livability (rental vs. owner occupied, declining property values, etc...). Following the identification of issues, the Task Force developed neighborhood improvement strategies. One of the strategies was to identify neighborhoods that were predominantly single family in character, but were zoned in a manner that would allow intrusion of duplex or multi-family uses and to rezone those neighborhoods to a single-family classification. This strategy was intended to prevent the conversion of the existing single-family homes to duplexes or multi-family use.

In 2005, there was a large scale rezoning in the Tar River/University area that rezoned certain areas from residential districts that allowed a variety of housing choices (single-family, duplex and multi-family) to single-family only. The current R6S and R9S districts are a result of that rezoning. The single-family only zoning effectively eliminated both duplex conversion and new multi-family development in historically single-family neighborhoods.

The area of the proposed overlay district currently includes five base zoning districts. The permitted and special uses within said base districts are not proposed to be modified as a result of the proposed text or map amendments. A listing of the permitted and special uses for each base zoning district is provided in Appendix E of this report. Map 2 and the table below provide additional information regarding the current zoning within the proposed overlay district area.

Current Zoning Classification	% of Total Area	Acres
CN (Neighborhood Commercial)	1.36%	2.05
OR (Office- Residential)	2.62%	3.95
R-6 (Residential)	15.49%	23.38
R-9S (Residential – Single Family)	1.71%	2.58
R-6S (Residential – Single Family)	78.83%	119.00
TOTALS	100%	150.96

Map 2: Current Zoning

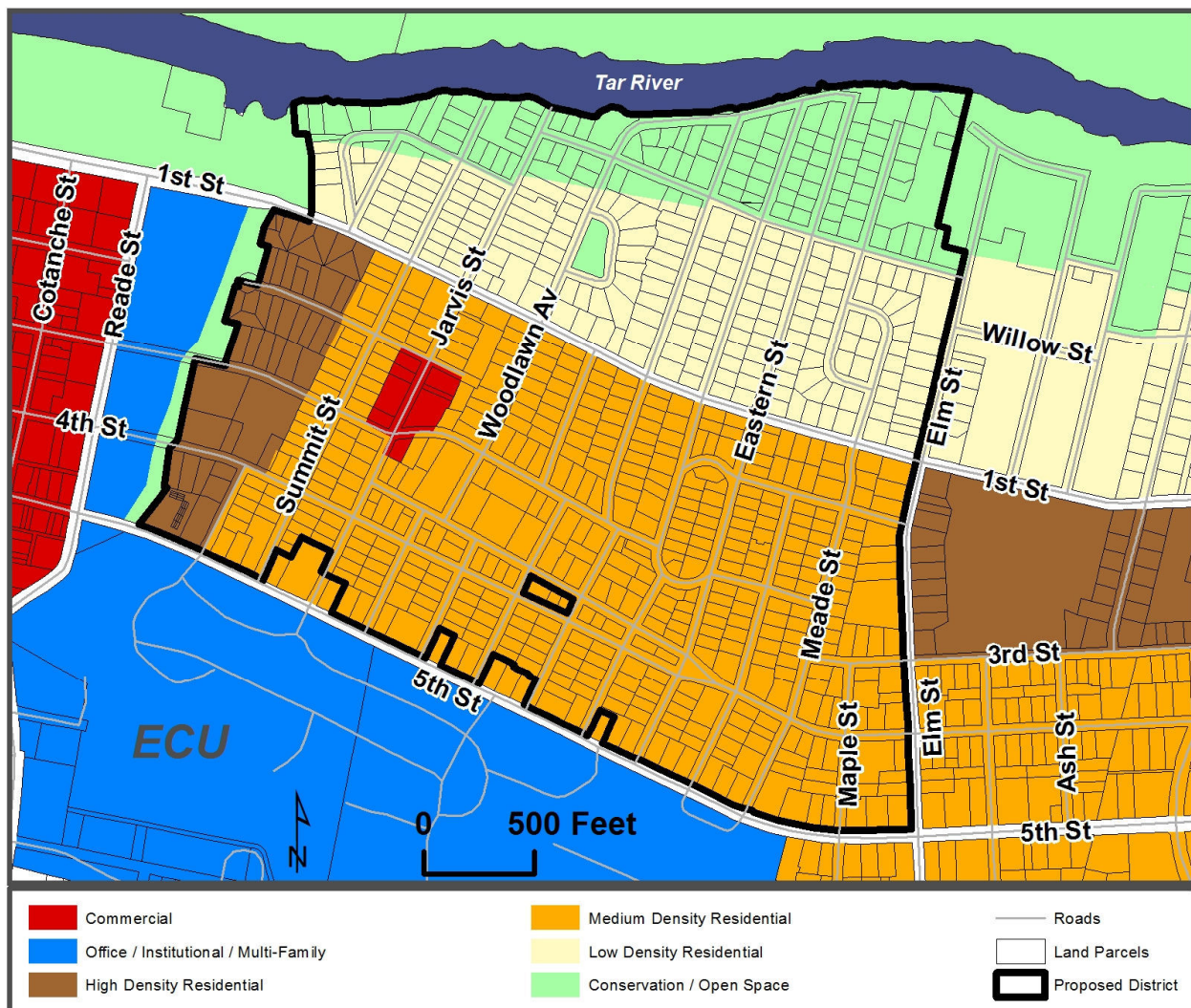


Section V. Character of Proposed UNRI Overlay District

Future Land Use Plan Map

The Future Land Use Plan includes five land use designations for the proposed overlay district area. These designations include Commercial (1.25%), High Density Residential (8.51%), Medium Density Residential (44.37%), Low Density Residential (27.77%) and Conservation / Open Space (18.10%) as is depicted below by Map 3.

Map 3: Future Land Use Plan



Transportation

The neighborhood included in the proposed overlay district has an inter-connected grid street system that provides high level multidirectional access. Current ingress and egress to the neighborhood are mainly provided by First, Third, Fourth, Fifth and Elm Streets.

The balance of the roadways within the proposed overlay district is a grid network of residential collector type roads. First and Fifth Streets are considered minor thoroughfares, and Third and Fourth streets are considered local collector streets.

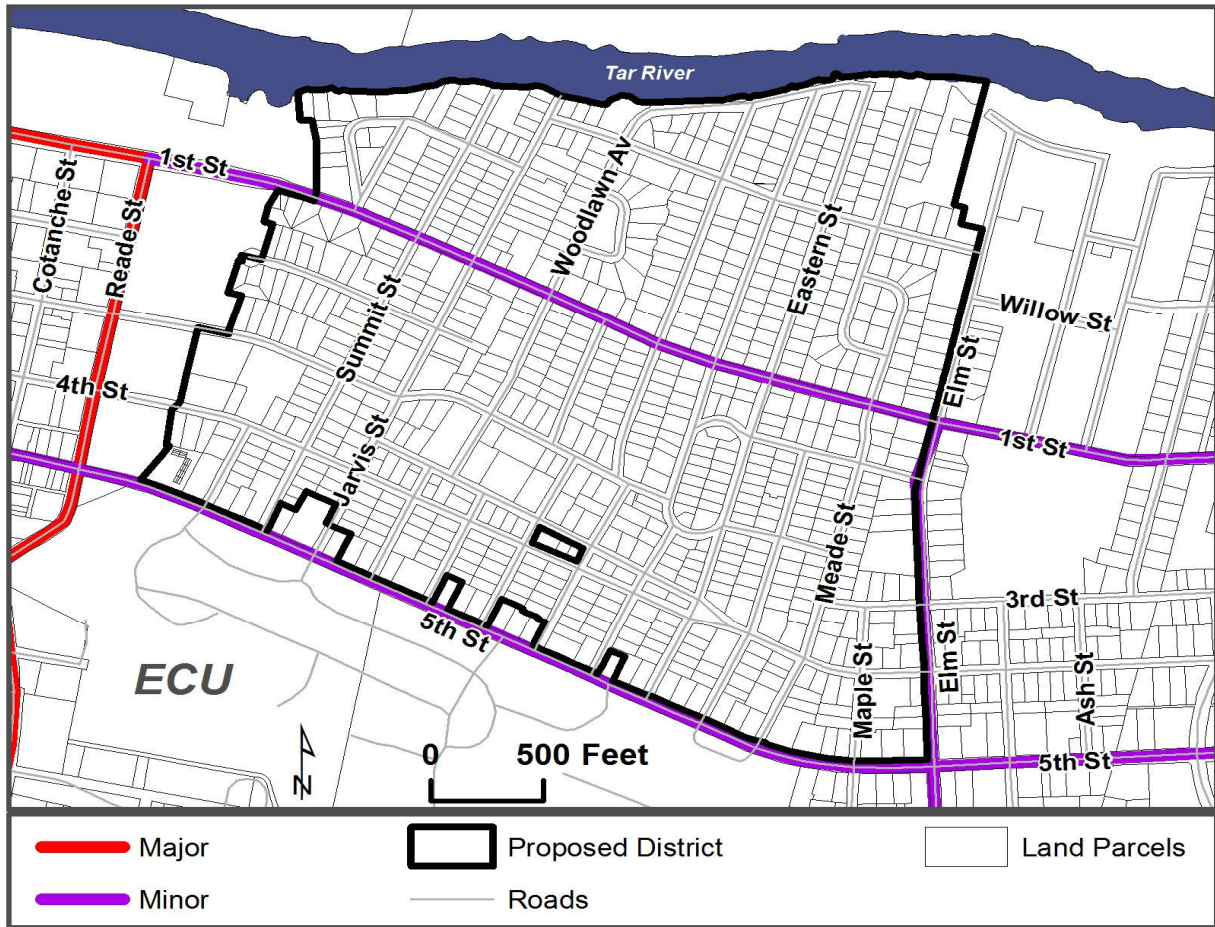
- East Fifth Street is a City-maintained, existing minor thoroughfare with two travel lanes that provides a direct east to west connection through the neighborhood. There are sidewalks and bike lanes in both travel directions within the area.
- Elm Street, from E. First Street to E. Fifth Street, is a City-maintained, existing minor thoroughfare that provides a direct north to south connection through the neighborhood with two (2) travel lanes.
- East First Street is a City-maintained, existing minor thoroughfare with two travel lanes that provides a direct east to west connection through the neighborhood.

Due to the age of the neighborhood, sidewalks were not required at the time of development, but some have been added over time.

There are signalized intersections along Elm Street at First, Fourth, and Fifth Streets, along Reade Street at Third, Fourth and Fifth Streets, and along E. Fifth Street at Founders Drive.

Map 4, below, depicts the Comprehensive Transportation Plan's designation of thoroughfares within and adjacent to the proposed overlay district.

Map 4: Comprehensive Transportation Plan

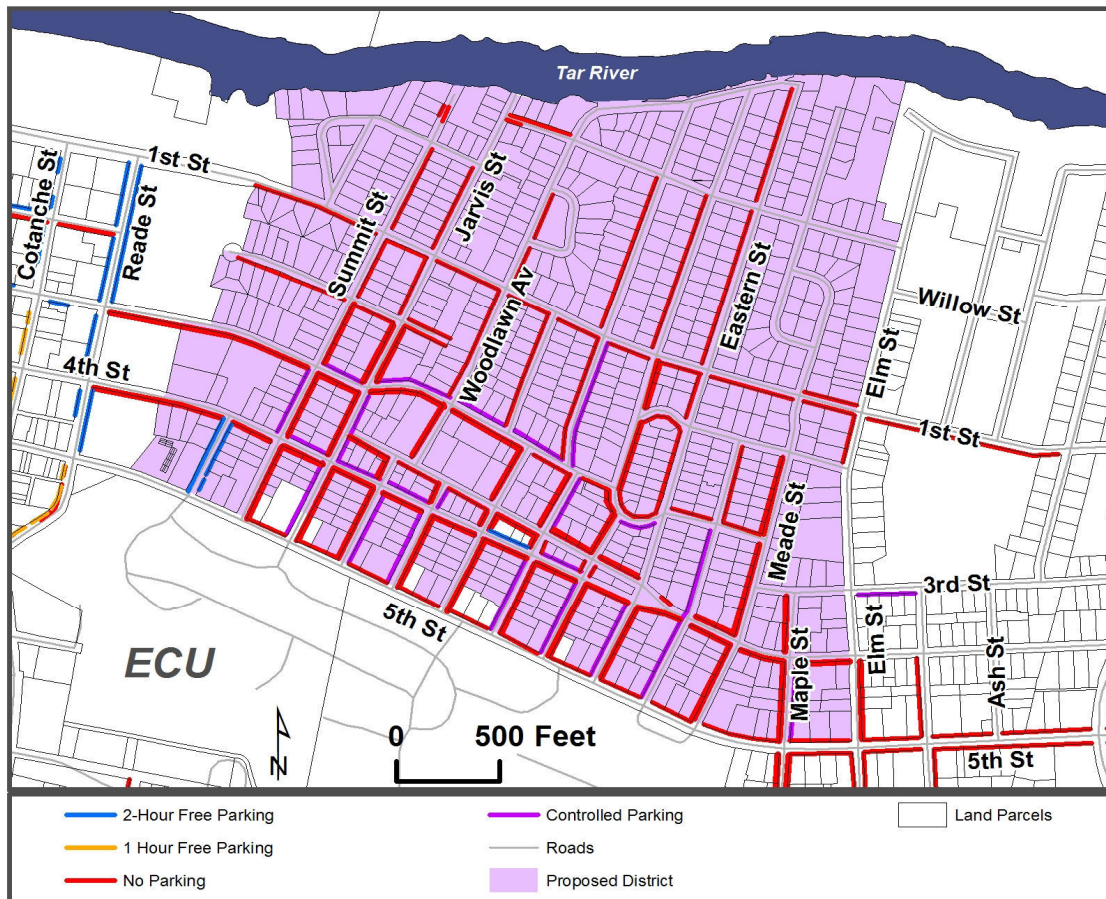


Parking

On-street parking is permitted within the proposed overlay district as depicted below on Map 5. On August 11, 2008, City Council adopted the modified Controlled Residential Parking Program to provide more on-street parking opportunities for residents in the area near East Carolina University. The modification allows residents (owners living in their homes and renters) on certain streets to obtain a parking decal that allows them to park in an area adjacent to their residences. Residents must provide proof of residency in the designated area. Residents can park their vehicles on designated streets between 8am and 5pm Monday-Friday without time constraints. The parking decal does not guarantee a parking space but provides more on-street parking opportunities on a first-come, first-serve basis.

It should be noted that the provisions of the proposed text amendment require an additional on-site parking space as one of the minimum standards to qualify for increased nonrelated occupancy. Additionally, a non-zoning related provision of the UNRI includes the development of a new parking permit plan (see Section II for additional details).

Map 5: On-Street Parking

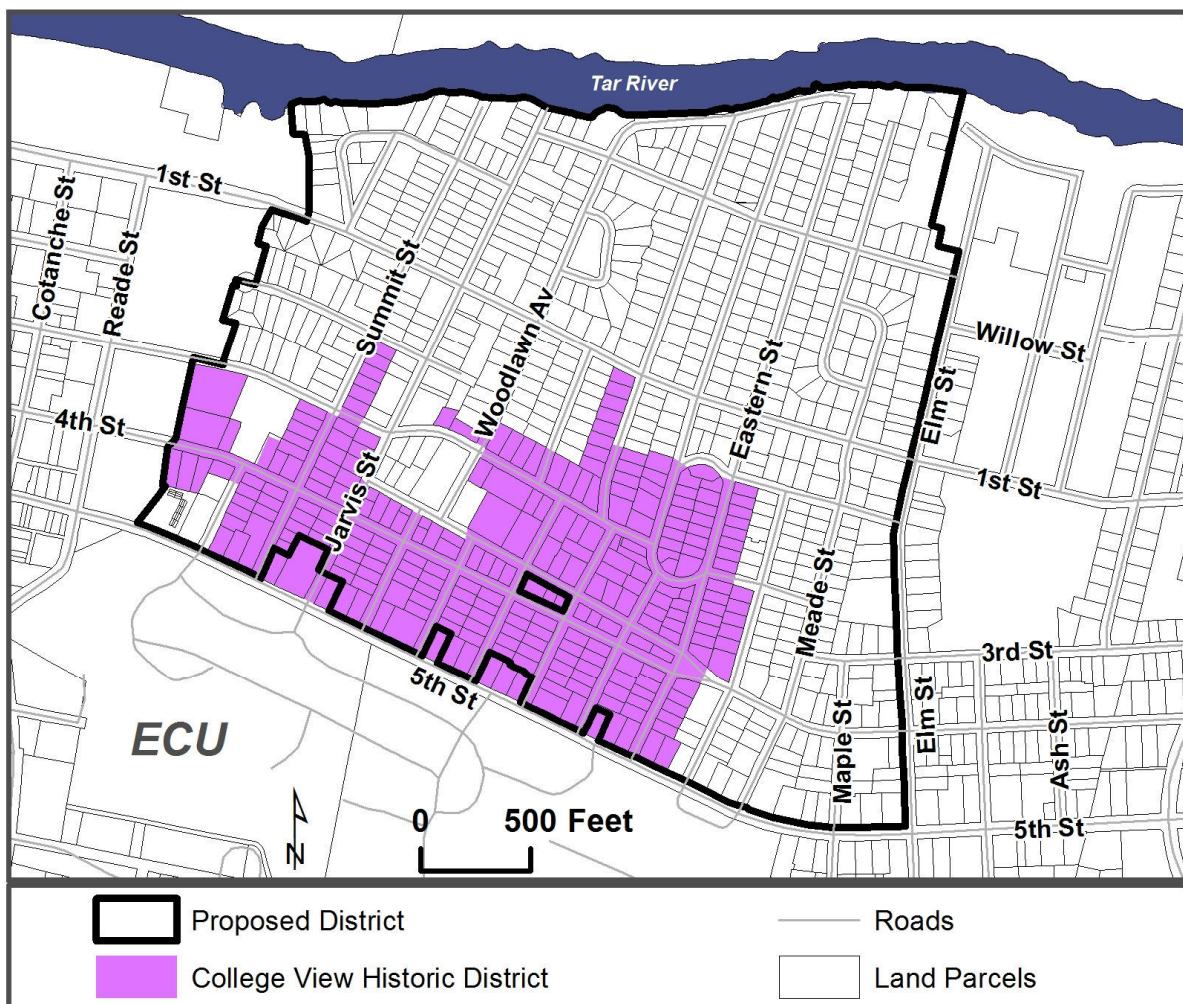


Historic District

A majority of the properties that make up the College View Historic District, the City’s only locally designated historic district, are located within the proposed overlay district (see Map 6 below). The creation and application of the proposed overlay district would not amend or repeal the existing HD Overlay District.

The City of Greenville Historic Preservation Commission adopted a resolution at their July 24, 2012 meeting urging City Council not to enact a change in the current ordinance prohibiting more than three unrelated persons from living in the same dwelling. The resolution noted that “to allow a higher number of occupants, likely would have a negative impact on many of the historic homes and landscapes within the city’s historic neighborhoods, particularly the College View Historic District.” It should be noted that adoption of the Historic Preservation Commission’s resolution occurred prior to the initiation of the UNRI.

Map 6: College View Historic District



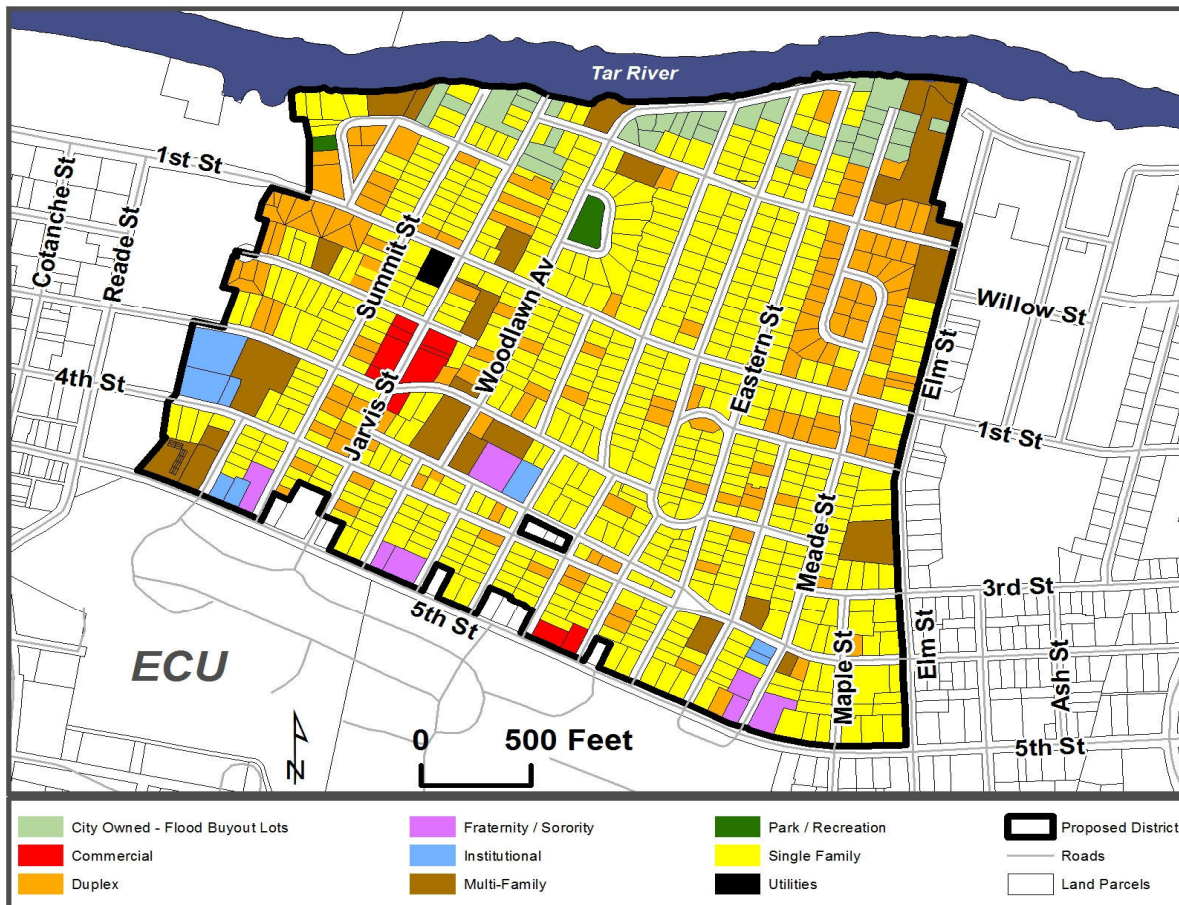
Current Land Use

The current land use within the proposed overlay district is over 90% residential, with the largest percentage of land being in single family residential use (over 61%). The current land use make-up and location are provided on Map 7 and in the table below.

Land Use	Number of Parcels	% of Total Area	Acres
RESIDENTIAL LAND USES			
Single Family	559	61.49%	92.83
Duplex	146	16.88%	25.49
Multi-Family	41	9.97%	15.05
Fraternity / Sorority	7	2.12%	3.20
OTHER LAND USES			
City-Owned Flood Buy-Out Properties	35	4.92%	7.42
Commercial	10	1.63%	2.47
Park	2	0.56%	0.84
Utilities	1	0.29%	0.44
TOTALS	809	100%	150.96

Note: The table above does not include public rights-of-way.

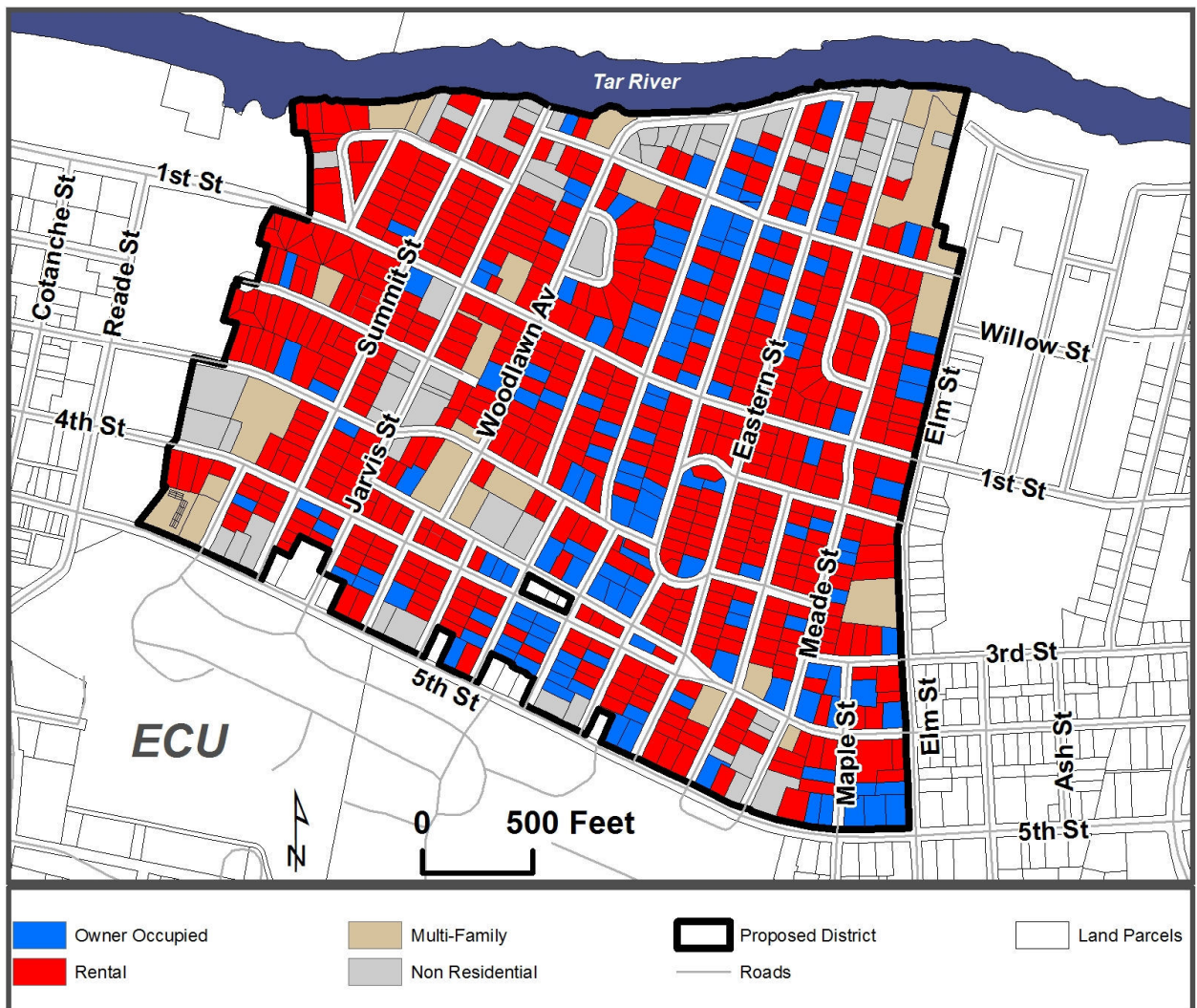
Map 7: Current Land Use



Owner vs. Renter Occupancy

The proposed overlay district includes an estimated 1,261 dwelling units. Of these, 596 are believed to be single family residences, 292 duplexes, and 373 multi-family dwellings. An analysis of GIS-based tax records indicates that an estimated 12.5% of these dwelling units are owner occupied and 87.5% are renter occupied. This estimate assumes that all multi-family dwelling units are renter occupied. Excluding multi-family dwellings, an estimated 17.8% of the dwelling units are owner occupied and 82.2% are renter occupied. The city-wide owner occupancy rate as provided in the 2010 U.S. Census is 38%.

Map 8: Owner vs. Renter Occupancy

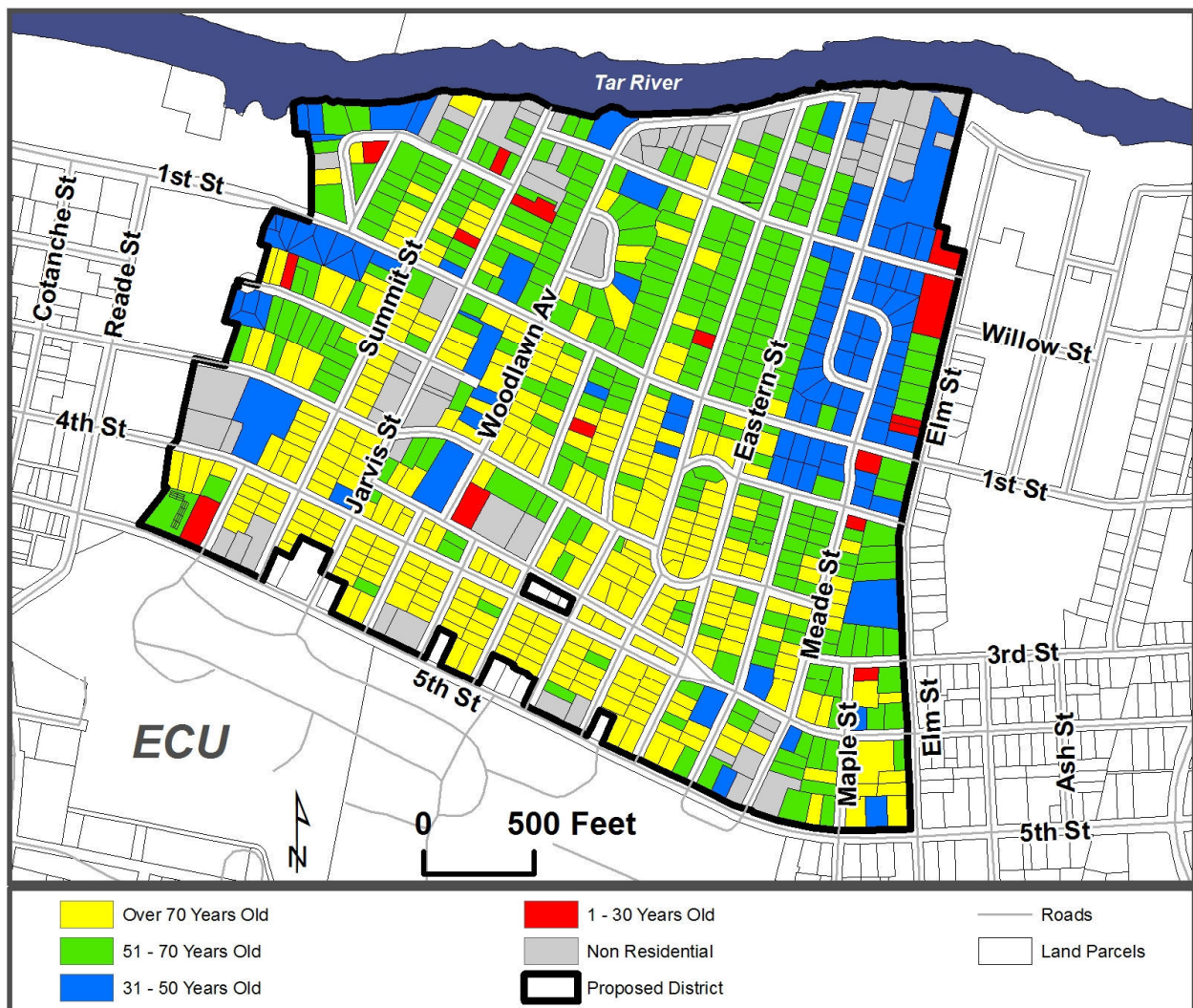


Housing Stock

The University Neighborhood is one of the City’s traditional neighborhoods with an aging housing stock. Some of the residences in the area have had substantial reinvestment over the years to modernize systems (HVAC, electrical, plumbing, structural integrity) and to improve the residences aesthetically, but many have not. In addition, the neighborhood was not immune to the national housing downturn and, like many neighborhoods across the city, does have some foreclosures and unoccupied structures that are not well maintained.

Map 9, below, was developed to depict the age of dwellings located within the proposed overlay district based upon their original construction dates as provided by Pitt County tax records. Bases upon this data, 31.6% of the area’s housing stock is over 70 years old, 29.1% is between 51-70 years old, 34.4% is between 31-50 years old, and 4.9% is 50 years old or newer.

Map 9: Age of Housing Stock (Original Construction Date)



Code Enforcement Activity

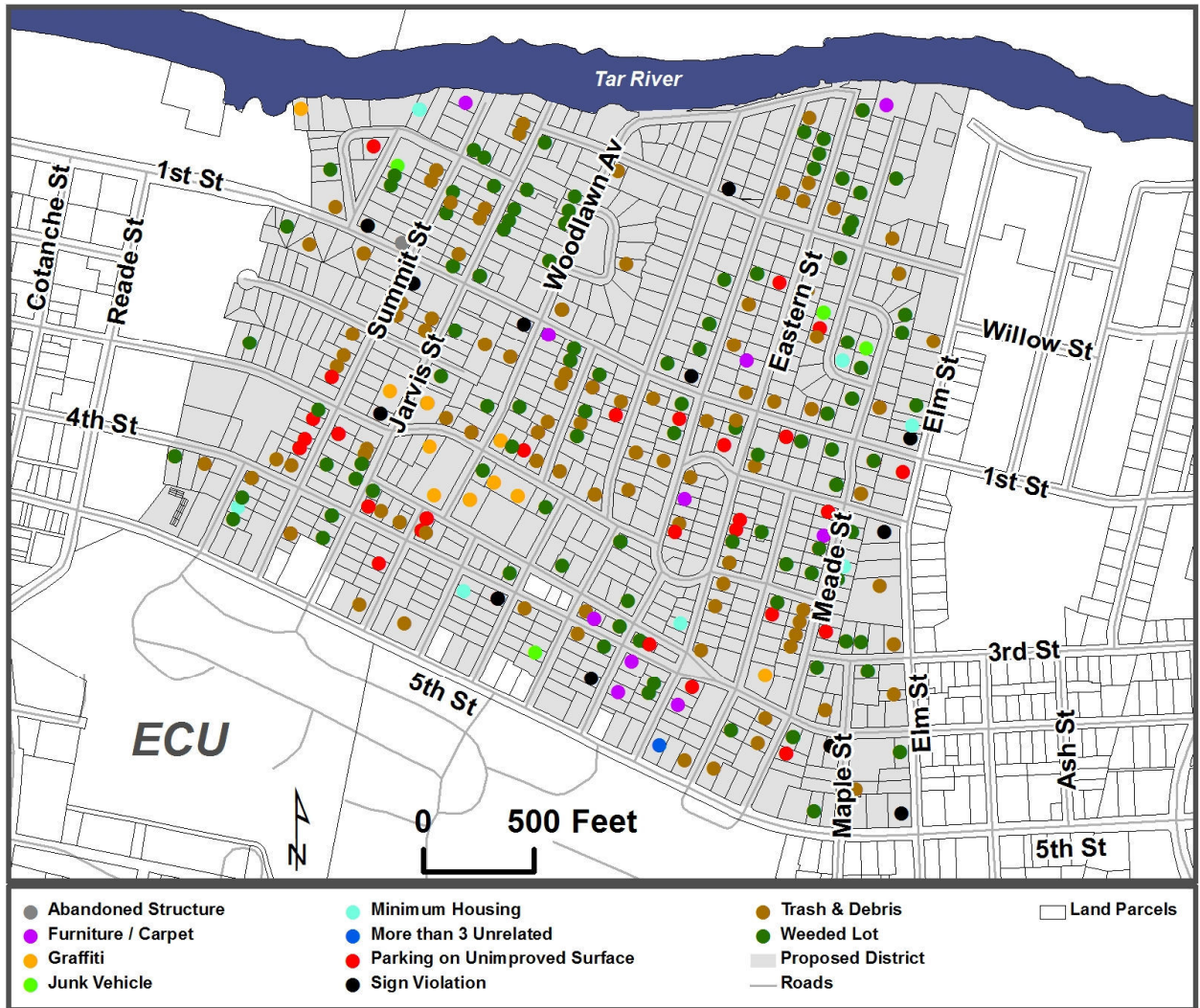
One of the stated concerns of individuals that oppose allowing limited increased unrelated occupancy subject to minimum criteria, as proposed by the UNRI, is that such action will lead to increased City Code violations related to noise, trash, parking on unimproved surfaces and unrelated occupancy standards. While it may seem intuitive that increasing occupancy could increase code violations, it is impossible to predict the actual impact.

The current code enforcement process includes any reported or observed code violation being investigated by the City’s Code Enforcement Division of the Police Department. The Code Enforcement Division assigns one Code Enforcement Officer to cover each of the City’s six code enforcement zones. Much of the area included in the proposed overlay district is also assigned a second Code Enforcement Officer as part of a joint funding partnership between the City and East Carolina University.

Based upon Code Enforcement records, between July 1, 2011 and June 30, 2012, Code Enforcement Officers investigated 468 potential violations associated with property located within the proposed overlay district. The nature of these cases is outlined in the table and Map 10, below.

Violation Type	Number of Instances
Abandoned Structure	3
Furniture / Carpet	14
Graffiti	18
Junk Vehicle	5
Minimum Housing	16
“3 Unrelated”	3
Parking on Unimproved Surface	58
Sign Violation (including handbills)	20
Trash and Debris	152
Weeded Lot / Tall Grass	179
TOTAL	468

Map 10: Code Enforcement Case Activity (July 1, 2011 – June 30, 2012)



Qualification Analysis for Existing Housing Stock

Based upon the proposed text amendment, the minimum standards that must be met in order to qualify for increased unrelated occupancy in the UNRI Overlay District are as follows:

- The dwelling unit shall have four or more bedrooms;
- The dwelling unit shall contain at least 1,500 square feet of heated floor area;
and
- At least three off-street parking spaces shall be provided on-site for the dwelling unit.

An analysis of tax records indicates that 288 of the 1,261 dwelling units (22.8%) currently located within the proposed overlay district contain at least 1,500 square feet of heated floor area. Of these 288 dwelling units, it is estimated that 101 are owner occupied and the remaining 187 are renter occupied.

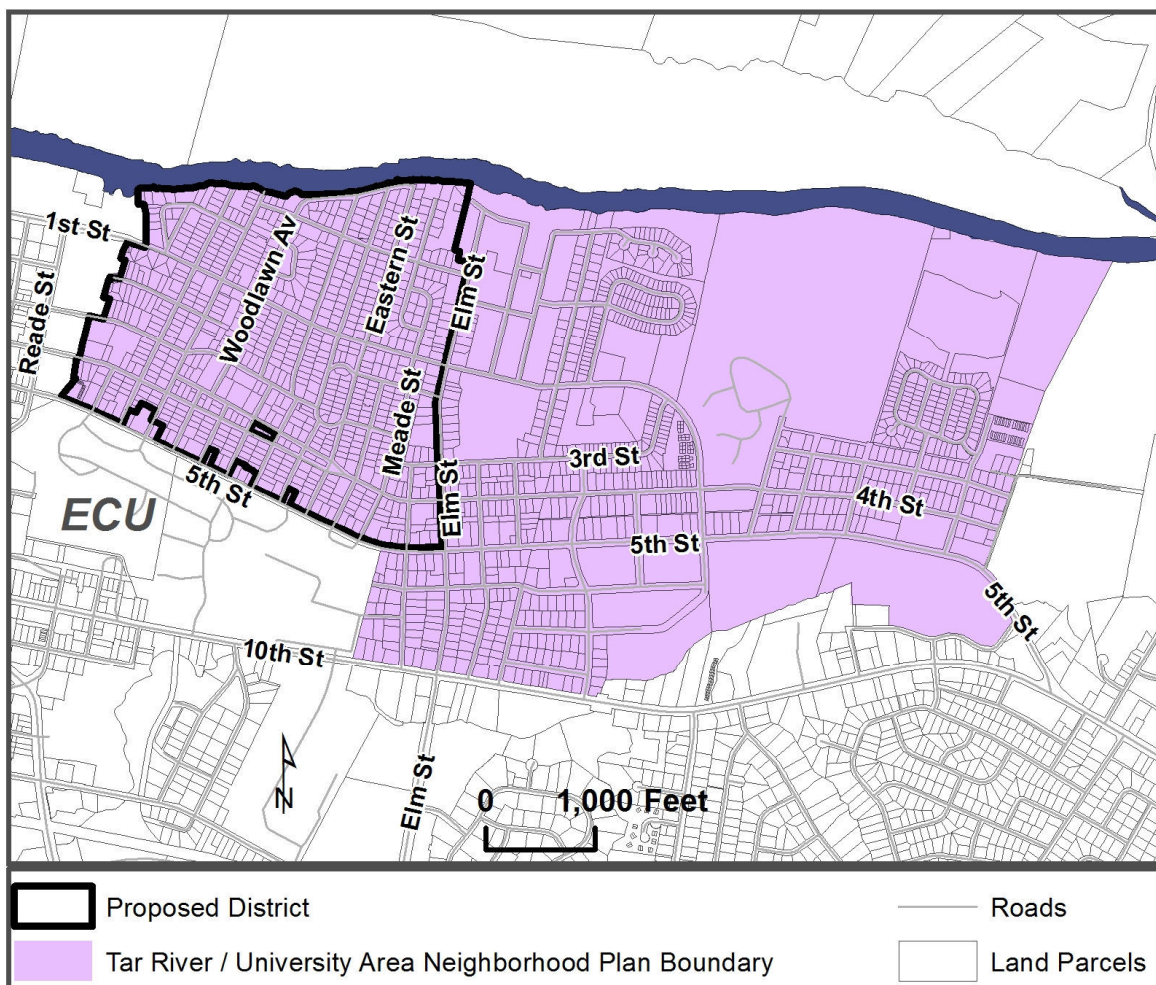
Staff is unable, however, to determine the number of these dwelling units that currently contain four bedrooms, currently provide at least three off-street parking spaces or have the capacity to do so. As such, the exact number of dwelling units that could immediately qualify for increased unrelated occupancy is unknown.

It should be noted that data related to heated floor area for multi-family dwelling units is not readily available and the data provided above assumes that none meet the 1,500 square feet of heated floor area standard.

Section VI. Compliance with the Comprehensive Plan and Other Applicable Adopted Plans

Consideration of any modification to the City zoning ordinance should include a review of the community’s comprehensive plan and other officially adopted plans that are applicable. Greenville’s comprehensive plan, **Horizons: Greenville’s Community Plan**, contains policy statements and objectives related to numerous Plan Elements. The Plan also includes a Future Land Use Plan Map that depicts the general preferred use of land within the City’s planning and zoning jurisdiction (see Section V herein). The area included in the proposed UNRI is a portion of the area included in the **Tar River / University Area Neighborhood Report and Plan (2009)**. Map 11, below, depicts the geographic coverage of both the proposed UNRI overlay district and the **Tar River / University Area Neighborhood Report and Plan (2009)**.

Map 11: Geographic Coverage of the Tar River / University Area Neighborhood Report and Plan (2009)



These plans provide broad goals, policy statements and objectives that should be reviewed and considered to ensure that the proposed text and map amendments are in compliance with the plans, and effectively with the community's values.

Staff has reviewed both plans and provides the following goals, policy statements and objectives to be considered when evaluating the proposed text and map amendments proposed herein:

1. Horizons: Greenville's Community Plan Provisions:

The Housing Plan Element - Housing Policy Statement:

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

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

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

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

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

Objective H16: *To encourage home ownership.*

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

Objective E14: *To encourage healthy economic development.*

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

Objective CF5: *To ensure safe livable neighborhoods.*

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

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

Objective UF1: *To encourage affordable housing options.*

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

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

Objective UF6: *To preserve neighborhood livability.*

2. **Tar River / University Area Neighborhood Report and Plan Provisions:**

Goal: To create, maintain and enhance a sustainable neighborhood.

In staff's opinion, the creation of the UNRI Overlay District via the proposed text amendment and the application of the same to a specified geographic area via the proposed map amendment provide for the preservation, restoration, and revitalization of the university neighborhood by encouraging investments to be made to improve the condition and appearance of dwellings and properties as a result of allowing appropriate and limited increased occupancy by unrelated persons with appropriate standards and safeguards that provide for compatibility with other university neighborhood properties. While it is recognized that the goals, policy statements and objectives provided herein may be interpreted in different ways, it is further staff's opinion that the proposed text amendment and map amendment are in general compliance with **Horizons: Greenville's Community Plan** and with the **Tar River / University Area Neighborhood Report and Plan (2009)**.

Excerpt from the DRAFT Planning & Zoning Minutes (9/18/2012)

ZONING TEXT AMENDMENT INITIATED BY THE GREENVILLE CITY COUNCIL
ESTABLISHING THE UNIVERSITY NEIGHBORHOOD REVITALIZATION INITIATIVE
(UNRI) OVERLAY DISTRICT- DENIED

Mr. Chris Padgett, Chief Planner, provided a combined staff report for both the text and the map amendments. The presentation included the background for the amendment, overview of the University Neighborhood Revitalization Initiative (UNRI), location of proposed UNRI overlay district, location and relationship to the historic district, current zoning, character of proposed UNRI Overlay district, and compliance with the comprehensive plan and other applicable plans. Detailed statistics, excerpt of minutes from the August 9, 2012 City Council meeting and a list of permitted and special uses for applicable base zoning districts were included in the board meeting package. In staff's opinion, the proposed zoning ordinance text and map amendments are in general compliance with the comprehensive plan.

Mr. Parker asked if a house had to originally be designed with four bedrooms or could the owner convert a room to a bedroom to meet the four bedroom qualification for increased occupancy.

Mr. Padgett stated that the proposed amendment would apply to the number of bedrooms at the time of the application.

Mr. Maxwell asked how staff could say the amendment was in general compliance when the city's plan promotes owner occupancy but the amendment promotes rental occupancy.

Mr. Padgett stated that the comprehensive plan has numerous objectives that were considered. Some of those objectives could be construed as supporting the proposed amendment, while others could be construed as being adverse to the proposed amendment. When staff weighed all of the objectives, it was determined that the proposal was in general compliance.

Mr. Weitz asked if the public hearings for both the text and map amendments could be conducted at the same time.

Attorney Holec stated that the commission should have separate public hearings.

Mr. Weitz asked why the August 9 City Council public hearing minutes were not included in the package.

Mr. Padgett stated that there was no public hearing on this topic during the August 9 City Council meeting, but rather a public comment period.

Mr. Weitz asked if it was legal to change the boundaries of the district after City Council approved the motion initiating the amendment.

Attorney Holec stated that City Council was made aware of the issue, had an opportunity to clarify the intent, but choose not to so staff is proceeding as planned.

Mr. Parker asked if 288 homes could be affected by this amendment regardless if owner or renter occupied.

Mr. Padgett stated yes. 288 dwelling units located within the proposed UNRI Overlay District had been identified as having at least 1,500 square feet of heated floor area based on the tax records, but it was unknown how many of those would meet the other qualification criteria.

Mr. Maxwell asked if applicants would have to prove the home had four bedrooms.

Mr. Padgett stated that the applicants would have to prove they meet all the criteria.

Mr. Maxwell asked if the backyard had any limitations to how much could be parking.

Mr. Padgett stated that there is no code limitation on the amount of improved parking area that can located in the rear yard.

Mr. Parker asked if the applicant modified the home to add a bedroom, would they have to get a building permit.

Mr. Padgett stated yes.

Mr. Parker asked if East Carolina University had expressed its stance on the issue.

Mr. Padgett stated the university is aware of the issue but they have not taken a position to his knowledge.

Mr. Michael Schinasi, owner in the neighborhood, spoke in favor. He stated that he had not heard any evidence of why the change should not take place since only 12% of the homes are owner-occupied.

Mr. James Roberts, resident of neighborhood and landlord, spoke in favor. He stated that he did not see the risk associated with the request. The amendment could help alleviate bad tenants in the area.

Mr. Frank Cassiano, owner and landlord in the neighborhood, spoke in favor. He stated that the residents have to recognize that the area is primarily a rental neighborhood. The amendment is intended to result in neighborhood revitalization, has regulations and oversights to protect current residents, and should be given a chance to work.

Mr. David Carpenter, owner of property in the neighborhood and uptown area, spoke in favor. He is concerned about the health and welfare of the neighborhood. He stated that the initiative will be positive with the multiple guidelines. It will encourage and incentivize investors.

Doc #936871

Mr. Josh Martinkovic, resident of the neighborhood, spoke in favor. He stated that neighborhood residents have lost the ability to communicate with one another. The University Neighborhood Association has been established to work with their constituents in helping solve the issues in the area.

Mr. Justin Davis, current student body president of ECU, spoke in favor. He stated that the proposed area is a renter's neighborhood. Bringing in students helps eliminate commuter traffic and allow young professionals to move in the area because they will be able to share expenses.

Mr. Andrew Morehead, Tar River University Neighborhood Association (TRUNA) President, spoke in opposition. He presented studies that he felt showed that increased rental occupancy leads to increased crime and decreased property values. He stated that students will not come back to the neighborhood because of the availability of student oriented housing developments around the City. He also stated that the initiative is in direct conflict of 4 d & e of the Comprehensive Plan.

Mr. Chris Mansfield, owner in the neighborhood, spoke in opposition. He stated that the existing plans emphasize the preservation of the single-family character in the neighborhood and that the initiative does not mention how it will achieve that goal. General compliance should not be enough to change for an overlay district.

Mr. Dave Schwartz, citizen, spoke in opposition. He asked how the increase in occupancy relates to ECU's future growth plans.

Mr. Maury York, member of Historic Preservation Commission (HPC), spoke in opposition. He stated that the HPC voted to urge City Council to not enact an amendment allowing increased unrelated occupancy because it would have a negative impact on the historic district and historic landmarks. He stated that there are programs established to assist property owners in making improvements to their homes.

Ms Donna Whitley, landlord of residential property in the neighborhood, spoke in opposition. She stated that stronger code enforcement is needed in the area.

Mr. Bob Thompson, owner in the neighborhood, spoke in opposition. He stated that the initiative is not an improvement but double-talk. He stated that 887 code violations in the proposed area occurred from January 1, 2011 to July 20, 2012 and that the proposed amendment will add more work for code enforcement.

Ms. Brenda Ernest, resident of neighborhood, spoke in opposition. She stated that neither residents nor students will benefit from the proposal.

Mr. Eric Horseman, owner in the neighborhood, spoke in opposition. He stated that he was actively discouraged not to buy in the area because it was a "student district". He would like to see the existing codes enforced and encouragement of owner-occupancy.

Doc #936871

Mr. Mike McCameron, owner in the neighborhood, spoke in opposition. He stated that student density increases crime and that parking is not addressed in the amendment.

Mr. Jim Moye, resident of Greenville, spoke in opposition. He stated that the only beneficiaries of the amendment are the landlords. Neither the city, university nor the neighbors will benefit from the proposed amendment.

Ms. Joan Mansfield, homeowner in College View District, spoke in opposition. She stated that the city will have fiscal impact by additional work on code enforcement, police, and public works. The property value and tax revenue will decrease if the proposed amendment is passed.

Ms. Ann Maxwell, chair of Neighborhood Advisory Board (NAB), spoke in opposition. She stated that the NAB unanimously voted to support the 3-unrelated as written.

Mr. Richard Crisp, president of Englewood/Elmhurst Neighborhood Association, spoke in opposition. He asked the board to not support the amendment.

Ms. Joan Koehler, resident of the neighborhood, spoke in opposition. She read a resolution from the residents of Cypress Glenn opposing the proposed amendment.

Ms. Belinda Perkinson, resident of neighborhood, spoke in opposition. She stated that the proposed amendment will ruin the balance of residents in the neighborhood and undercut any future changes. Students will not move to the area but will migrate to the student-friendly locations built by the university and other developers.

Mr. Ed Harper, resident of the neighborhood, spoke in opposition. He stated that the amendment is the definition of special interest legislation. It benefits a handful of landlords, deteriorates the neighborhood, and creates a dangerous trend of having overlay districts to similar zoned properties.

Mr. George Hamilton, owner in College View District, spoke in opposition. He stated that he is very concerned that City Council is not listening to its citizens and just to special interest groups. He suggested revitalization for more ownership versus rentership.

Ms. Mary Laura Paupalos, property owner in the neighborhood, spoke in opposition. She stated that she and her brother are concerned that students will become easy targets for crimes and that parking will be a bigger problem.

Ms. Katherine Darby, resident of the TRUNA neighborhood, spoke in opposition. She presented crime statistics in the area. Other areas of the city outside of the overlay district were included in the original increase of crime statistics. The Association conducted research that indicated most of the crimes reported in the neighborhood were from rental occupants.

Ms. Inez Fridley, resident of the TRUNA neighborhood, spoke in opposition. She presented the commission a copy of GS 160A-383. She stated that the proposed amendment does not fulfill the public purposes in the statute.

Attorney Holec stated the policy for the rebuttal comment period.

Mr. Edgar Wall, owner in the neighborhood, spoke in rebuttal in favor of the request. He stated that the statistics are a one-to-one ratio, meaning that you would expect approximately 88% of the crimes to take place in rental properties since approximately 88% of the properties are rental properties. The area needs to be concerned with its economic viability. What we have done in the past has not worked; we need to try this approach.

Ms Katherine Darby, resident of TRUNA neighborhood, spoke in rebuttal in opposition of the request. She stated that the caring citizens of the neighborhood have given evidence of why the proposed amendment should not be passed. The proposed amendment is a bailout for a small group and that students must be citizens and be responsible for their actions.

Acting Chair Basnight closed the public hearing and opened for board discussion.

Mr. Weitz stated that the initiative will not revitalize but be a determinant to the neighborhood. Too much density could possibly be added to the area and the quality of life of the area will continue to decrease. He gave some statistics from the 2009 Tar River /University Neighborhood Plan and encouraged council to base its decision upon the neighborhood plan.

Ms Bellis stated that the city will be in direct violation of the statutes if the amendment is approved.

Attorney Holec stated that the handout provided by Ms. Fridley lists the general purposes for zoning regulations and the city will not be in violation of statutes if they approve the amendment.

Ms Bellis re-stated that the city will not achieve the purpose of the statutes if the amendment is approved.

Mr. Parker stated that the approval of the amendment will be setting a dangerous precedent. He is concerned that the elected officials are not listening to the citizens who came to speak.

Motion made by Mr. Smith, seconded by Mr. Griffin, to recommend approval of the proposed amendment to advise that it is consistent with the Comprehensive Plan and other applicable plans and to adopt the staff report which addresses plan consistency and other matters. Those voting in favor: Smith and Griffin. Those voting in opposition: Weitz, Bellis, Maxwell, Parker, Burton, and Rich. Motion failed.

Motion made by Mr. Maxwell, seconded by Ms Bellis, to recommend denial of the proposed amendment to advise that it is inconsistent with the Comprehensive Plan and other applicable plans and to adopt the staff report which is consistent with this motion

which addresses plan consistency and other matters. Those voting in favor: Weitz, Bellis, Maxwell, Parker, Burton, and Rich. Those voting in opposition: Smith and Griffin. Motion passed.

APPENDIX A

ORDINANCE NO. - __
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 October 11, 2012, at 7:00 p.m., in the 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;

WHEREAS, in accordance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of the ordinance involving the text amendment is consistent with the adopted comprehensive plan and other officially adopted plans that are applicable 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 other officially adopted plans that are applicable and, as a result, its furtherance of the goals and objectives of the comprehensive plan and other officially adopted plans that are applicable;

WHEREAS, as a further description as to why the action taken is consistent with the comprehensive plan and other officially adopted plans that are applicable in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance is consistent with provisions of the comprehensive plan including, but not limited to, Objective H5 to improve and revitalize existing neighborhoods, Objective M4 to preserve and protect existing and future residential neighborhoods, Objective CF5 to ensure safe livable neighborhoods, Objective UF1 to encourage affordable housing options, and Objective UF6 to preserve neighborhood livability and that the adoption of this ordinance is consistent with the provisions of the Tar River/University Area Neighborhood Report and Plan and its goal to create, maintain, and enhance a sustainable neighborhood; and

WHEREAS, as a further explanation as to why the action taken is reasonable and in the public interest in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance will promote the safety and the general welfare of the community and facilitate the sustainability, preservation, restoration, and revitalization of the university neighborhood by encouraging investments to be made to improve the condition and appearance of dwellings and properties as a result of allowing appropriate and limited increased occupancy by unrelated persons with appropriate standards and safeguards that provide for compatibility with other university neighborhood properties;

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

Section 1: That the Code of Ordinances, City of Greenville, North Carolina, is hereby amended by adding a section to be numbered 9-4-77, which section reads as follows:

“9-4-77. UNIVERSITY NEIGHBORHOOD REVITALIZATION INITIATIVE (UNRI) OVERLAY DISTRICT.

The purpose of the University Neighborhood Revitalization Initiative (UNRI) Overlay District is to allow appropriate and limited increased occupancy by unrelated persons, with appropriate standards and safeguards that provide for compatibility with other university neighborhood properties, in order to encourage investment in the university neighborhood and to facilitate the sustainability, preservation, restoration, and revitalization of the university neighborhood.

Section 2: That the Code of Ordinances, City of Greenville, North Carolina, is hereby amended by adding a section to be numbered 9-4-200.2, which section reads as follows:

“Sec. 9-4-200.2 UNIVERSITY NEIGHBORHOOD REVITALIZATION INITIATIVE (UNRI) OVERLAY DISTRICT STANDARDS.

(A) Purpose and intent; definition; designated area.

- (1) Purpose and intent. The purpose and intent of the University Neighborhood Revitalization Initiative (UNRI) Overlay District and requirements set forth under this section are:
 - (a) to recognize that the university neighborhood is an established city neighborhood with a unique location between East Carolina University, the Tar River, and the Downtown Commercial District;
 - (b) to recognize that the university neighborhood has traditionally provided off-campus housing opportunities to students of East Carolina University and that a significant percentage of the dwellings located within the university neighborhood are renter occupied;
 - (c) to recognize that some dwellings within the university neighborhood are of such size and character that they can reasonably accommodate an occupancy of greater than three unrelated persons;
 - (d) to establish appropriate standards and safeguards that provide for compatibility with other university neighborhood properties;
 - (e) to promote the long-term revitalization of the housing stock within the university neighborhood by encouraging investments to be made to improve the condition and appearance of dwellings and properties;
 - (f) to allow appropriate and limited increased occupancy by unrelated persons in order to encourage investment in the university neighborhood and to further

contribute to the mix of housing options available within the university neighborhood; and

- (g) to facilitate the sustainability, preservation, restoration, and revitalization of the university neighborhood in order to promote the safety and the general welfare of the community.
- (2) Definition. A University Neighborhood Revitalization Initiative (UNRI) Overlay District is defined as an overlay zoning district adopted in conjunction with an underlying general purpose zoning district, as listed in sections 9-4-46 through 9-4-72, wherein the zoning rights, standards, restrictions and requirements as set forth for the underlying general purpose zoning district shall extend to the University Neighborhood Revitalization Initiative (UNRI) Overlay District zoned area in accordance with subsection (B) below.
 - (3) Designated area. All University Neighborhood Revitalization Initiative (UNRI) Overlay District(s) shall be restricted to the land area located within the following boundary: bounded on the north by the Tar River, on the east by Elm Street, extended to the Tar River, on the south by E. 5th Street, and on the west by Reade Street, extended to the Tar River. No University Neighborhood Revitalization Initiative (UNRI) Overlay District shall be located outside of the designated area described by this subsection. A University Neighborhood Revitalization Initiative (UNRI) Overlay District shall be established within the designated area upon City Council adoption of a zoning ordinance which defines the boundary of the specific University Neighborhood Revitalization Initiative (UNRI) Overlay District located within the designated area boundary.

(B) Standards.

- (1) A petition for a University Neighborhood Revitalization Initiative (UNRI) Overlay District zoning map amendment may be initiated in accordance with section 9-4-331.
- (2) All University Neighborhood Revitalization Initiative (UNRI) Overlay Districts shall be delineated upon the official zoning map as both the underlying general purpose zoning district and the University Neighborhood Revitalization Initiative (UNRI) Overlay District. The general purpose zoning district title shall be followed by University Neighborhood Revitalization Initiative “-UNRI” in all areas zoned University Neighborhood Revitalization Initiative (UNRI) Overlay District.
- (3) The zoning rights, standards, restrictions and requirements of the underlying general purpose zoning district shall extend to the University Neighborhood Revitalization Initiative (UNRI) Overlay District, except as modified by subsections (4) and (5) below.
- (4) Within any University Neighborhood Revitalization Initiative (UNRI) Overlay District, a group of four unrelated persons living together as a single housekeeping unit in a shared dwelling unit shall be permitted upon receipt of a Zoning Compliance

Letter issued by the Director of Community Development or designee for the uses of a single-family dwelling, a two-family attached dwelling (duplex), and a multi-family development per Article I, when the use is allowed in the underlying general purpose zoning district as listed under Appendix A table of uses, and shall be subject to the additional standards as listed under subsection (5) below. All other standards, requirements and conditions of the underlying general purpose zoning district not modified by this subsection and subsection (5) below shall continue to apply.

- (5) The following standards specified in this subsection are hereby adopted as additional minimum requirements within the University Neighborhood Revitalization Initiative (UNRI) Overlay District for the uses listed under subsection (4) above when a group of four unrelated persons live together as a single housekeeping unit in a shared dwelling unit.
 - (a) The dwelling unit shall have four or more bedrooms.
 - (b) The dwelling unit shall contain at least 1,500 square feet of heated floor area.
 - (c) At least three off street parking spaces shall be provided on site for the dwelling unit. The three off street parking spaces shall be the standard required for the dwelling unit. The number required for any other dwelling unit on the same property shall be calculated based upon the requirements set forth for the underlying general purpose zoning district.

- (6) A Zoning Compliance Letter shall be issued by the Director of Community Development or designee to permit a group of four unrelated persons living together as a single housekeeping unit in a shared dwelling unit for a use of a single-family dwelling, a two-family attached dwelling (duplex) and a multi-family development per Article I, as listed under Appendix A table of uses, upon a determination that the standards specified in subsection (5) above and in the underlying general purpose zoning district, as modified by subsections (4) and (5) above, are met. A Zoning Compliance Letter shall be obtained for a dwelling unit by the dwelling unit owner or designee prior to the occupancy of the dwelling unit by a group of four unrelated persons living together as a single housekeeping unit.

Section 3. That the Code of Ordinances, City of Greenville, North Carolina, is hereby amended by adding a subsection (w) to Section 9-4-103, which subsection reads as follows:

(w) *Four unrelated persons in a shared dwelling unit in the UNRI Overlay District*

Whenever a Zoning Compliance Letter has been issued to permit four unrelated persons to live together as a single housekeeping unit in a shared dwelling unit in the University Neighborhood Revitalization Initiative (UNRI) Overlay District, all lease agreements, if any, for the dwelling unit shall include a crime free lease addendum, in a form approved by the city attorney, for each lease term during which four unrelated persons are residing in the dwelling unit. For each lease term specified in a lease agreement, if any, during which four unrelated persons are residing in the dwelling unit, the owner of the dwelling unit shall provide a copy of all crime free lease addendums for the dwelling unit to the Director of Community Development or designee no later than ten (10) days after the beginning of each lease term. For the purpose of

this subsection, a crime free lease addendum means a document signed by the residents who are leasing the dwelling unit and the dwelling unit owner or designee which provides that the residents and the residents' occupants, guests and invitees are prohibited from engaging in any criminal or illegal activity and that violation of said prohibition shall be considered as cause for termination of the lease under North Carolina General Statute Chapter 42, Article 7.

Section 4. That all ordinances and sections of ordinances in conflict with this ordinance are hereby repealed.

Section 5: Any part or provision of this ordinance found by a court of competent jurisdiction to be in violation of the Constitution or laws of the United States or North Carolina is hereby deemed severable and shall not affect the validity of the remaining provisions of the ordinance.

Section 6: That this ordinance shall become effective upon its adoption.

ADOPTED this 11th day of October, 2012.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk

APPENDIX B

ORDINANCE NO. 12-
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE
ZONING TERRITORY LOCATED WITHIN THE PLANNING AND ZONING JURISDICTION OF
THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 19, Chapter 160A, of the General Statutes of North Carolina, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on the 11th day of October, 2012, at 7:00 p.m., in the Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance rezoning the following described territory;

WHEREAS, the City Council has been informed of and has considered all of the permitted and special uses of the districts under consideration;

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 zoning the following described property is consistent with the adopted comprehensive plan and other officially adopted plans that are applicable and that the adoption of the ordinance zoning the following described property is reasonable and in the public interest due to its consistency with the comprehensive plan and other officially adopted plans that are applicable and, as a result, its furtherance of the goals and objectives of the comprehensive plan and other officially adopted plans that are applicable;

WHEREAS, as a further description as to why the action taken is consistent with the comprehensive plan and other officially adopted plans that are applicable in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance is consistent with provisions of the comprehensive plan including, but not limited to, Objective H5 to improve and revitalize existing neighborhoods, Objective M4 to preserve and protect existing and future residential neighborhoods, Objective CF5 to ensure safe livable neighborhoods, Objective UF1 to encourage affordable housing options, and Objective UF6 to preserve neighborhood livability and that the adoption of this ordinance is consistent with the provisions of the Tar River/University Area Neighborhood Report and Plan and its goal to create, maintain, and enhance a sustainable neighborhood; and

WHEREAS, as a further explanation as to why the action taken is reasonable and in the public interest in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance will promote the safety and the general welfare of the community and facilitate the sustainability, preservation, restoration, and revitalization of the university neighborhood by encouraging investments to be made to improve the condition and appearance

of dwellings and properties as a result of allowing appropriate and limited increased occupancy by unrelated persons with appropriate standards and safeguards that provide for compatibility with other university neighborhood properties;

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

Section 1. That the following described territory is zoned University Neighborhood Revitalization Initiative (UNRI) Overlay District in conjunction with the existing underlying general purpose zoning districts so that, within the following described territory, the territory is zoned CN-UNRI (Neighborhood Commercial) with a University Neighborhood Revitalization Initiative Overlay, OR-UNRI (Office-Residential) with a University Neighborhood Revitalization Initiative Overlay, R-6-UNRI (Residential) with a University Neighborhood Revitalization Initiative Overlay, R-6S-UNRI (Residential-Single-Family) with a University Neighborhood Revitalization Initiative Overlay, and R-9S-UNRI(Residential-Single-Family) with a University Neighborhood Revitalization Initiative Overlay.

TO WIT: The University Neighborhood Revitalization Initiative Overlay District

LOCATION: Being a portion of the area bounded on the north by the Tar River, on the east by Elm Street, extended to the Tar River, on the south by E. 5th Street, and on the west by Reade Street, extended to the Tar River.

DESCRIPTION:

Beginning at a known point, said point being the intersection of the eastern right-of-way of Summit Street and the northern right-of-way of East 5th Street, thence running along the northern right-of-way of East 5th Street in a westerly direction for 610± feet; thence cornering and running along a portion of the eastern property line of the property identified as Pitt County parcel number 29291 in a northeasterly direction for 213+/- feet; thence cornering and running along a portion of the southern property line of the property identified as Pitt County parcel number 25976 in a westerly direction for 25± feet; thence cornering and running along a portion of the eastern property line of the property identified as Pitt County parcel number 29291 in a northerly direction for 170± feet; thence cornering and running across the right-of-way of East 4th Street in a northeasterly direction for 50+/- feet; thence cornering and running along the eastern property line of the property identified as Pitt County parcel number 29290 in a northerly direction for 340+/- feet; thence running to the centerline of East 4th Street in a northerly direction for 25+/- feet; thence cornering and running along the center line of East 3rd Street in an easterly direction for 130+/- feet; thence cornering and running across the right-of-way of East 3rd Street in a northerly direction for 25+/- feet; thence running along the western property line of the property identified as Pitt County parcel number 16488 in a northerly direction for 172+/- feet; thence cornering and running along a portion of the southern property line of the property identified as Pitt County parcel number 26144 in a westerly direction for 65+/- feet; thence cornering and running along the western property line of the property identified as Pitt County parcel number 26145 in a northerly direction for 165+/- feet; thence cornering and running along a portion of the northern property line of the property identified as Pitt County parcel number 26145 in an easterly direction for 20+/- feet; thence cornering and running along the right-of-way of East 2nd Street in a northwesterly direction for 42+/- feet; thence cornering and running along the centerline of East 2nd Street in an easterly direction for 92+/- feet; thence cornering and running along the western property line of the property identified as Pitt County parcel number 04585 in a northerly direction for 185+/-; thence cornering and running along a portion of the southern property line of the property identified as Pitt County parcel number 21948 in a westerly direction for 40± feet; thence cornering and running along a portion of the eastern property line of the property identified as Pitt County parcel number 29282 in a northeasterly direction for 180+/- feet; thence cornering and running along the southern right-of-way of East 1st Street in an easterly direction for 175+/- feet;

thence cornering and running across the right-of-way of East 1st Street in a northerly direction for 50+/- feet; thence running along the western property lines of the properties identified as Pitt County parcel numbers 21931, 23554, 34840, 20029, 17904 in a northerly direction for 345+/- feet; thence cornering and running along the southern property line of the property identified as Pitt County parcel number 35222 in a westerly direction for 55+/- feet; thence cornering and running along the western property line of the property identified as Pitt County parcel number 35222 in a northerly direction for 135+/- feet; thence cornering and running along the Tar River as it meanders along the high water mark of the following properties identified as Pitt County parcel numbers 35222, 35223, 18897, 18898, 21870, 18547, 07118, 07845, 18550, 15885, 15884, 24521, 22690, 18548, 29001, 32772, 63165 in an easterly direction for 3,164+/- feet; thence cornering and running along the eastern property lines of the properties identified as Pitt County parcel numbers 63165 and 21000 in a southerly direction for 620+/- feet; thence cornering and running along a portion of the northern property line of the property identified as Pitt County parcel number 22131 in an easterly direction for 45+/- feet; thence cornering and running along a portion of the eastern property line of the property identified as Pitt County parcel number 22131 in a southerly direction for 85+/- feet; thence cornering and running along a portion of the northern property line of the property identified as Pitt County parcel number 22131 in an easterly direction for 100+/- feet; thence cornering and running along the western rights-of-way of North and South Elm Streets in a southerly direction for 2,625+/- feet; thence cornering and running along the northern right-of-way of East 5th Street in a westerly direction for 1,462+/- feet; thence cornering and running along the eastern property line of the property identified as Pitt County parcel number 50812 in a northerly direction for 128+/- feet; thence cornering and running along the northern property line of the property identified as Pitt County parcel number 50812 in a westerly direction for 72+/- feet; thence cornering and running along the eastern right-of-way of South Library Street in a southerly direction for 128+/- feet; thence cornering and running along the northern right-of-way of East 5th Street in a westerly direction for 318+/- feet; thence cornering and running along the western right-of-way of South Harding Street in a northerly direction for 130+/- feet; thence cornering and running along the southern property line of the property identified as Pitt County parcel number 04563 in a westerly direction for 114+/- feet; thence cornering and running along a portion of the western property line of the property identified as Pitt County parcel number 04563 in a northerly direction for 15+/- feet; thence cornering and running along the southern property line of the property identified as Pitt County parcel number 21596 in a westerly direction for 105+/- feet; thence cornering and running along the eastern right-of-way of South Rotary Street in a southerly direction for 150+/- feet; thence cornering and running along the northern right-of-way of East 5th Street in a westerly direction for 195+/- feet; thence cornering and running along the western property line of the property identified as Pitt County parcel number 14352 in a northerly direction for 145+/- feet; thence cornering and running along the northern property line of the property identified as Pitt County parcel number 04274 in a westerly direction for 75+/- feet; thence cornering and running along the eastern right-of-way of Biltmore Street in a southerly direction for 145+/- feet; thence cornering and running along the northern right-of-way of East 5th Street in a westerly direction for 468+/- feet; thence cornering and running along the eastern property line of the property identified as Pitt County parcel number 10242 in a northerly direction for 145+/- feet; thence cornering and running along a portion of the southern property line of the property identified at Pitt County parcel number 00557 in a westerly direction for 70+/- feet; thence crossing South Jarvis Street in a westerly direction for 50+/- feet; thence cornering and running along the western right-of-way of South Jarvis Street in a northerly direction for 100+/- feet; thence cornering and running along the northern property line of the property identified as Pitt County parcel number 28887 in a westerly direction for 145+/- feet; thence cornering and running along a portion of the western property line of the property identified as Pitt County parcel number 28887 in a southerly direction for 100+/- feet; thence cornering and running along the northern property line of the property identified as Pitt County parcel number 26037 in a westerly direction for 72+/- feet; thence cornering and running along the eastern right-of-way of South Summit Street in a southerly direction for 145+/- feet and returning to the point of beginning and containing 198.1 +/- acres.

Excepting the properties identified as Pitt County parcel numbers 00040, 00039, and 17812 being bounded by South Harding Street, Johnston Street, South Rotary Street and East 4th Street.

Section 2. That this ordinance does not amend or repeal the Historic District (HD) Overlay District.

Section 3. That the Director of Community Development is directed to amend the zoning map of the City of Greenville in accordance with this ordinance.

Section 4. That any part or provision of this ordinance found by a court of competent jurisdiction to be in violation of the Constitution or laws of the United States or North Carolina is hereby deemed severable and shall not affect the validity of the remaining provisions of the ordinance.

Section 5. That this ordinance shall become effective upon its adoption.

ADOPTED this 11th day of October, 2012.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk

APPENDIX C

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

Contents:

- Section I. City Council Directive – Page 1
- Section II. Background and Summary of Existing Standard – Page 2
- Section III. Survey of Other Communities – Page 4
- Section IV. Overview of Public Input Process and Results – Page 10
- Section V. Compliance with Comprehensive Plan – Page 17
- Section VI. Alternatives for Modifying Current Standard – Page 19

- Appendix A: Meeting Minutes Associated with Current Standard
- Appendix B: Documentation Related to Fort Collins, CO Standard
- Appendix C: Neighborhood Advisory Board’s Position Memo



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

Section I. City Council Directive

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

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

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

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

Section II. Background and Summary of Existing Standard

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

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

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

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

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

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

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

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

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

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

Section III. Survey of Other Communities

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

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

Table 1. Survey of Standards from Other Communities

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

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

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

Table 2. Other Data from Survey Communities

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

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

Fort Collins, Colorado Model

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

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

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

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

Section IV. Overview of Public Input Process and Results

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

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

Main Points

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

Minimum house and lot sizes¹

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

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

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

Support for additional standards and review processes²

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

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

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

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

Attitudes toward increased occupancy³

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

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

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

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

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

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

Other themes

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section V. Compliance with Comprehensive Plan

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

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

The Housing Plan Element - Housing Policy Statement:

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

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

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

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

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

Objective H16: *To encourage home ownership.*

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

Objective E14: *To encourage healthy economic development.*

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

Objective CF5: *To ensure safe livable neighborhoods.*

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

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

Objective UF1: *To encourage affordable housing options.*

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

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

Objective UF6: *To preserve neighborhood livability.*

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

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

Section VI. Alternatives for Modifying Current Standard

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

1. Geographic Application

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

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

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

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

2. Permitting Mechanism

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

3. Occupancy Standard

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

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

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

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

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



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

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

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

Alternative 1

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

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

Alternative 2

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

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

Alternative 3

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

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

Alternative 4

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

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

Alternative 5

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

Note: Application limited to specified geographic area.

Alternative 6

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

Note: Application limited to specified geographic area.

Alternative 7

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

Note: Application limited to specified geographic area.

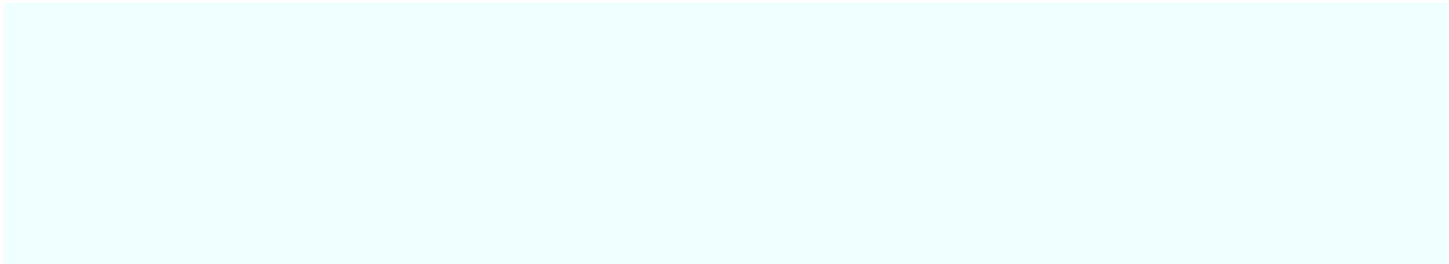
Alternative 8

Leave existing standard unchanged (do nothing alternative).

Note: City-wide application.

Alternative 9

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



APPENDIX A

Greenville, N. C.

August 13, 1981

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

Mayor Donald C. McGlohon

Councilmen:

Louis E. Clark

Clarence Gray

W. J. Hadden, Jr.

Richard J. McKee

Councilwoman:

Judy W. Greene

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

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

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

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

CITY MANAGER'S REPORT

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

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

REPORT FROM ECU REPRESENTATIVE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ADOPTED this 13th day of August, 1981.

Donald C. McGlohon, Mayor

ATTEST:
Lois D. Worthington, City Clerk

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) A single lot of record.

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

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

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

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

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

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

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

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

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

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

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

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

FINAL PLAT APPROVAL OF HARRY A. HARDEE PROPERTY: CONTINUED

REVIEW OF PARKING LOT DESIGN FOR CASABLANCA: WITHDRAWN

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

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

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



EXTRA OCCUPANCY RENTAL HOUSE REGULATIONS

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

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

What zones allow Extra Occupancy Rental houses?

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

How do I determine what zone my property is in?

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

What type of review process is required?

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

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

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

How do I apply for a Type 1 review?

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

Extra Occupancy Rental House regulations
Page 2

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

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

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

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

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

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

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

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

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

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

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

Attachments:

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

Know the Occupancy Limit

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



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

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

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

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

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

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

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

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

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

Continued



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Still have questions?

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

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



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

OCCUPANCY LIMITS DISCLOSURE STATEMENT FOR PROPERTY LEASE

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

The maximum permissible occupancy of this dwelling unit is:

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

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

Property Address: _____

Tenant 1 Name: _____ Signature: _____ Date: _____

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

Tenant 2 Name: _____ Signature: _____ Date: _____

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

Tenant 3 Name: _____ Signature: _____ Date: _____

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

Property Owner Name: _____ Phone: _____
Address: _____

Property Manager Name: _____ Phone: _____
Address: _____

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

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

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

APPENDIX C

Memo

To: Greenville City Council

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

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

Date: 7/24/2012

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

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

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

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

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

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

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

APPENDIX D

Excerpt from the DRAFT of the August 9, 2012 City Council Minutes Meeting

REPORT ON ALTERNATIVES FOR MODIFYING THE “NO MORE THAN THREE UNRELATED” OCCUPANCY STANDARD - APPROVED

Merrill Flood, Director of Community Development, stated when the City Council adopted their 2012-2013 strategic goals on March 8, 2012, one of the action items included the preparation of a report on the “no more than three unrelated” residential occupancy standards and present to City Council code amendment alternatives to permit more than three unrelated person occupancy in residential structures. In April, Staff provided the City Council a schedule outlining what actions would be taken to this end.

Mr. Flood gave a brief background and summary of the existing residential occupancy standards.

- City Council first incorporated the definition of “Family” into the Greenville Zoning Ordinance on August 13, 1981, (Ordinance Number 1124).
- This definition established the occupancy standard in residential dwellings by not more than 3 unrelated persons.
- The definition was modified on March 12, 1992 defining family relationships, but the “not more than 3 unrelated provision” was not changed. (Ordinance Number 2435)
- There is no limitation on the number of related individuals that are defined as a family
- Occupancy by up to 4 unrelated individuals is allowed for Multi-Family Dwellings approved as Land Use Intensity projects with the issuance of a Special Use permit.
- Occupancy by the owner occupant and up to 4 unrelated individuals is allowed for Boarding or Rooming Houses that have been granted a Special Use Permit.

Mr. Flood provided the definition of family as it is defined in the Zoning Ordinance:

1. One individual living alone;
2. Up to three unrelated individuals;
3. Two or more individuals related by blood, adoption or marriage (i.e., family);
4. One family (i.e., two or more individuals related by blood, adoption or marriage)

- and up to two unrelated individuals (i.e., room renting); or
5. One family (i.e., two or more individuals related by blood, adoption or marriage) and up to two related individuals (i.e., room renting).

Mr. Flood stated that Staff provided the City Council with a schedule for conducting public input sessions. These sessions were designed to provide the public with information about the City Council goal. They talked about the existing code requirements, when the rule was established, and how it is applied. All three public input meetings were well attended. Council Member Blackburn also conducted a town hall meeting prior to those meetings in which this was the primary topic of discussion.

Mr. Flood provided an overview of the three public input meetings conducted in June 2012.

Overview of Public Input

Three Public Input Meetings Conducted

- June 18, 2012, Epps Center
- June 20, 2012, Jaycee Park
- June 27, 2012, City Hall, Council Chambers
- 236 persons attended the Public Input Meetings
- 275 total responses received (116 meeting surveys and 159 online comments/surveys)
- 79.3% of respondents did not support changing the existing standard
- 20.4% of respondents did support a change

Mr. Flood stated that Staff provided citizens with the opportunity to provide feedback in a written form by completing a survey including six questions about changing the current standard. Staff received responses via email and online comments as well as those returned at the meetings. For those who thought there should be a change, they thought it was important that additional standards needed to be put in place and additional safeguards to protect neighborhoods and communities. Some of the comments that were received from those who thought that the change is not necessary were concerns that a change would lead to a reduction in owner occupancy rates in neighborhoods, quality of life, and might increase criminal activity, among other concerns.

Mr. Flood concluded stating that page 10 of the report outlines in detail the concerns of the persons responding to the survey. Those that did support a change felt like if a change is not made, it will further slow reinvestment in the neighborhoods. It may not allow them to

remain competitive with the existing rental housing markets that are currently in place and would foster a sense of decline in the neighborhood. The City Council did receive comments from the Historic Preservation Commission and the Neighborhood Advisory Board. The two boards presented either statements and/or resolutions supporting keeping the existing standard in place.

Interim Assistant City Manager Chris Padgett stated that when the City is considering modifications to a community standard, it is common practice for Staff to research the standards of other communities. That was done for a couple of reasons. Staff wants to see where the City falls in relation to its peers to verify whether there is a best practice, a universally accepted standard out there that Staff should look at and consider. Staff surveyed 12 North Carolina communities and all of these communities do have universities. Mr. Padgett summarized the results as follows:

Survey of Other Communities

- 12 North Carolina cities surveyed. Of these 12 communities, for single family dwellings:
 - 3 allow unrelated occupancy of 3 or less
 - 9 allow unrelated occupancy of 4 or more
- 3 cities located in other States were surveyed. Of these 3 communities, for single family dwellings:
 - 1 allows unrelated occupancy of 3
 - 1 allows unrelated occupancy of 3, but additional occupancy is subject to meeting additional standards
 - 1 allows unrelated occupancy of 4

Mr. Padgett summarized the information displayed in the following table and stated that each community is unique. Staff was not able to establish one single best practice or standard and each community established their own community standard. Each community has to determine what their vision is and based on their character and values, what the right standard is for them.

Survey of Other Communities

Municipality	#of Unrelated Persons Permitted to Reside in a Dwelling	How is the Limit Set
Asheville	5	Interpretation of Building Code
Boone	2 (4 in multi-family districts)	Specific Regulation
Chapel Hill	4 (no limit in multi-family districts)	Definition of Family
Charlotte	6	Definition of Family
Durham	3	Definition of Family
Elizabeth City	No Limit	No Regulation
Fayetteville	5	Definition of Family
Greenville	3	Definition of Family
Greensboro	4	Definition of Family
Raleigh	4	Definition of Family / Dwell.Unit
Rocky Mount	5	Definition of Family
Wilmington	3	Definition of Family
Winston-Salem	4	Definition of Family

Mr. Padgett stated that lastly, Staff surveyed three communities that are outside of the State of North Carolina.

Survey of Other Communities

Municipality	#of Unrelated Persons Permitted to Reside in a Dwelling	How is the Limit Set
Fort Collins, CO	3 (2+You) Additional occupancy subject to meeting standards.	Specific Regulation and Definition of Family
Gainesville, FL	3	Definition of Family
New Haven, CT	4	Definition of Family

Mr. Padgett further stated that City Council suggested that Staff should survey Fort Collins, Colorado. The other two, Gainesville, Florida and New Haven Connecticut, are college communities and Staff was told that these two might have some interesting standards. When we look at standards in other communities, we often hesitate to look out-of-state because enabling legislation varies greatly from state to state. While Staff might find some great ideas in other states, sometimes those ideas are very difficult or impossible to apply in North Carolina. Staff did find a truly unique example in Fort Collins, Colorado. Some of the people in the audience have studied that model extensively. In 2010, Fort Collins adopted a “Two Plus You” occupancy standard which limits the occupancy in dwelling units. Fort Collins is the community in which Colorado State University is located. A person could have no more than three unrelated occupancy, but could apply to have more than three residents. The ability to have more than three is not a by-right process, it is an administrative process handled through the city staff and there are some minimum standards that have to be met in order to qualify. The minimum standards that would have to be met include being located in a specially zoned area and at least 350 square feet of habitable floor area per resident. There is an additional parking requirement of .75 onsite parking spaces per resident.

Mr. Padgett stated that Fort Collins also used an occupancy disclosure form. They not only get the rental information, they get information on any property that is sold or conveyed. The most unique part about this is the relationship and the sense of collaboration that takes place between the Colorado State University and the City of Fort Collins. They are constantly working together.

Mr. Padgett stated that the process of determining whether a text amendment is in compliance with the Comprehensive Plan and other adopted plans occurs when a specific text amendment is being considered. However, in this case, there is no specific text amendment before the City Council this evening. What Staff has is a very broad directive from City Council to develop a

report and look at occupancy and alternatives for moving that forward. Staff cannot fully evaluate compliance with the Comprehensive Plan, but did provide the City Council with a number of objectives from the Comprehensive Plan which could be considered.

Council Member Mercer asked Mr. Padgett did he mean to leave it out or is he going to cover the Table 2 Other Data From Surveyed Communities which was part of the backup material for the agenda item.

Mr. Padgett responded that Table 1 is an expanded version of what he showed the City Council earlier. That table includes the municipalities and their standards for unrelated occupancy. Table 2 provides some context related to the communities that were surveyed. It is the same communities' information related to the city population, student population, and owner occupied versus rental occupied dwelling units. There is a big range there for these communities. For example, Boone, North Carolina where Appalachian State is located has 24% owner occupied residences and 76% rental occupancy. The flipside of that is Winston-Salem which has 58% owner occupied residences and 42% rental occupied. This is to show the range and Greenville's data based on the last census was 38% owner occupancy and 62 percent rental occupancy.

Council Member Mercer stated in the range of the cities that were given by Mr. Padgett, he is profoundly shocked that Greenville has 38% owner occupied. He asked where that number is in the range and if there are other cities lower than Greenville in terms of owner occupied.

Mr. Padgett responded that there are thirteen communities including Greenville and Boone would be highest rental occupancy of those thirteen communities, and Greenville would be second.

Council Member Mercer asked why that number is so low in Greenville.

Mr. Padgett responded that in the last column of Table 2 shows that the % Housing Stock that is multi-family, you could assume that most multi-family housing is rental. As you can see from that column, 59 percent of the housing stock or dwelling units within the City of Greenville are multi-family and are not single-family homes. The 59 percent really explains why the number is low and the conclusion that there is a high proportion of individuals in our community who are transient. A lot of people may think that the multi-family and the rentals are only because of East Carolina University students, but there are other individuals using that form of housing as well.

Council Member Mercer asked how the 38 percent impacts the kinds of services that the City is able to provide the citizens and the drain on our resources. Council Member Mercer stated that this is a huge question that this City Council needs to address long term.

Mr. Padgett summarized the alternatives for modifying the current standard stating that there are several decisions that will help shape what position, if any, the City Council wants to take on this topic. The first is geographic application. Some of the speakers commented on a city-wide context and others made comments about a specific geographic area. In a city-wide application, the City Council could simply change the definition of family. Currently, the definition is no more than three unrelated and that could be changed to some other number. Another option is to create a new land use category, allow more than three unrelated occupancy and then specify which zoning district that new land use would be permitted. If a specified geographic area is the approach that City Council chooses then an overlay district would be created and applied. That overlay district would have additional standards above and beyond what is in the base zoning in that area. The next alternative for modifying the current standard is the permitting mechanism. Allowing them by-right requires no discretionary review. Requiring a Special Use Permit involves a case by case review of applications by the Board of Adjustment, a public notice and public hearing. The Board of Adjustment could impose restrictions based on what they heard at their meeting. The number of unrelated individuals who should be permitted to reside within a dwelling unit is clearly open to debate and interpretation and based on the input received at the public input sessions, surveys, and speaking with people; if a change is made, it should be incremental. City Council may also consider should this standard apply to all dwellings or should there be thresholds or qualifications for the increased occupancy. This is asking should increased occupancy be limited or tied to one of the following examples of qualifications:

- Size of the Structure
- Number of Bedrooms
- Number of Bathrooms
- Lot Size
- Availability of On-Site Parking

In addition to those qualifications, a toolbox of additional measures would be put in place to support neighborhood quality of life. Mr. Padgett summarized the following additional requirements that the City Council might consider with this type of change.

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

Mr. Padgett stated that municipalities in North Carolina have the right to govern their people within the context of what the State Statutes tell municipalities they can do. There have been some laws based in the last couple of years really limited the City's ability to use certain programs or policies that were suggested by the public throughout this process.

These include:

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

Council Member Mitchell stated that it is his understanding that a municipality could have a Rental Registry Program but would be unable to charge citizens a fee.

City Attorney Holec responded that to be correct. The City could do that but cannot charge a fee.

Council Member Mitchell asked if there are aspects of the Crime Free Rental Housing Program that the City could require or is it strictly that the City could not make it mandatory.

City Attorney Holec responded that certain provisions of the Crime Free Rental Housing Program can only be voluntary but the City could require a Crime Free Rental Housing addendum to be included in leases as a standard related to a use requiring permission or approval.

Mr. Padgett stated that when you consider all of the decisions that were just talked about, there are literally hundreds of variations depending upon which direction City Council would like to proceed. Staff is providing nine generic alternatives for the City Council to consider.

Mr. Padgett concluded his presentation of Staff's report by summarizing nine alternatives for modifying the City's current unrelated occupancy standard and for the City Council's consideration. He stated that Alternate 1 changes the definition of family to allow 4 unrelated individuals to occupy a dwelling unit. It would be going from 3 to 4 or some other number of unrelated individuals to occupy a structure and would have city-wide application. Alternates 2, 3 and 4 involve creating a new land use that allows more than three unrelated occupancy within specified zoning districts. A land use is created and it will be added under the table of uses in specific districts. Alternate 2 allows the extra occupancy by-right; Alternate 3 allows it by-right but there are certain standards that are required to be met; and Alternate 4 allows it with a Special Use Permit subject to certain standards being met. There is differentiation, but

the approach is the same. Alternates 5, 6 and 7 involve creating an Overlay District for a specific geographic area. Alternate 5 will allow up to four unrelated occupancy by-right within that Overlay District. Alternate 6 will allow it by-right subject to standards to be met within a specified Overlay District. Alternate 7 requires a Special Use Permit subject to those standards within the Overlay District. Anytime there are alternatives, there is always a do nothing alternative. To leave the existing standard unchanged is Alternative 8. Alternate 9 would be to establish a work group or committee to further discuss this topic, and then have them to report back to the City Council with any additional thoughts or recommendations.

Council Member Joyner stated that he will be making comments before he makes a motion.

Council Member Mercer asked whether City Council is in the question and answer period for Staff or are they in the motion period.

City Attorney Holec responded that City Council always allows questions. If City Council wants to have any questions to Staff, City Council Members could do that.

Council Member Smith asked if Alternatives 6 and 7 are identical.

Mr. Padgett responded that they are slightly different. The difference would be the requirement of the Special Use Permit.

Council Member Smith stated that Alternate 6 states with certain standards being met and Alternate 7 states with Special Use Permit subject to certain standards being met. She asked does that mean anything could be added.

Mr. Padgett stated that some of the additional standards could be that you might have some qualifications meaning that every house does not qualify for the increased occupancy because of the size of the dwelling, number of bedrooms and bathrooms; lot size; and availability of on-site parking. The difference between Alternates 6 and 7 is the process.

Council Member Mercer asked what specific goal this action item is under.

Mr. Padgett responded that it is one of the 13 action items related to the goal of the Neighborhood Preservation.

Council Member Mercer stated that out of the thirteen cities surveyed, Greenville is the second lowest in terms of owner occupancy. He asked Mr. Padgett if he or another Staff Member has a sense that this 38 percent owner occupancy across the City is a typical compared nationwide.

Mr. Padgett responded that his information would be limited to the cities in North Carolina that Staff surveyed. Also, Staff surveyed three out-of-state cities where owner occupancy is greatly including Forts Collins, Colorado (56 percent), Gainesville, Florida (40 percent), and New Haven, Connecticut (32 percent).

Council Member Mercer responded that New Haven has had big problems with the same kind of issues that City Council is struggling with tonight.

Mr. Flood responded that looking across the spectrum, communities that have more transient populations tend to have lower owner-occupancy rates.

Council Member Mercer stated that however, the communities in North Carolina that were surveyed are mostly university communities, but they are not down to 38 percent owner occupied.

Mr. Flood responded that all of them are university communities.

Council Member Blackburn stated that given the number of people who are in the audience tonight and are in opposition to changing the ordinance, she understands that Mayor Thomas is ready to recognize Council Member Joyner with a motion. Council Member Blackburn stated that she also has a motion. Out of decorum, she is not going to put it on the table for seconding as she certainly could because she has the floor.

A copy of Council Member Joyner's motion was placed on the overhead for viewing.

Motion was made by Council Member Joyner and seconded by Council Member Mitchell to initiate an amendment that includes the following:

- Creation of a zoning overlay district that would apply to all properties located between East Fifth Street, Reade Street, the Tar River and Elm Street connecting back into East Fifth Street. The district shall be referred to as the University Neighborhood Revitalization Initiative. This motion is to apply the overlay district specific to this area.
- Within this overlay district, up to four (4) unrelated individuals are permitted to reside within single family units, duplex units, two-family attached dwelling units, i.e. all city recognized dwellings with four or more bedrooms subject to the following standards:
 - a. The dwelling unit must contain at least 1,500 square feet of heated floor area.

- b. At least three (3) off-street parking spaces must be provided on-site.
- c. A Zoning Compliance letter shall be obtained prior to occupancy by four (4) unrelated individuals. The issuance of the Zoning Compliance Letter shall be by-right and is intended to ensure the requirements provided herein are met upon city inspection.
- d. A crime free rental addendum as permitted by state law and in the form approved by the city attorney will be required to be included in all rental agreements going forward by renters in the overlay district.

Staff will also:

- a. Establish a temporary citizen working group for a period of up to twelve (12) months, composed of two (2) appointees each by city officials elected by the district (district council person, at-large council person, mayor) to assist in implementation of items described below and further define and execute additional revitalization efforts in the overlay district.
- b. Pursue funding sources to establish favorable terms and low interest loans and grants for revitalization of properties for citizens in the overlay district with the goal of encouraging transition/up fit over a period to owner occupied homes.
- c. Pursue a parking permit plan for the overlay district which includes permits by-right to all legal residents and/or employees in the overlay district with valid driver's licenses as well as a set number of available permits for purchase to East Carolina University students, staff and faculty. Funds generated will be dedicated to increased code enforcement, trash collection, lighting, security and marketing of best practices for the overlay district.
- d. Launch an active community watch program joining together residents, law enforcement, neighborhood and university groups in the overlay district.
- e. Attach unpaid code violation fees to property fees to property tax bills of property owners.

City Attorney Holec clarified that the crime free rental addendum requirement could only be required in rental agreements for those dwellings which are leasing to four (4) unrelated persons pursuant to this provision.

Council Member Blackburn stated that she is perplexed as the District 3 representative that a plan has been proposed that would apply to her district. The folks who are here this evening have said that they opposed the change and she has not been involved in the planning or the discussion of this motion. In fact, it was made by the District 5 City Council representative. Having said that as an introduction, she stated that there are new things here that are good and her curiosity is why we are saying that we are going to do this change to add more unrelated people to a dwelling which has very negative consequences. At the same time, we are going to do some really good productive things that probably should have been done years ago. She is confused that they would put a very bad change with some potential very good actions. If indeed, City Council is willing to adopt the bottom part of this motion without the changes at the top, the City has a real possibility for improving our University community. It is already a great place, and she is proud to represent it, and proud of the great folks who came here tonight and TRUNA, a great neighborhood association. She is curious why City Council is going to do something that they know has negative consequences. Why are they going to increase rental density and create a path of less resistance for rental housing? Indeed, if it is pleasing to other members of the City Council, they should do the bottom part of these changes and she will be all for that. There are problems in the University community because of such a high percentage of rental property, the City's transient population, and not having enough stability. She is confused about why the City Council is going to change the standard when they already had 2,400 code calls in one in year in the TRUNA area. Why are they going to do the very thing that is going to increase code calls? City Council is asking the community to pay for our code enforcement officers to support problems at rental housing. Why are they asking the taxpayers of Greenville to support their actions? She feels to add more unrelated people to rental housing is a bad idea. If City Council is serious about addressing issues in the University community, we take what is good in this motion and throw out the bad. If City Council adopts the bad, the good is not going to make any difference.

Council Member Joyner stated that earlier tonight, a speaker asked if it is not broken then why are we trying to fix it. The main parts in this neighborhood are broken. The Pitt County Tax Collector's Office showed him figures where in the last four years it lost \$6 million in value on tax records. From Fifth Street to the river and from Elm Street to Reade Circle, crime is up 25 percent all over the City, and in this same area, it is up 35 percent. It is broken, but do they have to wait until the area is completely broken down before they first start to fix it. Things are not working as well as they could be in this neighborhood, and they need to make changes to help the neighborhood. This past week he walked around this neighborhood and looked at the houses for three hours on Friday and three hours on Sunday. He realizes that for the people who live there six hours is not a lot of time. He did his homework and looked in some owner occupied houses as well as rental houses. Some

of the rental houses look better than the owner occupied houses. There are problems in that area including vacant homes and homes in disrepair. The rental homes are being repaired to have college students live there because no one else wants to live there. Eventually, they want to bring single-family homes back in the neighborhood. The City of Greenville offers and promotes three special programs in this area, there is special parking over there, and two code enforcement officers are assigned to that one small area. In his district, there is one code enforcement officer. Greenville has a program that they will loan residents up to \$10,000 to buy a single-family home in this area and will reduce 10% of it annually as long as homebuyer is still living there. They put \$30,000 per year in that program and have \$85,000 in that program. That means the funds in the program are not being used and for some reason, the single-families do not want to live in that neighborhood. This is going to be their next redevelopment project especially from First Street to the river. He has lived in Greenville all of his life and is trying to do what is best for this neighborhood. He is happy that Council Member Blackburn feels that some of the changes are positive. He has not contacted Council Member Blackburn on this agenda item and she has not contacted him either. The phone works both ways. He thanked everyone in the audience for coming to the meeting and stated that he wished that all of the City Council meetings were as well attended as it is tonight.

Council Member Smith stated regarding the zoning compliance letter to be obtained prior to permitting the four unrelated individuals, it states that the letter should be by-right. She asked does this mean that they automatically receive this letter.

Council Member Joyner responded that to be correct. If they meet the requirements, they get the zoning compliance letter.

Council Member Smith responded that is what she is trying to understand because it indicates by-right, but then it says upon inspection. It is unclear because if it is upon inspection then, in her opinion, it would not be by-right.

Mr. Padgett responded that the ability to have up to four unrelated people in a house or dwelling unit has specific conditions in place. The dwelling unit would be 1,500 square feet of heated floor area, at least three off-street parking spaces would have to be provided onsite, and four bedrooms are required. The zoning compliance letter is required to ensure that these standards are met.

Council Member Smith asked it matters if they pass the City inspection or not.

Mr. Padgett responded that the inspection would effectively be somebody going to the residence to ensure that they have four bedrooms because there is no City record of exactly

how many bedrooms are in the houses. Also, the square footage requirement would be verified using tax records. For the off-street parking requirement, Staff would have to be able to verify that they could legally provide the area to have a third vehicle there.

Mr. Flood stated effectively, the zoning compliance letter would be the certification that the conditions have been met.

Council Member Smith stated the reason for her question is she would like to ensure that if tenants are having problems with a landlord not doing what they need to do in a home with the four bedrooms and three parking spaces, is everything else where it should be. Her concern about inspections is that if they are going to be allowed to have four unrelated occupants, she wants to make sure that the rental is livable and up to standards. All of the other things can be there without a home being up to standards. If people do not believe this, call and drive with her through West Greenville and she will show them many.

Interim City Manager Thomas Moton responded that zoning compliance is strictly focused on the ability to meet zoning requirements. The issues that Council Member Smith is discussing really relate to more minimum housing, and this element does not include any inspection of a housing unit to ensure that it meets the City's minimum housing requirements.

Council Member Joyner asked does the City inspect all rental properties in the City and are there enough enforcement officers to do that.

Interim City Manager Moton responded that the City does not inspect all rental properties and that the costs to do so would be significant.

Council Member Joyner stated there is a provision in the motion that for twelve months there will be six people who will be working on additional ideas like this. This is not perfect, but it is a start. He hopes that there are positive changes made to it and that this is a blueprint that helps to revitalize this area.

Council Member Mitchell asked when the City Staff does the investigation of the four bedrooms in a house, if visually seeing a minimum code violation would be grounds for an inspection.

City Attorney Holec stated that to be correct.

Council Member Mitchell thanked everyone for attending this meeting and stated that this has been the most consuming topics that he has had to deal with while on the City Council.

He met with several groups of people from both sides, attended several stakeholders meetings, and tried to understand what is the drive behind this issue. He did a lot of research and while these are not the exact things that he proposed, because state law prohibits a lot of the things that he proposed. He talked about focusing on the actual problems that are happening in the area. A lot was lost in the debate because they were focusing so much on the occupancy standard that they were not focusing on crime, neighborhood deterioration, and parking. That is where this discussion has to go because there is a lot of statistical factors such as why is the housing occupancy gone down from 30 something percent to 13 percent, and that did happen while this rule was in place. There is something going on wrong in this neighborhood and they were not concentrating on fixing it because of being so “riled up” about two sides arguing about a rule. They should be focusing on the true problems in this district and put those incentives in place. Once they start having the committee meetings, they could talk about other things such as more parks and neighborhood grocery stores in that area and making it a more walkable community. One thing that they are not talking about yet, which they need to and figure out how they can do it, is to legally hold landlords and property managers accountable. Until that is done, none of these ideas are going to be possible. This may be an item to add to our legislative items to have changed. He dislikes the fact that the City cannot have a rental registry and inspect houses for a minimum code inspection outright. In his opinion, if you want to rent a property that is a business and landlords should be there to make sure that your customers’ needs are taken care of. A lot of the things that the State put in place have tied our hands. Those are the things that they should concentrate on. He does not feel that an occupancy change to four people in a four bedroom house is a problem, and we should focus on those other problems.

Council Member Mercer stated that they have limited debate rules so he will just summarize a few points because it is easy to get side-tracked and miss the main points. This motion has language of pursued, launched, established, temporary, and so on. In his view, if you drill down to what this is all about, it is about changing the “Three Unrelated Rule”. More rental properties in single-family neighborhoods reduce property values and contribute to neighborhood decline regardless of whether the landlords are absentee or not. This is an issue for the entire city regardless of what this motion says and for every neighborhood in the City. Even if the current change is limited to the University neighborhood, a rule that he feels will be strongly opposed in the courts that it sets precedence for other neighborhoods later. This movie will very possibly be coming to your neighborhood in time. Revitalization is very expensive and they do it and he supports it. The City has an economic incentive policy to increase homeownership in the University neighborhood, and this proposed change is in direct conflict with this economic incentive policy. Council Member Mercer stated further that

- Changing the “Three Unrelated Rule” is opposed by the Historic Preservation Commission; Neighborhood Advisory Board, Daily Reflector editorial, and 79% of citizens who weighed-in on public input sessions.
- There is certainly not wide-spread support to changing the “Three Unrelated Rule”. None of us on this City Council want a legacy of putting a policy in place that contributes to the deterioration of neighborhoods. He encourages his fellow citizens to think very carefully about the long term impact of what this motion would do.
- Recent headlines at UNC Chapel Hill, and they certainly do not have as low as 38% owner occupied, is UNC Chapel Hill will spend \$2.1 million to help protect the historical black community from too many students moving in. The University announced Thursday that it will seek ways to promote affordable single-family housing and save the history of the Westside neighborhood. Preserving the historical character of this neighborhood and promoting the homeownership benefits is what both the City and the University said in this excerpt.
- Someone emailed that he is a retired firefighter of 31 years. It is hard enough to rescue one person let alone three additional persons in one structure and because building codes changes over the years construction does not stand up to the impact to fire as in the old days.

Mayor Pro-Tem Glover stated that she shares some of the same sentiments as Council Member Smith does about not requiring that landlords’ property be inspected. She agrees that maybe City Council should get the State to change some of the rules. At one time, houses could be boarded for a year and currently, houses can be boarded only for six months. That helped tremendously in our area, but it did not eliminate the crime, foot traffic, and a lot of ills that are in our community. Someone from the audience said that there were murders in the TRUNA neighborhood and asked are they referring to the murders in the downtown area.

Mayor Pro-Tem Glover asked how many murders have occurred in the past year in the University area excluding the downtown area.

Interim Police Chief Bartlett responded in the last three years there has not been any from Reade Street to the Cemetery Road.

Mayor Pro-Tem Glover responded that she wanted verification because she does not remember hearing about a murder. City Council would have had many meetings about it if there had been a murder in those areas.

Mayor Pro-Tem Glover asked how many murders have they had in District 1, District 2 and in other areas of the City.

Interim Chief Bartlett responded that he would have to go back and do research, but there have been several.

Mayor Pro-Tem Glover asked have the majority of those several murders been in District 2.

Interim Chief Bartlett responded that to be probably correct.

Mayor Thomas stated that he has been struck by the feedback that has been received. He has spoken to so many people across the City and full disclosure on his end is that he is one of four siblings that lived in that neighborhood, and he is an East Carolina University graduate. That neighborhood has changed a lot. East Carolina University is absolutely vital to the future of this city and the future vitality of this area. Mayor Thomas stated that he has also lived in Chapel Hill where four unrelated people was the rule. The difference in Greenville is enforcement and investment in the neighborhood and the feeling of inclusion across the city are extremely important. Those are going to turn this neighborhood around as well as getting rid of the old police system and come forward to possibly find ways to work together on this. This is not an accident that there are certified gang members four blocks from the campus. It is horrible to hear the stories from graduate students and their parents are calling trembling in their voices stating they have to move out their families in that area and cannot afford to have their children living in this type of environment. That is across this City, and if it starts, it will spread and nothing can be done about it. Last November, a couple of blocks from the University, people were gunned down in a drive-by shooting and not in some place where they stereotypically have things like that happening, but on Rotary Street which is a couple of blocks from the University area. Things are changing and he does not just look at that subjectively. He has talked to the SBI, Greenville Police Department and the property tax offices and real numbers mean something and they are city-wide. Accordingly to the statistics from the Greenville Police Department in the past three or four years, crime has gone down almost 30 percent in Part 1 crimes which is rape, murder, assault, and items that have been discussed. In this particular footprint, the most serious crimes have gone up to 34 percent and at that same time, there is an exit of a lot of students who are being pushed out. There is a vacuum from the housing market in that area. Mayor Thomas praised Council Member Mitchell for making it possible to give everybody a chance to speak and the smallest voices need to be heard. The goals are so much alike for everybody here. He happens to know that a lot of people have tried to talk together and were ostracized for doing so. We have to get over these old ways of thinking. If we are going to try this out in a certain area and let this be a model, maybe we can take

the trial to another neighborhood. Solving the problems starts here at the doorstep of our University. It is time for us to work together with this City Council, the citizens, East Carolina University and wherever they can try to find creative ways to make our neighborhoods safer.

Council Member Blackburn commented that she has represented District 3 for three years and knows almost everybody in her district by name. This is something that after Mayor Thomas' election, he was interested in looking at it. She affirmed that she is willing to look at it and did for about a month. At the City Council's Planning Session in January 2012, she was firmly convinced that to change the occupancy limits in the University community or in the City was a bad idea. She reiterated why is the City Council doing some really good things and adding a very bad thing to it. They act as if nobody ever recognized these problems before. The TRUNA Association has been talking about these things for years and tried to get things done for years. At every turn, there has been resistance. They put more rental property into neighborhoods and more tenants into single family homes where it is not intended. Council Member Blackburn asked that photos of trash in the University area be shown that were sent to her from Mr. Jake Postma. She stated that Council Member Joyner served in 2004 on the Task Force on Neighborhood Preservation and provided a list and stated nowhere on that that list does it indicate that the Task Force suggested to change the ordinance allowing more unrelated people to live in single-family homes. Again, they have heard from the people who live in this area and herself as the representative for this area although Council Member Mitchell is the At-large representative. Of all the people that should be integrally involved in this decision and integrally embraced by whatever they do here, we are the people who are being excluded and we are the people over whose objections this motion has been made. Council Member Blackburn concluded stating that the University community has retained legal counsel so this could be a messy legal battle for the City as well and she does not think that the City Council would want to do that.

Council Member Mercer stated that there are problems in the neighborhood; therefore, the rule is not working and we should change it without making that case is a flawed logic of the highest order. There have been many meetings and he has spent a lot of time on this item. He is sorry that the citizens have spent so much time and energy. Those of us who followed the municipal campaign last fall knew this was coming and here we are. The reason for making the change could be effectively addressed if they had time, but on the merits of the case, this is not even a close call. If it were a close call, all you have to do is turn to the citizens and the overwhelming number of Greenville citizens from all over the City do not want this. It is being supported by what seems to be a fairly narrow interest group and the Mayor. This is a simple meeting, a simple matter, a simple choice, and doing what is good policy for the City and what the vast majority of the citizens want or not doing

that. Those who support a change will have to live with the problems in the City that result and the City Council would have to ultimately answer to the citizens.

Council Member Mitchell stated that he would like for everybody to refocus on what the purpose here is. This is probably a testament of what they have seen during this whole period of time when they discussed this and this is why it was so difficult for him to try to come up with a decision. There is a lot of rhetoric that has been thrown around constantly and it is clouding his judgment between having a proper debate on this issue. He asked Mr. Flood to place the photo of the trash on the overhead. The photos of the trash does not identify whether the properties are owner occupied or not. There is a flaw, and this happened with the current rule that is presently in place. The debate is not about what can they do to stop this, it is about the rule that they have in place. There are things that can be done to stop this immediately. They have already started to talk about it including citing landlords and making them responsible for the trash. This is the kind of constructive dialogue that is needed but instead they are still harping on the election because our candidate did not win. There are really good things that they could do here. He has already talked to City Attorney Holec about Charlotte's Rental Registry Program. They do not evict people but they give them a Class B Misdemeanor if you do not show up to meet with the police, landlords and do not handle their citations like they are supposed to do. There are lot of different things can be done. Let us start focusing on what is going on in the University neighborhood.

Council Member Joyner stated that someone called City Hall this week and said that he owned property in that neighborhood and should not be able to vote. About five or six years ago, he owned a house over there, but he sold it. For the record, he does not own property in the TRUNA area and nor does his family.

Mayor Thomas stated that these are some very good things that Council Member Joyner is throwing out here and Council Member Blackburn had some good things to say as well. This is not perfect by any means and nobody is saying that it is, but they need to get some dialogue. After they look into the Charlotte and Fort Collins' type program and all of these different elements of people being inclusive in the process then we will ultimately end up with something that is unique in Greenville. The City Council has been chirping on this term after term and nothing has been done. At least they are making some type of move and trying to do a number of things to improve this area. Five out of the nine communities shown in the survey had four or more unrelated occupancy standards. The best thing that they can do is to work together to make this neighborhood as safe as possible.

Upon the conclusion of the discussion, the initial motion passed with a 4:2 vote. Mayor Pro-Tem Glover and Council Members Joyner, Smith and Mitchell voted in favor of the motion and Council Members Mercer and Blackburn voted in opposition.

APPENDIX E

CRIME FREE LEASE ADDENDUM

As part of the consideration for lease of the dwelling unit identified in the lease, Resident agrees as follows:

1. Resident and Resident’s Occupants whether on or off of the property; and Resident’s and Resident’s Occupant’s guests and invitees, are prohibited from:
 - a. Engaging in any criminal activity, including drug-related criminal activity, on or off the said premises. Drug related criminal activity shall mean the illegal manufacture, sale, distribution, use, possession and possession with intent to manufacture, sell, distribute, or use an illegal or controlled substance (also as defined in Section 102 of the Controlled Substance Act [21 U.S.C. 802] and N.C.G.S. Chapter 90, Article 5 – North Carolina Controlled Substances Act).
 - b. Engaging in any act intended to facilitate criminal activity or permitting the dwelling unit to be used for criminal activity.
 - c. Engaging in the unlawful manufacturing, selling, using, storing, keeping or giving of an illegal or controlled substance as defined in N.C.G.S. §90-87, at any locations, whether on or near the dwelling unit premises.
 - d. Engaging in any illegal activity, including, but not limited to prostitution as defined in N.C.G.S. Chapter 14, Article 27, criminal street gang activity as defined in N.C.G.S. Chapter 14, Article 13A, communicating threats as prohibited in N.C.G.S. §14-277.1, assaults as prohibited in N.C.G.S. Chapter 14, Article 8, discharge of a weapon into occupied property in N.C.G.S. §14-34.1, or any breach of the lease agreement that otherwise jeopardizes the health, safety and welfare of the landlord, his agent, or other tenant, or involving imminent or actual serious property damage.

2. VIOLATION OF ANY ABOVE PROVISIONS SHALL BE A MATERIAL AND IRREPARABLE VIOLATION OF THE LEASE AND GOOD CAUSE FOR IMMEDIATE TERMINATION OF TENANCY. A single violation of any of the provisions of this addendum shall be deemed a serious, material and irreparable non-compliance. It is understood that a single violation shall be good cause for immediate termination of the lease under N.C.G.S. Chapter 42, Article 7. Proof of such a violation shall not require a criminal conviction, but shall only require a preponderance of the evidence.

3. Resident hereby authorizes property management/owner to use police generated reports against Resident for any such violation as reliable direct evidence, and/or as business records as a hearsay exemption, in all eviction hearings.
4. In case of conflict between the provisions of this addendum and any provisions of the lease, the provisions of this addendum shall govern.
5. Resident also agrees to be responsible for the actions of Resident’s occupants, Resident’s guests and invitees, and Resident’s occupant’s guests and invitees, regardless of whether Resident knew or should have known about any such actions. A guest or invitee shall be anyone who Resident or Resident’s occupant gives access to or allows on the premises or in the rental unit.
6. This Lease Addendum is incorporated into the lease or renewal thereof, executed or renewed at any time between Landlord/Manager and Resident/Lessee.

Resident Signature

Date

Resident Signature

Date

Property Manager's Signature

Date

Name of Property
879516

APPENDIX F

EXISTING ZONING

CN (Neighborhood Commercial) Permitted Uses

(1) General:

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

(2) Residential:

* None

(3) Home Occupations (see all categories):

*None

(4) Governmental:

- b. City of Greenville municipal government building or use (see also section 9-4-103)

(5) Agricultural/ Mining:

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

(6) Recreational/ Entertainment:

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

(7) Office/ Financial/ Medical:

- a. Office; professional and business, not otherwise listed
- d. Bank, savings and loan or other savings or investment institutions
- e. Medical, dental, ophthalmology or similar clinic, not otherwise listed

(8) Services:

- e. Barber or beauty shop
- f. Manicure, pedicure, or facial salon
- o. Church or place of worship (see also section 9-4-103)
- x. Dance studio
- hh. Exercise and weight loss studio; indoor only
- kk. Launderette; household users
- ll. Dry cleaners; household users

(9) Repair:

* None

(10) Retail Trade:

- c. Grocery; food or beverage, off premise consumption (see also Wine Shop)
- c.1 Wine shop (see also section 9-4-103)
- d. Pharmacy
- e. Convenience store (see also gasoline sales)
- h. Restaurant; conventional

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

* None

(12) Construction:

- c. Construction office; temporary, including modular office (see also section 9-4-103)

(13) Transportation:

* None

(14) Manufacturing/ Warehousing:

* None

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

* None

CN (Neighborhood Commercial)

Special Uses

(1) General:

* None

(2) Residential:

* None

(3) Home Occupations (see all categories):

* None

(4) Governmental:

- a. Public utility building or use

(5) Agricultural/ Mining:

* None

(6) Recreational/ Entertainment:

- t. Athletic club; indoor and outdoor facilities

(7) Office/ Financial/ Medical:

* None

(8) Services:

- a. Child day care facilities
- b. Adult day care facilities

aa. Catering service including food preparation (see also restaurant; conventional and fast food)

(9) Repair:

b. Minor repair; as an accessory or principal use

(10) Retail Trade:

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

i. Restaurant; fast food

j. Restaurant; regulated outdoor activities

u. Pet shop (see also animal boarding; outside facility)

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

* None

(12) Construction:

* None

(13) Transportation:

* None

(14) Manufacturing/ Warehousing:

* None

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

* None

OR (Office-Residential)

Permitted Uses

(1) General:

a. Accessory use or building

b. Internal service facilities

c. On-premise signs per Article N

f. Retail sales incidental

(2) Residential:

b. Two-family attached dwelling (duplex)

c. Multi-family development per Article 1

k. Family care home (see also section 9-4-103)

n. Retirement center or home

o. Nursing, convalescent center or maternity home; major care facility

p. Board or rooming house

q. Room renting

(3) Home Occupations (see all categories):

*None

(4) Governmental:

b. City of Greenville municipal government building or use (see also section 9-4-103)

- c. County or state government building or use not otherwise listed; excluding outside storage and major or minor repair
- d. Federal government building or use

(5) Agricultural/ Mining:

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

(6) Recreational/ Entertainment:

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

(7) Office/ Financial/ Medical:

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

(8) Services:

- c. Funeral home
- e. Barber or beauty shop
- f. Manicure, pedicure, or facial salon
- g. School; junior and senior high (see also section 9-4-103)
- h. School; elementary (see also section 9-4-103)
- i. School; kindergarten or nursery (see also section 9-4-103)
- j. College or other institutions of higher learning
- k. Business or trade school
- n. Auditorium
- o. Church or place of worship (see also section 9-4-103)
- p. Library
- q. Museum
- r. Art Gallery
- u. Art studio including art and supply sales
- v. Photography studio including photo and supply sales
- w. Recording studio
- x. Dance studio
- bb. Civic organizations
- cc. Trade or business organizations

(9) Repair:

- * None

(10) Retail Trade:

- s. Book or card store, news stand
- w. Florist

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

- * None

(12) Construction:

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

(13) Transportation:

* None

(14) Manufacturing/ Warehousing:

* None

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

* None

OR (Office-Residential)

Special Uses

(1) General:

* None

(2) Residential:

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

(3) Home Occupations (see all categories):

* None

(4) Governmental:

- a. Public utility building or use

(5) Agricultural/ Mining:

* None

(6) Recreational/ Entertainment:

- c.(1). Tennis club; indoor and outdoor facilities
- h. Commercial recreation; indoor only, not otherwise listed

(7) Office/ Financial/ Medical:

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

(8) Services:

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

- s. Hotel, motel, bed and breakfast inn; limited stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)
- ff. Mental health, emotional or physical rehabilitation center

(9) Repair:

* None

(10) Retail Trade:

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

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

* None

(12) Construction:

* None

(13) Transportation:

- h. Parking lot or structure; principle use

(14) Manufacturing/ Warehousing:

* None

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

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

R6 (Residential)
Permitted Uses

(1) General:

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

(2) Residential:

- a. Single-family dwelling
- b. Two-family attached dwelling (duplex)
- c. Multi-family development per Article 1
- f. Residential cluster development per Article M
- k. Family care home (see also section 9-4-103)
- q. Room renting

(3) Home Occupations (see all categories):

*None

(4) Governmental:

- b. City of Greenville municipal government building or use (see also section 9-4-103)

(5) Agricultural/ Mining:

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

(6) Recreational/ Entertainment:

f. Public park or recreational facility

g. Private noncommercial park or recreational facility

(7) Office/ Financial/ Medical:

* None

(8) Services:

o. Church or place of worship (see also section 9-4-103)

(9) Repair:

* None

(10) Retail Trade:

* None

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

* None

(12) Construction:

a. Construction office; temporary, including modular office (see also section 9-4-103)

(13) Transportation:

* None

(14) Manufacturing/ Warehousing:

* None

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

* None

R6 (Residential)

Special Uses

(1) General:

* None

(2) Residential:

d. Land use intensity multifamily (LUI) development rating 50 per Article K

e. Land use intensity dormitory (LUI) development rating 67 per Article K

l. Group care facility

n. Retirement center or home

p. Board or rooming house

r. Fraternity or sorority house

o.(1). Nursing, convalescent center or maternity home; minor care facility

(3) Home Occupations (see all categories):

a. Home occupation; including barber and beauty shops

c. Home occupation; including manicure, pedicure or facial salon

(4) Governmental:

a. Public utility building or use

(5) Agricultural/ Mining:

* None

(6) Recreational/ Entertainment:

a. Golf course; regulation

c.(1). Tennis club; indoor and outdoor facilities

(7) Office/ Financial/ Medical:

* None

(8) Services:

a. Child day care facilities

b. Adult day care facilities

d. Cemetery

g. School; junior and senior high (see also section 9-4-103)

h. School; elementary (see also section 9-4-103)

i. School; kindergarten or nursery (see also section 9-4-103)

m. Multi-purpose center

t. Guest house for a college and other institutions of higher learning

(9) Repair:

* None

(10) Retail Trade:

* None

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

* None

(12) Construction:

* None

(13) Transportation:

* None

(14) Manufacturing/ Warehousing:

* None

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

* None

R6S (Residential-Single-Family)

Permitted Uses

(1) General:

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

(2) Residential:

- a. Single-family dwelling
- f. Residential cluster development per Article M
- k. Family care home (see also section 9-4-103)
- q. Room renting

(3) Home Occupations (see all categories):

*None

(4) Governmental:

- b. City of Greenville municipal government building or use (see also section 9-4-103)

(5) Agricultural/ Mining:

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

(6) Recreational/ Entertainment:

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

(7) Office/ Financial/ Medical:

* None

(8) Services:

- o. Church or place of worship (see also section 9-4-103)

(9) Repair:

* None

(10) Retail Trade:

* None

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

* None

(12) Construction:

- c. Construction office; temporary, including modular office (see also section 9-4-103)

(13) Transportation:

* None

(14) Manufacturing/ Warehousing:

* None

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

* None

**R6S (Residential-Single-Family)
Special Uses**

(1) General:

* None

(2) Residential:

* None

(3) Home Occupations (see all categories):

b. Home occupation; excluding barber and beauty shops

c. Home occupation; excluding manicure, pedicure or facial salon

d. Home occupation; including bed and breakfast inn (historic district only)

(4) Governmental:

a. Public utility building or use

(5) Agricultural/ Mining:

* None

(6) Recreational/ Entertainment:

a. Golf course; regulation

c.(1). Tennis club; indoor and outdoor facilities

(7) Office/ Financial/ Medical:

* None

(8) Services:

d. Cemetery

g. School; junior and senior high (see also section 9-4-103)

h. School; elementary (see also section 9-4-103)

i. School; kindergarten or nursery (see also section 9-4-103)

t. Guest house for a college and other institution of higher learning

(9) Repair:

* None

(10) Retail Trade:

* None

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

* None

(12) Construction:

* None

(13) Transportation:

* None

(14) Manufacturing/ Warehousing:

* None

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

* None

**R9S (Residential-Single-Family)
Permitted Uses**

(1) General:

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

(2) Residential:

- a. Single-family dwelling
- f. Residential cluster development per Article M
- k. Family care home (see also section 9-4-103)
- q. Room renting

(3) Home Occupations (see all categories):

*None

(4) Governmental:

- b. City of Greenville municipal government building or use (see also section 9-4-103)

(5) Agricultural/ Mining:

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

(6) Recreational/ Entertainment:

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

(7) Office/ Financial/ Medical:

* None

(8) Services:

- o. Church or place of worship (see also section 9-4-103)

(9) Repair:

* None

(10) Retail Trade:

* None

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

* None

(12) Construction:

- c. Construction office; temporary, including modular office (see also section 9-4-103)

(13) Transportation:

* None

(14) Manufacturing/ Warehousing:

* None

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

* None

R9S (Residential-Single-Family)

Special Uses

(1) General:

* None

(2) Residential:

* None

(3) Home Occupations (see all categories):

b. Home occupation; excluding barber and beauty shops

c. Home occupation; excluding manicure, pedicure or facial salon

(4) Governmental:

a. Public utility building or use

(5) Agricultural/ Mining:

* None

(6) Recreational/ Entertainment:

a. Golf course; regulation

c.(1). Tennis club; indoor and outdoor facilities

(7) Office/ Financial/ Medical:

* None

(8) Services:

d. Cemetery

g. School; junior and senior high (see also section 9-4-103)

h. School; elementary (see also section 9-4-103)

i. School; kindergarten or nursery (see also section 9-4-103)

(9) Repair:

* None

(10) Retail Trade:

* None

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

* None

(12) Construction:

* None

(13) Transportation:

* None

(14) Manufacturing/ Warehousing:

* None

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

* None



City of Greenville, North Carolina

Meeting Date:
10/11/2012
Time: 7:00 PM

Title of Item: Ordinance initiated by the Greenville City Council to amend the Zoning Map to designate territory as a University Neighborhood Revitalization Initiative (UNRI) Overlay District

Explanation: **Abstract**
City Council voted to initiate the University Neighborhood Revitalization Initiative (UNRI) at their August 9, 2012, meeting. The UNRI includes changes in the zoning ordinance text, zoning map, and other actions. The topic of this specific request is a zoning map amendment that designates specified properties as a University Neighborhood Revitalization Initiative (UNRI) Overlay District. The location of the proposed UNRI Overlay District is a portion of the area bounded on the north by the Tar River, on the east by Elm Street, extended to the Tar River, on the south by E. 5th Street, and on the west by Reade Street, extended to the Tar River. The more specific location is as depicted in the "Combined Staff Report" and attached ordinance.

Explanation
Additional information related to this item is included in the "Combined Staff Report" attached hereto.

Fiscal Note: Staff is unable to determine the fiscal impact associated with designating the above described area as a University Neighborhood Revitalization Initiative (UNRI) Overlay District given the diverse variables involved. This is due in part to the complex nature of predicting the private investment, including associated impacts on property valuation, and costs of service provisions that could result from this action.

Recommendation: In staff's opinion, the proposed Zoning Map Amendment is in general compliance with Horizons: Greenville's Community Plan, including the **Future Land Use Plan Map**, and other applicable adopted plans (see further details included in the attached Combined Staff Report).

The Planning and Zoning Commission voted 6-2 to recommend denial of the request at its September 18, 2012, meeting.

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

If City Council determines to deny the rezoning request, in order to comply with this statutory requirement, it is recommended that the motion be as follows:

"Motion to deny the request to rezone and to make a finding and determination that the denial of the rezoning request is consistent with the adopted comprehensive plan and the denial of the rezoning request is reasonable and in the public interest due to the denial being consistent with the comprehensive plan and, as a result, the denial furthers the goals and objectives of the comprehensive plan."

Note: In addition to the other criteria, the Planning and Zoning Commission and City Council shall consider the entire range of permitted and special uses for the existing and proposed zoning districts as listed under Title 9, Chapter 4, Article D of the Greenville City Code.

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

Attachments / click to download

- [Overlay Map](#)
- [UNRI Overlay District REzoning Ordinance 935086](#)
- [Excerpt P_Z_minutes_map_amendment_UNRI_district_937094](#)

ORDINANCE NO. 12-
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE
ZONING TERRITORY LOCATED WITHIN THE PLANNING AND ZONING JURISDICTION OF
THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 19, Chapter 160A, of the General Statutes of North Carolina, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on the 11th day of October, 2012, at 7:00 p.m., in the Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance rezoning the following described territory;

WHEREAS, the City Council has been informed of and has considered all of the permitted and special uses of the districts under consideration;

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 zoning the following described property is consistent with the adopted comprehensive plan and other officially adopted plans that are applicable and that the adoption of the ordinance zoning the following described property is reasonable and in the public interest due to its consistency with the comprehensive plan and other officially adopted plans that are applicable and, as a result, its furtherance of the goals and objectives of the comprehensive plan and other officially adopted plans that are applicable;

WHEREAS, as a further description as to why the action taken is consistent with the comprehensive plan and other officially adopted plans that are applicable in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance is consistent with provisions of the comprehensive plan including, but not limited to, Objective H5 to improve and revitalize existing neighborhoods, Objective M4 to preserve and protect existing and future residential neighborhoods, Objective CF5 to ensure safe livable neighborhoods, Objective UF1 to encourage affordable housing options, and Objective UF6 to preserve neighborhood livability and that the adoption of this ordinance is consistent with the provisions of the Tar River/University Area Neighborhood Report and Plan and its goal to create, maintain, and enhance a sustainable neighborhood; and

WHEREAS, as a further explanation as to why the action taken is reasonable and in the public interest in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance will promote the safety and the general welfare of the community and facilitate the sustainability, preservation, restoration, and revitalization of the university neighborhood by encouraging investments to be made to improve the condition and appearance of dwellings and properties as a result of allowing appropriate and limited increased occupancy by unrelated

persons with appropriate standards and safeguards that provide for compatibility with other university neighborhood properties;

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

Section 1. That the following described territory is zoned University Neighborhood Revitalization Initiative (UNRI) Overlay District in conjunction with the existing underlying general purpose zoning districts so that, within the following described territory, the territory is zoned CN-UNRI (Neighborhood Commercial) with a University Neighborhood Revitalization Initiative Overlay, OR-UNRI (Office-Residential) with a University Neighborhood Revitalization Initiative Overlay, R-6-UNRI (Residential) with a University Neighborhood Revitalization Initiative Overlay, R-6S-UNRI (Residential-Single-Family) with a University Neighborhood Revitalization Initiative Overlay, and R-9S-UNRI(Residential-Single-Family) with a University Neighborhood Revitalization Initiative Overlay.

TO WIT: The University Neighborhood Revitalization Initiative Overlay District

LOCATION: Being a portion of the area bounded on the north by the Tar River, on the east by Elm Street, extended to the Tar River, on the south by E. 5th Street, and on the west by Reade Street, extended to the Tar River.

DESCRIPTION:

Beginning at a known point, said point being the intersection of the eastern right-of-way of Summit Street and the northern right-of-way of East 5th Street, thence running along the northern right-of-way of East 5th Street in a westerly direction for 610± feet; thence cornering and running along a portion of the eastern property line of the property identified as Pitt County parcel number 29291 in a northeasterly direction for 213+/- feet; thence cornering and running along a portion of the southern property line of the property identified as Pitt County parcel number 25976 in a westerly direction for 25± feet; thence cornering and running along a portion of the eastern property line of the property identified as Pitt County parcel number 29291 in a northerly direction for 170± feet; thence cornering and running across the right-of-way of East 4th Street in a northeasterly direction for 50+/- feet; thence cornering and running along the eastern property line of the property identified as Pitt County parcel number 29290 in a northerly direction for 340+/- feet; thence running to the centerline of East 4th Street in a northerly direction for 25+/- feet; thence cornering and running along the center line of East 3rd Street in an easterly direction for 130+/- feet; thence cornering and running across the right-of-way of East 3rd Street in a northerly direction for 25+/- feet; thence running along the western property line of the property identified as Pitt County parcel number 16488 in a northerly direction for 172+/- feet; thence cornering and running along a portion of the southern property line of the property identified as Pitt County parcel number 26144 in a westerly direction for 65+/- feet; thence cornering and running along the western property line of the property identified as Pitt County parcel number 26145 in a northerly direction for 165+/- feet; thence cornering and running along a portion of the northern property line of the property identified as Pitt County parcel number 26145 in an easterly direction for 20+/- feet; thence cornering and running along the right-of-way of East 2nd Street in a northwesterly direction for 42+/- feet; thence cornering and running along the centerline of East 2nd Street in an easterly direction for 92+/- feet; thence cornering and running along the western property line of the property identified as Pitt County parcel number 04585 in a northerly direction for 185+/-; thence cornering and running along a portion of the southern property line of the property identified as Pitt County parcel number 21948 in a westerly direction for 40± feet; thence cornering and running along a portion of the eastern property line of the property identified as Pitt County parcel number 29282 in a northeasterly direction for 180+/- feet; thence cornering and running along the southern right-of-way of East 1st Street in an easterly direction for 175+/- feet; thence cornering and running across the right-of-way of East 1st Street in a northerly direction for 50+/- feet;

thence running along the western property lines of the properties identified as Pitt County parcel numbers 21931, 23554, 34840, 20029, 17904 in a northerly direction for 345+/- feet; thence cornering and running along the southern property line of the property identified as Pitt County parcel number 35222 in a westerly direction for 55+/- feet; thence cornering and running along the western property line of the property identified as Pitt County parcel number 35222 in a northerly direction for 135+/- feet; thence cornering and running along the Tar River as it meanders along the high water mark of the following properties identified as Pitt County parcel numbers 35222, 35223, 18897, 18898, 21870, 18547, 07118, 07845, 18550, 15885, 15884, 24521, 22690, 18548, 29001, 32772, 63165 in an easterly direction for 3,164+/- feet; thence cornering and running along the eastern property lines of the properties identified as Pitt County parcel numbers 63165 and 21000 in a southerly direction for 620+/- feet; thence cornering and running along a portion of the northern property line of the property identified as Pitt County parcel number 22131 in an easterly direction for 45+/- feet; thence cornering and running along a portion of the eastern property line of the property identified as Pitt County parcel number 22131 in a southerly direction for 85+/- feet; thence cornering and running along a portion of the northern property line of the property identified as Pitt County parcel number 22131 in an easterly direction for 100+/- feet; thence cornering and running along the western rights-of-way of North and South Elm Streets in a southerly direction for 2,625+/- feet; thence cornering and running along the northern right-of-way of East 5th Street in a westerly direction for 1,462+/- feet; thence cornering and running along the eastern property line of the property identified as Pitt County parcel number 50812 in a northerly direction for 128+/- feet; thence cornering and running along the northern property line of the property identified as Pitt County parcel number 50812 in a westerly direction for 72+/- feet; thence cornering and running along the eastern right-of-way of South Library Street in a southerly direction for 128+/- feet; thence cornering and running along the northern right-of-way of East 5th Street in a westerly direction for 318+/- feet; thence cornering and running along the western right-of-way of South Harding Street in a northerly direction for 130+/- feet; thence cornering and running along the southern property line of the property identified as Pitt County parcel number 04563 in a westerly direction for 114+/- feet; thence cornering and running along a portion of the western property line of the property identified as Pitt County parcel number 04563 in a northerly direction for 15+/- feet; thence cornering and running along the southern property line of the property identified as Pitt County parcel number 21596 in a westerly direction for 105+/- feet; thence cornering and running along the eastern right-of-way of South Rotary Street in a southerly direction for 150+/- feet; thence cornering and running along the northern right-of-way of East 5th Street in a westerly direction for 195+/- feet; thence cornering and running along the western property line of the property identified as Pitt County parcel number 14352 in a northerly direction for 145+/- feet; thence cornering and running along the northern property line of the property identified as Pitt County parcel number 04274 in a westerly direction for 75+/- feet; thence cornering and running along the eastern right-of-way of Biltmore Street in a southerly direction for 145+/- feet; thence cornering and running along the northern right-of-way of East 5th Street in a westerly direction for 468+/- feet; thence cornering and running along the eastern property line of the property identified as Pitt County parcel number 10242 in a northerly direction for 145+/- feet; thence cornering and running along a portion of the southern property line of the property identified at Pitt County parcel number 00557 in a westerly direction for 70+/- feet; thence crossing South Jarvis Street in a westerly direction for 50+/- feet; thence cornering and running along the western right-of-way of South Jarvis Street in a northerly direction for 100+/- feet; thence cornering and running along the northern property line of the property identified as Pitt County parcel number 28887 in a westerly direction for 145+/- feet; thence cornering and running along a portion of the western property line of the property identified as Pitt County parcel number 28887 in a southerly direction for 100+/- feet; thence cornering and running along the northern property line of the property identified as Pitt County parcel number 26037 in a westerly direction for 72+/- feet; thence cornering and running along the eastern right-of-way of South Summit Street in a southerly direction for 145+/- feet and returning to the point of beginning and containing 198.1 +/- acres.

Excepting the properties identified as Pitt County parcel numbers 00040, 00039, and 17812 being bounded by South Harding Street, Johnston Street, South Rotary Street and East 4th Street.

Section 2. That this ordinance does not amend or repeal the Historic District (HD) Overlay District.

Section 3. That the Director of Community Development is directed to amend the zoning map of the City of Greenville in accordance with this ordinance.

Section 4. That any part or provision of this ordinance found by a court of competent jurisdiction to be in violation of the Constitution or laws of the United States or North Carolina is hereby deemed severable and shall not affect the validity of the remaining provisions of the ordinance.

Section 5. That this ordinance shall become effective upon its adoption.

ADOPTED this 11th day of October, 2012.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk

Excerpt from the DRAFT Planning & Zoning Minutes (9/18/2012)

ZONING MAP AMENDMENT INITIATED BY THE GREENVILLE CITY COUNCIL
DESIGNATING TERRITORY AS A UNIVERSITY NEIGHBORHOOD REVITALIZATION
INITIATIVE (UNRI) OVERLAY DISTRICT- DENIED

NOTE: The staff presentation related to this item was a combined presentation for both the proposed UNRI Text Amendment and UNRI Map Amendment. This presentation occurred prior to the Planning and Zoning Commission's consideration of the proposed UNRI Text Amendment. Please refer to the minutes for that item for the applicable staff presentation.

Acting Chair Basnight opened the public hearing.

Mr. Josh Martinkoric, University Neighborhood Association representative, spoke in favor of the request. He stated that the proposed amendment would help implement the future master plan of East Carolina University and the University Neighborhood Association is willing to work with any constituents to help solve problems in this area.

Ms. Morgan Cassiano, resident of the neighborhood, spoke in favor of the request. She stated that the survey was administered while students were not in the area. The reference to Boone in the study should not be included because the no more than two unrelated occupancy standard is not enforced due to inadequate student housing. Current city policies are not working in the neighborhood and some owners are willing to help in any way they can.

Mr. Chris Mansfield, resident of the neighborhood, spoke in opposition of the request. He stated that the proposed area was not identified during the public meetings. He stated the purpose of overlay districts and that the appropriate standards and safeguards are not listed in the proposed amendment. He also stated that the amendment was more for spot zoning rather than an overlay district.

Attorney Holec stated the definition of spot zoning.

Andrew Morehead, president of TRUNA, spoke in opposition of the request. He stated that the proposed amendment fits the definition of spot zoning and there is no rationale for the proposal.

Elizabeth Knott, nearby resident of the proposed UNRI district, spoke in opposition of the request. She stated she was concerned with the arbitrary boundaries of the district. She mentioned that the proposal does not guarantee improved conditions or appearance of the area. The proposal should consider the entire city and not just a specific area.

Mr. Frank Cassiano, resident of the neighborhood, spoke in rebuttal to the opposition. He stated that the boundaries are not arbitrary and that the neighborhood needs a lot of commitment to help move the area forward.

Mr. Chris Mansfield, resident of the neighborhood, spoke in rebuttal to those in favor. He stated that he was concerned whether the proposal would ensure sustainability, preservation, restoration, and revitalization of the university neighborhood.

Acting Chair Basnight closed the public hearing and commended attendees for their conduct.

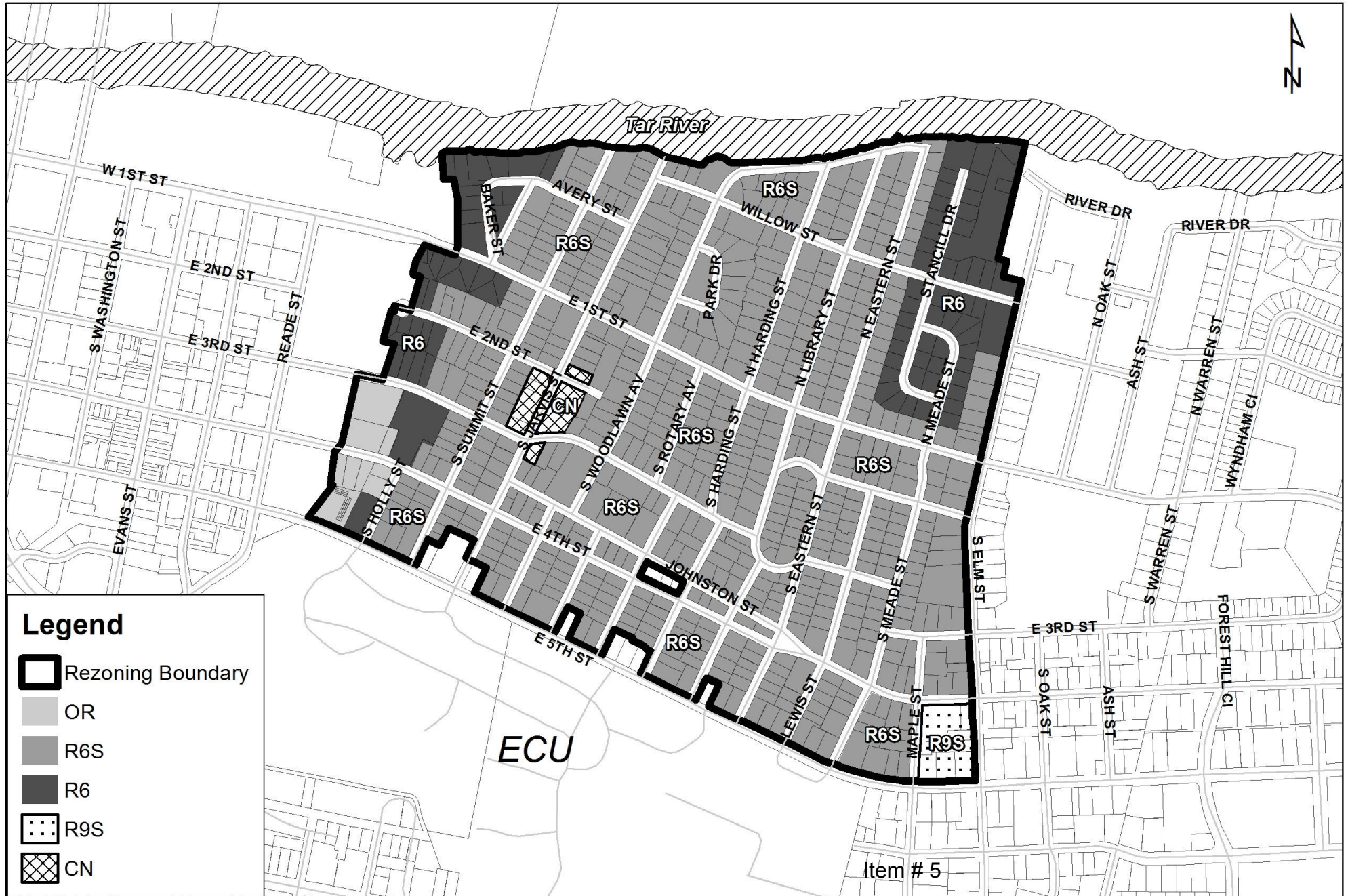
Mr. Weitz stated that under the proposal the definition of family will be treated differently in the UNRI than in the rest of Greenville and that he questions whether that is fair or equal protection.

Dr. Burton stated that his concern revolves around the wording of the amendment being specific to a particular neighborhood and not the city overall.







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

Proposed University Neighborhood Revitalization Initiative Overlay District (12-09)
 September 4, 2012

From: OR, R6S, R6, R9S, & CN To: OR-UNRI, R6S-UNRI, R6-UNRI, R9S-UNRI, & CN-UNRI



Legend

-  Rezoning Boundary
-  OR
-  R6S
-  R6
-  R9S
-  CN

Item # 5



City of Greenville, North Carolina

Meeting Date:
10/11/2012
Time: 7:00 PM

Title of Item: Order to close a portion of Carolina Avenue

Explanation: **Abstract:** Request to close a portion of Carolina Avenue as approved by resolution of City Council on September 10, 2012. This section of Carolina Avenue is unimproved. No monetary impacts will be recognized by this request.

Explanation: Attached for City Council's consideration is an Order to Close a Portion of Carolina Avenue. City Council adopted a resolution of intent to close Carolina Avenue during their September 10, 2012 meeting establishing a public hearing on the subject to be held during the October 11, 2012 City Council meeting. The street section to be closed is lying west of Pamlico Avenue and shown on the attached map.

In accordance with State Statute, the resolution of intent was advertised in The Daily Reflector on four consecutive Mondays (September 17 and 24 and October 1 and 8). Signs displaying the notice of a public hearing, the adopted resolution of intent, and a site map were posted on September 7 at two prominent locations on the street section to be closed. The resolution was also delivered by certified mail to adjoining property owners as listed on the Pitt County tax records.

This section of Carolina Avenue is unimproved. Appropriate staff of the City and Greenville Utilities have reviewed the proposed closing, and no objections or adverse comments were provided.

Fiscal Note: There are no budgeted funds for maintenance of this street section. No Powell Bill funds are received for this unopened street section.

Recommendation: City Council hold a public hearing and adopt the Order to Close a Portion of Carolina Avenue.

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

Attachments / click to download

 [Carolina Avenue Street Closing](#)

 [Resolution and Order to Close a portion of Carolina Avenue 937115](#)

STATE OF NORTH CAROLINA
COUNTY OF PITT

Prepared by: City of Greenville
Return to: City of Greenville
PO Box 7207
Greenville, NC
27834

**STREET CLOSING RESOLUTION
PORTION OF CAROLINA AVENUE**

**RESOLUTION NO. _____
AN ORDER OF THE CITY COUNCIL
OF THE CITY OF GREENVILLE, NORTH CAROLINA
TO CLOSE A PORTION OF CAROLINA AVENUE**

WHEREAS, the City Council of the City of Greenville, at its September 10th, 2012 meeting, adopted a resolution declaring its intent to close a portion of Carolina Avenue and

WHEREAS, pursuant to the provisions of G.S. 160A-299, said resolution was published once a week for four (4) successive weeks in The Daily Reflector setting forth that a hearing will be held on the 11th day of October, 2012, on the question of the closing a portion of said streets; and

WHEREAS, a copy of the resolution was sent by certified mail to all owners of the property adjoining the portion Carolina Avenue, as shown on the County tax records, and a notice of the closing and the public hearing was prominently posted in at least two (2) places along said portions of streets; and

WHEREAS, a hearing was conducted on the 11th day of October, 2012, at which time all persons interested were afforded an opportunity to be heard on the question of whether or not the closing will be detrimental to the public interest or the property rights of any individual; and

WHEREAS, it appears to the satisfaction of the City Council of the City of Greenville, North Carolina, after conduction of said hearing, that the closing of a portion of West Gum Road is not contrary to the public interest, and that no individual owning property in the vicinity of said street or in the subdivision in which said street is located would thereby be deprived of reasonable means of ingress and egress to their property; and

IT IS NOW THEREFORE ORDERED BY THE CITY COUNCIL OF THE CITY OF GREENVILLE that, upon the effective date of this Order, the property described below be and the same is closed, and all right, title and interest that may be vested in the public to said area for street purposes is released in accordance with the provisions of G.S. 160A-299:

To Wit: Being a portion of Carolina Avenue as shown on the plat entitled, "Street Closing Map, a Portion of Carolina Avenue", prepared by Gary S. Miller, dated July 25, 2012.

Location: Lying and being in the City of Greenville, Pitt County, North Carolina, being a portion of Carolina Avenue being west of Pamlico Avenue said street sections being more accurately described as follows:

BEGINNING at an iron pipe set located on the western right of way of Pamlico Avenue said iron pipe set also being located at the intersection of the northeastern property corner of Carolina Avenue as recorded in Map Book 1, Page 106 and the southeastern property corner of the property belonging to Merritt Rentals, LLC as recorded in Deed Book 2539, Pages 505-514, Pitt County Registry; thence from said point of beginning and running along the western right of way of Pamlico Avenue S 06-43-50 W, 39.77 feet to an iron pipe set located on the western right of way of Pamlico Avenue; thence leaving said right of way N 83-14-51 W, 171.91 feet to a point; thence N 11-38-12 E, 21.07 feet to a point; thence N 11-10-34 E, 18.84 feet to an existing iron pipe; thence S 83-14-51 E, 168.65 feet to the point of beginning containing 6,772 square feet or 0.155 acres as shown on the plat entitled, "Street Closing Map, a Portion of Carolina Avenue", prepared by Gary S. Miller, dated July 25, 2012.

IT IS FURTHER ORDERED BY THE CITY COUNCIL OF THE CITY OF GREENVILLE that the City of Greenville does hereby reserve its right, title, and interest in any utility improvement or easement within the street closed pursuant to this order. Such reservation also extends, in accordance with the provisions of G.S. 160A-299(f), to utility improvements or easements owned by private utilities which at the time of the street closing have a utility agreement or franchise with the City of Greenville.

IT IS FURTHER ORDERED BY THE CITY COUNCIL OF THE CITY OF GREENVILLE that, upon the effective date of this Order, the Mayor and City Clerk are authorized to execute quit-claim deeds or other legal documents to prove vesting of any right, title or interest to those persons owning lots or parcels adjacent to the street in accordance with G.S. 160A-299(c), provided all costs shall be paid by any adjoining landowner requesting such action, all documents must be approved by the City Attorney and all documents, when appropriate, must reserve to the City any easements retained by the City. The intent of this paragraph is to authorize the execution of quit-claim deeds when requested by adjacent property owners; however, none are required and this paragraph is not intended to alter the vesting of title by operation of law as established by G.S. 160A-299(c).

Attachment number 1
Page 2 of 2

IT IS FURTHER ORDERED BY THE CITY COUNCIL OF THE CITY OF GREENVILLE that a copy of this Order shall be filed in the Office of the Register of Deeds of Pitt County after the effective date of this Order.

ADOPTED this the 11th day of October, 2012.

Allen Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk

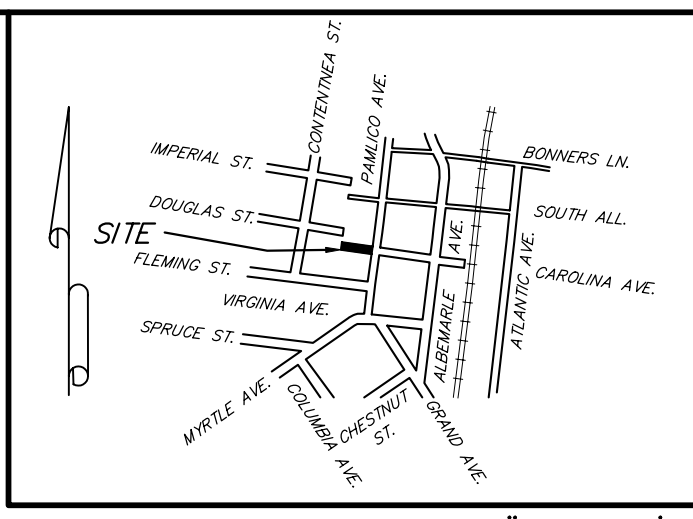
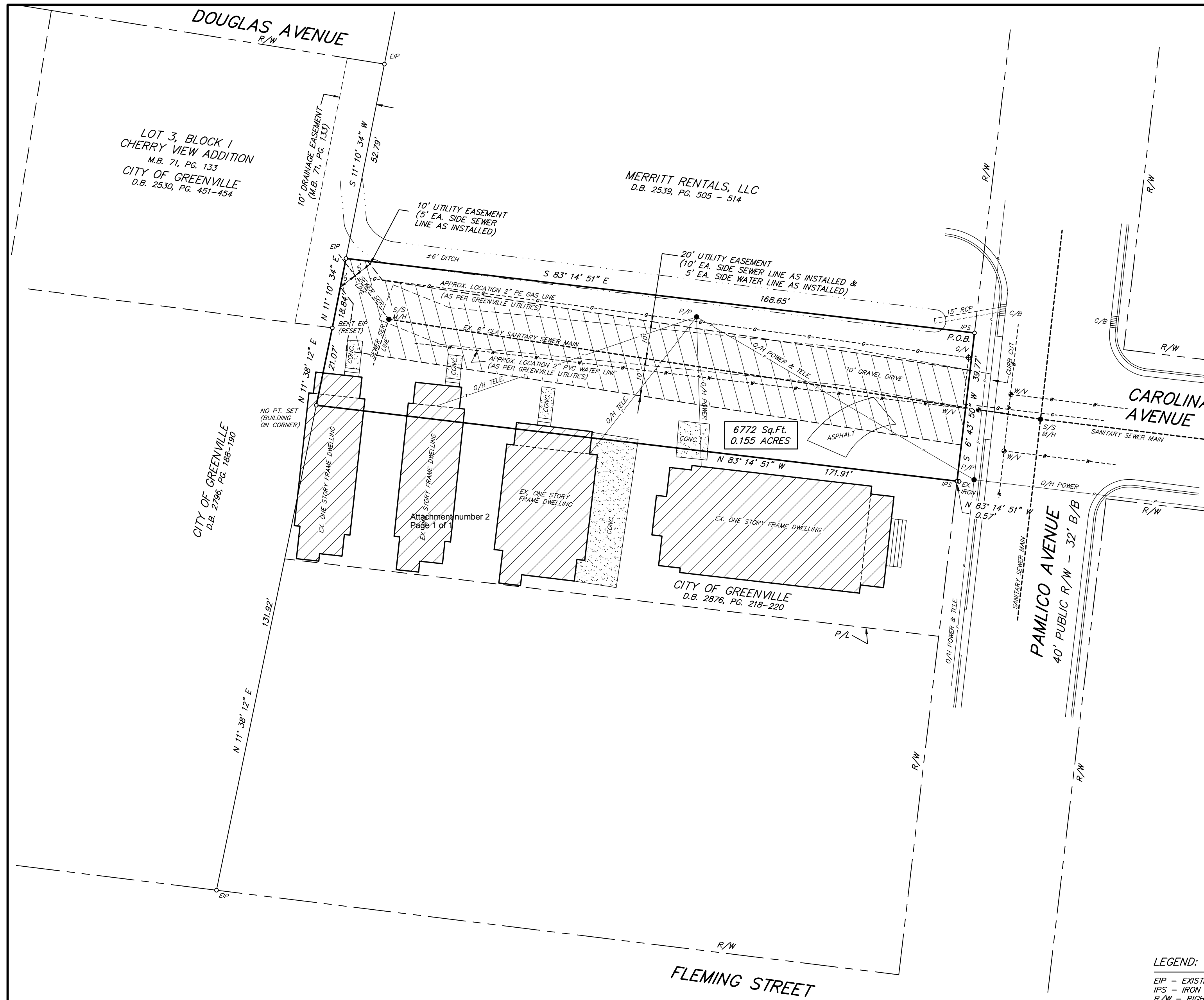
NORTH CAROLINA
PITT COUNTY

I, _____, a Notary Public, do hereby certify that Carol L. Barwick, City Clerk, personally appeared before me this day and acknowledged the due execution of the foregoing certification, for the purposes therein expressed.

WITNESS my hand and notarial seal this 11th day of October, 2012.

NOTARY PUBLIC

My Commission Expires: _____



- NOTES:**
1. ALL BEARINGS ARE NC GRID; ALL DISTANCES ARE HORIZONTAL GROUND MEASUREMENTS.
 2. THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA. COMMUNITY PANEL # 3720468800J, EFFECTIVE DATE: JANUARY 2, 2004 - ZONE X.

CERTIFICATION

I, GARY S. MILLER, CERTIFY TO THE FOLLOWING:

THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION; THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BK. _____ PG. _____ OR OTHER REFERENCE SOURCE M.B. 1, PG. 106); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM INFORMATION IN BK. _____ PG. _____ OR OTHER REFERENCE SOURCE _____; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY IS 1:10,000+; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600).

WITNESS MY HAND AND SEAL THIS 25th DAY OF JULY, 2012.

SIGNED _____
PROFESSIONAL LAND SURVEYOR No. L-2562

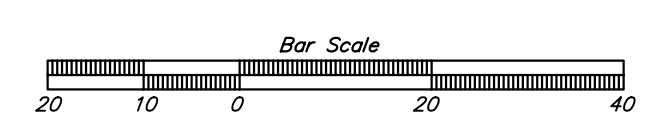
NORTH CAROLINA, PITT COUNTY

I, A NOTARY PUBLIC OF THE COUNTY AND STATE AFORESAID, CERTIFY THAT GARY S. MILLER, A PROFESSIONAL LAND SURVEYOR, PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT.

WITNESS MY HAND AND SEAL THIS _____ DAY OF _____, 20____.

NOTARY PUBLIC
MY COMMISSION EXPIRES: _____

- LEGEND:**
- EIP - EXISTING IRON PIPE
 - IPS - IRON PIPE SET
 - R/W - RIGHT OF WAY
 - B/B - BACK TO BACK
 - P/L - PROPERTY LINE
 - W/V - WATER VALVE
 - G/V - GAS VALVE
 - S/S - SANITARY SEWER
 - M/H - MANHOLE
 - RCP - REINFORCED CONCRETE PIPE
 - C/B - CATCH BASIN
 - O/H - OVERHEAD
 - P/P - POWER POLE
 - P.O.B. - POINT OF BEGINNING



SHEET 1 OF 1

MAP FOR STREET CLOSING OF A PORTION OF CAROLINA AVENUE

BEING ALL OF THE STUB STREET KNOWN AS CAROLINA AVENUE LOCATED WEST OF PAMLICO STREET GREENVILLE, GREENVILLE TOWNSHIP PITT COUNTY, NORTH CAROLINA

GARY S. MILLER & ASSOCIATES, P.A. LAND SURVEYORS

GARY S. MILLER, PLS
Phone (252)756-7878
Fax (252)756-0785

1803 South Charles Blvd.
Greenville, N.C. 27858

SURVEYED: MCP	APPROVED: GSM
DRAWN: BLW	DATE: 07-25-12
CHECKED: TEM	SCALE: 1" = 20'

WO # 12127 FB # 356

SOURCE OF TITLE

THIS IS TO CERTIFY THAT THE LAST INSTRUMENT(S) IN THE CHAIN OF TITLE(S) OF THIS PROPERTY AS RECORDED IN THE PITT COUNTY REGISTRY AT GREENVILLE, NORTH CAROLINA IS:

DEED BOOK _____	PAGE _____
DEED BOOK _____	PAGE _____
DEED BOOK _____	PAGE _____
MAP BOOK 1	PAGE 106

N.C. REG. NO. L-2562

MAYOR'S CERTIFICATE

THIS IS TO CERTIFY THAT THE CITY COUNCIL OF THE CITY OF GREENVILLE HAS PASSED A RESOLUTION TO CLOSE _____

RESOLUTION NO. _____

SIGNED _____ MAYOR

SIGNED _____ CITY CLERK

REVIEW OFFICER

STATE OF NORTH CAROLINA
COUNTY OF PITT

I, _____ REVIEW OFFICER OF PITT COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER _____
DATE _____



City of Greenville, North Carolina

Meeting Date:
10/11/2012
Time: 7:00 PM

Title of Item: Order to close a portion of McKinley Avenue

Explanation: **Abstract:** Order to close a portion of McKinley Avenue as approved by resolution of City Council on September 10, 2012. This section of McKinley Avenue is unopened. No monetary impacts will be recognized by this request.

Explanation: Attached for City Council's consideration is an Order to Close a portion of McKinley Avenue. City Council adopted a resolution of intent to close McKinley Avenue during their September 10, 2012 meeting establishing a public hearing on the subject matter to be held during the October 11, 2012 City Council meeting. The street section to be closed is lying south of Douglas Avenue and shown on the attached map.

In accordance with State Statute, the resolution of intent was advertised in The Daily Reflector on four consecutive Mondays (September 17 and 24 and October 1 and 8). Signs displaying the notice of a public hearing, the adopted resolution of intent, and a site map were posted on September 7 at two prominent locations on the street section to be closed. The resolution was also delivered by certified mail to adjoining property owners as listed on the Pitt County tax records.

This section of McKinley Avenue is unopened. Appropriate staff of the City and Greenville Utilities have reviewed the proposed closing, and no objections or adverse comments were provided.


After closure of the street section, the abandoned right-of-way will be combined with the property located to the west owned by the City of Greenville and known as Tax Parcel Number 23512.

Fiscal Note: There are no budgeted funds for maintenance of this street section. No Powell Bill funds are received for this unopened street section.

Recommendation: Hold a public hearing and approve the order to close a Portion of McKinley Avenue.

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

Attachments / click to download

 [McKinley Avenue Street Closing](#)

 [Resolution and Order to Close a portion of McKinley Avenue 937110](#)

STATE OF NORTH CAROLINA
COUNTY OF PITT

Prepared by: City of Greenville
Return to: City of Greenville
PO Box 7207
Greenville, NC
27834

**STREET CLOSING RESOLUTION
PORTION OF MCKINLEY AVENUE**

**RESOLUTION NO. _____
AN ORDER OF THE CITY COUNCIL
OF THE CITY OF GREENVILLE, NORTH CAROLINA
TO CLOSE A PORTION OF MCKINLEY AVENUE**

WHEREAS, the City Council of the City of Greenville, at its September 10th, 2012 meeting, adopted a resolution declaring its intent to close a portion of McKinley Avenue and

WHEREAS, pursuant to the provisions of G.S. 160A-299, said resolution was published once a week for four (4) successive weeks in The Daily Reflector setting forth that a hearing will be held on the 11th day of October, 2012, on the question of the closing a portion of said streets; and

WHEREAS, a copy of the resolution was sent by certified mail to all owners of the property adjoining the portion McKinley Avenue, as shown on the County tax records, and a notice of the closing and the public hearing was prominently posted in at least two (2) places along said portions of streets; and

WHEREAS, a hearing was conducted on the 11th day of October, 2012, at which time all persons interested were afforded an opportunity to be heard on the question of whether or not the closing will be detrimental to the public interest or the property rights of any individual; and

WHEREAS, it appears to the satisfaction of the City Council of the City of Greenville, North Carolina, after conduction of said hearing, that the closing of a portion of West Gum Road is not contrary to the public interest, and that no individual owning property in the vicinity of said street or in the subdivision in which said street is located would thereby be deprived of reasonable means of ingress and egress to their property; and

IT IS NOW THEREFORE ORDERED BY THE CITY COUNCIL OF THE CITY OF GREENVILLE that, upon the effective date of this Order, the property described below be and the same is closed, and all right, title and interest that may be vested in the public to said area for street purposes is released in accordance with the provisions of G.S. 160A-299:

To Wit: Being a portion of McKinley Avenue as shown on the plat entitled, "Street Closing Map, McKinley Avenue", prepared by Gary S. Miller, dated July 3, 2012.

Location: Lying and being in the City of Greenville, Pitt County, North Carolina, being that portion of McKinley Avenue being south of Douglas Avenue with said street section being more accurately described as follows:

BEGINNING at an existing iron pipe located on the southern right of way of Douglas Avenue said existing iron pipe also being located at the intersection of the northeastern property corner of McKinley Avenue as recorded in Map Book 61, Page 134 and the northwestern property corner of the property belonging to the City of Greenville as recorded in Deed Book 2973, Pages 825-828, Pitt County Registry; thence from said point of beginning and leaving the southern right of way of Douglas Avenue S 09-19-52 W, 112.00 feet to an existing iron pipe; thence N 82-11-29 W, 40.01 feet to an existing iron pipe; thence N 09-19-52 E, 112.12 feet to an existing iron pipe located on the southern right of way of Douglas Avenue; thence running along the southern right of way of Douglas Avenue S 82-00-59 E, 40.01 feet to the point of beginning containing 4,482 square feet or 0.103 acres as shown on a map titled Street Closing Map, McKinley Avenue", prepared by Gary S. Miller, dated July 3, 2012.

IT IS FURTHER ORDERED BY THE CITY COUNCIL OF THE CITY OF GREENVILLE that the City of Greenville does hereby reserve its right, title, and interest in any utility improvement or easement within the street closed pursuant to this order. Such reservation also extends, in accordance with the provisions of G.S. 160A-299(f), to utility improvements or easements owned by private utilities which at the time of the street closing have a utility agreement or franchise with the City of Greenville.

IT IS FURTHER ORDERED BY THE CITY COUNCIL OF THE CITY OF GREENVILLE that, upon the effective date of this Order, the Mayor and City Clerk are authorized to execute quit-claim deeds or other legal documents to prove vesting of any right, title or interest to those persons owning lots or parcels adjacent to the street in accordance with G.S. 160A-299(c), provided all costs shall be paid by any adjoining landowner requesting such action, all documents must be approved by the City Attorney and all documents, when appropriate, must reserve to the City any easements retained by the City. The intent of this paragraph is to authorize the execution of quit-claim deeds when requested by adjacent property owners; however, none are required and this paragraph is not intended to alter the vesting of title by operation of law as established by G.S. 160A-299(c). Attachment number 1
Page 2 of 2

IT IS FURTHER ORDERED BY THE CITY COUNCIL OF THE CITY OF GREENVILLE that a copy of this Order shall be filed in the Office of the Register of Deeds of Pitt County after the effective date of this Order.

ADOPTED this the 11th day of October, 2012.

Allen Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk

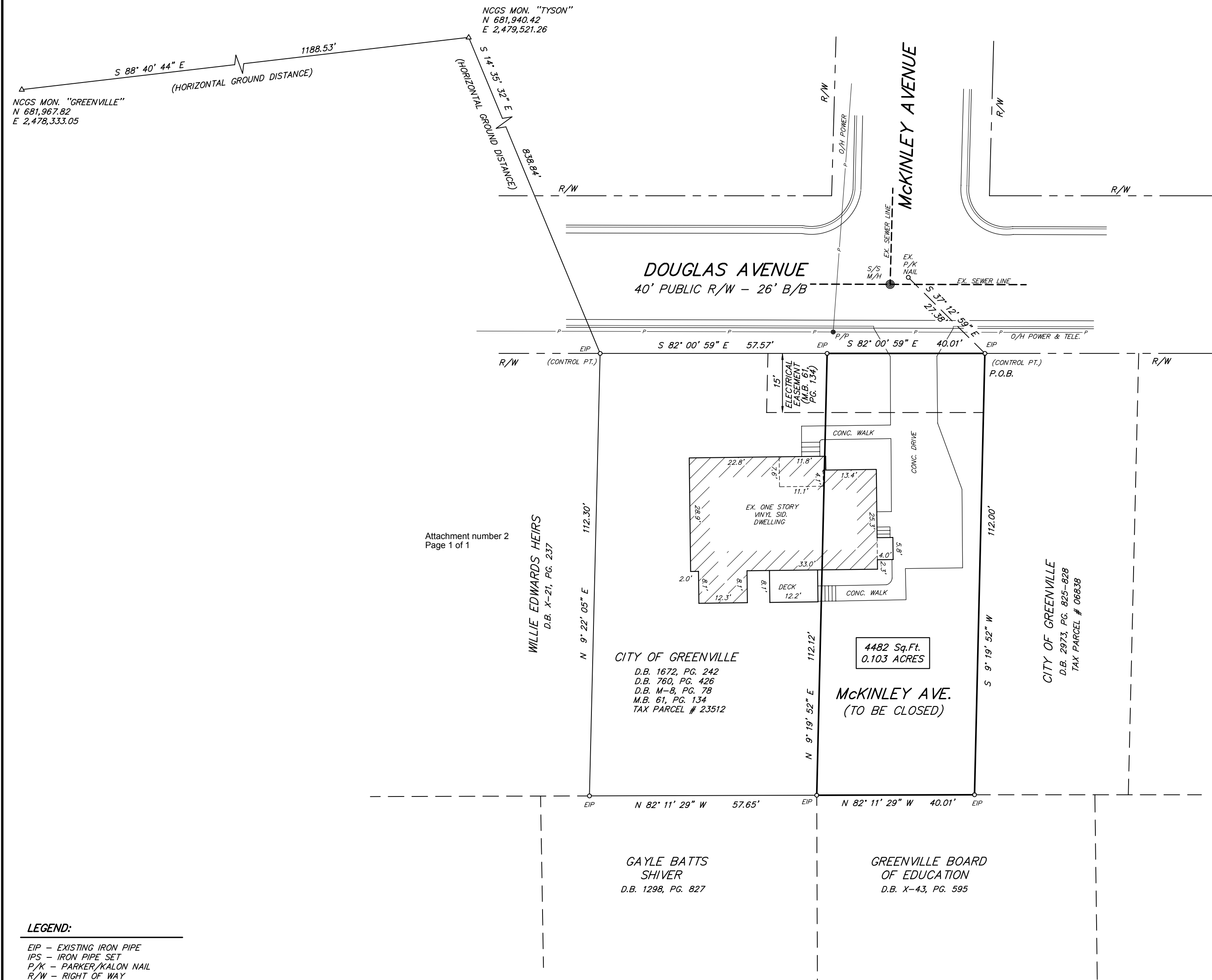
NORTH CAROLINA
PITT COUNTY

I, _____, a Notary Public, do hereby certify that Carol L. Barwick, City Clerk, personally appeared before me this day and acknowledged the due execution of the foregoing certification, for the purposes therein expressed.

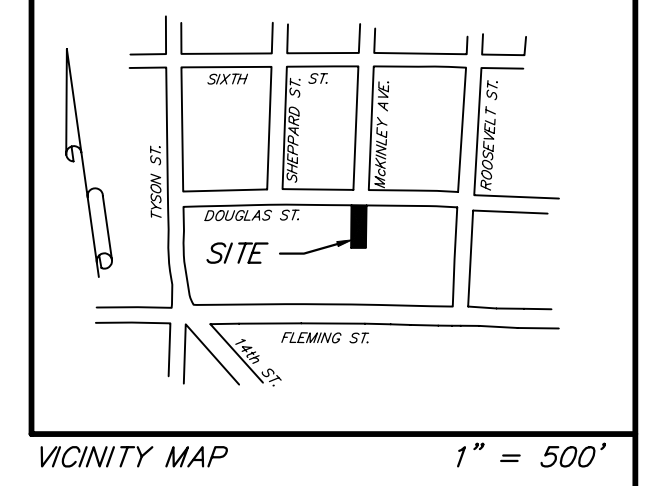
WITNESS my hand and notarial seal this 11th day of October, 2012.

NOTARY PUBLIC

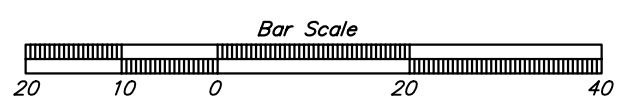
My Commission Expires: _____



- NOTES:**
- ALL BEARINGS ARE NC GRID: ALL DISTANCES ARE HORIZONTAL GROUND MEASUREMENTS.
 - THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA. COMMUNITY PANEL # 3720467800J, EFFECTIVE DATE: JANUARY 2, 2004 - ZONE X.



- LEGEND:**
- EIP - EXISTING IRON PIPE
 - IPS - IRON PIPE SET
 - P/K - PARKER/KALON NAIL
 - R/W - RIGHT OF WAY
 - B/B - BACK TO BACK
 - S/S - SANITARY SEWER
 - M/H - MANHOLE
 - P.O.B. - POINT OF BEGINNING



SHEET 1 OF 1

MAP FOR STREET CLOSING OF
McKINLEY AVENUE

BEING ALL OF THE STUB STREET KNOWN AS McKINLEY AVENUE LOCATED SOUTH OF DOUGLAS AVENUE GREENVILLE, GREENVILLE TOWNSHIP PITT COUNTY, NORTH CAROLINA

GARY S. MILLER & ASSOCIATES, P.A.
LAND SURVEYORS

GARY S. MILLER, PLS
Phone (252)756-7878
Fax (252)756-0785

1803 South Charles Blvd.
Greenville, N.C. 27858

SURVEYED: MCP	APPROVED: GSM
DRAWN: BLW	DATE: 07-03-12
CHECKED: TEM	SCALE: 1" = 20'

WO # 12125 FB # 353

SOURCE OF TITLE

THIS IS TO CERTIFY THAT THE LAST INSTRUMENT(S) IN THE CHAIN OF TITLE(S) OF THIS PROPERTY AS RECORDED IN THE PITT COUNTY REGISTRY AT GREENVILLE, NORTH CAROLINA IS:

DEED BOOK	PAGE
DEED BOOK	PAGE
DEED BOOK	PAGE
MAP BOOK	PAGE

N.C. REG. NO. L-2562

MAYOR'S CERTIFICATE

THIS IS TO CERTIFY THAT THE CITY COUNCIL OF THE CITY OF GREENVILLE HAS PASSED A RESOLUTION TO CLOSE A PORTION OF McKINLEY AVENUE AS SHOWN HEREON.

RESOLUTION NO. _____

SIGNED _____ MAYOR

SIGNED _____ CITY CLERK

REVIEW OFFICER

STATE OF NORTH CAROLINA
COUNTY OF PITT

I, _____
REVIEW OFFICER OF PITT COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER _____
DATE _____

CERTIFICATION

I, GARY S. MILLER, CERTIFY TO THE FOLLOWING:

THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION; THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BK. _____ PG. _____ OR OTHER REFERENCE SOURCE M.B. 61, PG. 134); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM INFORMATION IN BK. _____ SEE PG. _____ OR OTHER REFERENCE SOURCE _____; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY IS 1:10,000+; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600). WITNESS MY HAND AND SEAL THIS 3rd DAY OF JULY, 2012.

SIGNED _____
PROFESSIONAL LAND SURVEYOR No. L-2562

NORTH CAROLINA, PITT COUNTY

I, A NOTARY PUBLIC OF THE COUNTY AND STATE AFORESAID, CERTIFY THAT GARY S. MILLER, A PROFESSIONAL LAND SURVEYOR, PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT.

WITNESS MY HAND AND SEAL THIS _____ DAY OF _____, 20____.

NOTARY PUBLIC
MY COMMISSION EXPIRES: _____



City of Greenville, North Carolina

Meeting Date:
10/11/2012
Time: 7:00 PM

Title of Item: Request for amendment to Recreation and Parks Department budget

Explanation: Abstract: Recreation and Parks Commission request for Council to consider amending the FY13 Recreation and Parks budget in order to avoid a cost reduction strategy that resulted in reduced recreation facility operating hours.

At the September 12, 2012, meeting of the Greenville Recreation and Parks Commission, members voted to request that Council provide for the continuation of FY 2012 recreation center operating hours. This would require an additional appropriation of \$18,840 in the recreation part-time salary line item within the Recreation and Parks Department's FY13 budget. An excerpt from the draft Commission minutes is attached.

Fiscal Note: \$18,840

Recommendation: Staff recommends that it be afforded the ability to make adjustments in recreation facility operating hours administratively, as it has done historically. Further, staff recommends that City Council approve the Recreation and Parks Commission's request to amend the FY12-13 Recreation and Parks Department budget by \$18,840 to avoid the cost reduction strategy of reduced recreation facility hours.

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

Attachments / click to download

[Excerpt from Draft 09.12.2012 RecPark Comm Mtg 937957](#)

Excerpt from Draft September 12, 2012 Recreation and Parks Commission Meeting

B. Teen Center Closing and Facility Hours, Gary Fenton

Mr. Fenton provided a PowerPoint presentation on reduction of hours with part-time salaries. He reviewed the current hours of facilities along with proposed hours for the Center for Arts & Crafts, Drew Steele Center, Eppes Recreation Center, Boyd Lee Park/Center, South Greenville Recreation Center, and the Sports Connection. Staff chose to decrease hours on the time the center was least used. Mr. Boardman is not in favor of these reductions. Motion made to not approve these reductions and City Council find money in their Fund Balance to increase the hours.

Motion: Terry Boardman

Second: Audrey Nealy

Motion carried (vote 4-3).