



Agenda

Greenville City Council

April 9, 2009
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 Dunn

III. Pledge of Allegiance

IV. Roll Call

V. Approval of Agenda

VI. Special Recognitions

- David Johnson, Police Department Retiree

VII. Appointments

1. Appointments to Boards and Commissions
2. Recommendation to the Pitt County Commissioners of a member to serve on the Pitt County Development Commission Board

VIII. New Business

Public Hearings

3. Resolution approving an order to close Allen Taylor Court located west of Arlington Boulevard
4. Ordinance requested by Cellco Partnership DBA Verizon Wireless to rezone 4.92± acres located north of West Fifth Street and 800± feet west of Paladin Place Subdivision from MRS (Medical-

Residential-Single-family) to OR (Office-Residential [High Density Multi-family])

5. Ordinance to amend the zoning regulations to establish a dining and entertainment establishment use and associated standards
6. Ordinance amending Horizons: Greenville's Community Plan to incorporate by reference the Tar River/University Area Neighborhood Report and Plan
7. Ordinance requiring the repair or the demolition and removal of the dwelling located at 802 Vanderbilt Lane
8. Ordinance requiring the repair or the demolition and removal of the dwelling located at 900 Ward Street

Public Comment Period

- The Public Comment Period is a period reserved for comments by the public. Items that were the subject of a public hearing at this meeting 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

9. Inclusionary Zoning and Planned Unit Development regulations and draft amendments to accomplish related goals
10. Ordinance amending the composition of the Human Relations Council

IX. Comments from Mayor and City Council

X. City Manager's Report

XI. Adjournment



City of Greenville, North Carolina

Meeting Date: 4/9/2009
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, Community Appearance Commission, Environmental Advisory Commission, Firefighters' Relief Fund Committee, and Historic Preservation Commission.

Fiscal Note: No fiscal impact.

Recommendation: To make appointments to the Affordable Housing Loan Committee, Community Appearance Commission, Environmental Advisory Commission, Firefighters' Relief Fund Committee, and Historic Preservation Commission.

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[Appointments To Boards and Commissions City Council Meetings Agenda Deadline Material 138519](#)

Appointments To Boards and Commissions

April 9, 2009

Affordable Housing Loan Committee

Council Liaison: Council Member Rose Glover

<u>Name</u>	<u>Current Term</u>	<u>Reappointment Status</u>	<u>Expiration Date</u>
Leslie Cox	Filling unexpired term	Eligible	February 2009

Community Appearance Commission

Council Liaison: Council Member Larry Spell

<u>Name</u>	<u>Current Term</u>	<u>Reappointment Status</u>	<u>Expiration Date</u>
J. Scott Bailey	First term	Resigned	July 2009
Paul Brezina	First term	Resigned	April 2009

Environmental Advisory Commission

Council Liaison: Council Member Calvin Mercer

<u>Name</u>	<u>Current Term</u>	<u>Reappointment Status</u>	<u>Expiration Date</u>
F. Durward Tyson (5)	Second term	Ineligible for reappointment	April 2009

(5) A professional engineer

Firefighters' Relief Fund Committee

Council Liaison: Not Applicable

<u>Name</u>	<u>Current Term</u>	<u>Reappointment Status</u>	<u>Expiration Date</u>
Henry McNeese	Appointed by Council	Resigned	January 2009

Historic Preservation Commission

Council Liaison: Council Member Calvin Mercer

<u>Name</u>	<u>Current Term</u>	<u>Reappointment Status</u>	<u>Expiration Date</u>
Rick Smiley	Second term	Resigned	January 2010

Applicants for Affordable Housing Loan Committee

Justin Mullarkey
1509 East 5th Street
Greenville, NC 27858

Application Date: 1/28/2008

364-1183

Applicants for Community Appearance Commission

Brenda Diggs 4110 Treetops Circle Winterville, NC 28590	321-7047	Application Date: 3/23/2009
Jeffrey Johnson 2008 Pinecrest Drive Greenville, NC 27858	355-0644	Application Date: 2/12/2009
Justin Mullarkey 1509 East 5th Street Greenville, NC 27858	364-1183	Application Date: 1/28/2008
Katherine Swope 107 Valley Place Greenville, NC 27834	758-4692	Application Date: 2/10/2009
Wayne M. Whipple 3102 Cleere Court Greenville, NC 27858	321-0611	Application Date: 3/9/2009

Applicants for Environmental Advisory Commission

Ann Eleanor
102 Lindenwood Drive
Greenville, NC 27834

Application Date: 2/10/2009

848-4257 **Occupation:** Retired

Caitlin Gold
635 Cotanche Street, Apt. 617
Greenville, NC 27858

Application Date: 2/15/2009

bcg0820@ecu.edu **Occupation:** Student

J. Stephen Janowski
320 Golf View Drive
Greenville, NC 27834

Application Date: 3/13/2009

321-1390 **Occupation:** Professional Engineer
Baldwin & Janowski, PA

Applicants for Firefighters' Relief Fund Committee

William P. Franklin, Jr.
505 Carnoustie Drive
Greenville, NC 27858

Application Date: 3/26/2009

227-4386

Applicants for Historic Preservation Commission

Susan Bailey 203 Crown Point Road Greenville, NC 27858	756-1559	Application Date: 2/11/2009
Roger Kammerer 1115 Ragsdale Road Greenville, NC 27858	758-6882	Application Date: 5/12/2008
Katherine Swope 107 Valley Place Greenville, NC 27834	758-4692	Application Date: 2/10/2009
Blake Wiggs 1400-B Ashley Way Greenville, NC 27858	902-7343	Application Date: 10/9/2007



City of Greenville, North Carolina

Meeting Date: 4/9/2009
Time: 7:00 PM

Title of Item: Recommendation to the Pitt County Commissioners of a member to serve on the Pitt County Development Commission Board

Explanation: Ruth Leggett has submitted a letter of resignation from the Pitt County Development Commission Board. Therefore, the City Council needs to make a recommendation to the Pitt County Commissioners of someone to fill this vacancy. The unexpired term will expire December 2009.

Fiscal Note: None

Recommendation: Recommendation to the Pitt County Commissioners of someone to fill the vacancy created by Ruth Leggett's resignation on the Pitt County Development Commission Board, filling the unexpired term that expires December 2009.

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 [Resignation Letter from Ruth Leggett](#)

1706 Forest Hill Drive
Greenville, NC 27858
February 27, 2009

Mr. Ed Dennis, Chairman
Pitt County Development Commission
P. O. Box 837
Greenville, NC 27835

Dear Chairman Dennis,

This letter is to inform you of my decision to resign as a Commissioner on the Pitt County Development Commission, effective Feb. 28, 2009. I am resigning because of personal reasons.

I have enjoyed my tenure with this group. I'd like to compliment the Commission staff on the professional quality of their work, on their willingness to always provide top quality information and their courteous manner. I have seen their good work with not only the Commission but with clients of the Pitt County Development Commission.

Good luck in the future with the Commission's mission – I have no doubt that it is in good hands.

Sincerely,

A handwritten signature in black ink, reading "Ruth J. Leggett". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Ruth J. Leggett



City of Greenville, North Carolina

Meeting Date: 4/9/2009
Time: 7:00 PM

Title of Item: Resolution approving an order to close Allen Taylor Court located west of Arlington Boulevard

Explanation: Attached for City Council's consideration is an Order to Close Allen Taylor Court. (Please refer to the attached street closing map). City Council adopted a Resolution of Intent to close Allen Taylor Court during their March 2, 2009 meeting, establishing a public hearing on the subject matter to be held during the April 9, 2009 City Council meeting.

In accordance with State Statute, the Resolution of Intent was advertised in The Daily Reflector on four consecutive Mondays (March 9, 16, 23, and 30, 2009). Signs displaying the notice of a public hearing, the adopted Resolution of Intent, and a site map were posted on March 5, 2009 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.

A petition (attached) requesting the closure of Allen Taylor Court was submitted by Michael G. McLaughlin, MD, Managing Member of Easternrad, LLC, #9 Doctors Park, Greenville, NC 27834. Easternrad, LLC owns all of the property adjacent to Allen Taylor Court. The adjoining property is currently divided into several lots. Upon the closing of the street, the lots will become non-compliant with the City Ordinances. Therefore, a recombination plat will be required to address this issue. Utility easements will be maintained if the street is closed.

Though identified as a public right-of-way, Allen Taylor Court is not maintained by the City. Due to surrounding development and cul-de-sac terminus, this street cannot be extended. The attached map identifies the requested street right-of-way to be closed.

City staff has reviewed the "Petition to Close" this street segment, and based on input from all departments, there are no objections to the closing.

Fiscal Note: The City does not maintain Allen Taylor Court. Budgeted street maintenance

funds will not be affected if the City Council adopts a Resolution to Close Allen Taylor Court.

Recommendation: Conduct a public hearing and consider the order to close Allen Taylor Court.

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

Attachments / click to download

- [Allen Taylor Court Map](#)
 - [Allen Taylor Court Petition](#)
 - [Allen_Taylor_Court_Resolution_to_Close_4_02_09_820197](#)
-

RESOLUTION NO. 09-____
AN ORDER OF THE CITY COUNCIL
OF THE CITY OF GREENVILLE, NORTH CAROLINA
TO CLOSE ALLEN TAYLOR COURT

WHEREAS, the City Council of the City of Greenville, at its March 2, 2009 meeting, adopted a resolution declaring its intent to close Allen Taylor Court;

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 9th day of April, 2009, on the question of the closing said street;

WHEREAS, a copy of the resolution was sent by certified mail to all owners of the property adjoining Allen Taylor Court 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 street;

WHEREAS, a hearing was conducted on the 9th day of April, 2009, 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 Allen Taylor Court 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.

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: The 50-foot wide right-of-way Allen Taylor Court, formerly known as Park Place Court (renamed to Allen Taylor Court by City Council on April 10, 2003, Resolution No. 03-17) as shown on the plat entitled, "Street Closure Map, Allen Taylor Court", prepared by Baldwin & Janowski, PA, dated October 20, 2008.

Location: All that certain tract or strip of land lying situate in the City of Greenville, Greenville Township, Pitt County, North Carolina, bounded on the east by Arlington Boulevard, and on the south, west and north by the properties of Easternrad, LLC and being further described as follows:

BEGINNING at an existing iron pipe at the intersection of the northern right of way of Allen Taylor Court with the western right of way of Arlington

Boulevard; thence running along the western right of way of Arlington Boulevard, S 39°25'20" E - 50.01 feet to an existing iron pipe in the southern right of way of Allen Taylor Court; thence running along the southern right of way of Allen Taylor Court, S 50°22'33" W - 53.09 feet to the point of curvature of a curve; thence running along the curved right of way, being a curve to the right with a radius of 125.00 feet as measured along a chord of S 72°07'22" W - 92.63 feet to the point of tangency; thence continuing along the southern right way, N 86°07'49" W - 153.55 feet to the point of curvature of a curve; thence running along the curved right of way, being a curve to the left with a radius of 75 feet as measured along a chord of S 77°03'12" W - 43.58 feet to the point of a compound curve; thence running along the curved right of way, being a curve to the left with a radius of 25 feet as measured along a chord of S 35°20'26" W - 20.99 feet to the point of reverse curve; thence running along the curved right of way, being a curve to the right, with a radius of 50 feet as measured along a chord of S 60°40'22" W - 76.77 feet a point on the curve; thence continuing along the above curve as measured along a chord of N 18°51'21" E - 99.94 feet to the point of reverse curve; thence running along the curved northern right of way, being a curve to the left with a radius of 25 feet as measured along a chord of N 83°02'19" E - 20.22 feet to the point of reverse curve; thence running along the curved right of way, being a curve to the right, with a radius of 125 feet as measured along a chord of N 76°32'47" E - 74.58 feet to the point of tangency; thence continuing along the northern right way, S 86°07'49" E - 153.55 feet to the point of curvature of a curve; thence running along the curved right of way, being a curve to the left with a radius of 75 feet as measured along a chord of N 72°07'22" E - 55.58 feet to the point of tangency, thence continuing along the northern right of way N 50°22'33" E - 53.28 feet to an existing iron pipe in the western right of way of Arlington Boulevard, the POINT OF BEGINNING containing 0.584 acres more or less and shown on plat entitled, "Street Closure Map, Allen Taylor Court", prepared by Baldwin & Janowski, PA, dated October 20, 2008, which by reference is made a part hereof.

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).

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 9th day of April, 2009.

PATRICIA C. DUNN, MAYOR

ATTEST:

WANDA T. ELKS, CITY CLERK

NORTH CAROLINA
PITT COUNTY

I, Patricia A. Sugg, a Notary Public, do hereby certify that Wanda Elks, 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 9th day of April, 2009.

NOTARY PUBLIC

My Commission Expires: _____

PARK PLACE DRAINAGE OWNERS ASSOCIATION, INC.
 DB 1513, PG 156
 MB 56, PG 45
 (9)

EASTERNRAD, LLC
 DB 1201, PG 352
 MB 56, PG 45
 (10)

PARK PLACE WEST SUBDIVISION
 MB 58, PG 185
 (2)

EASTERNRAD, LLC
 DB 1322, PG 837
 MB 58, PG 185

VICINITY MAP
 SCALE: 1"=1000'±

DONALD E. EVANS, ETAL
 DB Q-47, PG 585
 MB 27, PG 116
 (1B)

SPRING ARBOR-GREENVILLE
 DB 640, PG 141
 MB 45, PG 166
 (1)

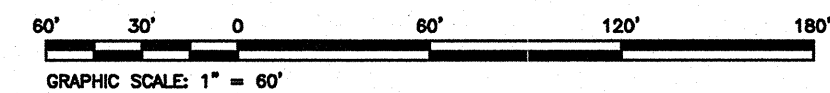
EASTERNRAD, LLC
 DB 1201, PG 352
 MB 56, PG 45
 (11)

PARK PLACE WEST SUBDIVISION SECTION 2
 MB 56, PG 45

EASTERNRAD, LLC
 DB 1201, PG 352
 MB 56, PG 45
 (12)

EASTERNRAD, LLC
 DB 1201, PG 352
 MB 56, PG 45
 (3)

- LEGEND**
- CB = CATCH BASIN
 - CO = CLEAN OUT
 - DI = DROP INLET
 - EIP = EXISTING IRON PIPE
 - FH = FIRE HYDRANT
 - MH = MANHOLE
 - NPS = NO POINT SET
 - R/W = RIGHT-OF-WAY
 - WM = WATER METER
 - WV = WATER VALVE
 - EIS = EXISTING IRON STAKE



SHEET 1 OF 1
STREET CLOSURE MAP

ALLEN TAYLOR COURT

REFERENCE: MAP BOOK 55, PAGE 160 AND MAP BOOK 56, PAGE 45 OF THE PITT COUNTY REGISTRY.

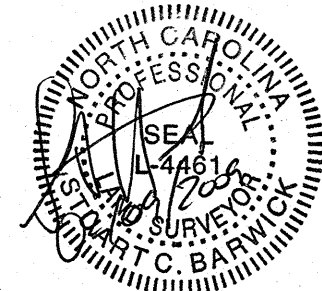
GREENVILLE, GREENVILLE TOWNSHIP, PITT COUNTY, N.C.

Baldwin & Janowski, P.A.
 ENGINEERING - SURVEYING - PLANNING
 1015 CONFERENCE DRIVE
 GREENVILLE, NC 27638 252.756.1390

SURVEYED: JP	APPROVED: SCB
DRAWN: SCB	DATE: 10/20/2008
CHECKED: SCB	SCALE: 1" = 60'

CLOSURE CHECK BOUNDARY

CHECKED: SCB	DATE: 10/21/2008
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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

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:

MAP BOOK	55	PAGE	160
MAP BOOK	56	PAGE	45
DEED BOOK		PAGE	

NC REGISTRATION NO. 4461

CERTIFICATION

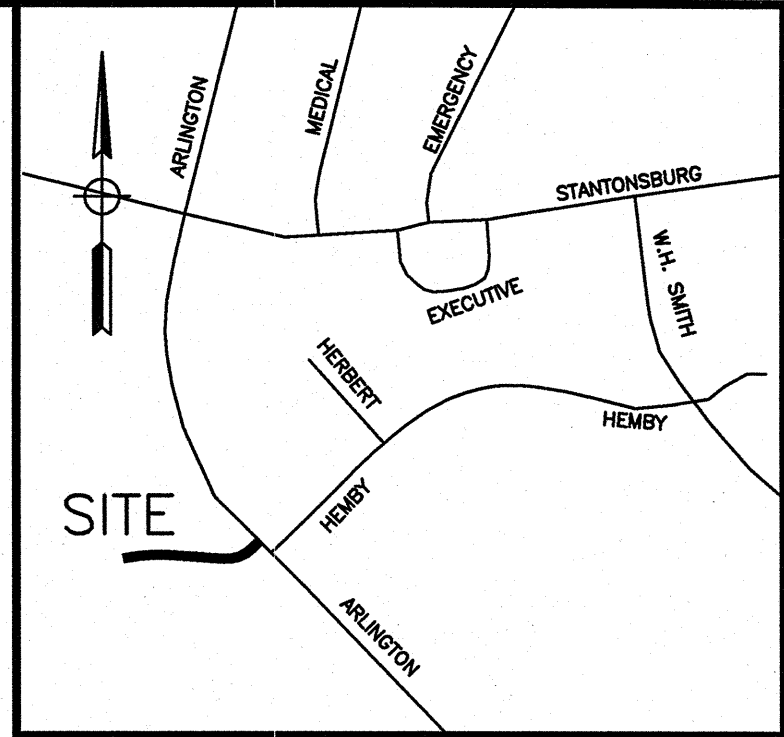
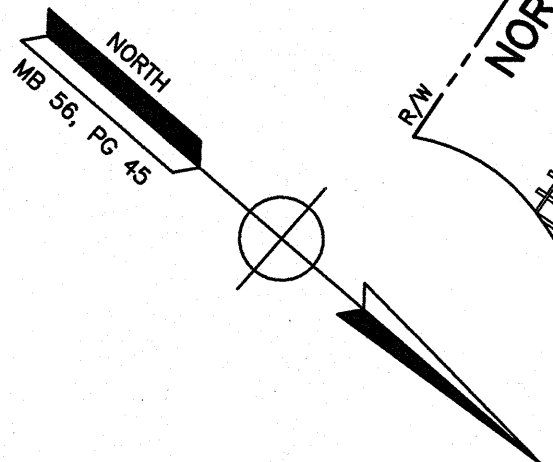
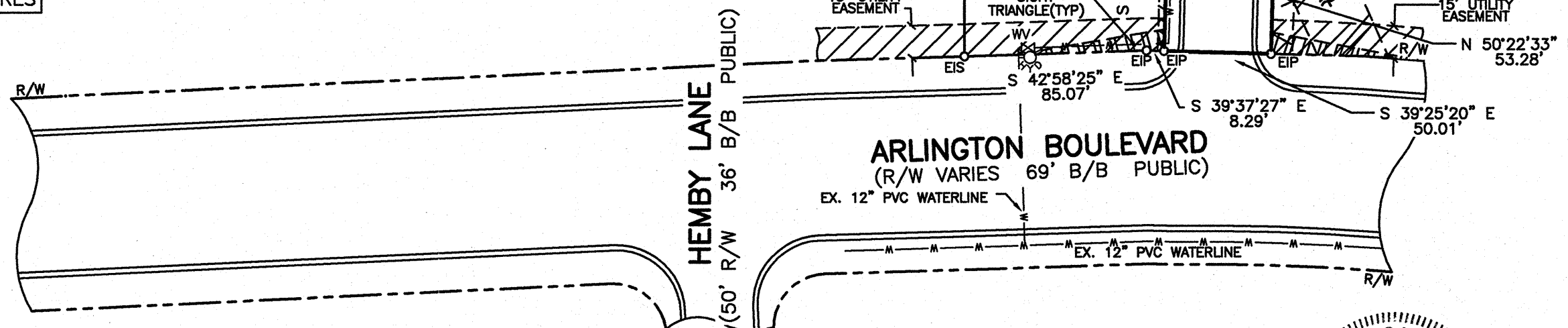
THIS IS TO CERTIFY THAT THIS MAP WAS DRAWN UNDER MY DIRECTION AND SUPERVISION FROM AN ACTUAL FIELD LAND SURVEY PERFORMED UNDER MY DIRECTION AND SUPERVISION THAT THE ERROR OF CLOSURE AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:10,000. THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS DASHED LINE; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

WITNESS MY HAND AND SEAL THIS 20th DAY OF OCTOBER, 2008.

STUART C. BARWICK, PLS L-4461

- NOTES**
- THIS MAP IS A SURVEY OF ANOTHER CATEGORY.
 - ALL AREAS CALCULATED BY COORDINATE GEOMETRY.
 - THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARDOUS AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. REF: FIRM 3720-4677-00 J. DATED: JANUARY 2, 2004
 - PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS, RIGHTS OF WAY, RESTRICTIVE COVENANTS WHICH MAY BE OF RECORD.
 - UNDERGROUND UTILITIES PLOTTED IN PART FROM ACTUAL FIELD LOCATION OF EXISTING ABOVE GROUND FEATURES AND IN PART FROM MAPS ON RECORD AT GUC OR PROVIDED BY CLIENT. ACTUAL LOCATIONS MAY VARY. OTHER UTILITIES MAY EXIST. CONTRACTOR SHOULD CONTACT NORTH CAROLINA ONE-CALL CENTER (NC ONE-CALL) AT 1-800-632-4949 TO HAVE UNDERGROUND UTILITIES LOCATED PRIOR TO EXCAVATING OR TRENCHING.
 - REFERENCE: DEED BOOK 1493, PAGE 501 OF THE PITT COUNTY REGISTRY.

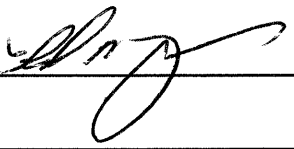
AREA OF R/W TO BE CLOSED = 0.584 ACRES



PETITION FOR PROPERTY OWNERS TO CLOSE
A STREET

We the undersigned owner(s) of real property adjoining entire block(s) of
Park Place Court, AKA ALLEN TAYLOR COURT, do hereby petition the City Council of the City of Greenville,
North Carolina to permanently close the street as described on Exhibit "A" attached.

Signatures of the person(s) requesting the street closing shall be as follows: Property owned by more than one individual shall be signed by all owners. Property owned by husband and wife (tenants in common) both shall sign the petition. Property owned by corporation shall be signed by president or vice president and secretary. Signatures of all remaining property owners should be listed on the attached sheet.

<u>Signature</u>	<u>Name</u>	<u>Address</u>	<u>PIN</u>
	Michael G. McLaughlin, MD, Manager, Easternrad, LLC	#9 Doctors Park, Greenville, NC 27834 27834	63878, 63884, 63883, 63882, 63880, 63879, 63313
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

North Carolina
Pitt County

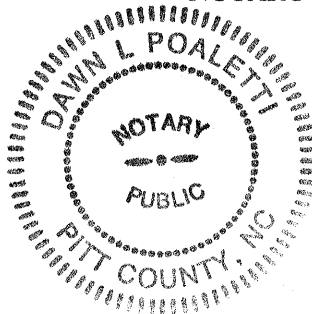
I, Dawn L. Poaletti, a Notary Public in and for the aforesaid County
and State, do hereby certify that Michael G. McLaughlin, MD, Manager, appeared before me this day
and acknowledged the due execution of the foregoing instrument.

Witness my hand and Notarial Seal, this the 16th day of December, 2008.

MY COMMISSION EXPIRES
03/28/2009



NOTARY PUBLIC



::ODMA\PCDOCS\COG\100906\1



City of Greenville, North Carolina

Meeting Date: 4/9/2009
Time: 7:00 PM

Title of Item: Ordinance requested by Cellco Partnership DBA Verizon Wireless to rezone 4.92± acres located north of West Fifth Street and 800± feet west of Paladin Place Subdivision from MRS (Medical-Residential-Single-family) to OR (Office-Residential [High Density Multi-family])

Explanation: **Required Notice:**

Planning and Zoning Commission meeting notice (adjoining property owner letters) mailed on March 3, 2009.
On-site sign(s) posted on March 3, 2009.
City Council public hearing notice (adjoining property owner letters) mailed on March 24, 2009.
Public Hearing Legal Advertisement published on March 30, 2009 and April 6, 2009.

Comprehensive Plan:

The subject site is located in Vision Area F and within the Medical District Land Use Plan Update (2008) planning area.

West Fifth Street is considered a gateway corridor from its intersection with Memorial Drive and continuing west. Gateway corridors serve as primary entrance ways into the City and help define community character.

The Future Land Use Plan Map recommends office/institutional/multi-family (OIMF) along the northern right-of-way of West Fifth Street between Schoolhouse Branch and Harris Mill Run and high density residential (HDR) in the interior areas. Further, conservation/open space (COS) is recommended along Harris Mill Run and Schoolhouse Branch and transitioning toward the Tar River.

The Future Land Use Plan Map identifies certain areas for conservation/open space uses. The map is not meant to be dimensionally specific, and may not correspond precisely with conditions on the ground. When considering rezoning

requests or other development proposals, some areas classified as conservation/open space may be determined not to contain anticipated development limitations. In such cases, the future preferred land use should be based on adjacent Future Land Use Plan designations, contextual considerations, and the general policies of the comprehensive plan.

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

The proposed rezoning will have minimal impact on West Fifth Street (a net increase of 37 vehicle trips/day); therefore, a traffic analysis was not performed.

History/Background:

The subject property was zoned for single-family at the time of adoption of the original Medical District Zoning in 1986.

Present Land Use:

Farmland

Water/Sewer:

Water is available along West Fifth Street. Sanitary sewer is available near the intersection of West Fifth Street and Mattox Road.

Historic Sites:

There are no known effects on designated sites.

Environmental Conditions/Constraints:

There are no known environmental constraints.

Harris Mill Run and Schoolhouse Branch are part of the City's (adopted) proposed greenway system.

Surrounding Land Uses and Zoning:

North: MRS - farmland (under common ownership)

South: MRS - B's BBQ Restaurant and several single-family residences

East: MRS - farmland and single-family residence (under common ownership)

West: MRS and RA20 - farmland (under common ownership)

Density Estimates:

Due to the configuration of the property, staff would not anticipate any residential development on the site. There is a 20-foot access and utility easement to the property from West Fifth Street. The property surrounding the subject property is under common ownership, as is the subject property.

Fiscal Note: No direct cost to the City.

Recommendation: In staff's opinion, the request is in compliance with Horizons: Greenville's Community Plan , the Medical District Land Use Plan Update (2008), and the Future Land Use Plan Map.

"In compliance with the comprehensive plan" should be construed as meaning the requested rezoning is (i) either specifically recommended in the text of the Horizons Plan (or addendum to the plan) or is predominantly or completely surrounded by the same or compatible and desirable zoning and (ii) promotes the desired urban form. The requested district is considered desirable and in the public interest, and staff recommends approval of the requested rezoning.

The Planning and Zoning Commission, at their March 17, 2009 meeting, voted to approve the request.

Note: In addition to other criteria, the Planning and Zoning Commission and City Council shall consider the entire range of permitted and special uses for the existing and proposed districts as listed under Title 9, Chapter 4, Article D of the Greenville City Code.

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

If Council determines to deny the rezoning request, in order to comply with this statutory requirement, it is recommended that the motion be as follows: Motion to deny the proposed amendment and to make a finding and determination that, although the rezoning request is consistent with the adopted comprehensive plan, there is a more appropriate zoning classification and therefore, denial is reasonable and in the public interest.

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Attachments / click to download

[Location Map](#)

[Survey](#)

[Bufferyard and Vegetation Chart and Residential Density Chart](#)

[Ordinance for Cellco Partnership dba Verizon Wireless 816545](#)

[March 2009 Rezoning Traffic Report 816308](#)

[List of Uses MRS to OR 816553](#)

[Cellco rezoning minutes excerpt 819376](#)

ORDINANCE NO. 09-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE
REZONING TERRITORY LOCATED WITHIN THE PLANNING AND ZONING
JURISDICTION OF THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 19, Chapter 160A, of the General Statutes of North Carolina, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on April 9, 2009, at 7:00 p.m., in the City Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance rezoning the following described territory;

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

WHEREAS, in accordance with the provision of North Carolina General Statute 160A-383, the City Council does hereby find and determine that the adoption of the ordinance rezoning the following described property is consistent with the adopted comprehensive plan and that the adoption of the ordinance rezoning the following described property is reasonable and in the public interest due to its consistency with the comprehensive plan and, as a result, its furtherance of the goals and objectives of the comprehensive plan.

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

Section 1. That the following described territory is rezoned from MRS (Medical-Residential-Single-family) to OR (Office-Residential).

TO WIT: FMM Partnership Property.

LOCATION: North of West Fifth Drive (Highway 43) and 800± feet west of Paladin Place Duplexes.

DESCRIPTION: Lying and being in Falkland Township on the north side of NC Highway 43 and being more particularly described as follows:

Beginning at a point, said point lying N 30°10'10" E, 827.43 feet existing pk nail in the centerline intersection of NC Highway 43 and NCSR 1204 (B's Barbeque Road) said point having Nad 83/2007 grid coordinates $n(y) = 684,844.54$ $e(x) = 2,470,335.76$; thence along a curve to the right having a chord bearing and distance of N 60°11'50" E, 422.50 feet and a radius of 244.00 feet to a point; thence along a curve to the right having a chord bearing and distance of S 16°31'43" W, 136.99 feet and a radius of 244.00

feet to a point; thence S 55°21'57" E, 231.76 feet to a point; thence along a curve to the right having a chord bearing and distance of S 10°59'37" E, 100.17 feet and a radius of 70.00 feet to a point; thence S 33°49'36" W, 164.00 feet to a point; thence along a curve to the right having a chord bearing and distance of S 47°08'44" W, 173.07 feet and a radius of 440.27 feet to a point; thence along a curve to the left having a chord bearing and distance of S 37°14'12" W, 90.59 feet and a radius of 125.00 feet to a point; thence S 16°36'28" W, 209.10 feet to a point; thence along a curve to the right having a chord bearing and distance of S 26°34'59" W, 117.79 feet and a radius of 340.00 feet to a point; thence N 36°51'22" E, 244.47 feet to a point; thence S 51°24'03" W, 29.29 feet to a point; thence N 51°30'17" W, 20.52 feet to a point; thence N 51°24'03" E, 31.32 feet to a point; thence N 36°51'22" E, 240.16 feet to a point; thence along a curve to the left having a chord bearing and distance of N 26°43'56" E, 112.50 feet and a radius of 320.00 feet to a point; thence N 16°36'30" E, 208.87 feet to a point; thence along a curve to the right having a chord bearing and distance of N 37°14'12" E, 105.08 feet and a radius of 145.00 feet to a point; thence along a curve to the left having a chord bearing and distance of N 47°09'52" E, 164.94 feet and a radius of 420.27 feet to a point; thence N 33°49'36" E, 163.89 feet to a point; thence along a curve to the left having a chord bearing and distance of N 11°06'49" W, 71.69 feet and a radius of 50.00 feet to a point; thence N 55°21'57" W, 232.20 feet to a point; thence along a curve to the right having a chord bearing and distance of S 78°50'59" W, 322.21 feet and a radius of 244.00 feet the point and place of beginning containing 4.92 acres more or less.

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

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

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

ADOPTED this 9th day of April, 2009.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk

Doc. # 816545

MEMORANDUM

TO: H. Hamilton, Planning & CD

FROM: David T. Brown, PE, City Engineer

SUBJECT: Rezoning Thoroughfare/Traffic Volume Reports for March 17, 2009, Planning & Zoning Commission Meeting

DATE: March 3, 2009

We have reviewed the following rezoning amendment requests:

Case No. 09-02 Cellco Partnership dba Verizon Wireless

The proposed rezoning will have a minimal impact on NC 43 (a net increase of 37 vehicle trips/day); therefore, a traffic analysis was not performed.

If you have any questions, do not hesitate to contact me at Ext. 4525, or Daryl Vreeland at Ext. 4476.

Enclosures

Ajb

cc: Daryl Vreeland, Transportation Planner

EXISTING ZONING

MRS (Medical-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)
- f. Stable; horse only (see also section 9-4-103)
- g. Stable; per definition (see also section 9-4-103)
- h. Animal boarding not otherwise listed; outside facility, as an accessory or principal uses

(6) Recreational/ Entertainment:

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

(7) Office/ Financial/ Medical:

* None

(8) Services:

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

(9) Repair:

* None

(10) Retail Trade:

* None

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

* None

(12) Construction:

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

(13) Transportation:

* None

(14) Manufacturing/ Warehousing:

* None

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

MRS (Medical-Residential-Single-Family)
Special Uses

(1) General:

* None

(2) Residential:

* None

(3) Home Occupations (see all categories):

b. Home occupations; excluding barber and beauty shops

d. Home occupations; excluding manicure, pedicure or facial salon

(4) Governmental:

a. Public utility building or use

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

(5) Agricultural/ Mining:

b. Greenhouse or plant nursery; including accessory sales

(6) Recreational/ Entertainment:

a. Golf course; regulation

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

(7) Office/ Financial/ Medical:

* None

(8) Services:

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)

y. Television, and/or radio broadcast facilities including receiving and transmission equipment and towers or cellular

telephone and wireless communication towers [unlimited height, except as provided by regulations]

(9) Repair:

* None

(10) Retail Trade:

* None

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

* None

(12) Construction:

* None

(13) Transportation:

* None

(14) Manufacturing/ Warehousing:

* None

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

* None

PROPOSED ZONING

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

Excerpt from the Planning and Zoning Commission meeting minutes (03/17/09)

Request by Cellco Partnership dba Verizon Wireless

Ordinance requested by Cellco Partnership dba Verizon Wireless to rezone 4.92± acres located north of West Fifth Street and 800± feet west of Paladin Place Subdivision from MRS (Medical-Residential Single-family) to OR (Office-Residential [High Density Multi-family]).

Ms. Chantae Gooby stated the rezoning was located in the northwest section of the city, just north of West Fifth Street and east of Paladin Place duplexes. Ms. Gooby stated the applicants indicated their desire to locate a cell tower on the property. There is a 20-foot easement that allows for access from West Fifth Street to the proposed cell tower location. The surrounding property is mainly vacant with some single-family homes scattered in the area. The proposed rezoning will have minimal impact on West Fifth Street; therefore, a traffic analysis was not performed. West Fifth Street is considered a gateway corridor. The Land Use Plan recommends office/institutional/multi-family (OIMF) along the northern right-of-way of West Fifth Street between Schoolhouse Branch and Harris Mill Run and high density residential (HDR) in the interior areas. There is conservation/openspace (COS) is recommended along Harris Mill Run and transitioning toward the Tar River. In staff's opinion, the request is in compliance with Horizons: Greenville's Community Plan, the Medical District Land Use Plan Update, and the Future Land Use Plan Map.

Lisa Good, Pennington Law Firm spoke in favor of the request on behalf of the applicant.

No one spoke in opposition.

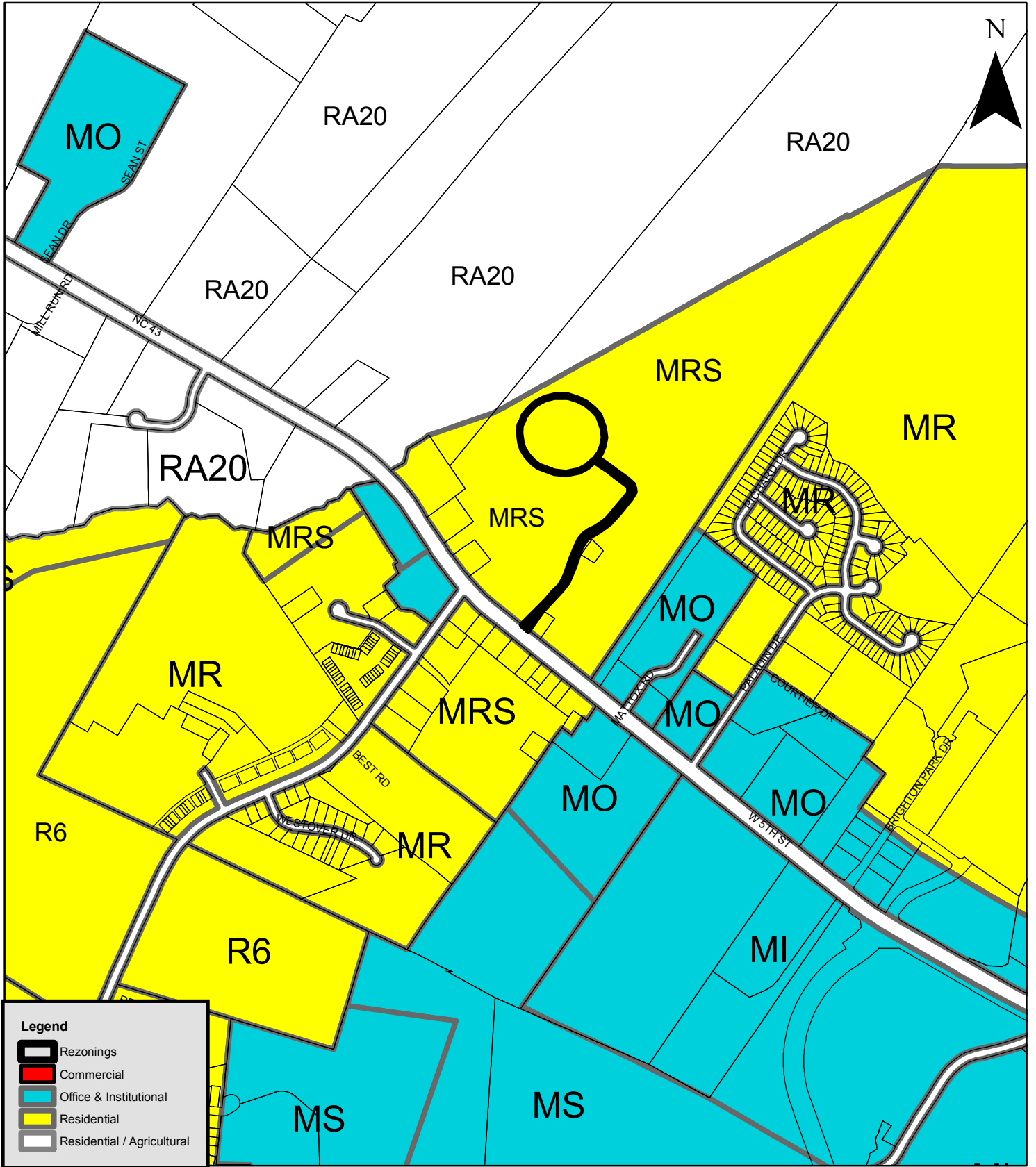
Motion was made by Mr. Bell, seconded by Mr. Ramey to recommend approval of the proposed amendment, to advise that it is consistent with the comprehensive plan and other applicable plans, and to adopt the staff report which addresses plan consistency and other matters. Motion carried unanimously.

Cellco Partnership dba Verizon Wireless

MRS to OR

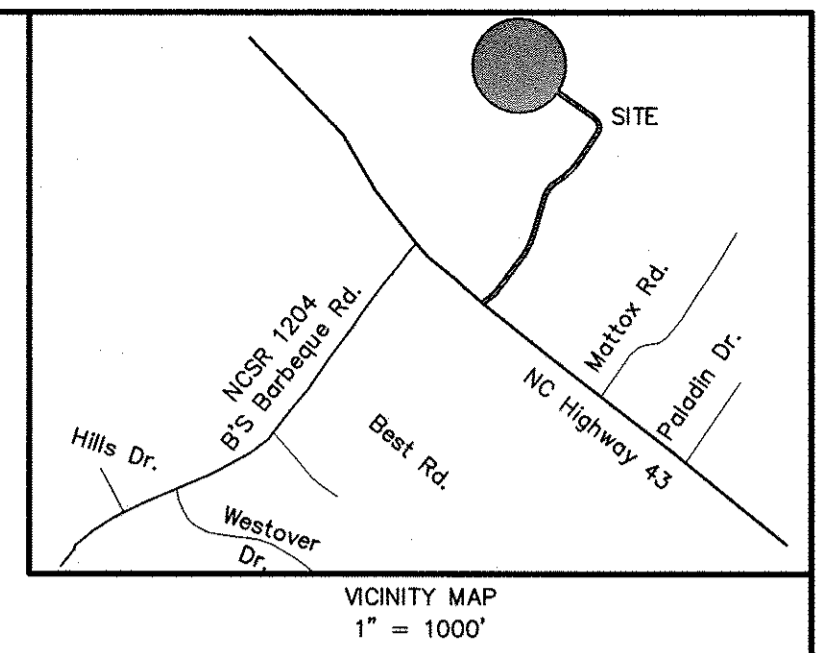
4.92+/- acres

March 3, 2009



LEGEND

- ⊕ = CENTERLINE
- R/W = RIGHT-OF-WAY
- = NO POINT SET
- = NEW IRON PIPE
- ⚡ = NOT TO SCALE
- ⊗ = PROPOSED ZONING
- ⊘ = EXISTING ZONING



NOTE:
COMBINED SCALE FACTOR = 0.99989155

ALL DISTANCES ARE HORIZONTAL GROUND MEASUREMENTS IN FEET AND DECIMALS THEREOF UNLESS NOTED OTHERWISE.

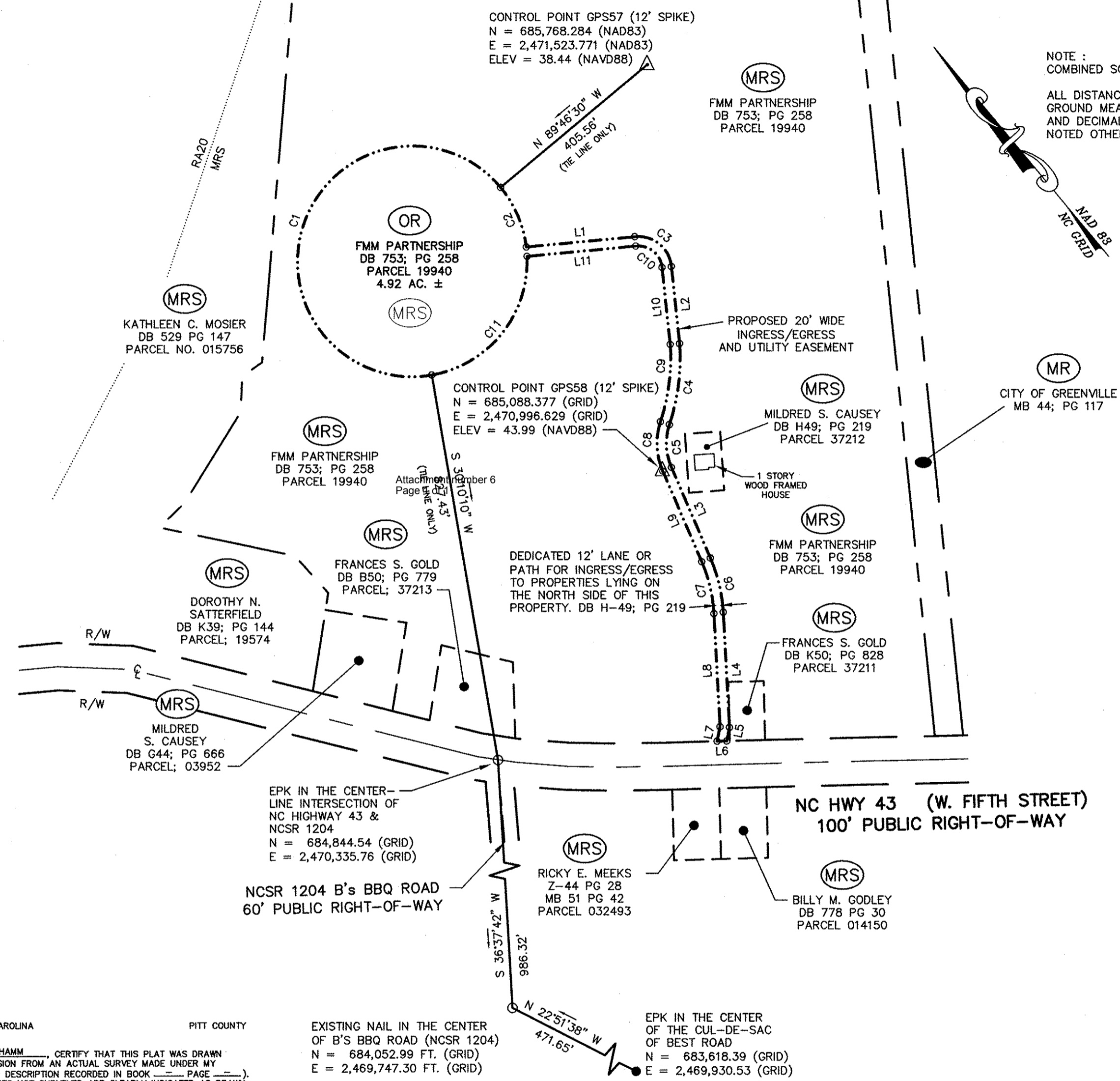
- NOTES:**
- 1) THE SURVEYOR MADE NO ATTEMPT TO LOCATE OR DELINEATE ANY WETLANDS LOCATED ON THIS PROPERTY.
 - 2) THIS PROPERTY IS SUBJECT TO THE TAR-PAMLICO BUFFER RESTRICTIONS.
 - 3) NORTH CAROLINA STATE PLAN COORDINATES (NAD 1983 - 2007 ADJUSTMENT) SHOWN WERE ESTABLISHED USING A TRIMBLE 5800 GPS UNIT, STATIC FIELD PROCEDURES AND PROCESSED BY THE NATIONAL GEODETIC SURVEY ON-LINE PROCESSING SERVICE.
 - 4) THIS PROPERTY IS LOCATED IN ZONE X AND IS NOT IN A SPECIAL FLOOD HAZARD AREA AS TAKEN FROM N.F.I.P. RATE MAPS DATED JANUARY 2, 2004 COMMUNITY PANEL NUMBERS 3720467800J.
 - 5) NO BUILDINGS, STRUCTURES, OR OTHER IMPROVEMENTS, MATERIALS OR SURFACES, INCLUDING BUT NOT LIMITED TO PRINCIPAL AND ACCESSORY STRUCTURES AND ADDITIONS OR APPURTENANCES THERETO, SIGNAGE, FENCES, WALLS, MECHANICAL EQUIPMENT, CANOPIES, ANTENNAS, MASTS, AERIALS, MONUMENTS, LANDSCAPE PLANTINGS, FILL MATERIALS, DEBRIS, SOLID WASTE COLLECTION CONTAINERS, MAIL RECEPTACLES AND IMPERVIOUS SURFACES, SHALL ENCROACH WITHIN ANY DEDICATED EASEMENT WITHOUT PRIOR WRITTEN APPROVAL OF THE CITY OF GREENVILLE.
 - 6) PARCEL AGREEMENT: LOCATION OF PARCEL NO. 37211 & PARCEL NO. 37212 WERE DETERMINED AND VERIFIED BY AL GOLD (FMM PARTNERSHIP) ON OCTOBER 10, 2007.

LINE TABLE

LINE	LENGTH	BEARING
L1	231.76	S55°21'57"E
L2	164.00	S33°49'36"W
L3	209.10	S16°36'28"W
L4	244.47	S36°51'22"W
L5	29.29	S51°24'03"W
L6	20.52	N51°30'17"W
L7	31.32	N51°24'03"E
L8	240.16	N36°51'22"E
L9	208.87	N16°36'30"E
L10	163.89	N33°49'36"E
L11	232.20	N55°21'57"W

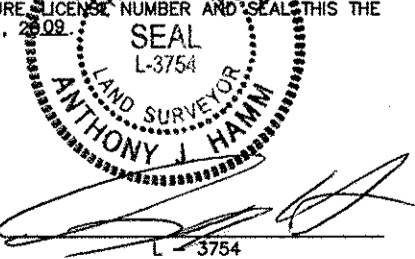
CURVE TABLE

CURVE	LENGTH	RADIUS	CHORD BEARING	CHORD	TANGENT	DELTA
C1	1022.30	244.00	S60°11'50"W	422.50	422.15	240°03'20"
C2	138.86	244.00	N16°31'43"E	136.99	71.37	32°36'25"
C3	111.62	70.00	N10°59'37"W	100.17	71.69	91°21'51"
C4	174.21	440.27	N47°08'44"E	173.07	88.26	22°40'15"
C5	92.70	125.00	S37°14'12"W	90.59	48.60	42°29'19"
C6	118.39	340.00	N26°34'59"E	117.79	59.80	19°57'01"
C7	113.09	320.00	N26°43'56"E	112.50	57.14	20°14'53"
C8	107.53	145.00	S37°14'12"W	105.08	56.37	42°29'19"
C9	166.01	420.27	N47°09'52"E	164.94	84.10	22°37'59"
C10	79.94	50.00	N11°06'49"W	71.69	51.42	91°36'15"
C11	351.93	244.00	N78°50'59"E	322.21	214.51	82°38'23"



STATE OF NORTH CAROLINA PITT COUNTY

I, ANTHONY J. HAMM, 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 THE GLOBAL POSITIONING SYSTEM (GPS) OBSERVATIONS WERE PERFORMED TO THE GEOSPATIAL POSITIONING ACCURACY STANDARDS FOR SURVEY CLASSIFICATION (95% CONFIDENCE) AND THAT THIS PLAT MEETS THE REQUIREMENTS OF SECTION 11-11-11-1; THAT I WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS THE 13th DAY OF JANUARY, 2009.



EXISTING NAIL IN THE CENTER OF B'S BBQ ROAD (NCSR 1204)
N = 684,052.99 FT. (GRID)
E = 2,469,747.30 FT. (GRID)

EPK IN THE CENTER OF THE CUL-DE-SAC OF BEST ROAD
N = 683,618.39 (GRID)
E = 2,469,930.53 (GRID)

- I, ANTHONY J. HAMM, PROFESSIONAL LAND SURVEYOR NO. L-3754, CERTIFY TO ONE OR MORE OF THE FOLLOWING AS INDICATED THUS, A OR B:
- A. THAT THIS PLAT IS OF A SURVEY THAT CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND;
 - B. THAT THIS PLAT IS OF A SURVEY THAT IS LOCATED IN SUCH PORTION OF A COUNTY OR MUNICIPALITY THAT IS UNREGULATED AS TO AN ORDINANCE THAT REGULATES PARCELS OF LAND;
 - C. ANY OF THE FOLLOWING:
 1. THAT THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET;
 2. THAT THE SURVEY IS OF AN EXISTING BUILDING OR OTHER STRUCTURE, OR NATURAL FEATURE, SUCH AS A WATERCOURSE; OR
 3. THAT THE SURVEY IS A CONTROL SURVEY.
 - D. THAT THIS PLAT 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;
 - E. THAT THE INFORMATION AVAILABLE TO THIS SURVEYOR IS SUCH THAT I AM UNABLE TO MAKE A DETERMINATION TO THE BEST OF MY PROFESSIONAL ABILITY AS TO PROVISIONS CONTAINED IN (A) THROUGH (D) ABOVE.

REVIEW OFFICER OF COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER

DATE

SURVEYOR DATE 2/23/09

REZONING PLAT
FOR
CELLCO PARTNERSHIP dba VERIZON WIRELESS
BEING A PORTION OF THE PROPERTY DESCRIBED IN DB 753 PG 258
FALKLAND TOWNSHIP JANUARY 13, 2009
PITT COUNTY NORTH CAROLINA

GRAPHIC SCALE: 1" = 200'

REVISION	DATE	INIT.
REVISED PER CITY OF GREENVILLE COMMENTS	02/23/09	WBH

OWNER: FMM PARTNERSHIP
c/o WARD SIMMONS
ADDRESS: 335 WENDOVER HILL COURT
CHARLOTTE, NC 28211
PHONE: (704) 364-4663

DRAWN BY: WBH PROJECT NO.: 20070294
SURVEYED BY: JS DATE: JANUARY 13, 2009
SCALE: 1" = 200' DRAWING NAME: rezone-mfr.dwg

THE EAST GROUP
324 S. EVANS ST.
GREENVILLE, NC 27834
(252) 758-3746
• Engineering • Architecture • Surveying • Technology

THIS DRAWING IS THE PROPERTY OF THE EAST GROUP, P.A. ANY USE, REUSE, REPRODUCTION, DISPLAY OR SALE OF THIS DRAWING WITHOUT WRITTEN CONSENT OF THE EAST GROUP, P.A. IS STRICTLY PROHIBITED.

04/30/07

BUFFERYARD SETBACK AND VEGETATION SCREENING CHART

For Illustrative Purposes Only

Bufferyard Requirements: Match proposed land use with adjacent permitted land use or adjacent vacant zone/nonconforming use to determine applicable bufferyard.

PROPOSED LAND USE CLASS (#)	ADJACENT PERMITTED LAND USE CLASS (#)					ADJACENT VACANT ZONE OR NONCONFORMING USE		PUBLIC/PRIVATE STREETS OR R.R.
	Single-Family Residential (1)	Multi-Family Residential (2)	Office/Institutional, light Commercial, Service (3)	Heavy Commercial, Light Industry (4)	Heavy Industrial (5)	Residential (1) - (2)	Non-Residential (3) - (5)	
Multi-Family Development (2)	C	B	B	B	B	C	B	A
Office/Institutional, Light Commercial, Service (3)	D	D	B	B	B	D	B	A
Heavy Commercial, Light Industry (4)	E	E	B	B	B	E	B	A
Heavy Industrial (5)	F	F	B	B	B	F	B	A

Bufferyard A (street yard)		
Lot Size	Width	For every 100 linear feet
Less than 25,000 sq.ft.	4'	2 large street trees
25,000 to 175,000 sq.ft.	6'	2 large street trees
Over 175,000 sq.ft.	10'	2 large street trees

Street trees may count toward the minimum acreage.

Bufferyard B (no screen required)	
Lot Size	Width
Less than 25,000 sq.ft.	4'
25,000 to 175,000 sq.ft.	6'
Over 175,000 sq.ft.	10'

Bufferyard C (screen required)	
Width	For every 100 linear feet
10'	3 large evergreen trees 4 small evergreens 16 evergreen shrubs

Where a fence or evergreen hedge (additional materials) is provided, the bufferyard width may be reduced to eight (8) feet.

Bufferyard D (screen required)	
Width	For every 100 linear feet
20'	4 large evergreen trees 6 small evergreens 16 evergreen shrubs

Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

Bufferyard E (screen required)	
Width	For every 100 linear feet
30'	6 large evergreen trees 8 small evergreens 26 evergreen shrubs

Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

Bufferyard F (screen required)	
Width	For every 100 linear feet
50'	8 large evergreen trees 10 small evergreens 36 evergreen shrubs

Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

Parking Area: Thirty (30) inch high screen required for all parking areas located within fifty (50) feet of a street right-of-way.

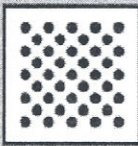
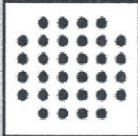
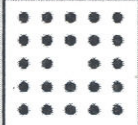
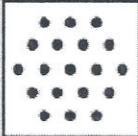
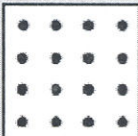
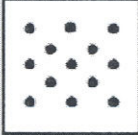
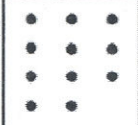
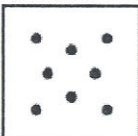
Residential Density		
Maximum density allowed by Zoning District based on average of 2.67 persons per dwelling unit		
High Density		
R6 R6-N R6-MH OR CDF	17 units per acre yields 45 persons per acre	
PUD	12 units per acre yields 32 persons per acre	
Medium Density		
R6-A	9 units per acre yields 24 persons per acre	
R6-S	7 units per acre yields 19 persons per acre	
R9	6 units per acre yields 16 persons per acre	
R9-S	5 units per acre yields 13 persons per acre	
Low Density		
RA-20 MRS	4 units per acre yields 11 persons per acre	
R15-S	3 units per acre yields 8 persons per acre	

Illustration: Maximum allowable density in Residential Zoning Districts



City of Greenville, North Carolina

Meeting Date: 4/9/2009
Time: 7:00 PM

Title of Item: Ordinance to amend the zoning regulations to establish a dining and entertainment establishment use and associated standards

Explanation: At their February 12, 2009 meeting, City Council elected to (i) continue the Jeremy Spengeman request to amend the definition of conventional restaurant to reduce the percentage of food sales requirement for restaurants and (ii) initiate an amendment establishing a dining and entertainment use option and associated standards.

Per City Council direction, staff has been instructed to develop a dining and entertainment establishment ordinance that accomplishes three main objectives:

- Establishment of compromise and common ground between the competing interests of the Unk's business and the residential neighborhood;
- Insures the viability of the Unk's business; and
- Protection of the neighborhood's residential interests through mitigation of incompatible attributes.

The proposed ordinance was forwarded to the Planning and Zoning Commission for review and recommendation in accordance with standard procedure for consideration of zoning ordinance amendments. The Planning and Zoning Commission after review and consideration recommend approval of the ordinance with recommended amendments. See the Recommendation section (below) for a description of the Planning and Zoning Commission recommended substitute language.

The Planning Staff mailed a copy of the draft ordinance (dated 2/4/09), as presented to City Council on February 12, 2009, to the neighborhood associations currently on file with the Community Development Department, the Chamber of Commerce, and Mr. Spengeman's attorney (Mr. Phil Dixon), requesting their review and written comments. Written comments received from interested persons are attached.

The proposed ordinance includes changes to the original draft distributed to interested persons on October 31, 2008 and included in the agenda material for City Council's December 11, 2008 meeting. The proposed ordinance represents the staff's recommendations after considering all comments received from interested persons.

The following is a general explanation of the proposed ordinance contents and provisions:

(1) A (new) definition for "dining and entertainment establishment" including a minimum food sales requirement of 30% of total sales.

(2) Amended definitions for conventional and fast food restaurants to include a clause for determining the portion of sales that can be attributed to the sale of food. The 50% minimum food sales requirement for all "restaurants" is maintained.

(3) Special use permit criteria for those cases where a dining and entertainment establishment is subject to special use permit approval of the Board of Adjustment including: (i) a revocation clause for noncompliance with standards and conditions, (ii) an annual staff review report requirement, (iii) permit rehearing procedures, (iv) trash and litter disposal requirements, (v) a business transfer notice requirement, (vi) cover charge allowance and date/time limitations, (vii) amplified audio entertainment allowance and date/time limitations, (viii) a minimum food sales (30% rule) requirement, (ix) a one year food sales records retention requirement, (x) an exterior lighting plan requirement, and (xi) a parking plan requirement – Note: the Board of Adjustment may impose additional site specific conditions on the use when such conditions are determined to be necessary in order for the board to find in favor of the application.

(4) Ordinance imposed criteria for those cases where a dining and entertainment establishment is a permitted (by-right) use and is not subject to approval of the Board of Adjustment – includes all criteria listed under (3) above except (i), (ii) and (iii) concerning special use permit review and approval.

(5) An amended definition of "outdoor activities" to include amplified outdoor audio sound. This amended definition will also continue to apply to all restaurants as well as dining and entertainment establishments. If a restaurant or dining and entertainment establishment wishes to utilize outdoor audio sound, and the establishment is located within 300 feet of a residential zoning district, special use permit approval of the Board of Adjustment will be required in advance for such accessory outdoor audio sound or other regulated outdoor activity.

(6) A new section requiring all restaurants to maintain food sales records for one year.

(7) An amended public/private club parking standard to delete the employee based parking requirement and to specify the applicable activity area for

minimum parking determination purposes. This revised standard is anticipated to yield a like number of required spaces as required by the current regulation while basing parking on more measurable physical characteristics of the establishment.

(8) A dining and entertainment establishment parking requirement. This parking requirement is the same as amended for public/private clubs - see (7) above.

(9) Table of use listing for dining and entertainment establishment. The new use entitled "dining and entertainment establishment" is proposed to be included as a permitted or special use option in all districts that currently allow restaurants.

Permitted Use (by-right) in the following districts:

General Commercial (CG)
Heavy Commercial (CH)
Unoffensive Industry (IU)
Industry (I)
Planned Unoffensive Industry (PIU)
Planned Industry (PI)

Special Use (Board of Adjustment approval required) in the following districts:

Medical – Support (MS)
Medical – Office (MO)
Medical – General Commercial (MCG)
Medical – Heavy Commercial (MCH)
Office – Residential (OR)
Downtown Commercial (CD)
Commercial Downtown Fringe (CDF)
Neighborhood Commercial (CN)

(10) A dining and entertainment establishment is proposed as a class 4 use for bufferyard setback and screening purposes – same as required for a public/private club.

(11) Establishes a maximum mechanically condition floor area requirement of 7,000 square feet for dining and entertainment establishments located in a CN district. This limits the size of the establishment. For reference, Unk's's has 6,887 square feet of total mechanically conditioned floor area as indicated by the Pitt County property tax information. Christy's Euro Pub has 1,134 square feet of mechanically conditioned floor area.

(12) Establishes a minimum separation requirement of 200 feet between dining and entertainment establishments located in a CN district as measured from the nearest lot line. This will limit impaction of the subject use in any CN district. For reference, the Unk's property boundary and the Christy's Euro Pub property boundary are separated by 242 feet as measured using the Pitt County tax map and the City's computer mapping system.

(13) Allows an admission charge (cover) during any period of operation. This

will allow the operator of a dining and entertainment establishment to charge a cover during all regular business days and makes allowance for special events (i.e. comedy night, etc.) during weekdays to compensate for an earlier cut-off time for amplified audio entertainment (i.e. 11:00 PM cut-off for Sunday through Thursday).

(14) Clarifies the meaning of amplified audio entertainment to specifically not include televisions operating with no amplification other than their internal speakers, or televisions connected to a master sound system operating at low amplification and indoor background music system operating at a low amplification and not intended as a principal form of entertainment.

(15) Establishes an 11:00 PM cut-off for amplified audio entertainment for the period Sunday through Thursday, except as further specified for the “special period of operation” (see 17 below). This will minimize adverse activity commonly associated with larger crowds exiting such establishments on week (work) days at late-night hours.

(16) Establishes a 2:00 AM cut-off for amplified audio entertainment on Friday and Saturday. This will allow a dining and entertainment establishment to operate as a “place of entertainment” on a limited basis, provided however such extended hours of entertainment (i.e. from 11:00 PM to 2:00 PM) will require qualified outside security personnel proportionate to the maximum occupancy of the establishment.

(17) Extends the amplified audio entertainment cut-off to 2:00 AM for the “special period of operation” – December 31st (New Year's Eve). This will allow entertainment past midnight as is common for restaurants and similar uses on this day.

The Planning and Zoning Commission has recommended amendment of item (17) above.

The Planning and Zoning Commission's recommended substitute language to the affected section is included as document number 819208 under the attachments.

(18) Establishes the earliest time permitted for amplified audio entertainment on any day at 11:00 AM. This will allow entertainment activities to begin at a reasonable time in the morning while allowing church services to begin at typical worship hours at the Unk's establishment, an existing church use on Sunday morning.

(19) Establishes a security requirement, (i.e. a minimum number of outside security personnel) for all dining and entertainment establishments that are located within 500 feet of a residential zoning district when the establishment provides or utilizes amplified audio entertainment after 11:00 PM on any day. This is designed to minimize secondary impacts, such as noisy patrons in the parking lot, when the establishment is open late hours.

(20) Establishes the following security personnel requirement for dining and entertainment establishments that are subject to the security requirement - see 19

above:

- maximum occupancy limit less than 50 persons – no outside security officer
- maximum occupancy limit of 50 or more persons but less than 200 – one (1) outside security officer
- maximum occupancy of 200 or more persons – two (2) outside security officers

The security requirement is designed to require qualified outside security personnel in proportion to the maximum number of persons permitted to occupy the building as determined by the building inspector. Qualified security personnel shall be either (i) uniformed off-duty law enforcement officers or (ii) uniformed security guards provided by a security guard and control profession licensed in accordance with the provisions of Chapter 74C of the North Carolina General Statutes. The security personnel are to patrol the parking lot, and to disperse the crowd, and to direct traffic during the period 11:00 PM to the close of business and later to such time that all patrons and other persons, other than employees, have vacated the premises and associated parking area. The required security personnel shall remain on duty and visible outside the establishment, and shall be accessible to law enforcement officers at all time. This requirement shall apply regardless of the number of patrons actually within the establishment at the time of amplified audio entertainment.

The Planning and Zoning Commission has recommended amendment of item (20) above.

The Planning and Zoning Commission's recommended substitute language to the affected section is included as document number 819208 under the attachments.

Fiscal Note:

No direct cost to the City.

Recommendation:

Staff is of the opinion that the request is in compliance with Horizons: Greenville's Community Plan.

The original proposed ordinance represents the staff's recommendation after considering all comments received from interested persons.

The Planning and Zoning Commission voted to recommend approval of the ordinance amendment with recommended substitute language, concerning sections 9-4-86(f)1(8) and (15), and 9-4-103(t)(1) and (6), at their March 17, 2009 meeting. The Planning and Zoning Commission's recommended substitute language concerns (i) the "special period of operation" (the Commission's substitute language recommends establishing additional holidays, or other days, when amplified audio entertainment may be extended beyond 11:00 PM to 2:00 PM, on Sunday or other weekdays) and (ii) the "security requirement" (the Commission's substitute language recommends that the minimum number of required outside security personnel be based on the actual number of patrons occupying the building at the time in lieu of basing the minimum number of

security personnel on the predetermined occupancy limit of the building, as determined by the building inspector).

The Planning and Zoning Commission's recommended substitute language to the affected sections is included as document number 819208 under the attachments.

If City Council determines to approve the amendment request, a motion to adopt the attached ordinance (either as recommended by staff, or as recommended by the Planning and Zoning Commission including the Commission's recommended substitute language) 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 amendment request, in order to comply with this statutory requirement, it is recommended that the motion be as follows:

Motion to deny the requested text amendment and to make a finding and determination that the denial of the text amendment request is consistent with the adopted comprehensive plan and that the denial of the text amendment 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

- [TRUNA Letter 1-29-09](#)
- [Elmhurst and Englewood Assoc. Letter 2-27-09](#)
- [Phil Dixon Letter 2-18-09](#)
- [TRUNA Letter to P&Z Members 3-14-09](#)
- [Dining and Entertainment Establishment Ordinance 813913](#)
- [Staff comments concerning TRUNA Letter 1 29 09 817748](#)
- [Planning and Zoning Commission recommended amendments 819208](#)
- [Excerpt from March 17 2009 Planning and Zoning Commission meeting 819392](#)

ORDINANCE NO. 09-
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 April 9, 2009 at 7:00 p.m., in the City Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance amending the City Code; and

WHEREAS, in accordance with the provisions of North Carolina General Statute 160A-383, the City Council does hereby find and determine that the adoption of the ordinance involving the text amendment is consistent with the adopted comprehensive plan and that the adoption of the ordinance involving the text amendment is reasonable and in the public interest due to its consistency with the comprehensive plan and, as a result, its furtherance of the goals and objectives of the comprehensive plan.

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

Section 1: That Title 9, Chapter 4, Article B, Section 9-4-22, of the City Code, is hereby amended to include a new definition entitled "Dining and entertainment establishment" in alphabetical order to read as follows:

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

- (1) May require a membership, cover, or minimum charge for admittance or service during special periods of operation in accordance with this Chapter;
- (2) Has sales of prepared and/or packaged foods, in a ready to consume state, in excess of thirty (30) percent of the total gross receipts for such establishment during any month. In determining the portion of sales that can be attributed to the sale of prepared and/or packaged food in a ready to consume state, the following sales shall be included: (i) food prepared in the establishment's kitchen and served as a meal to be consumed on the premises or as a take-out order, (ii) packaged food sold to accompany the meal, and (iii) non-alcoholic beverages sold to accompany the meal. The following shall not be included in the portion of sales that can be attributed to the sales of prepared and/or packaged food in a ready to consume state: (i) mixed alcoholic beverages, including the mixer, (ii) any other alcoholic beverage, (iii) grocery items not ordered and purchased with meals, and (iv) any other product, item, entertainment, service, or gratuity which is not specified in this subsection (2) as a sale to be included in the portion of sales that can be attributed to the sales of prepared and/or packaged food in a ready to consume state. A membership, cover, or minimum charge for admittance or service shall not be included in either the total gross receipts for such establishment or in the portion of sales that can be attributed to the sale of prepared and/or packaged food in a ready to

consume state. For purposes of determining compliance under this subsection (2), the zoning enforcement officer may utilize and rely upon any routine or special audit report prepared by a department, division of a department, or agency of the State of North Carolina;

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

Section 2: That Title 9, Chapter 4, Article B, Section 9-4-22, of the City Code, is hereby amended to delete the definition for “Public or private club” in its entirety and substitute the following:

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

- (1) May be open to the general public;

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

Section 3: That Title 9, Chapter 4, Article B, Section 9-4-22, of the City Code, is hereby amended to delete the definition for “Restaurant; conventional” in its entirety and substitute the following:

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

- (1) Does not require a membership, cover, or minimum charge for admittance or service during regular or special periods of operation;
- (2) Has sales of prepared and/or packaged foods, in a ready to consume state, in excess of fifty (50) percent of the total gross receipts for such establishment during any month. In determining the portion of sales that can be attributed to the sale of prepared and/or packaged food in a ready to consume state, the following sales shall be included: (i) food prepared in the establishment’s kitchen and served as a meal to be consumed on the premises or as a take-out order, (ii) packaged food sold to accompany the meal, and (iii) non-alcoholic beverages sold to accompany the meal. The following shall not be included in the portion of sales that can be attributed to the sales of prepared and/or packaged food in a ready to consume state: (i) mixed alcoholic beverages, including the mixer, (ii) any other alcoholic beverage, (iii) grocery items not ordered and purchased with meals, and (iv) any other product, item, entertainment, service, or gratuity which is not specified in this subsection (2) as a sale to be included in the portion of sales that can be attributed to the sales of prepared and/or packaged food in a ready to consume state. For purposes of determining compliance under this subsection (2), the zoning enforcement officer may utilize and rely upon any routine or special audit report prepared by a department, division of a department, or agency of the State of North Carolina;
- (3) May offer food in disposable containers;
- (4) Does provide sit down dining area(s);
- (5) Does provide table cleaning and clearing (busboy) services;
- (6) Does provide attendant (waiter/waitress) food delivery services, unless over the counter service is provided in accordance with subsection 9 below;

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

Section 4: That Title 9, Chapter 4, Article B, Section 9-4-22, of the City Code, is hereby amended to delete the definition for “Restaurant; fast food” in its entirety and substitute the following:

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

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

- (a) Ancillary or accessory food service for a permitted principal use where such food service is open to the general public such as an employee and/or patron cafeteria or eating area;
- (b) Temporary food service as part of permitted temporary uses such as carnivals, fairs, street fairs, circuses, athletic events, community events, concerts, nonprofit fund raising events, emergency shelters, and the like; or
- (c) Any establishment where the preparation of food is merely incidental to the sale of food such as a grocery store or food market and the like.”

Section 5: That Title 9, Chapter 4, Article B, Section 9-4-22, of the City Code, is hereby amended to delete the definition for “Restaurant; outdoor activities” in its entirety and substitute the following:

“Restaurant and/or dining and entertainment establishment; outdoor activities. A principal and/or accessory use associated with or utilized in conjunction with a conventional or fast food restaurant or a dining and entertainment establishment which is intended for the temporary or permanent conduct of activities relative to the sale, transfer or enjoyment of products and/or services to persons located on the business premises and which is open and unenclosed on one (1) or more sides or which is without a complete roof structure. For purposes of this section all areas not constituting “mechanically conditioned area” as determined by the building inspector shall be considered open and unenclosed. Additionally, fences and/or wire or plastic mesh screens shall be considered open and unenclosed for purposes of this section. Use of any amplified outdoor audio sound system including loud speakers, audio speakers or other electronic or mechanical sound transmission devices shall be considered as an “outdoor activity” for purposes of this definition.”

Section 6: That Title 9, Chapter 4, Article B, Section 9-4-22, of the City Code, is hereby amended to delete the definition for “Restaurant; regulated outdoor activities” in its entirety and substitute the following:

“Restaurant and/or dining and entertainment establishment; regulated outdoor activities. Any “restaurant and/or dining and entertainment establishment; outdoor activity”, as defined herein, which is located within three hundred (300) feet, as measured to the closest point, of any residential district, excepting CDF, which allows single-family dwellings as a permitted use.”

Section 7: That Title 9, Chapter 4, Article E, Section 9-4-85, of the City Code, is hereby amended to include a new section “(f)1” to read as follows:

“(f)1. Dining and entertainment establishments.”

Section 8: That Title 9, Chapter 4, Article E, Section 9-4-86, of the City Code, is hereby amended to include a new section “(f)1” to read as follows:

“(f)1. Dining and entertainment establishments.

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

- (e) The requirements and standards set forth in this subsection (f)(1) are in addition to other available remedies and nothing herein shall prohibit the enforcement of applicable codes, ordinances and regulations as provided by law.
- (2) The owner(s) and operator(s) of a dining and entertainment establishment shall collect and properly dispose of all litter and debris generated by their establishment or patrons immediately following the closure of business or not later than 7:00 AM each morning following any period of operation. All litter or debris shall be collected from within the boundaries of the establishment, associated parking areas, adjacent sidewalks and public right-of-ways or other adjacent public property open to the public. In addition, the owner(s) and operator(s) of a dining and entertainment establishment shall comply with the provisions of Title 11, Chapter 9, of the City Code entitled Litter Control in Parking Lots.
- (3) In addition to subsection (2) above, the board of adjustment may establish specific and reasonable litter and trash mitigation standards or requirements.
- (4) The special use permit shall be issued to the property owner as listed on the tax records of the county. When the ownership of any property, which has a special use permit for a dining and entertainment establishment, is transferred to a new owner by sale or other means, the new owner shall sign and file with the office of the director of community development an acknowledgement of the rights, conditions and responsibilities of the special use permit prior to operation of the use under the permit. The acknowledgement shall be made on forms provided by the planning office.
- (5) May require a membership, cover, or minimum charge for admittance or service during regular or special periods of operation.
- (6) Weekdays. Except as further provided under subsection (8) below, dining and entertainment establishments shall not have amplified audio entertainment after 11:00 PM each Monday, Tuesday, Wednesday, and Thursday night and before 11:00 AM of the next day. For purposes of this section “amplified audio entertainment” shall mean any type of music or other entertainment delivered through and by an electronic system, provided however televisions operating with no amplification other than their internal speakers or televisions connected to a master sound system operating at low amplification and indoor background music system operating at a low amplification and not intended as a principal form of entertainment shall not be deemed amplified audio entertainment.
- (7) Weekends. Except as further provided under subsection (8) below, dining and entertainment establishments shall not have amplified audio entertainment after 2:00 AM each Friday and Saturday night and before 11:00 AM of the next day, and shall not have amplified audio entertainment after 11:00 PM each Sunday night and before 11:00 AM of the next day. For purposes of this section “amplified audio entertainment” shall mean any type of music or other entertainment delivered

through and by an electronic system, provided however televisions operating with no amplification other than their internal speakers or televisions connected to a master sound system operating at low amplification and indoor background music system operating at a low amplification and not intended as a principal form of entertainment shall not be deemed amplified audio entertainment.

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

- (11) A lighting plan shall be submitted to the director of community development, or authorized agent for review and approval and lighting fixtures shall be installed and maintained pursuant to such approved plan which illuminates all exterior portions of the building, lot area and parking lot as determined appropriate by the director of community development, or authorized agent. Lighting shall be located and shielded to prevent the light cone of all exterior fixtures from encroaching beyond the property boundary line and into any adjacent public right-of-way, property or dwelling. Required or additional optional lighting shall comply with this subsection and section 9-4-104.
- (12) A parking plan which conforms to the provisions of Article O, Parking, shall be submitted to the director of community development, or authorized agent for site plan review and approval in accordance with the provisions of the Land Development Administrative Manual. The exemption provisions of section 9-4-243(2) shall not apply to a dining and entertainment establishment and each establishment shall provide all required parking spaces specified under section 9-4-252 on-site or in an approved remote parking facility in accordance with section 9-4-250.
- (13) No dining and entertainment establishment located in a CN (neighborhood commercial) district shall contain more than 7,000 total square feet of mechanically conditioned floor area, including but not limited to any activity area, kitchen, restroom, interior walk-in storage room, hallway, foyer, bar and serving station, seating area, dance floor, and sound stage.
- (14) No dining and entertainment establishment located in a CN (neighborhood commercial) district shall be located within a two-hundred (200) foot radius of an existing or approved dining and entertainment establishment located within any CN (neighborhood commercial) district as measured from the nearest lot line.
- (15) When a dining and entertainment establishment (i) is located within five-hundred (500) foot radius, including street right-of-ways, of a residential zoning district as measured from the building or structure containing a dining and entertainment establishment to the nearest residential zoning district boundary, and (ii) such establishment provides or utilizes amplified audio entertainment as defined herein after 11:00 PM on any day, such establishment shall be subject to a security requirement during and after such period of amplified audio entertainment as follows:
 - a. Establishments that have an approved occupancy above 50 but less than 200 total persons as determined by the building inspector shall employ not less than one (1) uniformed off-duty law enforcement officer, or not less than one (1) uniformed security guard provided by a security guard and control profession licensed in accordance with the provisions of Chapter 74C of the North Carolina General Statutes, to patrol the parking lot, and to disperse the crowd, and to direct traffic during the period 11:00 PM to the close of business and later to such time that all

patrons and other persons, other than employees, have vacated the premises and associated parking area. The required security personnel shall remain on duty and visible outside the establishment, and shall be accessible to law enforcement officers at all time. This section shall apply regardless of the number of patrons actually within the establishment at the time of amplified audio entertainment.

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

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

Section 9: That Title 9, Chapter 4, Article F, Section 9-4-103, of the City Code, is hereby amended to include a new section “(t)” to read as follows:

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

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

a. Establishments that have an approved occupancy above 50 but less than 200 total persons as determined by the building inspector shall employ not less than one (1) uniformed off-duty law enforcement officer, or not less than one (1) uniformed security guard provided by a security guard and control profession licensed in accordance with the provisions of Chapter 74C of the North Carolina General Statutes, to patrol the parking lot, and to disperse the crowd, and to direct traffic during the period 11:00 PM to the close of business and later to such time that all patrons and other persons, other than employees, have vacated the premises and

associated parking area. The required security personnel shall remain on duty and visible outside the establishment, and shall be accessible to law enforcement officers at all time. This section shall apply regardless of the number of patrons actually within the establishment at the time of amplified audio entertainment.

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

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

- (2) The owner(s) and operator(s) of a dining and entertainment establishment shall collect and properly dispose of all litter and debris generated by their establishment or patrons immediately following the closure of business or not later than 7:00 AM each morning following any period of operation. All litter or debris shall be collected from within the boundaries of the establishment, associated parking areas, adjacent sidewalks and public right-of-ways or other adjacent public property open to the public. In addition, the owner(s) and operator(s) of a dining and entertainment establishment shall comply with the provisions of Title 11, Chapter 9, of the City Code entitled Litter Control in Parking Lots.
- (3) May require a membership, cover, or minimum charge for admittance or service during regular or special periods of operation.
- (4) Weekdays. Except as further provided under subsection (6) below, dining and entertainment establishments shall not have amplified audio entertainment after 11:00 PM each Monday, Tuesday, Wednesday, and Thursday night and before 11:00 AM of the next day. For purposes of this section “amplified audio entertainment” shall mean any type of music or other entertainment delivered through and by an electronic system, provided however televisions operating with no amplification other than their internal speakers or televisions connected to a master sound system operating at low amplification and indoor background music system operating at a low amplification and not intended as a principal form of entertainment shall not be deemed amplified audio entertainment.

- (5) Weekends. Except as further provided under subsection (6) below, dining and entertainment establishments shall not have amplified audio entertainment after 2:00 AM each Friday and Saturday night and before 11:00 AM of the next day, and shall not have amplified audio entertainment after 11:00 PM each Sunday night and before 11:00 AM of the next day. For purposes of this section “amplified audio entertainment” shall mean any type of music or other entertainment delivered through and by an electronic system, provided however televisions operating with no amplification other than their internal speakers or televisions connected to a master sound system operating at low amplification and indoor background music system operating at a low amplification and not intended as a principal form of entertainment shall not be deemed amplified audio entertainment.
- (6) Special period of operation. The allowable period of amplified audio entertainment may be extended, at the option of the owner/operator, from the times specified under subsections (4) and (5) above to not later than 2:00 AM and before 11:00 AM of the next day on the following day: December 31st (New Years Eve).
- (7) Shall have sales of prepared and/or packaged foods, in a ready to consume state, in excess of thirty (30) percent of the total gross receipts for such establishment during any month. In determining the portion of sales that can be attributed to the sale of prepared and/or packaged food in a ready to consume state, the following sales shall be included: (i) food prepared in the establishment’s kitchen and served as a meal to be consumed on the premises or as a take-out order, (ii) packaged food sold to accompany the meal, and (iii) non-alcoholic beverages sold to accompany the meal. The following shall not be included in the portion of sales that can be attributed to the sales of prepared and/or packaged food in a ready to consume state: (i) mixed alcoholic beverages, including the mixer, (ii) any other alcoholic beverage, (iii) grocery items not ordered and purchased with meals, and (iv) any other product, item, entertainment, service, or gratuity which is not specified in this subsection as a sale to be included in the portion of sales that can be attributed to the sales of prepared and/or packaged food in a ready to consume state. A membership, cover, or minimum charge for admittance or service shall not be included in either the total gross receipts for such establishment or in the portion of sales that can be attributed to the sale of prepared and/or packaged food in a ready to consume state. For purposes of determining compliance under this subsection, the zoning enforcement officer may utilize and rely upon any routine or special audit report prepared by a department, division of a department, or agency of the State of North Carolina.
- (8) Records related to the sale of prepared and/or packaged food in a ready to consume state and the sale of all other products and services shall be maintained on premises for not less than one (1) year and shall be open for inspection or audit at all reasonable hours during any period of establishment operation by the zoning enforcement officer. The zoning enforcement officer may view the records on the premises of the establishment or may request copies of such written records be delivered to the city. Records of sales of prepared and/or packaged food in a ready to consume state and the sale of all other products and services shall be filed

separate and apart from all other records maintained on the premises. The requirements of this subsection shall be for the purpose of determining compliance with subsection (7) above. Failure to provide all records required by this subsection in a timely manner, to be determined by the city, upon written request of the zoning enforcement officer shall constitute a violation of the zoning regulations.

- (9) A lighting plan shall be submitted to the director of community development, or authorized agent for review and approval and lighting fixtures shall be installed and maintained pursuant to such approved plan which illuminates all exterior portions of the building, lot area and parking lot as determined appropriate by the director of community development, or authorized agent. Lighting shall be located and shielded to prevent the light cone of all exterior fixtures from encroaching beyond the property boundary line and into any adjacent public right-of-way, property or dwelling. Required or additional optional lighting shall comply with this subsection and section 9-4-104.
- (10) A parking plan which conforms to the provisions of Article O, Parking, shall be submitted to the director of community development, or authorized agent for site plan review and approval in accordance with the provisions of the Land Development Administrative Manual. The exemption provisions of section 9-4-243(2) shall not apply to a dining and entertainment establishment and each establishment shall provide all required parking spaces specified under section 9-4-252 on-site or in an approved remote parking facility in accordance with section 9-4-250.”

Section 10: That Title 9, Chapter 4, Article F, Section 9-4-103, of the City Code, is hereby amended to include a new section “(o.1)” to read as follows:

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

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

Section 11: That Title 9, Chapter 4, Article O, Section 9-4-252, of the City Code, is hereby amended to delete section “(50)” in its entirety and substitute the following:

“(50) Public or private club

1 space for every 50 square feet of activity area including any dining area, hallway, foyer, dance floor, bar and other area accessible by the patrons of the establishment.”

Section 12: That Title 9, Chapter 4, Article O, Section 9-4-252, of the City Code, is hereby amended to include a new section “(50.1)” to read as follows:

“(50.1) Dining and entertainment establishment

1 space for every 50 square feet of activity area including any dining area, hallway, foyer, dance floor, bar and other area accessible by the patrons of the establishment.”

Section 13: That, in order to allow the use entitled as “Dining and entertainment establishment (see also Section 9-4-103)” as a special use in the MS, MO, MCG, MCH, OR, CD, CDF and CN district with a LUC# rating of 4, and to allow said use as a permitted use in the CG, CH, IU, I, PIU, and PI district with a LUC# rating of 4, Title 9, Chapter 4, Article D, Section 9-4-78(f)(6), of the City Code, is hereby amended to include a new section “m(1)” to read as follows:

		(6) Recreational/Entertainment.																												
USE		LUC #	R 0	R A2	R 15	R 9S	R 6S	R 6N	R 9	R 6	R 6A	R 6H	M I	M S	M O	MCG	M R	MCH	MRS	OR	O	CD	CDF	CG	CN	CH	IU	I	PIU	PI
m (1)	Dining and entertainment establishment (see also Section 9-4-103)	4																												

Section 14: That Title 9, Chapter 4, Article D, Section 9-4-78(f)(10), of the City Code, is hereby amended to delete the use title of section “j” in its entirety and substitute the following:

“Restaurant and/or dining and entertainment establishment; regulated outdoor activities”

Section 15: That all ordinances and sections of ordinances in conflict with this ordinance are hereby repealed.

Section 16: That this ordinance shall become effective upon its adoption.

ADOPTED this 9th day of April, 2009.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk

TRUNA Letter (1-29-09) questions and comments excerpt concerning the 2/4/09 draft dining and entertainment establishment ordinance

CDD Planning staff comments have been inserted (blue type), below the original TRUNA recommendations.

1. We request that the ordinance be amended to state that *"special use permits for operation of dining and entertainment establishments shall not transfer upon sale of the business."*

Staff comments - Termination of a business due to the sale of real estate, sale of the business or other transfer of business or property interest is not an option under the zoning law.

2. We request that the ordinance be amended to state that *"dining and entertainment establishments permitted by special use in zone CN shall not be located within 200 feet from another dining and entertainment establishment"*

Staff comments - The draft (2/4/09) ordinance includes a 200 foot spacing requirement for dining and entertainment establishments located in the CN district.

3. We support the draft ordinance criteria that amplified music be allowed until 12:00 a.m. on Fridays and Saturdays (as in the draft ordinance but to include holidays, in agreement with Mr. Spengeman's request). We request that the draft ordinance be amended to state that *"dining and entertainment establishments approved by special use in the CN zone shall not have amplified audio entertainment after 11:00 PM each Sunday, Monday, Tuesday, Wednesday and Thursday. "*

Staff comments - The draft (2/4/09) ordinance includes an 11:00 PM amplified entertainment cut-off time for the period Sunday through Thursday. [The applicant requests that the cut-off time be changed to 12:00 PM for the period Sunday through Thursday]

The draft (2/4/09) ordinance includes a 2:00 AM amplified entertainment cut-off time for the period Friday through Saturday. [The applicant requests that the cut-off time be 2:00 AM for that period]

Per City Council direction staff was given 3 goals to accomplish in the development of the draft ordinance. One of the goals was that the Unk's establishment should be allowed to continue as a viable business. A strict entertainment cut-off limit on Friday and Saturday was not included due to the fact that such restriction would have a reasonably

expected detrimental impact on the viability of the establishment according to the owner/operator.

4. We request that the ordinance be amended to state that *"dining and entertainment establishments authorized by the fire marshal for occupancy up to 100 patrons may be allowed in CN zones by special use permit approval of the Board of adjustment"* Establishments of greater size may be appropriate in other zones. We recommend that *"dining and entertainment establishments of 100 to 200 patrons be allowed by special use permit approval of the board of adjustment in the M~ MD, MCG, MCH, OR, CD, and CDF zones. "*

Staff comments - Per City Council direction staff was given 3 goals to accomplish in the development of the draft ordinance. One of the goals was that the Unk's establishment should be allowed to continue as a viable business. A strict occupancy limit was not included due to the fact that such restriction would have a reasonably expected detrimental impact on the viability of the establishment according to the owner/operator.

5. We request that the ordinance be amended to state that *"issuance of special use permits shall be subject to review by the board of adjustments every six months after issuance. "*

Staff comments - The draft (2/4/09) ordinance includes a provision for annual administrative review and board of adjustment permit reconsideration procedures in cases of staff determination of noncompliance with special use permit conditions of approval and/or development, nuisance, trash, noise, and safety codes. This is the same requirement applicable to public/private clubs.

6. We request that the ordinance be amended to state that *"dining and entertainment establishments permitted by special use or by right in zones CN, OR, and CDF shall not employ outdoor amplified sound. "*

Staff comments - The draft (2/4/09) ordinance includes an amendment to the definition of "outdoor activities" to include and regulate "outdoor amplified sound". Heretofore, similar requirements are only applicable to restaurants. This is an additional requirement, and will apply to both restaurants and dining and entertainment establishments.

7. We request that the ordinance be amended to state that *"dining and entertainment establishments serving more than 50 but less than 100 patrons shall be required to provide at least one private security officer during hours of operation and one hour after closing. "Establishments serving larger numbers of patrons present greater problems. We recommend that larger "dining and entertaining establishments serving over 100 patrons shall be required to provide at least two private security officers during hours of operation and one hour after closing. "*

Staff comments - The draft (2/4/09) ordinance includes an outside security personnel requirement proportional to the maximum occupancy of the establishment during times

when the establishment has amplified entertainment after 11:00 PM on any day as follows.

- maximum occupancy limit less than 50 persons – no outside security officer
- maximum occupancy limit of 50 or more persons but less than 200 –
(1) outside security officer
- maximum occupancy of 200 or more persons – two (2) outside security officers

The security requirement is designed to require qualified outside security personnel in proportion to the maximum number of persons permitted to occupy the building as determined by the building inspector. Qualified security personnel shall be either (i) uniformed off-duty law enforcement officers, or (ii) uniformed security guards provided by a security guard and control profession licensed in accordance with the provisions of Chapter 74C of the North Carolina General Statutes. The security personnel are to patrol the parking lot, and to disperse the crowd, and to direct traffic during the period 11:00 PM to the close of business and later to such time that all patrons and other persons, other than employees, have vacated the premises and associated parking area. The required security personnel shall remain on duty and visible outside the establishment, and shall be accessible to law enforcement officers at all time. This requirement shall apply regardless of the number of patrons actually within the establishment at the time of amplified audio entertainment.

Comparison of the original proposed ordinance (Staff's recommendation)
and the Planning and Zoning Commission's recommended amendments
March 17, 2008

Amended sections: 9-4-86(f)1(8) and (15), and 9-4-103(t)(1) and (6)

Subject: The “**Special period of operation**” (establishes additional holidays, or other days, when amplified audio entertainment may be extended beyond 11:00 PM to 2:00 PM, on Sunday or other weekdays), and “**Security requirement**” (recommends that the number of required outside security personnel be based on the actual number of patrons occupying the building at the time in lieu of the actual predetermined occupancy limit of the building, as determined by the building inspector)

Original Draft – Staff recommendation

Special period of operation. The allowable period of amplified audio entertainment may be extended, at the option of the owner/operator, from the times specified under subsections (6) and (7) above to not later than 2:00 AM and before 11:00 AM of the next day on the following day: **December 31st (New Years Eve)**.

Planning and Zoning Commission recommended amendment

Special period of operation. The allowable period of amplified audio entertainment may be extended, at the option of the owner/operator, from the times specified under subsections (6) and (7) above to not later than 2:00 AM and before 11:00 AM of the next day on the following days:

- a. **December 31st (New Years Eve); and**
- b. **Any additional five (5) holidays or the eve of said holidays to be determined by the owner/operator of the dining and entertainment establishment. For purposes of this subsection, a holiday may include October 31st (Halloween), May 5th (Cinco de Mayo), March 17th (Saint Patrick's Day), and any other official holiday or other day associated with a community event, celebration, commemoration, or festival at the option of the owner/operator.**

No individual dining and entertainment establishment shall observe more than five (5) total “special periods of operation” within a calendar year in addition to December 31st. The owner/operator shall provide written notice to the director of community development and chief of police of the date, other than December 31st, which has been determined to be a “special period of operation” at least seven (7) calendar days prior to the date.

Original Draft – Staff recommendation

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

- a. Establishments that have an approved occupancy above 50 but less than 200 total persons as determined by the building inspector shall employ not less than one (1) uniformed off-duty law enforcement officer, or not less than one (1) uniformed security guard provided by a security guard and control profession licensed in accordance with the provisions of Chapter 74C of the North Carolina General Statutes, to patrol the parking lot, and to disperse the crowd, and to direct traffic during the period 11:00 PM to the close of business and later to such time that all patrons and other persons, other than employees, have vacated the premises and associated parking area. The required security personnel shall remain on duty and visible outside the establishment, and shall be accessible to law enforcement officers at all time. This section shall apply regardless of the number of patrons actually within the establishment at the time of amplified audio entertainment.
- b. Establishments that have an approved occupancy of 200 or more total persons as determined by the building inspector shall employ not less than two (2) uniformed off-duty law enforcement officers, or not less than two (2) uniformed security guards provided by a security guard and control profession licensed in accordance with the provisions of Chapter 74C of the North Carolina General Statutes, to patrol the parking lot, and to disperse the crowd, and to direct traffic during the period 11:00 PM to the close of business and later to such time that all patrons and other persons, other than employees, have vacated the premises and associated parking area. The required security personnel shall remain on duty and visible outside the establishment, and shall be accessible to law enforcement officers at all time. This section shall apply regardless of the number of patrons actually within the establishment at the time of amplified audio entertainment.
- c. For purposes of this section the term “residential zoning district” shall include the following districts: RA20, R6MH, R6, R6A, R6A-RU, R6N, R6S, R9, R9S, R15S, PUD, MR, and MRS.”

Planning and Zoning Commission recommended amendment

When a dining and entertainment establishment has an approved occupancy above fifty (50) as determined by the building inspector and (i) is located within five-hundred (500) foot radius, including street right-of-ways, of a residential zoning district as measured from the building or structure containing a dining and entertainment establishment to the nearest residential zoning district boundary, and (ii) such establishment provides or utilizes amplified audio entertainment as defined herein after 11:00 PM on any day, such establishment shall be subject to a security requirement during and after such period of amplified audio entertainment as follows:

- a. Establishments that are occupied, at any time after 11:00 PM and prior to closing, by not more than one hundred fifty (150) patrons shall employ not less than one (1) uniformed off-duty law enforcement officer, or not less than one (1) uniformed security guard provided by a security guard and control profession licensed in accordance with the provisions of Chapter 74C of the North Carolina General Statutes, to patrol the parking lot, and to disperse the crowd, and to direct traffic during the period 11:00 PM to the close of business and later to such time that all patrons and other persons, other than employees, have vacated the premises and associated parking area. The required security personnel shall remain on duty and visible outside the establishment, and shall be accessible to law enforcement officers at all time.
- b. Establishments that are occupied, at any time after 11:00 PM and prior to closing, by more than one hundred fifty (150) but not more than three hundred (300) patrons shall employ not less than two (2) uniformed off-duty law enforcement officers, or not less than two (2) uniformed security guards provided by a security guard and control profession licensed in accordance with the provisions of Chapter 74C of the North Carolina General Statutes, to patrol the parking lot, and to disperse the crowd, and to direct traffic during the period 11:00 PM to the close of business and later to such time that all patrons and other persons, other than employees, have vacated the premises and associated parking area. The required security personnel shall remain on duty and visible outside the establishment, and shall be accessible to law enforcement officers at all time.
- c. Establishments that are occupied, at any time after 11:00 PM and prior to closing, by more than three hundred (300) patrons shall employ not less than three (3) uniformed off-duty law enforcement officers, or not less than three (3) uniformed security guards provided by a security guard and control profession licensed in accordance with the provisions of Chapter 74C of the North Carolina General Statutes, to patrol the parking lot, and

to disperse the crowd, and to direct traffic during the period 11:00 PM to the close of business and later to such time that all patrons and other persons, other than employees, have vacated the premises and associated parking area. The required security personnel shall remain on duty and visible outside the establishment, and shall be accessible to law enforcement officers at all time.

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

Excerpt from the Planning and Zoning Commission meeting minutes (03/17/09)

Dining and Entertainment Establishment text amendment

Consideration of an ordinance to amend the zoning regulations to establish a dining and entertainment establishment use and associated standards.

Mr. Harry Hamilton, Chief Planner, gave the presentation. Mr. Hamilton said that City Council, at their February 12, 2009 meeting, elected to continue the Jeremy Spengeman request to amend the definition of conventional restaurant to reduce the percentage of food sales requirement for restaurants, and initiate an amendment establishing a dining and entertainment use option and associated standards. Per City Council direction, Staff has been instructed to develop a dining and entertainment establishment ordinance that accomplishes three main objectives: establishment of compromise and common ground between the competing interests of the Unk's business and the residential neighborhood; insures the viability of the Unk's business and; protection of the neighborhood's residential interests through mitigation of incompatible attributes. The Planning and Zoning Commission may after review and consideration either recommend approval of the draft ordinance, recommend approval of the draft ordinance with recommended amendments, recommend denial of the draft ordinance, or continue the item for further study. Staff mailed a copy of the draft ordinance to the neighborhood associations currently on file with the Planning Office, the Chamber of Commerce and Mr. Spengeman's attorney (Mr. Phil Dixon). Written comments were received from the Tar River-University Assn. (TRUNA), Elmhurst-Englewood Assn., and Mr. Dixon, and were included in the agenda materials. An additional letter from TRUNA (dated 3/14/09) was mailed by TRUNA under separate cover and given to you tonight.

Mr. Hamilton stated the draft ordinance includes the following:

(1) A (new) definition for "dining and entertainment establishment" including a minimum food sales requirement of 30% of total sales.

There are 3 types of uses that serve food and/or beverages: restaurants, dining and entertainment establishments (new), and public/private clubs. Minimum food sales requirement (% of total sales) is: Restaurants – 51 %, Dining and Entertainment Establishments – 30 % and Public/Private Clubs – 0 %.

Mr. Hamilton said alcoholic beverages do not qualify as food and a cover charge does not constitute sales.

(2) Amended definitions for conventional and fast food restaurants to include a clause for determining the portion of sales that can be attributed to the sale of food. The 50% minimum food sales requirement for all "restaurants" is maintained.

3) Special use permit criteria for those cases where a dining and entertainment establishment is subject to special use permit approval of the Board of Adjustment.

There are 11 special use permit criteria:

- (1) a revocation clause for noncompliance with standards and conditions,
 - (2) an annual staff review report requirement,
 - (3) permit rehearing procedures,
 - (4) trash and litter disposal requirements,
 - (5) a business transfer notice requirement,
 - (6) cover charge allowance and without date/time limitations,
- special use permit criteria continued:
- (7) date/time limitations for amplified audio entertainment,
 - (8) a minimum food sales (30% rule) requirement,
 - (9) a one year food sales records retention requirement,
 - (10) an exterior lighting plan requirement, and
 - (11) a parking plan requirement

Mr. Hamilton said the Board of Adjustment may also impose additional site specific conditions on the use when such conditions are determined to be necessary in order for the board to find in favor of the application.

(4) Ordinance imposed criteria for those cases where a dining and entertainment establishment is a permitted (by-right) use and is not subject to approval of the Board of Adjustment – includes all criteria except those concerning special use permit review and approval.

(5) An amended definition of “outdoor activities” to include amplified outdoor audio sound. The amended “outdoor activities” definition will also continue to apply to all restaurants as well as dining and entertainment establishments.

(6) A new section requiring all restaurants to maintain food sales records for one year.

(7) An amended public/private club parking standard to delete the employee based parking requirement – parking to be based on defined (measurable) activity area.

(8) A dining and entertainment establishment parking requirement – same as public/private clubs.

(9) Table of use listing for dining and entertainment establishment. This includes all districts that currently allow restaurants. Proposed as a permitted use, by-right in the following districts: General Commercial (CG), Heavy Commercial (CH), Unoffensive Industry (IU), Industry (I), Planned Unoffensive Industry (PIU), and Planned Industry (PI). Proposed as a special use, Board of Adjustment approval required, in the following districts: Medical-Support (MS), Medical-Office (MO), Medical-General Commercial (MCG), Medical-Heavy Commercial (MCH), Office-Residential (OR), Downtown Commercial (CD), Commercial Downtown Fringe (CDF), and Neighborhood Commercial (CN).

Mr. Hamilton said the proposed ordinance would allow dining and entertainment in the same zones as restaurants, though in some zones the proposed use will be subject to special use permit approval. For comparison, public and private clubs are restricted to four commercial districts – CD, CDF, CG and CH. Mr. Hamilton said any restaurant located in any of those four zones could apply for a special use permit to operate as a public/private club at this time. The CN district is one of the districts requiring a special use permit for dining and entertainment. Mr. Hamilton said the CN district is the most restrictive, non-residential commercial zone and there are very few in the city. He stated the only CN zone that does not abut a thoroughfare street is the one in Tar River neighborhood area. That particular CN district is the only one that is located on a minor residential street and completely surrounded by a neighborhood.

(10) A dining and entertainment establishment is proposed as a class 4 use for bufferyard setback and screening purposes – same as required for a public/private club.

(11) Establishes a maximum mechanically conditioned floor area requirement of 7,000 square feet for dining and entertainment establishments located in a CN district. This limits the size of the establishment. For reference, Unk's has 6,887 square feet of total mechanically conditioned floor area as indicated by the Pitt County property tax information. Christy's Euro Pub has 1,134 square feet of mechanically conditioned floor area.

(12) Establishes a minimum separation requirement of 200 feet between dining and entertainment establishments located in a CN district as measured from the nearest lot line. This will limit impaction of the subject use in any CN district. For reference, the Unk's property boundary and the Christy's Euro Pub property boundary are separated by 242 feet.

(13) Allows an admission charge (cover) during any period of operation. This will allow the operator of a dining and entertainment establishment to charge a cover during all regular business days and makes allowance for special events (i.e. comedy night, etc.) during weekdays to compensate for an earlier cut-off time for amplified audio entertainment (i.e. 11:00 PM cut-off for Sunday through Thursday).

(14) Clarifies the meaning of amplified audio entertainment to specifically not include: televisions operating with no amplification other than their internal speakers, or televisions connected to a master sound system operating at low amplification and indoor background music system operating at a low amplification and not intended as a principal form of entertainment or indoor background music operating at low amplification and not intended as a principal form of entertainment.

(15) Establishes an 11:00 PM cut-off for amplified audio entertainment for the period Sunday through Thursday, except as further specified for the "special period of operation". This will minimize adverse activity commonly associated with larger crowds exiting such establishments on week (work) days at late night hours.

(16) Establishes a 2:00 AM cut-off for amplified audio entertainment on Friday and Saturday. This will allow a dining and entertainment establishment to operate as a “place of entertainment” on a limited basis, provided however such extended hours of entertainment (i.e. from 11:00 PM to 2:00 PM) will require qualified outside security personnel proportionate to the maximum occupancy of the establishment.

(17) Extends the amplified audio entertainment cut-off to 2:00 AM for the “special period of operation” – December 31st (New Years Eve). This will allow entertainment past midnight as is common for restaurants and similar uses on this day.

(18) Establishes the earliest time permitted for amplified audio entertainment on any day at 11:00 AM. This will allow entertainment activities to begin at a reasonable time in the morning while allowing church services to beginning at typical worship hours at the Unk’s establishment, an existing church use on Sunday morning.

(19) Establishes a security requirement, (i.e. a minimum number of outside security personnel). This applies to all dining and entertainment establishments that are located within 500 feet of a residential zoning district when the establishment provides or utilizes amplified audio entertainment after 11:00 PM on any day. This is designed to minimize secondary impacts, such as noisy patrons in the parking lot, when the establishment is open late hours.

(20) Establishes a security personnel requirement for dining and entertainment establishments that are subject to the security requirement: If the maximum occupancy limit is less than 50 persons, no outside security officer is required. If the maximum occupancy limit is 50 or more persons but less than 200, one outside security officer is required. If the maximum occupancy is 200 or more persons, two outside security officers are required. The security requirement is designed to require qualified outside security personnel in proportion to the maximum number of persons permitted to occupy the building as determined by the building inspector. Qualified security personnel shall be either uniformed off-duty law enforcement officers, or uniformed security guards provided by a security guard and control profession licensed in accordance with the provisions of Chapter 74C of the North Carolina General Statutes. The security personnel are to patrol the parking lot, and to disperse the crowd, and to direct traffic during the period 11:00 PM to the close of business and later to such time that all patrons and other persons, other than employees, have vacated the premises and associated parking area. The required security personnel shall remain on duty and visible outside the establishment, and shall be accessible to law enforcement officers at all times. This requirement shall apply regardless of the number of patrons actually within the establishment at the time of amplified audio entertainment.

In summary, the Planning and Zoning Commission may recommend approval of the draft ordinance, recommend approval of the draft ordinance with recommended amendments, recommend denial of the draft ordinance, or continue the item for further study. If the item is continued, the P&Z must take action on the item within 65 days of initial consideration (at or before the May 19th P&Z meeting) or the item will be deemed to be

recommended for approval and will be subsequently forwarded to City Council for final action.

Mr. Hamilton reminded the Commission that the three main objectives of City Council are: to seek compromise between the competing interests; the viability of the Unk's business; and to mitigate possible incompatible attributes of the proposed use.

The draft ordinance represents staff's recommendation after considering all comments received from interested persons, and City Council objectives.

Mr. Ramey asked if TRUNA agreed with the ordinance.

Mr. Hamilton stated it would be best if someone from their association answered that question. He said the additional letter the commissioners received from TRUNA was a summary of TRUNA's opinion of the ordinance.

Mr. Ramey asked if the ordinance was approved by the P&Z, BOA and City Council if that kind of establishment could be put in any area of the city.

Mr. Hamilton said as proposed a dining and entertaining establishment would be allowed wherever a restaurant was allowed as either a permitted or a special use.

Mr. Bell asked if the city had any feedback from areas other than Unk's and TRUNA.
Mr. Hamilton said they had received a letter from the Elmhurst/Englewood Neighborhood Association, which was included in the agenda materials.

Mr. Maxwell asked what the occupancy was for Unk's.

Mr. Hamilton said it was in excess of 200, so it would require two security officers.

Mr. Spengeman said the Unk's building occupancy was 295.

Mr. Randall stated Unk's had concerns with basing the number of security guards on the maximum occupancy rather than the actual occupancy at any time and asked how the city came up with that.

Mr. Hamilton said staff felt that a requirement based on the number of people in the building at any particular time was unenforceable. He said it was not possible for staff to determine or know the number of people that were going to be in an establishment at any given time, therefore staff recommends the requirement be based on maximum building occupancy as established in advance by the building inspector, a known number.

Mr. Parker asked if there was currently a time for music to be turned off for restaurants that offered that.

Mr. Hamilton said as long as the business is operating with more than 51% sales of food and not charging a cover, they would not end up in this situation.

Mr. Randall stated the 51% rule would stay in effect for restaurants. He asked if that issue was being addressed since the state had the 30% rule and the City of Greenville has the 51% rule.

Mr. Hamilton said there wasn't a proposal to change that, other than the original request by Mr. Spengeman, which has been tabled until a decision is made on the new ordinance. He said he would assume if this ordinance was passed, that request would be withdrawn or action taken to deny it.

Mr. Randall said there were currently restaurants that established parking based on the number of employees and asked if they would be affected by the new ordinance, which bases parking on floor area.

Mr. Hamilton said parking regulation is not a science and is very subjective, and parking standards were already based on activity area, that basing parking requirements on the number of employees was not effective or practical.

Mr. Parker asked if any restaurant could apply for a special use permit for a dining and entertainment use if the ordinance was passed.

Mr. Hamilton said yes and that any restaurant located in one of the four zones that allow special use application for public/private clubs could already make application under that category. He said dining and entertainment would be permitted by right in several other zones, but they would have to operate under the new requirements.

Mr. Randall said TRUNA's letter mentioned additional holidays and asked if there were any provisions in the ordinance for holidays other than New Year's Eve.

Mr. Hamilton said the logic behind the New Year's Eve holiday is that the day after the celebration is traditionally not a work day. It is also a secular holiday universally observed. Staff felt that if you include religious or cultural holidays there may be no limit on the number of days proposed for this purpose.

Mr. Randall said he thought some other holidays should be included.

Mr. Jeremy Spengeman spoke in favor of the request on behalf of Unk's Restaurant. Mr. Spengeman said he supported 95% of the City's proposal and could continue to maintain his business at a break even point with the way the ordinance was written; however he did have a couple of requested changes. He would like for only one off-duty officer to be required on nights where amplified audio is allowed after a certain time. Second, he would like amplified audio to be allowed until 12 am Monday through Thursday. He stated the NC ABC attorneys insist the city ordinance is in direct violation with the state statute, as the 30% food sales requirement of the state supersedes local zoning ordinance.

He said without a compromise the city would be forced to take Unk's and other businesses in violation of the current ordinance to Superior Court, as the state statute allows these businesses to continue operation as restaurants. He said he had invited the members of TRUNA to his restaurant for dinner to discuss how Unk's could be a better neighborhood member and his offer was never accepted. He felt TRUNA did not want to compromise and would not be satisfied until he was put out of business. He said Unk's was the only business in the area that provided a lit parking lot as well as lighting on all three open sides of the building. He stated TRUNA did not represent the neighborhood, only about 5% of the neighborhood. He said, based on a survey submitted by the city, that only 60% of owner occupied households and 15% of renter occupied households know that TRUNA exists. He said of those replying to the survey that 73% of the homeowners were over 45 years of age, while 75% of the renters were 45 or younger, with more than 65% of both groups planning on being in their current home for at least three years. He said TRUNA represents only 10 rental property households in an area that is 65% renter occupied. He said the closest TRUNA representative that has spoken against his case lives 6 blocks away from Unk's, approximately 1/2 mile.

Mr. Randall asked how he felt they could enforce the number of security officers based on actual occupancy, rather than maximum occupancy as proposed.

Mr. Spengeman said it could be predicted by the establishment based on and past experience. He said he had contacted the Pitt County Sheriff's Office regarding off-duty officers and the rate was \$30/hour. He said if one officer was there, others could be called for back up if necessary and if they predicted a larger crowd, two would be hired in advance.

Ms. Basnigt asked if he currently had security guards.

Mr. Spengeman said he had his own employees that served as guards. The ordinance says he would have to hire off-duty police officers or uniformed security company guards.

Mr. Maxwell asked if he had a large crowd on a night that he closed at 2 am what would be the normal amount of time it takes to get everyone out of there.

Mr. Spengeman said they want them out of there as soon as possible after 2. He said the last drink had to be finished by 2:30 and they did it by 2:15 and tried to disperse the crowd as quickly as possible. He said he would have the outside security officer there until 3.

Ms. Basnigt asked if they had entertainment every night.

Mr. Spengeman said he currently had karaoke on Wednesday night and live entertainment on Friday. He said in the past they had live music on Tuesday, karaoke on Wednesday, and entertainment on Friday and Saturday.

Mr. Thomas asked what his pattern of occupancy had been.

Mr. Spengeman said with the way the proposal was written, during the week he would have to end the music by 11. He said he would not have to have outside security personnel in that case. He said the past Friday night was fairly busy with approximately 150 people.

Mr. Phil Dixon, attorney, spoke in favor of the request. He said Mr. Spengeman received his first city citation in three years for not meeting the 50% rule. Mr. Dixon said they felt there was preemption by the State ABC rule and felt there had been selective enforcement. He said selective enforcement was no one's fault; it was just simply not having the data readily available. Mr. Dixon said the City's proposal was a compromise between Unk's and TRUNA. He said neighborhood commercial was the only zoning district that did not allow them to apply for a special use permit under the current rule concerning public clubs. He said they would like to be able to have amplified music until 12 am Monday through Thursday and base the number of security guards on actual occupancy at the time of the music.

Mr. Randall asked Mr. Dixon what things he felt were unfair.

Mr. Dixon said having no amplified music after 11 was not viable, but midnight would work. He said they would also like to have Halloween along with New Year's Eve. He also felt there was an issue with the number of security personnel required.

Mr. Thomas asked if they would be charging a cover.

Mr. Dixon said that was a big concession by the city and would help them a lot.

Mr. Thomas said that would also give them a way to have a head count.

Mr. Dixon said based on his experience, Mr. Spengeman could get a good idea of what kind of crowd he would have.

Mr. Bell asked if he agreed with the determination that accounts for the actual percentage of food sales.

Mr. Dixon said under the new ordinance the 30% rule applied, which was the State's rule, and they had never had any problem with that.

Alex Thorpe spoke in favor of the request. He said his home faced City Market and the City Market parking lot. He said he had lived there for the past 10 years and had no problem with Unk's.

Mr. Chris Mansfield, president of Tar River University Neighborhood Association (TRUNA), spoke in opposition to the request. Mr. Mansfield said TRUNA was not opposed to commerce in a neighborhood commercial zone. He said they were not opposed to bars, night clubs, or restaurants that have live music. He said the neighborhood commercial zone was to accommodate convenient shopping facilities

consisting primarily of necessary good and personal services required to serve the neighborhood. Mr. Mansfield said they feel the hours should be more restricted on Fridays and Saturdays than what is proposed in the ordinance.

Mr. John Gresham spoke in opposition to the request. He asked the commission to not allow a night club to operate in their neighborhood. He said he had met with Mr. Spengeman and believed he had a good establishment, but it was not in the right location. He said a review of the City of Greenville's police call report showed calls for assistance in the Jarvis Street area are over 300 per year with almost 30% were specifically to the Unk's address. He said the neighborhood traffic patterns, sidewalks and street lights were not adequate for almost 300 patrons to safely and quietly leave a night club in this area. He said if the Commission considers the draft as is, he hoped they would pay special attention to limiting the number of patrons and the hours of operation that would maintain the neighborhood environment.

Mr. Andrew Morehead spoke in opposition to the request. Mr. Morehead said he was concerned that having a place that occupies up to 300 people was just inviting criminals into the neighborhood. His concern was for those people that weren't in the immediate area of the club not having enough security. He said not having access to a major thoroughfare also limited the availability of officers.

Mr. Randall stated attributing crime in the area to the people leaving Unk's did not seem fair.

Mr. Morehead said having an island such as Unk's in the middle of a neighborhood area allowed it to be a point of circulation.

Mr. Ramey asked Mr. Morehead if he thought the current economy would worsen crime in the area.

Mr. Morehead said he felt crime would worsen in all of Greenville, not just their neighborhood.

Mr. Bell asked what TRUNA was doing to involve the college students to be a part of their association.

Mr. Morehead said that had previously had people from student life, the neighborhood coalition and had participated in outreach activities. He said there was a new group of kids moving in every year. He said many of them were faculty members or retired faculty members and enjoy being around students and they care about them.

Mr. Maury York spoke in opposition to the request. Mr. York said the Board of Adjustment was very reluctant to put a business out of business and someone who complained about a business had to have very thorough documentation of how the business was not in compliance before the Board would take action. He said when

conditions are placed on businesses; the BOA doesn't take very seriously checking up on whether the conditions are being adhered to.

Mr. Phil Dixon spoke in favor in rebuttal. He said the BOA was a quasi-judicial body that required evidence like a court of law and should require substantial evidence to shut down a business. He said they required an annual review of the special use permits and it could be brought back before the BOA at any time. Mr. Dixon said the city had several ways to keep control of the situation. He said it would have been much simpler for Mr. Spengeman to go to Superior Court and have the judge uphold the ABC rule; however he chose to compromise with the city and an ordinance that had many stipulations and requirements.

Mr. Randall asked if he was to go to Superior Court and have the 30% rule applied if it would be applicable to all restaurants in Greenville.

Mr. Dixon said it would.

Mr. Wilson asked if the case went to Superior Court, how long it would take to resolve.

Mr. Dixon said he had two recent cases in Superior Court; one took 8 months and the other almost 2 years.

Mr. Chris Mansfield spoke in opposition in rebuttal. He said the Commission should not assume that any of the proponents or opponents are right on all points of fact or law. He said for the cities that have the 30% rule, he wondered if they had night clubs in residential neighborhoods. He said if they were meeting the 30% rule at a high volume, it just meant it was a large bar. He asked the Commissioners to compare Mr. Spengeman's investment in his business to the investments the individuals of the neighborhood had put into improving their homes and property.

Mr. Ramey asked if he agreed with the City's ordinance.

Mr. Mansfield said their problem is that it did not restrict the hours of operation sufficiently. He said they wanted it to stay at 11 during the week and no later than midnight on Friday and Saturday. He said they would also like for the total number of patrons to be limited.

Mr. Randall asked if he meant close the business at 11 or amplified music at 11.

Mr. Mansfield said they were essentially the same. The patrons attend the business to listen to the music.

Mr. Randall stated that Mr. Mansfield had said the noise from the music was very well contained.

Mr. Mansfield said it was not a noise issue; it was that the music that brought the patrons, thus the crime.

Mr. Lehman closed the public hearing and asked staff to redisplay the three options the commission had.

Mr. Ramey stated they did not want to put anyone out of business and did not want to see the city, citizens or the business injured. He suggested they study the matter for another 30 days.

Mr. Lehman asked how he thought that would make a difference.

Mr. Ramey said if the board could get together and have a private discussion they might be able to come to an agreement.

Mr. Holec stated there was an Open Meetings Law and they could not meet in private without the public being made aware of it.

Mr. Bell said he felt there had been enough discussion and felt they should move on the issue.

Mr. Maxwell said this was the only neighborhood commercial area in the city that was not on a thoroughfare and with the facility being able to handle close to 300 people he felt it was the wrong location for a facility of this size.

Mr. Thomas asked if he was aware of any other area that this would apply to.

Mr. Maxwell said according to Mr. Hamilton it could be in a lot of places.

Mr. Bell said of the 22,500 students that attend ECU, about 200 of them probably go to Unk's on a weekly basis and they had not received any input from them. He felt it provided convenience for the students and was better than them going across town and getting a DWI.

Mr. Tozer said it was important to remember that they do not have the final say, they can only make a recommendation to City Council. He said it appeared they had reached a compromise and would recommend they send it to City Council.

Mr. Randall agreed and said the City had done a good job with the ordinance; however he felt a couple of amendments were needed.

Motion was made by Mr. Tozer, seconded by Mr. Gordon, 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.

A motion for an amendment to the motion was made by Mr. Randall, seconded by Mr. Bell, to (1) allow five days, as determined by the owner, as holidays that would occur on the eve of a holiday, or the day of a holiday and (2) make the requirement for security officers to be one security officer when the actual occupancy is 150 patrons or less, two security officers for 151-300 patrons and three security officers for 301 or more patrons.

James Wilson, Godfrey Bell, Allen Thomas and Tim Randall voted in favor. Bob Ramey, Shelley Basnight, Len Tozer and Dave Gordon voted in opposition. Bill Lehman cast the vote to break the tie in favor of the motion.

All Commission members then voted unanimously in favor to pass the original motion to recommend approval of the amendment with the recommended changes.



Tar River University Neighborhood Association
408 South Harding Street
Greenville, N. C. 27858

January 29, 2009

Harry V. Hamilton, Jr.
Chief Planner
City of Greenville,
Greenville, NC 27835

Dear Mr. Hamilton,

Thank you for the opportunity to provide additional comments on the draft ordinance to create a new use called "dining and entertainment establishment."

Representatives of the board met with Mr. Dixon and Mr. Spengeman on January 15 to discuss points of agreement and disagreement regarding the proposed ordinance and the TRUNA Board met last evening to discuss whether the comments and suggestions sent on November 21 should be modified.

As previously stated, TRUNA supports the operation of appropriate businesses in the parcels zoned neighborhood commercial on Jarvis Street. This area has historically been a vital part of our neighborhood. Overton's Market, City Market, a laundromat, an Eckerd's drug store, and Christy's Euro Pub have been well patronized by residents of the neighborhood. We strongly support existing commercial enterprise and commercial redevelopment of appropriate scale and nature at that location.

We are sensitive to the plight of Mr. Spengeman but do not feel a large night club is appropriate at the Jarvis Street location. As stated previously, TRUNA basically supports the draft ordinance prepared by staff that may allow an enterprise of limited scale and impact if it meets criteria for the granting of a Special Use Permit by the Board of Adjustment. After discussions with Mr. Spengeman and reading Mr. Dixon's letter of January 7, we understand his biggest concern is the addition of certain holidays to the list of nights he can have amplified music. We do not object to inclusion of a limited number of holiday nights, e.g. Halloween, New Years Eve, Cinco de Mayo, and St. Patrick's Day. While he asks that amplified music be allowed until 2:00 a.m. on Friday, Saturday, and holiday nights, we support the stipulation in the draft ordinance that the time be until 12:00 a.m. (midnight).

Although Mr. Spengeman and the TRUNA Board agree on most provisions of the draft ordinance, there are a few important items on which we do not. In the spirit of cooperation and moving this forward to resolution, the TRUNA Board has identified the items that are most important to preserving the character of the neighborhood. In order of importance, number one being most important, they are the following.

1. We request that the ordinance be amended to state that *"special use permits for operation of dining and entertainment establishments shall not transfer upon sale of the business."*
2. We request that the ordinance be amended to state that *"dining and entertainment establishments permitted by special use in zone CN shall not be located within 200 feet from another dining and entertainment establishment."*
3. We support the draft ordinance criteria that amplified music be allowed until 12:00 a.m. on Fridays and, Saturdays (as in the draft ordinance but to include holidays, in agreement with Mr. Spengeman's request). We request that the draft ordinance be amended to state that *"dining and entertainment establishments approved by special use in the CN zone shall not have amplified audio entertainment after 11:00 PM each Sunday, Monday, Tuesday, Wednesday and Thursday."*
4. We request that the ordinance be amended to state that *"dining and entertainment establishments authorized by the fire marshal for occupancy up to 100 patrons may be allowed in CN zones by special use permit approval of the board of adjustment."* Establishments of greater size may be appropriate in other zones. We recommend that *"dining and entertainment establishments of 100 to 200 patrons be allowed by special use permit approval of the board of adjustment in the MS, MO, MCG, MCH, OR, CD, and CDF zones."*
5. We request that the ordinance be amended to state that *"issuance of special use permits shall be subject to review by the board of adjustments every six months after issuance."*
6. We request that the ordinance be amended to state that *"dining and entertainment establishments permitted by special use or by right in zones CN, OR, and CDF shall not employ outdoor amplified sound."*
7. We request that the ordinance be amended to state that *"dining and entertainment establishments serving more than 50 but less than 100 patrons shall be required to provide at least one private security officer during hours of operation and one hour after closing."* Establishments serving larger numbers of patrons present greater problems. We recommend that larger *"dining and entertaining establishments serving over 100 patrons shall be required to provide*

at least two private security officer during hours of operation and one hour after closing."

If you, other staff, or members of city council have questions or see alternatives which would better accomplish the goal of bringing and sustaining neighborhood-appropriate businesses at this location, we remain open to discussion.

Thank you.

Sincerely,

Chris Mansfield, President
Tar River University Neighborhood Association

Copy

Merrill Flood
Dave Holec
Pat Dunn
Mildred Council
Rose Glover
Max Joyner
Bryant Kittrell
Calvin Mercer
Larry Spell
Philip Dixon

Elmhurst/Englewood Neighborhood Association

President - Richard Crisp
Vice President - Thomas Rouse
Treasurer - Eric Ratcliffe
Secretary - Marieke Van Willigen

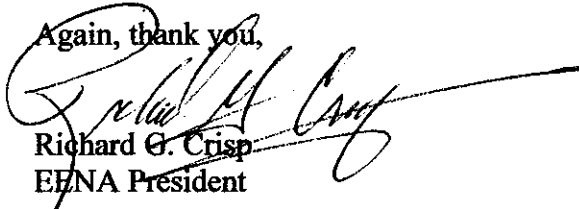
February 27, 2009

Harry Hamilton, Jr.
Chief Planner
City of Greenville
PO Box 7207
Greenville, NC 27835

Dear Mr. Hamilton,

Thank you for forwarding the current draft of the "dining and entertainment" ordinance amendment for my comments. Where this document does not incorporate all the requests and provisions requested by TRUNA, the clauses covering 1) security personnel, 2) restricted hours for amplified entertainment, 3) exterior lighting requirements, and 4) litter control are a positive step. Any relaxation of any of these restrictions could be viewed as insensitive to the needs and concerns of residential neighborhoods city wide.

Again, thank you,


Richard G. Crisp
EENA President

cc. Chris Mansfield
Merril Floyd
Dave Holec
Calvin Mercer
Bryant Kittrell

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February 18, 2009

Harry V. Hamilton, Jr.
Chief Planner, City of Greenville
Community Development Department
PO Box 7207
Greenville, NC 27835-7207

Re: **Zoning Ordinance Amendment to Create a Dining and Entertainment
Use Option (Revised Draft dated 2/4/09) - Unk's (07-D-855.9)**

Dear Mr. Hamilton:

As you know I represent Jeremy Spengeman and others trading and d/b/a Unk's Restaurant. As I indicated to you and David A. Holec, City Attorney for the City of Greenville, Mr. Spengeman and I concluded some time ago that the existing Rules and Regulations of the North Carolina State Alcoholic Beverage Control (ABC) Commission relating to the percentage of food sales required to be recognized as a restaurant is 30% and not 50%, as required by the current Ordinances of the City of Greenville. Attorneys for the ABC Commission, and representatives of the faculty of the School of Government at the University of North Carolina at Chapel Hill who advise municipalities, have indicated to me that this ABC rule of 30% of food sales preempts the City Ordinance of the City of Greenville. Moreover, a survey conducted by the Planning Staff of the City of Greenville shows that the vast majority of cities across the state similarly situated use the 30% rule, or have no percentage requirement whatsoever. We believe that were we to pursue this matter in Superior Court or on appeal to the North Carolina Court of Appeals, Unk's would be able to continue to operate as it currently operates without further restrictions.

In the interest of compromise, however, for some period of time now, Mr. Spengeman and I have worked with you and Mr. Holec, and the City of Greenville, and representatives of the Tar River University Neighborhood Association (TRUNA) to try and come up with a reasonable compromise that might protect the interest of the neighbors and the right of Mr. Spengeman and his business partners to continue to operate Unk's at its current location. We have made numerous concessions. We have made several suggestions that we think should be considered, and I am pleased that even the original proposed Ordinance incorporated many of the suggestions that we made in an effort to make the operation of Unk's at this location more palatable and acceptable to the neighborhood. As you know, we tried unsuccessfully several times to have meetings with representatives of the neighborhood.

Harry V. Hamilton, Jr.
Chief Planner, City of Greenville
Page 2

When we were finally able to meet in my office with three (3) representatives of the TRUNA Board, we stated on the record that the original draft of proposed Ordinance was 98% acceptable to us, and the representatives of TRUNA indicated that it was 95% acceptable to them. We felt this was a very good beginning. Our input was provided to you and to Mr. Holec, and several of the recommendations that we made were incorporated into a revised draft of the Ordinance dated February 4, 2009, which is 99% acceptable to Mr. Spengeman and his associates. To our surprise, however, when the representatives of the TRUNA Board met with the Board of Directors of TRUNA, apparently there was much more about the original draft Ordinance and the revised draft Ordinance that remains unacceptable to TRUNA than we understood. TRUNA has requested, in its most recent correspondence to you, very substantial changes in the revised Ordinance, which are not acceptable to us.

We are willing to accept the Ordinance in its revised state, so that the revised version of the Ordinance to establish a Dining and Entertainment category is palatable to us, but certainly not perfect. With very minor changes, it would have our full support. It would be important to Mr. Spengeman that the security requirement be clarified in such a way as to require only one (1) outside security officer when the actual occupancy of the premises was one hundred fifty (150) patrons or less, and two (2) outside security officers when the actual occupancy of the premises was from one hundred fifty one (151) patrons to three hundred patrons, and three (3) outside security officers when the actual occupancy of the premises was more than three hundred one (301) patrons. We do not believe it should be based strictly on the maximum occupancy of the premises. The fallacy of this requirement would be that even for a small group of people, even a handful, Mr. Spengeman would be required to have two (2) outside security officers when they are not warranted. A much better approach would be to have the number of security officers be based upon the occupancy of the club at a particular time. Requiring one (1) officer when there are less than one hundred fifty (150) patrons, and two (2) officers when there is from one hundred fifty one (151) patrons to three hundred patrons, and three (3) outside security officers when the actual occupancy of the premises was more than three hundred one (301) patrons would be acceptable to us.

The second minor change that we would like for the City and the Planning & Zoning Commission to consider is, instead of requiring that there be no amplified music after 11:00 p.m. Sunday through Thursday, we would like for there to be amplified music allowed until midnight Sunday through Thursday. This is still a major concession and cut back of the time that is currently allowed for the operation of Unk's, especially on Thursday night. Finally, you were kind enough to modify the initial draft of the Ordinance to allow for amplified music until 2:00 a.m. on New Year's Eve. We would like to extend this to also include Halloween.

With these changes, you would have our full support for the Ordinance. We do not want to have to start a re-negotiation of all the points on which we have worked so hard, over such a long period of time, to achieve.

Harry V. Hamilton, Jr.
Chief Planner, City of Greenville
Page 3

We appreciate your efforts to draft a fair and reasonable Ordinance, and appreciate the opportunity to present these suggestions for minor changes. Best wishes.

Sincerely,

DIXON LAW GROUP, PLLC


Phillip R. Dixon

PRD:SC

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Greenville, NC 27835-7207

Wayne Bowers, City Manager
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All Members of the City Council
Patricia C. Dunn, Dunn
Mildred A. Council, Mayor Pro-Tem
Rose H. Glover
Larry Spell
Calvin Mercer
Max Joyner, Jr.
Bryant Kittrell

Item # 5



Tar River / University Neighborhood Association

408 South Harding Street
Greenville, N. C. 27858

www.trunaliving.com

March 14, 2009

Arthur Maxwell, Jr.
1506 East Fifth Street
Greenville, NC 27858

*Harry,
This was sent
to all Commissioners.*

Dear Mr. Maxwell:

Two issues of importance to our neighborhood are on the agenda of the Planning and Zoning Commission on Tuesday, March 17.

The first issue to be considered is a proposed new zoning ordinance amendment to create a "dining and entertainment" use permitted by right in some zoning districts and by special use in others. As presently written, the proposed ordinance would essentially define bars and nightclubs as "dining and entertainment" establishments and would allow them by special use permit in neighborhood commercial (CN) districts. This ordinance has been written to accommodate a single individual, Jeremy Spengeman, wishing to operate a nightclub in a CN district in our neighborhood that allows restaurants but not nightclubs or bars. Our neighborhood association board has discussed the specifics of the ordinance with city staff, the applicant, and his attorney at length, in the hope that compromises could be found acceptable to the applicant and the residents of the neighborhood. Our comments and concerns on the ordinance were conveyed in a January 29 letter to Mr. Hamilton. The ordinance you are considering is a revision to the draft we commented on, based on input from the applicant, our neighborhood association and others. The Tar River/University Neighborhood Association (TRUNA) strongly recommends that the ordinance you are asked to approve should not allow nightclubs or bars of unlimited size and patronage in a CN district and that hours of operation should be more restricted than presently specified. We hope you will consider our recommendations and concerns.

The second issue is just as important, if not more so. We hope that you will approve the plan for the neighborhood. It was developed with much participation of the TRUNA Board of Directors and the general membership over a one year period. It is an excellent example of city planning; a diligent and creative collaboration with residents, consistent with and guiding implementation of Greenville's Horizon's Plan.

Speaking for the neighborhood association, I thank you for the time and careful thought you will give to both of these items on your agenda. I hope that as you read the Plan, you will see how thoughtful, hopeful and committed we are about preserving one of Greenville's oldest and most central neighborhoods. I hope you will also see the plan as important context for the decision you will have to make on the ordinance amendment.

Sincerely,

Chris Mansfield,
President, Tar River/University Neighborhood Association

✓ Copy Harry Hamilton



City of Greenville, North Carolina

Meeting Date: 4/9/2009
Time: 7:00 PM

-
- Title of Item:** Ordinance amending Horizons: Greenville's Community Plan to incorporate by reference the Tar River/University Area Neighborhood Report and Plan
- Explanation:** As part of the Task Force on Preservation of Neighborhoods and Housing's recommendations, City Council's 2006-2007 Goals, and Horizons: Greenville's Community Plan recommendations, the Community Development Division has prepared the Tar River/University Area Neighborhood Report and Plan. This plan is intended to guide policy and investment decisions for the Tar River/University Area.
- Fiscal Note:** Costs of specific recommendations to be determined prior to the implementation.
- Recommendation:** Approval of the ordinance amending Horizons: Greenville's Community Plan to incorporate by reference the Tar River/University Area Neighborhood Report and Plan.
- The Planning and Zoning Commission, at their March 17, 2009 meeting, voted to approve the request.

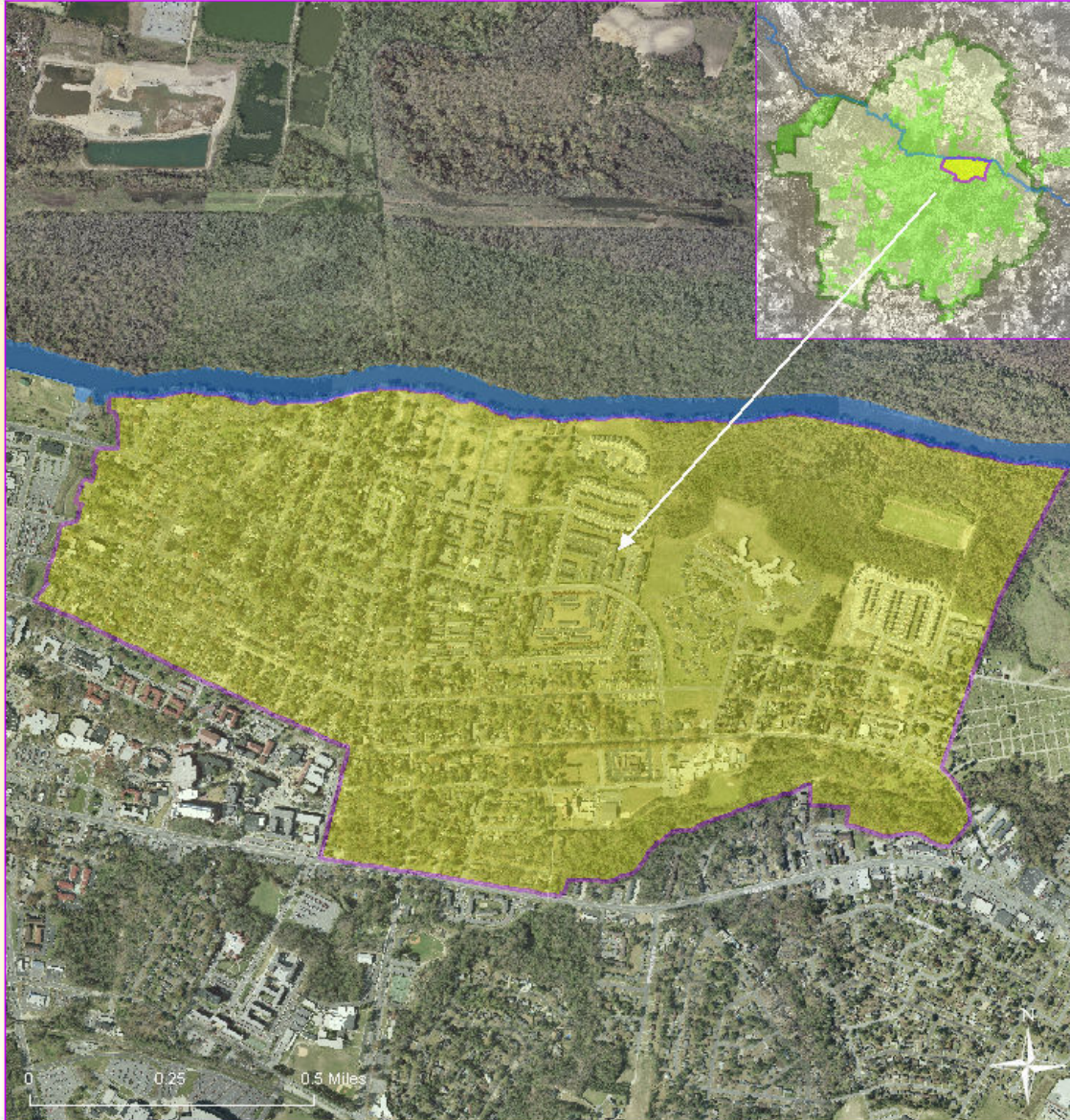
Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

- [TRUNA Letter of Support](#)
- [Report and Plan 750947](#)
- [Plan 816246](#)
- [Ordinance for Tar River University Area Neighborhood Plan 816543](#)



Tar River/University Area Neighborhood Report and Plan (08-01)



Prepared by the Community Development Department
April 9, 2009

ACKNOWLEDGEMENTS

Greenville City Council and Administrative Staff

Ms. Pat Dunn, Mayor
Ms. Mildred Council, Mayor Pro-Tem
Ms. Rose Glover
Mr. Larry Spell
Mr. Calvin Mercer
Mr. Max Joyner, Jr.
Mr. Bryant Kittrell

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

Greenville Planning and Zoning Commission

Mr. Bill Lehman, Chairman
Mr. Dave Gordon, Vice Chairman
Mr. Len Tozer
Ms. Shelley Basnight
Mr. Tim Randall
Mr. Bob Ramey
Mr. Don L. Baker
Mr. James L. Wilson
Mr. Godfrey B. Bell, Sr.
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Mr. Arthur "Hap" Maxwell
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Tar River/University Area Neighborhood Report and Plan (08-01) April 9, 2009

Report

1. Background/Introduction

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

2. Neighborhood Profile (see map 1)

The Tar River/University Area, hereafter referred to collectively as “the neighborhood”, is located in the eastern section of the city, and more specifically, south of the Tar River, north of E. 10th Street, east of Uptown and west of Greenwood Cemetery. The neighborhood is located in Voting District # 3 and within the city limits. As designated in HORIZONS: Greenville’s Community Plan, the neighborhood is located in Vision Area I. The neighborhood began developing in the early 1900’s with the creation of East Carolina Teachers Training School (ECTTS) in 1907. The neighborhood is composed of numerous subdivisions that have taken place since 1900 and collectively contains a total of 1,642 lots (1,473 residential lots, 70 non-residential lots, and 99 vacant lots) on 586.62 net acres (707.54 total acres). The neighborhood has 19.83 miles (104,708 linear feet) of paved public streets. There is an unimproved section of River Drive between N. Harding and N. Eastern Streets that is publicly dedicated. The average year of construction of single-family dwellings is 1945.

The neighborhood contains the College View Historic District (National Register and Local) and 3 Locally Designated Landmarks.

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

Commercial	6
Duplex	353
Fraternity/Sorority Houses	8
Institutional	42
Multi-family lots	142
Parking	10
Recreation	11
Single-family dwellings	970
Utility	1
<u>Vacant lots</u>	<u>99</u>
TOTAL	1,642

As of 1969, portions of the neighborhood were zoned residential (RA20, R9, and R6), office and multi-family (OR) and commercial (CN).

3. Index of Report Attachments

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

- Map 1: Voting District and City Limits
- Map 2: Streams and Open Ditches
- Map 3: Topography
- Map 4: Flood Hazard
- Map 5: Aerial Photo
- Map 6: Greenways
- Map 7: Hydric Soils
- Map 8: Impervious Surface
- Map 9: Thoroughfare Plan
- Map 10: Existing Sidewalks
- Map 11: Traffic Calming
- Map 12: Water and Sanitary Sewer Systems (public)
- Map 13: Drainage System (public)
- Map 14: Existing Land Uses
- Map 15: Multi-Family and Duplexes
- Map 16: Owner Units and Rental Units
- Map 17: Building Tax Value
- Map 18: Fire Stations and Routes
- Map 19: Fire Hydrants
- Map 20: Street Light
- Map 21: Cultural Resources
- Map 22: Recreation and Parks and Government Facilities
- Map 23: Focus Areas (HORIZONS)
- Map 24: Code Enforcement Actions
- Map 24a: (western section)
- Map 24b: (north central section)
- Map 24c: (south central section)
- Map 24d: (eastern section)

- Map 25: Occupancy Investigation
- Map 26: Future Land Use Plan Map (HORIZONS)
- Map 27: Current Zoning
- Map 28: Street Addresses (House Numbers)
- Map 29: Buy-out Properties
- Map 30: ECU STA
- Map 31: GREAT Bus Routes
- Map 32: Nonconforming Uses

Other Supplemental Attachments:

- Citizens Survey Results
- Letter of Support from TRUNA (Tar River/University Area Neighborhood Association)
- TRUNA Recommended Sidewalks Map
- Calls for Police Services and Code Enforcement Actions/Investigations
- Neighborhood Plan Development and Consideration Process Outline
- Issues for Consideration in the Development of Neighborhood Plans

4. Current Conditions

A. Natural Environment (see maps 2-6)

The neighborhood is generally bounded by the Tar River to the north, E. 10th Street to the south, Uptown to the west and Greenwood Cemetery and Green Mill Run to the east. Green Mill Run is a major tributary to the Tar River and is located within the neighborhood north of E. Tenth Street and east of Forest Hill Circle. Green Mill Run feeds into the Tar River just east of Greenwood Cemetery, provides wooded open space, and is designated as part of the City's adopted Greenway system.

The topography (NGVD) of the neighborhood ranges from a high of 62' to a low of 10' along Green Mill Run. The highest areas are located near the intersection of E. 3rd Street and Rotary Avenue and E. 2nd and Summit Streets which are both at 62'. The lowest areas are along the Tar River at 12' and Green Mill Run at 10'. The neighborhood ultimately drains to the Tar River.

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

In 1999, the City of Greenville was impacted by Hurricane Floyd. Because of its proximity to the Tar River and the topography, the neighborhood was impacted by flood waters where a number of residential structures were severely impacted.

Within the neighborhood, the owners of 48 single-family residences and 8 duplex buildings applied for the Hazard Mitigation Grant Program (Buy-out) with an average of 74.45% damage. Of these, 33 single-family residences and all 8 duplex buildings were purchased by the City. The dwellings/buildings were demolished and the properties are to remain vacant under the Buy-out guidelines.

Through the Buy-out, the City also purchased a portion of the Langston Park Apartment complex that consisted of 2 buildings (16 units) and a portion of Tar River Estates that consisted of 28 buildings (182 units) plus a pool house, three (3) laundry buildings, and a gym. The entire River Oak Apartment complex was purchased that consisted of 2 buildings (24 units) and an apartment building located at 215 Stancill Drive that consisted of 8 units.

There were 45 other residential structures (single-family and duplexes) that were impacted and inspected for storm-related damage. The average damage was 59.36%. These properties were not included in the Buy-out. There may have been other hurricane-related damage reported to private insurance.

There are two (2) large areas with natural growth tree cover in the neighborhood. They are the Green Mill Run corridor and its lateral stream system and along the southern banks of the Tar River just north of Cypress Glen Retirement Center and River Walk Subdivision. These areas also provide limited wildlife habitat. The remaining areas of the neighborhood have little natural growth tree cover. Most tree cover within the area has been as a result of independent residential lot landscaping.

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

There is a trailhead in Greensprings Park for the Green Mill Run Greenway.

The construction of the South Tar River Greenway is slated to begin by March, 2009 with completion within a year of the start of construction. The greenway runs from the Historic Greene Street Bridge, located in the Town Common, to the proposed Beech Street Greenway (which runs south to Green Mill Run). Funding has been secured. At the time of this report, approval of permits and approval by FEMA for an easement across one of the Buy-out properties were lacking. The proposed greenway is 2.9 miles long and will be a paved, multi-use trail that will be handicap-accessible.

There is a planned greenway trail (0.6 miles) along Beech Street to the Tar River consisting of a paved trail. Paved and unpaved portions of the greenway will be 10-12' wide. The greenway is listed a Priority A, which indicates the intended completion of the greenway within 1-2 years. This greenway will provide a connection from the South Tar River Greenway to Greensprings Park where there is a trailhead for the Green Mill Run Greenway. A sewer easement defines the path of the greenway. There are no improvements north of the current terminus of Beech Street at Wildwood Villas.

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

B. Land Suitability (see maps 7-8)

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

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

ELEVATION STANDARDS

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

The Tar River, which is adjacent to the neighborhood on the north, flows generally in a southeast direction to the Pamlico Sound. Tar-Pamlico Buffer Protection Rules apply along the Tar River.

Green Mill Run is classified as a regulated stream and is subject to the Tar-Pamlico Buffer Protection Rules and associated stream buffer setback requirements. Pursuant to the Tar-Pamlico buffer rules, no structures or other land-disturbing activity is permitted within 50-feet of the top of the stream bank. While Green Mill Run is generally located south of the Tar River and traverses the city in a west to east direction, it is located near the neighborhood south of E. 10th Street, east of Forest Hill Circle and travels in an easterly direction until it connects with the Tar River, just east of Greenwood Cemetery.

Hydric soils (Bb, Ro, Tu, Ly and OS) are mainly located near and along the Tar River and Green Mill Run corridors. Remaining soils within the neighborhood include ExB, NrB, OcB, WaB, CrB, WaC, LnC, AgB, Pa, MaB, AlB and Ch. Neighborhood property soils are suitable for sanitary sewer dependent residential development.

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

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

Current ingress and egress to the neighborhood are mainly served by E. 10th Street, E. 5th Street, Elm Street and East 1st Street/Brownlea Drive.

First Street/Brownlea Drive, from Reade Street to its current terminus at E. 6th Street, is a city-maintained, existing minor thoroughfare with two (2) travel lanes. First Street becomes Brownlea Drive at the intersection of Warren Street. Future planned improvements include bike lanes, and sidewalks in both travel directions along with inclusion on the GREAT transit system between Woodlawn Avenue and E. 6th Street. The existing and future rights-of-way are between 50'- 80'. The Thoroughfare Plan shows a proposed connection extending to the south from the current terminus of Brownlea Drive at E. 6th Street to E. 10th Street. Due to the environmental constraints and costs associated with any Green Mill Run crossing, most likely this section of Brownlea Drive will not be completed.

Fifth Street, from Evans Street to E. 10th Street, is a city-maintained, existing minor thoroughfare with two (2) travel lanes that provides a direct east to west connection through the neighborhood.

The segment from Reade Street to Ash Street contains sidewalks and bike lanes within a 50-foot right-of-way in both travel directions. The segment from Ash Street to Beech Street contains sidewalks and bike lanes within a 70-foot right-of-way. The segment from Beech Street to Greensprings Drive has bike lanes within a 70-foot right-of-way. Fifth Street provides direct access to the Uptown area, GREAT transit system stop (Reade Street) and the medical area. Fifth Street intersects with Elm Street which provides a north to south connection outside of the neighborhood. At the time of this report, sidewalks are located on both sides of E. 5th Street from the Uptown area to Oak Street and then continue only on the north side to Beech Street. Bike lanes are located along both the east and west-bound travel lanes on E. 5th Street from the Uptown area to Greensprings Park.

Elm Street, from E. 1st Street to E. 10th Street, is a city-maintained, (Albemarle Street to E. 10th Street) existing minor thoroughfare that provides a north to south connection through the neighborhood with two (2) travel lanes within a 50-foot right-of-way recommended for sidewalks and bike lanes in both directions. At the time of this report, there is a sidewalk on the western side of Elm Street between E. 10th Street and E. 4th Street.

Tenth Street is a state-maintained, existing major thoroughfare, paved street that provides ingress and egress to the neighborhood. There are sidewalks on the north side of E. 10th Street from the edge of the ECU campus to Monroe Street and on the south side from Heath Street to Williams Avenue.

The Stantonsburg Road/Tenth Street Connector Project is intended to provide a direct link between PCMH, the medical district, and the Brody School of Medicine and the ECU main campus. At the time of this report, information is still being collected on existing conditions, options suggested by the public, and options based on engineering considerations. Construction is not anticipated prior to 2013 assuming no unexpected delays.

Elm Street, E. 5th Street and E. 1st Street/Brownlea Drive are collector roads for the neighborhood. There are signalized intersections along Elm Street at 1st, 4th, 5th, and 10th Streets and at the Hickory Street and 4th Street intersection.

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

All streets within the neighborhood are publicly dedicated, city-maintained streets with curb and gutter construction and a piped storm drainage system. On-street parking is permitted on all streets however there are restrictions pursuant to the updated Controlled Residential Parking Program. There is only on-street parking on the southern side of E. 5th Street between Hilltop Street and the Wahl-Coates Elementary School campus. There is an unimproved section of River Drive between N. Harding and N. Eastern Streets, but will be improved as it is part of the proposed South Tar River Greenway. This section of River Drive will be closed to the vehicular traffic just beyond Woodlawn Avenue Apartments, located at 201 River Drive.

The Tar River/University Neighborhood Association (TRUNA) recently requested the Public Works Department staff to investigate the modification of the City's Controlled Residential Parking Program to provide more on-street parking opportunities for residents in the area near ECU. Residents in this area compete for on-street parking with ECU commuters and visitors.

The modification was adopted by City Council on August 11, 2008. The modification allows residents (owners living in their homes and renters) on certain streets to obtain a parking decal

(currently \$5 per year) 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-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. The mapped Controlled Residential Parking area is located to the north and west of the ECU campus. A map of the area is available at the Public Works Department located at 1500 Beatty Street.

Some narrow streets will only have on-street parking on one side to allow for adequate room for the passage of emergency vehicles.

Due to the age of the neighborhood, sidewalks were not required at the time of development but have been added over time. The Public Works Department has not made an evaluation of sidewalks to determine if additional sidewalks are needed in the neighborhood.

There are multiple stop conditions throughout the neighborhood to help discourage cut-through traffic and excessive speed on collector streets. There are speed bumps within the neighborhood between E. 5th and E. 10th Streets, east of the ECU campus, and west of Forest Hill Circle, specifically on E. 6th Street (2), Maple Street (2), and Forest Hill Circle (1).

The main transfer point of the Greenville Area Transit (GREAT) system bus stop is located to the west of the neighborhood along Reade Street between 4th and 3rd Streets. The current GREAT bus stop includes two (2) shelters and two (2) benches. All GREAT transit system buses begin and end their routes at this stop.

In 2003, GREAT, Pitt Area Transit System (PATS), ECUSTA (Student Transit Authority), PCMH and NCDOT launched a Regional Transit Feasibility Study to examine the need and potential of regionalized transportation services in Pitt County. Through extensive study, it was determined that an intermodal bus transportation center was needed in order to better serve the residents of Pitt County and Greenville. The intermodal (bus) transfer facility or transportation center would make it easier for GREAT buses to connect with Trailways/Greyhounds, ECUSTA, PATS, and taxi cabs. The proposed GREAT Passenger Center is bounded by 8th and 9th Streets and Evans and Cotanche Streets. The proposed site is close to the ECU campus and Uptown area and provides access for the proposed Stantonsburg Road/10th Street connector. The proposed center would require that the current main transfer point of the GREAT bus system on Reade Street move from its current location to the new location. On October 6, 2008, City Council authorized staff to begin acquisition of the approved site of the GREAT Passenger Center.

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

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

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

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

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

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

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

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

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

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

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

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

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

The neighborhood is comprised of a variety of uses, including residential, vacant, institutional and commercial. Greenwood Cemetery (city-owned) is located to the east of the neighborhood. The average year of construction of single-family dwellings is 1945.

In a 30-month period (07/1/05 - 12/31/07), there were 39 building permits issued within the neighborhood for alterations and additions. The total recorded permit value of the improvements was \$892,240. There was a permit issued for one new single-family residence. The total 30-month improvements, excluding new construction, were less than 1% of the total 2008 building tax value.

In 2008, the total building (excluding land) tax value in the neighborhood is \$215,189,923.00. The combined land and building (total) tax value in the neighborhood is \$263,128,392.00. At the current city tax rate (\$0.56 per \$100) the total property valuation results in \$1,473,519.00 annual revenue to the city. See Section L. Public Services for a general description of municipal services provided to the neighborhood.

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

At the time of this report, there was one (1) boarded up/dilapidated or abandoned structure (105 North Meade Street) located within the neighborhood.

The 5th Street Inn, located at the corner of E. 5th and Library Streets, is a bed and breakfast that has operated since 2006. Allowing bed and breakfasts in the neighborhood promotes the adaptive re-use of older homes. Bed and breakfast inns, where homeowners live on-site, are only allowed in the R6S-zoned section of the Local Historic District subject to a special use permit approved by the Board of Adjustment.

In April, 2008, there was a Special Use Permit approved for a Guest House, requested by ECU, located at 601 E. 5th Street. The guest house is for visitors of the university for residential purposes on a short-term basis. There is an additional ECU guest house, Ward Guest House located at 1201 E. 5th Street.

G. Socioeconomic (see maps 16, 17)

Based on a comparison of physical addresses and tax mailing addresses of single-family dwellings, the subject area is approximately 35% owner-occupied and 65% rental property at the time of this report.

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

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

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

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

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

As illustrated by the City's geographical information system (GIS) coverage for structures and the flood hazard area overlay, 4 single-family dwellings and 17 duplex buildings currently within the neighborhood are located within the floodway of the Tar River, wherein no fill or construction is permitted. Since some structures were purchased via the Buy-out, impact has been minimized as many of the impacted structures have been removed and the property is to remain vacant as required by Buy-out program guidelines. However, there are still residential (single-family, duplex, and multi-family) structures located in the regulatory flood hazard areas.

There are regulatory flood hazard areas (floodway and floodplain) associated with the Tar River and Green Mill Run. As illustrated by the City's geographical information system (GIS) coverage for structures and the flood hazard area overlay, 36 single-family dwellings, 45 duplex

buildings and 2 multi-family complexes and 11 multi-family buildings are impacted by the 100-year floodplain. The minimum finished floor elevation requirement for new construction or expansion of a dwelling is base flood (100-year) elevation plus one (1) foot, or the 500-year flood elevation, whichever is greater. The minimum flood elevation varies depending on location along the watercourse.

There were 4,227 calls/actions for the Greenville Police Department and 518 calls/actions for the ECU Police Department in or around the neighborhood in the twelve (12) month period from January, 2007 to December, 2007. There were personal and property crimes recorded during this period including animal complaints (600), disturbing the peace (553), and various parking violations including parking on unimproved surfaces (997). There are additional parking violations (63) through the Code Enforcement Division for parking on unimproved surfaces.

Currently, TRUNA is in the beginning process of re-starting a Community Watch Program.

Fire suppression and rescue services for the neighborhood are primarily provided by City Fire/Rescue Station #1 (Uptown) and City Fire/Rescue Station #6 (E. 10th Street) and City Fire/Rescue Station #3 (Charles Boulevard and Red Banks Road), as needed. Stations #1 and #6 can be dispatched separately or simultaneously depending on the type of call. The Fire/Rescue Department provides Paramedic Service which is a higher level of service compared to basic Emergency Medical Technician (EMT) Service. While the neighborhood is accessible via an interconnected street system, fire suppression and rescue services mainly use 1st, 5th, Eastern and Elm Streets and Brownlea Drive to access the neighborhood. However, all streets are accessible by emergency vehicles. A modification to the City's Controlled Residential Parking Plan was adopted by City Council in 2008. One of the by-products of the modification was to restrict parking on one side of the certain streets which will allow for easier passage of emergency vehicles.

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

The NC State Fire Code requires annual inspections of fraternity and sorority houses for life safety systems such as, fire alarms, and sprinkler and smoke detection systems. If any of these systems are out of compliance at any time, it is generally required to be serviced the same day. Generally, non-life threatening violations are required to be corrected within 14 days. Annual inspections are performed as a joint effort of the Greenville Fire/Rescue Department and ECU Greek Life.

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

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

Overhead street lights are maintained by GUC on standard (wood) transmission line poles. Currently, there are no plans to place utility lines underground. Changes or additions of street lights are performed by GUC at the City Engineer's request. Street light placement is done in accordance with applicable neighborhood GUC lighting manual standards. Based on the type, power, and location of the current street lights there have been no substandard (under-lighted) areas identified in the neighborhood based on minimum design standard requirements.

However, there have been complaints from neighborhood residents of under-lighted areas throughout the neighborhood and specifically in and around the City Market Shopping Center. Based on an evaluation by the City Engineer, for this specific area, there is adequate street light coverage, however little to no lighting in and around parking lots and buildings.

At the time of this report a significant number of structures within the neighborhood did not display code compliant address numbers on the dwelling structure. Minimum size house numbers are: single-family and duplex dwellings - four (4) inches high and multi-family dwellings - six (6) inches high. Many dwellings are currently reliant on street-side mail box address numbers, curb painted address numbers, and yard sign address numbers in lieu of having address numbers affixed to the dwelling structure. All dwelling units are coded to the 911 emergency response system.

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

The neighborhood has an organized and active property or homeowners' association, entitled TRUNA (Tar River University Neighborhood Area). It was established circa 1979 and had formal by-laws by 1981. The average membership represents 100 households and is composed of approximately 90% homeowners and 10% rental residents in the neighborhood. The association holds two (2) annual neighborhood parties.

The aesthetic quality of public views and the overall general streetscape in the College View Historic District is good due to mature tree cover, paved and adequate driveways, and uniformity of dwelling orientation and setbacks of most dwellings. There are street identification signs for the College View Historic District, however there are no other neighborhood identifiers, such as entrance markers or signage at the other neighborhood street access points, public art or public/common property landscape improvements within the neighborhood that further define community character, identity and sense of place.

Electric and other copper wire services are via overhead utility lines, and lack of pedestrian level street lighting negatively impacts the visual quality of the neighborhood. College View Historic District identification street signs were installed in early 2008.

Some of the lots purchased via the Buy-out are being used as a community garden and an off-leash dog park. The community garden is sponsored by TRUNA and is located at the terminus of Stancill Drive, south of the Tar River. The off-leash dog park is provided by the City and is located at the 1703 River Drive

The neighborhood contains a variety of land uses including Cypress Glen Retirement Center, Wilkerson's Funeral Home, Landmark Convenience Store, several churches, a private school and a public school.

In 2006, the Homebuyer's Assistance in the University Area program was established with the purpose to increase home ownership in the area surrounding ECU. The program was designed to assist potential homebuyers with down payment and closing costs assistance in the purchase of existing or newly constructed houses. Qualified households are eligible for a grant up to 5% of purchase price, not to exceed \$10,000. Funds can be used for gap financing and closing costs secured with a 10-year soft second mortgage at 0% interest. No re-payment is required unless the house is sold, leased or rented within the 10 year period.

There are several roadsides in or around the neighborhood that are maintained under the Adopt-A-Street program by individuals, organizations and private entities. At the time of this report, sections of 1st, 3rd, 4th, 5th, Elm, Summit, Jarvis, Meade, Beech, Biltmore, Student, Maple and Oak Streets, Rotary Avenue, Shady Lane and Forest Hill Circle have been adopted. There are sections of 2nd, 3rd, 4th, 6th, Hickory, Willow and Ernul Streets and Stancill Drive that are available for adoption. Many of the adopting organizations are fraternities and sororities.

The neighborhood contains the College View Historic District (local and nationally designated) and three (3) Local Landmarks. These historic properties are protected by overlay zoning which requires any changes to the buildings and/or grounds of these properties to be reviewed by the Greenville Historic Preservation Commission via a Certificate of Appropriateness (COA) application. Generally, repairs and minor changes require a Minor Works Certificate of Appropriateness that can be obtained following staff review without review by the Historic Preservation Commission.

The College View Historic District (256 properties) is an example of well-preserved, primarily residential buildings constructed between 1909 and 1941. The district was established in 1994 by the Greenville City Council. The structures range from modest to more sophisticated house styles. The development of the district was mainly spurred by the creation of East Carolina Teachers Training School (ECTTS) that was created in 1907. Residential development started circa 1910 and quickly became an attractive area for people of all walks of life to live due to its proximity to ECTTS, the central business district and government offices. During many times in history, the district has experienced waves of development dictated by social and economic forces, as well as, expansion of the ECU (formerly ECTTS) campus. Several of the properties within the district are owned by ECU including the ECU Chancellor's Residence. The College View Historic District is also recognized as a National Register Historic District which is an honorary designation and does not regulate the appearance of structures and/or grounds of the properties within the district.

While many property owners enjoy the sense of pride, prestige, and connection to history associated with owning an historic property, there are many tangible benefits of owning an historic property. Owners of properties in National Register Historic Districts may be eligible to apply for federal tax credits for the qualifying rehabilitation of income-producing properties. The State of North Carolina authorizes a 20% credit for those taxpayers who receive the federal credit, which provides investors with a combined 40% credit against eligible project costs. In addition, the state provides a 30% credit for the rehabilitation of non-incoming producing historic properties, including private residences.

Below are descriptions of representative properties in the College View Historic District:

William H. Dail, Jr. House, 605 E. 5th Street, is the current ECU Chancellor's Residence. The dwelling was originally built for local prominent businessman, William H. Dail, Jr.

and was later purchased by East Carolina Teachers College in 1949 for the use as the President's House. The first East Carolina Teachers Training School's President's house is located at 701 E. 5th Street and is now ECU Career Services. The home is a striking example of Renaissance Revival architecture.

Lustron House, 1300 E. 4th Street, is a prefabricated porcelain steel house named after the Lustron Corporation. Lustron houses were originally designed to be post World War II mass-produced, pre-fabricated single-family dwellings made of low-maintenance porcelain steel that were geared for "wage workers". However, due to production issues and higher than expected sales prices only 2,680 units were produced before the company declared bankruptcy in 1950. Currently, there are around 1,500 units that still survive today. The Lustron House located at 1300 E. 4th Street is the only house of its type in Greenville.

The neighborhood also contains three (3) local landmarks which are designated by City Council. These properties have the same protection as local historic districts and are subject to the same regulation. These properties are eligible for a 50% deferral of property taxes. Local landmarks can be designated for their significance in history, architecture or cultural importance as well as other aspects.

Below are descriptions of the Local Landmarks in the neighborhood:

Dr. William I. Wooten House, 403 Maple Street, was built circa 1934 as a private residence for Dr. William I. Wooten and is representative of one of the finest 1930's Colonial Revival residences.

Skinner House, 803 E. 5th Street, was built in 1927 as a private residence for Dr. L. C. Skinner and now houses the Sigma Sigma Sigma Sorority and is representative of one of the finest examples of Colonial Revival architecture in the City and in the College View Historic District.

Rotary Club, 809 Johnston Street, was built in 1920 and was the first Rotary-owned club in the world. The Club afforded Greenville's business and civic leaders a place to meet and share common concerns and a place from which to sponsor and direct their service projects. The building is an architecturally significant example of an early 20th century large club buildings.

The neighborhood also contains three (3) mapped archaeological sites. Two (2) archaeological sites (31PT31 and 31PT32) are located east of Warren Street just south of the Tar River. Archaeological site 31PT36 is located along Green Mill Run near Greensprings Park and Wahl-Coates Elementary School.

There are numerous public or common leisure, educational or recreational opportunities within the bounds of the neighborhood or within reasonable walking distance. The closest public leisure, educational, or recreational opportunities are Greensprings Park, Green Mill Run Greenway, the off-leash dog park, the open space area near River Drive and Ash Street that is city-owned, and Woodlawn Park, which are located within the neighborhood. The Town Common, Elm Street Park and Gym, and the main campus of ECU are in reasonable walking distance for most residents.

The Rotary Club of Greenville Noon is a business and service-based organization that has its meeting facility in the neighborhood located at 809 Johnston Street.

Wahl-Coates Elementary School (public) and St. Peter's Catholic School (private) are located within the neighborhood. St. Peter's Catholic Church, St. Paul's Episcopal Church, and St. James' United Methodist Church are located within the neighborhood and offer various services such as, preschool, afterschool, art classes, and girl scouts.

While River Park North is directly across the Tar River from the neighborhood, it is currently only accessible by vehicle or boat.

The Comprehensive Recreation and Park's Master Plan was adopted by City Council on November 6, 2008. The Plan recommends an additional mini park in the general area between the Tar River and Greensprings Park just west of Greenwood Cemetery and an additional neighborhood park in the general area of the neighborhood.

There is a pond north of the River Walk Subdivision but there are no dedicated easements or rights-of-way that would allow for public access.

As previously mentioned, there is a planned South Tar River Greenway, a proposed Beech Street Greenway and the existing Green Mill Run Greenway.

The main campus of ECU offers several leisure, educational, and recreational opportunities that are within walking distance of most of the neighborhood. A few examples are:

Wright Auditorium is home of the S. Rudolph Alexander Performing Art Series which offers professional performing arts events and regularly hosts concerts by the School of Music and non-campus groups. The S. Rudolph Alexander Performing Art Series offers the Family Fare Series which provides professional theatre for family audiences.

Joyner Library is the largest library on the ECU campus.

Music Library, a branch of Joyner Library, contains the largest collection of music-related materials in eastern North Carolina.

Wellington B. Gray Gallery, is an art gallery located on the ECU campus that is part of the School of Art and Design.

The Uptown Area is located to the west of the neighborhood and is within reasonable walking distance of most of the neighborhood. This area offers a variety of services and entertainment opportunities including banks, restaurants, retail shops, salons/barber shops, and local/federal government offices. Some of the attractions are:

Emerge Art Gallery, 404 Evans Street, is a non-profit arts organization. It has several galleries, a full art center including a pottery facility, a metalsmithing studio, photography classroom, general classrooms, community and student exhibitions. Also, Emerge offers adult and children classes, workshops, and special events and a full children's summer program.

Greenville Museum of Art, 802 Evans Street, is a local attraction for the citizens of Greenville and Pitt County. The museum offers gallery talks and openings, tours, art classes and numerous outreach programs.

Sheppard Memorial Library, 503 Evans Street, is the main location of the library system serving Greenville and Pitt County. There is also a Children's Library on-site.

City-Owned Recreation and Parking Facilities located within or in reasonable walking distance in the neighborhood

Elm Street Park – 2 playgrounds, 6 lighted tennis courts, 1 lighted youth baseball field, 4 picnic shelters with grills, lawn games areas, gymnasium, community center and portions of the Green Mill Run Greenway.

Greensprings Park – picnic shelter and provides a trailhead for the Green Mill Run Greenway.

Green Mill Run Greenway – beginning at Greensprings Park, runs along Green Mill Run Creek, through the Wahl-Coates Elementary School property, across 10th Street and through Elm Street Park. This 1.5 mile paved walkway provides a scenic and environmentally friendly walkway and bike path along Green Mill Run for the enjoyment of walkers, runners, bicyclists, and nature enthusiasts.

Greenville Off-Leash Dog Park, 1703 River Drive, opened in August, 2007 and is funded by the City of Greenville. This 2 acre park is located on City property that was purchased via the Buy-out program.

Woodlawn Park – ADA accessible playground, picnic shelter, volleyball court and outdoor basketball goal.

Town Common – Greenville Toyota Amphitheater, Historic Greene Street Bridge (Town Creek Bridge), 1,500' esplanade along the Tar River, South Tar River Greenway (under construction), boat access, walking trails, veteran's memorial, and millennium sundial.

Historic Greene Street Bridge – relocated and installed at the Town Common in 2005. This project was funded with NCDOT Enhancement Grant and city funds. This bridge originally provided a link from the south side of Greenville to the north across the Tar River and was originally dedicated to the veterans of WWI by the Ladies Auxiliary. It serves as the western trail head for the South Tar River Greenway.

South Tar River Greenway, Phase I – from the Historic Greene Street Bridge to the Beech Street Greenway. Construction is slated to begin by no sooner than March, 2009. The greenway is 2.9 miles of 10' wide-paved, multi-use trail that will be handicap-accessible.

Buy-out lots - maintained by the Public Works Department unless leased by outside individuals/entities. The City purchased 33 single-family and 8 duplex lots in the neighborhood. Of these, 44 lots are maintained by the City of Greenville and 8 lots are leased to individuals and TRUNA. At the time of this report, some of these lots are being used for the TRUNA-sponsored community garden and the off-leash dog park.

Buy-out Property Statistics (within neighborhood only)

Multi-family

Langston Park Apartments (2 buildings [16 units])

Tar River Estates Apartments (28 buildings [182 units], pool house, 3 laundry buildings, and gym)

River Oak Apartments (2 buildings [24 units])

Stancill Street Apartments (8 units – entire complex)

Single-family and duplex dwellings

Total: 93 (single-family and duplex that were inspected for storm-related damage)

74.45%-average damage of properties that applied for the Buy-out

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

41 purchased via the Buy-out

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

45 (single-family and duplex) inspected for damage that did not apply for the Buy-out

59.36% average damage

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

ECU-owned properties within the neighborhood (all of these properties are located in the College View Historic District):

Chancellor's Residence, 605 E. 5th Street, is the current residence of the ECU Chancellor.
Career Services, 701 E. 5th Street, primary purpose is to assist and guide students and alumni in their career quest.

Taylor-Slaughter Alumni Center, 901 E. 5th Street, location of the offices of Alumni Relations and Institutional Advancement.

Howard House, 1001 E. 5th Street, location of the ECU News Bureau and the Public Relations Office.

Facilities Administration, 1001 E. 4th Street, location of the main office of Campus Operations which is responsible for maintaining an aesthetically pleasing and safe campus environment.

Facilities Annex, 1004 E. 4th Street, is the former dentist office of Dr. O. R. Pearce.

Ward Guest House, 1201 E. 5th Street, offers a place for special campus visitors to stay for a short period of time.

University Guest House, 601 E. 5th Street, adjacent to the Chancellor's Residence and was recently approved (April, 2008) as a guest house for university visitors.

There are eight (8) sorority/fraternity houses located in the neighborhood.

The Newman Catholic Campus Ministry, 953 E. 10th Street, and The Wesley Foundation, 501 E. 5th Street, are both located within the neighborhood. Both offer a spiritual home away from home for ECU students, providing services and fellowship through weekly dinners, service projects, spiritual retreats and leadership opportunities. The Wesley Foundation offers apartments for up to 13 students.

While there are no specific external noise generator, there have been complaints about internal noise such as, amplified south and other noise emanating from neighborhood dwelling or adjacent properties. According to available Police Department records, the total number of residential noise violation complaints within the neighborhood received and/or enforcement actions taken within the 13 month period from January, 2007 to February, 2008 were 553 with 2-arrests, 64-unrelated citations, and 48-noises ordinance citations.

The closest commercial/service focus area for residents in the neighborhood is located at the intersection of Jarvis and E.3rd Streets. This focus area consists of a grocery store, two (2) restaurants, and a laundromat that provide necessary and convenience services.

The Central Business District (Uptown) is a regional focus area that is located to the west of the neighborhood.

There are two (2) legal non-conforming commercial uses within the neighborhood. The Landmark Store, a convenience store with gasoline sales, is located at E. 5th and Ash Street and University Auto Care, a service station, is located at E. 5th and Harding Streets are non-conforming uses under the current single-family only zoning.

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

In the 13-month period, 1/1/07 - 2/1/08, there were 614 code enforcement-related staff investigations and/or actions in the neighborhood, and there were 140 citations issued during that period.

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

Animal complaints (stray, domestic animals and nuisance wildlife): 600 (21-warnings; 25-citations)*

Parking on unimproved surfaces: 63 (31-citations; 18-warnings) (13%-owner; 87%-rental)

Weeded lots: 261 (22-citations) (15%-owner; 84%-rental; 1%-other)

Disturbing the peace: 553 (2-arrests; 48-citations (noise ordinance); 64-citations (other violations)*

Public nuisances: 85 (4-citations) (12%-owner; 88%-rental)

Litter/rubbish: 115 (4-citations) (6%-owner; 91%-rental; 3%-other)

Abandoned/junked vehicles: 17 (5-towed) (24%-owner; 70%-rental; 4%-other)

Residential occupancy (3 unrelated rule): 43-complaints (79-citations) (100%-rental)

Minimum housing code: 31 (6%-owner; 94%-rental)

Parking violation (GPD): 997 (566-citations; 463-towed - some calls resulted in multiple citations/tows*

Zoning and land use: 1 (illegal sports ramp – in compliance)

Abandoned structure: 1

Void/Unfounded: 26

* Information provided for GPD is for the time period from January 2007 to December 2007. These investigations/calls are included in the 4,227 GPD service calls.

Total citations from the above categories issued over the report period: 835 (some investigations/calls resulted in multiple citations/tows)

K. Current and/or Pending Planned Public Improvements

There are no current and/or pending planned public improvement projects within the neighborhood at the time of this report.

The Greenville Urban Area Thoroughfare Plan proposes the extension of Brownlea Drive from its current terminus at E. 6th Street to connect to E. 10th Street. However, due to environmental constraints, this portion will most likely not be constructed.

L. Public Services

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

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

- General government, vested in a city council of six (6) members (5 district and 1 at-large) and a mayor elected from the qualified voters. The neighborhood is located in voting district 3.
- Sanitation services including residential (curbside/rear yard) garbage, bulk refuse and yard debris disposal and recycling are provided on a weekly schedule. Vector (malaria/rodent) control and seasonal leaf collection also are provided.
- Street maintenance and traffic services including repair and reconstruction of street travel-ways and street drainage facilities located within the right-of-way of public streets.
- Public drainage system construction and maintenance.
- Fire suppression and life rescue, including paramedic service and transport on a 24-hour basis.
- Police services for the protection of life and property including traffic control and crime investigation on a 24-hour basis.
- Recreation and Parks services including passive open spaces, active recreation facilities and parks.
- Library services and branch facilities.
- Utilities including water, sanitary sewer, gas and electric service, streetlights and stormwater.

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

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

M. Information Technology

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

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

The Future Land Use Plan recommends several types of land uses within the neighborhood. The described recommendations are only for the area within the boundary of the neighborhood. Conservation/open space (COS) is recommended along the southern banks of the Tar River, along Green Mill Run (within the neighborhood) and at the locations of Greensprings Park and Woodlawn Park. Commercial (C) is recommended for the general area of the intersection of E. 3rd and S. Jarvis Streets – Neighborhood Commercial (CN) recommended. High Density Residential (HDR) is recommended for the area between E. 1st and 5th Streets, east of the drainage canal that runs parallel to Reade Street and just west of South Summit Street and for the area south of Brownlea Drive, east of Elm Street and generally north of E. 3rd Street. Office/institutional/multi-family (OIMF) is recommended for the area south of E. 5th Street, east of Hilltop Street, west of Greensprings Park and north of Green Mill Run. Low density residential (LDR) is recommended south of the Tar River, north of E. 1st Street/Brownlea Drive. Medium density residential (MDR) is recommended for the remaining areas in the neighborhood, which is generally south of E. 1st Street, north of E. 5th Street (until just beyond the ECU main campus and 10th Street).

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

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

As the neighborhood has evolved, many of the single-family dwellings have been converted to duplex and multi-family buildings. In an attempt to minimize non-single-family intrusion into a select three hundred-ninety (390)-lot area at the core of the Tar River Neighborhood, the city created the R6N (neighborhood revitalization) district in the early 1980's. The new district limited the total number of duplex and multi-family lots (uses) to not more than fourteen (14%) percent of the total number of lots in the district. Although proven to be problematic over time, this new district served to stem the tide of multi-unit conversion. While the total number of non-single-family uses remained constant, at or near the maximum, the location of multi-occupancy dwellings were allowed to shift within the district. As historically built single-family dwellings, previously converted to duplex use, were rehabilitated and returned to single occupancy, the percentage rule allowed reverse conversion of other dwellings to occur.

In 2005, a significant portion of the neighborhood was rezoned from R6 and R6N (single-family/duplex/multi-family) to R6S (single-family only) and from R9 (single-family/duplex) to R9S (single-family only) as part of the Task Force on Preservation of Neighborhoods and Housing Strategy # 6: "Identify neighborhoods that are predominantly single-family in character, but are zoned in a manner that would permit intrusion of duplex and multi-family uses. Rezone such neighborhoods to prohibit further intrusion."

The current R6S and R9S zones are restricted to single-family dwellings only. However, there are existing duplexes, multi-family and 2 commercial uses that existed prior to the single-family rezoning and have been "grandfathered". "Grandfathered" uses may remain provided such uses are not abandoned for more than 6 months.

The remaining sections of the neighborhood are zoned: R9, R6, OR, CN, PUD.

The goal of the single-family zoning is to provide an added measure of neighborhood stability and to demonstrate the city's commitment to single-family neighborhood preservation as part of a comprehensive housing revitalization strategy. The prior R6 and R6N zoning allowed single-family and duplex dwellings, and multifamily development and the prior R9 zoning allowed single-family and duplex dwellings. The remaining portions of the neighborhood are zoned R6 (single-family/duplex/multi-family) that contains Tar River Estates, Wilson Acres, Cypress Glen Retirement Center, PUD that contains Wesley Commons, CN that contains the City Market Center and Unk's Restaurant, and OR that contains Wahl-Coates Elementary School, Greensprings Park, and Wilkerson's Funeral Home.

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

Zoning District Standards for R6S, R9S, and R9 zoning districts.

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

Lot size: 6,000 square feet

Front setback: 25 feet

Side setback: 8 feet

Rear setback: 15 feet

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

Carports (open and unenclosed): 5 foot side setback

Select R9S Zoning Standards (minimums per Title 9, Chapter 4, Article F of the City Code)

Lot size: 9,000 square feet

Front setback: 25 feet

Side setback: 10 feet

Rear setback: 15 feet

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

Carports (open and unenclosed): 5 foot side setback

Select R9 Zoning Standards (minimums per Title 9, Chapter 4, Article F of the City Code)

Lot size: 13,500 square feet (duplex); 9,000 square feet (single-family)

Front setback: 25 feet (both)

Side setback: 14 feet; 10 feet (single-family)

Rear setback: 15 feet (both)

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

Carports (open and unenclosed): 5 foot side setback

Because the R6, CN, OR, and PUD district standards are so varied, those standards are not specifically listed. See Title 9, Chapter 4. Zoning of the City Code.

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

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

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

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

Identified Areas for Consideration of Neighborhood Improvement:

C. Transportation – 3

- First Street thoroughfare plan improvements
- Fifth Street thoroughfare plan improvements
- Tenth Street thoroughfare plan improvements
- Brownlea Drive thoroughfare plan improvements
- Elm Street thoroughfare plan improvements
- Sidewalks on one side of all neighborhood collector streets
- Pedestrian access to public transportation

E. Storm Drainage - 3

- Localized street intersection flooding

F. Structures and Building Activities - 3

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

G. Socioeconomic - 3

- Comprehensive reinvestment in and continued improvement of the housing stock

H. Health and Safety - 3

- Unsecured underground fuel oil tanks
- Street Lighting
- Posted street addresses
- Park safety (additional lighting)
- Under-lighted areas (specifically near the City Market Shopping Center)

I. Quality of Life - 2

- Neighborhood identifiers, entrance signs, etc.
- Overhead utility lines and services
- Street lighting
- Pedestrian/bike (sidewalk/bike lane) access to services and parks
- Lack of Community Watch Program
- Participation in Adopt-A-Street Program

J. Code Compliance - (CDD Code Enforcement Division unless otherwise noted) - 2

- Minimum housing code
- Abandoned/junked vehicles
- Parking on unimproved surfaces
- Weeded lots
- Public nuisances
- Residential noise violations
- Animal complaints (Police)
- Disturbing the peace (Police)
- Litter/rubbish

K. Current and/or Planned Public Improvements- 3

- Development of a Sidewalk Plan
- Completion of Thoroughfare Plan improvements

M. Information Technology- 3

- Fiber optic services
- Wireless internet

6. Survey Results Summary

Household surveys were mailed to property owners and residents, utilizing tax parcel information, requesting their opinion of current neighborhood conditions. Below is the average score of those responses. In total, 449 surveys (233-owners, 165-renters, 32-Cypress Glen Retirement Center and 19-miscellaneous) were returned.

OWNERS

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

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

Note – The primary area of concerns are convenience to personal services and employment, neighborhood organization, number and condition of rental properties, sidewalk and pedestrian–friendly street crossings, security of investment, personal safety, internal noise, and convenient, on-street parking.

Does your neighborhood have an organized and active Neighborhood Association?

- 60% - Yes
- 30% - No
- 10% - No answer

Do you regularly attend meetings of the neighborhood association?

- 47% - Yes
- 45% - No
- 8% - No answer

How many years have you lived in this neighborhood?

- 27% - over 25 years
- 20% - 1 to 5 years
- 14% - 10 to 15 years
- 13% - 5 to 10 years
- 9% - 15 to 20 years
- 8% - 20 to 25 years
- 8% - no answer
- 1% - less than 1 year

17 years on average

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

My previous address located outside this neighborhood was:

- 34% - a Greenville in-city neighborhood
- 22% - a State other than North Carolina
- 21% - a County in North Carolina other than Pitt County
- 9% - no answer
- 7% - a Pitt County out-of-city area (rural subdivision or stand alone rural lot)
- 3% - a Winterville in-city neighborhood
- 3% - a Pitt County city other than Greenville or Winterville
- 1% - a Country other than the United States

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

- 67% - No
- 24% - Yes
- 9% - No answer

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

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

- 31 - Security issues (personal or property crime)
- 19 - Quality of life issues (quiet enjoyment, recreational, open spaces, etc...)
- 14 - Employment opportunity in another area
- 11 - Need larger dwelling (bedrooms, bathrooms, yard area, etc.)
- 10 - School system issues
- 7 - Retirement
- 5 - Other

- 4 - Physical condition of current dwelling
- 4 - Prefer a smaller dwelling/yard (less space, less maintenance)
- 3 - Graduation

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

Of the homeowner surveys received, 45 surveys indicated some type of problem. The responses and windshield survey by staff would indicate that the housing stock is in good physical condition however, due to the period of construction, many houses are in need of upgrades and improvements.

- Frequent poor yard drainage: 16
- Plumbing system problems: 11
- Electrical system problems: 10
- Foundation or structural problems: 8
- Heating and cooling: 8
- Leaking Roof: 7
- Street drainage: 2
- Sewer: 2
- Insects: 1
- Structural: 1

Do you view your current neighborhood as:

- 40% - declining
- 33% - stable
- 14% - some improvement
- 6% - nothing
- 3.5% - excellent
- 3.5% - substantial improvement

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

- 39% -60 and over
- 34% - 45 – 60 years old
- 19% - 25 – 45 years old
- 5% - 18 – 25 years old
- 3% - No answer

Which of the following best describes your household?

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

- 34% - Single occupant (an adult living alone)
- 33% - Family with no children in the household
- 14% - Family with a young child(ren) (infant – 13 years old)
- 10% - No answer
- 8% - Family with an older child(ren) (14 – 18 years old)
- 1% - Family with young and older children

RENTERS

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

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

Note – The primary area of neighborhood respondent concerns are convenience to personal services, number of condition of rental properties, personal safety, private parking lot condition and maintenance, convenient access to public and ECU Student Transit system stops.

Does your neighborhood have an organized and active Neighborhood Association?

67% - No
15% - Yes
18% - No answer

Do you regularly attend meetings of the neighborhood association?

86% - No
4 % -Yes
10% - No answer

How many years have you lived in this neighborhood?

- 73% - 1 to 5 years
- 9% - 5 to 10 years
- 5% - 10 to 15 years
- 4% - less than 1 year
- 1% - 20 to 25 years
- 1% - over 25 years
- >1% - 15 to 20 years
- 3.3 years on average**

7% - no answer

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

My previous address located outside this neighborhood was:

- 47% - a Greenville in-city neighborhood
- 27% - a County in North Carolina other than Pitt County
- 19% - a State other than North Carolina
- 2.5% - a Pitt County out-of-city area (rural subdivision or stand alone rural lot)
- 1% - a Winterville in-city neighborhood
- >1 % - a Pitt County city other than Greenville or Winterville
- 2.5% - no answer

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

- 64% - No
- 35% - Yes
- 1% - No answer

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

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

- 54 - Employment opportunity in another area
- 33 - Security issues (personal or property crime)
- 27 - Quality of life issues (quiet enjoyment, recreational, open spaces, etc...)
- 26 - Need larger dwelling (bedrooms, bathrooms, yard area, etc.)
- 26 - Graduation
- 20 - Physical condition of current dwelling
- 8 - School system issues
- 3 - Prefer a smaller dwelling/yard (less space, less maintenance)

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

Of the renters surveys received, 73 surveys indicated some type of problem. The responses and windshield survey by staff would indicate that the housing stock is in good physical condition however, due to the period of construction, many houses are in need of upgrades and improvements.

Heating and cooling: 30
Plumbing system problems: 25
Frequent poor yard drainage: 17
Foundation or structural problems: 15
Leaking Roof: 15
Electrical system problems: 14
New renovations: 4
Insects: 2
Energy efficiency: 2

Would you consider purchasing a dwelling in this neighborhood?

55% - No
37% - Yes
8% - No answer

Do you view your current neighborhood as:

47% - stable
30% - declining
16% - some improvement
3.5% - excellent
2.5% - substantial improvement
1% - no answer

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

44% - 18 – 25 years old
31% - 25 – 45 years old
11% - 60 and over
10% - 45 – 60 years old
1% - Under 18 years old
3% - No answer

Which of the following best describes your household?

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

- 47% - Single occupant (an adult living alone)
- 43% - Family with no children in the household
- 5% - Family with a young child(ren) (infant – 13 years old)
- 2% - Family with an older child(ren) (14 – 18 years old)
- 3% - No answer

Most survey responses from Cypress Glen Retirement Center stated that their comments pertained to Cypress Glen. Therefore, these survey responses were not included.

Due to the limited numbers of surveys received from miscellaneous sources (sororities, churches, etc) no meaningful statistics could be derived.

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

Vision area

The neighborhood is located in Vision Area I, East Central.

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

- I2. Preserve the historical, architectural, and single-family character of the College View and University neighborhood.
- I5. Develop and implement a tree planting plan – College View neighborhood, 10th Street, and Charles Boulevard.
- I8. Extend Green Mill Run greenway improvements to Tar River.
- I9. Preserve tree canopy appearance of Fifth Street.

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

Objectives

Housing

- H4. To encourage the restoration and preservation of historic residential properties.
- H5. To improve and revitalize existing neighborhoods.

Mobility

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

Recreation and Parks

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

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

Implementation Strategies

Environmental Quality

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

Community Character

CC1. To preserve and protect canopy trees.

CC7. To encourage preservation of historic buildings and areas.

CC9. To increase neighborhood vitality and property values by preserving and enhancing historic areas.

CC10. To encourage participation in historic preservation efforts.

Urban Form

UF6. To preserve neighborhood livability.

UF12. To preserve historical and cultural properties, landmarks, and districts.

Land Use

4 (d). Encourage revitalization of older neighborhoods in Greenville in a manner that preserves neighborhood character and identity.

4 (e). Implement programs to increase home ownership.

Growth and Development

1(c) Support the ECU Master Plan consistent with the policies of this plan and review development proposals to ensure compatibility with the plan.

2(b). Implement the Greenway Master Plan.

2(c) Develop a Historic Preservation Plan which sets out a comprehensive strategy for protecting the City's historic resources.

2 (e). Continue to nominate historic properties and districts to the National Register of Historic Places and continue to designate local historic properties and districts.

2 (x). Maintain neighborhood character and identity.

2 (y) Create walkable communities/neighborhoods.

2 (z) Encourage citizen involvement within neighborhoods.

Transportation

- 1(i). Discuss Tenth Street corridor concept plan.
- 1(j). Implement the following projects using local sources if state assistance is not available.
- Link Farmville Boulevard to Tenth Street.
 - Acquire property and participate in the design and construction of the Tenth Street/Farmville Boulevard connector between Uptown, ECU Core Campus, and medical area.
- 1(m). Develop a sidewalk map of the City; consider adopting a sidewalk plan which assesses the need for sidewalks and describes specific sidewalk projects to be completed.

Economic Development

- 2(c). Market and promote historic areas as a part of Greenville's economic strategy.

Natural Environment

- 5(a). Through implementation of the Greenville Zoning Ordinance, limit land uses in the vicinity of historic sites and natural heritage areas to compatible land uses.

Implementation Strategies (completed to date)

- General planning principles supported
- South Tar River Greenway project funded and construction schedule established
- Rezoning of neighborhood to single-family only
- Home-buyer down payment assistance program funded
- Greenway Master Plan adopted
- Recreation and Parks, Master Plan adopted
- Thoroughfare Plan adopted
- Amended City Code relating to placement of garbage and trash containers following pick-up service

Implementation Strategies (pending)

- Tenth Street/Farmville Boulevard Connector project

8. City Council Goals (2006-2007)

Completed to Date

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

Pending

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

6. Goal: Emphasize the Importance of Neighborhood Stabilization and Revitalization
 - A. Objective: Setup pilot program in T.R.U.N.A. and all areas of the City to increase homeownership
 - Action Item# 1: Create economic incentives to encourage reinvestment in established single-family neighborhoods
 - Action Item # 2: Develop and empower neighborhood associations, including financial assistance to train leaders and build organizational capacity (see TFPNH recommendation # 8)
 - E. Objective: Expand loan program for conversion of rental property
 - Action Item # 1: Convert rental properties to owner-occupied housing; develop a citywide down payment assistance program to assist 20 homebuyers over the next two years

8. Goal: Provide a Safe Community
 - A. Objective: Create and implement community policing policies that increase public contact and improve the perception of the Police Department
 - Action Item # 1: Allocate resources to best provide community policing based on calls for service analysis completed in 2005

8a. City Council Goals (2008-2009)

Pending

3. Goal: Promote Sustainability and Livability of Both Old and New Neighborhoods
 - A. Objective: Create walkable/bikeable communities
 - Action Item# 2: Develop a sidewalk master plan to create interconnectivity with neighborhoods, parks, and mixed-use developments

B. Objective: Expand the greenway system

Action Item #3: Complete construction of South Tar River Greenway

4. Goal: Develop Transportation Initiatives

B. Objective: Improve pedestrian mobility

Action Item#2: Construct sidewalks in areas presently not served based on availability of right-of-way with priority to areas with larger amounts of traffic.

9. Public comments received during the public information meeting held at Sheppard Memorial Library on March 5, 2008

- Amount of Section 8 housing in neighborhood
- Personnel needs in Code Enforcement – need more staff?
- Compare code enforcement actions versus rental dwellings
- Types of code enforcement violations
- Amount of rental signs posting in multiple locations
- Rental registration program needed
- Pilot rental registration program in the neighborhood
- Number of code enforcement versus other neighborhoods in Greenville
- Identify ways to modify behavior of individual (renters) problems
- Garbage pick-up - leaving garbage cans at street instead of rolling back away from curb
- Call center/action line for calls to be directed to appropriate staff
- Need for a code enforcement amendment to require garbage cans to be rolled back away from curb (further back than current city code)
- More than 3-Unrelated persons investigations in neighborhood
- Need ordinance for removal of trees on private property
- Sidewalk gaps – trying to fill-in sidewalk gaps
- Street lights – increase in number and more pedestrian style lighting
- Age diversity in neighborhood – need for families with young children to live in neighborhood
- Ways to improve safety in parks
- ECU crime stats
- Future plans from ECU that involve the neighborhood

9a. Tar River/University Area Neighborhood Association Goals and Objectives (provided by TRUNA to the City on June 14, 2008)

Vision:

Our neighborhood is:

- safe, clean, family oriented, and visually appealing;
- friendly, walkable, economically stable;
- historically and architecturally unique;
- a balance of owner and rental occupancy; and,
- green, sustainable and environmentally sound, promoting a healthy, high quality lifestyle with a small carbon foot print.

Goals and Objectives:

(not prioritized or defined as short- or long-term)

- Increase percentage of family-owned and occupied dwellings
- Proactive code enforcement
- Creation of rental property registry
- Sidewalk expansion and repair, sidewalk connections to parks and Greenway
- Lobby for immediate construction of the planned and funded Greenway
- Create “River Park South” adjacent to Greenway
- Create “pocket parks”
- Expand bikeways
- Promote the return to neighborhood schools
- Traffic calming and one-way streets
- Enhanced street lighting
- Wireless internet access
- Street resurfacing
- Buried utilities
- Community gardens
- Renovation of historic properties with tax credit programs
- Promote creation of performing arts center

Strategies:

- Advocate for implementation of parking plan (before fall 2008 semester begins)
- Develop and sustain partnerships with UpTown Greenville
- Support elections of and sustain relationships with City Council representatives who advocate for TRUNA interests
- Work closely with city staff, particularly Neighborhood Liaison Officer/ Ombudsman
- Conduct regular walking tours with Code Enforcement staff
- Maintain Community Watch Program and close relationships with Greenville Police Department
- Partnerships with ECU
- Partnerships with other neighborhood associations
- Partnerships with selected realtors who promote sales of homes for home ownership
- Partnerships with rental property owners who support our goals and objectives
- Seek historic preservation grants
- Seek Community Appearance Grants from City
- Promote City’s Home Owner Assistance Program
- Incorporate as a not-for-profit corporation
- Maintain an active website – www.trunaliving.com

- Advertising campaign promoting neighborhood's assets, especially those valuable to employees of ECU and city government to lure these people back and reclaim properties that have been rental
- Support UpTown restaurants with a regular social/dining night "Eat Uptown Nigh

**Issues for Consideration in the Development of
Neighborhood Plans**

Community Development Department

Land Suitability

- Topography
- Soils
- Watershed protection
- Buffers

Comprehensive Land Use Plan

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

Structures and Building Activity

- Dwelling types and condition
- Improvement permit records

Socioeconomic

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

Quality of Life

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

Code Compliance

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

Information Technology

- Cable TV
- Telephone

Fiber optic

Cultural Resources

Library services, etc.

Civic and private art resources

Cultural /historical resources and landmarks

Public Works Department

Natural Environment

Flood hazard areas

Stream channels and bodies water

Street trees

Wildlife habitat

Environmental hazards and limitations

Mosquito control

Transportation

Traffic circulation

Connectivity of streets

GREAT bus stops/routes existing

ECU bus stops/routes existing

Sidewalks and bike lanes

Thoroughfare and street construction/improvement plans

On-street parking

Street identification, and regulatory signage

Speed limits within neighborhood

Traffic control and traffic calming

Storm Drainage

Stormwater management systems

Road flooding conditions

Lot flooding conditions

Stream bank stabilization

Riparian buffers

Storm water detention

Storm water utility program improvements

Service Delivery

Garbage collection

Mosquito control

Trash collection

Yard debris collection

Recycling

Other

Adopt-A-Street program

Greenville Utilities Commission

Public Utilities

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

Police Department

Health & Safety

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

Quality of Life

Residential noise violations with number of citations issued

Fire/Rescue Department

Health & Safety

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

Recreation and Parks Department

Quality of Life

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

Adopted Plans Affecting Neighborhoods – All Departments

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

Neighborhood Plan for the Tar River/University Area

April 9, 2009

Goals:

To create, maintain and enhance a sustainable neighborhood.

Objectives:

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

Policy Implementation and Improvement Strategies:

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

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

Capital Improvement and Implementation Strategies:

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

- The City will investigate the creation of a home improvement matching grant fund for older site-built single-family owner-occupied dwellings (example - not less than 30-years old) to be awarded on an annual basis, to encourage qualified home improvement/upgrades that will increase the tax value and marketability of older dwellings. Such grant to be secured by an owner occupancy condition (Deed of Trust) for a determined period.
- The City will provide grants, in accordance with current program/policy, to the neighborhood homeowners associations for design and construction of neighborhood (subdivision) entrance signs.
- The City will install appropriate GREAT system bus stop improvements at locations as determined necessary and appropriate by the Public Works Department as recommended by the Thoroughfare Plan.
- The City will install sidewalks per an adopted Sidewalk Master Plan.
- The City will assess street drainage facilities, including travel-way locations reported to be affected by occasional flooding and will install improvements as determined to be necessary by the City Engineer.
- The City will evaluate junked/disabled vehicle policies, specifically in reference to allowance of covered vehicles in the rear yard, and amend the current policy as determined appropriate.
- The City will encourage additional neighborhood volunteer participation in the Adopt-A-Street program.
- The City will consider the feasibility of the completion of the Brownlea Drive extension to provide a connection from E. 6th Street to E. 10th Street.
- The City will assess street lighting levels throughout the neighborhood and cause the installation of additional lamps as determined necessary by the City Engineer. Use of period street lighting fixtures will be considered in and adjacent to the historic district.
- The City will monitor Green Mill Run and institute bank stabilization as necessary to minimize sedimentation/erosion and land (building site) loss as determined to be necessary by the City Engineer.
- The City will assist neighborhood and area residents in the establishment of a Neighborhood Watch Program.
- The City will evaluate passenger vehicle speeds on neighborhood streets and shall install additional traffic calming devices as determined to be necessary by the City Engineer.

- The City will notify property owners of address number display requirements.
- The City will update the GIS-GPS coverage for storm water improvements throughout and adjacent to the neighborhood.
- The City will request and encourage GUC to update the GIS-GPS coverage for all public utilities, including water, sanitary sewer, gas and electric lines, and street lights throughout and adjacent to the neighborhood.
- The City will consider the development of “residential rental sign” regulations concerning the size, number and location of on-site rental signs in single-family areas.
- The City will explore methods to better inform residents on the use of the online Intouch (complaint/question) action line system.
- The City will prohibit expansion of the neighborhood commercial focus area at Jarvis and E. 3rd Streets.
- The City will encourage the installation of additional lighting in and around parking lots and buildings at the neighborhood commercial focus area at Jarvis and E. 3rd Streets.
- The City will consider partnering with Re-Leaf to plant canopy trees in the neighborhood.
- The City will investigate enhancing existing crosswalks and suitability of additional crosswalks in the neighborhood.
- The City will investigate a partnership with ECU to prepare a Gateway and Streetscape Plan in the neighborhood to create a sense of place and enhance the connection between the neighborhood, Uptown and ECU.
- The City will investigate the feasibility of an amendment to the Greenway Master Plan to include a portion of Town Creek and potential pedestrian crossing.
- The City will consider the adoption of a city-wide policy on lighting standards to limit light pollution.
- The City will investigate ways to publicize the positive attributes and changing conditions in the neighborhood as a result of the neighborhood planning initiatives.
- The City will consider the funding for filling in gaps in existing sidewalks to facilitate a more continuous sidewalk network.
- The City will consider the dissemination of code enforcement activities in the neighborhood on a bi-annual basis.
- The City will consider the adoption of a policy that reflects the City’s commitment to replant right-of-way street trees when they are removed either by damage, disease, public right-of-way improvements or other natural causes.

- The City will investigate the possibility of providing wireless internet access to the neighborhood.
- The City will investigate the creation of a home improvement grant program for the rehabilitation of dwellings in the local historic district.

Supplemental Information



Tar River / University Neighborhood Association
408 South Harding Street
Greenville, N. C. 27858

www.trunaliving.com

March 6, 2009

Chantae M. Gooby
Planning Division
Community Development Department
City of Greenville
P.O. Box 7207
Greenville, NC 27835

Re: *Tar River/University Area Neighborhood Report and Plan (08-01)*

Dear Ms. Gooby:

I wish to thank you, your colleagues, and all of the city staff who have crafted the *Neighborhood Report and Plan for the Tar/River University Area*. Speaking for the neighborhood association, we are very pleased with the content and form of the plan. It represents a lot of very good work, with many well thought-out recommendations to guide the city, our neighborhood association, individual property owners, and other stakeholders. It identifies many strategies and potential actions to implement Greenville's Horizons Plan, as well as the current goals of City Council, most notably "Promote sustainability and livability in both old and new neighborhoods." The timing is fortuitous. The plan should be of interest also to East Carolina University, our most prominent neighbor, as the University revisits its Comprehensive Campus Master Plan which will "... guide future development, ... and establish a *"sense of place."*

As with every plan, the process is an important part itself – perhaps the most important part. We thank you for the opportunity to be a partner with you from the beginning, over a year ago. The well-done condition assessment by city staff, the community survey, and the public information meeting last March provided an excellent foundation for the neighborhood association's part of the process. We very much appreciated being afforded time to develop our *Vision, Goals, Objectives, and Strategies* for inclusion (pp. 38-39). The plan was the focus of every TRUNA Board meeting from April to July. Your support of our deliberations with additional maps and analyses was very helpful. Our vision, basic goals and strategies are very much in synch with the final report and plan. Our vision for our neighborhood is that it be:

- safe, clean, family oriented, and visually appealing;
- friendly, walkable, economically stable;
- historically and architecturally unique;
- a balance of owner and rental occupancy; and,
- green, sustainable and environmentally sound, promoting a healthy, high quality lifestyle with a small carbon foot print.

Though we recognize that *policy implementation* and funding of *improvement strategies* (pp. 43-45) depends on availability of resources, this plan provides a coherent list of recommended actions to guide the City and our association. We look forward to working with City Council and City Staff to establish priorities and find resources and ways to implement recommendations of the plan.

With our continued partnership and commitment by City Council and City Staff, we can realize our common vision and collective goals; making Greenville a more economically strong, vibrant, safe, and enjoyable place to live.

As the plan goes for review by the Planning and Zoning Commission, we would like to add this strong letter of support from the Neighborhood Association.

Thank you.

Sincerely,



Chris Mansfield, President
Tar River/University Neighborhood Association

Copy

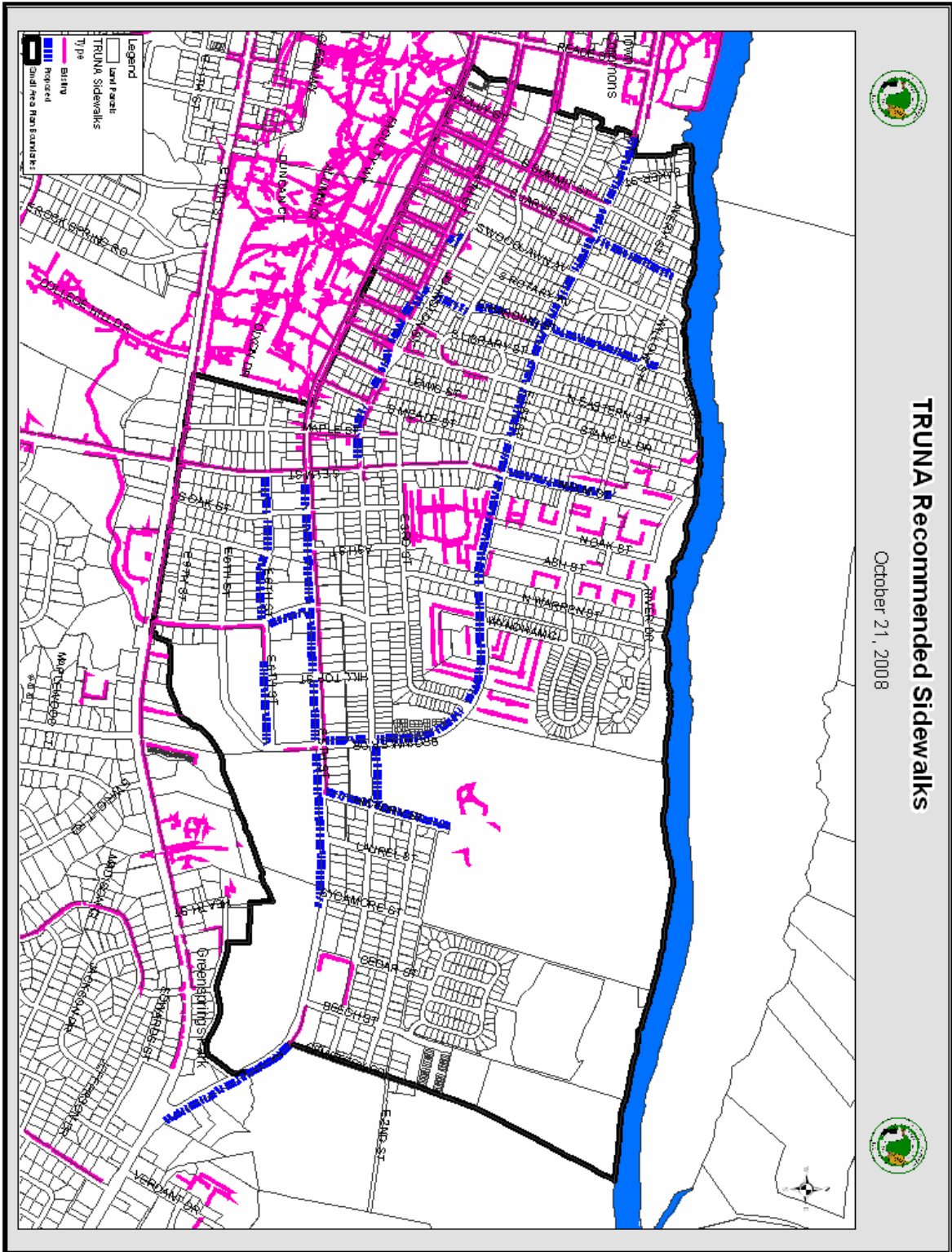
Councilman Larry Spell

Wayne Bowers, City Manager

Merrill Flood, Director of Community Development

Harry V. Hamilton, Jr., Chief Planner

Steve Ballard, Chancellor, East Carolina University



Greenville Police Department and ECU Police Department calls for service are for the period of January 1, 2007 – December 31, 2007 for the neighborhood and the immediate area.

Type	GPD		ECUPD	
	Number of Calls	Disposition	Number of Calls	Disposition
Abandoned Vehicle	14	1-citation	0	0
ABC Violation	79	75-citations (2-citations disturbing the peace)	0	0
Aid/abet alcohol possession	0	0	1	1-citation
Aid/abet DUI	0	0	1	1-citation
Alarm - Vehicle	9	0	0	0
Animal Complaint	600	21-warnings; 25-citations	0	0
Armed Robbery	10	3-arrests	0	0
Arson	1	0	0	0
Assault - Aggravated	4	0	0	0
Assault by pointing Gun	2	0	0	0
Assault- Deadly Weapon	5	4-arrests	0	0
Assault- Female	13	3-arrests	0	0
Assault Inflict Serious Injury	1	0	1	1-arrest
Assault - Juvenile	1	0	0	0
Assault - simple	34	1-arrest	2	0

Auto Collision	0	0	7	1-citation
Auto Larceny, Stolen Vehicle	33	0	0	0
Breaking & Entering	0	0	3	3-arrests
Breaking & Entering & Larceny - Residential	19	0	0	0
Breaking and Entering - Commercial	1	0	0	0
Breaking and Entering - Residential	101	8-arrests	0	0
Breaking & Entering / Larceny of MV	150	2-arrests; 3-citations	5	0
Burglary - 1st degree	18	1-arrest; 2-citations	0	0
Burglary - 2nd degree	5	0	0	0
Careless/reckless driving	0	0	3	1-arrest
Check on Welfare	23	0	0	0
Communicating Threats	25	0	0	0
Consuming alcohol in public	0	0	2	
Consumption of alcohol in motor vehicle	0	0	1	1-citation
Crowd Control	2	0	0	0
Damage to property	0	0	14	2-arrests; 2-citations
Damage-City Property	5	0	0	0
Damage - motor vehicle	0	0	2	2-citations
Damage - Personal Property	103	2-arrests; 2-citations	0	0

Damage - Real Property	21	0	10	0
Defraud an Innkeeper	4	1-arrest	0	0
Dispute	97	2-citations; 1-citation (noise ordinance)	0	0
Dispute with Weapons	1	0	0	0
Disturbance	15	1-citation (noise ordinance)	0	0
Disturbing the Peace	553	2-arrests; 64-citations; 40-citation (noise ord.)	0	0
Domestic Violence	63	8-arrests; 1-citation	0	0
DUI	13	2-arrests	41	40-arrests; 1-citation
Driving with license revoked	0	0	14	9-arrests; 3-citations
Expired registration	0	0	1	0
Failure to burn headlights	0	0	1	0
Failure to carry driver's license	0	0	1	0
Failure to give information	0	0	1	0
Failure to move for police	0	0	1	0
Failure to stop at stop sign	0	0	1	0
Fake identification	0	0	9	6-citations
False police report/false info to police officer	0	0	4	1-citation

Fight	46	4-arrests; 4-citations	0	0
Fight with Weapons	2	0	0	0
Firearm on educational property	0	0	3	3-arrests
Fireworks	51	1-citation (noise ordinance)	0	0
Fleeing to allude arrest	0	0	1	0
Following too closely	0	0	1	0
Graffiti	0	0	1	0
Gun Shots	45	0	0	0
Hit and run	0	0	3	0
House Checks	77	0	0	0
Improper lane change	0	0	1	0
Indecent Exposure	7	0	2	2-arrests
Intoxicated and disruptive	26	1-arrest; 1-citation	11	4-arrests; 2-citations
Juvenile Complaint	19	0	0	0
Keep Check	74	0	0	0
Larceny	112	3-arrests	2	1-arrest
Larceny of state property	0	0	1	0
Littering	1	0	3	2-citations
Maintain vehicle for controlled substances	0	0	1	0

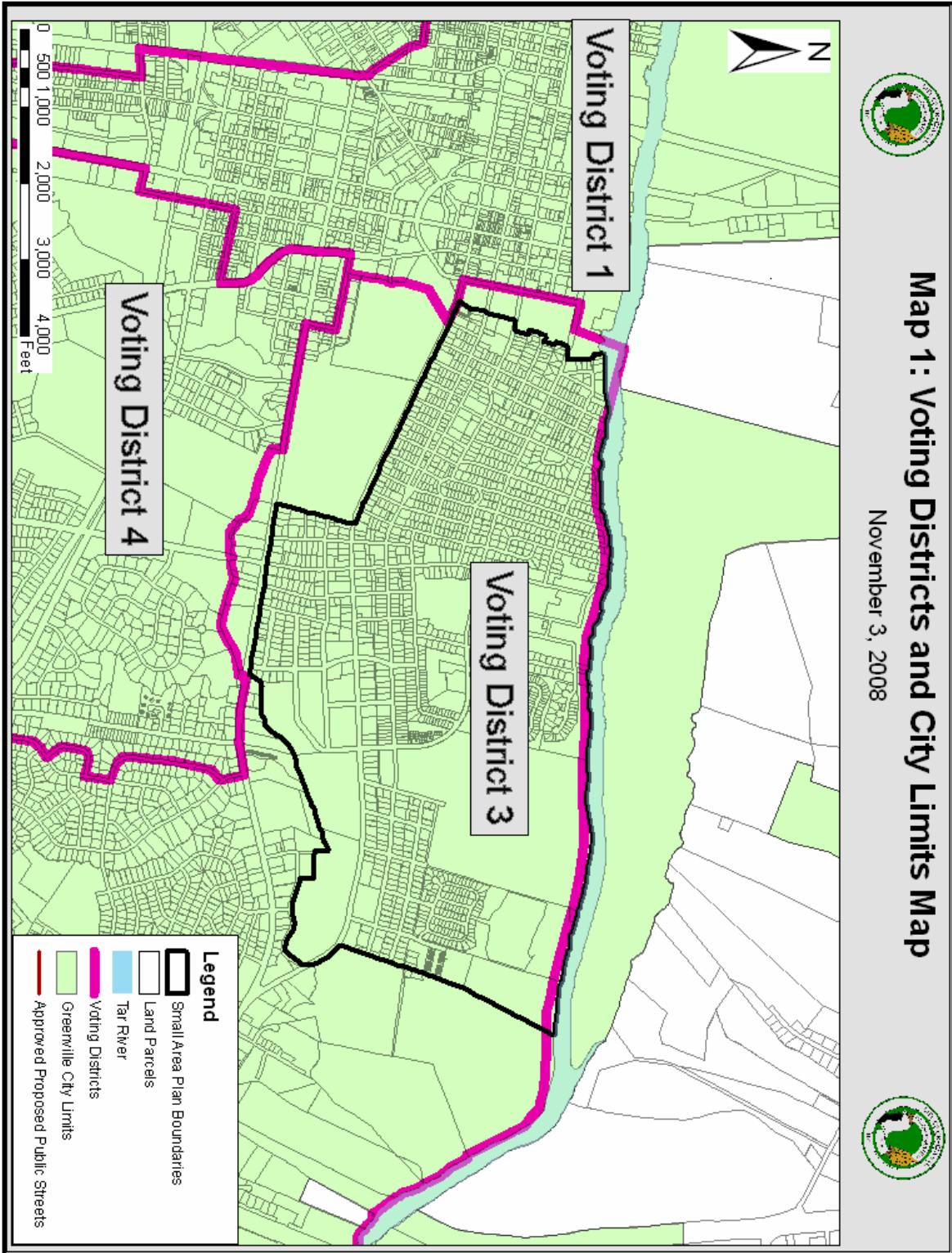
Man Down	10	0	0	0
Man with Weapon	7	0	0	0
Missing Person	23	0	0	0
No operator's license	0	0	6	2-arrests; 1-citation
One-way street violation	0	0	3	0
Open door, window, etc	28	0	0	0
Panic Alarm - Residential	6	0	0	0
Parking Violation	997	566-citations / tickets; 463-towed	0	0
Possession of open container	0	0	15	14-citations
Possession marijuana	0	0	12	5-arrests
Possession of drug paraphernalia	0	0	9	0
Possession of marijuana with intent to sell	0	0	1	0
Possession of open container in vehicle	0	0	16	12-citations
Provisional DUI	0	0	7	1-arrest; 4-citations
Prowler	4	0	0	0
Public consumption	0	0	14	14-citations
Public urination	0	0	40	35-citations
Rape	1	0	0	0

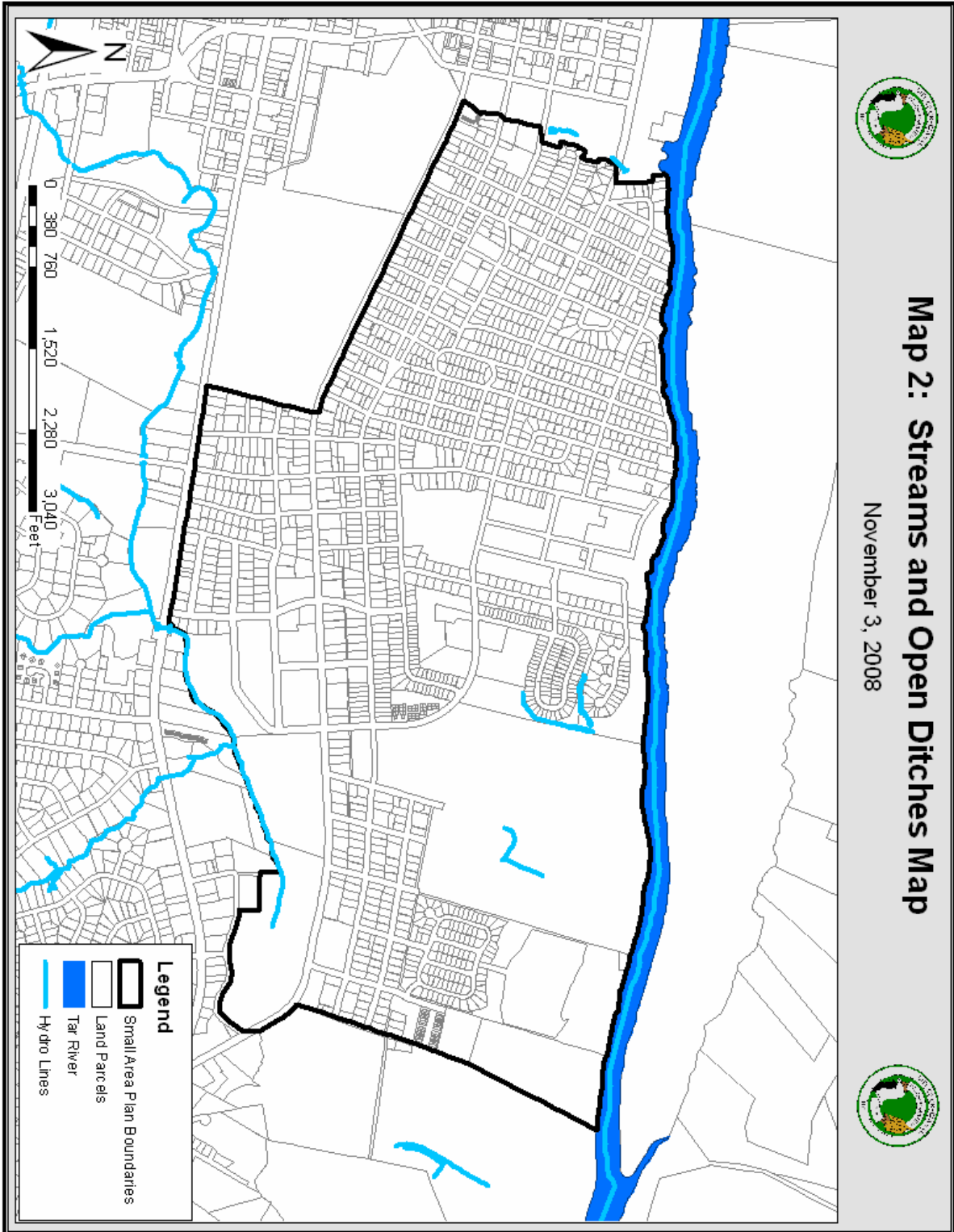
Recovered Property / Vehicle	29	2-arrests	0	0
Request Officer	134	1-parking ticket; 1-citation; 1-citation (noise ord.)	0	0
Resist, delay, obstruct officer	0	0	28	16-arrests; 2-citations
Sexual Assault	3	0	0	0
Simple affray	0	0	6	6-arrests
Speeding	0	0	6	
Speeding in school zone	0	0	1	0
Speeding to allude arrest	0	0	2	0
Strong Armed Robbery	7	0	0	0
Suspicious Activity	112	1-citation	1	0
Suspicious Person	199	10-arrests; 9-citations; 1-citation (noise ord.)	0	0
Suspicious Vehicle	94	6-citations; 3-arrests; 1-citation (noise ord.); 2-parking tickets; 2-towed	0	0
Trespassing	47	1-arrest	2	1-arrest
Underage consumption of alcohol	0	0	56	42-citations; 5-arrests
Underage possession of alcohol	0	0	132	3-arrests; 105-citations;
Violation of Controlled Substance	41	12-arrests; 9-citations	1	1-arrest

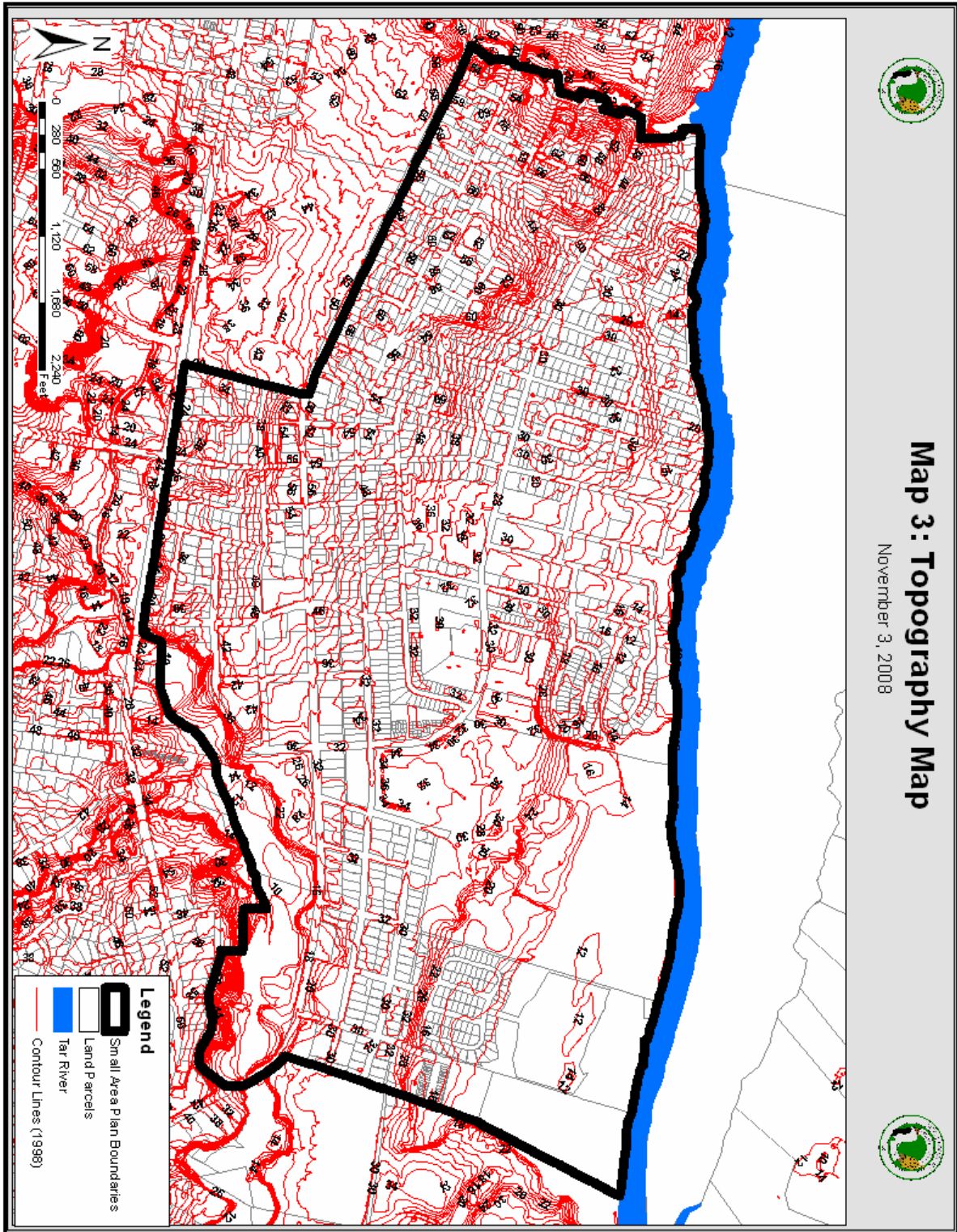
Warrant	0	0	4	3-arrests
TOTAL	4227		518	

Neighborhood Plan Development and Consideration Process Outline

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



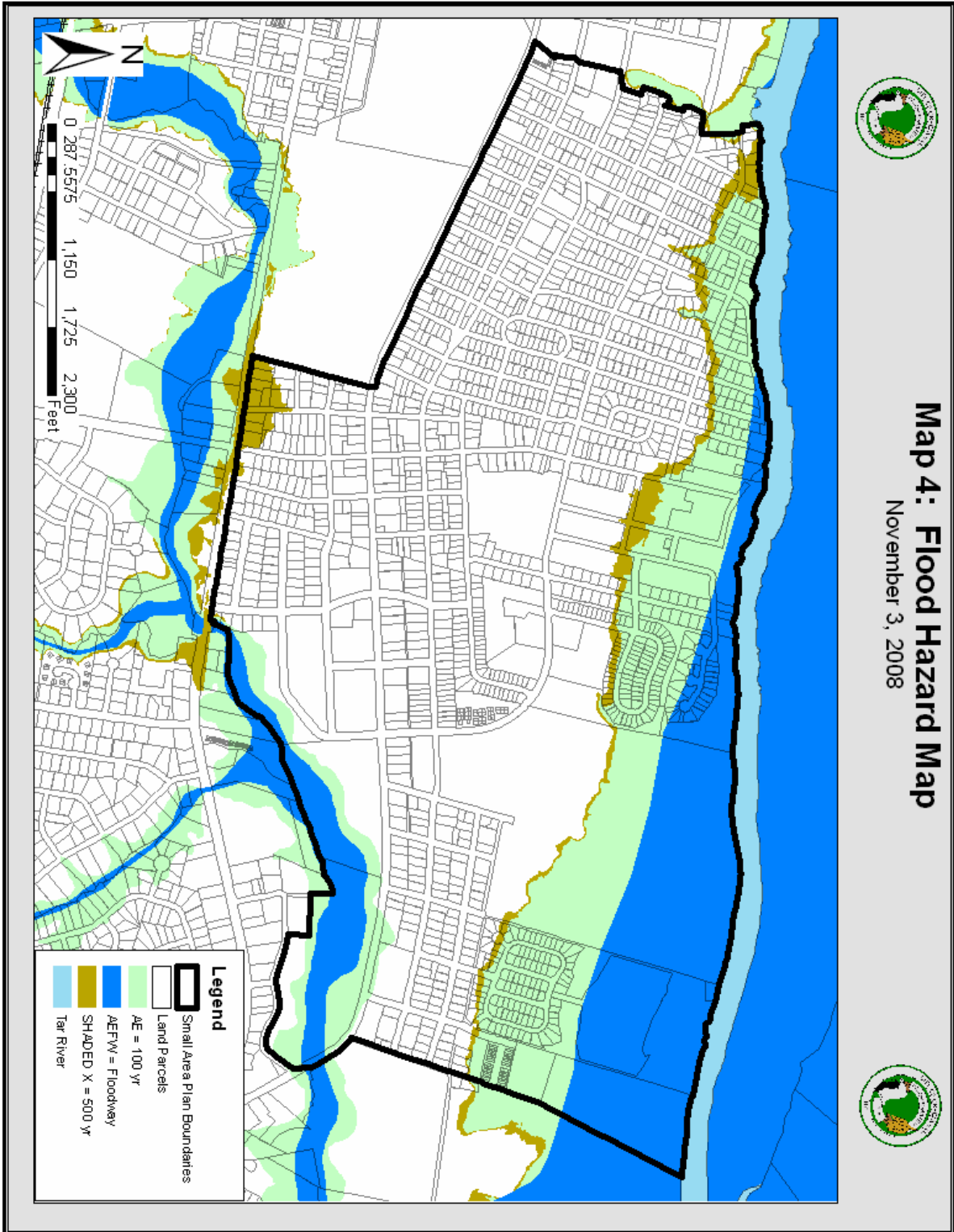


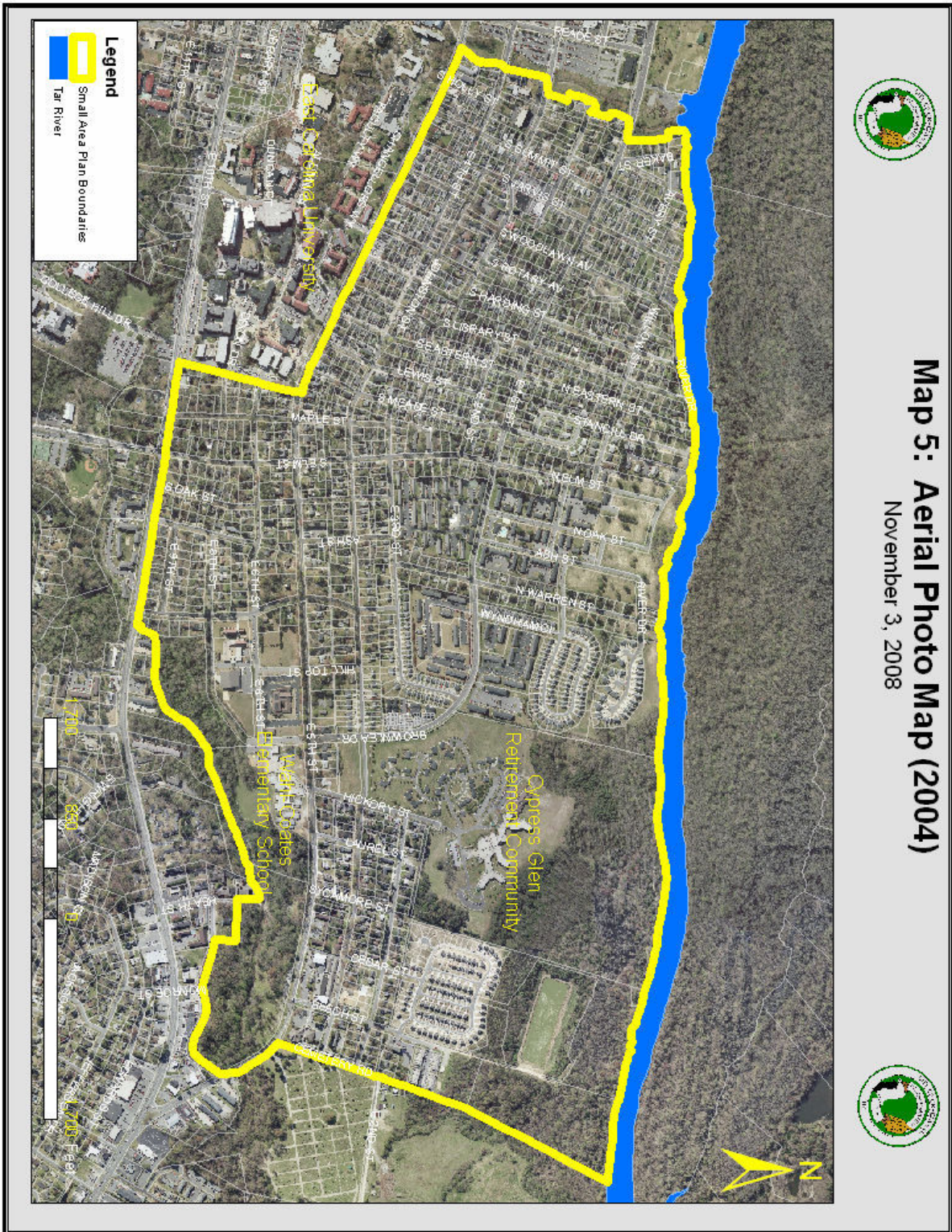


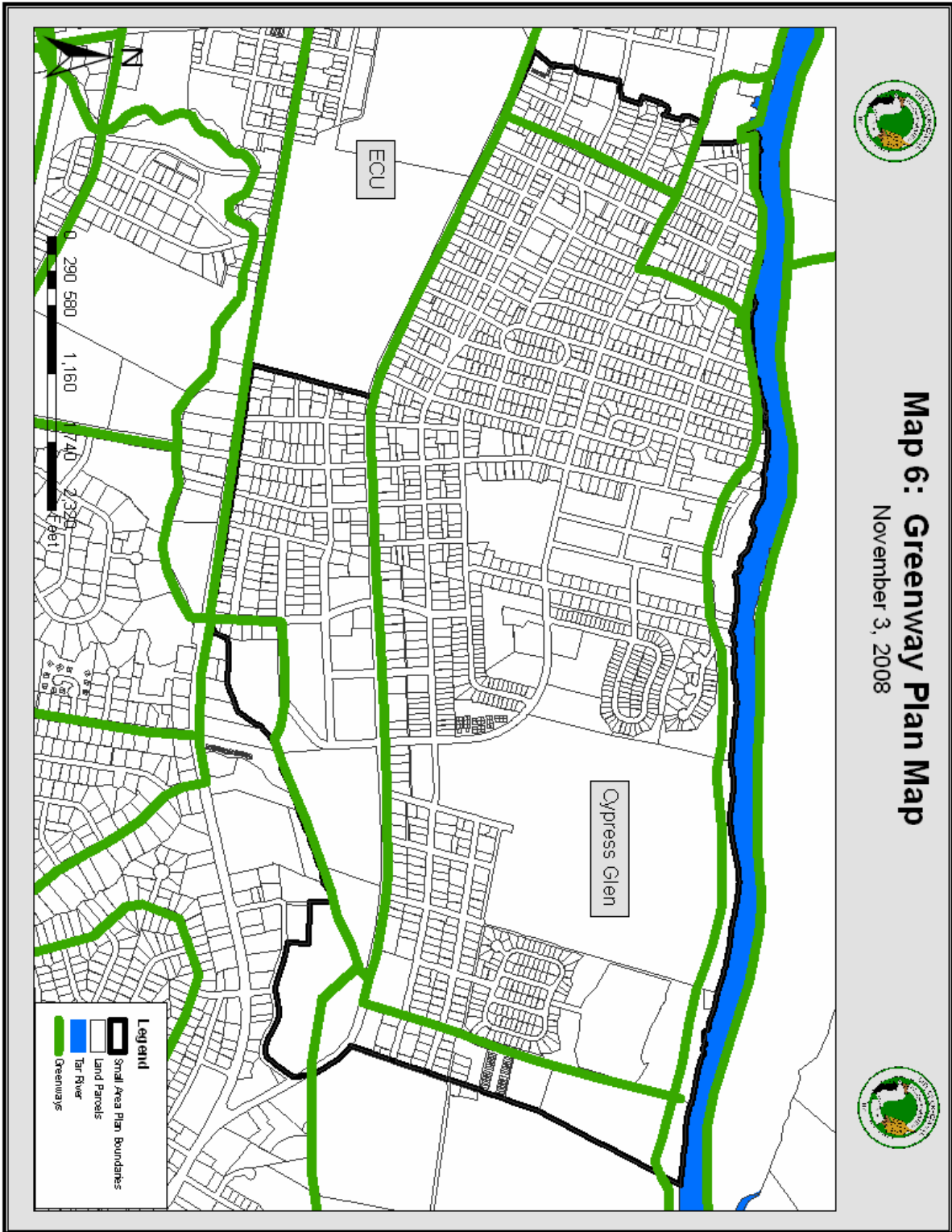
Map 3: Topography Map

November 3, 2008





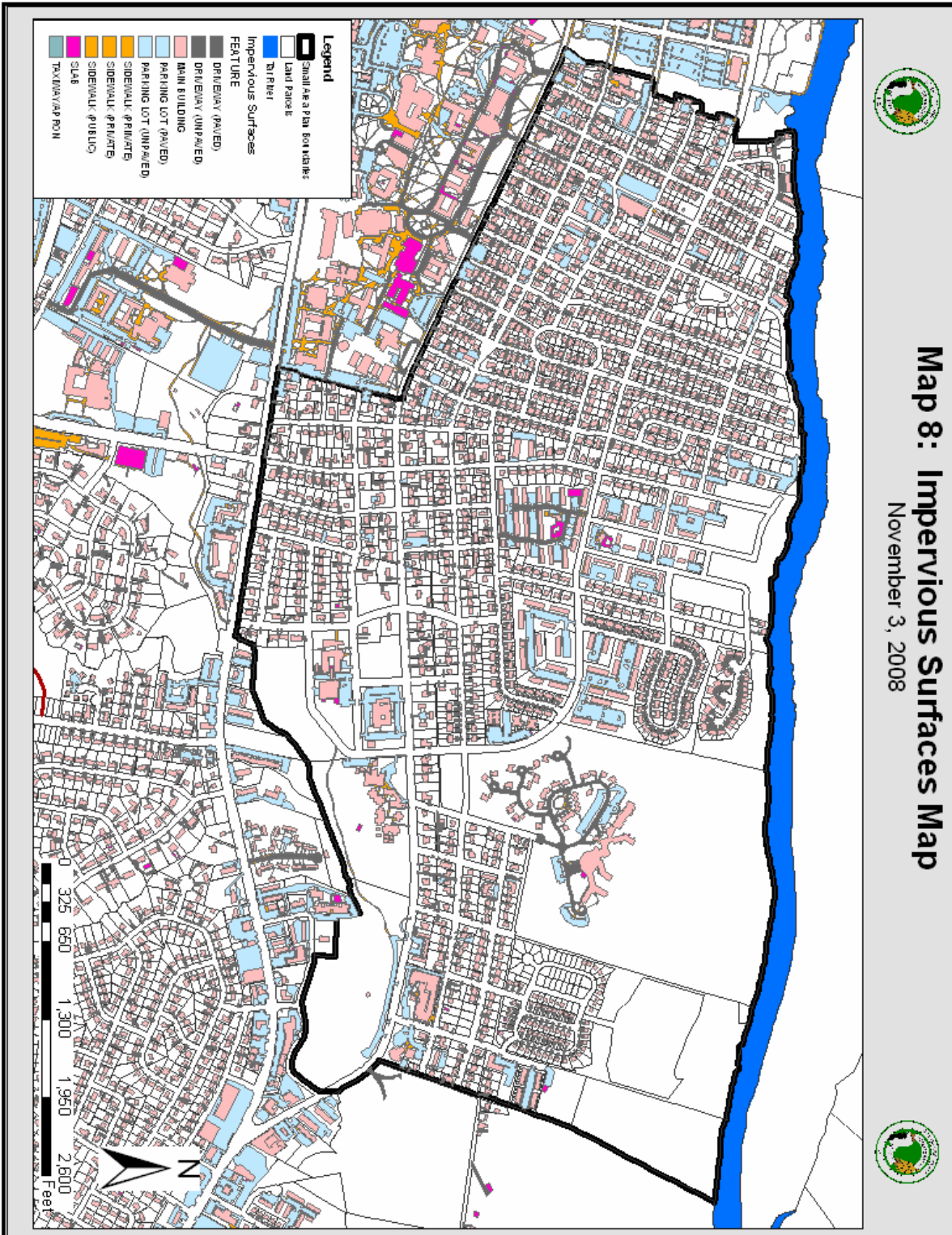


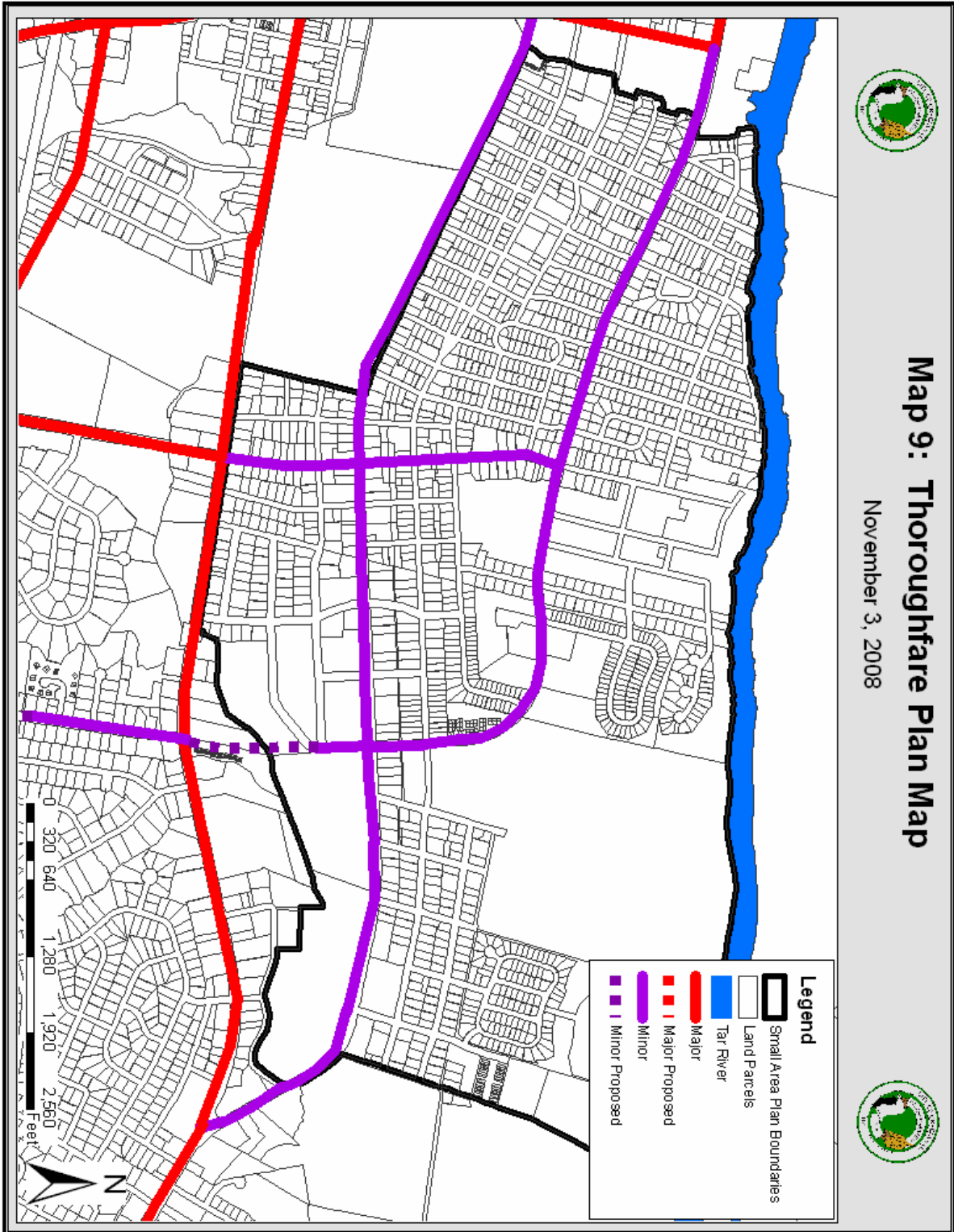


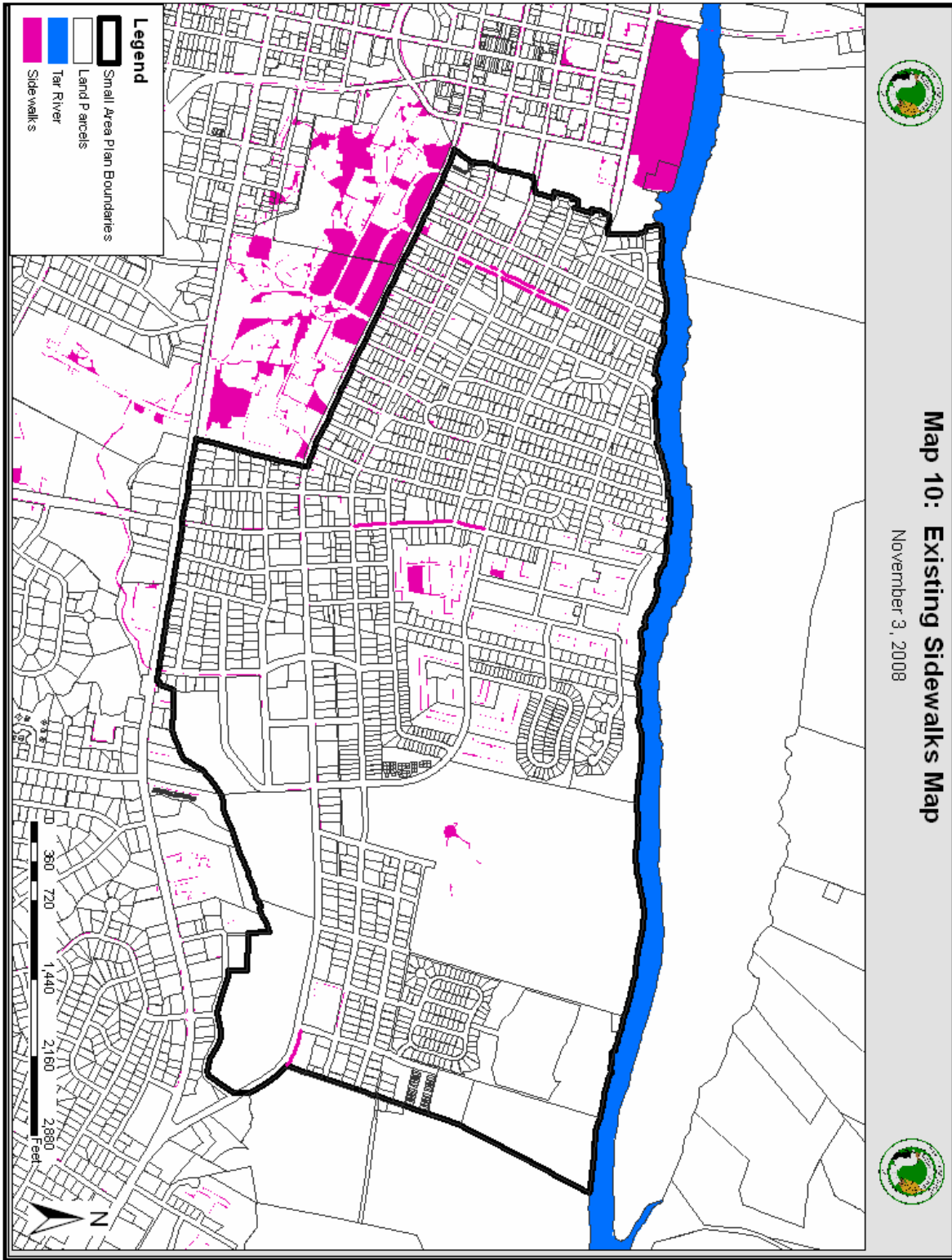


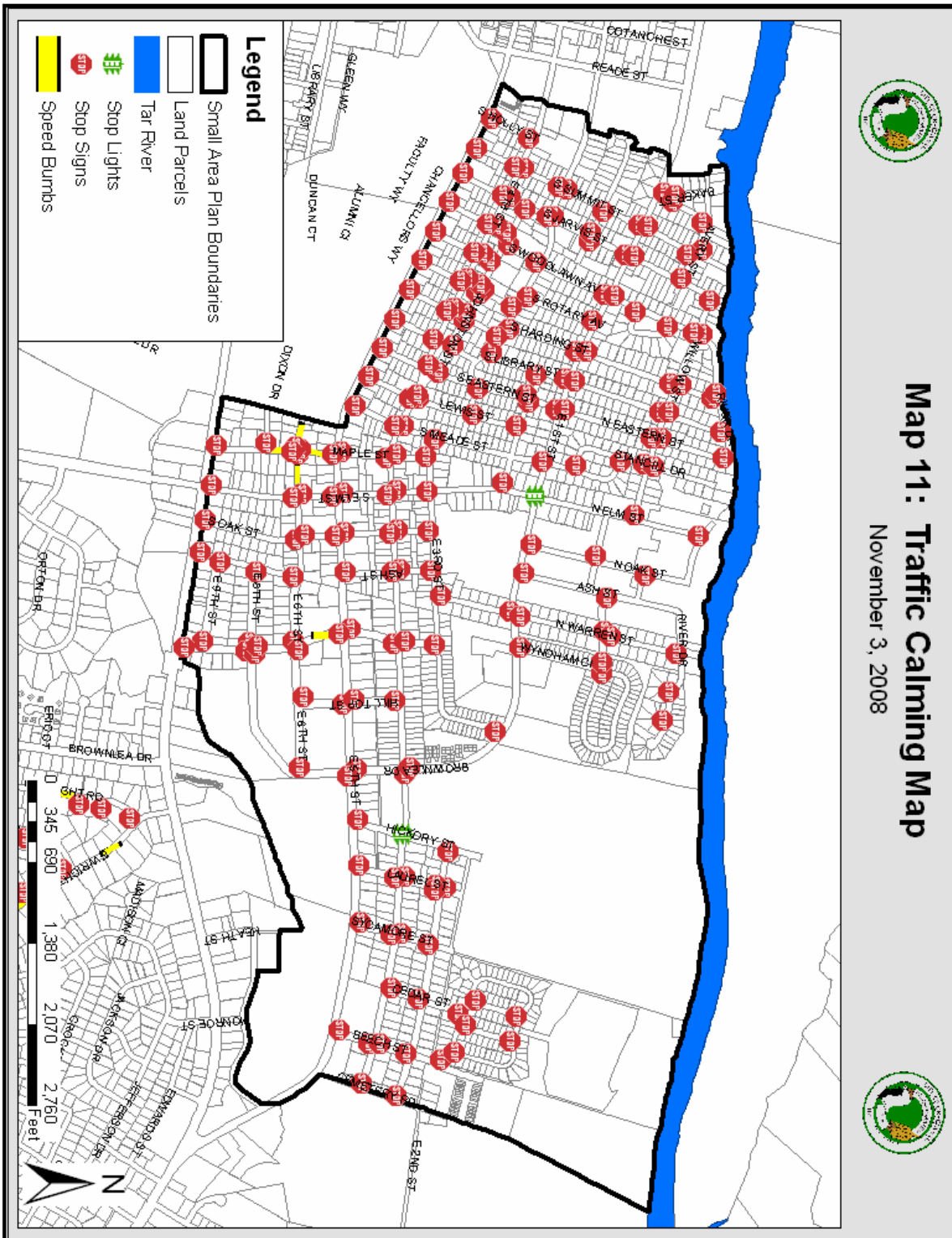
Map 8: Impervious Surfaces Map

November 3, 2008



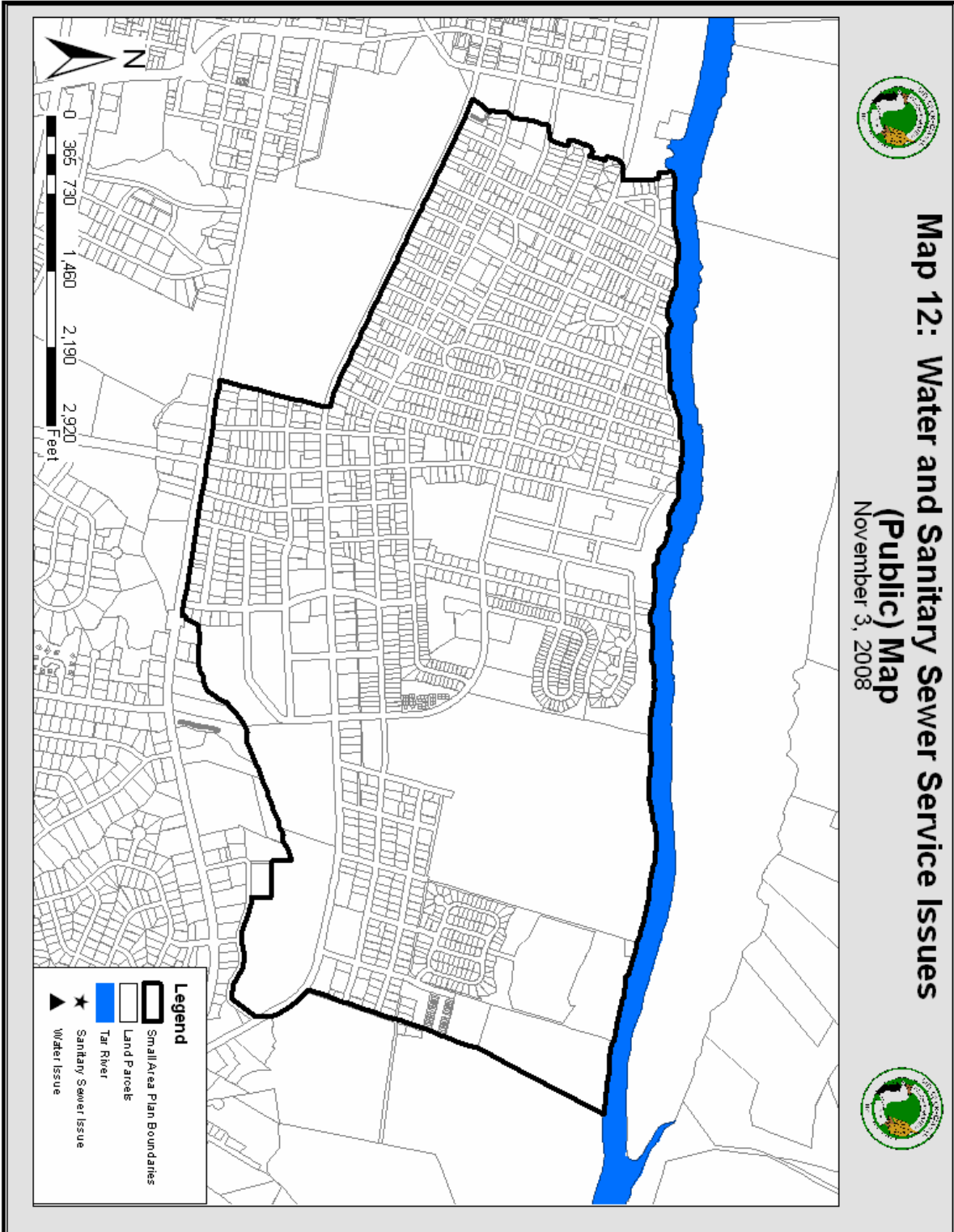








Map 12: Water and Sanitary Sewer Service Issues (Public) Map November 3, 2008



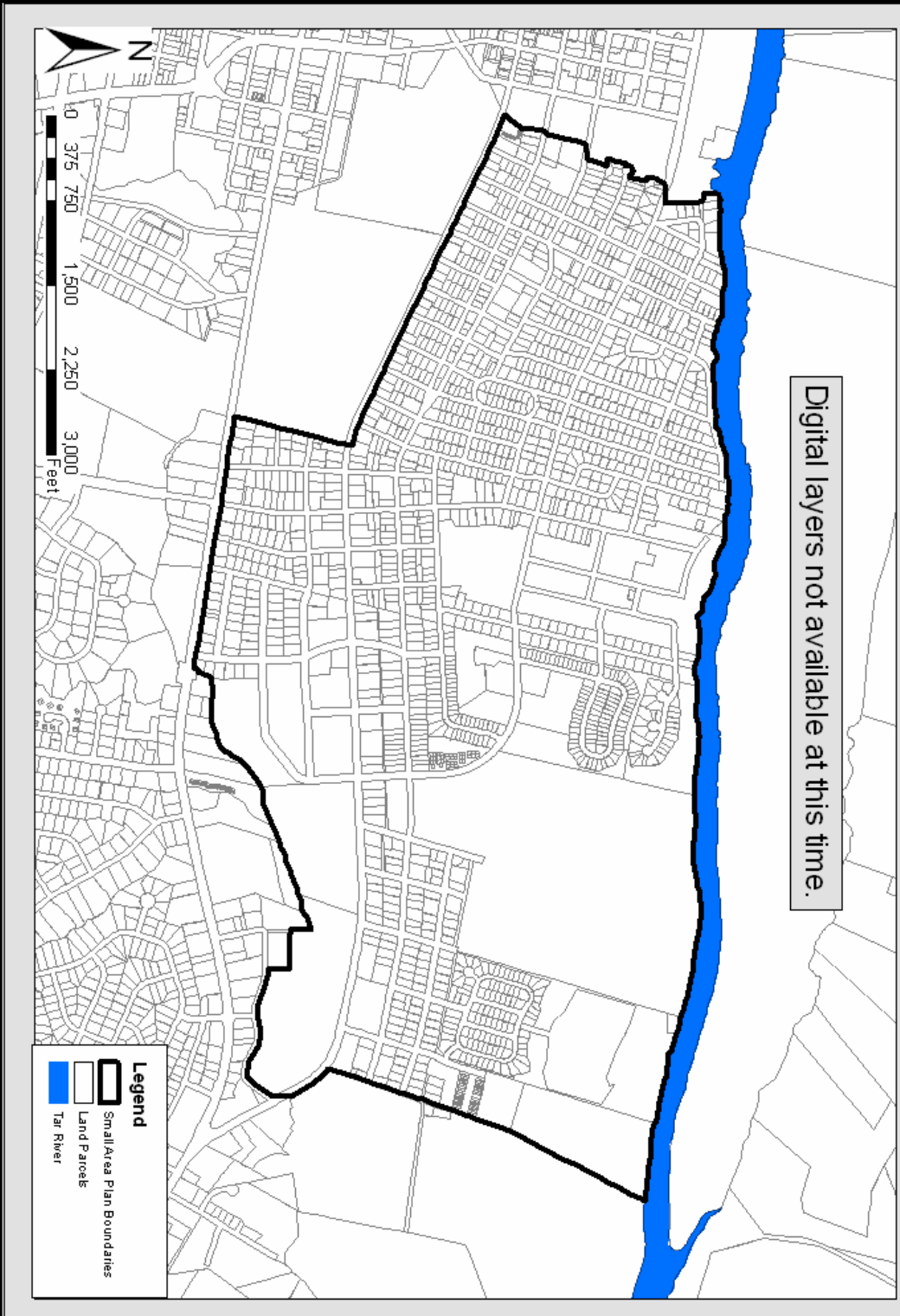


Map 13: Drainage System Map (Public)

November 3, 2008

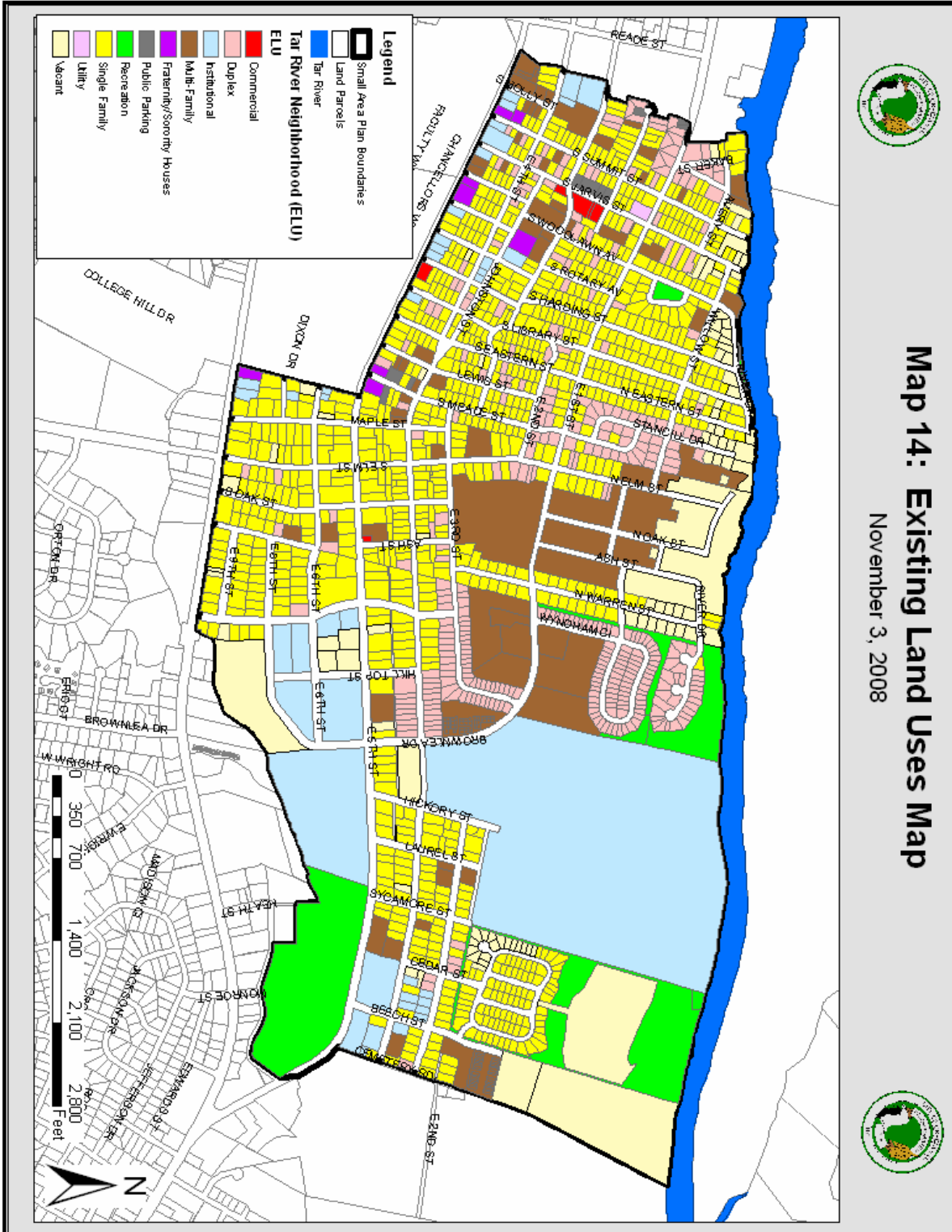


Digital layers not available at this time.



Legend

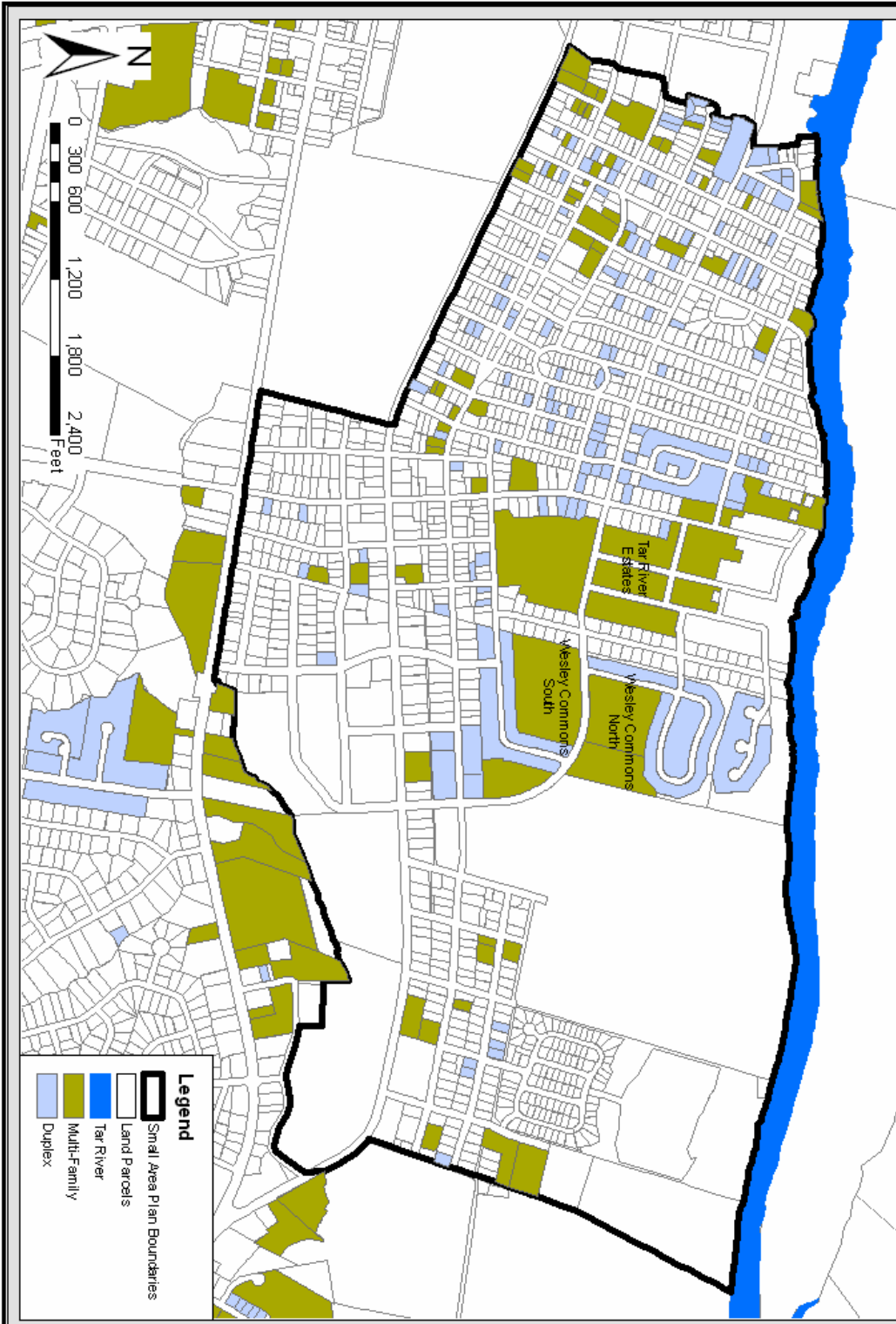
- Small Area Plan Boundaries
- Land Parcels
- Tar River





Map 15: Multi-Family & Duplex Developments Map

November 3, 2008



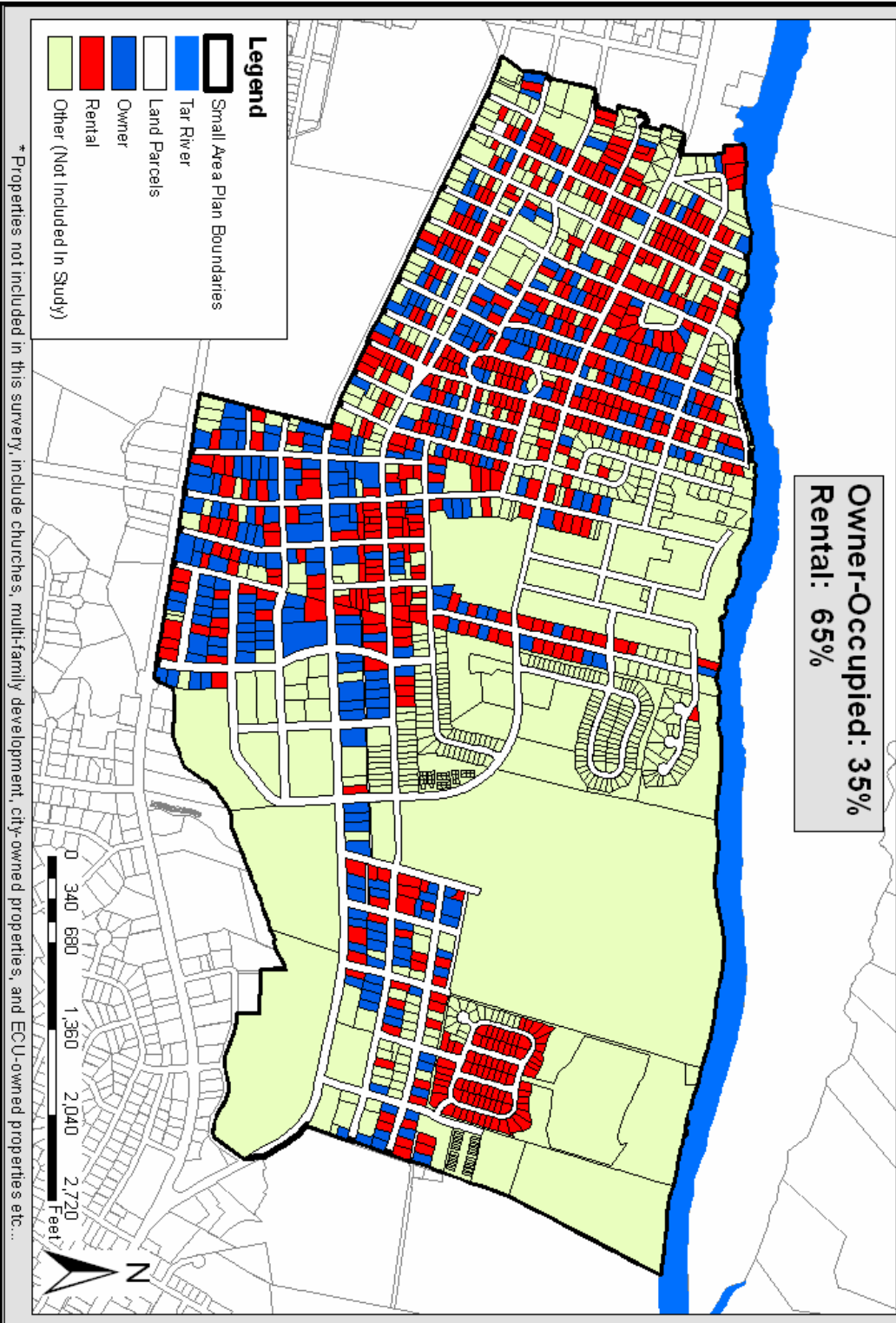


Map 16: Owner Units Versus Rental Units Map (Single-Family Detached Dwelling)

November 3 2008



Owner-Occupied: 35%
Rental: 65%

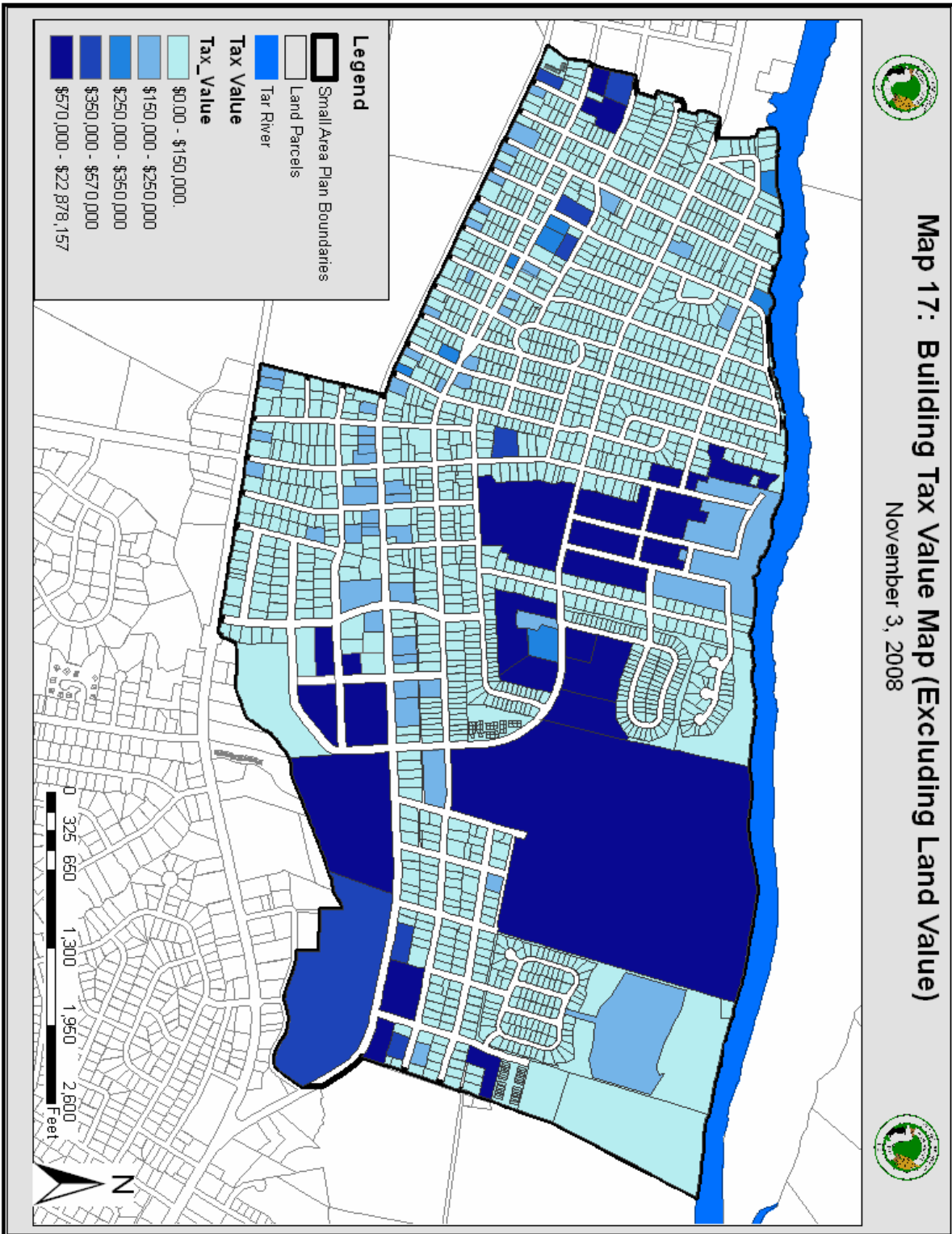


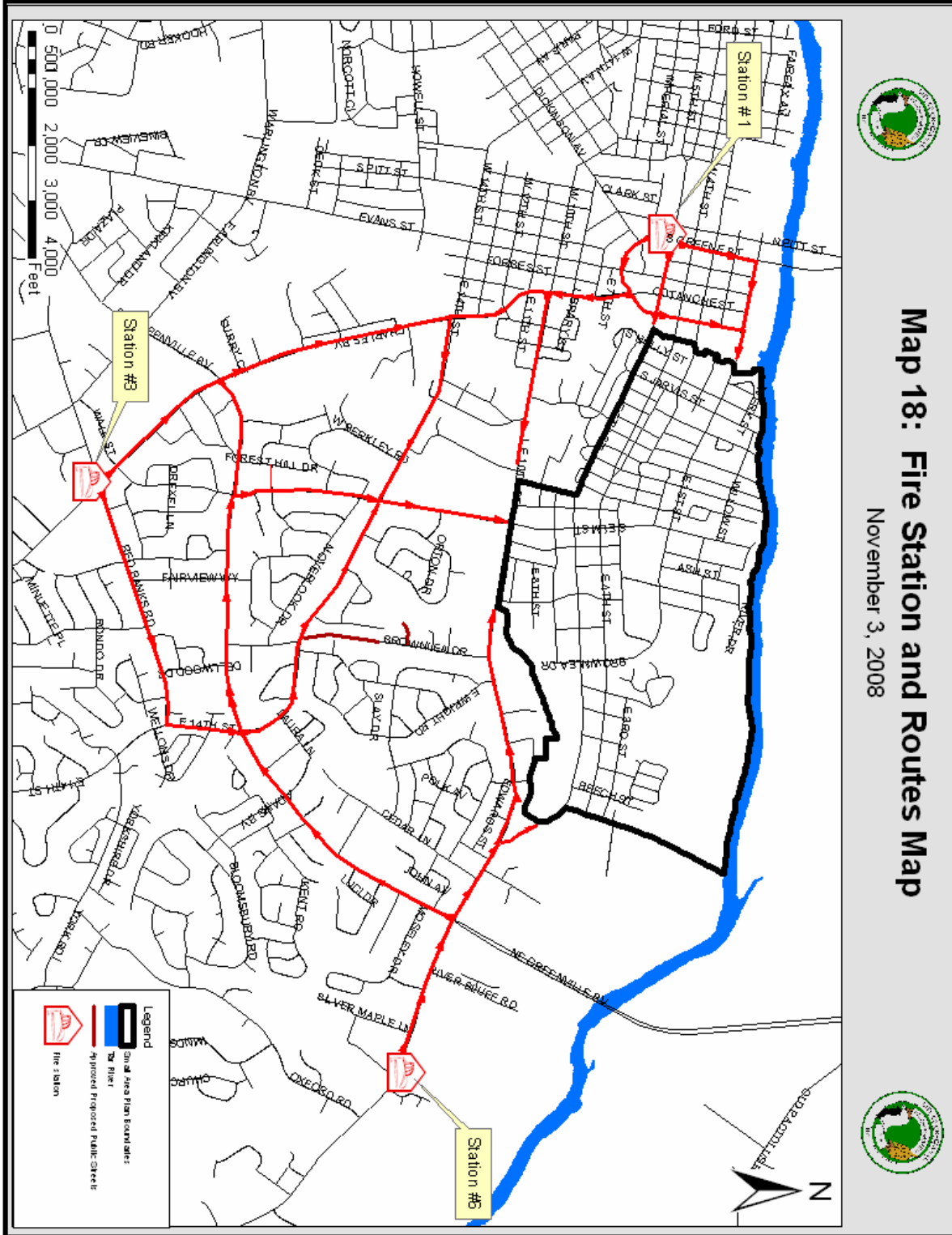
* Properties not included in this survey, include churches, multi-family development, city-owned properties, and ECU-owned properties etc...



Map 17: Building Tax Value Map (Excluding Land Value)

November 3, 2008

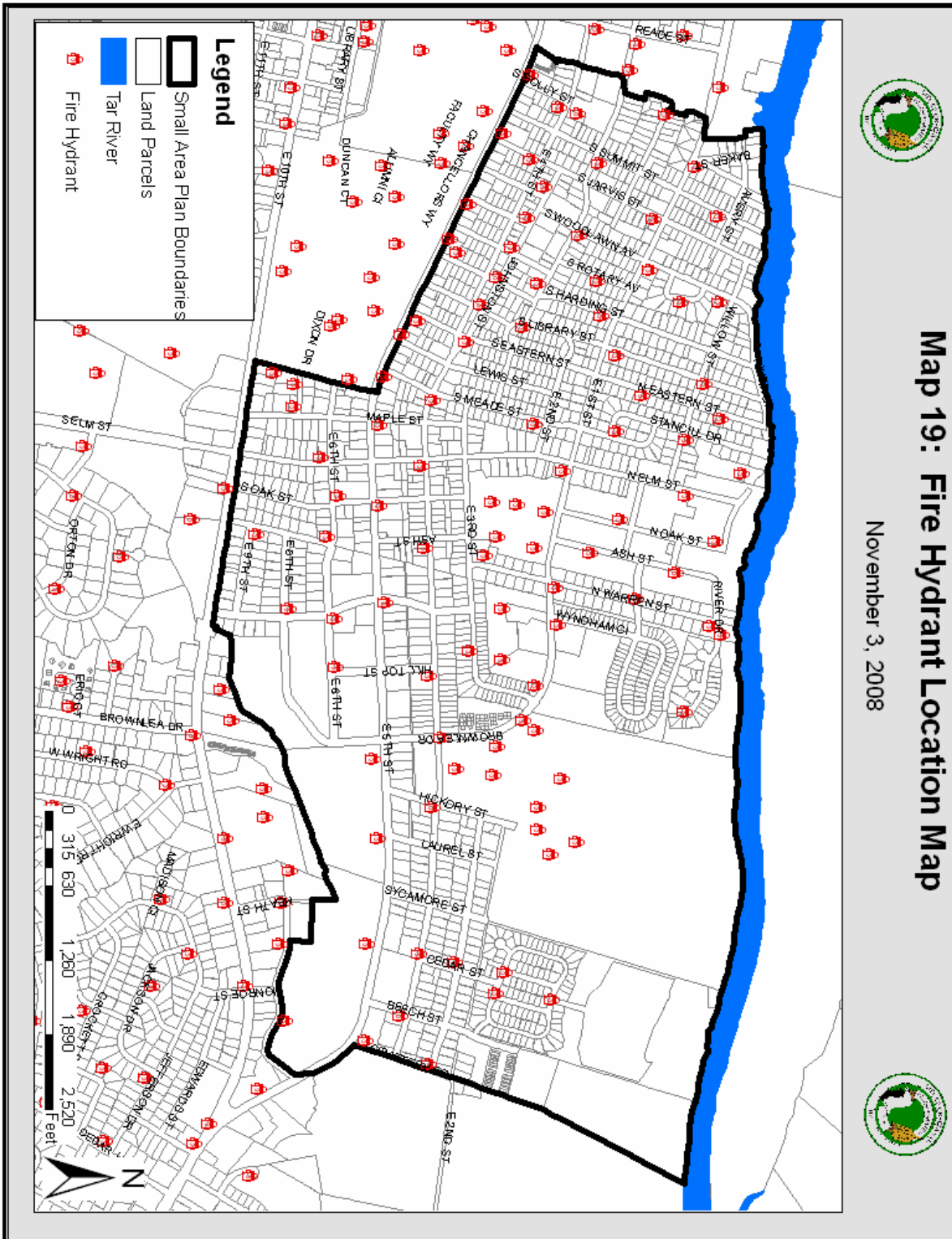






Map 19: Fire Hydrant Location Map

November 3, 2008



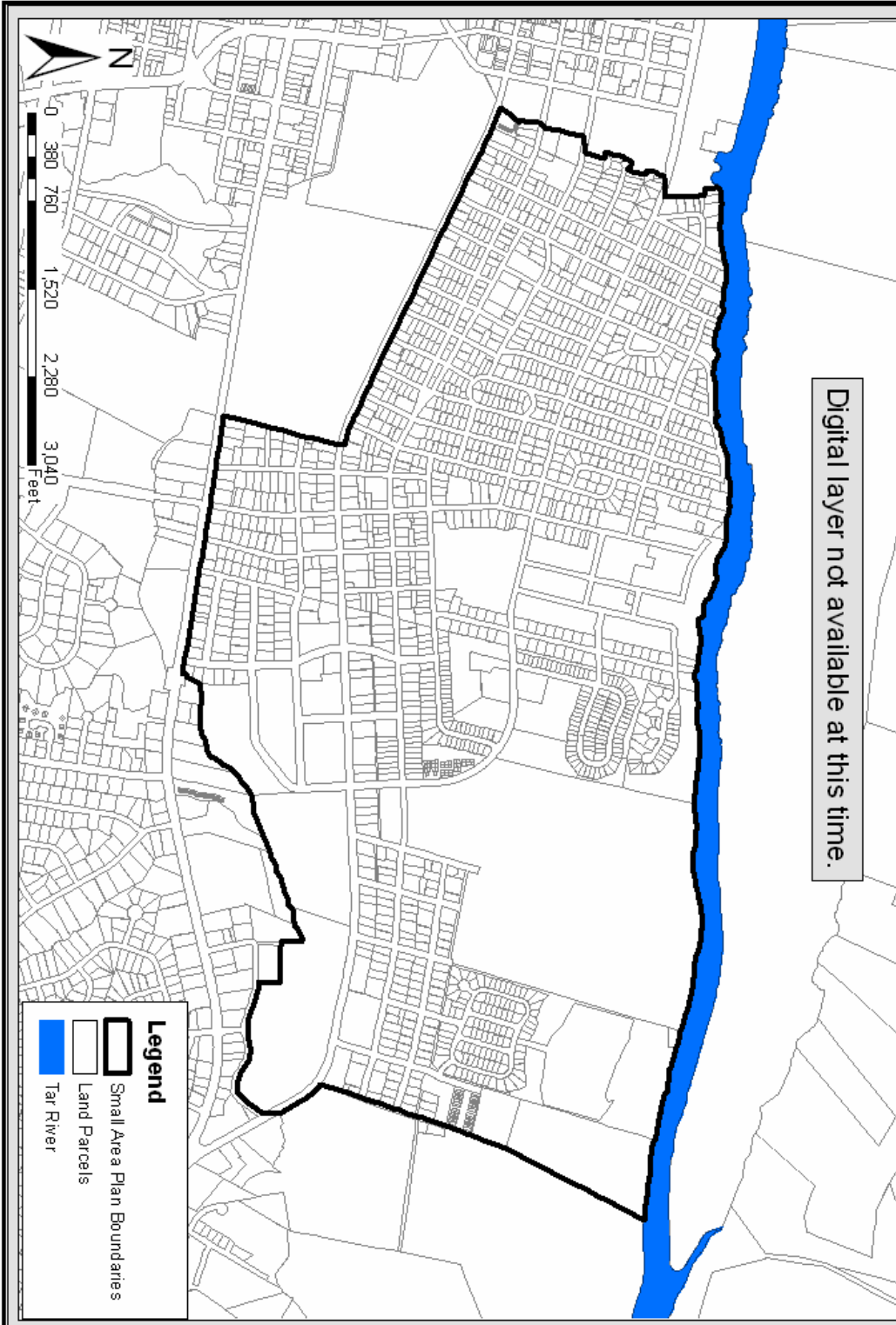


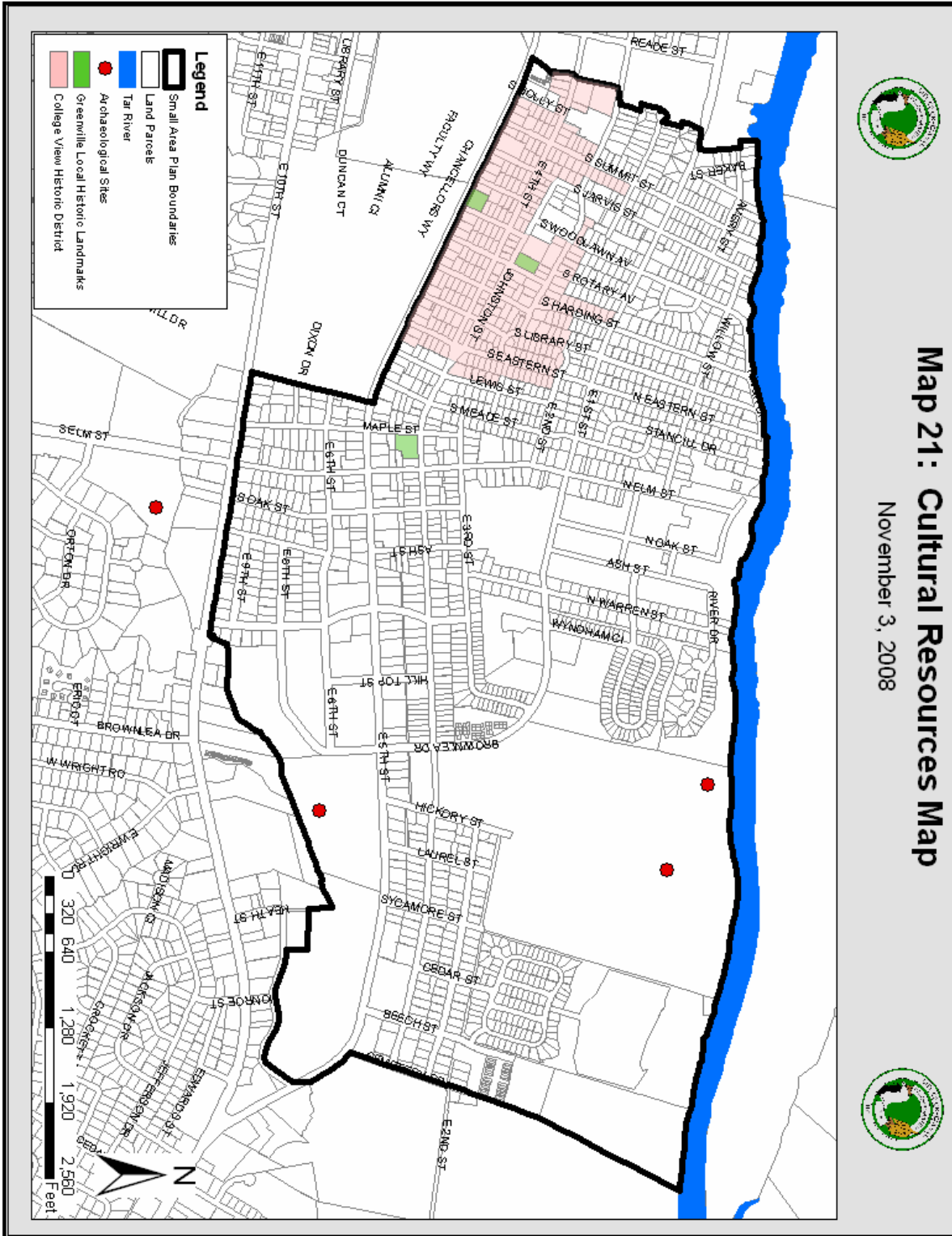
Map 20: Street Light Location Map

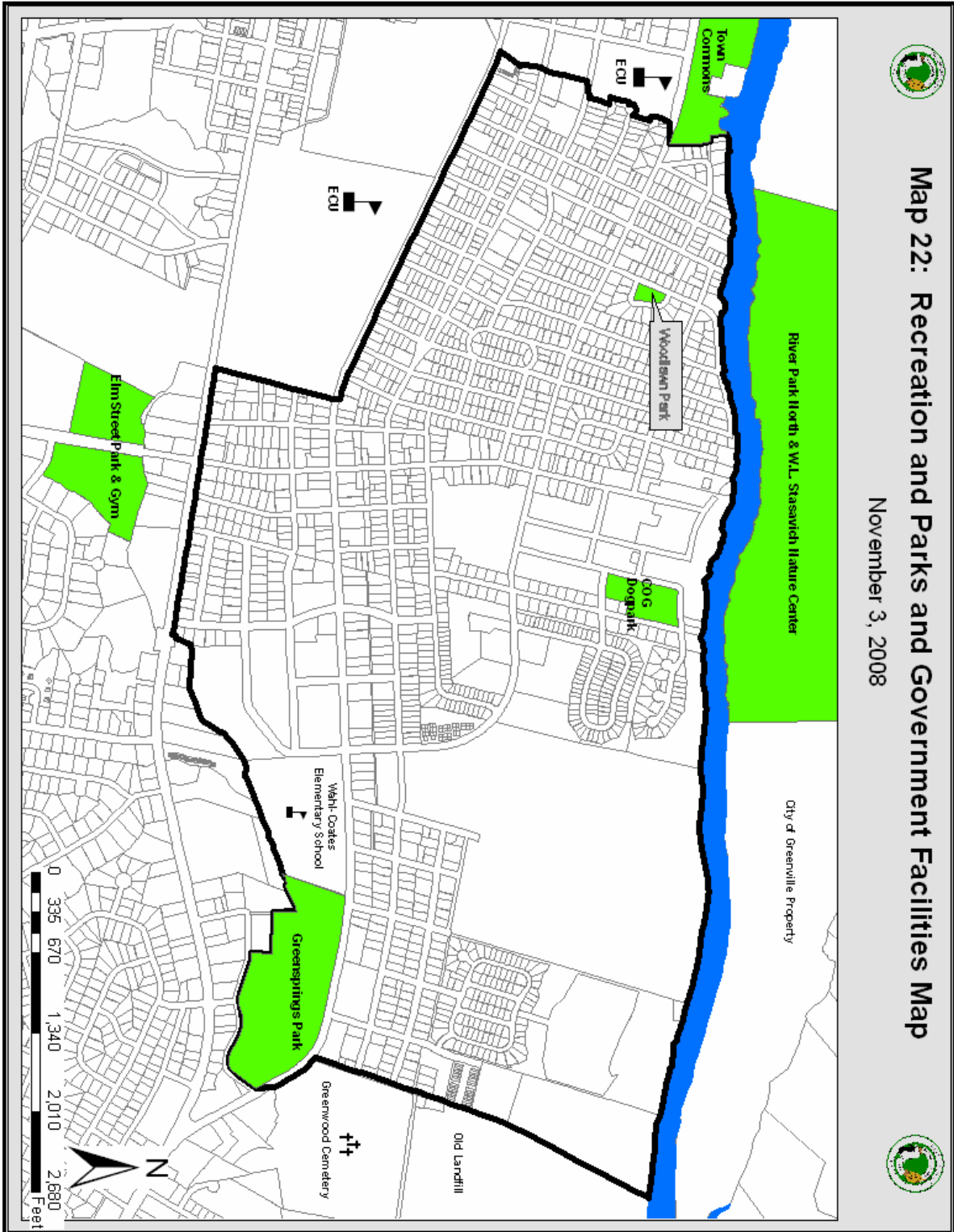
November 3, 2008

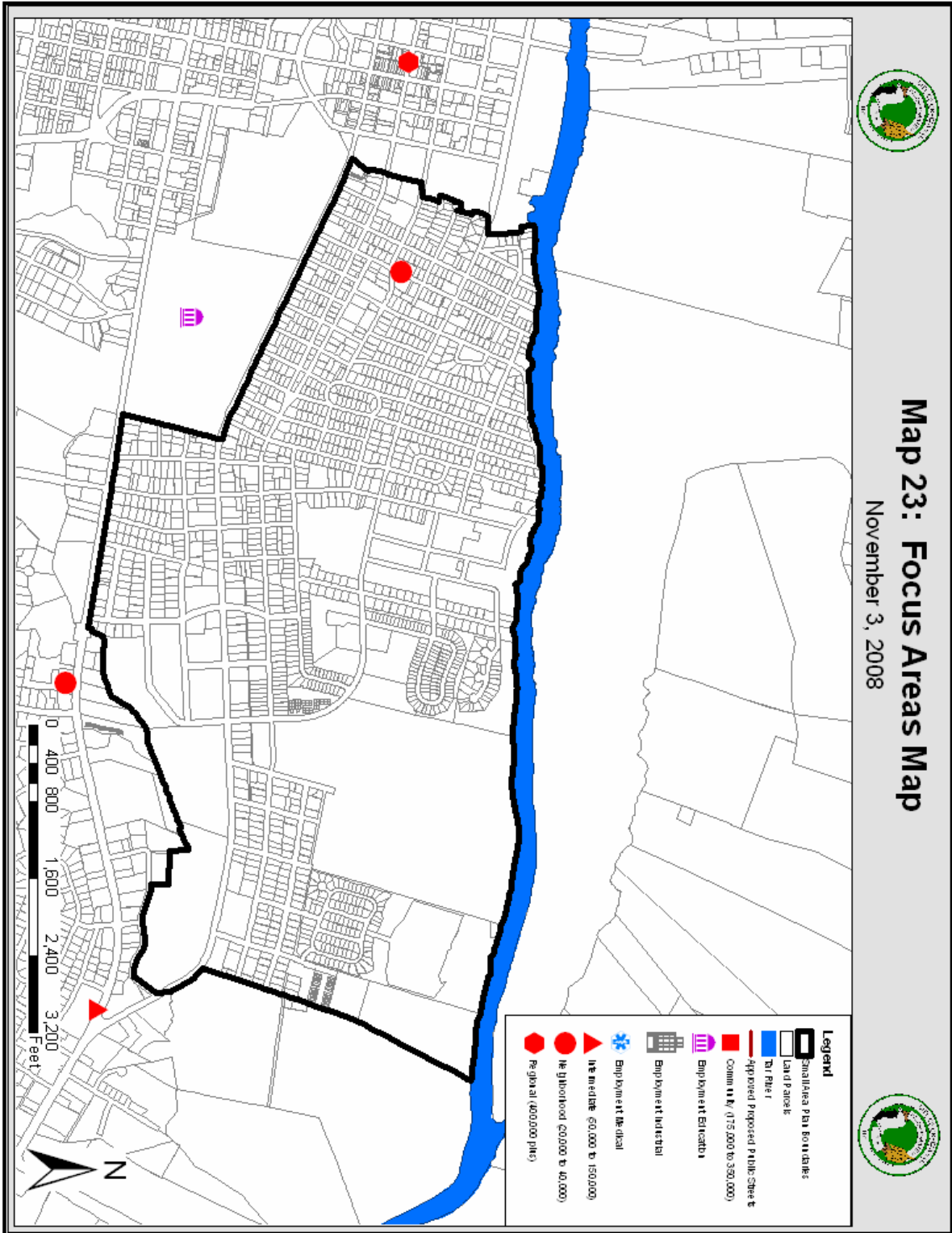


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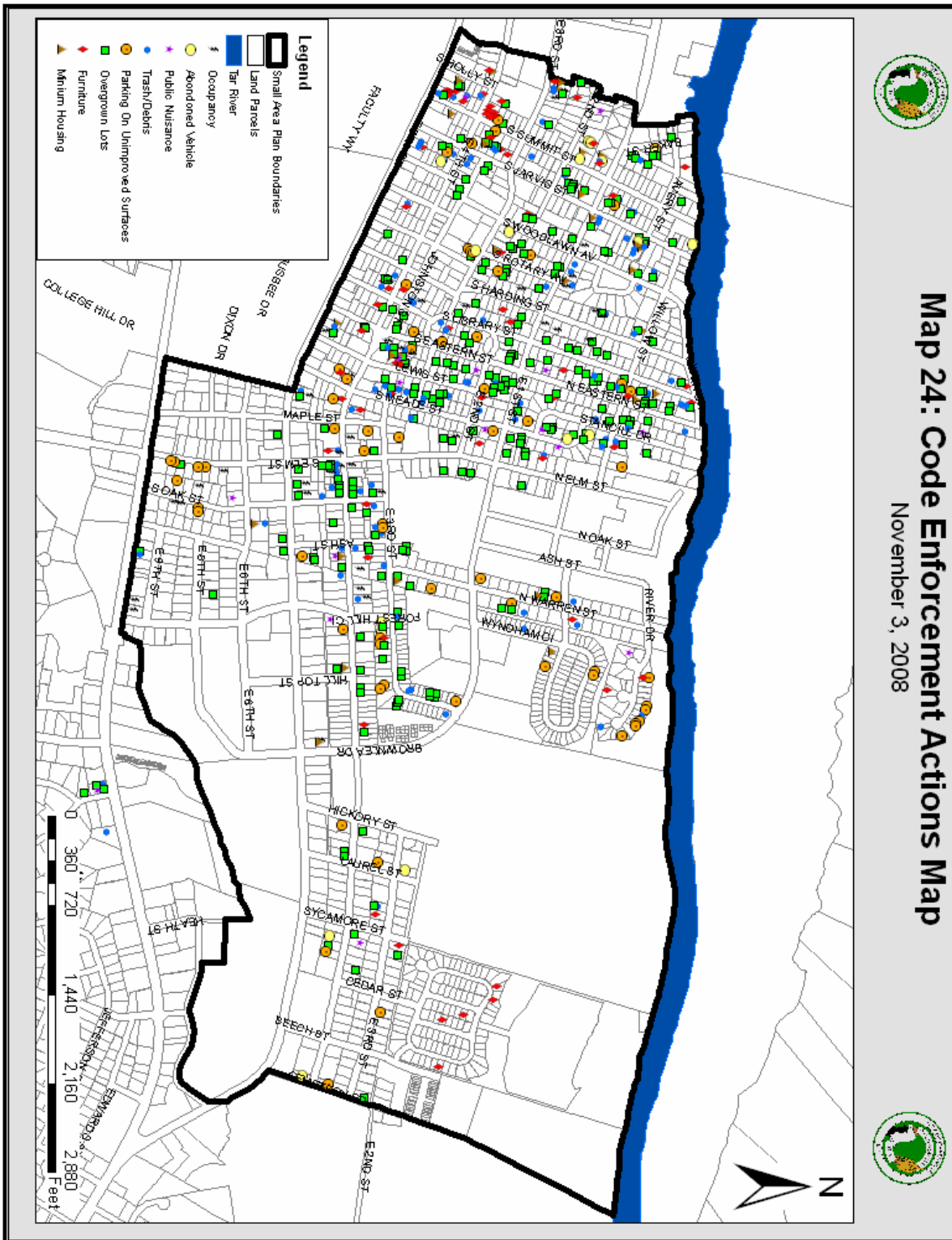






Map 24: Code Enforcement Actions Map

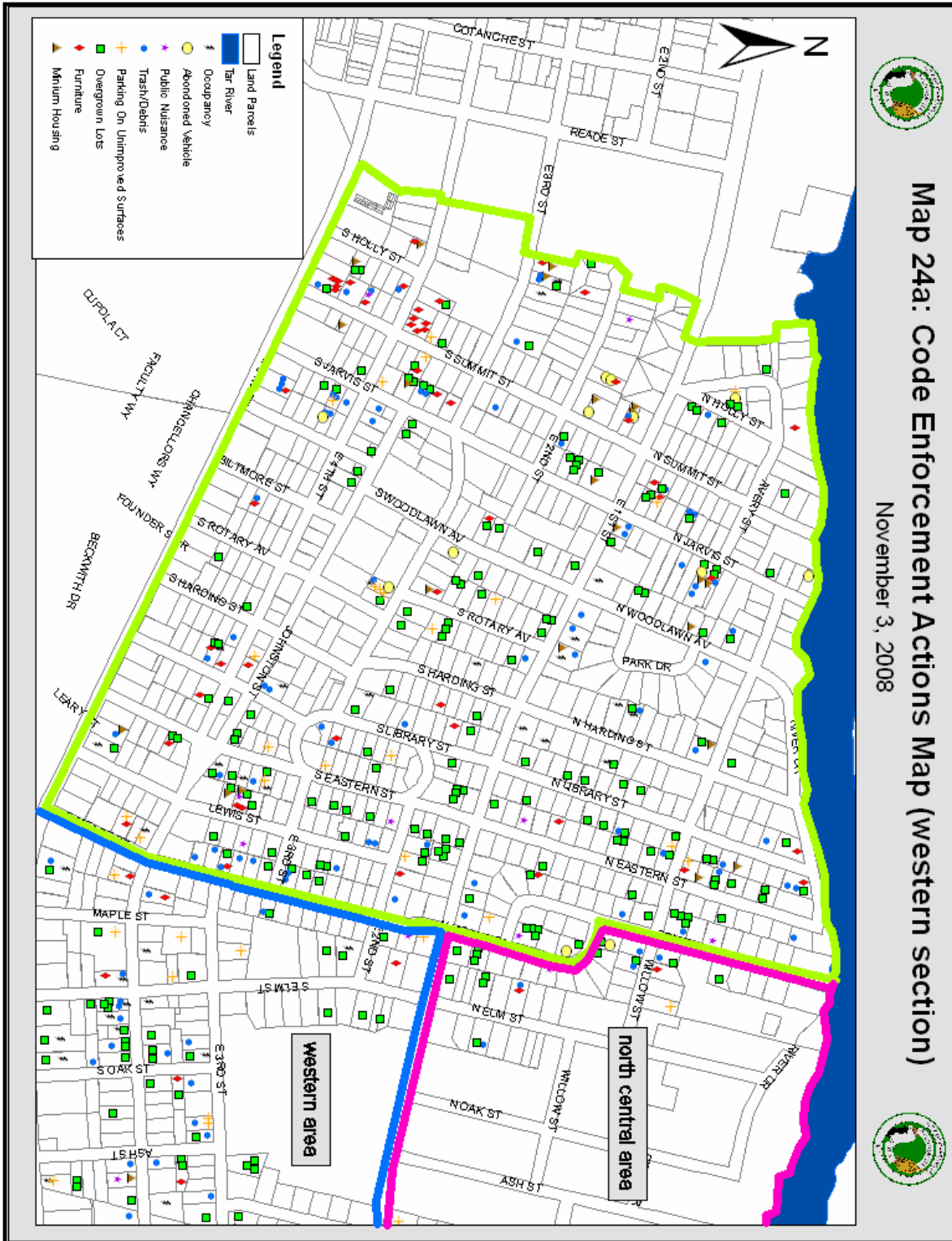
November 3, 2008





Map 24a: Code Enforcement Actions Map (western section)

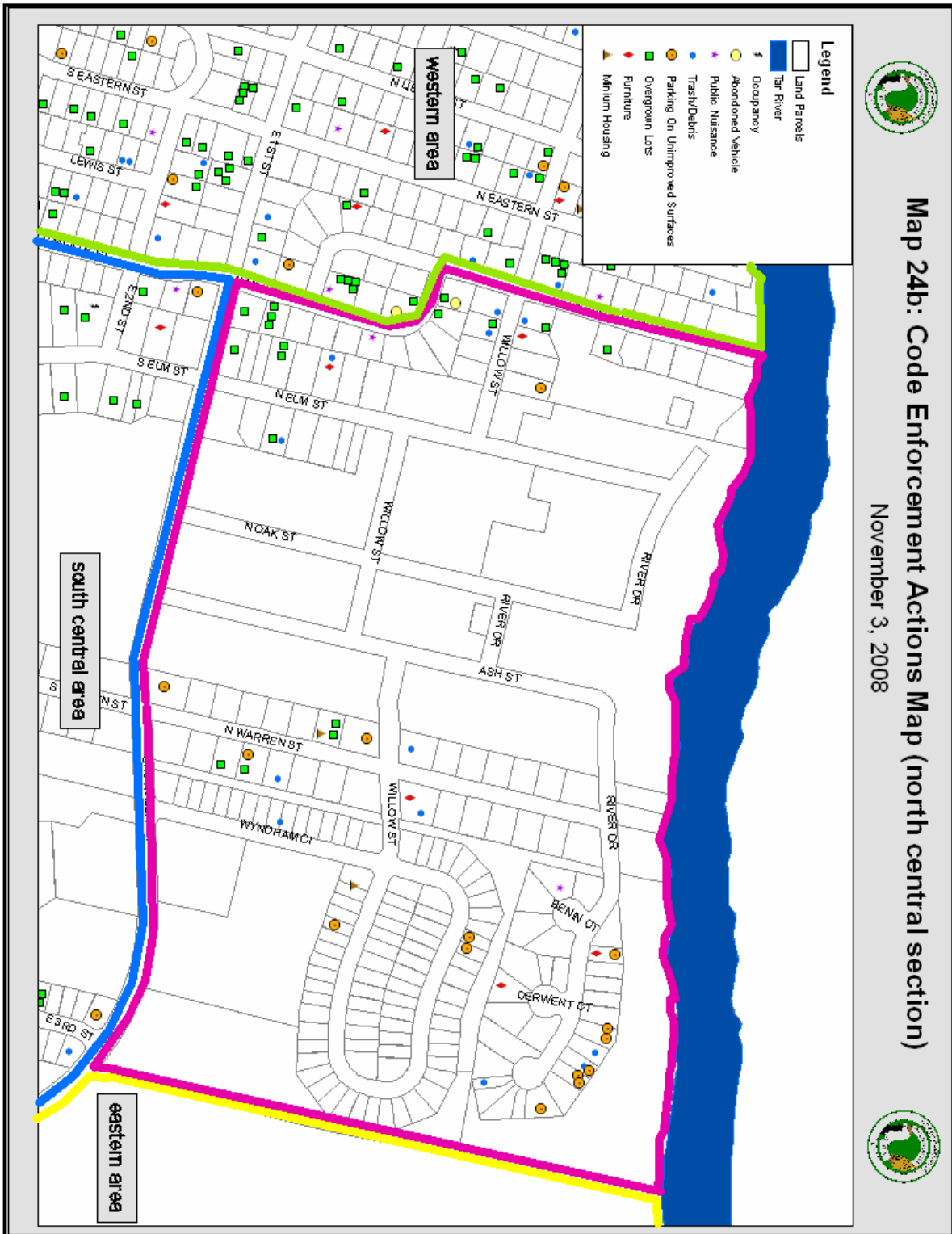
November 3, 2008





Map 24b: Code Enforcement Actions Map (north central section)

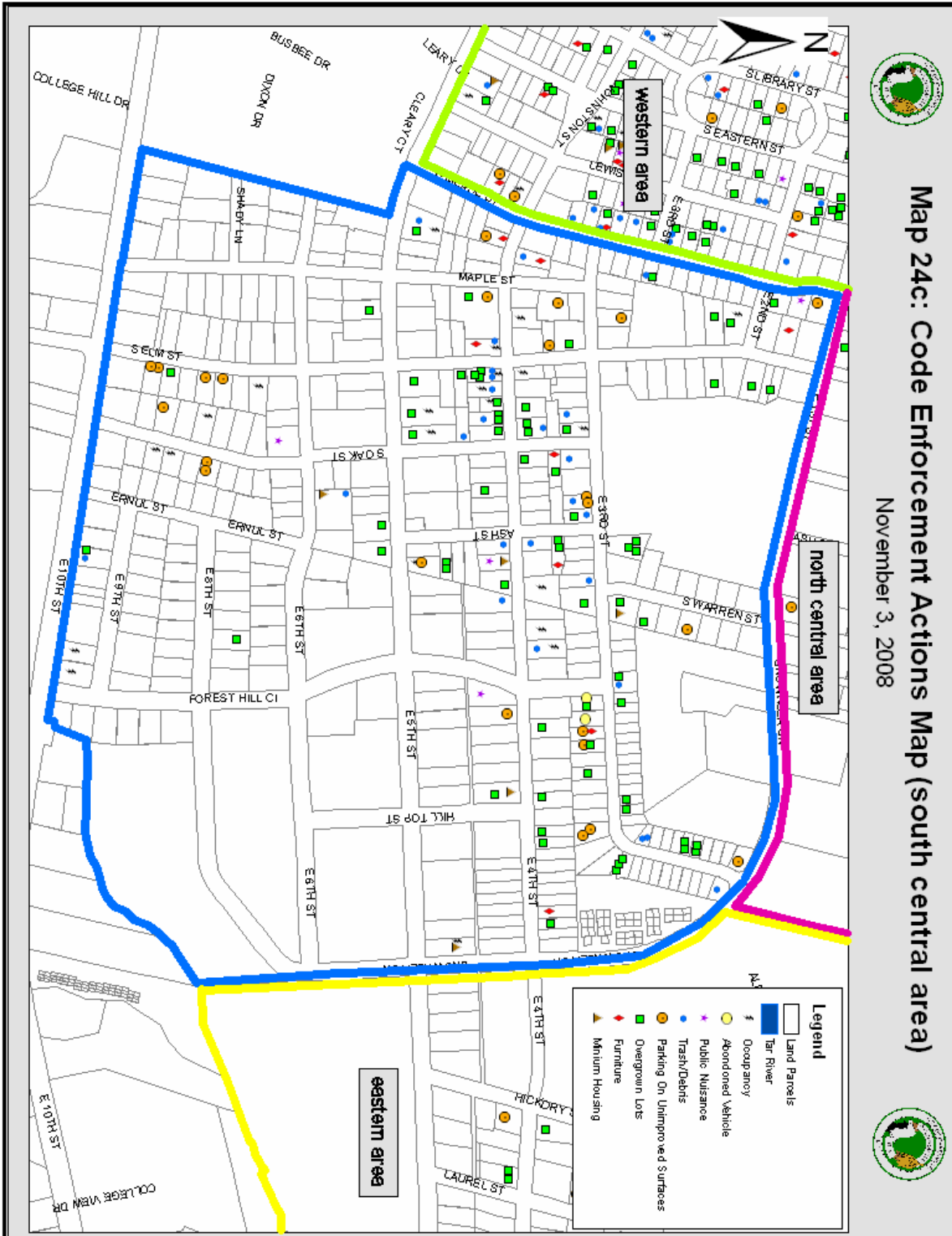
November 3, 2008





Map 24c: Code Enforcement Actions Map (south central area)

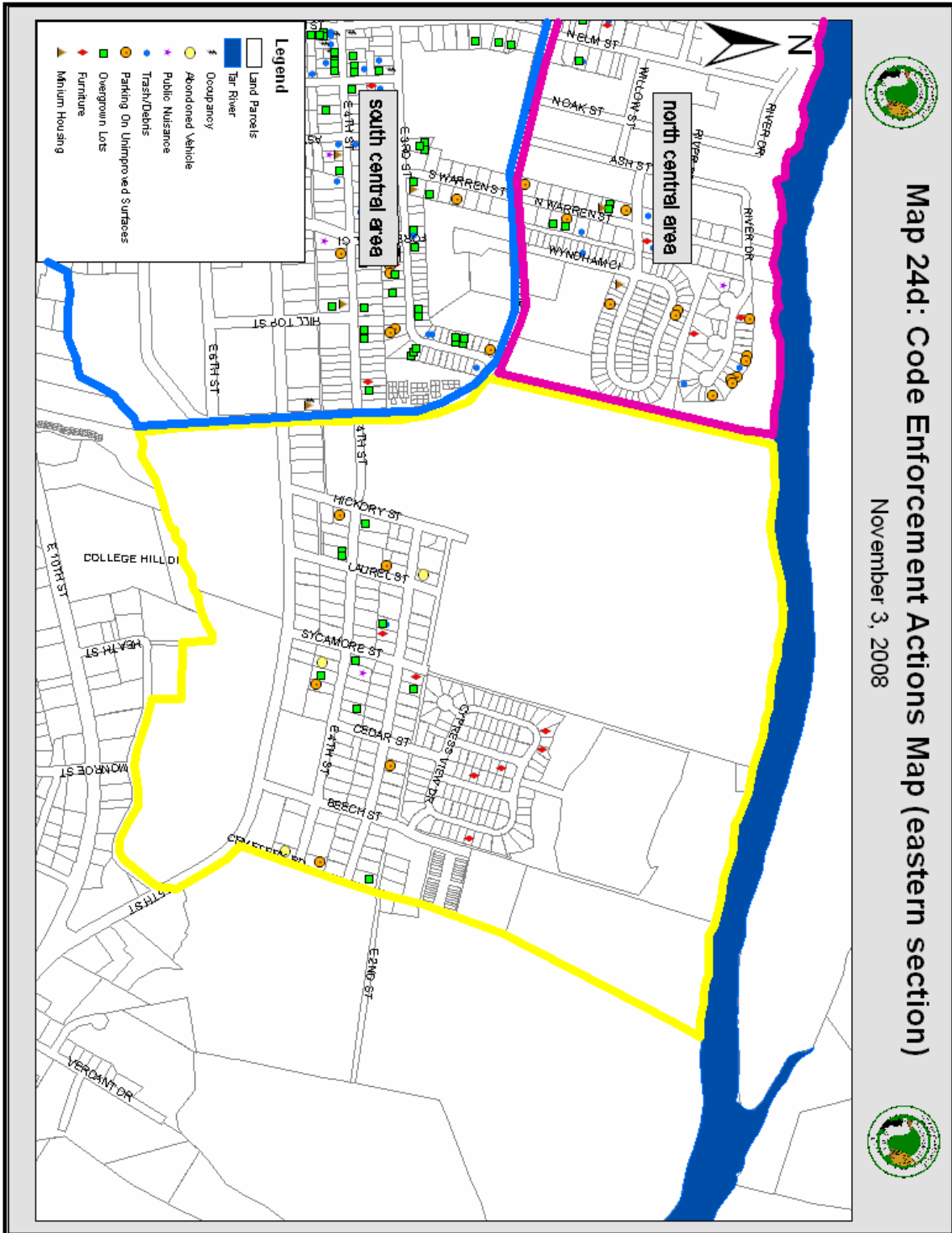
November 3, 2008





Map 24d: Code Enforcement Actions Map (eastern section)

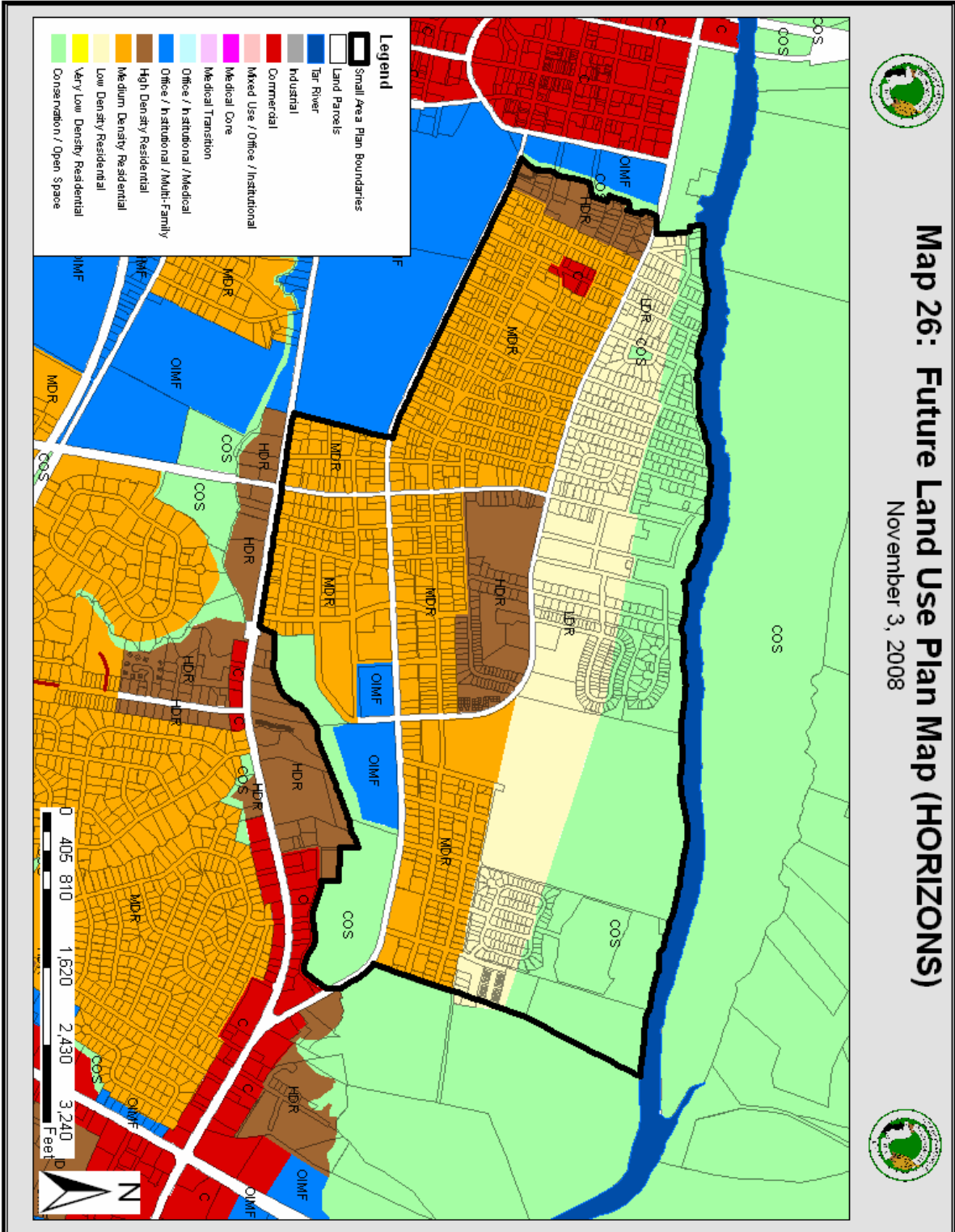
November 3, 2008





Map 26: Future Land Use Plan Map (HORIZONS)

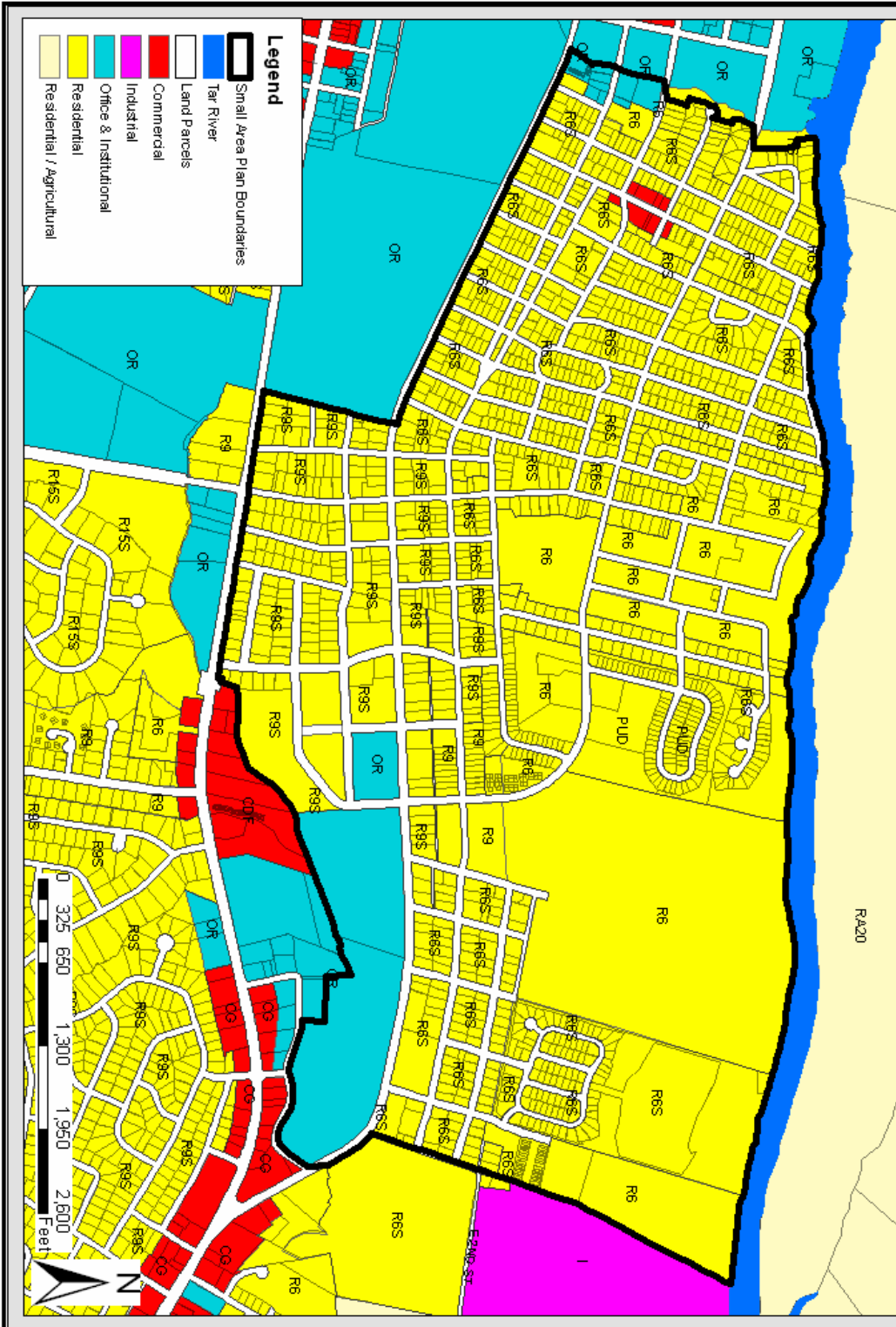
November 3, 2008





Map 27: Current Zoning Districts Map

November 3, 2008



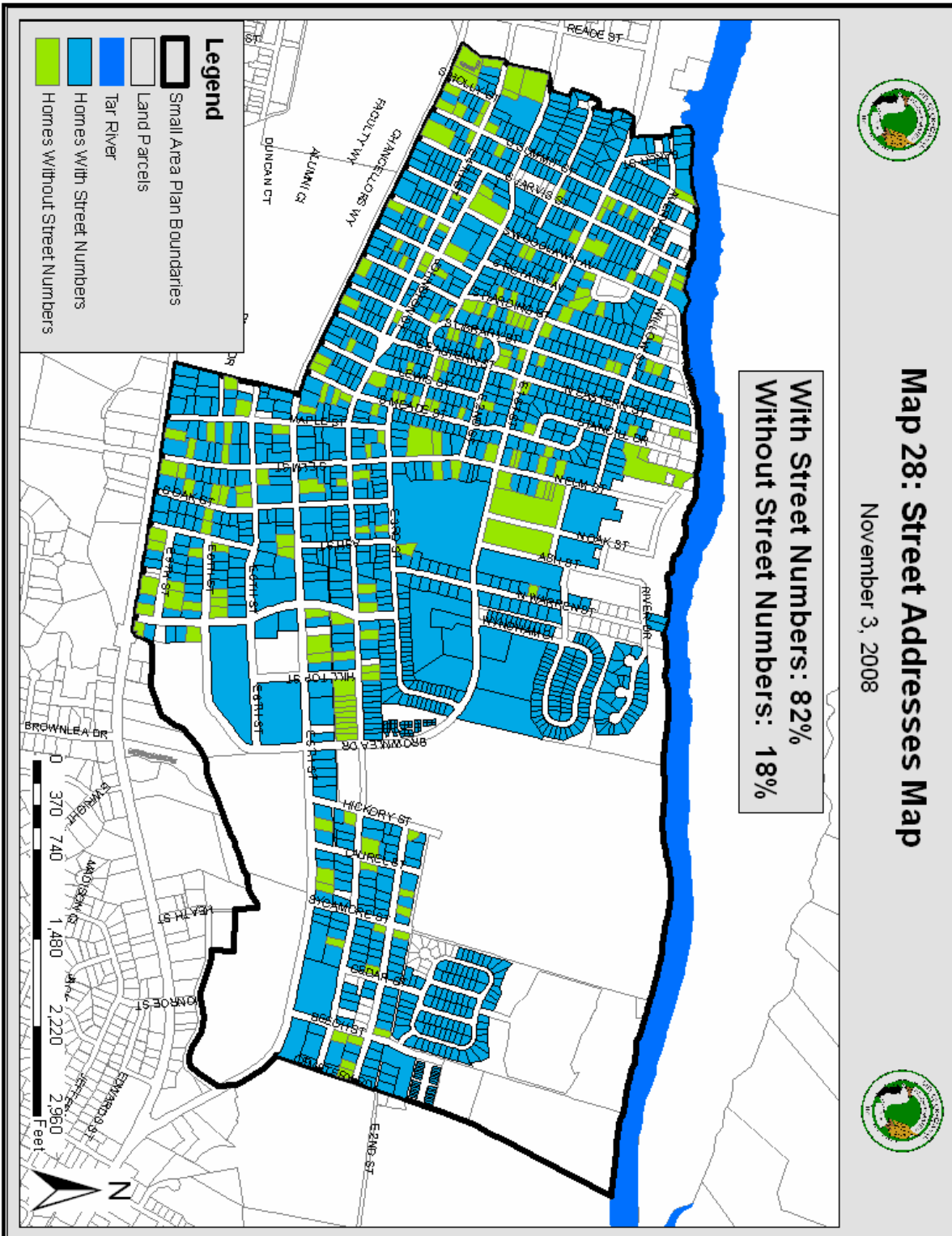


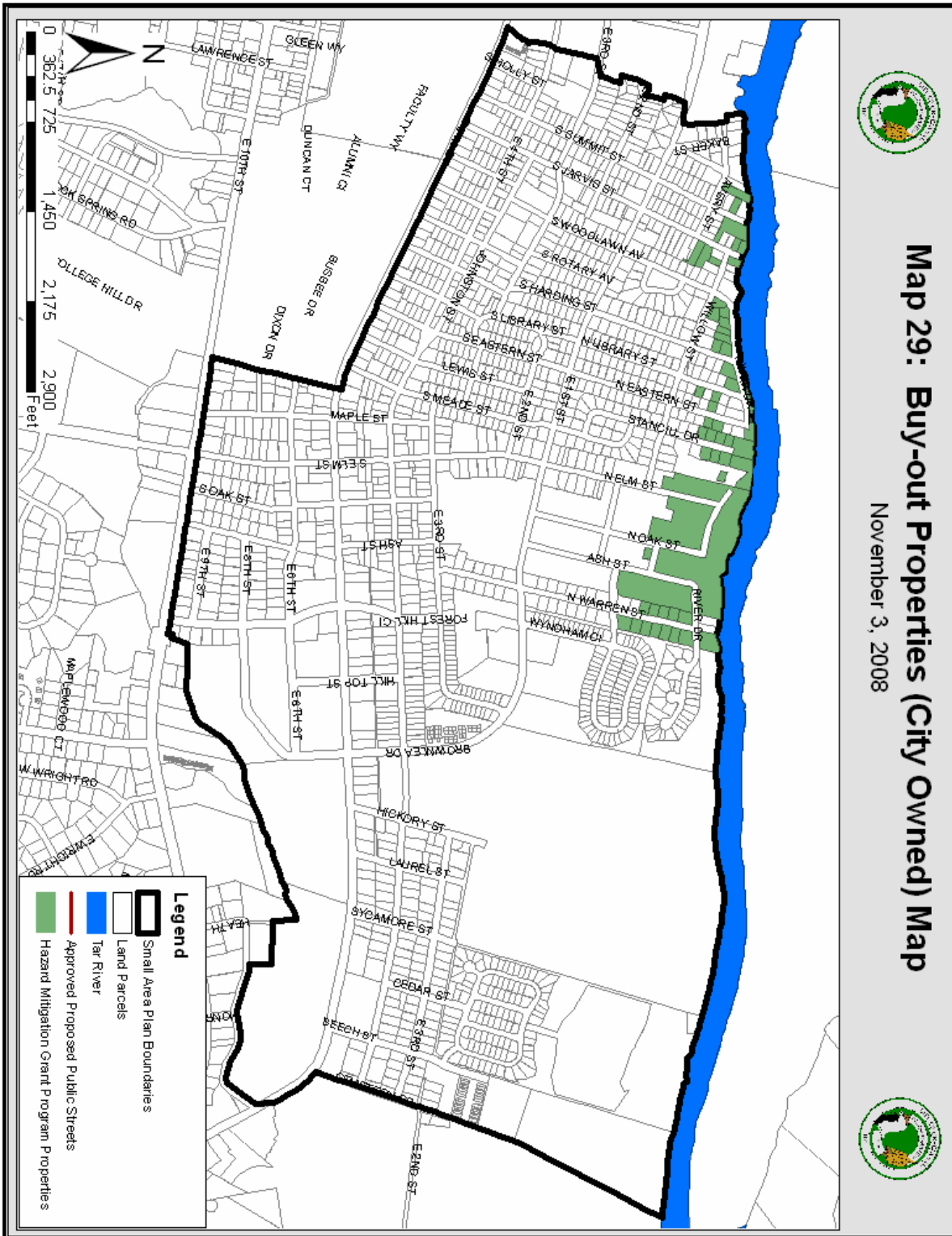
November 3, 2008



Map 28: Street Addresses Map

With Street Numbers: 82%
Without Street Numbers: 18%



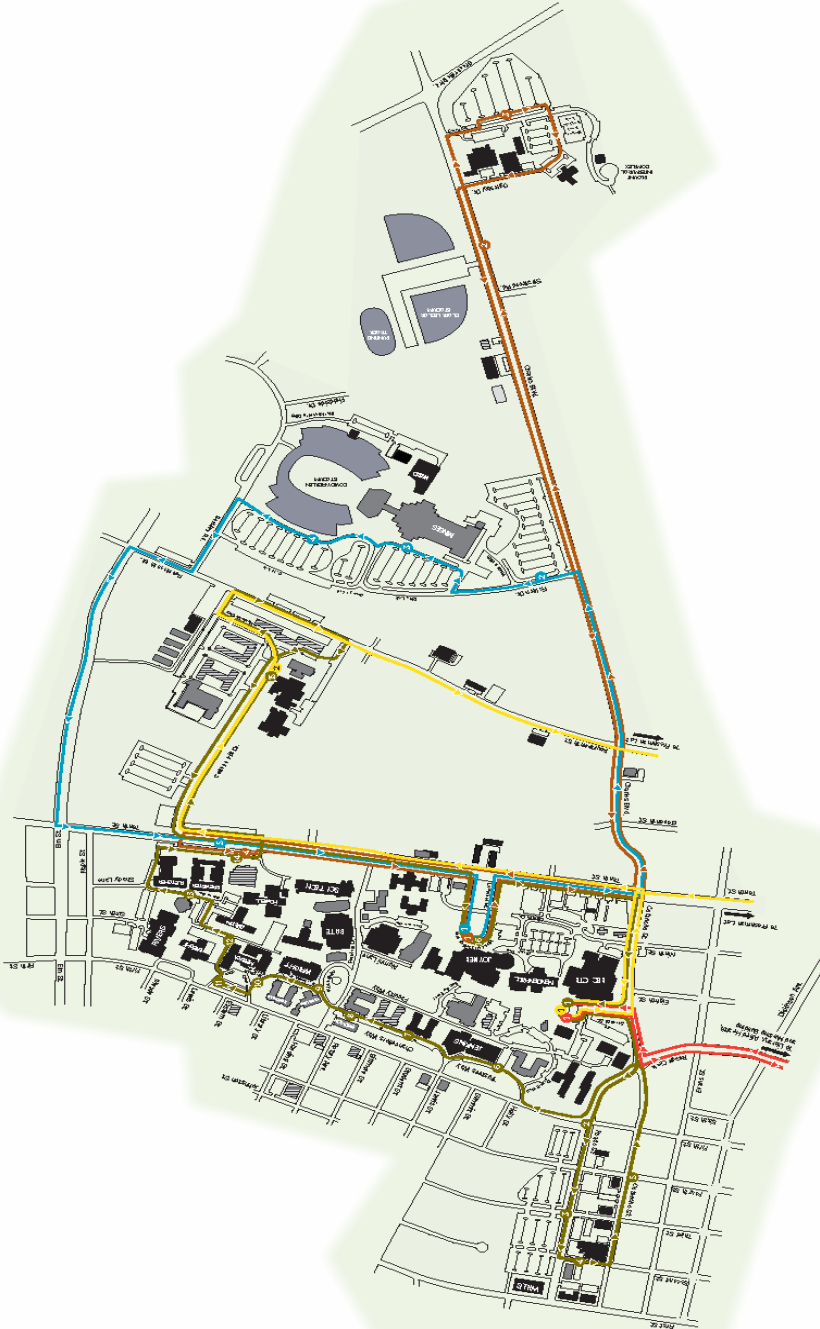


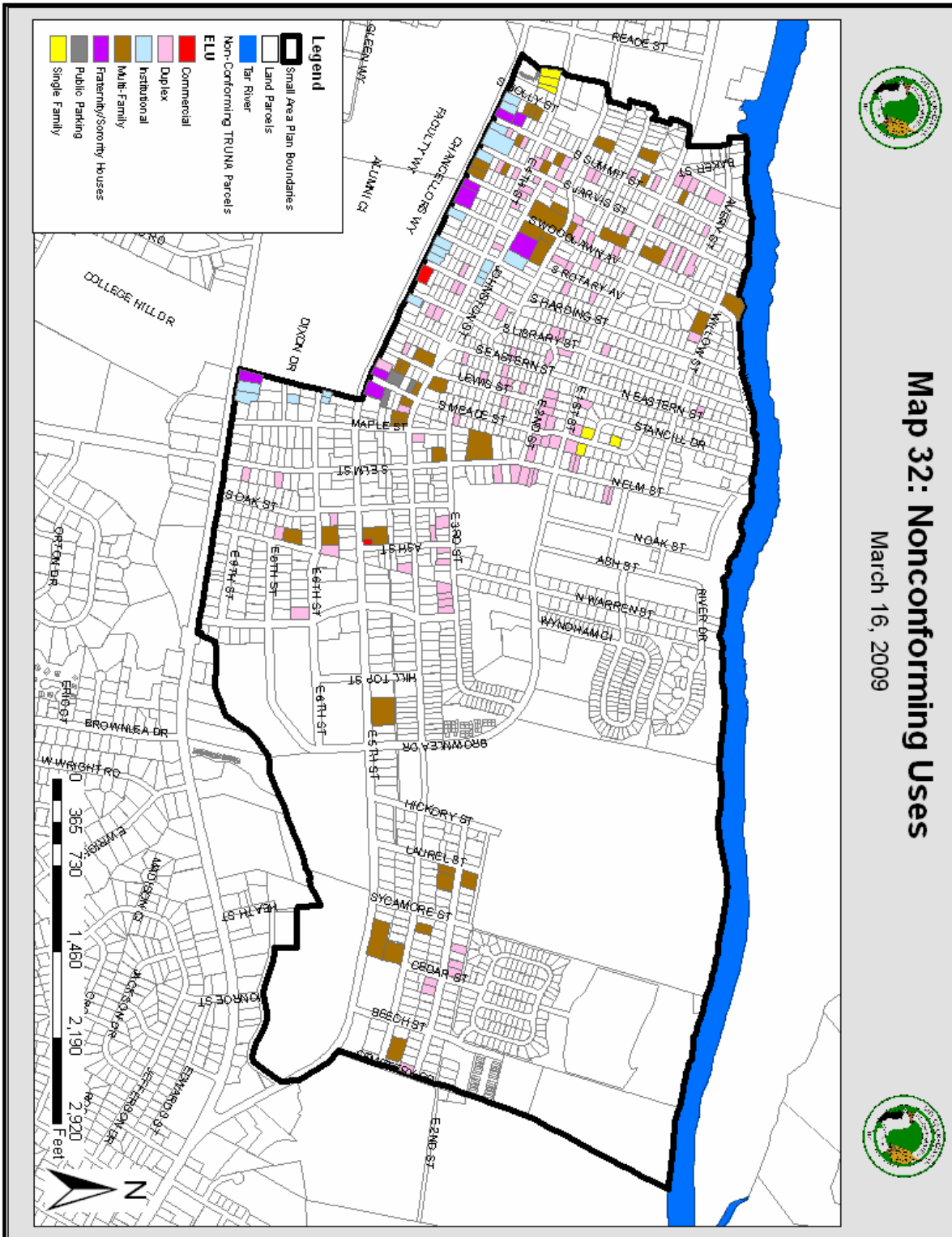
Map 29: Buy-out Properties (City Owned) Map

November 3, 2008



Map 30: ECUSTA (ECU Student Transit Authority Routes) Map November 3, 2008





Neighborhood Plan for the Tar River/University Area

April 9, 2009

(Excerpt - pages 42-45)

Goals:

To create, maintain and enhance a sustainable neighborhood.

Objectives:

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

Policy Implementation and Improvement Strategies:

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

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

- City Staff will prepare cost estimates and project schedules for the Capital Improvement and Implementation Strategies included in this plan.
- City Council will utilize this plan to guide public policy and investment decisions within the Tar River University Area.

Capital Improvement and Implementation Strategies:

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

- The City will investigate the creation of a home improvement matching grant fund for older site-built single-family owner-occupied dwellings (example - not less than 30-years old) to be awarded on an annual basis, to encourage qualified home improvement/upgrades that will increase the tax value and marketability of older dwellings. Such grant to be secured by an owner occupancy condition (Deed of Trust) for a determined period.
- The City will provide grants, in accordance with current program/policy, to the neighborhood homeowners associations for design and construction of neighborhood (subdivision) entrance signs.
- The City will install appropriate GREAT system bus stop improvements at locations as determined necessary and appropriate by the Public Works Department as recommended by the Thoroughfare Plan.
- The City will install sidewalks per an adopted Sidewalk Master Plan.
- The City will assess street drainage facilities, including travel-way locations reported to be affected by occasional flooding and will install improvements as determined to be necessary by the City Engineer.
- The City will evaluate junked/disabled vehicle policies, specifically in reference to allowance of covered vehicles in the rear yard, and amend the current policy as determined appropriate.
- The City will encourage additional neighborhood volunteer participation in the Adopt-A-Street program.
- The City will consider the feasibility of the completion of the Brownlea Drive extension to provide a connection from E. 6th Street to E. 10th Street.
- The City will assess street lighting levels throughout the neighborhood and cause the installation of additional lamps as determined necessary by the City Engineer. Use of period street lighting fixtures will be considered in and adjacent to the historic district.

- The City will monitor Green Mill Run and institute bank stabilization as necessary to minimize sedimentation/erosion and land (building site) loss as determined to be necessary by the City Engineer.
- The City will assist neighborhood and area residents in the establishment of a Neighborhood Watch Program.
- The City will evaluate passenger vehicle speeds on neighborhood streets and shall install additional traffic calming devices as determined to be necessary by the City Engineer.
- The City will notify property owners of address number display requirements.
- The City will update the GIS-GPS coverage for storm water improvements throughout and adjacent to the neighborhood.
- The City will request and encourage GUC to update the GIS-GPS coverage for all public utilities, including water, sanitary sewer, gas and electric lines, and street lights throughout and adjacent to the neighborhood.
- The City will consider the development of “residential rental sign” regulations concerning the size, number and location of on-site rental signs in single-family areas.
- The City will explore methods to better inform residents on the use of the online Intouch (complaint/question) action line system.
- The City will prohibit expansion of the neighborhood commercial focus area at Jarvis and E. 3rd Streets.
- The City will encourage the installation of additional lighting in and around parking lots and buildings at the neighborhood commercial focus area at Jarvis and E. 3rd Streets.
- The City will consider partnering with Re-Leaf to plant canopy trees in the neighborhood.
- The City will investigate enhancing existing crosswalks and suitability of additional crosswalks in the neighborhood.
- The City will investigate a partnership with ECU to prepare a Gateway and Streetscape Plan in the neighborhood to create a sense of place and enhance the connection between the neighborhood, Uptown and ECU.

- The City will investigate the feasibility of an amendment to the Greenway Master Plan to include a portion of Town Creek and potential pedestrian crossing.
- The City will consider the adoption of a city-wide policy on lighting standards to limit light pollution.
- The City will investigate ways to publicize the positive attributes and changing conditions in the neighborhood as a result of the neighborhood planning initiatives.
- The City will consider the funding for filling in gaps in existing sidewalks to facilitate a more continuous sidewalk network.
- The City will consider the dissemination of code enforcement activities in the neighborhood on a bi-annual basis.
- The City will consider the adoption of a policy that reflects the City's commitment to replant right-of-way street trees when they are removed either by damage, disease, public right-of-way improvements or other natural causes.
- The City will investigate the possibility of providing wireless internet access to the neighborhood.
- The City will investigate the creation of a home improvement grant program for the rehabilitation of dwellings in the local historic district.

ORDINANCE NO. 09-
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE
AMENDING HORIZONS: GREENVILLE'S COMMUNITY PLAN

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 April 9, 2009 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 Horizons: Greenville's Community Plan as follows;

WHEREAS, Horizons: Greenville's Community Plan was adopted on January 9, 1992 by the Greenville City Council per Ordinance 2412; and Attachment number 3

WHEREAS, the City Council of the City of Greenville has per Ordinance No. 04-10 amended Horizons: Greenville's Community Plan pursuant to the 2004 Update; and

WHEREAS, Horizons: Greenville's Community Plan will from time to time be amended and portions of its text clarified by the City Council; and

WHEREAS, the Planning and Zoning Commission and the City Council have reviewed Horizons: Greenville's Community Plan and the Tar River/University Area Neighborhood Report and Plan (08-01), and a public hearing has been held to solicit public comment.

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

Section 1: That Horizons: Greenville's Community Plan is hereby amended to incorporate by reference the Tar River/University Area Neighborhood Report and Plan (08-01).

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

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

ADOPTED this 9th day of April, 2009.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk

Doc. # 816543



Tar River / University Neighborhood Association
408 South Harding Street
Greenville, N. C. 27858

www.trunaliving.com

March 6, 2009

Chantae M. Gooby
Planning Division
Community Development Department
City of Greenville
P.O. Box 7207
Greenville, NC 27835

Re: *Tar River/University Area Neighborhood Report and Plan (08-01)*

Dear Ms. Gooby:

I wish to thank you, your colleagues, and all of the city staff who have crafted the *Neighborhood Report and Plan for the Tar/River University Area*. Speaking for the neighborhood association, we are very pleased with the content and form of the plan. It represents a lot of very good work, with many well thought-out recommendations to guide the city, our neighborhood association, individual property owners, and other stakeholders. It identifies many strategies and potential actions to implement Greenville's Horizons Plan, as well as the current goals of City Council, most notably "Promote sustainability and livability in both old and new neighborhoods." The timing is fortuitous. The plan should be of interest also to East Carolina University, our most prominent neighbor, as the University revisits its Comprehensive Campus Master Plan which will "... guide future development, ... and establish a *"sense of place."*

As with every plan, the process is an important part itself – perhaps the most important part. We thank you for the opportunity to be a partner with you from the beginning, over a year ago. The well-done condition assessment by city staff, the community survey, and the public information meeting last March provided an excellent foundation for the neighborhood association's part of the process. We very much appreciated being afforded time to develop our *Vision, Goals, Objectives, and Strategies* for inclusion (pp. 38-39). The plan was the focus of every TRUNA Board meeting from April to July. Your support of our deliberations with additional maps and analyses was very helpful. Our vision, basic goals and strategies are very much in synch with the final report and plan. Our vision for our neighborhood is that it be:

- safe, clean, family oriented, and visually appealing;
- friendly, walkable, economically stable;
- historically and architecturally unique;
- a balance of owner and rental occupancy; and,
- green, sustainable and environmentally sound, promoting a healthy, high quality lifestyle with a small carbon foot print.

Though we recognize that *policy implementation* and funding of *improvement strategies* (pp. 43-45) depends on availability of resources, this plan provides a coherent list of recommended actions to guide the City and our association. We look forward to working with City Council and City Staff to establish priorities and find resources and ways to implement recommendations of the plan.

With our continued partnership and commitment by City Council and City Staff, we can realize our common vision and collective goals; making Greenville a more economically strong, vibrant, safe, and enjoyable place to live.

As the plan goes for review by the Planning and Zoning Commission, we would like to add this strong letter of support from the Neighborhood Association.

Thank you.

Sincerely,

A handwritten signature in black ink that reads "Chris Mansfield". The signature is written in a cursive, flowing style.

Chris Mansfield, President
Tar River/University Neighborhood Association

Copy

Councilman Larry Spell

Wayne Bowers, City Manager

Merrill Flood, Director of Community Development

Harry V. Hamilton, Jr., Chief Planner

Steve Ballard, Chancellor, East Carolina University



City of Greenville, North Carolina

Meeting Date: 4/9/2009
Time: 7:00 PM

Title of Item: Ordinance requiring the repair or the demolition and removal of the dwelling located at 802 Vanderbilt Lane

Explanation: The Code Enforcement Officer for the City of Greenville is requesting that the City Council approve an ordinance requiring the owner of a dwelling which has been vacated and closed for a period of at least six months pursuant to the enforcement of the Minimum Housing Code to repair or demolish and remove the dwelling located at 802 Vanderbilt Lane. The ordinance provides that the owner has 90 days to repair or demolish and remove the dwelling. If the owner fails to accomplish this within 90 days, then the City will proceed with repairing or demolishing and removing the dwelling.

The initial notice of violation was sent by certified mail on October 22, 2008 to the property owner informing the owner of the condition of the abandoned structure and minimum housing violations cited by the Code Enforcement Officer and of the remedies necessary to bring the structure into compliance.

Staff has attempted to work with the owner, but no repairs have been made. The most recent notice to the owner was sent on March 9, 2009, and provided notice to the owner that the dwelling was considered as an abandoned structure.

The dwelling has been vacated and closed for a period of at least six months. The utilities to the dwelling have been disconnected since April 28, 2005. There have been 6 Code Enforcement cases initiated on this property since 1998, ranging from Abandoned Structure to Public Nuisance.

The Police Department has responded to 16 calls for service at this property since January 2000. Calls range from animal complaints, to disturbing the peace, to physical arrest, to suspicious activity.

The tax value on the property as of March 9, 2009 is \$15,123 (the building value is \$12,578 and the land value is \$2,545). The estimated costs to repair the property are \$17,914.

Fiscal Note:

Costs to test and abate asbestos (if present) and demolition costs will be approximately \$10,000 due to the size of the structure. These costs shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as the lien for special assessment established by Article 10 of Chapter 160A of the North Carolina General Statutes.

Recommendation:

Approval of the ordinance requiring the repair or demolition and removal of the dwelling located at 802 Vanderbilt Lane.

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Attachments / click to download

[📎 Slide show of property](#)

[📎 Ordinance for Repair or Demolition of 802 Vanderbilt Lane Parcel 05068 819564](#)

ORDINANCE NO. 09-___

ORDINANCE REQUIRING THE OWNER OF A DWELLING VACATED
AND CLOSED FOR A PERIOD OF AT LEAST SIX MONTHS PURSUANT TO THE
ENFORCEMENT OF THE MINIMUM HOUSING CODE TO REPAIR OR DEMOLISH
AND REMOVE THE DWELLING LOCATED AT 802 VANDERBILT LANE
TAX PARCEL NUMBER 05068

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

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

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

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

Section 1. The owner(s), Willie Olivia Cope, of the dwelling located at 802 Vanderbilt Lane, in the City of Greenville, North Carolina, is hereby directed and required to either repair said dwelling so that it fully complies with the standards of the Minimum Housing Code or to demolish and remove said dwelling within ninety (90) days from the effective date of this ordinance.

Section 2. The Code Enforcement Officer is hereby authorized and directed to proceed to either repair or demolish and remove the dwelling in the event the owner fails to comply with the provisions of Section 1 of this ordinance within ninety (90) days, said dwelling being located at 802 Vanderbilt Lane and owned by Willie Olivia Cope.

Section 3. The cost of repair or demolition and removal shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as the lien for special assessment established by Article 10 of Chapter 160A of the North Carolina General Statutes. The material of the dwelling and any personal property, fixtures, or appurtenances found in or attached to the dwelling shall be sold and the proceeds shall be credited against the cost of removal or demolition and any balance remaining shall be deposited in superior court where it shall be secured and disbursed in the manner provided by G.S. 160A-443 (6).

Section 4. This ordinance shall be recorded in the Office of the Register of Deeds of Pitt County and shall be indexed in the name of the property owner in the grantor index.

Section 5. This ordinance shall become effective upon its adoption.

This the 9th day of April, 2009.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk

NORTH CAROLINA
PITT COUNTY

I, Patricia A. Sugg, a Notary Public in and for the aforesaid County and State, do hereby certify that Wanda T. Elks personally appeared before me this day and acknowledged that she is the City Clerk of the CITY OF GREENVILLE, a North Carolina municipal corporation, and that by authority duly given and as the act of the CITY OF GREENVILLE, the foregoing instrument was signed in its corporate name by its Mayor, sealed with its corporate seal, and attested by herself as City Clerk.

Witness my hand and Notarial Seal, this the 9th day of April, 2009.

Patricia A. Sugg, Notary Public

My Commission expires: 9/4/2011



CITY OF GREENVILLE, NC

CITY COUNCIL MEETING





CITY OF GREENVILLE, NC

CITY COUNCIL MEETING





CITY OF GREENVILLE, NC

CITY COUNCIL MEETING



Item # 7



City of Greenville, North Carolina

Meeting Date: 4/9/2009
Time: 7:00 PM

Title of Item: Ordinance requiring the repair or the demolition and removal of the dwelling located at 900 Ward Street

Explanation: The Code Enforcement Officer for the City of Greenville is requesting that the City Council approve an ordinance requiring the owner of a dwelling which has been vacated and closed for a period of at least six months pursuant to the enforcement of the Minimum Housing Code to repair or demolish and remove the dwelling located at 900 Ward Street. The ordinance provides that the owner has 90 days to repair or demolish and remove the dwelling. If the owner fails to accomplish this within 90 days, then the City will proceed with repairing or demolishing and removing the dwelling.

The initial notice of violation was sent by certified mail on August 27, 2008 to the property owner informing the owner of the condition of the abandoned structure and minimum housing violations cited by the Code Enforcement Officer and of the remedies necessary to bring the structure into compliance.

Staff has attempted to work with the owner, but no repairs have been made. The most recent notice to the owner was sent on March 9, 2009, and provided notice to the owner that the dwelling was considered as an abandoned structure.

The dwelling has been vacated and closed for a period of at least six months. The utilities to the dwelling have been disconnected since June 17, 2008. There have been 18 Code Enforcement cases initiated on this property since 1998 ranging from minimum housing to abandoned structure to public nuisance. The Police Department has responded to 54 calls for service at this property since January 2000. Calls range from assault on female and juvenile, to disputes, to disturbing the peace, to a man with weapon, to violations of controlled substance act.

The tax value on the property as of March 9, 2009 is \$34,537 (the building value is \$29,541 and the land value is \$4,836). The estimated costs to repair the property are \$22,154.50.

Fiscal Note:

Costs to test and abate asbestos (if present) and demolition costs will be approximately \$10,000 due to the size of the structure. This cost shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as the lien for special assessment established by Article 10 of Chapter 160A of the North Carolina General Statutes.

Recommendation:

Approval of the ordinance requiring the repair or demolition and removal of the dwelling located at 900 Ward Street.

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Attachments / click to download

 [Slide Show of Property](#)

 [Ordinance for Repair or Demolish 900 Ward Street parcel number 019522 819263](#)

ORDINANCE NO. 09-___

ORDINANCE REQUIRING THE OWNER OF A DWELLING VACATED
AND CLOSED FOR A PERIOD OF AT LEAST SIX MONTHS PURSUANT TO THE
ENFORCEMENT OF THE MINIMUM HOUSING CODE TO REPAIR OR DEMOLISH
AND REMOVE THE DWELLING LOCATED AT 900 WARD STREET
TAX PARCEL NUMBER 019522

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

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

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

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

Section 1. The owner(s), James A. Brown, of the dwelling located at 900 Ward Street, in the City of Greenville, North Carolina, is hereby directed and required to either repair said dwelling so that it fully complies with the standards of the Minimum Housing Code or to demolish and remove said dwelling within ninety (90) days from the effective date of this ordinance.

Section 2. The Code Enforcement Officer is hereby authorized and directed to proceed to either repair or demolish and remove the dwelling in the event the owner fails to comply with the provisions of Section 1 of this ordinance within ninety (90) days, said dwelling being located at 900 Ward Street and owned by James A. Brown.

Section 3. The cost of repair or demolition and removal shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as the lien for special assessment established by Article 10 of Chapter 160A of the North Carolina General Statutes. The material of the dwelling and any personal property, fixtures, or appurtenances found in or attached to the dwelling shall be sold and the proceeds shall be credited against the cost of removal or demolition and any balance remaining shall be deposited in superior court where it shall be secured and disbursed in the manner provided by G.S. 160A-443 (6).

Section 4. This ordinance shall be recorded in the Office of the Register of Deeds of Pitt County and shall be indexed in the name of the property owner in the grantor index.

Section 5. This ordinance shall become effective upon its adoption.

This the 9th day of April, 2009.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk

NORTH CAROLINA
PITT COUNTY

I, Patricia A. Sugg, a Notary Public in and for the aforesaid County and State, do hereby certify that Wanda T. Elks personally appeared before me this day and acknowledged that she is the City Clerk of CITY OF GREENVILLE, a North Carolina municipal corporation, and that by authority duly given and as the act of the CITY OF GREENVILLE, the foregoing instrument was signed in its corporate name by its Mayor, sealed with its corporate seal, and attested by herself as City Clerk.

Witness my hand and Notarial Seal, this the 9th day of April, 2009.

Patricia A. Sugg, Notary Public

My Commission expires: 9/4/2011



CITY OF GREENVILLE, NC

CITY COUNCIL MEETING

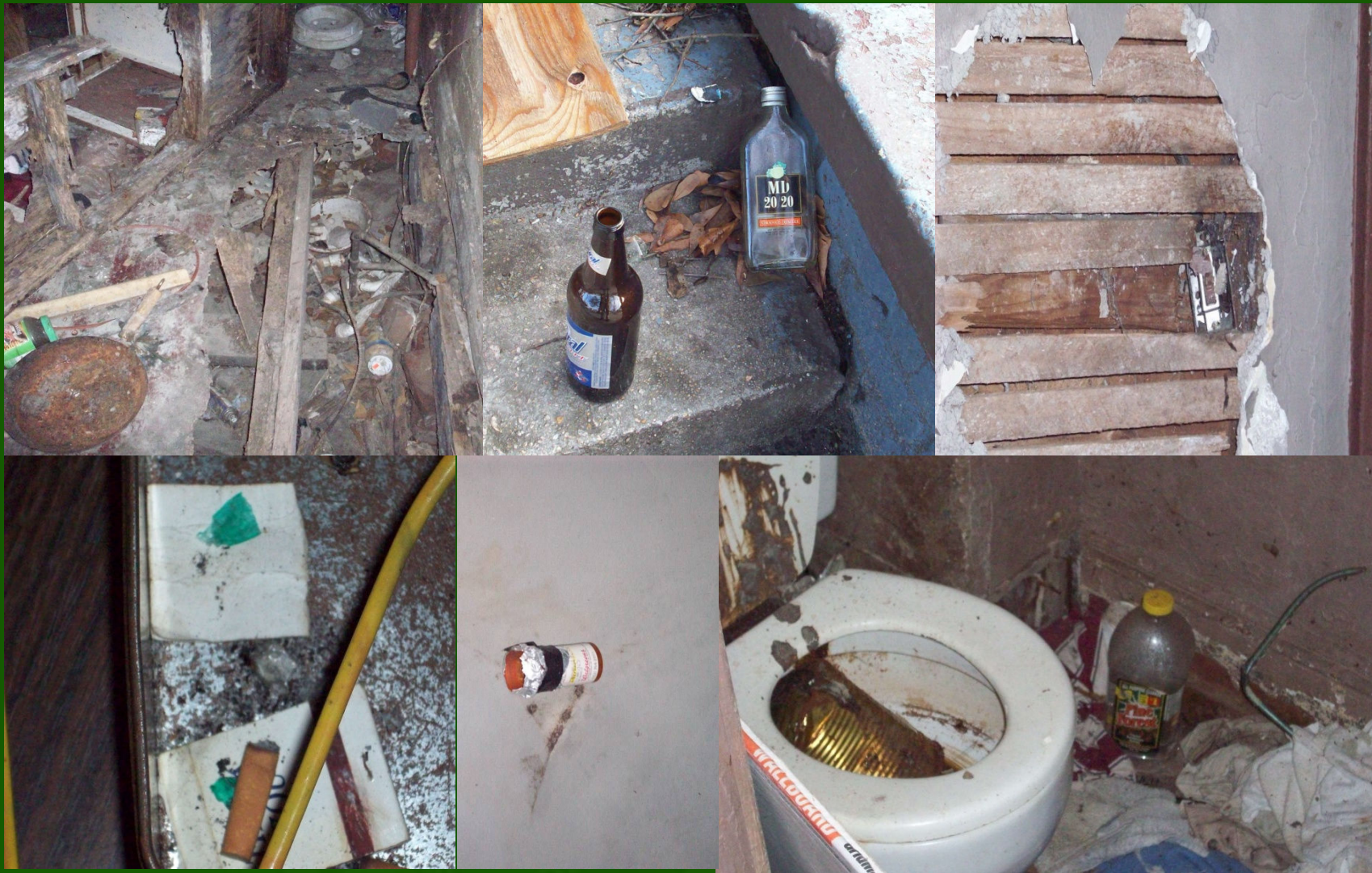


Item # 8



CITY OF GREENVILLE, NC

CITY COUNCIL MEETING





CITY OF GREENVILLE, NC

CITY COUNCIL MEETING





City of Greenville, North Carolina

Meeting Date: 4/9/2009
Time: 7:00 PM

Title of Item: Inclusionary Zoning and Planned Unit Development regulations and draft amendments to accomplish related goals

Explanation: As part of an overall housing strategy, the Greenville City Council has taken the initiative to develop and encourage affordable and equitable housing options for all citizens. In furtherance of housing goals, the City Council has established and/or implemented:

- a citywide affordable housing production and lending program for 1st time low- and moderate-income home buyers;
- revitalization area partnership programs for affordable rental housing production;
- home buyer assistance in neighborhoods near the University's main campus; and
- federal and state grant programs that provide housing assistance for low income individuals and families.

These housing programs are administered and managed by the City of Greenville Community Development Department (CDD), Housing Division. Persons interested in obtaining information concerning these housing programs should call the City's CDD Housing Division at (252) 329-4481 for assistance.

Following the City Council's 2008 Diversity Training session, the City Council instructed the City Manager to "develop a step-by-step process for implementing a Planned Unit Development (PUD)" for the purpose of expanding housing/socio-economic choices through the use of "inclusionary zoning" techniques.

As used in this context, the term "inclusionary zoning" refers to a host of ordinance-based development methods designed to achieve a desired percentage

[e.g. 20%] of affordable dwelling units. This term includes, but is not necessarily limited to, the creation of new low- and moderate-income dwelling units through new construction. Inclusionary zoning techniques may be employed as a minimum required percentage of total dwelling unit construction or may be accomplished by ordinance-based incentive zoning options.

Incentive zoning may be best described as the awarding of bonus credits to a development in the form of allowing more intensive use of land if public benefits – such as preservation of greater than minimum required open space, or the provision for low- and moderate-income housing – are voluntarily included in a project. In other words, incentive zoning is the granting of additional development capacity in exchange for a public benefit or amenity. A quid pro quo – more development for a benefit, the need for which may not necessarily be created by the development itself.

While there are several inclusionary zoning options available for consideration, staff recommends a voluntary incentive-based program be used for this purpose. A feasible technique to achieve a greater variety of housing type and socio/economic availability would be through the use of a modified planned unit development (PUD) ordinance. Modification of the City’s current PUD ordinance, to include a wider distribution of acceptable locations (zones), and the use of voluntary density bonus credits for the provision of desirable inclusive housing, will not adversely impact any existing built or proposed development, and is considered by staff to be a viable option to accomplish part of the City Council’s inclusionary housing goals.

The City Council’s 2009 goal “Keep Planning Ahead of Anticipated Growth” includes the following action item: #1 “revise the PUD development regulations to eliminate the additional zoning district designation requirement and to substitute a performance-based special use permit process in replacement”. The related goal, objective and action item are set out below:

“5. Goal: Keep Planning Ahead of Anticipated Growth”

A. *Objective: Encourage use of the planned unit development zoning classification*

Action Item #1: Revise the PUD development regulations to eliminate the additional zoning district designation requirement and to substitute a performance-based special use permit process in replacement

Responsibility: Community Development Department

Timeframe: Ordinance options report to City Council in April 2009 with Planning & Zoning Commission amendment consideration in June 2009

Fiscal Note: No direct cost”

The staff’s proposed draft revisions to the PUD ordinance, set out below, are

intended to accomplish the aforementioned objective.

Planned Unit Development (PUD) options

A PUD is a conditional/special use development under single ownership or unified control that is guided by a total design (master land use) plan, including a range of dwelling and nonresidential use options, and which allows flexibility and creativity in site design, lot layout and building configurations. Common PUD characteristics include reduced unit lot area and building setback requirements, additional open space and recreation areas, mixed land use (limited project dependent office/commercial component), and design guidelines. PUD is a viable option to accomplish desirable neo-traditional style urban development inclusive of a greater variety of housing types.

The current PUD regulations were adopted in February 1987, per ordinance # 1688, and have remained essentially unchanged during the past twenty-two (22) years.

Since 1987, three (3) locations have been re-zoned to accommodate PUD development, of which two (2) projects have been completed as of March 2009 – Westpointe Subdivision in the medical district and Wesley Commons Subdivision in the Tar River area. The remaining undeveloped PUD zoning area is the Ironwood expansion area located east of Rocks Springs Subdivision, on the south side of Highway 43.

A primary feature of the current PUD ordinance is a re-zoning component in addition to a master land use plan special use permit approval requirement. Planning and Zoning Commission special use permit approval is subject to a super majority (8 of 9) vote in favor of the petition to establish a PUD. The additional re-zoning step, to establish a specific PUD district, is time consuming and creates uncertainty, which has limited PUD utility as a desirable development option.

The current PUD ordinance includes the following purpose statement and definition. The purpose statement and definition will not change as a result of the adoption of a new PUD ordinance.

· A special use zoning district designed to provide an alternative to traditional development standards, which is intended to:

- (1) Reduce initial development costs by reducing standard minimum lot size and setback requirements while reserving areas for common use;
- (2) Preserve the character of surrounding neighborhoods and enhance the physical appearance of the area by preserving natural features, existing vegetation, while providing recreational and open areas;
- (3) Provide for desirable and usable open space, tree cover, and the preservation of environmentally sensitive areas;
- (4) Promote economical and efficient land use, which can result in smaller networks of public facilities, utilities and streets;

- (5) Provide an appropriate and harmonious variety of housing and creative site design alternatives;
- (6) Promote energy conservation by optimizing the orientation, layout and design of structures to take maximum advantage of solar heating/cooling schemes and energy conserving landscaping;
- (7) Encourage innovations in residential development so that the growing demands of population may be met by greater variety in type, design and layout of buildings; and
- (8) Provide a procedure that can relate the type, design and layout of development to a particular site and the particular demand for housing and other facilities at the time of development in a manner consistent with the preservation of property values within established residential areas.

· A planned unit development (PUD) district shall be defined as a project/district that meets all of the following:

- (1) Land under common ownership, to be planned and developed as an integral unit;
- (2) A single development or a programmed series of development, including all lands, uses and facilities;
- (3) Constructed according to comprehensive and detailed plans that include streets, drives, utilities, lots and building sites. Plans for such building locations, uses and their relation to each other shall be included and detailed plans for other uses and improvements of land showing their relation to the buildings shall also be included; and
- (4) Provides a program for the provision, operation and maintenance of such areas, facilities and improvements as shall be required for perpetual common use by the occupants of the planned unit development.

The following outline is reflective of the currentPUD process.

1. Re-zoning (from a general purpose zoning district to the PUD district)

- Planning and Zoning Commission – Recommendation
- City Council Public Hearing – Final Action

2. Special Use Permit. (Master Land Use Plan)

- Contents: street pattern, open space, dwelling types (single family, duplex, multi-family), densities (not to exceed 12 units per acre)
- Planning & Zoning Commission Quasi-Judicial Public Hearing – Final Action
- Required Findings (summary)
 - traffic impact
 - compatibility with adjacent/neighborhood properties
 - compatibility with Comprehensive Plan

Seven (7) separate findings – 4/5 (8 of 9 members) voting requirement to pass each finding

- Conditional Approval. The Planning & Zoning Commission may attach conditions to the plan that exceed the minimum (ordinance) development

standards when it is found that such conditions are necessary to insure compatibility with adjacent areas

3. Preliminary Subdivision Plat.

- Planning & Zoning Commission – Final Action.

4. Final Subdivision Plat.

- Subdivision Review Board (staff) – Final Action

5. Site Plan.

- Technical Review Committee (staff) – Final Action

Proposed (draft) PUD ordinance objectives:

- eliminate the planned unit development (PUD) zoning district requirement (step 1 of the process outline listed above) – this will streamline the approval process and improve the development probability
- permit PUD as a City Council special use in a variety of residential districts (R6, R6A, R9, R6S and RA20) Note: PUD is currently only allowed in a PUD district – this will greatly increase the variety of locations available for PUD consideration while retaining final approval authority with City Council (previously a City Council re-zoning decision)
- establish a PUD base density (4 units per gross acre) equal to the base density of the lowest density general purpose single-family zoning district (RA-20) – this will insure that the PUD residential density will not exceed Comprehensive Plan base density recommendations as previously established, except as may be achieved via the density bonus provisions specifically designed to accomplish certain public purposes
- provide density bonus options to allow increased density up to a maximum of 12 units per gross acre – this will allow an increase in density in exchange for a public benefit or amenity, such as increased common/public open space and/or providing dwellings which meet housing diversity goals
- encourage a wider variety of dwelling types in future neighborhoods built under the proposed PUD ordinance – this will provide a method, with City Council approval, to include detached and attached dwellings in a planned neo-traditional neighborhood setting which can accommodate a greater variety of socio-economic populations
- provide an inclusionary housing density bonus option – this will provide a viable addition to, and/or alternative to, public construction and/or local public subsidy of affordable housing units for low- and moderate-income households while allowing the development of a greater number of dwellings above the base density (up to 3 additional units per acre) as incentive for the private development of affordable housing

The following outline is reflective of the proposedPUD process.

1. **Re-zoning** (to a general purpose zoning district **onlyif necessary**)

- Planning and Zoning Commission – Recommendation
- City Council Public Hearing – Final Action

2. **Special Use Permit.** (Master Land Use Plan)

· Contents: street pattern, open space, dwelling types (single family, duplex, multi-family), densities (not to exceed 4 units per acre, or 12 units per acre with density bonuses)

· City Council Quasi-Judicial Public Hearing – Final Action

· Required Findings (summary)

- traffic impact

- compatibility with adjacent/neighborhood properties

- compatibility with Comprehensive Plan

Seven (7) separate findings – 4/5 (5 of 6 members) voting requirement to pass each finding

· Conditional Approval. The City Council may attach conditions to the plan that exceed the minimum (ordinance) development standards when it is found that such conditions are necessary to insure compatibility with adjacent areas

3. **Preliminary Subdivision Plat.**

- Planning & Zoning Commission – Final Action.

4. **Final Subdivision Plat.**

- Subdivision Review Board (staff) – Final Action

5. **Site Plan.**

- Technical Review Committee (staff) – Final Action

The primary changes, as a result of the proposed process, are (i) the transfer of the master land use plan special use permit approval authority from the Planning and Zoning Commission to City Council, and (ii) elimination of the PUD district re-zoning requirement.

The draft ordinance to accomplish the recommended changes is attached for review and reference.

Fiscal Note:

No direct cost to the City.

Recommendation:

Staff recommends that the City Council initiate an amendment to the Planned Unit Development (PUD) regulations as proposed.

If the City Council determines to initiate an amendment as recommended, the item will be scheduled for Planning and Zoning Commission consideration at the earliest available meeting.

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

Attachments / click to download

 [Planned_Unit_Development_ordinance_amendments_819321](#)

Planned Unit Development proposed ordinance changes

3/17/09

Add new section (c), (d) and (e) to existing section – Article L. Special Districts

Sec. 9-4-196. Planned unit development (PUD) district standards.

(c) Any PUD zoning district development that has received special use permit approval of a land use plan per Article J of this chapter prior to (____DATE HERE____), and such special use permit remains in effect, may continue under the approved special use permit and standards in effect at the time of the special use permit approval or may be subject to the current applicable regulations for a planned unit development at the option of the owner of such development.

(d) This section shall only apply to PUD district developments that have received special use permit approval of a land use plan prior to (____DATE HERE____).

(e) Planned unit development from and after (____DATE HERE____) shall be subject to Article J of this chapter.

Delete sections 9-4-252(6) and (7) – Article O. Schedule of required parking spaces.

(6) Planned unit development (PUD)
residential, social or recreational and
residential accessory

Per Article J

(7) Planned unit development (PUD)
nonresidential

Per this article in accordance with
the specific use

Note: new PUD development parking requirements per 9-4-162(g) (reference to Article O Parking Regulations)

Add new section 9-4-78(f)(2)b(1) – Article D. Table of uses (Residential).

b(1). Planned unit development per
Article J.

LUC# *

Special use – R6, R6A, R9, R6S and RA20

Amend section 9-4-78(d)

(d) Each listed accessory use activity and the planned unit development use is assigned an asterisk (*) in substitution for a land use classification number. Such, and other accessory use(s) and various uses within an approved planned unit development shall be subject to the land use classification number of the associated principal use.

New Article J (to replace existing PUD standards)

Article J. Planned Unit Development

Sec. 9-4-161. Purpose and intent; definition; Planned unit developments previously approved, constructed and/or and vested under the regulations replaced by this Article J.; Planned unit development (PUD) zoning districts previously zoned under the regulations replaced by this Article J., for which there is no vested plan of development.

(a) The purpose and intent of planned unit development is to provide an alternative to traditional development standards, which is intended to:

- (1) Reduce initial development costs by reducing standard minimum lot size and setback requirements while reserving areas for common use;
- (2) Preserve the character of surrounding neighborhoods and enhance the physical appearance of the area by preserving natural features, existing vegetation, while providing recreational and open areas;
- (3) Provide for desirable and usable open space, tree cover, and the preservation of environmentally sensitive areas;
- (4) Promote economical and efficient land use, which can result in smaller networks of public facilities, utilities and streets;
- (5) Provide an appropriate and harmonious variety of housing and creative site design alternatives;
- (6) Promote energy conservation by optimizing the orientation, layout and design of structures to take maximum advantage of solar heating/cooling schemes and energy conserving landscaping;
- (7) Encourage innovations in residential development so that the growing demands of population may be met by greater variety in type, design and layout of buildings; and
- (8) Provide a procedure that can relate the type, design and layout of development to a particular site and the particular demand for housing and other facilities at the time of development in a manner consistent with the preservation of property values within established residential areas.

(b) For purposes of this article, a planned unit development shall be defined as a unified development that meets all of the following:

- (1) Land under common ownership, to be planned and developed as an integral unit;
- (2) A single development or a programmed series of development, including all lands, uses and facilities;

- (3) Is constructed according to comprehensive and detailed plans that include streets, drives, utilities, lots and building sites. Plans for such building locations, uses and their relation to each other shall be included and detailed plans for other uses and improvements of land showing their relation to the buildings shall also be included; and
 - (4) Provides for the provision, operation and maintenance of areas, facilities and improvements as shall be required for perpetual common use by the occupants of the planned unit development.
- (c) Any PUD zoning district development that has received special use permit approval of a land use plan per Article J of this chapter prior to (____DATE HERE____), and such special use permit remains in affect, may continue under the approved special use permit and standards in effect at the time of the special use permit approval or may be subject to the current applicable regulations at the option of the owner of such development or property. (See also section 9-4-196 of this chapter.)
- (d) The owner of any PUD zoning district that has not received special use permit approval of a land use plan per Article J of this chapter prior to (____DATE HERE____), shall be required to file a rezoning request to a zoning district other than PUD within six(6) months of (____DATE HERE____). Any rezoning filing fee due for rezoning from PUD to an alternative zoning district shall be waived provided the rezoning application is submitted within the six (6) month period prescribed above. If the owner of the PUD district does not file a rezoning request as provided herein the PUD zoned area will automatically revert to the zoning district designation in effect prior to the PUD zoning designation.

Sec. 9-4-162. Area; regulation of uses; density; open space; recreation; parking; landscape; density bonus requirements.

(a) *Minimum area requirements.*

- (1) Planned unit developments shall contain not less than fifty (50) gross acres. Addition to any existing planned unit development may be allowed provided such addition meets or exceeds all other applicable requirements. The planned unit development shall be included under one (1) land use plan application and each addition to or amendment of such development shall be consider as a revision to the previously approved special use permit. In the case of an addition to or amendment of a previously approved special use permit, the planned unit development property owners' association may execute any and all special use permit amendment applications on behalf of the property owners of individual lots subject to such association located within the original planned unit development section. No planned unit development shall be reduced in area unless the special use permit for such development is amended in accordance with this article provided however, the dedication of public rights-of-way shall not be subject to this requirement.

For purposes of this chapter, the term “gross acres” shall be construed as the total acreage of the planned unit development including all lands located within the boundary of the development and any future public street rights-of-way, private street easements, common open spaces, public dedicated and accepted land or land deeded to the city or county per a density bonus option, land acquired by the city for any public purpose, and future building sites located within the boundary of the planned unit development. With the exception of future street rights-of-way acquired pursuant to the Greenville Urban Area Thoroughfare Plan, and/or on-site public street improvements required and related to the planned unit development, existing street rights-of-way that border the peripheral planned unit development boundary at the time of original land use plan submission shall not be included in the gross acre calculation.

- (2) Planned unit developments comprising less than seventy five (75) gross acres shall contain residential uses only as set forth in subsection (b)(5) of this section.
- (3) Planned unit developments comprising seventy five (75) gross acres or more may contain all of the uses permitted by subsections (b)(5) and (b)(6) of this section provided that all designated nonresidential area(s) shall meet all of the following design requirements:
 - a. Shall be designed and located with the primary intention of serving the immediate needs and convenience of the residents of the planned unit development.
 - b. Shall be located on thoroughfare streets included on the Greenville Urban Area Thoroughfare Plan and/or on “minor streets” as defined in section 9-4-168.
 - c. Shall not be located within one hundred (100) feet of the peripheral boundary of the planned unit development. If any portion of such nonresidential area is located within three hundred (300) feet of any single-family residential property zoned RA-20, R15S, R9S, R6S, or MRS and located outside the peripheral boundary of the planned unit development, the nonresidential area and all nonresidential and residential use therein shall be screened by a bufferyard “E” or equivalent screen per Article P of this chapter. The purpose of the bufferyard “E” or equivalent screen shall be to provide a complete visual barrier between said single-family residential zoning district and the nonresidential area at the time of development of the nonresidential area. Screening required pursuant to this subsection may be phased to coincide with development of the nonresidential area provided compliance with the purpose of this subsection. The city council shall approve by condition the location and phasing of the required screen at the time of special use permit approval.

- d. Shall not be developed for any purpose other than as specified under subsection f below until (i) all of the residential lots and/or residential tracts located within the residential designated area(s) have been final platted and (ii) not less than fifty (50) percent of the total number of dwelling units approved for said lots and/or tracts have been constructed and have been issued temporary and/or final occupancy permits.
- e. Plans for nonresidential development and any associated residential uses located on any designated nonresidential area may be submitted and approved following special use permit approval of the land use plan, however no building or other permit shall be issued for any nonresidential area use, including residential use, until the minimum number of dwelling units have been constructed and permitted for occupancy in designated residential areas per subsection d above.
- f. Streets, greenways, sidewalk and bike paths, drainage and utility improvements, public recreation areas and improvements, and public service delivery improvements, buildings or structures shall be permitted within any nonresidential area at any time following special use permit approval of the land use plan, and compliance with applicable subdivision regulations or other required permits for such improvements.
- g. Residential uses located within a nonresidential area shall be subject to the requirements, conditions and restrictions applicable to nonresidential uses.

(b) *Regulation of uses.* Subject to subsection (a) of this section, a planned unit development may contain the permitted uses as listed in subsections (5) and (6) below in accordance with the following:

- (1) Such uses shall be subject only to the development standards included in this article unless otherwise noted.
- (2) The listed uses contained in subsections (5) and (6) below are permitted uses within a planned unit development, provided compliance with all provision in this article, and no further special use permit approval is required for such uses following approval of the land use plan special use permit for the planned unit development within which said uses are proposed to be located.
- (3) Residential uses shall be permitted in any area designated as either residential and/or nonresidential area if such combined use is indicated upon the approved land use plan, however nonresidential uses shall only be permitted within designated nonresidential areas. Where such combined use is proposed, the number and type of dwelling unit shall be indicated on the land use plan at the time of special use permit application.
- (4) All definitions shall be per Article B of this chapter unless otherwise defined in this article.

- (5) Permitted residential uses:
- a. Single-family dwelling;
 - b. Two-family attached dwelling (duplex);
 - c. Multi-family development (apartment, condominium and/or townhouse);
 - d. Family care home, subject to 9-4-103;
 - e. Accessory building or use;
 - f. Public recreation or park facility;
 - g. Private recreation facility;
 - h. Church or place of worship;
 - i. Golf course; regulation;
 - j. City of Greenville municipal government building or use subject to 9-4-103;
 - k. Retirement center or home including accessory nursing care facilities (each separate dwelling unit and/or each 5 beds in a congregant care facility shall constitute one (1) dwelling unit for residential development density purposes regardless of location);
 - l. Room renting.
- (6) Permitted nonresidential uses:
- a. School; elementary subject to 9-4-103;
 - b. School; kindergarten or nursery subject to 9-4-103;
 - c. School; junior and senior high subject to 9-4-103;
 - d. Child day care facilities;
 - e. Adult day care facilities;
 - f. Barber or beauty shop;
 - g. Office; professional and business not otherwise listed in Article D;
 - h. Medical, dental, ophthalmology or similar clinic not otherwise listed in Article D;
 - i. Library;
 - j. Art gallery;
 - k. Grocery; food or beverage, off-premise consumption;
 - l. Convenience store (not including accessory auto fuel sales);
 - m. Pharmacy;
 - n. Restaurant; conventional;
 - o. Restaurant; outdoor activities;
 - p. Bank, savings and loan or other savings or investment institutions;
 - q. City of Greenville municipal government building or use subject to 9-4-103;
 - r. Accessory building or use.

(c) *Maximum base density requirements.*

- (1) Residential base density shall not exceed four (4) dwelling units per gross acre of the entire planned unit development including both residential and nonresidential areas, except as further provided under the density bonus options contained in section 9-4-162(j). Residential density may be allocated to a designated nonresidential area per subsection (k) of this section provided

such designation is noted on the approved land use plan and the dwelling unit density of the residential area is reduced proportionally.

- (2) Nonresidential use designated area(s) shall not exceed five (5) percent of the gross planned unit development acreage regardless of the actual amount of developed land area devoted to any nonresidential use or activity. Residential development within a designated nonresidential area shall not increase the land area designated as nonresidential.

(d) *Open space requirements.*

- (1) Planned unit developments shall reserve not less than twenty five (25) percent of the gross acreage as common open space.
- (2) Except as otherwise provided, such open space area shall not be used as a building site or be utilized for any public street right-of-way or private street easement, private driveway or parking area or other impervious improvement.
- (3) A minimum of one-third (1/3) of the required open space shall be contained in one (1) continuous undivided part, except for the extension of streets. For purposes of this requirement, such open space areas shall not measure less than thirty (30) feet in width at the narrowest point.
- (4) Not more than twenty five (25) percent of the required open space shall lie within any floodway zone.
- (5) If developed in sections, the open space requirements set forth herein shall be coordinated with the construction of dwelling units and other facilities to insure that each development section shall receive benefit of the total common open space. A final subdivision plat shall be recorded in the Pitt County Register of Deeds which clearly describes the open space(s) and conditions thereof, prior to the issuance of any building permit(s).
- (6) Such open space area shall be legally and practically accessible to the residents of the development, or to the public if so dedicated.
- (7) Such open space area shall be perpetually owned and maintained for the purposes of this article by a property owners' association or, if accepted by the city, dedicated or deeded to the public.
- (8) Streets, private drives, off-street parking areas and structures or buildings shall not be utilized in calculating or counting towards the minimum common open space requirement; however, lands occupied by public and/or private recreational buildings or structures, bike paths and similar common facilities may be counted as required open space provided such impervious surfaces constitute no more than five (5) percent of the total required common open space.

- (9) In the designation and approval of common open space, consideration shall be given to the suitability of location, shape, character and accessibility of such space. The location and arrangement of any common open space(s) shall be subject to planning and zoning commission approval.

(e) *Recreation space requirement.*

- (1) A minimum of twenty five (25) percent of the required gross common open space in a planned unit development shall be developed for active recreational purposes. For purposes of this section, “active recreation” shall include, but not be limited to, tennis courts, swimming pools, ball fields, fitness courses, and the like.
- (2) The city council may rely on the advice of the Director of Recreation and Parks concerning the suitability of proposed “active recreation” facilities.

(f) *Dedication of open space, park lands and greenways.*

- (1) If any portion of the area proposed for a planned unit development lies within an area designated in the officially adopted greenway master plan as a greenway corridor, the area so designated shall be included as part of the area set aside to satisfy the open space requirements of this section. The area within such greenway corridor shall be dedicated and/or reserved to the public at the option of the city.
- (2) Where land is dedicated to and accepted by the city for open space, park and recreation purposes and/or greenways, such lands may be included as part of the gross acreage, open space and/or recreation space requirement of this article.
- (3) Approved planned unit developments shall not be subject to any recreation and/or open space requirement of the subdivision and/or zoning regulations not otherwise included in this chapter.

(g) *Off-street parking requirement.*

- (1) Parking requirements shall be in accordance with Article O of this chapter.

(h) *Bufferyard setbacks and vegetation requirements for site developments, parking lots and drives.*

- (1) Bufferyard setbacks shall be in accordance with Article G of this chapter.
- (2) Vegetation requirements shall be in accordance with Article P of this chapter.

(i) *Driveways.*

- (1) Driveways shall be in accordance with Title 6, Chapter 2, Streets and Sidewalks of the Greenville City Code.

(j) *Residential density bonus provisions and standards.* A residential density bonus rounded to the nearest whole number and not to exceed a total of two hundred (200) percent – (8 units per gross acre) – over the allowable base density as set forth in section 9-4-162(c) may be approved by the city council in accordance with the standards for allowing density bonuses listed below. The applicable requirements of section 9-4-167(c), preliminary plat-site plan requirements, shall be indicated on the land use plan in sufficient detail to enable the city council to evaluate such density bonus proposals. Regardless of the density bonus provision satisfied or approved, the total residential density of any planned unit development shall not exceed twelve (12) dwelling units per gross acre.

- (1) *Common open space.* Increasing the common open space area by twenty (20) or more percent above the required common open space provisions (i.e. to forty five (45) percent) shall allow a bonus of fifty (50) percent – (2 total units per gross acre) – above the base density of a planned unit development.

- (2) *Bike paths/greenway systems.* The provision of a constructed system of bike paths/pedestrian greenways that form a logical, safe and convenient system of access to all dwelling units, interior project facilities or principal off-site pedestrian destinations shall qualify for a density bonus. Such facilities shall be appropriately located, designed and constructed with existing topography, land form, and vegetation in accordance with the Greenway Master Plan requirements and other amenities associated with the planned unit development. The density bonus allowed under this provision shall be twenty five (25) percent – (1 total unit per gross acre) – above the base density of a planned unit development.

- (3) *Solar access.* Where the design of a planned unit development provides sixty (60) percent of dwelling units, proper solar access in order that those dwelling units maximize solar energy systems for heating and cooling purposes, a density bonus of fifty (50) percent – (2 total units per gross acre) – above the base density of a planned unit development shall be allowed provided the design of the planned unit development meets the following:

- a. The planned unit development shall be designed so that the buildings shall receive sunlight sufficient for using solar energy systems for water heating and/or space heating and cooling. Building and vegetation shall be sited with respect to each other and the topography of the site so that maximum unobstructed sunlight reaches the south wall or rooftop of the designated units employing the solar heating/cooling systems including active and/or passive systems; and

- b. The following criteria in addition to other design elements shall be evaluated in determining proper site design for the active and/or passive solar system utilized:

1. Site selection;
2. Street pattern;
3. Lot orientation;
4. Building orientation;
5. Building design;
6. Existing and proposed vegetation; and
7. Shadow patterns.

c. The city council may rely on the advice of Greenville Utilities Commission in the evaluation of this density bonus option.

- (4) *One Hundred (100) acres or more development.* Where a planned unit development land use plan consists of one hundred (100) gross acres or more a density bonus of seventy five (75) percent – (3 total units per gross acre) – above the base density of a planned unit development shall be allowed. To qualify for this density bonus, additions to an existing planned unit development must be approved as an amendment to the land use plan of the planned unit development to which attached.
- (5) *Community facilities.* Voluntary dedication or fee simple gift of public facility property (minimum of 1 acre per facility lot) for unrestricted use by the city for public service delivery, including fire and rescue and police stations and the like, shall allow a density bonus of twenty five (25) percent – (1 total unit per gross acre) – above the base density of a planned unit development for each separate one (1) acre facility lot desired by and accepted by the city. The City Manager shall be authorized to make determinations on this matter provided however the city shall not be obligated to construct any public facility upon said property and the density bonus allowed under this section shall be allowed whether or not the facility is constructed.
- (6) *Public school site.* Voluntary dedication or fee simple gift of a public school property site (minimum of 20 acre per property site) for unrestricted use by the Pitt County School Board shall allow a density bonus of seventy five (75) percent – (3 total units per gross acre) – above the base density of a planned unit development for each separate twenty (20) acre facility lot desired and accepted by the county. The County Manager shall be authorized to make determinations on this matter provided however Pitt County or Pitt County School Board shall not be obligated to construct any public facility upon said property and the density bonus allowed under this section shall be allowed whether or not the facility is constructed. Public school sites acquired under this section shall be utilized only for a public school or open space and shall not be utilized for any residential or nonresidential purpose or any remotely located school recreation, parking or other facility unless such site is removed from the planned unit development land use plan by amendment and in accordance with the requirements of this article.
- (7) *Public transit facilities.* The provision of fully functional public transit stops, including base pads, seating, foul weather enclosure and roofs, and vehicle

turnouts at convenient locations for pedestrian and vehicle access shall qualify for a density bonus, except as otherwise provided. The number of transit stops, their location and design shall be subject to the approval of the City Engineer. If located outside the public right-of-way such transit stops and constructed facilities shall be located on land dedicated or deeded to the city or included within an easement dedicated for such purpose, if accepted by the city. The density bonus allowed under this provision shall be twenty five (25) percent – (1 total unit per gross acre) – above the base density of a planned unit development. If the city engineer determines that the proposed number of transit stops, their location and design is not in the best interest of the city no density bonus shall be allowed under this section.

(8) *Affordable housing.* The provision of affordable rental and/or unit ownership housing including detached and attached dwellings shall qualify for a density bonus. Each density bonus qualified unit allowed under this section shall be devoted to an affordable housing options listed in subsection a. and/or b. below. The density bonus allowed under this provision shall be seventy five (75) percent – (3 total units per gross acre) – above the base density of a planned unit development.

a. Rental affordable housing. Each bonus qualified rental affordable housing dwelling shall be constructed under and utilize the State of North Carolina’s Low Income Rental Tax Credit Program administered by North Carolina Housing Finance Agency, or similar and equivalent program.

b. Unit ownership housing. Each bonus qualified unit ownership affordable housing dwelling shall be constructed under and utilize a State of North Carolina Low Income Home Ownership Production Program administered by North Carolina Housing Finance Agency, or similar and equivalent program..

(k) *Combination of use.* Combination of use shall only be permitted in areas designated as “nonresidential” on the approved land use plan. Residential and nonresidential uses may be approved to be located on the same lot and in the same structure provided such combined uses individually comply with all standards applicable to each uses. Where residential and nonresidential uses are located in the same structure the more restrictive requirements and regulations shall apply to all common structures.

Sec. 9-4-163. Planned unit development; residential uses dimensional standards.
(See also section 9-4-162(k) Combination of use)

(a) *Lot area.* The lot area for each detached single-family dwelling shall be no less than four thousand (4,000) square feet.

(b) *Lot width.* No minimum lot width for detached single-family dwelling, however, all lots shall contain a building site of like design and area to other lots within the common development. Lot width for each attached dwelling unit shall be not less than sixteen (16) feet. For purposes of this section, “lot width” shall include condominium unit width.

(c) *Lot frontage.* Forty (40) feet, except on the radius of a cul-de-sac where such distance may be reduced to twenty (20) feet.

(d) *Public or private street setback.* Except as further provided, no principal or accessory structure shall be closer than twenty (20) feet to a public street right-of-way or private street easement. Detached single-family dwellings shall be setback not less than fifteen (15) feet from a public street right-of-way or private street easement or as further provided herein.

(e) *Minimum side yard.* The side yard area required for detached single-family and two-family attached dwellings may be subject to section 9-4-165 (zero (0) lot line) or not less than twelve (12) feet, provided however, that no detached single-family or two-family attached structure shall be located on more than one (1) exterior side lot line.

Detached single-family and two-family attached dwellings which do not utilize the provisions of section 9-4-165 (zero (0) lot line) and are not located adjacent to a structure or lot subject to section 9-4-165 (zero (0) lot line) shall maintain a minimum side setback of not less than six (6) feet.

The side yard area required for attached units shall be subject to the applicable provisions of section 9-4-165 (zero (0) lot line) provided the end unit of an attached building group containing three (3) or more units is not less than sixteen (16) feet from an adjacent property line or building.

(f) *Minimum rear yard.* Except as further provided, the rear yard area required for detached or attached dwelling units shall be subject to section 9-4-165 (zero (0) lot line) or not less than twenty (20) feet. Detached single-family dwellings shall be subject to section 9-4-165 (zero (0) lot line) or not less than twelve (12) feet.

(g) *Building separation.* Building separation within group developments containing two (2) or more principal structures on one (1) lot of record shall be subject to the following:

(i) No portion of a principal structure front or rear building wall elevation shall be located less than forty (40) feet from an adjacent principal structure front or rear building wall elevation as measured at ninety (90) degrees.

(ii) No portion of a principal structure side building wall elevation shall be located less than twenty (20) feet from an adjacent principal structure as measured at ninety (90) degrees.

(iii) No portion of any principal structure shall be located less than sixteen (16) feet from any other principal structure as measured to the closest point.

(iv) Architectural extensions including, but not limited to, bay windows, chimneys, open porches and decks, roof overhangs and balconies shall not be considered in calculating building separation provided such encroachments are not more than three (3) feet.

(h) *Maximum height.* No structures or buildings having a zero (0) side and/or rear setback in accordance with section 9-4-165 shall exceed thirty five (35) feet in height above the property grade.

Structures or buildings not having a zero (0) side and/or rear setback in accordance with section 9-4-165 shall not exceed thirty five (35) feet in height above the property grade unless the required setbacks and building separations are increased one (1) foot for each one (1) foot or fraction thereof of building height in excess of thirty five (35) feet.

(i) *Periphery boundary setback and vegetation requirement* No portion of a planned unit development including accessory structures, parking areas or required yards shall be located less than sixty (60) feet from the peripheral boundaries of the planned unit development. The peripheral boundary setback area shall be left in its natural vegetative state or shall be landscaped in accordance with the screening requirements for a bufferyard “C” classification as specified in Article P of this chapter. Where the natural vegetation does not meet the minimum bufferyard “C” requirements then additional vegetation shall be installed as a condition of development prior to occupancy of dwellings or units within the respective section or phase. Public dedicated and accepted recreation and park land may encroach into the peripheral boundary setback.

(j) *Additional attached dwelling transition setback.* The following scale shall be utilized in the calculation of the minimum building setback, in addition to the periphery boundary setback as specified above, between proposed attached dwelling units including their accessory structures and existing single-family zoning districts or other predominantly single-family development as defined herein that border the planned unit development. For purposes of this subsection, “other predominantly single-family development” shall be that area within one hundred (100) feet of the external boundary of the planned unit development district in which fifty (50) percent or more of the conforming land uses are single-family residential.

Number of Units per Building	Additional Setback (Feet)
2	20
3--5	40
6--10	60
11 or over	80

(k) *Recreation area setback.* No portion of an active private recreation area shall be located within one hundred (100) feet of the external boundary of the planned unit development. Public recreation areas or park land dedicated or deeded to the city shall

not be subject to any external boundary setback and may be located in the peripheral boundary setback area.

(l) *Transition area setback.* Where a planned unit development adjoins or borders an existing single-family zoning district or other predominantly single-family development sharing common frontage on the same or opposite side of a public or private street, the minimum right-of-way and/or easement setback requirement of said single-family zone or development shall be utilized for the entire opposite frontage and two hundred (200) feet from such common border along such street. For purposes of this subsection, “other predominantly single-family development” shall be that area within one hundred (100) feet of the external boundary of the planned unit development district in which fifty (50) percent or more of the conforming land uses are single-family residential. For purposes of this section, the minimum setback requirement along any common intersecting street may transition from the minimum right-of-way and/or easement setback requirement of the adjoining single-family zone or development to the minimum setback requirement specified under section 9-4-163(d).

(m) *Building length.* No continuous unit or series of attached units shall exceed a combined length of two hundred and sixty (260) feet.

(n) *Storage area required.* Every dwelling unit shall provide private storage in the amount of ten (10) percent of the gross habitable floor area. The living area including closets and attics shall not count toward the required private storage area. Such storage area shall be provided in the form of attached utility rooms, detached accessory structures, private yard area(s) available for such future use or otherwise as approved by the planning and zoning commission.

(o) *Accessory structure requirements.*

- (1) Shall not be located within any front yard.
- (2) Detached accessory structures which are constructed with a one (1) hour fire rated assembly as required by the North Carolina State Building Code, as amended, shall not be located less than five (5) feet from any principal structure. It shall be the responsibility of the property owner to demonstrate compliance with this section. Detached accessory structures that are not constructed with a one (1) hour fire rated assembly shall not be located less than ten (10) feet from any principal structure. No detached accessory structure shall be located less than five (5) feet from any other detached accessory structure located on the same lot.
- (3) Shall not cover more than twenty (20) percent of any side yard or rear yard.
- (4) The side or rear yard requirement for attached and detached accessory structures shall be subject to the provisions of section 9-4-165 (zero (0) lot line) or not less than five (5) feet.

- (5) Satellite dish antennae and swimming pools shall comply with the applicable provisions of Article F, Dimensional standards.
- (6) For purposes of this section any accessory structure attached to a principal structure shall be subject to the setback requirements of the principal structure.

(p) Residential trash/garbage/recycle containers.

- (1) No container pad shall be located closer than twenty (20) feet to any dwelling unit;
- (2) Each container pad required to service the development shall be located within two hundred (200) feet of the residential units such container is intended to serve;
- (3) Container pads shall be enclosed on three (3) sides by a complete visual screen consisting of a fence, vegetation, berm ,wall or combination thereof; and
- (4) Shall be in accordance with Title 6, Chapter 3, Garbage and Refuse Collection and Disposal, of the Greenville City Code.

(q) Setback exemption. Except as further provided, minimum non-screening bufferyard “B” setbacks set forth under section 9-4-119, and/or minimum street right-of-way building setbacks may be reduced by up to ten (10) percent, at the option of the owner, where such reduction is necessary to retain an existing ten (10) inch plus caliper large tree, provided: (i) such tree is determined, by the director of community development or his designated representative, to be either natural growth (seedling) vegetation or that such tree has been in existence for not less than twenty (20) years at the current location, otherwise previously transplanted trees shall not qualify for purposes of this section, (ii) that such reduction is indicated upon an approved site plan; including the location, type and caliper of the subject tree, and the building separation and future no-build zone as further described, (iii) that a building to tree trunk separation of not less than ten (10) feet is maintained at the time of initial construction, (iv) no new future buildings, expansions or additions to existing buildings, or other impervious areas including parking areas and/or drives, shall be allowed to encroach into a designated future no-build zone, described as a ten (10) foot radius from the center of the trunk of the retained tree, and (v) a six (6) inch or greater caliper large tree shall be substituted in replacement of any dead or diseased tree qualified under this requirement, at the location of the removed tree, within sixty (60) days of removal of the tree by the owner or within said period following notice by the city. The setback reduction allowance shall not apply to single-family and two-family attached (duplex) development or associated accessory structures.

(r) When both residential and nonresidential uses are included in one common structure the more restrictive requirements shall apply to the entire structure.

Sec. 9-4-164. Planned unit development nonresidential use dimensional standards.
(See also section 9-4-162(k) Combination of use)

(a) *Lot area.* No minimum.

(b) *Lot width.* No minimum.

(c) *Public or private street setback.* No principal or accessory structure shall be closer than twenty (20) feet to a public street right-of-way or private street easement.

(d) *Minimum side yard.* Fifteen (15) feet.

(e) *Minimum rear yard.* Twenty (20) feet.

(f) *Height.* No structure or building shall exceed thirty five (35) feet in height above the property grade.

(g) *Building separation.* No structure or building shall be located within twenty (20) feet of any other structure or building.

(h) *Nonresidential condominium or townhouse type development.* Shall be subject to the applicable provisions of section 9-4-165 (zero (0) lot line), provided the overall structure meets the side, rear and public or private street setbacks as provided by this subsection.

(i) *Accessory structure requirement.* Shall be in accordance with principal building setbacks.

(j) *Nonresidential trash/garbage/recycle container requirements.*

(1) Container pads shall be enclosed on three (3) sides by a complete visual screen consisting of a fence, vegetation or combination thereof.

(2) Shall be in accordance with Title 6, Chapter 3, Garbage and Refuse Collection and Disposal, of the Greenville City Code.

(k) *Setback exemption.* The minimum non-screening bufferyard "B" setbacks set forth under section 9-4-119, and/or minimum street right-of-way building setback may be reduced by up to ten (10) percent, at the option of the owner, where such reduction is necessary to retain an existing ten (10) inch plus caliper large tree, provided: (i) such tree is determined, by the director of community development or his designated representative, to be either natural growth (seedling) vegetation or that such tree has been in existence for not less than twenty (20) years at the current location, otherwise previously transplanted trees shall not qualify for purposes of this section, (ii) that such reduction is indicated upon an approved site plan; including the location, type and caliper of the subject tree, and the building separation and future no-build zone as further described, (iii) that a building to tree trunk separation of not less than ten (10) feet is maintained at the time of initial construction, (iv) no new future buildings, expansions or

additions to existing buildings, or other impervious areas including parking areas and/or drives, shall be allowed to encroach into a designated future no-build zone, described as a ten (10) foot radius from the center of the trunk of the retained tree, and (v) a six (6) inch or greater caliper large tree shall be substituted in replacement of any dead or diseased tree qualified under this requirement, at the location of the removed tree, within sixty (60) days of removal of the tree by the owner or within said period following notice by the city.

(l) When both residential and nonresidential uses are included in one common structure the more restrictive requirements shall apply to the entire structure.

Sec. 9-4-165. Zero side or rear yard setbacks for detached and attached buildings or structures.

(a) A zero side or rear yard setback where the side or rear building line is on the side or rear lot line as permitted herein, may be permitted, subject to the following provisions:

- (1) Any wall, constructed on the side or rear lot line shall be a solid door less and windowless wall. Such wall shall contain no electrical, mechanical, heating, air conditioning or other fixtures that project beyond such wall. If there is an offset of the wall from the lot line, such offset shall be subject to the provisions of section 9-4-163 and/or section 9-4-164. Roof eaves may encroach two (2) feet into the adjoining lot;
- (2) A five-foot maintenance and access easement with a maximum eave encroachment easement of two (2) feet within the maintenance easement shall be established on the adjoining lot and shall assure ready access to the lot line wall at reasonable periods of the day for normal maintenance;
- (3) No two (2) units or structures shall be considered attached unless such units or structures share a five-foot common party wall; and
- (4) Common party walls of attached units shall be constructed in accordance with the North Carolina State Building Code, G.S. Chapter 47C (North Carolina Condominium Act) and other applicable requirements.

Sec. 9-4-166. Special use permit; application, land use plan, preliminary plat-site plan and final plat requirements.

(a) *Application.* An application for a special use permit to develop a specific planned unit development shall only be considered when the development property is zoned to a district that permits such special use option. See Article D, Section 9-4-78(f)(2) of this chapter for applicable districts.

- (1) *Criteria.* In addition to other considerations, the following may be utilized by the city council in evaluation of a special use permit pursuant to G.S. 160A-388(a):

- a. That the proposed population densities, land use and other special characteristics of development can exist in harmony with adjacent areas;
- b. That the adjacent areas can be developed in compatibility with the proposed planned unit development; and
- c. That the proposed planned unit development will not adversely affect traffic patterns and flow in adjacent areas.

(b) *Land use plan.* All applications for approval of a planned unit development special use permit shall be accompanied by a land use plan prepared by a registered engineer or surveyor, submitted in accordance with section 9-5-44 of the subdivision regulations for preliminary plats and which shall include but not be limited to the following:

- (1) The numbers and types of residential dwelling units including density and density bonus options proposed within each section and the delineation of nonresidential areas;
- (2) Planned primary and secondary traffic circulation patterns showing proposed and existing public street rights-of-way and private street easements;
- (3) Common open space and recreation areas to be developed or preserved in accordance with this article;
- (4) Minimum peripheral boundary, transition area, and site development setback lines;
- (4) Proposed water, sanitary sewer, storm sewer, natural gas and underground electric utilities and facilities to be installed per Greenville Utilities Commission and City standards;
- (5) The delineation of areas to be constructed in sections, showing acreage;
- (6) Wetlands delineation;
- (7) Boundary survey of the tract showing courses and distances and total acreage, including zoning, land use and lot lines of all contiguous property;
- (8) Existing vegetation, indicating all trees having a diameter of twenty four (24) inches or more that are located within future disturbance areas of building sites;
- (9) Flood hazard areas including base flood elevation;
- (10) Topographic contours at a maximum of two-foot intervals showing existing grades;

- (11) Site data including vicinity sketch, north arrow, engineering scale ratio, title of development, date of plan, name and address of owner/developer and person or firm preparing the plan;
- (12) Traffic impact analysis prepared by a qualified traffic engineer;
- (13) Any other information as may be required by the planning and zoning commission; and
- (14) Copies of or statements addressing the following:
 - a. Statements addressing any declarations of covenants, conditions or restrictions which create a property owners' association for the perpetual ownership and maintenance of all common open space and other areas including, but not limited to, recreation areas, private streets, parking areas, landscaping and the like. A private facilities maintenance analysis to determine actual costs of maintenance of such common facilities may be required by the city council in order to assess the feasibility of such private maintenance;
 - b. Statements addressing any proposed declarations to be recorded pursuant to the North Carolina Condominium Act (G.S. Chapter 47C);
 - c. Statements addressing proposed encroachment and maintenance easements concerning zero (0) lot line building walls;
 - d. Names, indicated upon the map, of all property owners who own property within one hundred (100) feet of the proposed development including tax parcel numbers as listed upon the tax records of Pitt County at the time of submission of the special use permit application;
 - e. The deed book and page number(s) showing fee simple title of all property within the planned unit development as listed in the Pitt County Register of Deeds; and
 - f. Statements addressing the "required findings" as set forth in section 9-4-166(f)(1)(e).

(c) *Preliminary plat-site plan requirements.* After approval of the land use plan special use permit as set forth herein, the developer shall submit the following according to the approved schedule of development:

- (1) All information required by and in accordance with Title 9, Chapter 5, Subdivisions, of the Greenville City Code for submission of preliminary plats;
- (2) Where zero (0) lot line options as provided under section 9-4-165 are proposed, the building area for such lots shall be indicated on the plat.

(d) *Final plat requirements.* After approval of the preliminary plat as set forth herein, the developer shall submit the following according to the approved schedule of development:

- (1) All information required and in accordance with Title 9, Chapter 5, Subdivisions of the Greenville City Code for submission of final plats;
- (2) Where zero (0) lot line setbacks are proposed, the building area for such lots shall be indicated.
- (3) A final plat shall be recorded for the purpose of creating a boundary lot or tract for the entire planned unit development prior to the approval of any separate final plat for any section and prior to the issuance of any permit for development in any section or phase located within the common project. The purpose of this requirement is to establish a permanent boundary for the planned unit development project and to obtain any dedications of land, easements, opens spaces and/or right-of-ways necessary to insure compliance with this article. As individual section or phases within the boundary lot or tract are final platted the area outside the section or phase shall be labeled and referenced as “future development area” for the approved planned unit development.

(e) *Site plans for specific developments.* Site plans for specific developments shall be reviewed in accordance with Article R of this chapter.

(f) *Procedure; required review and special use permit approval.*

- (1) *Land use plan; special use permit.* The applicant for a special use permit to develop a specific planned unit development shall submit all information as required herein to the director of community development forty (40) working days prior to the scheduled city council public hearing.
 - a. Contents. All information as required by Section 9-4-166(b), Land use plan.
 - b. Supplemental information. The land use plan may include, at the option of the applicant, other additional information and details in support of the petition and/or voluntary conditions of approval including additional landscaping, setbacks, buffers, screening, specific building design and arrangement, or other site improvements or proposed facilities. Supplemental information offered by the applicant shall constitute a condition of approval of the special use permit if approved.
 - c. The city council shall hold a public hearing to review the special use permit application. The city council may in its discretion attach reasonable conditions to the plan to insure that the purposes of the planned unit development district can be met.

- d. The city council may in its discretion attach conditions to the plan that exceed the minimum standards as set forth herein when it is found that such conditions are necessary to insure that the proposed planned unit development will be compatible with adjacent areas.
- e. *Required findings.* Prior to approval of a special use permit, the city council shall make appropriate findings to insure that the following requirements are met:
 1. That the property described was, at the time of special use permit application, zoned to a district that allows planned unit development subject to special use permit approval as provided by Title 9, Chapter 4, Article J, of the Greenville City Code.
 2. That the applicant for a special use permit to develop the planned unit development is the legal owner, and/or representative in the case of a property owners' association, of the subject property.
 3. That those persons owning property within one hundred (100) feet of the proposed development as listed on the current county tax records were served notice of the public hearing by first class mail in accordance with applicable requirements.
 4. That notice of a public hearing to consider the special use permit was published in a newspaper having general circulation in the area, as required by law.
 5. That the use meets all required conditions and specifications of the zoning ordinance for submission of a planned unit development special use permit.
 6. That the use has existing or proposed utility services which are adequate for the population densities as proposed.
 7. That the use is properly located in relation to arterial and collector streets and is designed so as to provide direct access without creating traffic which exceeds acceptable capacity as determined by the city engineer on streets in adjacent areas outside the planned unit development.
 8. That the use is in general conformity with Horizons: Greenville's Community Plan.
 9. That the total development, as well as each individual section of the development can exist as an independent unit capable of creating an environment of sustained desirability and stability.

10. That the use will not adversely affect the health and safety of persons residing or working in the neighborhood of the proposed use and will not be detrimental to the public welfare if located and developed according to the plan as submitted and approved.
 11. That the use will not injure, by value or otherwise, adjoining or abutting property or public improvements in the neighborhood or in the alternative, that the use is a public necessity.
 12. That the location and character of the use, if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located.
- f. Notice; publication. Notice of the planning and zoning commission public hearing shall be given in the same manner as for amendments to the zoning ordinance.
 - g. Notice; adjoining property owners. Notice of the city council public hearing shall be delivered by first class mail to all owners of property within one hundred (100) feet of the external property boundaries of the proposed development. Such notice shall be postmarked not less than twenty (20) calendar days prior to the date of the public hearing. Failure to notify all owners shall not affect the validity of the action provided due diligence has been exercised in the attempts to provide notice.
 - h. Action by city council. The city council shall act on the special use permit application by one of the following:
 1. Approve the application as submitted;
 2. Approve the application, subject to reasonable conditions or requirements;
 3. Table or continue the application; or
 4. Deny the application.
 - i. Binding effect. If approved, the special use permit shall be binding upon the applicant, successor and/or assigns.
 - j. Voting. A four-fifths (4/5) vote of members of the city council in favor of any special use permit application shall be required for approval. For purposes of this subsection, vacant positions in the city council and council members who are disqualified from voting on a quasi-judicial matter shall not be considered as "members of the city council" for calculation of the requisite supermajority.
 - k. Appeals from city council action. Decisions of the city council on action taken concerning any special use permit to establish a planned unit development shall be subject to review as provided by law.

1. Records and files of special use permit applications, actions and approvals. Records and files of special use permit applications, actions and approvals for each planned unit development land use plan shall be maintained in the City of Greenville Community Development Department. Such records and files shall be available for public inspection during regular working hours in accordance with applicable law. The original order granting the special use permit and minutes of the public hearing shall be maintained by the City Clerk

- (2) *Preliminary plat-site plan.* After approval of the land use plan special use permit as provided herein or in conjunction therewith, the developer shall submit all information as required below to the director of community development not less than twenty (20) working days prior to the scheduled planning and zoning commission meeting:
 - a. The preliminary plat-site plan shall be reviewed and administered pursuant to the provisions of this article and Title 9, Chapter 5, Subdivisions of the Greenville City Code for preliminary plats;
 - b. Contents. All information as required by section 9-4-166(c) preliminary plat-site plan requirements;
 - c. The planning and zoning commission shall review and approve the submitted preliminary plat-site plan provided such is in conformance with the approved land use plan and the provisions of this article; and
 - d. No building permit shall be issued for any construction within any planned unit development until a preliminary plat-site plan has been approved in accordance with the provisions of this article. Building permits may be issued in accordance with the applicable provisions of this article and Title 9, Chapter 5, Subdivisions of the Greenville City Code.

- (3) *Final plat.* After approval of the preliminary plat-site plan as provided herein, the developer shall submit all information as required below to the director of community development not less than ten (10) working days prior to the scheduled subdivision review board meeting:
 - a. The final plat shall be reviewed and administered pursuant to the provisions of this article and Title 9, Chapter 5, Subdivisions of the Greenville City Code for final plats;
 - b. The final plat shall contain all information as required by section 9-4-166(d), final plat requirements;
 - c. The subdivision review board shall review and approve the final plat provided such plat conforms to the approved preliminary plat-site plan; and

- d. No building permit shall be issued within any planned unit development until a final plat and all covenants, restrictions, easements, agreements or otherwise for such development or section thereof has been recorded in the Pitt County Register of Deeds.

Sec. 9-4-167. Design criteria; general.

(a) *Site planning; external relationship.* Site planning in the proposed development shall provide protection of the development from potentially adverse surrounding influences and protection of surrounding areas from potentially adverse influences of the development. Consideration will be given to the location of uses, type of uses, open space, recreation areas, street design and arrangement in the evaluation of the development and its relationship with the surrounding areas.

(b) *Site planning; internal relationship.*

- (1) *Service and emergency access.* Access and circulation shall be adequately provided for firefighting apparatus and equipment, public and private service delivery vehicles, and garbage and refuse collection.
- (2) *Utilities.* Proposed utilities shall be adequate to serve the proposed development and such utilities shall be extended to adjacent property if it is determined to be in the interest of the city.
- (3) *Pedestrian circulation.* A pedestrian circulation system is encouraged in such development. Walkways for pedestrian use shall form a logical, safe and convenient system of access to all dwelling units, project facilities and principal off-site pedestrian destinations. Walkways to be used by substantial numbers of children as routes to schools, play areas or other destinations shall be so located and safeguarded as to minimize contact with normal automobile traffic. Street crossings shall be held to a minimum. Such walkways, where appropriately located, designed and constructed, may be combined with other easements and used by emergency or public service vehicles, but not be used by other automobile traffic. In addition, bike paths may be incorporated into the pedestrian circulation system and are to be encouraged in such developments.
- (4) *Open spaces.* Common open space shall be proportionally distributed throughout the planned unit development and shall be accessible to all the residents via a coordinated system of streets, sidewalks, improved greenways and pedestrian and bicycle paths.
- (5) *Natural Areas.* Natural vegetated areas and environmentally sensitive areas shall be preserved to the greatest extent possible. Such areas shall be incorporated into common open spaces and shall not be included as part of future building sites.

- (6) *Thoroughfares*. Where an existing or proposed public thoroughfare included on the approved Greenville Urban Area Thoroughfare Plan is adjacent to or within the proposed planned unit development, plans for the planned unit development project will reflect said thoroughfares in a manner conducive to good transportation planning. Existing and future thoroughfares shall be provided for in accordance with current policies for the protection of rights-of-way and construction of thoroughfares within the City of Greenville.

Sec. 9-4-168. Street design criteria.

(a) For the purposes of the planned unit development district, three (3) types of streets shall be utilized to provide internal access to the development. The three (3) types of streets are defined as:

- (1) *Minor street*. Distributors within the planned unit development which provide linkage with major streets outside the planned unit development district;
- (2) *Marginal access street*. Those streets which connect with minor streets to provide access to individual buildings within the planned unit development district; and
- (3) *Private street*. Those streets that provide access to individual buildings within the planned unit development district pursuant to section 9-4-168(c).

(b) The street design of all planned unit developments shall be in conformance with Title 9, Chapter 5, Subdivisions of the Greenville City Code, the Manual of Standards, Designs and Details, and Horizons: Greenville's Community Plan.

(c) Upon approval of the planning and zoning commission, interior roads may be allowed to be constructed as private streets, subject to the requirements of Title 9, Chapter 5, Subdivisions, of the Greenville City Code. Where such private streets are allowed, a property owners' association shall perpetually maintain such private streets in suitable conditions and state of repair for the city to provide normal delivery of services, including but not limited to, garbage pickup, police and fire protection. If at any time such private streets are not maintained by the property owners' association and travel upon them becomes or will be hazardous or inaccessible to city service or emergency vehicles, the city may cause such repairs after a reasonable period of notification to the property owners' association. In order to remove safety hazards and ensure the safety and protection for the development, the city may assess the cost of such repairs to the property owners' association. The city shall have no obligation or responsibility for maintenance or repair of such private streets as a result of the normal delivery of services or otherwise by the city or others using such streets. No private street(s) shall be allowed unless a property owners' association is established for the purpose of providing for and perpetually maintaining such streets. All private streets shall be dedicated to the city as utility easements. Where a private street serves only one lot under separate ownership the property owner of such lot shall assume all responsibilities, duties and liabilities of a property owners' association under this section.

Sec. 9-4-169. Utility services; maintenance of private facilities.

(a) Where utility facilities are provided on private property, the following shall apply:

- (1) Where utility lines, valves, fire hydrants or other utility apparatus are installed by the property owner and/or developer, and such improvements are required to be maintained by the property owners' association or property owner, the city and/or Greenville Utilities Commission may cause such apparatus to be repaired or replaced upon its continued disrepair and after a reasonable period of notification to the property owner. In order to remove safety hazards and ensure the safety and protection for the development, the city may assess the cost of such repairs or replacement to the property owner or the property owners' association.

Sec. 9-4-170. Amendment to land use plan special use permit.

(a) *Minor changes.* Amendments to the approved land use plan special use permit that in the opinion of the director of community development do not substantially change the concept of the planned unit development as approved may be allowed by administrative action of the director of community development or authorized agent. Such minor changes may include, but are not be limited to, small site alterations such as realignment of streets and relocation of utility lines due to engineering necessity. The owners shall request such amendment in writing, clearly setting forth the reasons for such changes. If approved, the land use plan shall be so amended by administrative action of the director of community development or authorized agent prior to submission of any preliminary plat-site plan application involving or affecting such amendment. Appeal from the decision of the director of community development may be taken to the city council.

(b) *Major changes.* Amendments to the approved land use plan that in the opinion of the director of community development do in fact involve substantial changes and deviations from the concept of the planned unit development as approved shall require review and approval pursuant to section 9-4-166(f). Such major changes shall include but not be limited to increased density, change in street pattern, change in land use, location of land uses, open space or recreation space location or area, and condition(s) of city council approval. Appeal from the decision of the director of community development may be taken to the city council.

(c) *Authority.* Minor changes may be approved administratively by the director of community development or authorized agent. Major changes shall require city council approval of an amended special use permit. Appeal from the decision of the director of community development concerning a minor or major change to the land use plan shall require review and approval pursuant to section 9-4-166(f).

(d) *Variances.* The City of Greenville Board of Adjustment shall not be authorized to grant or approve any variance from the minimum requirements as set forth in this section or condition as approved by the city council.



City of Greenville, North Carolina

Meeting Date: 4/9/2009
Time: 7:00 PM

Title of Item: Ordinance amending the composition of the Human Relations Council

Explanation: At the February 18, 2009 meeting of the Greenville Human Relations Council, the Council recommended approval of an ordinance to amend the composition of the Human Relations Council. The amendment is recommended in order to insure that the membership of the Council continues to be diverse, insure that the interests of the community are served, and establish targeted representation by students from institutions of higher learning, as a result of the Youth Council being created on August 11, 2005. The ordinance amendment accomplishes the following actions:

1. increases the membership of the Human Relations Council from 14 members to 18 by increasing the number of "citizens" serving from 10 to 15 persons
2. eliminates high school representatives on the Human Relations Council and replaces those representatives with students from East Carolina University, Shaw University, and Pitt Community College (one from each institution).

This ordinance is recommended by the Human Relations Council following their evaluation of goals for greater inclusiveness.

Fiscal Note: There are no anticipated costs with the proposed action.

Recommendation: Approve the attached ordinance.

Attachments / click to download

 [HRC_Composition_813685](#)

ORDINANCE NO. 09-
ORDINANCE AMENDING SECTION 2-3-12 OF THE GREENVILLE CITY CODE
BY REWRITING CERTAIN SECTIONS WHICH RELATE TO THE COMPOSITION
AND APPOINTMENT AND TERMS OF MEMBERS
OF THE GREENVILLE HUMAN RELATIONS COUNCIL

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

Section 1. That Section 2-3-12 of the Code of Ordinances, City of Greenville, be and is
hereby amended by rewriting said section so that it will read as follows:

Sec. 2-3-12. Composition; appointment and terms of members.

The Greenville Human Relations Council shall consist of eighteen (18) members appointed
by city council. Composition of the Greenville Human Relations Council shall be:

- (a) fifteen (15) citizens;
- (b) one (1) East Carolina University student;
- (c) one (1) Shaw University student; and
- (d) one (1) Pitt Community College student.

The fifteen (15) citizens shall reside within the corporate limits of the city. The three (3)
students shall reside within the corporate limits of the city during the school year. The terms of
the fifteen (15) citizens shall be three (3) year terms. The terms of the three (3) students shall be
one (1) year terms. The one year terms shall commence on October 1 of each year.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed
to the extent of such conflict.

Section 3. 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. This ordinance shall become effective May 7, 2009.

This the 9th day of April, 2009.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk