



Agenda

Greenville City Council

May 14, 2020

6:00 PM

This meeting will be virtual and conducted via Zoom. See the City's website (www.greenvillenc.gov) for details.

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 - Council Member Bell**
- III. Pledge of Allegiance**
- IV. Roll Call**
- V. Approval of Agenda**
- VI. Public Comment Period**

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

VII. Appointments

1. Appointments to Boards and Commissions

VIII. New Business

Public Hearings

2. Ordinance requested by Bobby W. Joyner to rezone 7.426 acres located on the south side of East Fire Tower Road east of Kittrell Road from RA20 (Residential-Agricultural) to OR (Office-Residential [High Density Multi-Family])
3. Ordinance requested by John F. Moye, Sr. Heirs to rezone 15.0936 acres located south of Greenville Boulevard between Allendale Drive and Dickinson Avenue Extension from RA20 (Residential-Agricultural) to R6A-RU (Residential [Medium Density]) Restricted-Residential Overlay
4. Ordinance requested by the Planning and Development Services Department to amend the City Code by creating a new Mixed Use Institutional (MUI) zoning district
5. Ordinance requested by Three Twenty Enterprises, LLC to amend the Future Land Use and Character Map for 8.3 acres from Commercial on the Town of Simpson's Future Land Use Map to Tract 1 - Commercial (3 acres) and Tract 2 - High Density Residential (5.3 acres) on the City of Greenville's Future Land Use and Character Map for the property located at the southeastern corner of the intersection of East 10th Street and L. T. Hardee Road
6. Ordinance amending the Flood Damage Prevention Ordinance text to adopt updated Flood Insurance Rate Maps and to align with the model ordinance
7. Resolution and economic development agreement for a Job Creation Grant for ABC Phones of North Carolina, Inc. dba Victra

Other Items of Business

8. Presentation of the proposed Fiscal Year 2020-2021 operating budgets for:
 - a. Pitt-Greenville Convention & Visitors Authority
 - b. Sheppard Memorial Library
 - c. Greenville Utilities Commission

IX. City Manager's Report

X. Comments from Mayor and City Council

XI. Adjournment



City of Greenville, North Carolina

Meeting Date: 5/14/2020
Time: 6:00 PM

Title of Item: Appointments to Boards and Commissions

Explanation: **Abstract:** The City Council fills vacancies and makes appointments on the City's boards and commissions. Appointments are scheduled to be made to 8 of the boards and commissions.

Explanation: City Council appointments need to be made to the Environmental Advisory Committee, Historic Preservation Commission, Housing Authority, Human Relations Council, Planning and Zoning Commission, Police Community Relations Committee, Recreation and Parks, and the Youth Council.

The City Council updated the Board and Commission Policy on October 9, 2017 to include a provision for extended vacancies:

Nominations for Extended Vacancies

In the event there is a vacancy on a City board or commission which has been on the City Council agenda for appointment by City Council for more than three (3) calendar months in which a regular City Council meeting has been held, then any Council Member may make a nomination to fill the vacancy without regard to any other provision relating to who has the authority to make the nomination. If there is more than one nomination, the appointment shall be conducted in accordance with the procedure for nominations and elections in Robert's Rules of Order.

Under this provision, the following seats are open to nominations from the City Council:

- Maurice Whitehurst - Human Relations Council
- Greg Rubel - Police Community Relations Committee
- 7 spots on the Youth Council

Fiscal Note: No direct fiscal impact.

Recommendation: Make appointments to the Environmental Advisory Committee, Historic Preservation Commission, Housing Authority, Human Relations Council, Planning and Zoning Commission, Police Community Relations Committee, Recreation and Parks, and the Youth Council.

ATTACHMENTS:

▣ **1124570_-_Appointment_List_-_2_-_COG_1128491**

Appointments to Boards and Commissions

May 2020

Environmental Advisory Commission

Council Liaison: Council Member Brian Meyerhoeffer

Name	District #	Current Term	Reappointment Status	Expiration Date
Emilie Kane	4	Second term	Ineligible	April 2020
Ann Maxwell	3	First term	Eligible	April 2020

Historic Preservation Commission

Council Liaison: Council Member Monica Daniels

Name	District #	Current Term	Reappointment Status	Expiration Date
Betty Nurse	1	Filling Unexpired	Did not meet attendance requirement	January 2022

Human Relations Council

Council Liaison: Mayor Pro-Tem Rose Glover

Name	District #	Current Term	Reappointment Status	Expiration Date
Maurice Whitehurst <i>(Pitt Community College)</i>	2	Second term	Did not meet attendance requirement	Oct. 2015

Housing Authority

Council Liaison: Council Member Monica Daniels

Name	District #	Current Term	Reappointment Status	Expiration Date
Jumail Blount <i>(Resident Commission-elected by Residents' Council; will come back to City Council for confirmation)</i>	2	First term	Eligible	May 2020

Angela Marshall 1 Filling Unexpired Eligible May 2020
(*Council Member Smiley*)

Planning and Zoning Commission

Council Liaison: Council Member Will Bell

Name	District #	Current Term	Reappointment Status	Expiration Date
Max Joyner, III (<i>Council Member Bell</i>)	4	Filling unexpired	Eligible	May 2020
Christina Darden (<i>Mayor Pro Tem Glover</i>)	5	Second term	Ineligible	May 2020
Arthur Maxwell (<i>Council Member Smiley</i>)	3	First term	Eligible	May 2020

Police Community Relations Committee

Council Liaison: Council Member Will Bell

Name	District #	Current Term	Reappointment Status	Expiration Date
Greg Rubel (<i>Council Member Bell</i>)	2	Second term	Resigned	October 2020

Recreation and Parks

Council Liaison: Council Member Monica Daniels

Name	District #	Current Term	Reappointment Status	Expiration Date
Nikki Caswell (<i>Council Member Bell</i>)	5	First term	Eligible	May 2020
Kristian Williams (<i>Mayor Pro Tem Glover</i>)	5	Filling an unexpired term	Eligible	May 2020

Youth Council

Council Liaison: Mayor Pro-Tem Rose Glover

Name	Current Term	Reappointment Status	Expiration Date
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7 spots open

*Seats that are open to nomination from the City Council are highlighted.

Applicants for Environmental Advisory Commission

None.

Applicants for Historic Preservation Commission

Kerry Carlin
400 S. Pitt Street
Greenville, NC 27834

Application Date: 4/20/2020

Cell Phone: (252) 717-1756

Business Phone: (252) 328-6257

Email: carlink@ecu.edu

District #: 1

Reappointments for Housing Authority

None.

Applicants for Human Relations Council

Alaric Martin
3195 Boardwalk Lane Apt. #9
Greenville, NC 27834

District #: 2

Keshia B. Williams
945 Spring Forest Rd.
Greenville, NC

District #: 4

Travis Williams
3408 Evans Street Apt. E
Greenville, NC 27834

District #: 5

Stephanie Winfield
1103 Red Banks Road
Greenville, NC

District #: 4

Tyrone Walston
2706 Webb Street
Greenville, NC 27834

District #: 2

Arcina Dixon
4016 Dublin Road
Winterville, NC 28590

District #: 5

Application Date: 9/4/2018

Home Phone: (919) 924-1631

Business Phone:

Email: amartin@gmail.com

Application Date: 4/24/2018

Home Phone: 252-558-3620

Business Phone:

Email: williak5@pitt.k12.nc.us

Application Date: 4/16/2017

Home Phone: (252) 412-4584

Business Phone:

Email: taft1986@yahoo.com

Application Date: 7/14/2017

Home Phone:

Business Phone:

Email: ladona12@gmail.com

Application Date: 12/10/2019

Business Phone: (252) 752-6154

Home Phone: (252) 412-7351

Email: walston.tyrone@gmail.com

Application Date: 12/16/2019

Business Phone:

Home Phone: (252) 227-8556

Email: dixona73@gmail.com

Applicants for Planning and Zoning Commission

Deryck Martin
1744 Beaumont Drive
Greenville, NC 27858

District #: 4

Application Date: 11/27/2017

Business Phone: (252) 321-5200
Home Phone: (252) 714 -5950
Email: deryck.wilson@me.com

Bryson White
402 S. Elm Street
Greenville, NC 27858

District #: 3

Application Date: 12/12/2017

Business Phone: (919) 414-2470
Home Phone: (919) 924-1631
Email: whiteb15@students.ecu.edu

Applicants for Police Community Relations Committee

None.

Applicants for Recreation and Parks

Gregory Hemby
1410 W. 6th Street
Greenville, NC 27834

District #: 1

Application Date: 4/22/2018

Home Phone: (252) 412 -4369

Business Phone: (252) 296-1200

Email: hembyg@gmail.com

Applicants for Youth Council

None.



City of Greenville, North Carolina

Meeting Date: 5/14/2020
Time: 6:00 PM

Title of Item:

Ordinance requested by Bobby W. Joyner to rezone 7.426 acres located on the south side of East Fire Tower Road east of Kittrell Road from RA20 (Residential-Agricultural) to OR (Office-Residential [High Density Multi-Family])

Explanation:

Abstract: The City has received a request by Bobby W. Joyner to rezone 7.426 acres located on the south side of East Fire Tower Road east of Kittrell Road from RA20 (Residential-Agricultural) to OR (Office-Residential[High Density Multi-Family]).

**This item was continued from the April 9, 2020 City Council meeting at the request of the applicant.

Required Notices:

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on February 4, 2020.

On-site sign(s) posted on February 4, 2020.

City Council public hearing notice (property owner and adjoining property owner letter) mailed on April 28, 2020.

Public hearing legal advertisement published on May 4, 2020 and May 11, 2020.

Comprehensive Plan:

The Future Land Use and Character Map recommends commercial (C) at the southeastern corner of the intersection of East Fire Tower Road and Charles Boulevard, transitioning to office/institutional (OI) and traditional neighborhood, medium-high density (TNMH) to the east.

Traditional Neighborhood, Medium Density

Primarily residential areas featuring a mix of higher density housing types ranging from multifamily, townhomes, and small-lot single-family detached. They are typically located within a walkable distance to a neighborhood activity center.

Traditional neighborhoods should have a walkable street network of small blocks, a defined center and edges and connections to surrounding development.

Intent:

- Provide streetscape features such as sidewalks, street trees and lighting
- Allow neighborhood-scale commercial or mixed use centers at key intersections within neighborhoods

Primary uses:

Multi-family residential

Single-family residential attached (townhomes) and detached (small lot)

Secondary uses:

Institutional (neighborhood scale)

Office/Institutional:

These areas serve as a transition between more intense commercial areas and surrounding neighborhoods. The form of future development should take a more walkable pattern with shorter blocks, buildings near streets, shared parking, and connections to surrounding development.

Intent:

- Provide connectivity to nearby uses (paths, streets)
- Locate new buildings near street on at least one side and accommodate parking to the side or rear of buildings; cluster buildings to consolidate and share surface parking
- Improve/provide public realm features such as signs, sidewalks, landscaping
- Reduce access-points into development for pedestrian and vehicular safety

Primary Uses:

Office

Institutional/Civic

Commercial

Primarily community- and regional-scale commercial development situated near and along major roadway corridors. Existing development is characterized by buildings set back from streets behind surface parking. That existing pattern should evolve to become more walkable with shorter blocks, buildings near streets, shared parking, and connections to surrounding development.

Intent:

- Provide connectivity to nearby uses (paths, streets)
- Locate new buildings near street on at least one side and accommodate parking to the side or rear of buildings
- Improve/provide public realm features such as signs, sidewalks, landscaping
- Reduce access-points into development for pedestrian and vehicular safety

- Reduce and consolidate surface parking

Primary uses:

Commercial (small and large format)

Office

Secondary uses:

Institutional/civic

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

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 587 trips to and from the site on Fire Tower Road, which is a net increase of 453 additional trips per day.

During the review process, measures to mitigate the traffic will be determined.

History/Background:

In 1972, the property was incorporated into the City's extra-territorial jurisdiction (ETJ) and zoned to its present zoning.

Existing Land Uses:

Vacant

Water/Sewer:

Water and sanitary sewer are available to the property.

Historic Sites:

There are no known effects on historic sites.

Environmental Conditions/Constraints:

The property is located in the Meetinghouse Branch Watershed. If stormwater rules apply, it would require 25-year detention and nitrogen and phosphorous reduction.

It is not located in the Special Flood Hazards Area. Therefore, development is not subject to the Flood Damage Prevention Ordinance.

Surrounding Land Uses and Zoning:

North: OR - One (1) single-family residence

South: RA20 - Three (3) single-family residences

East: RA20 - Southridge Subdivision (single-family)

West: CG - One (1) single-family residence

Density Estimates:

Under the current zoning, the site could accommodate 14 single-family residences.

Under the proposed zoning, the site could accommodate 83-89 multi-family units. (1, 2 and 3 bedroom)

The anticipated build-out is within 2-3 years.

Fiscal Note:

No cost to the City.

Recommendation:

In staff's opinion, the request is in compliance with Horizons 2026: Greenville's Community Plan and the Future Land Use and Character Map. Therefore, staff recommends approval.

"In compliance with the comprehensive plan" should be construed as meaning the requested zoning 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 voted (5:3) to approve the request at its February 18, 2020 meeting.

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

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

Motion to deny the proposed amendment and to make a finding and determination that, although the rezoning request is consistent with the comprehensive plan, there is a more appropriate zoning classification and, therefore, denial is reasonable and in the public interest.

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

ATTACHMENTS:

- ▣ **Ordinance_Bobby_W_Joyner_1124290**
- ▣ **Minutes_Bobby_W_Joyner_1124326**
- ▣ **Attachments**

ORDINANCE NO. 20-
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 the 14th day of May, 2020, at 6:00 p.m., will conduct an electronic meeting and conduct a public hearing on the adoption of an ordinance rezoning the following described territory;

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

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

WHEREAS, as a further description as to why the action taken is consistent with the comprehensive plan and other officially adopted plans that are applicable in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance is consistent with provisions of the comprehensive plan including, but not limited to, Policy 1.1.1 guide development with the Future Land Use and Character Map and Policy 1.1.6 guide development using the Tiered Growth Approach; and

WHEREAS, as a further explanation as to why the action taken is reasonable and in the public interest in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance will, in addition to the furtherance of other goals and objectives, promote the safety and general welfare of the community because the requested zoning is consistent with the recommended Future Land Use and Character and is located in a Primary Service Area;

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

Section 1. That the following described territory is rezoned from RA20 (Residential-Agricultural) to OR (Office-Residential).

TO WIT: Bobby W. Joyner

LOCATION: Located on the south side of East Fire Tower Road east of Kittrell Road.

DESCRIPTION: Beginning at an iron pipe set with cap located on the northern right-of-way of SR 1708 – E. Fire Tower Road said iron pipe set with cap having NC Grid Coordinates N 666035.59 and E 2491639.87; thence leaving the northern right-of-way of SR 1708 – E. Fire Tower Road S 04-01-37 E, 69.19 feet to an iron pipe set located on the southern right-of-way of SR 1708 – E. Fire Tower Road the POINT OF BEGINNING; thence from said point of beginning and running along the southern right-of-way of SR 1708 – E. Fire Tower Road N 56-06-41 E, 360.77 feet to a magnetic nail set located on the southern right-of-way of SR 1708 – E. Fire Tower Road; thence leaving the southern right-of-way of SR 1708 – E. Fire Tower Road S 02-33-50 E, 200.00 feet to an iron pipe set; thence N 56-06-41 E, 150.00 feet to an iron pipe set; thence S 02-33-50 E, 598.23 feet to an existing iron pipe; thence S 01-01-28 E, 117.58 feet to an existing re-bar; thence S 79-33-53 W, 144.99 feet to an existing iron pipe in concrete; thence S 77-53-54 W, 275.05 feet to an existing solid iron in concrete; thence N 04-01-37 W, 715.90 feet to the point of beginning containing 7.426 acres.

Section 2. That the Director of Planning and Development Services 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 14th day of May, 2020.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

1124290

Excerpt from the adopted Planning & Zoning Commission Minutes (2/18/2020)

ORDINANCE REQUESTED BY BOBBY W. JOYNER TO REZONE 7.462 ACRES LOCATED ON THE SOUTH SIDE OF EAST FIRE TOWER ROAD EAST OF KITTRELL ROAD FROM RA20 (RESIDENTIAL-AGRICULTURAL) TO OR (OFFICE RESIDENTIAL[HIGH DENSITY MULTI-FAMILY]) – APPROVED

Mr. Sceviour delineated the property. Under the current zoning, the 7.42-acre property can accommodate 14 single-family residences and under the requested zoning, it could accommodate 83-89 multi-family units. The property is located within the Meeting House Branch Watershed. If stormwater rules apply, it would require 25-year detention and nitrogen and phosphorus reduction. This request could generate an increase 453 trips per day. The property is located near a designated community activity center in the Horizons Plan. The Future Land Use and Character map show the area designated for Traditional Neighborhood Medium Density. The requested zoning is part of that character. In staff's opinion, the request is in compliance with Horizons 2026: Greenville's Community Plan and the Future Land Use and Character Map. Staff recommends approval.

Mr. Robinson opened the hearing.

Mr. Scott Anderson, representative of Bobby Joyner, spoke in favor of the request, stated the rezoning of the adjacent property submitted by Bobby Joyner a year ago has generated interest in this property. The requested OR zoning works within the transitional zoning framework for the city's development pattern. Traffic is a concern but the North Carolina Department of Transportation has slated a \$30M improvement to Fire Tower Road that would more than double the current road capacity. Currently that road sees about **23,800** trips per day so an increase of 453 is roughly 1%. There is a landscape buffer required for this development and of course the 25-year detention for stormwater.

Mr. Parker asked if the DOT project would help with the traffic issues.

Mr. Anderson replied yes, the property will border the project and become a hard corner.

Mr. Maxwell asked what the current road capacity.

Mr. Anderson stated 12,000 trips. When the widening takes place, access to the property off Fire Tower Road will be limited to right-ins and right-outs with a median down the center.

The following people spoke in opposition:

Mr. Alan Waters, residing near the subject property, stated he lives nearby and you can't have a buffer tall enough for a high-rise. We have safety concerns and the cost that this would have on the city's police and fire services. There will also have negative impact on our property values. I've lived here for over 30 years and will like to live here a little longer in peace.

Ms. Danny Andrews, residing adjacent on Southridge Drive, shared the concerns of a Melissa Norris. The community had a petition with over 500 signatures against the Bobby Joyner rezoning request a year ago. He claimed that nobody was being considerate of the residents and the project is putting commuters at risk. Property values will be hurt. He claimed to have surveyed a 2.5 miles radius from the subject property and found 13 apartment complexes that aren't at full capacity. We don't need any more apartments.

Mary Waters, resident of Southridge Drive, asked if the property that was approved last year on the opposite side of Fire Tower Road will be combined with the numbers for tonight's subject property when taking traffic

into consideration. Even with the Department Of Transportation project, will these rezonings increase traffic? Where are the people coming from to fill these apartments?

Ms. Gooby answered the numbers discussed tonight pertain to this request only.

Mr. Alton Waters, resident at 2305 Bells Fork Road, stated that when there is heavy rain that it forms ponds in of our home. Every time a new apartment complex is built, a new driveway must be built and traffic increases. DOT will do what they want. There is no need to rush with this request tonight. The DOT project won't be completed for another three to four years. What about the water runoff and the cost of police and fire services. There is no reason to rush; the land is not going anywhere.

The following people spoke in rebuttal:

Mr. Anderson, speaking in favor, the cost of fire and police services are covered by city taxes. The zoning district sets the building height at 25 feet. As far as timing, there is work being done that is unseen, there is a large lead time involved with development projects that can mean one or more years might pass between when a rezoning application is approved and when a project is completed. The adjacent property was rezoned a year ago and has not yet been built upon. Mr. Joyner is an elderly man and would appreciate you making a decision tonight. As a planner, the best thing you can do is make the distances shorter for people to get to where they need to go. That helps with traffic. The OR (Office-Residential) zoning is not just for residential but also for office.

Mr. Faison asked about unseen work that is done before a property is ready to development. What is the estimated time before a building goes up.

Mr. Anderson replied two to three years.

Mr. Waters, spoke in opposition, replied that Mr. Anderson does not have to live there; he has not assured who will be living there. Will it be luxury or section 8? 35 feet is 35 feet that does not ensure privacy.

Mr. Robinson closed the public hearing.

Motion made by Mr. Overton, seconded by Mr. West to recommend approval of the proposed amendment to advise that it is consistent with the Comprehensive Plan and to adopt the staff report which addresses plan consistency and other matters. Motion passed 5:3. Voting in favor: Darden, West, Overton, Parker and Faison. Voting in opposition: Collins, Guth, Maxwell.

Bobby Joyner

From: RA-20

To: OR

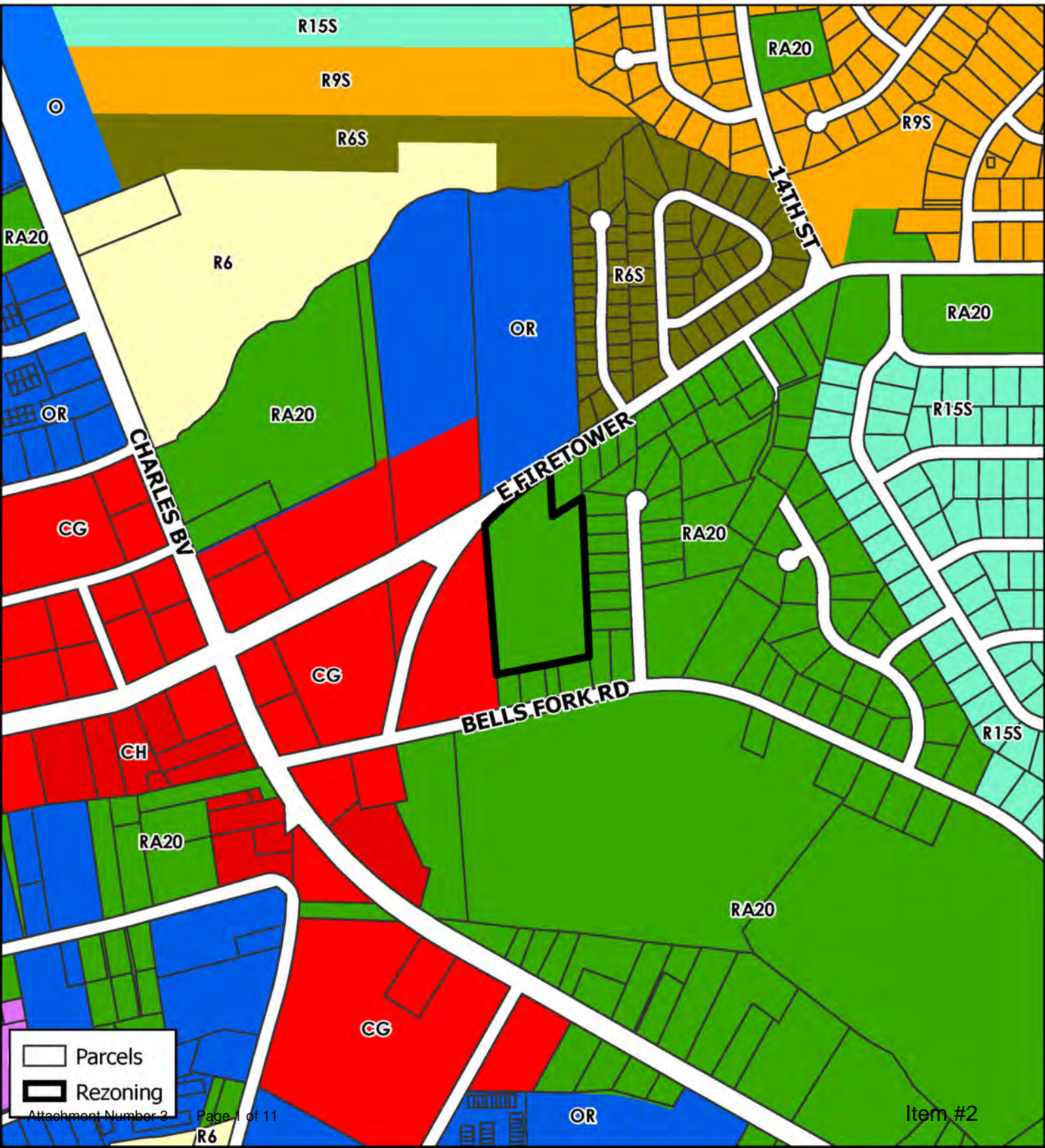
Acres: 7.426

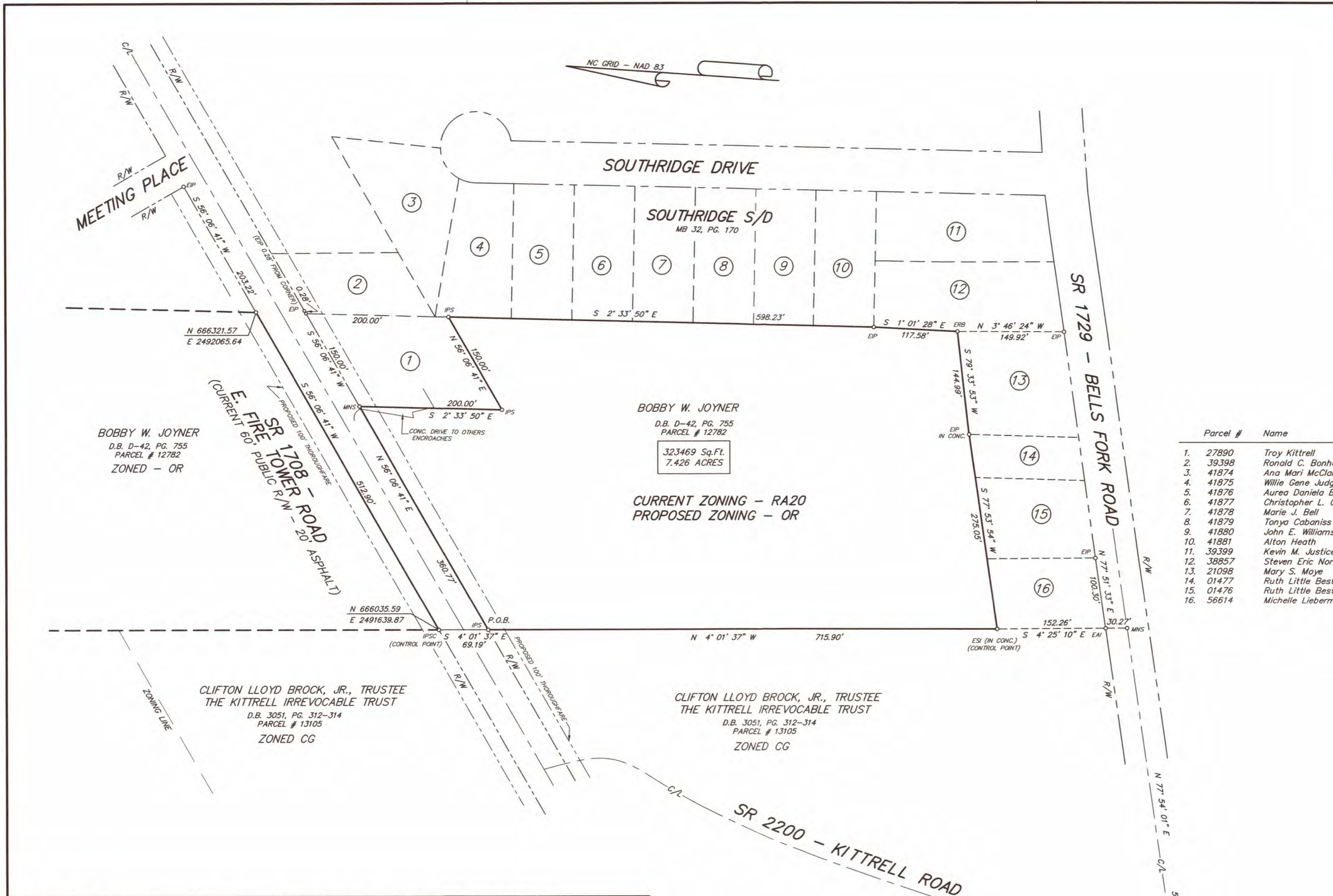
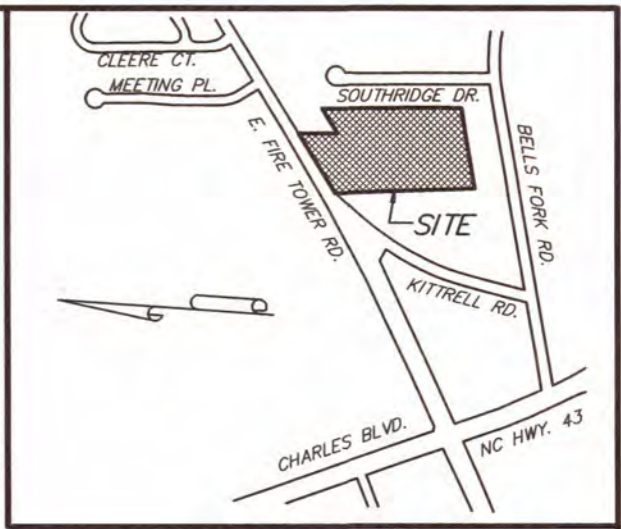
February 4th, 2020

N



0 0.04 0.07 0.15 Miles





Parcel #	Name	Deed Bk./Page #	Zoning
1.	27890 Troy Kittrell	3808/431	RA20
2.	39398 Ronald C. Bonham	961/785	RA20
3.	41874 Ana Mari McClanahan	1810/688	RA20
4.	41875 Willie Gene Judge	819/649	RA20
5.	41876 Aurea Daniela Batchelor	3441/307	RA20
6.	41877 Christopher L. Crutchfield	3351/323	RA20
7.	41878 Marie J. Bell	3250/372	RA20
8.	41879 Tonya Cabaniss	3532/803	RA20
9.	41880 John E. Williams	2010E/421	RA20
10.	41881 Alton Heath	3528/808	RA20
11.	39399 Kevin M. Justice	1121/383	RA20
12.	38857 Steven Eric Norris	2000E/476	RA20
13.	21098 Mary S. Moya	319/47	RA20
14.	01477 Ruth Little Best	K-35/719	RA20
15.	01476 Ruth Little Best	2320/739	RA20
16.	56614 Michelle Lieberman	1291/442	RA20

BOBBY W. JOYNER
D.B. D-42, PG. 755
PARCEL # 12782
ZONED - OR

BOBBY W. JOYNER
D.B. D-42, PG. 755
PARCEL # 12782
323469 Sq.Ft.
7.426 ACRES

CURRENT ZONING - RA20
PROPOSED ZONING - OR

CLIFTON LLOYD BROCK, JR., TRUSTEE
THE KITTRELL IRREVOCABLE TRUST
D.B. 3051, PG. 312-314
PARCEL # 13105
ZONED CG

CLIFTON LLOYD BROCK, JR., TRUSTEE
THE KITTRELL IRREVOCABLE TRUST
D.B. 3051, PG. 312-314
PARCEL # 13105
ZONED CG

SURVEYED BY: MCP
DRAWN BY: GSM / BLW

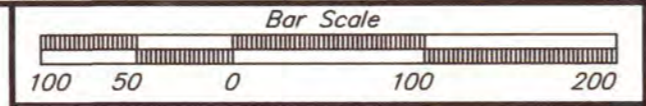
REFERENCE:
DEED BK D-42, PG. 755

PARCEL NO. 12782

I, Gary S. Miller, certify to the following:
This survey is of an existing parcel or parcels of land and does not create a new street or change an existing street;
that this map was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book D-42, Page 755 or other reference source); that the boundaries not surveyed are indicated as drawn from information in Book _____ or other reference source SEE REF. _____; that the ratio of precision or positional accuracy is 1:10,000+; and that this map meets the requirements of The Standards of Practice for Land Surveying in North Carolina (21 NCAC 56.1600).
Witness my hand and seal this 8th day of JANUARY, 2020.



Signed
Professional Land Surveyor No. L-2562



REZONING MAP
FOR
BOBBY W. JOYNER

BEING A PORTION OF
TAX PARCEL # 12782
WINTERVILLE TOWNSHIP
PITT COUNTY
NORTH CAROLINA
SCALE: 1" = 100'
JANUARY 8, 2020

WO 19248 FB 383

GARY S. MILLER
& ASSOCIATES, P.A.
LAND SURVEYORS
1803 South Charles Blvd.
Greenville, N.C. 27838
Phone (252)756-7878
Fax (252)756-0785
License # C-0225

LEGEND:
EIP - EXISTING IRON PIPE
IPSC - IRON PIPE SET WITH CAP
R/W - RIGHT OF WAY
C/L - CENTERLINE
ERB - EXISTING RE-BAR
MNS - MAGNETIC NAIL SET
IPSC - IRON PIPE SET WITH CAP
ESI - EXISTING SOLID IRON
EAI - EXISTING ANGLE IRON
P.O.B. - POINT OF BEGINNING

REZONING THOROUGHFARE/TRAFFIC VOLUME REPORT

Case No: 20-1

Applicant: Bobby W. Joyner

Property Information

Current Zoning: RA20 (Residential-Agricultural)

Proposed Zoning: OR (Office-Residential [High Density Multi-Family])

Current Acreage: 7.43 acres

Location: Fire Tower Rd, east of Charles Blvd

Points of Access: Fire Tower Rd

Location Map



Transportation Background Information

1.) Fire Tower Rd- State maintained

	<u>Existing Street Section</u>	<u>Ultimate Thoroughfare Street Section</u>
Description/cross section	2 lanes - paved shoulder	4 lanes divided with raised median
Right of way width (ft)	60	100
Speed Limit (mph)	45	no change
Current ADT:	23,815 (*)	
Design ADT:	13,300 vehicles/day (**)	39,700 vehicles/day (**)
Controlled Access	No	

Thoroughfare Plan Status Major Thoroughfare

Other Information: There are no sidewalks along Fire Tower Rd that service this property.

Notes: (*) 2016 NCDOT count adjusted for a 2% annual growth rate
 (**) Traffic volume based on operating Level of Service D for existing geometric conditions
 ADT – Average Daily Traffic volume

Transportation Improvement Program Status: Project U-5785, which involves widening a 0.6-mile stretch of Fire Tower Road between Charles Boulevard (N.C. 143) and 14th Street

Trips generated by proposed use/change

Current Zoning: 134 -vehicle trips/day (*) **Proposed Zoning: 587** -vehicle trips/day (*)

Estimated Net Change: increase of 453 vehicle trips/day (assumes full-build out)

(* - These volumes are estimated and based on an average of the possible uses permitted by the current and proposed zoning.)

Impact on Existing Roads

The overall estimated trips presented above are distributed based on current traffic patterns. The estimated ADTs on Fire Tower Rd are as follows:

1.) Fire Tower Rd , West of Site (60%): “No build” ADT of 23,815

Estimated ADT with Proposed Zoning (full build) –	24,167
Estimated ADT with Current Zoning (full build) –	<u>23,895</u>
Net ADT change =	272 (1% increase)

2.) Fire Tower Rd , East of Site (40%): "No build" ADT of 23,815

Estimated ADT with Proposed Zoning (full build) – 24,050

Estimated ADT with Current Zoning (full build) – 23,869

Net ADT change = 181 (<1% increase)

Staff Findings/Recommendations

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 587 trips to and from the site on Fire Tower Rd, which is a net increase of 453 additional trips per day.

During the review process, measures to mitigate the traffic will be determined.

EXISTING ZONING	
RA20 (RESIDENTIAL-AGRICULTURAL) - PERMITTED USES	
(1) General	
	a. Accessory use or building
	c. On-premise signs per Article N
(2) Residential	
	a. Single-family dwelling
	b(1). Master Plan Community per Article J
	f. Residential cluster development per Article M
	k. Family care homes (see also 9-4-103)
	q. Room renting
(3) Home Occupations - None	
(4) Governmental	
	b. City of Greenville municipal government building or use (see also section 9-4-103)
(5) Agricultural/Mining	
	a. Farming; agricultural, horticulture, forestry (see also section 9-4-103)
	c. Wayside market for farm products produced on-site
	e. Kennel (see also section 9-4-103)
	f. Stable; horse only (see also section 9-4-103)
	g. Stable; per definition (see also section 9-4-103)
	h. Animal boarding not otherwise listed; outside facility, as an accessory or principal use
	l. Beekeeping; minor use (see also section 9-4-103)
(6) Recreational/Entertainment	
	f. Public park or recreational facility
	g. Private noncommercial park or recreational facility
(7) Office/Financial/Medical - None	
(8) Services	
	o. Church or place of worship (see also section 9-4-103)
(9) Repair - None	
(10) Retail Trade - None	
(11) Wholesale/Rental/Vehicle-Mobile Home Trade - None	
(12) Construction	
	c. Construction office; temporary, including modular office (see also section 9-4-103)
(13) Transportation - None	
(14) Manufacturing/Warehousing - None	
(15) Other Activities (not otherwise listed - all categories) - None	
RA20 (RESIDENTIAL-AGRICULTURAL) - SPECIAL USES	
(1) General - None	
(2) Residential	
	b. Two-family attached dwelling (duplex)
	g. Mobile home (see also section 9-4-103)
	n. Retirement center or home
	o. Nursing, convalescent or maternity home; major care facility
	o(1). Nursing, convalescent or maternity home; minor care facility
(3) Home Occupations	

	a.	Home occupation; not otherwise listed
	b.	Home occupation; barber and beauty shop
	c.	Home occupation; manicure, pedicure or facial salon
(4) Governmental		
	a.	Public utility building or use
(5) Agricultural/Mining		
	b.	Greenhouse or plant nursery; including accessory sales
	m.	Beekeeping; major use
	n.	Solar energy facility
(6) Recreational/Entertainment		
	a.	Golf course; 18-hole regulation length (see also section 9-4-103)
	a(1).	Golf course; 9-hole regulation length (see also section 9-4-103)
	c(1).	Tennis club; indoor and outdoor facilities
(7) Office/Financial/Medical - None		
(8) Services		
	a.	Child day care facilities
	b.	Adult day care facilities
	d.	Cemetery
	g.	School; junior and senior high (see also section 9-4-103)
	h.	School; elementary (see also section 9-4-103)
	i.	School; nursery and kindergarten (see also section 9-4-103)
(9) Repair - None		
(10) Retail Trade - None		
(11) Wholesale/Rental/Vehicle-Mobile Home Trade - None		
(12) Construction - None		
(13) Transportation - None		
(14) Manufacturing/Warehousing - None		
(15) Other Activities (not otherwise listed - all categories) - None		
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 I
	k.	Family care homes (see also 9-4-103)
	n.	Retirement center or home
	o.	Nursing, convalescent or maternity home; major care facility
	p.	Boarding or rooming house
	q.	Room renting
(3) Home Occupations - 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; agricultural, horticulture, forestry (see also section 9-4-103)
(6) Recreational/Entertainment		
	f.	Public park or recreational facility
	g.	Private noncommercial recreation; indoor only, not otherwise listed
(7) Office/Financial/Medical		
	a.	Office; professional and business, not otherwise listed
	b.	Operation/processing center
	c.	Office; customer service, not otherwise listed, including accessory service delivery vehicle parking and indoor storage
	d.	Bank, savings and loans 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 salon
	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; nursery and kindergarten (see also section 9-4-103)
	j.	College and 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
	y(2)	TV and/or radio broadcast facilities, including receiving and transmission equipment and towers not exceeding 120 feet in height or cellular telephone and wireless communication towers not exceeding 120 feet in height (see also section 9-4-103)
	bb.	Civic organizations
	cc.	Trade or business organizations
(9) Repair - None		
(10) Retail Trade		
	s.	Book or card store, news stand
	w.	Florist
	ee.	Christmas tree sales lot; temporary only (see also section 9-4-103)

(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 multi-family (LUI) development rating 50 per Article K
e.	Land use intensity multi-family (LUI) development rating 67 per Article K
i.	Residential quarters for resident manager, supervisor or caretaker; excluding mobile home
m.	Shelter for homeless or abused (see also section 9-4-103)
o(1).	Nursing, convalescent or maternity home; minor care facility
r.	Fraternity or sorority house
(3) Home Occupations - 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
m(1).	Dining and entertainment establishment (see also section 9-4-103)
(7) Office/Financial/Medical	
f.	Veterinary clinic or animal hospital (see also animal boarding; outside facility, kennel and stable)
(8) Services	
a.	Child day care facilities
b.	Adult day care facilities
l.	Convention center; private
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 day program facility
ff(1).	Mental health, emotional or physical rehabilitation day program facility
(9) Repair- None	
(10) Retail Trade - None	
h.	Restaurant; conventional
j.	Restaurant and/or dining and entertainment establishment; regulated outdoor activities
(11) Wholesale/Rental/Vehicle-Mobile Home Trade - None	
(12) Construction - None	

(13) Transportation	
	h. Parking lot or structure; principal 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

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 CHART

Density Level	Future Land Use and Character Type	Applicable Zoning District(s)	Units per Acre***
High	Uptown Edge (UE)	CDF and CD*	17 units per acre
	Mixed Use, High Intensity (MUHI)	OR	17 units per acre
		R6, MR	17 units per acre
	Residential, High Density (HDR)	R6, MR, OR	17 units per acre
		R6MH	17 units per acre
Medical-Transition (MT)	MR	17 units per acre	
High to Medium	Mixed Use (MU)	OR	17 units per acre
		R6, MR	17 units per acre
		R6A	9 units per acre
	Uptown Neighborhood (UN)	R6S	7 units per acre
	Traditional Neighborhood, Medium-High Density (TNMH)	R6	17 units per acre
		R6A	9 units per acre
		R6S	7 units per acre
Medium to Low	Traditional Neighborhood, Low-Medium Density (TNLM)	R9	6 units per acre
		R9S	5 units per acre
		R15S	3 units per acre
	Residential, Low-Medium Density (LMDR)	R9S	5 units per acre
		R15S	3 units per acre
		RA20	4 units per acre
		MRS	4 units per acre

* The residential density of the CD zoning district is based on the size of the mechanically conditioned floor area. See Section 9-4-153 in the City Code for development standards.

*** Maximim allowable density in the respective zoning district.



City of Greenville, North Carolina

Meeting Date: 5/14/2020
Time: 6:00 PM

Title of Item:

Ordinance requested by John F. Moye, Sr. Heirs to rezone 15.0936 acres located south of Greenville Boulevard between Allendale Drive and Dickinson Avenue Extension from RA20 (Residential-Agricultural) to R6A-RU (Residential [Medium Density]) Restricted-Residential Overlay

Explanation:

Abstract: The City has received a request by John F. Moye, Sr. Heirs to rezone 15.0936 acres located south of Greenville Boulevard between Allendale Drive and Dickinson Avenue Extension from RA20 (Residential-Agricultural) to R6A-RU (Residential [Medium Density]) Restricted-Residential Overlay.

Required Notices:

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on April 7, 2020.

On-site sign(s) posted on April 7, 2020.

City Council public hearing notice (property owner and adjoining property owner letter) mailed on April 28, 2020.

Public hearing legal advertisement published on May 4, 2020 and May 11, 2020.

Comprehensive Plan:

The Future Land Use and Character Map recommends commercial (C) at the southwestern corner of the intersection of Dickinson Avenue and Greenville Boulevard transitioning to office/institutional (OI) to the east and traditional neighborhood medium-high density (TNMH) to the south. Further, potential conservation/open space (PCOS) is recommended.

Commercial

Primarily community- and regional-scale commercial development situated near and along major roadway corridors. Existing development is characterized by buildings set back from streets behind surface parking. That existing pattern should evolve to become more walkable with shorter blocks, buildings near streets, shared parking, and connections to surrounding development.

Intent:

- Provide connectivity to nearby uses (paths, streets)
- Locate new buildings near street on at least one side and accommodate parking to the side or rear of buildings
- Improve/provide public realm features such as signs, sidewalks, landscaping
- Reduce access-points into development for pedestrian and vehicular safety
- Reduce and consolidate surface parking.

Primary uses:

Commercial (small and large format)
Office

Secondary uses:

Institutional/Civic

Office/Institutional

These areas serve as a transition between more intense commercial areas and surrounding neighborhoods. The form of future development should take a more walkable pattern with shorter blocks, buildings near streets, shared parking, and connections to surrounding development.

Intent:

- Provide connectivity to nearby uses (paths, streets)
- Locate new buildings near street on at least one side and accommodate parking to the side or rear of buildings; cluster buildings to consolidate and share surface parking
- Improve/provide public realm features such as signs, sidewalks, landscaping
- Reduce access-points into development for pedestrian and vehicular safety

Primary uses:

Office
Institutional/civic

Traditional Neighborhood, Medium-High Density

Primarily residential areas featuring a mix of higher density housing types ranging from multifamily, townhomes, and small-lot single-family detached. They are typically located within a walkable distance to a neighborhood activity center. Traditional neighborhoods should have a walkable street network of small blocks, a defined center and edges, and connections to surrounding development.

Intent:

- Provide streetscape features such as sidewalks, street trees and lighting
- Allow neighborhood-scale commercial or mixed use centers at key intersections within neighborhoods

Primary uses:

Multi-family residential

Single-family residential attached (townhomes) and detached (small lot)

Secondary uses:
Institutional (neighborhood scale)

Potential Conservation/Open Space

Potential conservation/open space land is typically located in areas that contain existing parkland, needed land buffers, exhibit potential for flooding, or are deemed inappropriate for development due to physical or environmental barriers. Some land within this area may not contain barriers to development, or there may be reasonable mitigation. Site analysis is needed to determine development capabilities in these areas.

The Future Land Use and Character Map identifies certain areas as potential conservation/open space. Much of this area is designated based upon data on flood-prone land and environmental constraints that may not correspond precisely with conditions on the ground. Seeing an area designated this way is the beginning of a conversation. When considering rezoning requests or other development proposals, some areas classified as potential conservation/open space may be determined not to contain anticipated limitations on development, or that existing concerns can reasonably be mitigated. In such cases, the future preferred land use should be based on adjacent Land Use and Character designations, contextual considerations, and the general policies of the comprehensive plan.

Intent:

- Conserve environmentally-sensitive land
- Buffer incompatible land uses with open space
- Provide open space network through the city for recreation
- Conservation/open space buffers adjacent to industrial development should be maintained at a width based on the type of industry and its potential to create compatibility problems
- Greenways and greenway connectors should be maintained to be consistent with the Greenway Plan.

Thoroughfare/Traffic Report Summary (Engineering Department):

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 865 trips to and from the site on Greenville Boulevard, which is a net increase of 578 additional trips per day.

During the review process, measures to mitigate the traffic will be determined.

History/Background:

In 1972, the property was incorporated into the City's extra-territorial jurisdiction (ETJ) and zoned to its present zoning.

Present Land Use:

Vacant

Water/Sewer:

Water and sanitary sewer are available.

Historic Sites:

There are no known effects on designated sites.

Environmental Conditions/Constraints:

The property is located in the Greens Mill Run Watershed. If stormwater rules apply, it would require 25-year detention and nitrogen and phosphorous reduction. It is located in the Special Flood Hazards Area (SFHA). There are no jurisdictional wetlands on the property. Jurisdictional streams do exist along the west and north of the property. The stream along the north of the property near Greenville Boulevard is a main tributary to Greens Mill Run. A 50' Riparian buffer exists on these jurisdictional streams and may require restoration.

Surrounding Land Uses and Zoning:

North: CG - Family Dollar; RA20 - three (3) vacant lots (2 lots are under common ownership of the applicant)

South: RA20 - Vacant (under common ownership of the applicant)

East: RA20 - One (1) single-family residence (under common ownership of the applicant), People's Baptist Church, and Greenville Christian Academy

West: RA20 - Farmland

Density Estimates

Under the current zoning, the site could accommodate 30 single-family residences. Under the proposed zoning, the site could accommodate 65 duplex buildings (130 units).

The anticipated build-out is within 2-3 years.

Fiscal Note:

No cost to the City.

Recommendation:

In staff's opinion, the request is in compliance with Horizons 2026: Greenville's Community Plan and the Future Land Use and Character Map. Therefore, staff recommends approval.

"In compliance with the comprehensive plan" should be construed as meaning the requested zoning 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 voted unanimously to approve the request at its April 21, 2020 meeting.

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

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

Motion to deny the proposed amendment and to make a finding and determination that, although the rezoning request is consistent with the comprehensive plan, there is a more appropriate zoning classification and, therefore, denial is reasonable and in the public interest.

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

ATTACHMENTS:

- ❑ **Ordinance_John_F_Moye_Sr_Heirs_1128397**
- ❑ **Minutes_John_Moye_Sr_RZ_1128396**
- ❑ **Petitions**
- ❑ **Attachments**

ORDINANCE NO. 20-
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 the 14th day of May, 2020, at 6:00 p.m., will conduct an electronic meeting and conduct a public hearing on the adoption of an ordinance rezoning the following described territory;

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

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

WHEREAS, as a further description as to why the action taken is consistent with the comprehensive plan and other officially adopted plans that are applicable in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance is consistent with provisions of the comprehensive plan including, but not limited to, Policy 1.1.1 guide development with the Future Land Use and Character Map and Policy 1.1.6 guide development using the Tiered Growth Approach; and

WHEREAS, as a further explanation as to why the action taken is reasonable and in the public interest in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance will, in addition to the furtherance of other goals and objectives, promote the safety and general welfare of the community because the requested zoning is consistent with the recommended Future Land Use and Character and is located in a Primary Service Area;

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

Section 1. That the following described territory is rezoned from RA20 (Residential-Agricultural) to OR (Office-Residential).

TO WIT: John F. Moye, Sr. Heirs

LOCATION: Located south of Greenville Boulevard between Allendale Drive and Dickinson Avenue Extension

DESCRIPTION: Lying and being situate in Winterville Township, Pitt County, North Carolina and being more particularly described as follows:

Beginning at a point in the southern right of way of US 264 A – SW Greenville Blvd. said point being the northeast corner of the Nannie Sue Fields property as recorded in deed book T 36, page 524 of the Pitt County Registry thence from said point of beginning with the southern right of way of US 264 A – SW Greenville Blvd. S 79-07-50 E – 397.63’ to a point in the western line of the Amanda M. Garris property as recorded in deed book 832, page 459, thence with the western line of the Amanda M. Garris property S 06-34-49 E – 82.52’ to the southern line of the Amanda M. Garris property , thence with the southern line of the Amanda M. Garris property N 75-38-22 E – 182.61’ to the southern right of way of US 264 A – SW Greenville Blvd., thence with the southern right of way of US 264 A – SW Greenville Blvd. S 79-13-45 E – 129.64’ to a point, thence leaving the southern right of way of US 264 A – SW Greenville Blvd. S 10-46-15 W – 248.04’, thence 103.82’ along the arc of a curve said curve being to the left having a radius of 970.00’ and a chord bearing S 07-42-16 W – 103.77’, thence S 04-38-18 W – 74.80’, thence S 85-21-42 E – 319.73’ to the western line of the Peoples Baptist Temple of Greenville, NC property as recorded in deed book M 50, page 478, thence with the western line of the Peoples Baptist Temple of Greenville, NC property S 04-38-18 W – 558.65’, thence leaving the western line of the Peoples Baptist Temple of Greenville, NC property N 85-21-42 W – 110.00’, thence N 79-42-19 W – 60.29’, thence N 85-21-42 W – 113.65’, thence S 04-38-18 W – 130.34’, thence N 85-21-42 W – 171.59’, thence N 49-35-46 – 79.01’, thence N 02-30-38 W – 368.93’, thence S 87-29-22 W – 110.00’, thence N 02-30-38 W – 87.07’, thence N 00-40-12 W – 198.96’, thence N 85-21-42 W – 19.55’, thence N 89-54-37 W – 172.16’ to the eastern line of the Laura Ann Beardsworth property as recorded in estate file 2017E, page 223, thence with the eastern line of the Laura Ann Beardsworth property N 02-30-38 W – 380.46’, thence S 58-01-22 W – 33.18’ to the eastern line of the aforesaid Nannie Sue Fields property, thence with the eastern line of the Nannie Sue Fields property N 06-37-49 W – 162.63’ to the point of beginning containing 15.0936 acres.

Section 2. That the Director of Planning and Development Services 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 14th day of May, 2020.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

1128397

Excerpt from the draft Planning & Zoning Commission Minutes (4/21/2020)

ORDINANCE REQUESTED BY JOHN F. MOYE, SR. HEIRS TO REZONE 15.0936 ACRES LOCATED SOUTH OF GREENVILLE BOULEVARD BETWEEN ALLENDALE DRIVE AND DICKINSON AVENUE EXTENSION FROM RA20 (RESIDENTIAL-AGRICULTURAL) TO R6A-RU (RESIDENTIAL [MEDIUM DENSITY] RESTRICTED RESIDENTIAL OVERLAY - APPROVED

Chair Robinson requested the clerk poll the members to ask if they had received copies of the emails and the petition in opposition prior to today's meeting.

Mr. Sceviour delineated the property. Under the current zoning, the 15.0936-acre property can accommodate 30 single-family residences and under the requested zoning, it could accommodate 65 duplex buildings (130 units). The property is located within the Greens Mill Run Watershed. If stormwater rules apply, it would require 25-year detention and nitrogen and phosphorus reduction. This request could generate an increase 578 trips per day. The property is located near a designated community activity center in the Horizons Plan. The Future Land Use and Character Map recommends commercial (C) at the southwestern corner of the intersection of Dickinson Avenue and Greenville Boulevard transitioning to office/institutional (OI) to the east and traditional neighborhood medium-high density (TNMH) to the south. In staff's opinion, the request is in compliance with Horizons 2026: Greenville's Community Plan and the Future Land Use and Character Map. Staff recommends approval.

Mr. Robinson opened the public hearing.

Mr. Ken Malpass, Malpass & Associates, spoke in favor on behalf of the applicant and the property owner. He noted the rezoning calls for medium density single-family housing and not for the original commercial designation on the Future Land Use map. People's Baptist Church, who is in opposition, is located next to the same land use zoning as at least 50% of the churches in Greenville.

Mr. Rocky Russell spoke in favor of the rezoning. He spoke of his previous experience building duplex communities and said he believes this high quality project will increase the tax value of the property and area.

Mr. Parker asked Mr. Russell if he has any intention on purchasing the remaining 50 acres of the parcel.

Mr. Russell stated he is under contract to buy the 15 acres.

Mr. John Moye, applicant, spoke in favor of the rezoning. The rezoning would not allow for high density housing and that a duplex community would work well on the property.

Mr. Mike Lopez, People's Baptist Church, spoke in opposition. His concern is for the safety of the children at the church, school, increased crime, and trespassing.

Mr. Paul Aynes, People's Baptist Church, spoke in opposition. His concerns are property values, traffic increase, and safety.

Pastor Tim Butler, People's Baptist Church, spoke in opposition. His concerns are property values and the occupancy of duplexes. The duplex community currently close to the People's Baptist Church has brought an increase in crime to the area.

Bishop Rosie S. O'Neal, Koinonia Christian Church, spoke in opposition. She is concerned about the infrastructure being overwhelmed by the needs created by duplex development.

Mr. Doug Weber, People's Baptist Church, spoke in opposition. He is concerned that the occupants of a duplex community are transient and not long-term residents which will drive down property values and increase crime in the vicinity.

Mr. Freddie Outterbridge, Red Oak Subdivision, spoke in opposition of the rezoning. He is concerned about the increased traffic on Greenville Boulevard.

Mrs. Lillian Outterbridge, Red Oak Subdivision, spoke in opposition. She is concerned about safety and the increase in traffic.

Mrs. Betsy Gray, People's Baptist Church, spoke in opposition. She is concerned that there will be a detrimental effect to the church property by the rezoning. She gave a chronology of negotiations between the church and Mr. Moye for the purchase of the property.

Mr. Faison asked Mrs. Gray if the church had asked if there was a comfortable buffer they would agree to.

Pastor Butler responded that a mile away from the church would be more appropriate.

Chair Robinson asked the clerk to read the email that contained a paragraph that was sent to the Planning & Zoning Commission Members and the name of those that sent the paragraph. He also noted that a petition had been submitted with over 200 signatures. See attachments.

Mr. Robinson closed the public hearing.

Motion made by Mr. Collins, seconded by Mr. Faison to recommend approval of the proposed amendment to advise that it is consistent with the Comprehensive Plan and to adopt the staff report which addresses plan consistency and other matters. Voting in favor: Darden, Faison, Joyner, Overton, West, Collins, Parker. Voting in opposition: Maxwell. Motion passed 7:1.

The following was read into the record

1. The following email was received:

“Greenville Christian Academy and People’s Baptist Church have been positively impacting generations of Greenville residents for over 50 years. I am in opposition to the rezoning by John F. Moye, Sr. Heirs for the following reasons: 1) This would create an increased traffic load on Greenville Blvd. 2) This would cause interruption to the campus with outside after-school care programs such as athletic competitions and playground time. 3) Crime could potentially rise as there are more people in a condensed area with multi-family dwelling units. 4) Any surrounding property to a duplex will experience a devaluation of their property. Thank you for your willingness to consider our opposition as it could impact all families here at Greenville Christian Academy and People’s Baptist Church.”

Senders of this same email:

George and Lois Heyboer
Leslie Van Der Have
Dr. David L. Batie and Mrs. Janice B. Batie
Andy Blease
Amy Hagenbush
Pamela Settle
Gray Harrison
Jill Brown
Rhonda Oakes
Chris Haddock
William Sanford
tdawson@suddenlink.net
Keith Jones
Crystal Blease
Melissa M. Greene
Kelly Setzer
Ray Morris
TAJ Nesmith
James and Sherri Woods
Heather Miller
Jennifer Suggs
James K. Cratty
Sherry Price
Merrill Bright
Keaton Browder
Elyssa Sanford
Gabi Ponthier
Fred and Angie Wade
Jessica Setzer
Daniel Wetherington
Susan M. Tugwell
Wendy Swanner
Janni Woods
Renee and Artur Caputo

203

Parents of
upward - parish
of People's
Baptist
Church

We, the below mentioned, stand in opposition to John F. Moye, Sr Heirs request to rezone 15.0936 acres of land located south of Greenville Boulevard between Allendale Drive and Dickinson Avenue Extension from RA20 (Residential-Agricultural) to R6A-RU (Residential Medium Density) Restricted-Residential.

Respectfully submitted:

Printed Name	Signature
1. Charles Kirby	
2. AKEMI HILL	
3. Nathan Hill	
4. Gladys B. Hill II	
5. Russell Hill	
6. Tashawna Hill	
7. Diane Lyons	
8. Bob LYONS	
9. Ricky Crocker	
10. Robin Hudson	
11. Harish Khalil Farahani	
12. Jeffery Wetherington	
13. CJ Wetherington	
14. MATTHEW JOHNSON	
15. HANNAH HATHAWAY	
16. AUSMA KOUNTA	
17. Lisa & Berkebile	
18. Devon Johnson	
19. Brenda Allen	
20. Jerry Allen	
21. Jeremy Morris	
22. Hunter Clark	
23. ASHLEY CLARK	
24. Amanda Powell	
25. Teresa Harris	

upward

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Respectfully submitted:

Printed Name	Signature
1. Heather Parker	Heather Parker
2. Thomas Parker	JP
3. Cindy Bunch	Cindy Bunch
4. Ellen Belch	Ellen Belch
5. Holly Horst	Holly Horst
6. Scott Chambers	Scott Chambers
7. Crystal Chambers	Crystal Chambers
8. Lisa Woodward	Lisa Woodward
9. Brandon Woodward	Brandon Woodward
10. Kim Woodworth	Kim Woodworth
11. Tiffany P. Everette	Tiffany P. Everette
12. Tor Kilstrom	Tor Kilstrom
13. Hope Kilstrom	Hope Kilstrom
14. Tammy Bullock	Tammy Bullock
15. Joseph Bullock	Joseph Bullock
16. Diana Cozgin	Diana Cozgin
17. Ray Cozgin	Ray Cozgin
18. Phyllis Combs	Phyllis Combs
19. RAYL COMBS	Rayl Combs
20. Kim Jones	Kim Jones
21. Hope Jones	Hope Jones
22. Mandy M Pellerton	Mandy M Pellerton
23. Kristen M. Harrell	Kristen M Harrell
24. Timothy M. Harrell	Timothy M Harrell
25. Matt Willington	Matt Willington

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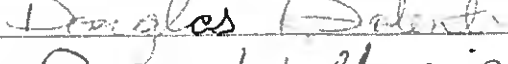

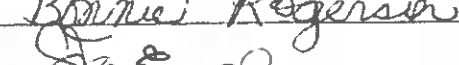
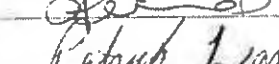
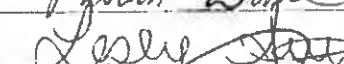


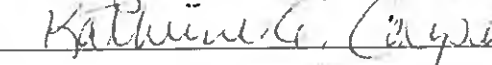



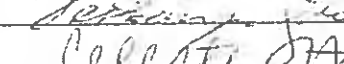




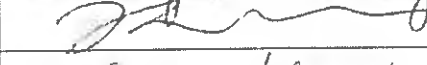

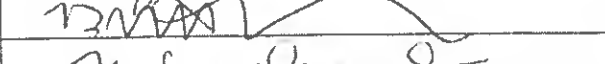



Upward

Respectfully submitted:

Printed Name	Signature
1. Hope Smith	Hope Smith
2. Bobby Grimsby	Bobby Grimsby
3. TYLER HARPER	Tyler Harper
4. Donnesha Moore	DM
5. Stephen Jones	Stephen Jones
6. Charles Neal	CHARLES NEAL
7. Darlene Neal	Darlene Neal
8. Kristi Oden	Kristi Oden
9. Vickie Tripp	Vickie Tripp
10. Mark Tripp	Mark Tripp
11. Chris Holbrook	Chris Holbrook
12. Sarelle Pendergraft	Sarelle Pendergraft
13. Austin Pendergraft	Austin Pendergraft
14. Brandon Venzon	Brandon Venzon
15. Kendall Paramore	Kendall Paramore
16. Ashley Allen	Ashley Allen
17. Meagan Rogerson	Meagan Rogerson
18. Torie Ruiz	Torie Ruiz
19. HANNAH SANDERS	Hannah Sanders
20. Wendy Swanner	Wendy Swanner
21. Aaron Swanner	AARON Swanner
22. Joel Daughtie	Joel Daughtie
23. Josh Wetherington	Josh Wetherington
24. Paul Ellis	Paul Ellis
25. Jeffrey Swanner	Jeffrey Swanner

We, the below mentioned, stand in opposition to John F. Moyer, Sr Heirs request to rezone 15.0936 acres of land located south of Greenville Boulevard between Allendale Drive and Dickinson Avenue Extension from RA20 (Residential-Agricultural) to R6A-RU (Residential Medium Density) Restricted-Residential.

Respectfully submitted:

Printed Name	Signature
1. Denise D Bouse	
2. Wendy McLaughlin	
3. Nikki Dolenti	
4. Douglas Dolenti	
5. Nora Williams	
6. Bonnie E Rogerson	
7. Stacia Friend	
8. Patrick Warren	
9. Leslie Sutton	
10. David P...	
11. Elizabeth Arnold	
12. Katherine C. Crayth	
13. Bob Arnold	
14. Gretchen Jones	
15. Frederick Hayes	
16. Desayne Hayes	
17. Celeste G. Harris	
18. D. Todd Harris	
19. Rodney Sanders	
20. Crystal Kirsch	
21. Candy Stotesbury	
22. Ryan Howey	
23. Elizabeth Wilson	
24. Brittany Gonzalez	
25. FISHER Gonzalez	

upward

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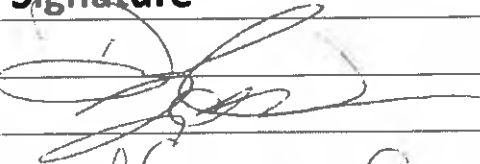

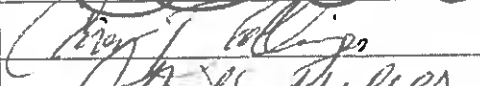







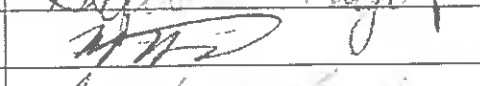
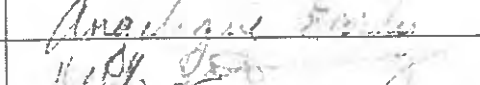


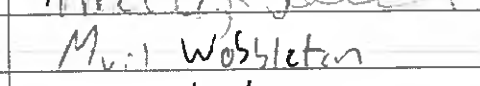
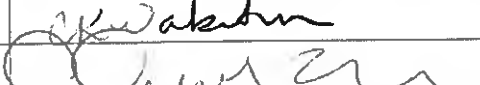




Up ward

Printed Name	Signature
1. Marsha Paramore	Marsha Paramore
2. Amy Thigpen	Amy Thigpen
3. DONNA JONES	Donna Jones
4. JANET STRICKLAND	Janet Strickland
5. Graham Strickland	Graham Strickland
6. KEN THIGPEN	Ken Thigpen
7. Janice Morris	Jan Morris
8. Rob Arnold	Rob Arnold
9. Dexter Morrison	Dexter Morrison
10. Linda Daniels	Linda Daniels
11. Tracy Morrison	Tracy Morrison
12. Michael Meeks	Michael Meeks
13. Janet Gray	Janet Gray
14. Jake Gray	Jake Gray
15. Brenda Andrews	Brenda Andrews
16. Stacey Vernelson	Stacey Vernelson
17. Vickie McGlohon	Vickie McGlohon
18. Sherry Vernelson	Sherry Vernelson
19. Nancy Everette	Nancy Everette
20. Earlene Everette	Earlene Everette
21. Sammy Everette Jr	Sammy Everette Jr
22. Nicole Everette	Nicole Everette
23. Thomas Corprew	Thomas Corprew
24. Keiana Corprew	Keiana Corprew
25. Jeremiah Corprew	Jeremiah Corprew

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Respectfully submitted:

upward

Printed Name	Signature
1. Doreen Hunt	
2. James Brown	
3. Leslie Coggins	
4. DAVID C. BATTIE	
5. CAREY BALUNGA	
6. Mike Whiskey	
7. Amy Dail Sanders	
8. Catherine McKee	
9. AnneMarie McKee	
10. Chaka Fennell	
11. Sade Stephens	
12. David Dickson	
13. Kim Walters	
14. Dean Walters	
15. Lauren Hurrell	
16. Stephanie Hager	
17. Matthew Hooper	
18. Angeliqne Early	
19. Kelle Seizer	
20. Jessica Solter	
21. Amanda White	
22. Maxine Lavin	
23. Muri Wobbleton	
24. Callie Wobbleton	
25. Christy Kirby	

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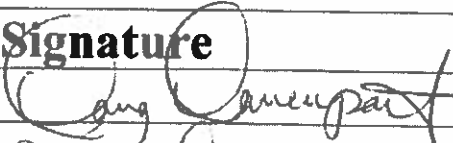




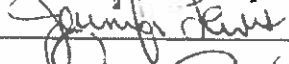
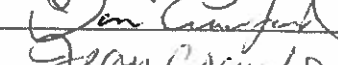

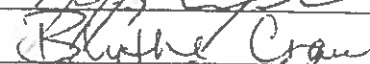

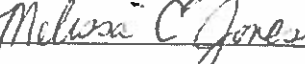

Upward

Printed Name	Signature
1. Chris Jones	<i>[Signature]</i>
2. Eric Lloyd	<i>[Signature]</i>
3. Leslie Lloyd	<i>[Signature]</i>
4. NOVELLA LLOYD	<i>[Signature]</i>
5. Susan Lloyd	<i>[Signature]</i>
6. DICK LLOYD	<i>[Signature]</i>
7. Esteban V. Marchant	<i>[Signature]</i>
8. Luis Gonzalez	<i>[Signature]</i>
9. Tony Gonzalez	<i>[Signature]</i>
10. Yadd Powell	<i>[Signature]</i>
11. Kelly Harpoy	<i>[Signature]</i>
12. CAROLYN M VICK	<i>[Signature]</i>
13. JACKIE VICK	<i>[Signature]</i>
14. Freda Ruffa	<i>[Signature]</i>
15. Lisa Ellis	<i>[Signature]</i>
16. Amemaha Samuels	<i>[Signature]</i>
17. Laura Swartz	<i>[Signature]</i>
18. George Swartz	<i>[Signature]</i>
19. Hannah Letchworth	<i>[Signature]</i>
20. Carter Letchworth	<i>[Signature]</i>
21. Terry Miller	<i>[Signature]</i>
22. DAVID NEWBY	<i>[Signature]</i>
23. Melody Relford	<i>[Signature]</i>
24. T. L. NEWBY	<i>[Signature]</i>
25. Jorge Ruiz	<i>[Signature]</i>

Upward

We, the below mentioned, stand in opposition to John F. Moye, Sr Heirs request to rezone 15.0936 acres of land located south of Greenville Boulevard between Allendale Drive and Dickinson Avenue Extension from RA20 (Residential-Agricultural) to R6A-RU (Residential Medium Density) Restricted-Residential.

Respectfully submitted:

Printed Name	Signature
1. Doug Davenport	
2. Jennifer Davenport	
3. Frances Sutton	
4. Brooks Sutton	
5. Crystal Sutton	
6. Jennifer Lewis	
7. Don Crawford	
8. Jean Crawford	
9. Jeffrey Crawford	
10. Blayne Crawford	
11. Donald Crawford	
12. Melissa C. Jones	
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upward

Respectfully submitted:

Printed Name	Signature
1. Carolyn Rouse	<i>Carolyn Rouse</i>
2. Carlton Rouse	<i>Carlton Rouse</i>
3. Michelle Ruiz	<i>Michelle Ruiz</i>
4. Jewel McLaughlin	<i>Jewel McLaughlin</i>
5. Daniel McLaughlin	<i>Daniel McLaughlin</i>
6. Dora Burton	<i>Dora Burton</i>
7. BETTIE BURTON	<i>Bettie Burton</i>
8. HAYWOOD BURTON	<i>Haywood Burton</i>
9. Ramona Buchanan	<i>R. Buchanan</i>
10. Nery Pinto	<i>Nery Pinto</i>
11. Francisco Pinto	<i>Francisco Pinto</i>
12. David Rogerson	<i>David Rogerson</i>
13. Maria Rogerson	<i>Maria Rogerson</i>
14. Faith Williams	<i>F. Faith Williams</i>
15. Grace Williams	<i>G. Grace Williams</i>
16. Jonathan N. Zep	<i>Jonathan N. Zep</i>
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Upward

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Respectfully submitted:

Printed Name	Signature
1. <i>Angelia Lake</i>	<i>Angelia Lake</i>
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Red Oak

We, the below mentioned, stand in opposition to John F. Moyer, Sr Heirs request to rezone 15.0936 acres of land located south of Greenville Boulevard between Allendale Drive and Dickinson Avenue Extension from RA20 (Residential-Agricultural) to R6A-RU (Residential Medium Density) Restricted-Residential.

Respectfully submitted:

Printed Name	Signature
1. David Doye LHS	
2. Jeff Edmonds	Jeff Edmonds
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Red Oak

Subdivision off Greenville Blvd.

We, the below mentioned, stand in opposition to John F. Moyer, Sr Heirs request to rezone 15.0936 acres of land located south of Greenville Boulevard between Allendale Drive and Dickinson Avenue Extension from RA20 (Residential-Agricultural) to R6A-RU (Residential Medium Density) Restricted-Residential.

Respectfully submitted:

Printed Name	Signature
1. SHIRLEY NAPIER	Shirley Napier
2. Linda C. Baker	Linda C. Baker
3. Robert Lang	Robert Lang
4. Abdul Al-Amin	Abdul Al-Amin
5. Lillie Parker	Lillie Parker
6. Dina Blount	Dina Blount
7. Dorothy McLean	Dorothy McLean
8. Edna A Edwards	Edna A Edwards
9. Ferdinand Rouse	Ferdinand Rouse
10. Margie Johnson	Margie Johnson
11. Zula Jones	Zula Jones
12. Charlie Jones	Charlie Jones
13. Lulu Ruiz	Lulu Ruiz
14. Peter E. Lavin, Jr.	Peter E. Lavin, Jr.
15. Eric Shepard	Eric Shepard
16. Todd Eban	Todd Eban
17. Marjorie Foreman	Marjorie Foreman
18. Melvin Foreman	Melvin Foreman
19. Larcie Vines	Larcie Vines
20. Rayfield Vines	Rayfield Vines
21. Jimmie Wooten	Jimmie Wooten
22. Roy Johnson	Roy Johnson
23. Betty Mathis	Betty Mathis

33

Red Oak

We, the below mentioned, stand in opposition to John F. Moye, Sr Heirs request to rezone 15.0936 acres of land located south of Greenville Boulevard between Allendale Drive and Dickinson Avenue Extension from RA20 (Residential-Agricultural) to R6A-RU (Residential Medium Density) Restricted-Residential.

Respectfully submitted:

Printed Name	Signature
1. Ed Tilley	<i>Ed Tilley</i>
2. Sandvalpe Mills	<i>Sandvalpe Mills</i>
3. Cornelia Stewart	<i>Cornelia Stewart</i>
4. MARIANNE LOHR	<i>Marianne Lohr</i>
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LexisNexis® | Community Crime Map

Menu

Search Address

ADDRESS

1621 Greenville Blvd SW, Greenville, NC
1600 Pennsylvania Ave, Washington, DC 20500

Go To Address

Jump To City

Select a city from the dropdown

BUFFER

0.5 mile

Only display events within buffer

DATE RANGE

QUICK DATE

Select a date range from the dropdown

DATE RANGE

Start Date: 04/01/2019

End Date: 03/16/2020

View points using time slider

Event

Offenders

Analytic Layers

Agency Layers

About Community Crime Map

Map

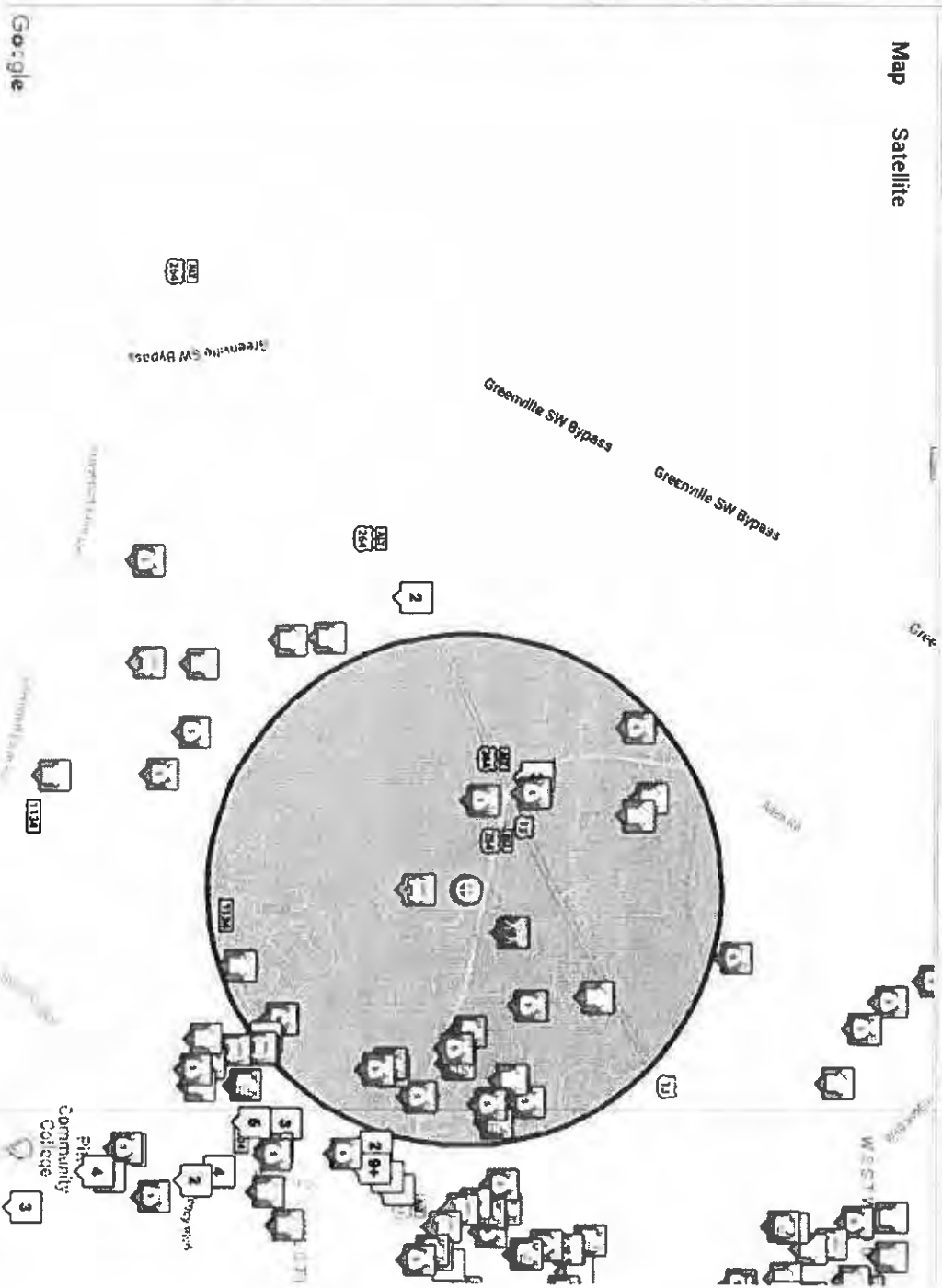
Data Grid

Analytics

Metadata

Map

Satellite



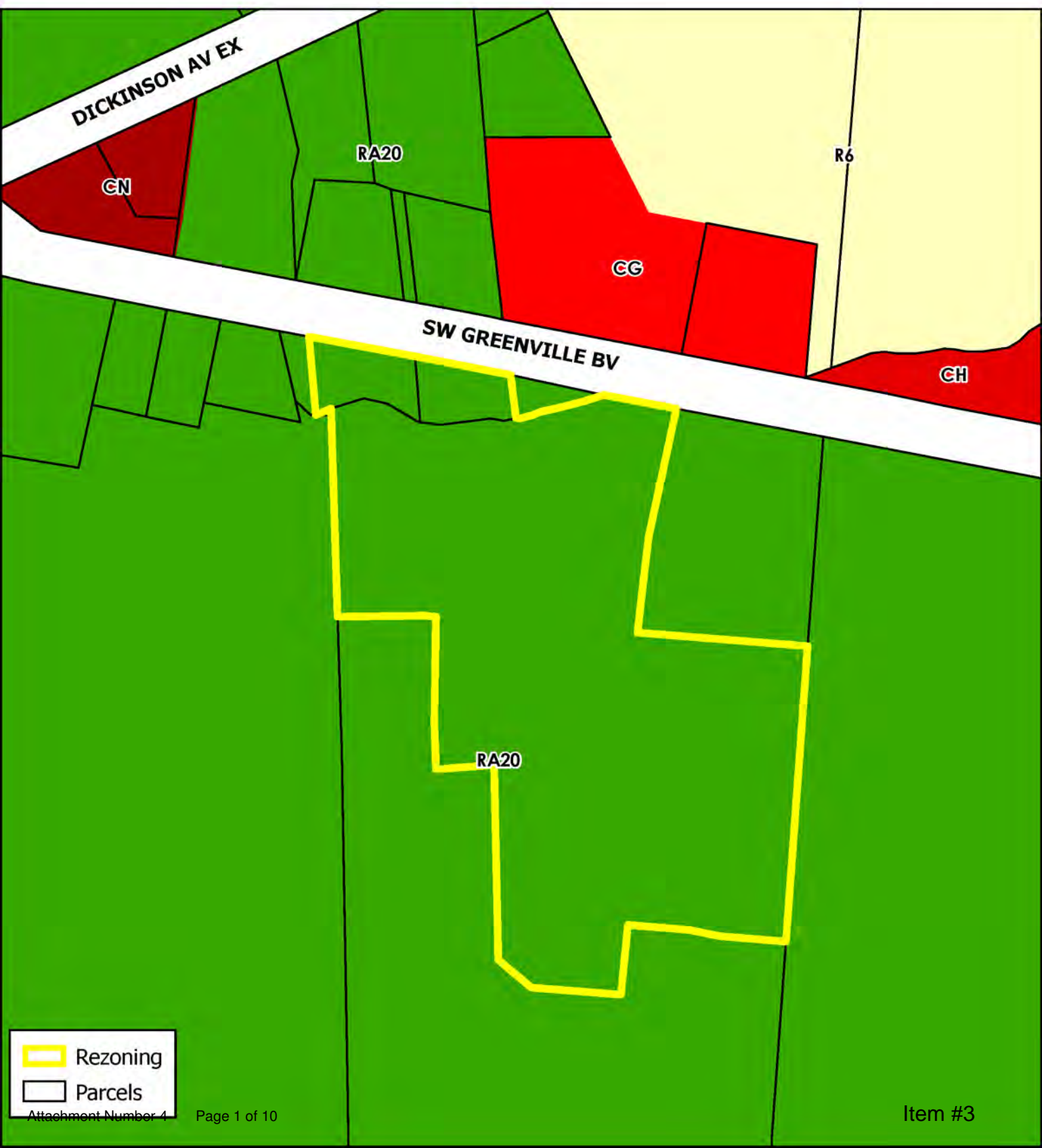
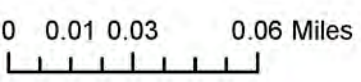
April 1, 2019 – March 16, 2020:
23 Crimes



Theft – 11 (Dark Green)
Burglary – 5 (Light Blue)

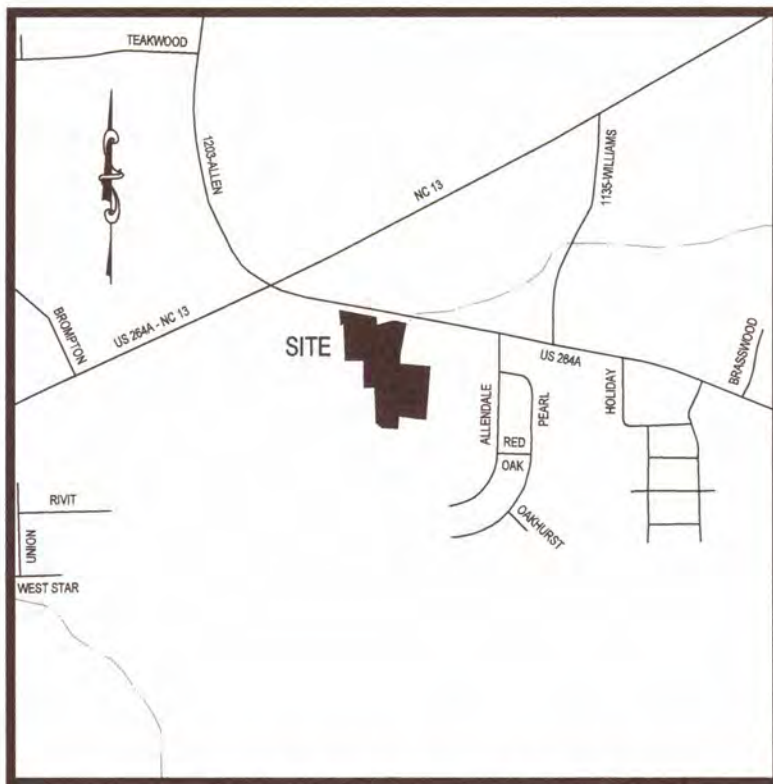
Motor Vehicle Theft – 2 (Lime Green)
Aggravated Assault – 4 (Red)

Robbery (Individual) – 1 (Dark Blue)

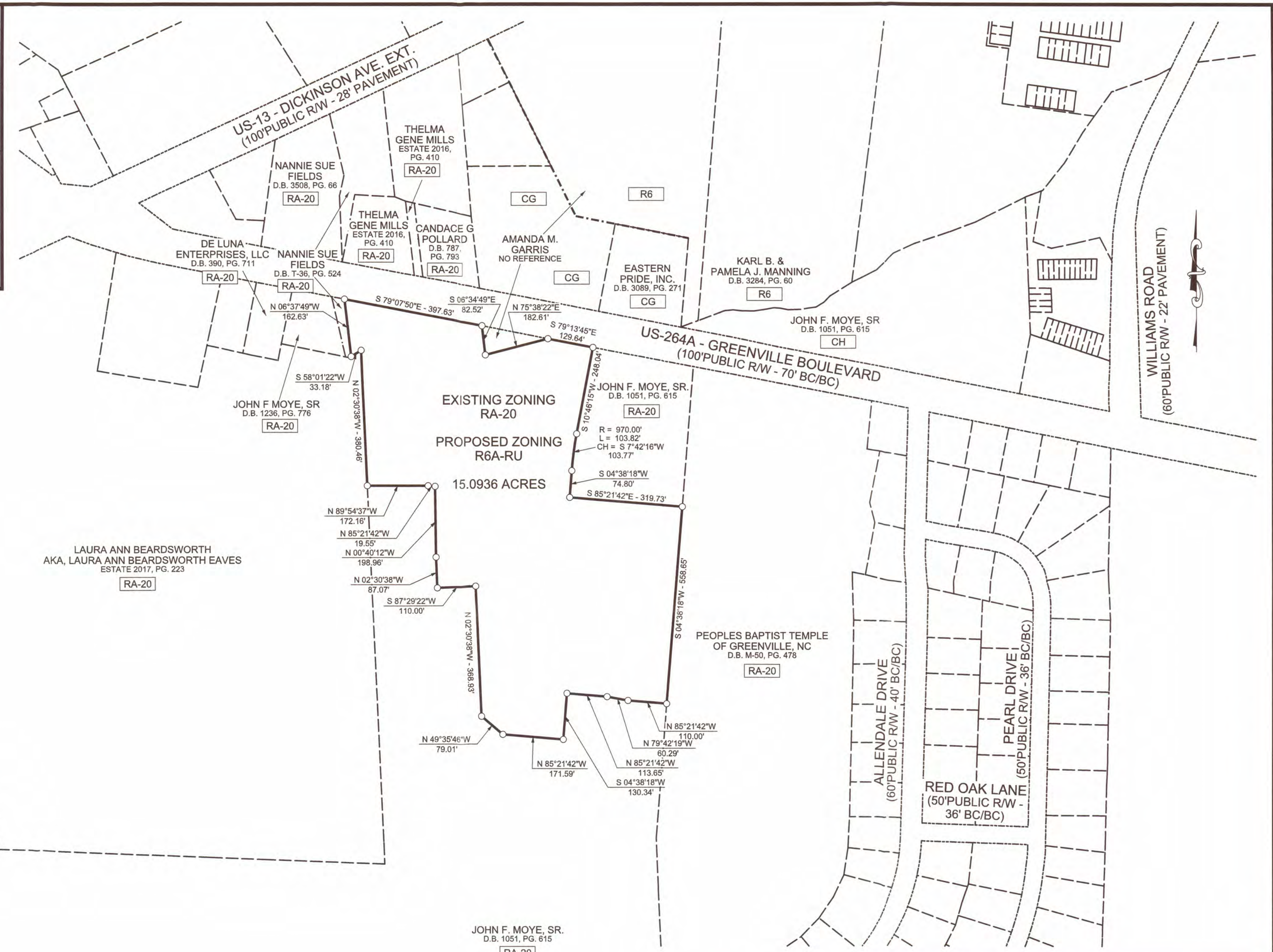
John F. Moye SR, Heirs
From: RA-20
To: R6A-RU
Total Acres: 15.0936
March 3, 2020



	Rezoning
	Parcels



VICINITY MAP
1" = 2000'



LAURA ANN BEARDSWORTH
AKA, LAURA ANN BEARDSWORTH EAVES
ESTATE 2017, PG. 223
RA-20

JOHN F. MOYE, SR.
D.B. 1236, PG. 776
RA-20

EXISTING ZONING
RA-20
PROPOSED ZONING
R6A-RU
15.0936 ACRES

JOHN F. MOYE, SR.
D.B. 1051, PG. 615
RA-20

PEOPLES BAPTIST TEMPLE
OF GREENVILLE, NC
D.B. M-50, PG. 478
RA-20

JOHN F. MOYE, SR.
D.B. 1051, PG. 615
RA-20

**PROGRESS
DRAWING**



CARLTON E. PARKER, PLS 2980

REZONING MAP FOR
JOHN F. MOYE, SR., HEIRS
REFERENCE DEED BOOK 1051, PAGE 615,
OF THE PITT COUNTY REGISTRY
WINTERVILLE TOWNSHIP PITT COUNTY NORTH CAROLINA

OWNER:	JOHN F. MOYE, SR., HEIRS	SURVEYED:	N/A
ADDRESS:	1719 SW GREENVILLE, BLVD. GREENVILLE, NC 27834 (252) 327-3757	DRAWN:	WCO
		APPROVED:	CEP
		DATE:	01/29/20
		SCALE:	1" = 200'
		SHEET	1 OF 1

MALPASS & ASSOCIATES
NC LICENSE NO. C-1289
1645 EAST ARLINGTON BLVD., SUITE D
GREENVILLE, N.C. 27858
(252) 756-1780

REZONING THOROUGHFARE/TRAFFIC VOLUME REPORT

Case No: 20-2

Applicant: John F. Moyer Sr. Heirs

Property Information

Current Zoning: RA20 (Residential-Agricultural)

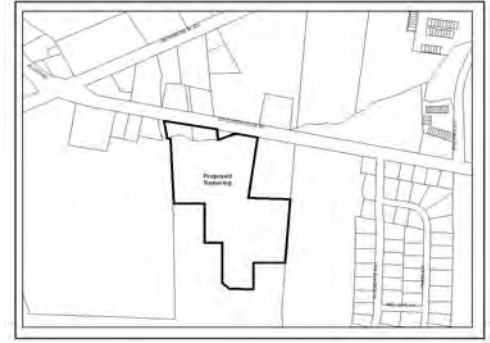
Proposed Zoning: R6A-RU (Restricted Residential Use Overlay)

Current Acreage: 15.094

Location: Greenville Blvd, east of Dickinson Ave

Points of Access: Greenville Blvd

Location Map



Transportation Background Information

1.) Greenville Blvd- State maintained

	<u>Existing Street Section</u>	<u>Ultimate Thoroughfare Street Section</u>
Description/cross section	5-lane with curb & gutter	no change
Right of way width (ft)	100	no change
Speed Limit (mph)	50	no change
Current ADT:	24,895 (*)	
Design ADT:	32,200 vehicles/day (**)	
Controlled Access	No	

Thoroughfare Plan Status Major Thoroughfare

Other Information: There are no sidewalks along Greenville Blvd that service this property.

Notes: (*) 2016 NCDOT count adjusted for a 2% annual growth rate
 (**) Traffic volume based on operating Level of Service D for existing geometric conditions
 ADT – Average Daily Traffic volume

Transportation Improvement Program Status:

Trips generated by proposed use/change

Current Zoning: 287 -vehicle trips/day (*) **Proposed Zoning: 865** -vehicle trips/day (*)

Estimated Net Change: increase of 578 vehicle trips/day (assumes full-build out)

(* - These volumes are estimated and based on an average of the possible uses permitted by the current and proposed zoning.)

Impact on Existing Roads

The overall estimated trips presented above are distributed based on current traffic patterns. The estimated ADTs on Greenville Blvd are as follows:

1.) Greenville Blvd , West of Site (40%): “No build” ADT of 24,895

Estimated ADT with Proposed Zoning (full build) –	25,241
Estimated ADT with Current Zoning (full build) –	<u>25,010</u>
Net ADT change =	231 (<1% increase)

2.) Greenville Blvd , East of Site (60%): "No build" ADT of 24,895

Estimated ADT with Proposed Zoning (full build) – 25,414

Estimated ADT with Current Zoning (full build) – 25,067

Net ADT change = 347 (1% increase)

Staff Findings/Recommendations

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 865 trips to and from the site on Greenville Blvd, which is a net increase of 578 additional trips per day.

During the review process, measures to mitigate the traffic will be determined.

EXISTING ZONING	
RA20 (RESIDENTIAL-AGRICULTURAL) - PERMITTED USES	
(1) General	
	a. Accessory use or building
	c. On-premise signs per Article N
(2) Residential	
	a. Single-family dwelling
	b(1). Master Plan Community per Article J
	f. Residential cluster development per Article M
	k. Family care homes (see also 9-4-103)
	q. Room renting
(3) Home Occupations - None	
(4) Governmental	
	b. City of Greenville municipal government building or use (see also section 9-4-103)
(5) Agricultural/Mining	
	a. Farming; agricultural, horticulture, forestry (see also section 9-4-103)
	c. Wayside market for farm products produced on-site
	e. Kennel (see also section 9-4-103)
	f. Stable; horse only (see also section 9-4-103)
	g. Stable; per definition (see also section 9-4-103)
	h. Animal boarding not otherwise listed; outside facility, as an accessory or principal use
	l. Beekeeping; minor use (see also section 9-4-103)
(6) Recreational/Entertainment	
	f. Public park or recreational facility
	g. Private noncommercial park or recreational facility
(7) Office/Financial/Medical - None	
(8) Services	
	o. Church or place of worship (see also section 9-4-103)
(9) Repair - None	
(10) Retail Trade - None	
(11) Wholesale/Rental/Vehicle-Mobile Home Trade - None	
(12) Construction	
	c. Construction office; temporary, including modular office (see also section 9-4-103)
(13) Transportation - None	
(14) Manufacturing/Warehousing - None	
(15) Other Activities (not otherwise listed - all categories) - None	
RA20 (RESIDENTIAL-AGRICULTURAL) - SPECIAL USES	
(1) General - None	
(2) Residential	
	b. Two-family attached dwelling (duplex)
	g. Mobile home (see also section 9-4-103)
	n. Retirement center or home
	o. Nursing, convalescent or maternity home; major care facility
	o(1). Nursing, convalescent or maternity home; minor care facility
(3) Home Occupations	

	a.	Home occupation; not otherwise listed
	b.	Home occupation; barber and beauty shop
	c.	Home occupation; manicure, pedicure or facial salon
(4) Governmental		
	a.	Public utility building or use
(5) Agricultural/Mining		
	b.	Greenhouse or plant nursery; including accessory sales
	m.	Beekeeping; major use
	n.	Solar energy facility
(6) Recreational/Entertainment		
	a.	Golf course; 18-hole regulation length (see also section 9-4-103)
	a(1).	Golf course; 9-hole regulation length (see also section 9-4-103)
	c(1).	Tennis club; indoor and outdoor facilities
(7) Office/Financial/Medical - None		
(8) Services		
	a.	Child day care facilities
	b.	Adult day care facilities
	d.	Cemetery
	g.	School; junior and senior high (see also section 9-4-103)
	h.	School; elementary (see also section 9-4-103)
	i.	School; nursery and kindergarten (see also section 9-4-103)
(9) Repair - None		
(10) Retail Trade - None		
(11) Wholesale/Rental/Vehicle-Mobile Home Trade - None		
(12) Construction - None		
(13) Transportation - None		
(14) Manufacturing/Warehousing - None		
(15) Other Activities (not otherwise listed - all categories) - None		
PROPOSED ZONING		
R6A (RESIDENTIAL) - PERMITTED USES		
(1) General		
	a.	Accessory use or building
	c.	On-premise signs per Article N
(2) Residential		
	a.	Single-family dwelling
	b.	Two-family attached dwelling (duplex)
	b(1).	Master Plan Community per Article J
	c.	Multi-family development per Article I
	f.	Residential cluster development per Article M
	k.	Family care homes (see also 9-4-103)
	q.	Room renting
(3) Home Occupations - None		
(4) Governmental		
	b.	City of Greenville municipal government building or use (see also section 9-4-103)
(5) Agricultural/Mining		
	a.	Farming; agricultural, horticulture, forestry (see also section 9-4-103)

	i. Beekeeping; minor use (see also section 9-4-103)
(6) Recreational/Entertainment	
	f. Public park or recreational facility
	g. Private noncommercial park or recreational facility
(7) Office/Financial/Medical - None	
(8) Services	
	o. Church or place of worship (see also section 9-4-103)
(9) Repair - None	
(10) Retail Trade - None	
(11) Wholesale/Rental/Vehicle-Mobile Home Trade - None	
(12) Construction	
	c. Construction office; temporary, including modular office (see also section 9-4-103)
(13) Transportation - None	
(14) Manufacturing/Warehousing - None	
(15) Other Activities (not otherwise listed - all categories) - None	
R6A (RESIDENTIAL) - SPECIAL USES	
(1) General - None	
(2) Residential	
	d. Land use intensity multi-family (LUI) development rating 50 per Article K
	e. Land use intensity multi-family (LUI) development rating 67 per Article K
	l. Group care facility
	n. Retirement center or home
	o(1). Nursing, convalescent or maternity home; minor care facility
	p. Board or rooming house
	r. Fraternity or sorority house
(3) Home Occupations	
	a. Home occupation; not otherwise listed
	b. Home occupation; barber and beauty shop
	c. Home occupation; manicure, pedicure or facial salon
(4) Governmental	
	a. Public utility building or use
(5) Agricultural/Mining - None	
	* None
(6) Recreational/Entertainment	
	a. Golf course; 18-hole regulation length (see also section 9-4-103)
	a(1). Golf course; 9-hole regulation length (see also section 9-4-103)
	c(1). Tennis club; indoor and outdoor facilities
(7) Office/Financial/Medical	
(8) Services	
	a. Child day care facilities
	b. Adult day care facilities
	d. Cemetery
	g. School; junior and senior high (see also section 9-4-103)
	h. School; elementary (see also section 9-4-103)

	i. School; nursery and kindergarten (see also section 9-4-103)
	m. Multi-purpose center
	t. Guest house for a college or other institution of higher learning
(9) Repair - None	
(10) Retail Trade - None	
(11) Wholesale/Rental/Vehicle-Mobile Home Trade - None	
(12) Construction - None	
(13) Transportation - None	
(14) Manufacturing/Warehousing - None	
(15) Other Activities (not otherwise listed - all categories) - None	

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 CHART

Density Level	Future Land Use and Character Type	Applicable Zoning District(s)	Units per Acre***
High	Uptown Edge (UE)	CDF and CD*	17 units per acre
	Mixed Use, High Intensity (MUHI)	OR	17 units per acre
		R6, MR	17 units per acre
	Residential, High Density (HDR)	R6, MR, OR	17 units per acre
		R6MH	17 units per acre
Medical-Transition (MT)	MR	17 units per acre	
High to Medium	Mixed Use (MU)	OR	17 units per acre
		R6, MR	17 units per acre
		R6A	9 units per acre
	Uptown Neighborhood (UN)	R6S	7 units per acre
	Traditional Neighborhood, Medium-High Density (TNMH)	R6	17 units per acre
		R6A	9 units per acre
		R6S	7 units per acre
Medium to Low	Traditional Neighborhood, Low-Medium Density (TNLM)	R9	6 units per acre
		R9S	5 units per acre
		R15S	3 units per acre
	Residential, Low-Medium Density (LMDR)	R9S	5 units per acre
		R15S	3 units per acre
		RA20	4 units per acre
		MRS	4 units per acre

* The residential density of the CD zoning district is based on the size of the mechanically conditioned floor area. See Section 9-4-153 in the City Code for development standards.

*** Maximim allowable density in the respective zoning district.



City of Greenville, North Carolina

Meeting Date: 5/14/2020
Time: 6:00 PM

Title of Item: Ordinance requested by the Planning and Development Services Department to amend the City Code by creating a new Mixed Use Institutional (MUI) zoning district

Explanation: **Abstract:** The Planning and Development Services Department seeks to amend the City Code by creating a new Mixed Use Institutional zoning district.

History: When East Carolina University (ECU) approached the City about its development plans for the Millennial Campus, it became apparent that the existing zoning ordinance would be insufficient to accommodate the type of development being proposed. Recognizing the importance of ECU as an economic engine for the region, as well as the potential benefits of redeveloping the Millennial Campus for the downtown area, staff has worked with ECU to create an ordinance which protects and promotes the interests of ECU and the City.

Proposed changes and additions:

Definition:

SEC. 9-4-222 DEFINITIONS.

Research and Development Facility. An establishment which conducts research, development, or controlled production of high-technology electronic, industrial, or scientific products or commodities for sale or laboratories conducting educational or medical research or testing. This term includes but is not limited to a biotechnology firm or a manufacturer of nontoxic computer components.

SEC. 9-4-77.3 MUI MIXED USE INSTITUTIONAL DISTRICT.

The purpose of the Mixed Use Institutional (MUI) district is to encourage an innovative mixture of uses on a site or campus that is under the control of a single entity that has a controlling governmental interest, or that is controlled by a hospital, college or university. While this district is intended to be predominantly developed as

an innovation park containing office/institutional and research activities, it may also contain a balanced mixture of supporting residential, commercial and light industrial uses.

SEC. 9-4-200.4 MUI MIXED USE INSTITUTIONAL DISTRICT STANDARDS.

(A) General District Standards

(1) Single Entity

i. Each Mixed Use Institutional (MUI) district must be under the control of a single entity and have a controlling governmental interest or be a hospital, college or university.

ii. Development of properties within the MUI district may be accomplished or carried out by either the single entity or in collaboration with a private development partner.

(2) MUI district developments may consist of one, or several, lots. They may also occur in phases.

(3) District Dimensional Standards

i. Lot area (net). All uses: None.

ii. Lot width (at the MBL). All uses: none.

iii. Public Street setback: 0 feet minimum.

iv. Side setback: 0 feet minimum.

v. Rear setback: 0 feet minimum.

vi. Height: 5 Stories or 70 feet

(4) District Density Standards

i. Residential density shall conform to the standards for the R-6A district as found in Section 9-4-143.

(5) Multiple principal uses may be allowed on a single lot within an MUI district.

(6) Residential uses may not exceed 25% of the total building square footage of an MUI district. In the event of a phased development, this ratio will be enforced for each specific phase.

(7) Commercial uses may not exceed 30% of the total non-residential building square footage in an MUI district. In the event of a phased development, this ratio will be enforced for each specific phase.

(8) The ground floor of any vertically mixed use space must be designated for use by an active use ground floor use. (i.e. no storage or residences)

(9) Initial bufferyard requirements shall be based on the most restrictive of anticipated uses and the requirement shall apply to all subsequent uses absent any change in zoning for the development.

(10) In the case of a vertically mixed use structure, in no event shall non-residential space be located above residential space.

(11) Any development phase within an MUI district shall provide 20% open space for either active or passive use. In the context of this subsection, open space shall mean all space that is not occupied by a building footprint. Uses such as outdoor amphitheater or other publicly accessible outdoor recreation shall also count towards satisfaction of this requirement.

(B) Application Requirements

- (1) Any development in an MUI district must submit a Master Plan to the City of Greenville Technical Review Committee. All submissions must adhere to the Technical Review Committee requirements.
- (2) Each application must also include the following:
 - i. The specific standards intended to be modified as part of the approval process. If a standard is not listed as being modified, then the standard is considered applicable and the plan is required to comply. However, subsequent requests for alternative compliance and variances may still be submitted.
 - ii. The proposed maximum number of dwelling units.
 - iii. The proposed maximum square footage of nonresidential floor area.
 - iv. A general description of how the MUI district conforms with the Comprehensive Plan.
 - v. In the event that a development is to occur in phases, then a phasing plan must be provided. Said phasing plan will also include an improvement schedule that can defer phase specific improvements by no more than one phase from when the associated phase is completed. I.e. if a multi-use path or outdoor amphitheater is approved in phase 1, it shall be completely installed prior to the completion of phase 2. All improvements shown for the final phase of a development must either be completed prior to the issuance of a Certificate of Occupancy for any structure in the final phase.
 - vi. An illustrative 3-dimensional model or digital rendering that shows building elevations, location of streets and prominent site features. The 3-dimensional model must illustrate the potential massing and scale of the proposed development, but will not be regulatory.

(C) Master Plan Required

In an MUI district, standards may be modified through approval by the Director of Planning and Development Services or their designee of an MUI Master Plan. This approval will be granted as part of the Technical Review Committee process. An MUI Master Plan allows modifications to the General District Standards or other provisions of Title 9 Chapter 4 in the following ways:

- (1) *Article O. Parking. 9-4-250(D)(1)*: The MUI district may utilize remote parking that is a distance in excess of 400 feet from the associated principal use site. Said remote parking must be on land that is also owned by the single entity controlling the principal use site. All other provisions of the subsection and article shall apply. This provision shall not account for more than 70% of the total required parking for the site or any one specific phase.
- (2) *Article G. Bufferyard Setbacks*: Bufferyard setbacks may be waived in exchange for more robust internal pedestrian circulation standards. Primary pedestrian accommodations must provide internal circulation along a minimum 14' wide multi-use path. Said path must provide through and cross access to adjacent parcels and rights-of-way. This area must be shown on the site plan that is provided to the Technical Review Committee.
- (3) *General District Standards(2)*: Building height may exceed 5 stories or 70 feet when either the entire building, or the portion of such building as may be in excess of 70 feet, is stepped back one foot for every foot in excess of the 70 foot height allowance from the property line.
- (4) *General District Standards(10)*: The overall open space requirement may be reduced to 15% in exchange for public access to outdoor amenities.

(D) Master Plan Amendments

(1) The Director of Planning and Development Services or his/her designee may administratively approve amendments to a submitted MUI Master Plan without resubmission to the TRC.

(2) Allowable Amendments

i. An increase or decrease to the approved nonresidential square footage, not to exceed 10% of the original approval or the 25% development maximum.

ii. A Transfer of nonresidential floor area or residential dwelling units, from one area to another, not to exceed a 20% maximum for each standard.

iii. Minor adjustments in location of building, parking, recreation or sporting facilities and open space areas. A minor adjustment shall be a modification in orientation or distance to a property line; however, the adjustment shall not exceed 100 feet in distance from the approved location, and shall not be located any closer than 50 feet to the boundary of the MUI district. However, where a building or parking area is shown on the approved Master Plan within 50 feet of a property line, the building or parking area adjustment may not be located any closer to the property line than as shown on the approved Master Plan. An adjustment to the location of transit facilities is permitted, provided the adjustment occurs prior to the recordation of the transit easement.

iv. An exchange of open space area, provided the exchanged areas are of like acreage, value and utility.

v. A relocation of access points, driveways or sidewalks either within or outside of the public right-of-way with the concurrence of the Engineering Department (and where applicable the NCDOT).

vi. A relocation of a fence, wall, sign or utility. Fences or walls required for bufferyards may not be removed or relocated to an area that conflicts with the buffering requirement.

vii. Any requirement associated with an allowable amendment must be shown on the Master Plan.

Additional staff comments:

The proposed changes will allow greater flexibility in development standards for innovative developments under the control of a public institution.

Comprehensive Plan

In staff's opinion, the proposed Zoning Ordinance Text Amendment is in compliance with the following adopted policy in Horizons 2026: Greenville's Community Plan.

Chapter 1 Building Great Places, Goal 1.1. Focused Approach to Growth and Reinvestment

Policy 1.1.5. Transform Key Nodes and Districts

Promote compact and walkable mixed use development within key nodes throughout the city as identified by the Future Land Use and Character Map and the Future Growth Framework Map in this chapter.

Chapter 1 Building Great Places, Goal 1.3. High Quality Infill and Redevelopment

Policy 1.3.1. Support Infill and Redevelopment

Promote development and redevelopment throughout the city with a concentration of these projects in the Uptown Core and Future Land Use and Character map and the Primary Service Area of the Tiered Growth Map in order to balance the city's tax base, reduce service and maintenance expenditures, and make smart long-term investments that use taxpayer dollars wisely. This is generally preferred over new peripheral development.

Chapter 1 Building Great Places, Goal 1.4. A Vibrant Uptown

Policy 1.4.9. Work with ECU on Millennial Campus in Uptown

Work with ECU on the development of the Millennial Campus in Uptown. There should be harmony between the needs of the university and the plans of the city. Campus buildings can contribute to quality design in uptown.

Chapter 1 Building Great Places, Action 1.1. Adopt Mixed Use Zoning Districts

Action 1.1

The city should move quickly to adopt a minimum of two new mixed use zoning districts that are consistent with the descriptions, intents and building blocks of the Mixed Use, High Intensity (MUHI) and Mixed Use (MU) character districts outlined in this chapter. Additionally, a strategy should be developed for implementing the Uptown Core (UC) and Uptown Edge (UE) districts that may be enacted through new zoning districts or overlay districts. The city may consider implementing a form-based code district in certain areas. To ensure the application of the zoning district, incentives could be provided for new development within these areas.

Fiscal Note: No cost to the City.

Recommendation: In staff's opinion, the request is in compliance with Horizons 2026: Greenville's Community Plan, Chapter 1, Great Places, Goal 1.4 A Vibrant Uptown. *Policy 1.4.9 Work with ECU on the development of the Millennial Campus in Uptown. There should be harmony between the needs of the university and the plans of the city. Campus buildings can contribute to quality design in uptown.*

Therefore, staff recommends approval.

The Planning and Zoning Commission voted unanimously to approve the request at its April 21, 2020 meeting.

If City Council determines to approve the request, a motion to adopt the attached ordinance will accomplish this. The ordinance includes the statutorily required statement describing whether the action taken is consistent with the comprehensive

plan and explaining why Council considers the action taken to be reasonable and in the public interest.

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

"Motion to deny the requested text amendment, to make a finding and determination that the required text amendment is inconsistent with the comprehensive plan or other applicable plans, including but not limited to Horizons 2026: Greenville's Community Plan, Horizons 2026: Greenville's Community Plan, Chapter 1, Great Places, Goal 1.4 A Vibrant Uptown. *Policy 1.4.9 Work with ECU on the development of the Millennial Campus in Uptown. There should be harmony between the needs of the university and the plans of the city. Campus buildings can contribute to quality design in uptown.*

ATTACHMENTS:

- ❑ **Mixed_Use_Institutional_District_Ordinance_1125432**
- ❑ **Minutes-__Text_Amend_MUI_-_2_21_2020_1128256**
- ❑ **Letter of Support**

ORDINANCE NO. 20-
AN ORDINANCE AMENDING THE CITY CODE
OF THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 19, Chapter 160A, of the General Statutes of North Carolina, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on the 14th day of May, 2020, at 6:00 p.m., conduct an electronic meeting and conduct a public hearing on the adoption of an ordinance amending the City Code;

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

WHEREAS, as a further description as to why the action taken is consistent with the comprehensive plan and other officially adopted plans that are applicable in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance is consistent with provisions of the comprehensive plan including, but not limited to, Horizons 2026: Greenville's Community Plan, Chapter 1, Great Places, Goal 1.4 A Vibrant Uptown. *Policy 1.4.9 Work with ECU on the development of the Millennial Campus in Uptown. There should be harmony between the needs of the university and the plans of the city. Campus buildings can contribute to quality design in uptown.*

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

Section 1: That Title 9, Chapter 4, Article B, Definitions, Section 22 of the City Code is hereby amended by adding the following in alphabetical order:

“Research and Development Facility. An establishment which conducts research, development, or controlled production of high-technology electronic, industrial, or scientific products or commodities for sale or laboratories conducting educational or medical research or testing. This term includes but is not limited to a biotechnology firm or a manufacturer of nontoxic computer components.”

Section 2: That Title 9, Chapter 4, Article D of the City Code is hereby amended by the addition the following as Section 77.3:

“SEC. 9-4-77.3 MUI MIXED USE INSTITUTIONAL.

The purpose of the Mixed Use Institutional (MUI) district is to encourage an innovative mixture of uses on a site or campus that is under the control of a single entity that has a controlling governmental interest, or that is controlled by a hospital, college or university. While this district is intended to be predominantly developed as an innovation park containing office/institutional and research activities, it may also contain a balanced mixture of supporting residential, commercial and light industrial uses.”

Section 3: That Title 9, Chapter 4, Article L, of the City Code is hereby amended by the addition of the following as Section 200.4:

“SEC. 9-4-200.4 MUI MIXED USE INSTITUTIONAL DISTRICT STANDARDS.

(A) General District Standards

(1) Single Entity

- i. Each Mixed Use Institutional (MUI) district must be under the control of a single entity and have a controlling governmental interest or be a hospital, college or university.
- ii. Development of properties within the MUI may be accomplished or carried out by either the single entity or in collaboration with a private development partner.

(2) MUI developments may consist of one, or several, lots. They may also occur in phases.

(3) District Dimensional Standards

- i. Lot area (net). All uses: None.
- ii. Lot width (at the MBL). All uses: none.
- iii. Public Street setback: 0 feet minimum.
- iv. Side setback: 0 feet minimum.
- v. Rear setback: 0 feet minimum.
- vi. Height: 5 Stories or 70 feet

(4) District Density Standards

- i. Residential density shall conform to the standards for the R-6A district as found in Section 9-4-143.

(5) Multiple principal uses may be allowed on a single lot within an MUI.

(6) Residential uses may not exceed 25% of the total building square footage of an MUI. In the event of a phased development, this ratio will be enforced for each specific phase.

(7) Commercial uses may not exceed 30% of the total non-residential building square footage in an MUI district. In the event of a phased development, this ratio will be enforced for each specific phase.

(8) The ground floor of any vertically mixed use space must be designated for use by an active use ground floor use (i.e. no storage or residences).

- (9) Initial bufferyard requirements shall be based on the most restrictive of anticipated uses and the requirement shall apply to all subsequent uses absent any change in zoning for the development.
- (10) In the case of a vertically mixed use structure, in no event shall non-residential space be located above residential space.
- (11) Any development phase within an MUI district shall provide 20% open space for either active or passive use. In the context of this subsection, open space shall mean all space that is not occupied by a building footprint. Uses such as outdoor amphitheater or other publically accessible outdoor recreation shall also count towards satisfaction of this requirement.

(B) Application Requirements

- (1) Any development in an MUI district must submit a Master Plan to the City of Greenville Technical Review Committee. All submissions must adhere to the Technical Review Committee requirements.
- (2) Each application must also include the following.
 - i. The specific standards intended to be modified as part of the approval process. If a standard is not listed as being modified, then the standard is considered applicable and the plan is required to comply. However, subsequent requests for alternative compliance and variances may still be submitted.
 - ii. The proposed maximum number of dwelling units.
 - iii. The proposed maximum square footage of nonresidential floor area.
 - iv. A general description of how the MUI district conforms with the Comprehensive Plan.
 - v. In the event that a development is to occur in phases, then a phasing plan must be provided. Said phasing plan will also include an improvement schedule that can defer phase specific improvements by no more than one phase from when the associated phase is completed. I.e., if a multi-use path or outdoor amphitheater is approved in phase 1, it shall be completely installed prior to the completion of phase 2. All improvements shown for the final phase of a development must be completed prior to the issuance of a Certificate of Occupancy for any structure in the final phase.
 - vi. An illustrative 3-dimensional model or digital rendering that shows building elevations, location of streets and prominent site features. The 3-dimensional model must illustrate the potential massing and scale of the proposed development, but will not be regulatory.

(C) Master Plan Required

In an MUI district, standards of an MUI Master Plan may be modified through approval by the Director of Planning and Development Services or his/her designee. This approval will be granted as part of the Technical Review Committee process. An MUI Master Plan allows modifications to the General District Standards or other provisions of Title 9 Chapter 4 in the following ways:

- (1) *Article O. Parking. 9-4-250(D)(1)*: The MUI may utilize remote parking that is a distance in excess of 400 feet from the associated principal use site. Said remote parking must be on land that is also owned by the single entity controlling the principal use site. All other provisions of the subsection and article shall apply. This provision shall not account for more than 70% of the total required parking for the site or any one specific phase.
- (2) *Article G. Bufferyard Setbacks*: Bufferyard setbacks may be waived in exchange for more robust internal pedestrian circulation standards. Primary pedestrian accommodations must provide internal circulation along a minimum 14' wide multi-use path. Said path must provide through and cross access to adjacent parcels and rights-of-way. This area must be shown on the site plan that is provided to the Technical Review Committee.
- (3) *General District Standards(2)*: Building height may exceed 5 stories or 70 feet when either the entire building, or the portion of such building as may be in excess of 70 feet, is stepped back one foot for every foot in excess of the 70 foot height allowance from the property line.
- (4) *General District Standards (10)*: The overall open space requirement may be reduced to 15% in exchange for public access to outdoor amenities.

(D) Master Plan Amendments

- (1) The Director of Planning and Development Services or his/her designee may administratively approve amendments to a submitted MUI Master Plan without resubmission to the Technical Review Committee.
- (2) Allowable Amendments
 - i. An increase or decrease to the approved nonresidential square footage, not to exceed 10% of the original approval or the 25% development maximum.
 - ii. A Transfer of nonresidential floor area or residential dwelling units, from one area to another, not to exceed a 20% maximum for each standard.
 - iii. Minor adjustments in location of building, parking, recreation or sporting facilities and open space areas. A minor adjustment shall be a modification in orientation or distance to a property line; however, the adjustment shall not exceed 100 feet in distance from the approved location, and shall not be located any closer than 50 feet to the boundary of the MUI district. However, where a building or parking area is shown on the approved Master Plan within 50 feet of a property line, the building or parking area adjustment may not be located any closer to the property line than as shown on the approved Master Plan. An adjustment to the location of transit facilities is permitted, provided the adjustment occurs prior to the recordation of the transit easement.
 - iv. An exchange of open space area, provided the exchanged areas are of like acreage, value and utility.
 - v. A relocation of access points, driveways or sidewalks either within or outside of the public right-of-way with the concurrence of the Engineering Department (and where applicable the NCDOT).

- vi. A relocation of a fence, wall, sign or utility. Fences or walls required for bufferyards may not be removed or relocated to an area that conflicts with the buffering requirement.
- vii. Any requirement associated with an allowable amendment must be shown on the Master Plan.”

Section 4: That Title 9, Chapter 4, Article U, Appendix A Table of Uses of the City Code is hereby amended by adding the “Research and Development Facility” as use code (7)(h).

Section 5: That Title 9, Chapter 4, Article U, Appendix A Table of Uses, of the City Code is hereby amended by adding “MUI” (Mixed Use Institutional) as a zoning district and adding the following uses as permitted and special uses as specified:

Permitted Uses:

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

- (2) Residential:
 - c. Multi-family development per Article I
 - i. Residential quarters for resident manager, supervisor or caretaker; excluding mobile homes.
 - q. Room renting

- (4) Governmental:
 - a. Public utility building or use
 - b. City of Greenville municipal government building or use
 - c. County or state government building or use not otherwise listed; excluding outside storage and major or minor repair
 - d. Federal government building or use
 - e. County Government building or use

- (5) Agricultural/mining:
 - b. Greenhouse or plant nursery; including accessory sales
 - d. Farmers Market
 - k. Beekeeping; major use
 - l. Beekeeping; minor use

- (6) Recreational:
 - c(1). Tennis club; indoor and outdoor facilities
 - f. Public park or recreational facility
 - g. Private noncommercial park or recreational facility
 - i. Commercial recreation; indoor and outdoor, not otherwise listed.
 - j. Bowling alleys
 - l. Billiard parlor or pool hall
 - m(1). Dining and entertainment establishment

- n. Theater; movie or drama; indoor only
- t. Athletic club; indoor and outdoor facilities

(7) Office/financial/med

- a. Office; professional and business, not otherwise listed
- b. Operation/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
- f. Veterinary clinic or animal hospital
- g. Catalogue processing center
- h. Research and Development Facility

(8) Services

- a. Child day care facilities
- e. Barber or beauty shop
- f. Manicure, pedicure or facial salon
- j. College and other institutions of higher learning
- k. Business or trade schools
- l. Convention center; private
- m. Multi-purpose center
- n. Auditorium
- o. Church or place of worship
- p. Library
- q. Museum
- r. Art Gallery
- s. Hotel, motel, bed and breakfast inn; limited stay lodging
- u. Art Studio including art and supply sales
- v. Photography studio including photo and supply sales
- w. Digital Broadcast Studio
- x. Dance studio
- y(4). Distributed Antenna System
- z. Printing or publishing service including graphic art, maps, newspapers, magazines and books.
- aa. Catering service including food preparation
- bb. Civic organizations
- cc. Trade or business organizations
- ee. Hospital
- ff. Mental health, emotional or physical rehabilitation day program facility
- ff(1). Mental health, emotional, or physical rehabilitation center
- gg. Vocational rehabilitation center
- hh. Exercise and weight loss studios; indoor only
- ii. Wellness center, indoor and outdoor facilities
- jj. Health services not otherwise listed
- kk. Launderette; household users
- ll(1). Dry cleaners; household users; drop-off/pick-up station only

- oo. Clothes alteration or shoe repair shop
- (10) Retail trade
 - a. Miscellaneous retail sales; nondurable goods, not otherwise listed
 - c. Wine and craft beer shop
 - d. Pharmacy
 - e. Convenience store
 - h. Restaurant; conventional
 - j. Restaurant and/or dining and entertainment establishment; regulated outdoor activities
 - l. Electronic; stereo, radio, computer, television and the like, sales and accessory repair
 - s. Book or card store, news stand
 - w. Florist
 - ii. Microbrewery
 - kk. Live performance theater
- (12) Construction
 - c. Construction office; temporary, including modular office
- (13) Transportation
 - b. Bus station; passenger and related freight
 - e. Parcel delivery service
 - h. Parking lot or structure; principal use
- (14) Manufacturing
 - h. Engraving; metal, glass or wood
 - m. Warehouse; accessory to approved commercial or industrial services within the district; excluding outside storage
 - s. Manufacture of nonhazardous products; general, including nonhazardous and nontoxic chemicals and/or materials not otherwise listed
 - t. Manufacture of nonhazardous medical supplies or medical products, including distribution.
 - cc. Manufacture of pharmaceutical, biological, botanical, medicinal, and cosmetic productions, and related materials

Special Uses

(15) Other activities (not otherwise listed)

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

Section 6: That all ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 7: 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 8: That this ordinance shall become effective upon its adoption.

ADOPTED this 14th day of May, 2020.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

1125432

Excerpt from the draft Planning & Zoning Commission Minutes (04/21/2020)

ORDINANCE REQUESTED BY THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT TO AMEND THE CITY CODE BY CREATING A NEW MIXED USE INSTITUTIONAL ZONING DISTRICT - APPROVED

Mr. Brad Sceviour presented the staff report. The purpose of the Mixed Use Institutional (MUI) district is to encourage an innovative mixture of uses on a site or campus that is under the control of a single entity that has a controlling governmental interest, or that is controlled by a hospital, college or university. While this district is intended to be predominantly developed as an innovation park containing office/institutional and research activities, it may also contain a balanced mixture of residential, commercial and light industrial uses. There will be special standards such as reduced setbacks and other requirements and a focus on research and office/institutional uses with limited commercial and residential opportunities. This new use also allows for limited manufacturing in a controlled environment. This text amendment is supported by Horizons 2026: Greenville's Community Plan, Horizons 2026: Greenville's Community Plan, Chapter 1, Great Places, Goal 1.4 A Vibrant Uptown. *Policy 1.4.9 Work with ECU on the development of the Millennial Campus in Uptown. There should be harmony between the needs of the university and the plans of the city. Campus buildings can contribute to quality design in uptown.* Staff recommends approval.

Mr. Faison asked if this text amendment was approved would ECU and other entities have to appear before P&Z to request a rezoning.

Mr. Sceviour stated that this text amendment would require the property to be rezoned and when the property is developed a plan has to be approved the Technical Review Committee.

Mr. Robinson opened the public hearing.

Mr. Merrill Flood, representative of ECU, spoke in favor of the amendment. Mr. Flood explained that the Horace Williams Act authorizes any campus within the UNC system to be developed as the Millennial Campus. The act allows the university to partner with private entities to create and develop the campus. Any revenues generated by the Millennial Campus are to remain with and be reinvested in the campus. This concept is not new, and is in practice both state- and nationwide. The current focus is on the properties along 10th Street. This amendment will help the university preserve the warehouse district buildings in this corridor thereby protecting the heritage of Greenville. It also allows flexibility to preserve the current built environment. He appreciated the work of staff and that the university would continue to work with staff on this project.

No one spoke in opposition.

Motion made by Mr. Collins, seconded by Ms. Darden, to recommend approval for the proposed text amendment to advise that it is consistent with the Comprehensive Plan and to adopt the staff report which addresses plan consistency and other matters. Motion passed unanimously.



March 16, 2020

Ms. Chantae Gooby
Chief Planner, City of Greenville
P.O. Box 7207
Greenville, NC 27835-7207

Subject: March 17, 2020 Planning and Zoning Commission Agenda Item #6; Proposed Ordinance Creating the Mixed-Use Institutional Zoning District

Dear Ms. Gooby;

I am writing in support of the proposed ordinance to create the Mixed-Use Institutional Zoning District and related standards. However, due to recent concerns over the Covid-19 Virus (Coronavirus), we are adhering to published guidance regarding personal safety practices. We have worked closely with you, Bradleigh Sceiviour, and the Planning Division staff in the drafting of this ordinance and believe the current version provides both the foundation and opportunity to develop the East Carolina University Research and Innovation Campus also known as the Millennial Campus.

East Carolina University properties with the Millennial Campus designation consist of just over 500 acres. This ordinance is needed to facilitate the preservation of existing buildings and development of vacant properties with the Millennial Campus Designation. The amendment will specifically allow for the immediate development plans of the Millennial Campus area along the south side of West 10th Street, adjacent to the Dr. Andrew Best Bridge at the 10th Street Connector. Without this amendment, the public-private partnership will not be possible, thus leaving these valued assets of Greenville's history in jeopardy of being lost. The proposed East Carolina Research and Innovation Campus will be a major step towards building a stronger, more sustainable, and more inclusive economy for eastern North Carolina.

I regret that I cannot be in attendance in person to support the request due to the current concerns with Covid-19. We support the proposed zoning ordinance amendment that creates the Mixed-Use Institutional Zoning District. I would respectfully request that this letter be provided to the Planning and Zoning Commission. Thank you to you and all of the staff in the preparation of the proposed amendment.

If there are additional questions, I can be contacted at (252) 737-2256.

Sincerely

Merrill P. Flood
Director of Local Community Affairs, Millennial Campus Planning
Planner in Residence, Department of Geography, Planning and Environment
Willis Building
(252) 737-2256
Floodm18@ecu.edu





City of Greenville, North Carolina

Meeting Date: 5/14/2020
Time: 6:00 PM

Title of Item:

Ordinance requested by Three Twenty Enterprises, LLC to amend the Future Land Use and Character Map for 8.3 acres from Commercial on the Town of Simpson's Future Land Use Map to Tract 1 - Commercial (3 acres) and Tract 2 - High Density Residential (5.3 acres) on the City of Greenville's Future Land Use and Character Map for the property located at the southeastern corner of the intersection of East 10th Street and L. T. Hardee Road

Explanation:

Abstract: The City received a request from Three Twenty Enterprises, LLC to amend the Future Land Use and Character Map for 8.3 acres from Commercial on the Town of Simpson's Future Land Use Map to Tract 1 - Commercial (3 acres) and Tract 2 - High Density Residential (5.3 acres) on the City of Greenville's Future Land Use and Character Map for the property located at the southeastern corner of the intersection of East 10th Street and L. T. Hardee Road.

Comprehensive Plan:

Currently, the property is located in the Town of Simpson's extra-territorial jurisdiction (ETJ). The property owner intends to submit a voluntary annexation petition and rezoning application to the City of Greenville in order to get sanitary sewer service. When property is rezoned, staff relies on the Future Land Use and Character Map as a basis for staff's opinion. Therefore, this is a request to amend the City's Future Land Use and Character Map to designate a future land use for the subject property.

Current Land Use Character: Commercial

The Simpson Land Use Plan describes the Commercial land use category as containing the following uses: commercial, office and public/institutional, and light industrial.

Proposed Land Use Character: Commercial and High Density Residential

Commercial

Primarily community- and regional-scale commercial development situated near and along major roadway corridors. Existing development is characterized by buildings set back from streets behind surface parking. That existing pattern should evolve to become more walkable with shorter blocks, buildings near streets, shared parking, and connections to surrounding development.

Intent:

- Provide connectivity to nearby uses (paths, streets)
- Locate new buildings near street on at least one side and accommodate parking to the side or rear of buildings
- Improve/provide public realm features such as signs, sidewalks, landscaping
- Reduce access-points into development for pedestrian and vehicular safety
- Reduce and consolidate surface parking

Primary uses:

Commercial (small and large format)
Office

Secondary uses:

Institutional/civic

Residential, High Density

Residential areas composed primarily of multi-family housing in various forms. Defined by existing development patterns where building size and style tend to be consistent within a development, with large blocks, and limited connectivity between different building types and uses. Future development should take a more traditional neighborhood pattern where different residential types are connected in a walkable pattern. High density residential is typically appropriate near activity centers and corridors.

Intent:

- Provide better vehicular and pedestrian connectivity between developments
- Improve architectural variety and site design for new developments
- Improve streetscape features such as consistent sidewalks, lighting and street trees

Primary uses:

Multi-family residential
Two-family residential
Attached residential (townhomes)

Secondary uses:

Office
Single-family residential detached (small lot)
Institutional/civic (churches and schools)

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

Based on the analysis comparing the existing land use category and requested land use category, the proposed land use category could generate 2,720 trips to and from the site on East 10th Street, which is a net increase of 342 per day.

During the review process, measures to mitigate the traffic will be determined.

Density:

Under the current category, the site could accommodate 34,848 +/- square feet of commercial space consisting of one (1) freestanding convenience store - 1,500 sq. ft. and a strip center containing: retail - 6,000 sq. ft., sit down restaurant 2,000 sq. ft., fast food [no drive-thru] - 1,500 sq. ft., office - 2,000 sq. ft., and mini-storage - 21,848 sq. ft.

Under the proposed category, Tract 1 could accommodate 26,136 +/- square feet of commercial space consisting of one (1) freestanding convenience store - 1,500 sq. ft. and a strip center containing: retail - 6,000 sq. ft., sit down restaurant 2,000 sq. ft., fast food [no drive-thru] - 1,500 sq. ft., and mini-storage – 15,136 sq. ft.

Under the proposed category, Tract 2 could accommodate 60-70 multi-family units (1, 2 and 3 bedroom units).

The anticipated build-out is within 3-5 years.

History:

On September 8, 2016, the City Council adopted Horizons 2026: Greenville's Community Plan and the Future Land Use and Character Map.

During 2015-2016, the Comprehensive Plan Committee (CPC) held nine meetings to update Horizons: Greenville's Comprehensive Plan. The CPC was comprised of representatives from eight city boards and/or commissions along with invited representation from East Carolina University, Vidant Medical Center, Uptown Greenville, the Home Builders Association, Pitt County Committee of 100, Greenville-Pitt County Chamber of Commerce, and Mayor and City Council Member appointees.

In addition to attendance by the appointed 24 CPC members, Community Partners were also invited to all Committee meetings to review drafts and provide input throughout development of the plan. The Community Partners invited to participate included representatives from various City of Greenville departments, the Town of Winterville, Pitt County Government (Planning Department), Pitt County Schools, Greenville Utilities Commission, and NCDOT. Presentations and summaries from the CPC meetings were posted online following each meeting at the project website.

In addition to these meetings, two open houses were held at the Convention Center and a 2-day workshop was held at the Willis Building.

All meetings, workshops, open houses, and public hearings were advertised in The Daily Reflector. All information related to CPC meetings was posted on the City's website.

The Horizons 2026 update was an important opportunity to study current trends and conditions, re-evaluate the community's priorities, and create a renewed vision for Greenville.

The comprehensive plan serves as a tool that expresses the values, aspirations, and vision of the community, along with goals, policies, and strategies to achieve that vision. It sets forth long-range planning in categories including transportation, housing, environment, and economic development, and weaves these elements through thematic topics.

Horizons 2009-2010 is the City's previous comprehensive plan, and prior plans were adopted in 2004, 1997, and 1992. There are several reasons the Horizons 2010 plan needed to be updated, including:

- Many of the action items have been accomplished;
- The population has grown and changed, resulting in new needs and demands;
- Local, regional, national, and global changes have resulted in a new social, economic, and environmental context; and
- New research and information have expanded the knowledge and thinking about community planning best practices.

During the November 16, 2015 and January 26, 2016 CPC meetings and the 2-day workshop, the draft Future Land Use and Character Map was specifically discussed.

At the 2-day workshop on November 4 and 5, 2015, the draft Future Land Use and Character Maps were presented to gather ideas, input, and comments from all interested parties.

At the January 25, 2016 CPC meeting, the principles discussed related to the draft Future Land Use and Character map were:

1. Infill and redevelopment are priorities
2. Quality design
3. Greater intensity of development in some locations
4. Create well-connected places
5. A vibrant Uptown
6. Create neighborhoods, maintain established ones
7. Protect natural features/amenities
8. Sustainable development practices

Similarities to the past plan:

1. Reduce "strip commercialization" emphasize nodal development

2. Incorporate mixed uses
3. Promote inter-connectivity
4. Create walkable (human-scale) developments

In conclusion, the Horizons 2026: Greenville's Community Plan and the Future Land Use and Character Map are the result of a year-long process of CPC meetings, workshops, and open houses. A public meeting was held by the Planning and Zoning Commission, and a public hearing was held by City Council.

On August 8, 2016, the Comprehensive Plan Committee voted unanimously to endorse the Horizons 2026: Greenville's Community Plan and the Future Land Use and Character Map.

On August 16, 2016 the Planning and Zoning Commission voted unanimously to recommend approval of the Horizons 2026: Greenville's Community Plan and the Future Land Use and Character Map.

On September 8, 2016, the City Council voted unanimously to approve the Horizons 2026: Greenville's Community Plan and the Future Land Use and Character Map.

Fiscal Note:

No cost to the City.

Recommendation:

In staff's opinion, the proposed Future Land Use and Character Map amendment fulfills the principles that guided the Comprehensive Plan Committee.

Horizons 2026: Greenville's Community Plan and the Future Land Use and Character Map are the results of multiple opportunities of public-engagement and input from all interested parties.

Staff recommends approval of the request.

The Planning and Zoning Commission voted unanimously to approve the request at its April 21, 2020 meeting.

ATTACHMENTS:

- ❑ **Ordinance_-FLUP_Three_Twenty_1128392**
- ❑ **Minutes_-Land_Use_Plan_Amend_Three_Twenty__4_21_2020_1128269**
- ❑ **Attachments**

ORDINANCE NO. 20-
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE
AMENDING HORIZONS 2026: 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 the 14th day of May, 2020, at 6:00 p.m., conduct an electronic meeting and conduct a public hearing on the adoption of an ordinance amending the Future Land Use and Character Map for the following described territory;

WHEREAS, the Horizons 2026: Greenville's Community Plan was adopted on September 8, 2016, by the City Council by the adoption of Ordinance No. 16-055 and includes text and a Future Land Use and Character Map;

WHEREAS, the Horizons 2026: Greenville's Community Plan serves as the City of Greenville's comprehensive plan for zoning purposes and will from time to time be amended by the City Council; and

WHEREAS, the Planning and Zoning Commission and the City Council of the City of Greenville have reviewed the proposed amendment to the Future Land Use and Character Map and a public hearing has been held to solicit public comment.

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

Section 1. The Future Land Use and Character Map is hereby amended by designating Tract 1 to the "Commercial" category for the area located on the southeastern corner of the intersection of East 10th Street (Highway 33 East) and L. T. Hardee Road.

Beginning at a known point, said point being the intersection of the southern right-of-way of East 10th Street (Highway 33 East) and L. T. Hardee Road, from said point running in a easterly direction for 470 +/- feet; thence cornering and running in a southerly direction for 280 +/- feet along the eastern property line of the property described in Deed Book 3825, Page 811 of the Pitt County Register of Deeds, thence cornering and running in a westerly direction for 520 +/- feet bisecting the property described in Deed Book 3825, Page 811 of the Pitt County Register of Deeds; thence cornering and running in a northerly direction for 250 +/- feet along the eastern right-of-way of L. T. Hardee Road returning to the point of beginning and containing 3.0 acres.

Section 2. The Future Land Use and Character Map is hereby amended by designating Tract 2 to the "Residential, High Density" category for the area located on the northwestern corner of the intersection of L. T. Hardee Road and the Norfolk Southern Railroad.

Beginning at a known point, said point being the intersection of L. T. Hardee Road and the Norfolk Southern Railroad, from said point running in an easterly direction for 550 +/- feet along the northern right-of-way of the Norfolk Southern Railroad; thence cornering and running in a northerly direction for 450 +/- feet along the eastern property line of the property described in Deed Book 3825, Page 811 of the Pitt County Register of Deeds; thence cornering and running in a westerly direction for 520 +/- feet bisecting the property described in Deed Book 3825, Page 811 of the Pitt County Register of Deeds; thence cornering and running in a southerly direction for 370 +/- feet along the eastern right-of-way of L. T. Hardee Road returning to the point of beginning and containing 5.3 acres.

Section 3. That the Director of Planning and Development Services is directed to amend the Future Land Use and Character Map of the City of Greenville in accordance with this ordinance.

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

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

ADOPTED this 14th day of May, 2020.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

Doc. # 1128392

Excerpt from the draft Planning & Zoning Commission Minutes (04/21/2020)

ORDINANCE REQUESTED BY THREE TWENTY ENTERPRISES, LLC TO AMEND THE FUTURE LAND USE AND CHARACTER MAP FOR 8.3 ACRES FROM COMMERCIAL ON THE TOWN OF SIMPSON'S FUTURE LAND USE MAP TO TRACT 1 - COMMERCIAL (3 ACRES) AND TRACT 2 - HIGH DENSITY RESIDENTIAL (5.3 ACRES) ON THE CITY OF GREENVILLE'S FUTURE LAND USE AND CHARACTER MAP FOR THE PROPERTY LOCATED AT THE SOUTHEASTERN CORNER OF THE INTERSECTION OF EAST 10TH STREET (HIGHWAY 33 EAST) AND L. T. HARDEE ROAD – APPROVED

Mrs. Chantae Gooby delineated the property. The property is currently in the Simpson's Extra-territorial Jurisdiction (ETJ) and zoned commercial. The property owners have requested this change in anticipation of annexing into the city's jurisdiction to tap onto to sanitary sewer. Currently, Simpson does not have sewer in the area, but GUC has sewer near Wal-Mart on 10th Street. The request for Tract 1(3 acres) is for commercial and Tract 2 (5.3 acres) is for high density residential. The property abuts Greenville's ETJ. Along with the annexation request, the owner will need to request city zoning. This request follows the characteristics and principles of the City's Future Land Use and Character Plan. Staff recommends approval.

Mr. Robinson opened the public hearing.

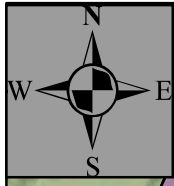
Mr. Jon Day, representing the property owner, spoke in favor. He has worked with the Village of Simpson since November 2019 on developing the property, but unfortunately without sewer the property can not be developed as fully as with sewer. The property owners asked the Village of Simpson to relinquish the property form its jurisdiction as to allow the property to be annexed into Greenville.

Mr. George Tullos, representing MVAH Partners, spoke in favor. The company will be developing Tract 2.

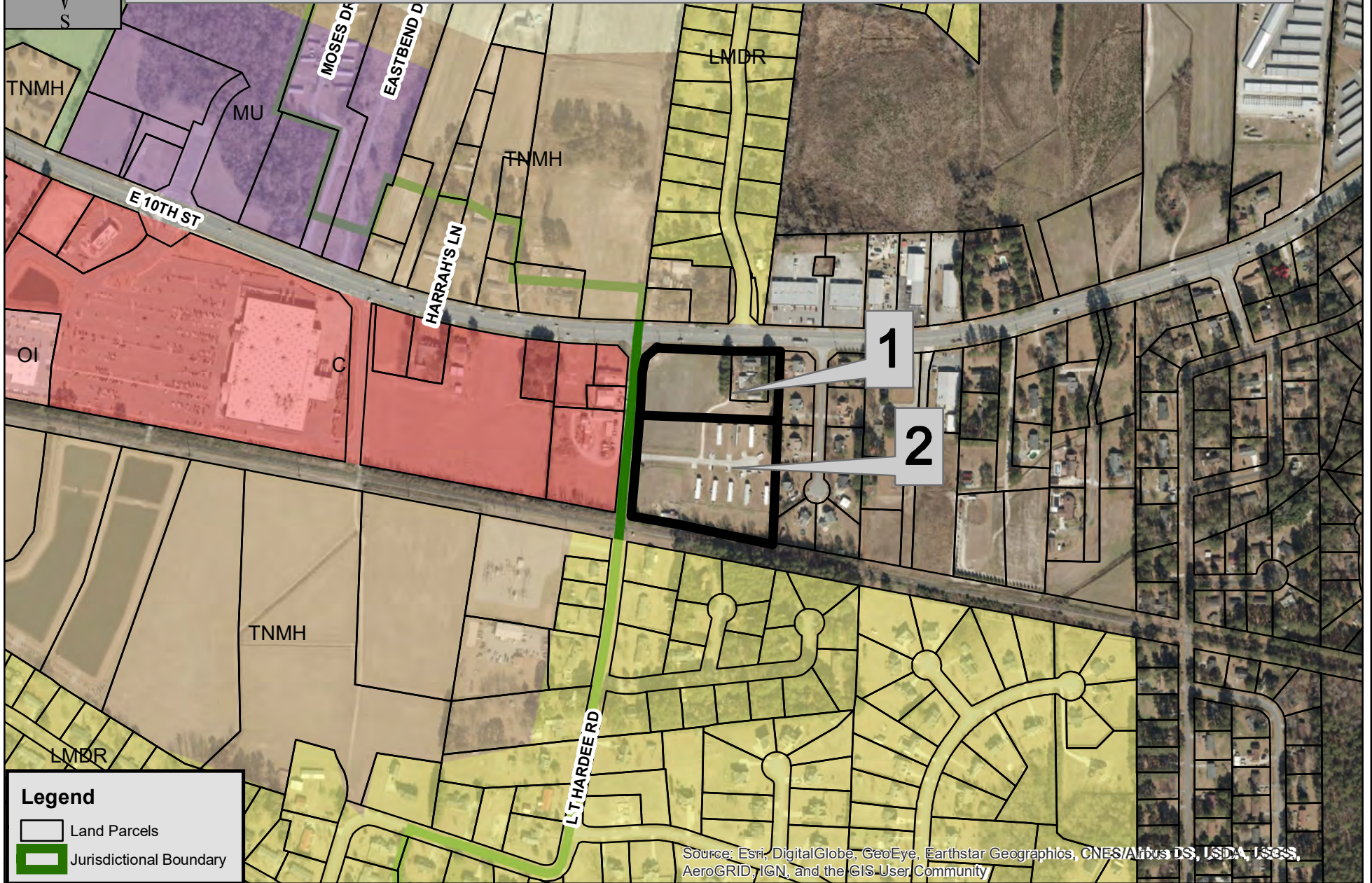
No one spoke in opposition to the amendment.

Mr. Robinson closed the public hearing.

Motion by Mr. West, seconded by Mr. Overton, to approve the amendment. Motion passed unanimously.



Future Land Use and Character Map Amendment













Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Map 6 Future Land Use

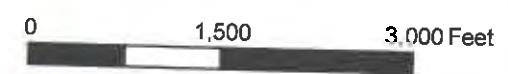
Legend

Future Land Use

-  Commercial
-  Suburban Residential
-  Rural Residential
-  Agricultural / Natural Resource

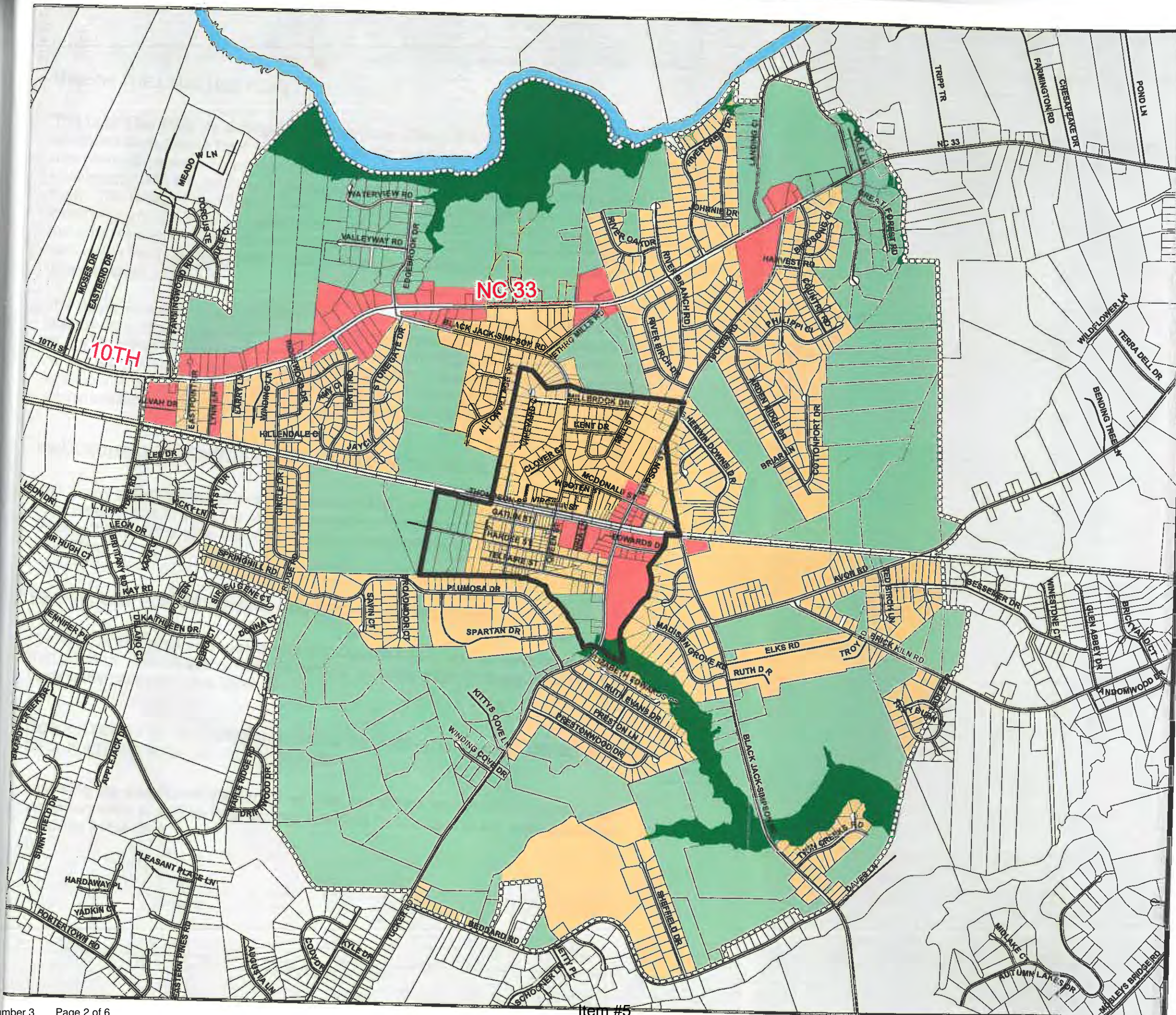
-  Town Limits
-  ETJ
-  Parcels
-  Road
-  Railroad
-  Tar River

Map Scale :
1 Inch Represents 1,500 Feet



Map Produced By:
Pitt County Planning Department

T:\GIS\Special_Projects\Simpson_LUP\SimpsonFutureLandUse11X17.mxd



FUTURE LAND USE

The purpose of the future land use map is to graphically display a general land use pattern that seeks to implement the land use plan goals and objectives. The following land use categories comprise the future land use map:

Suburban Residential (yellow)

- Residential uses that contribute to a quiet, medium density area composed primarily of single-family and two-family dwellings, limited churches and limited recreational uses. This category is intended to maintain the strictest control of land use within the corporate limits and in areas of the extraterritorial jurisdiction.

Rural Residential (light green)

- Low-density residential; agriculture; forestry; churches; very limited commercial, office, recreational or public/institutional uses.

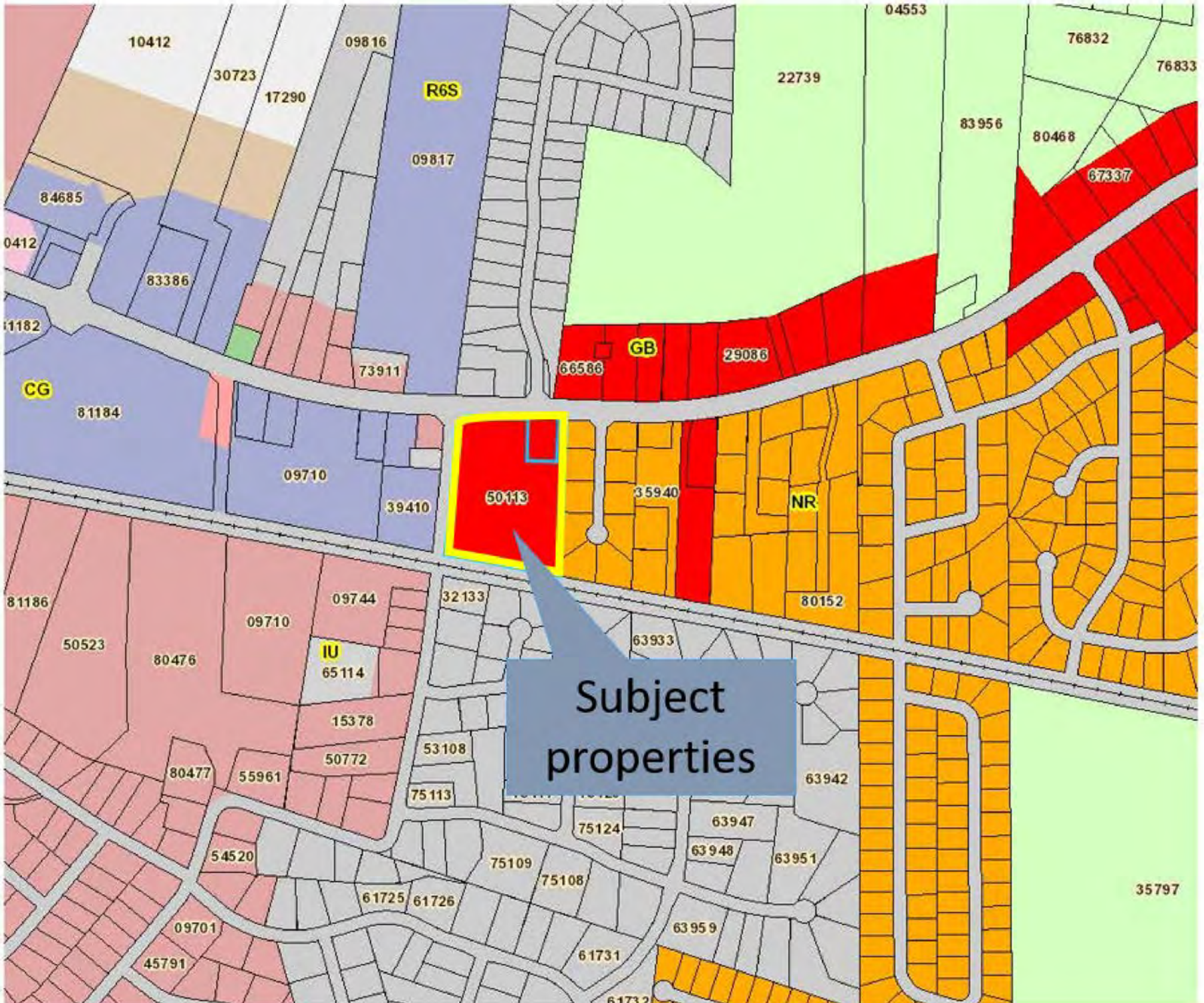
Commercial (red)

- Commercial uses, office and public/institutional uses, light industrial uses.

Agricultural/Natural Resources (dark green)

- Agriculture, forestry, open space, resource conservation or critical natural areas. Most of the land area placed within this category is classified as being within the 100-year floodplain.

Zoning Map



LAND USE AMENDMENT THOROUGHFARE/TRAFFIC VOLUME REPORT

Case No: 20-1

Applicant: Three Twenty Enterprises, LLC

Property Information

Current Land Use: Commercial (Simpson's Jurisdiction)

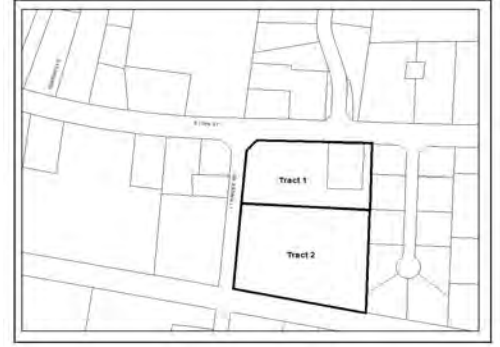
Proposed Land Use: Tract 1: Commercial
Tract 2: High Density Residential

Current Acreage: 8.3 acres

Location: E. 10th St, east of LT Hardee Rd

Points of Access: E. 10th St, LT Hardee Rd

Location Map



Transportation Background Information

1.) E. 10th St- State maintained

	<u>Existing Street Section</u>	<u>Ultimate Thoroughfare Street Section</u>
Description/cross section	5-lane with curb & gutter	no change
Right of way width (ft)	100	no change
Speed Limit (mph)	55	no change
Current ADT:	20,566 (*)	
Design ADT:	34,500 vehicles/day (**)	
Controlled Access	No	

Thoroughfare Plan Status Major Thoroughfare

Other Information: There are no sidewalks along E. 10th St that service this property.

Notes: (*) 2016 NCDOT count adjusted for a 2% annual growth rate
(**) Traffic volume based on operating Level of Service D for existing geometric conditions
ADT – Average Daily Traffic volume

Transportation Improvement Program Status:

Trips generated by proposed use/change

Current Land Use: 2,973 -vehicle trips/day (*) **Proposed Land Use:** 3,400 -vehicle trips/day (*)

Estimated Net Change: increase of 427 vehicle trips/day (assumes full-build out)

(* - These volumes are estimated and based on an average of the possible uses permitted by the current and proposed zoning.)

Impact on Existing Roads

The overall estimated trips presented above are distributed based on current traffic patterns. The estimated ADTs on E. 10th St are as follows:

1.) E. 10th St, West of Site (40%): “No build” ADT of 20,566

Estimated ADT with Proposed Land Use (full build) – 21,926

Estimated ADT with Current Land Use (full build) – 21,755

Net ADT change = 171 (<1% increase)

2.) E. 10th St , East of Site (40%): "No build" ADT of 20,566

Estimated ADT with Proposed Land Use (full build) – 21,926

Estimated ADT with Current Land Use (full build) – 21,755

Net ADT change = 171 (<1% increase)

3.) LT Hardee Rd , South of Site (20%)**Staff Findings/Recommendations**

Based on possible uses permitted by the requested land use, the proposed land use classification could generate 2720 trips to and from the site on E. 10th St, which is a net increase of 342 additional trips per day.

During the review process, measures to mitigate the traffic will be determined.



City of Greenville, North Carolina

Meeting Date: 5/14/2020
Time: 6:00 PM

Title of Item: Ordinance amending the Flood Damage Prevention Ordinance text to adopt updated Flood Insurance Rate Maps and to align with the model ordinance

Explanation: **Abstract:** This item is an ordinance amending the Flood Damage Prevention Ordinance text adopting updated Flood Insurance Rate Maps, align with NC Floodplain Mapping Program's model ordinance, and changes to maximize credit in the Community Rating System (CRS).

Explanation: The National Flood Insurance Program (NFIP) was created by Congress in 1968 to reduce the loss of life and property and the rising disaster relief costs caused by flooding. The NFIP is a voluntary program based on a mutual agreement between the federal government and the local community. The City of Greenville became a member of the NFIP on January 15, 1974. The Federal Emergency Management Agency (FEMA) published the first Flood Hazard Boundary Map for the City of Greenville on June 14, 1974, and this map was replaced on July 3, 1978, with a detailed Flood Insurance Study (FIS) and accompanying Flood Insurance Rate Maps (FIRM) when the City became a participating member.

After the devastation of Hurricane Floyd in 1999, the State of North Carolina partnered with FEMA as the first Cooperating Technical State. This partnership was established to update the FIS's for all 100 counties in North Carolina. On January 2, 2004, and July 7, 2014, the revised studies for Pitt County, which includes all of the communities within the county, was published by FEMA and adopted by the City.

On June 19, 2020, FEMA will publish an updated FIS for certain areas within the City of Greenville jurisdiction. The City of Greenville is required to adopt the revised FIS and its accompanying FIRMs to remain a member in good standing in the NFIP.

City staff, along with staff of the NC Department of Public Safety (NCDPS), reviewed the City's Flood Damage Prevention Ordinance for compliance with the state model ordinance. It was determined that the present ordinance requires some

changes for clarification and to ensure consistency with the state model ordinance and to maximize credit in the Community Rating System (CRS).

Proposed text amendments include:

- Adoption of the revised FIS and the accompanying FIRMs;
- Various changes to update and align with the state model ordinance, such as updating definitions and local floodplain administrator's duties and responsibilities, detailing floodplain development plan requirements, adding survey datum references, etc.;
- Change the substantial damage/improvements threshold from 50% to 49% of the market value of the structure before the damage/improvement to maximize credit in the Community Rating System (CRS);
- Require Non-Conversion Agreements for enclosures below the Regulatory Flood Protection Elevation greater than four feet in height to maximize credit in the Community Rating System (CRS).

The proposed text amendments were unanimously approved by the Planning and Zoning Commission on April 21, 2020.

Fiscal Note: No fiscal impact is anticipated with this action.

Recommendation: Staff recommends approval of the proposed text amendments.

ATTACHMENTS:

- ☐ **Ordinance_Amending_Title_9_Chapter_6--Flood_Damage_Prevention_1128508**
- ☐ **Text_Amendment_-_Flood_Damage_Prevention_4_21_2020_1128206**
- ☐ **2020_Flood_Ordinance_Edits_1126400**

ORDINANCE NO. 20-_____
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 May 14, 2020, at 6:00 p.m., in the City Council Chambers of City Hall, by way of electronic meeting, in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance amending the City Code; and

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

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

Section 1: That Title 9, Chapter 6, of the Code of Ordinances of the City of Greenville, is hereby amended by replacing the strikethrough text with the RED BOLD text to read as follows:

CHAPTER 6: FLOOD DAMAGE PREVENTION

SEC. 9-6-1 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.

(A) *Statutory authorization.* The legislature of the State of North Carolina has, in Part 6, Article 21 of G.S. Chapter 143; Article 7, 9, and 11 of Chapter 160D; and Article 8 of G.S. Chapter 160A, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry.

(B) *Findings of fact.*

- (1) The flood hazard areas within the jurisdiction of the City of Greenville are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood prone areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

(C) *Statement of purpose.* It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

- (1) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- (4) Control filling, grading, dredging and all other development which may increase erosion or flood damage; and
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

(D) *Objectives.* The objectives of this chapter are:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business losses and interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, cable and sewer lines, streets and bridges located in flood prone areas;
- (6) Minimize damage to private and public property due to flooding;
- (7) Make flood insurance available to the community through the National Flood Insurance Program;
- (8) Maintain the natural and beneficial functions of floodplains;
- (9) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and
- (10) To ensure that potential homebuyers are notified that property is in a special flood hazard area.

SEC. 9-6-2 DEFINITIONS.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meanings they have in common usage and to give this chapter its most reasonable application.

Accessory structure. A structure, which is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban “accessory structures.” Pole barns, hay sheds and the like qualify as “accessory structures” on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

Addition (to an existing building). An extension or increase in the floor area or height of a building or structure.

Alteration of a watercourse. A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal. A request for a review of the Local Floodplain Administrator’s interpretation of any provision of this chapter.

Area of shallow flooding. A designated AO or AH Zone on a community’s Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of special flood hazard. See definition of special flood hazard area (SFHA).

Base flood. The flood having a 1% chance of being equaled or exceeded in any given year.

Base flood elevation (BFE). A determination as published in the Flood Insurance Study of the water surface elevations of the base flood.

Basement. Any area of the building having its floor subgrade (below ground level) on all sides.

Building. See definition of structure.

Chemical storage facility. A building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

Design flood. See “Regulatory Flood Protection Elevation.”

Development. Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations or storage of equipment or materials.

Development activity. Any activity defined as Development which will necessitate a Floodplain Development Permit. This includes buildings, structures, and non-structural items, including (but not limited to) fill, bulkheads, piers, pools, docks, landings, ramps, and erosion control/stabilization measures.

Digital Flood Insurance Rate Map (DFIRM). The digital official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

Disposal. Defined as in G.S. 130A-290(a)(6).

Elevated building. A non-basement building, which has its reference level raised above the ground by means of pilings, columns (posts and piers), or shear walls parallel to the flow of water.

Encroachment. The advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Existing building and existing structure. Any building and/or structure for which the “start of construction” commenced before June 8, 1978.

Existing manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before June 8, 1978.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; and
- (2) The unusual and rapid accumulation of runoff of surface waters from any source.

Flood boundary and floodway map (FBFM). An official map of a community, issued by the Federal Emergency Management Agency, on which the Special flood hazard areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

Floodplain development permit. Any type of permit including grading, building, or any other development permit that is required in conformance with the provisions of this chapter prior to the commencement of any development activity.

Flood hazard boundary map (FHBM). An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the special flood hazard have been defined as Zone A.

Flood insurance. The insurance coverage provided under the National Flood Insurance Program.

Flood insurance rate map (FIRM). An official map of a community, issued by the Federal Emergency Management Agency on which both the special flood hazard areas and the risk premium zones applicable to the community are delineated.

Flood insurance study (FIS). An examination, evaluation, and determination of flood hazard areas, corresponding water surface elevations (if appropriate), flood insurance risk zones, and other flood data in a community issued by FEMA. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

Floodplain or flood prone area. Any land area susceptible to being inundated by water from any source.

Floodplain administrator. The individual appointed to administer and enforce the floodplain management regulations.

Floodplain management. The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations and open space plans.

Floodplain management regulations. This chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood prone areas. This term describes federal, state or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

Flood prone area. See definition of floodplain.

Floodproofing. Any combination of structural and nonstructural additions, changes or adjustments to structures, which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitation facilities, or structures with their contents.

Flood-resistant material. Any building product [material, component or system] capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbers are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, and available from the FEMA. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

Floodway. The channel of a river or other watercourse including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Floodway encroachment analysis. An engineering analysis of the impact that a proposed encroachment into a floodway or non-encroachment area is expected to have on the floodway boundaries and flood levels during the occurrence of the base flood discharge. The evaluation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and models.

Flood zone. A geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

Floor. See definition of lowest floor.

Freeboard. The additional amount of height added to the base flood elevation (BFE) to account for uncertainties in the determination of flood elevations. See also definition of regulatory flood protection elevation.

Functionally dependent facility. A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales or service facilities.

Hazardous waste management facility. A facility for the collection, storage, processing, treatment, recycling, recovery or disposal of hazardous waste as defined in G.S. Chapter 130A, Article 9.

Highest adjacent grade (HAG). The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Historic structure. Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the United States Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of Interior, or directly by the Secretary of Interior in states without approved programs.

Letter of Map Change (LOMC). An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

- (1) Letter of Map Amendment (LOMA) An official amendment, by letter, to an effective National Flood Insurance Program map. A LOMA is based on technical data showing that a property had been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area;
- (2) Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features;
- (3) Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the BFE and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations;
- (4) Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

Light Duty Truck. Any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less as defined in 40 CFR 86.082-2 and is:

- (1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- (2) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- (3) Available with special features enabling off-street or off-highway operation and use.

Lowest adjacent grade (LAG). The lowest elevation of the ground, sidewalk, patio slab immediately next to the building, or deck support, after completion of the building.

Lowest floor. Subfloor, top of slab or grade of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's "lowest floor," provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

Manufactured home. A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include a recreational vehicle.

Manufactured home park (MHP) or subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market value. The building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. “Market value” can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value) or adjusted assessed values.

New construction. Structures for which the start of construction commenced on or after the effective date of the original version of this chapter and includes any subsequent improvements to such structures.

Nonconforming building or use. Any legally existing building or use which fails to comply with the current provisions of this chapter.

Non-Conversion Agreement. A document stating that the owner will not convert or alter what has been constructed and approved. Violation of the agreement is considered a violation of the ordinance and, therefore, subject to the same enforcement procedures and penalties. The agreement must be filed with the recorded deed for the property. The agreement must show the clerk’s or recorder’s stamps and/or notations that the filing has been completed.

Non-encroachment area. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot as designated in the Flood Insurance Study report.

Obstruction. Includes but is not limited to any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

Post-firm. Construction or other development, which started on or after January 1, 1975, or on or after the effective date of the initial Flood Insurance Rate Map for the area, whichever is later.

Pre-firm. Construction or other development, which started before January 1, 1975 or before the effective date of the initial Flood Insurance Rate Map for the area, whichever is later.

Principally Above Ground. At least 51% of the actual cash value of the structure is above ground.

Public safety and/or nuisance. Anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the

free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal or basin.

Recreational vehicle (RV). A vehicle, which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel or seasonal use.
- (5) Is fully licensed and ready for highway use.

Reference level. The portion of a structure or other development that must be compared to the regulatory flood protection elevation to determine regulatory compliance of the building. Within special flood hazard areas designated as Zones A1-A30, AE, A, A99, AO or AH, the reference level is the top of the lowest floor or lowest attendant utility (including ductwork), whichever is lower.

Regulatory flood protection elevation. The elevation to which all structures and other development located within the special flood hazard areas must be elevated or floodproofed, if nonresidential.

- (1) In “Special Flood Hazard Areas” where base flood elevations (BFEs) have been determined, this elevation shall be at least the BFE plus two (2) feet for all structures and other development except manufactured homes.
- (2) For manufactured homes, this elevation shall be at least the BFE plus two (2) feet, provided that no portion of the manufactured home below the lowest floor is lower than the base flood elevation. Allowable elements below the lowest floor are limited to electrical, mechanical, and duct work, which are considered a standard part of the manufactured home. Cross over ducts for double and triple wide manufactured homes are specifically exempted from the freeboard requirement provided the bottom of all such cross over ducts are above the base flood elevation. All electrical, mechanical, and duct work which are not a part of the manufactured home shall be no lower than two (2) feet above the base flood elevation.
- (3) In “Special Flood Hazard Areas” where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

Remedy a violation. To bring the structure or other development into compliance with state or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impact may be reduced include protecting the structure or other affected

development from flood damages, implementing the enforcement provisions of this chapter or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

Repetitive loss structure. Any insurable building for which two or more claims of more than \$1,000 were paid by the National Flood Insurance Program (NFIP) within any rolling ten-year period, since 1978. A RL property may or may not be currently insured by the NFIP.

Retrofitting. Measures, such as floodproofing, elevation, construction of small levees, and other modifications, taken on an existing building or its yard to protect it from flood damage.

Riverine. Relating to, formed by, or resembling a river (including tributaries), stream, brook and the like.

Salvage yard. Property used for the storage, collection and/or recycling of any type of equipment whatsoever, whether industrial or noncommercial, and including but not limited to vehicles, appliances and related machinery.

Special flood hazard area (SFHA). The land in the floodplain subject to a 1% or greater chance of being flooded in any given year as determined in section 9-6-3(B) of this chapter.

Solid waste disposal facility. Any facility involved in the disposal of solid waste, as defined in G.S. 130A-290(a)(35).

Solid waste disposal site. Defined as in G.S. 130A-290(a)(36).

Start of construction. Includes substantial improvements, and the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual “start of construction” means the first alteration of any wall, ceiling, floor or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

Structure. For floodplain management purposes, a walled and roofed building, a manufactured home, or a gas or liquid storage tank, or that is principally above ground.

Substantial damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure during any one-year period to its before damaged condition would equal or exceed 49% of the market value of the structure before the damage occurred. See definition of substantial improvement. “Substantial damage” also means flood-related damage sustained by a structure on

two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25% of the market value of the structure before the damage occurred.

Substantial improvement. Any combination of repairs, reconstruction, rehabilitation, addition or other improvement of a structure, taking place during any one-year period whereby the cost of which equals or exceeds 49% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project of improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Technical Bulletin and Technical Fact Sheet. A FEMA publication that provides guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U.S. Code of Federal Regulations at Section 60.3. The bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations; rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations. It should be noted that Technical Bulletins and Technical Fact Sheets provide guidance on the minimum requirements of the NFIP regulations. State or community requirements that exceed those of the NFIP take precedence. Design professionals should contact the community officials to determine whether more restrictive State or local regulations apply to the building or site in question. All applicable standards of the State or local building code must also be met for any building in a flood hazard area.

Temperature Controlled. Having the temperature regulated by a heating and/or cooling system, built-in or appliance.

Variance. A grant of relief from the requirement of this chapter that permits construction in a manner otherwise prohibited by this chapter where specific enforcement would result in unnecessary hardship.

Violation. The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications or other evidence of compliance required in sections 9-6-4 and 9-6-5 is presumed to be in violation until such time as the documentation is provided.

Watercourse. A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. "Watercourse" includes specifically designated areas in which substantial flood damage may occur.

Water surface elevation (WSE). The height, in relation to NAVD 1988, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

SEC. 9-6-3 GENERAL PROVISIONS.

(A) *Lands to which this chapter applies.* This chapter shall apply to all special flood hazard areas within the jurisdiction, including extraterritorial jurisdictions (ETJ) if applicable, of the City of Greenville.

(B) *Basis for establishing the special flood hazard areas.*

- (1) The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for Pitt County, dated June 19, 2020, and its accompanying Flood Insurance Rate Map (FIRM), including any digital data developed as part of the FIS, and all revisions thereto after January 1, 2021, which are adopted by reference and declared to be a part of this ordinance. Future revisions to the FIS or FIRM panels that do not change flood hazard data within the jurisdictional authority of the City of Greenville are also adopted by reference and declared to be part of this ordinance. Subsequent Letter of Map Revisions (LOMRs) and/or Physical Map Revisions (PMRs) shall be adopted within 3 months.
- (2) The initial Flood Insurance Rate Map for the City of Greenville is dated July 3, 1978.

(C) *Establishment of development permit.* A floodplain development permit shall be required in conformance with the provisions of this chapter prior to the commencement of any development activities within the special flood hazard area to which this chapter applies.

(D) *Compliance.* No structure or land shall hereafter be located, extended, converted, altered or developed in any way without full compliance with the terms of this chapter and other applicable regulations.

(E) *Abrogation and greater restrictions.* This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another ordinance conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(F) *Interpretation.* In the interpretation and application of this chapter all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(G) *Warning and disclaimer of liability.* The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Actual flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

(H) *Penalties for violation.* Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a Class 1 misdemeanor pursuant to NC G.S. § 143-215.58. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$50100 or imprisoned for not more than 30 days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

SEC. 9-6-4 ADMINISTRATION.

(A) *Designation of Local Floodplain Administrator.* The City Engineer or a designee is hereby appointed to administer and implement the provisions of this chapter. For the purposes of this chapter, the City Engineer or designee shall hereafter be referred to as “Local Floodplain Administrator.”

(B) *Floodplain development permit and certification requirements; plans and application requirements.* Application for a floodplain development permit shall be made to the Local Floodplain Administrator on forms furnished by him or her prior to any development activities within flood prone areas. The following items/information shall be presented to the Local Floodplain Administrator to apply for a floodplain development permit:

- (1) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 - (a) The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
 - (b) The boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Section 9.6.3 (B), or a statement that the entire lot is within the Special Flood Hazard Area;
 - (c) Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Section 9.6.3 (B);

- (d) The boundary of the floodway(s) or non-encroachment area(s) as determined in Section 9.6.3 (B);
 - (e) The Base Flood Elevation (BFE) where provided as set forth in Section 9.6.3 (B); Section 9.6.4 (E); or Section 9.6.5 (D);
 - (f) The old and new location of any watercourse that will be altered or relocated as a result of proposed development; and
 - (g) The certification of the plot plan by a registered land surveyor or professional engineer
- (2) Where base flood elevation data is provided in accordance with section 9-6-3(B) or section 9-6-4(E)(11), the application for a floodplain development permit within the Zone A on the Flood Insurance Rate Map shall show:
 - (a) The elevation (in relation to NAVD 1988) of the lowest floor (including basement) of all new and substantially improved structures;
 - (b) If the structure has been floodproofed in accordance with section 9-6-5(B)(2), the elevation (in relation to NAVD 1988) to which the structure was floodproofed; and
 - (c) Elevation in relation to NAVD 1988 to which any proposed utility systems will be elevated or floodproofed.
 - (3) Where the base flood elevation data is not provided, the application for a development permit must show construction of the lowest floor at least two feet above the highest adjacent grade;
 - (4) Where any watercourse will be altered or relocated as a result of proposed development, the application for a development permit shall include: a description of the extent of watercourse alteration or relocation; an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation;
 - (5) When a structure is floodproofed, the applicant shall provide a floodproofing certificate and back-up plans from a registered professional engineer or architect that the nonresidential floodproofed structure meets the floodproofing criteria in section 9-6-5(B)(2);
 - (6) An elevation certificate (FEMA Form 81-31) or floodproofing certificate (FEMA Form 81-65) is required after the reference level is completed. Within 21 calendar days of establishment of the reference level elevation, or floodproofing, by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the Local Floodplain

Administrator a certification of the elevation of the reference level, or floodproofed elevation, whichever is applicable in relation to NAVD 1988. The certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized, the certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work done within the 21-day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Local Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the certification or failure to make the corrections required shall be cause to issue a stop-work order for the project;

- (7) A final as-built elevation certificate (FEMA Form 81-31) or floodproofing certificate (FEMA Form 81-65) is required after construction is completed and prior to certificate of compliance/occupancy issuance. It shall be the duty of the permit holder to submit to the Local Floodplain Administrator a certification of final as-built construction of the elevation or floodproofed elevation of the reference level and all attendant utilities. The certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized, the certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Local Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to certificate of compliance/occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make the corrections required shall be cause to withhold the issuance of a certificate of compliance/occupancy;
- (8) If a manufactured home is placed within an A, AO, AE or A1-30 Zone and the elevation of the chassis is above 36 inches in height, an engineered foundation certification is required per section 9-6-3(B);
- (9) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit;
- (10) A foundation plan drawn to scale which shall include details of the proposed foundation system to ensure all provisions of this chapter are met. These details include but are not limited to:
 - (a) Proposed method of elevation, if applicable (i.e., fill, solid foundation

perimeter wall, solid backfilled foundation, open foundation on columns/piers);

- (b) Should solid foundation perimeter walls be used in floodplains, details of sufficient openings to facilitate the unimpeded movements of floodwaters in accordance with section 9-6-5(B)(5).
- (11) Usage details of any enclosed space below the regulatory flood protection elevation;
- (12) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical and water systems to be located and constructed to minimize flood damage;
- (13) Copy of all other local, state and federal permits required prior to floodplain development permit issuance (i.e., wetlands, erosion and sedimentation control, riparian buffers, mining and the like); and
- (14) If floodplain development permit is issued for placement of recreational vehicles and/or temporary structures, documentation to ensure section 9-6-5(B)(4) and (B)(6) of this Code are met.

(C) *Certification exemptions.* The following structures, if located within A, AO, AE or A1-30 Zones, are exempt from the elevation/floodproofing certification requirements specified in subsections (A) and (B) above:

- (1) Recreational vehicles meeting requirements of section 9-6-5(B)(4);
- (2) Temporary structures meeting requirements of section 9-6-5(B)(6); and
- (3) Accessory structures less than 150 square feet meeting requirements of section 9-6-5(B)(7).

(D) *Determinations for existing buildings and structures.* For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

- (1) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
- (2) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements

and repairs, if applicable, to the market value of the building or structure;

- (3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
- (4) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the NC Building Code and this ordinance is required.

(E) *Floodplain development permit data requirements.* The following information shall be provided at a minimum on the floodplain development permit to ensure compliance with this Code:

- (1) A complete description of the development to be permitted under the floodplain development permit (e.g. house, garage, pool, septic, bulkhead, cabana, pier, bridge, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.);
- (2) The special flood hazard area determination for the proposed development per available data specified in section 9-6-3(B);
- (3) The regulatory flood protection elevation required for the reference level and all attendant utilities;
- (4) The regulatory flood protection elevation required for the protection of all public utilities;
- (5) All certification submittal requirements with timelines;
- (6) State that no fill material shall encroach into the floodway or non-encroachment area of any watercourse, if applicable unless the requirements of Section 9-6-5 (C) have been met;
- (7) If in an A, AO, AE or A1-30 Zone, specify the minimum foundation opening requirements;
- (8) State limitations of below BFE enclosure uses (if applicable) (i.e., parking, building access and limited storage only); and
- (9) A statement, that all materials below BFE/RFPE must be flood resistant materials.

(F) *Duties and responsibilities of the Local Floodplain Administrator.* Duties of the Local Floodplain Administrator shall include but not be limited to:

- (1) Review all floodplain development applications and issue permits for all proposed development within flood prone areas to assure that the permit

requirements of this chapter have been satisfied;

- (2) Advise permittee that additional federal or state permits (i.e., wetlands, erosion and sedimentation control, riparian buffers, mining, and the like) may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the floodplain development permit;
- (3) Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency;
- (4) Assure that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished;
- (5) Prevent encroachments within floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of section 9-6-5 are met;
- (6) Obtain actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and all attendant utilities in accordance with subsection (B)(7) or (8) of this section;
- (7) Obtain the actual elevation (in relation to mean sea level) to which the new or substantially improved structures and all utilities have been floodproofed, in accordance with subsection (B)(7) or (8) of this section;
- (8) Obtain actual elevation (in relation to mean sea level) of all public utilities, in accordance with subsection (B) above;
- (9) When floodproofing is utilized for a particular structure, the Local Floodplain Administrator shall obtain certification from a registered professional engineer or architect, in accordance with this section and section 9-6-5(B)(2);
- (10) Where interpretation is needed as to the exact location of boundaries of the special flood hazard areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Local Floodplain Administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this chapter;
- (11) When base flood elevation data has not been provided in accordance with section 9-6-3(B), then the Local Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation along with floodway data and/or non-encroachment area data available from a federal, state or other source, including data developed pursuant to section 9-6-5(E)(4) in order to administer the provisions of section 9-6-5;

- (12) When base flood elevation (BFE) data is provided but no floodway nor non-encroachment area data has been provided in accordance with section 9-6-3(B), obtain, review and reasonably utilize any floodway data, and/or non-encroachment area data available from a federal, state or other source in order to administer the provisions of this chapter;
- (13) When the exact location of boundaries of the special flood hazard areas conflict with the current, natural topography information at the site, the property owner may apply and be approved for a Letter of Map Amendment (LOMA) by FEMA. A copy of the Letter of Map Amendment issued from FEMA will be maintained by the Local Floodplain Administrator in the permit file;
- (14) Make on-site inspections of projects in accordance with subsection (F) below. As the work pursuant to a floodplain development permit progresses, the Local Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Local Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action;
- (15) Serve notices of violations, issue stop-work orders, revoke permits and take corrective actions in accordance with subsection (F) below. Whenever a building or part thereof is being constructed, reconstructed, altered or repaired in violation of this chapter, the Local Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor;
- (16) All records pertaining to the provisions of this chapter shall be permanently maintained in the office of the Local Floodplain Administrator and shall be open for public inspection;
- (17) Annexation: provide the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program with two copies of the maps delineating new corporate limits within six months from date of annexation or change in corporate boundaries;
- (18) Revocation of floodplain development permits as required. The Local Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or

failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable state or local law may also be revoked;

- (19) Make periodic inspections throughout all special flood hazard areas within the jurisdiction of the community. The Local Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action; and
- (20) Follow through with corrective procedures of subsection (F) below.
- (21) Review, provide input, and make recommendations for variance requests.
- (22) Maintain a current map repository to include, but not limited to, historical and effective FIS Report, historical and effective FIRM and other official flood maps and studies adopted in accordance with the provisions of Section 9.6.3 (B) of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.
- (23) Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).

(G) *Administrative corrective procedures.*

- (1) *Violations to be corrected.* When the Local Floodplain Administrator finds violations of applicable state and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law in the property he or she owns.
- (2) *Actions in event of failure to take corrective action.* If the owner of a building or property shall fail to take prompt corrective action, the Local Floodplain Administrator shall give the owner written notice, by certified or registered mail to his or her last known address or by personal service, stating that:
 - (a) The building or property is in violation of the Flood Damage Prevention Ordinance;
 - (b) A hearing will be held before the Local Floodplain Administrator at a designated place and time, not later than ten days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
 - (c) Following the hearing, the Local Floodplain Administrator may issue an

order to alter, vacate or demolish the building; or to remove fill as appears appropriate.

- (3) *Order to take corrective action.* If, upon a hearing held pursuant to the notice prescribed above, the Local Floodplain Administrator finds that the building or development is in violation of the Flood Damage Prevention Ordinance, he or she shall make an order in writing to the owner, requiring the owner to remedy the violation within 60 days. The Local Floodplain Administrator may prescribe a period shorter than 60 days; provided that the Local Floodplain Administrator finds that there is imminent danger to life or other property.
- (4) *Appeal.* Any owner who has received an order to take corrective action may appeal from the order to the Board of Adjustment by giving notice of appeal in writing to the Local Floodplain Administrator and the City Clerk within ten days following issuance of the final order. In the absence of an appeal, the order of the Local Floodplain Administrator shall be final. The Board of Adjustment shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
- (5) *Failure to comply with order.* If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been taken, or fails to comply with an order of the Board of Adjustment following an appeal, he or she shall be guilty of a Class 1 misdemeanor pursuant to N.C.G.S. § 143-215.58 and shall be punished in the discretion of the court.

(H) *Variances.*

- (1) The Board of Adjustment as established by the city shall hear and decide requests for variances from the requirements of this chapter.
- (2) Any person aggrieved by the decision of the Board of Adjustment or any taxpayer may appeal the decision to the Superior Court as provided in G.S. Chapter 7A of the North Carolina General Statutes.
- (3) Variance may be issued for the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (4) In passing upon such applications for variances, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter and:
 - (a) The danger that materials may be swept onto other lands to the injury of others;
 - (b) The danger to life and property due to flooding or erosion damage;

- (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) The importance of the services provided by the proposed facility to the community;
 - (e) The necessity to the facility of a waterfront location, where applicable;
 - (f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (g) The compatibility of the proposed use with existing and anticipated development;
 - (h) The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area;
 - (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - (k) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- (5) The findings listed above shall be submitted to the Board of Adjustment, in writing, and included in the application for a variance.
- (6) Upon consideration of the factors listed above, and the purposes of this chapter, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
- (7) Variances shall not be issued within any designated floodway or non-encroachment area if any increase in flood levels during the base flood discharge would result.
- (8) Conditions for variances:
- (a) Variances may not be issued when the variance will make the structure in violation of other federal, state or local laws, regulations or ordinances.
 - (b) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

- (c) Variances shall only be issued upon:
 - 1. A showing of good and sufficient cause;
 - 2. A determination that failure to grant the variance would result in exceptional hardship; and
 - 3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or chapters.
- (d) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced reference level elevation. Such notification shall be maintained with a record of all variance actions.
- (e) The Local Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.
- (9) A variance may be issued for solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in special flood hazard areas, provided that all of the following conditions are met. A floodplain development permit may be issued for such development only if a variance is granted:
 - (a) The use serves a critical need in the community;
 - (b) No feasible location exists for the use outside the special flood hazard area;
 - (c) The reference level of any structure is elevated or floodproofed to at least the regulatory flood protection level;
 - (d) The use complies with all other applicable federal, state and local law; and
 - (e) The City of Greenville has notified the Secretary of the North Carolina Department of Crime Control and Public Safety of its intention to grant a variance at least 30 days prior to granting the variance.

SEC. 9-6-5 PROVISIONS FOR FLOOD HAZARD REDUCTION.

(A) *General standards.* In all special flood hazard areas the following provisions are required:

- (1) All new construction and substantial improvement shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- (2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- (3) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (4) All new electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be elevated to the regulatory flood protection elevation and/or designed so as to prevent water from entering or accumulating within the components during conditions of flooding. These include but are not limited to HVAC equipment, water softener units, bath/kitchen fixtures, duct work, electric meter panels/boxes, utility/cable boxes, appliances (i.e., washers, dryers, refrigerator and the like), hot water heaters, electric outlets/switches;
 - (a) Replacements part of a substantial improvement, electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall also meet the above provisions.
 - (b) Replacements that are for maintenance and not part of a substantial improvement, may be installed at the original location provided the addition and/or improvements only comply with the standards for new construction consistent with the code and requirements for the original structure.
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems;
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters;
- (7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
- (8) Nonconforming structures or other development may not be enlarged, replaced or rebuilt unless the enlargement or reconstruction is accomplished in conformance with the provisions of this chapter. Provided, however, nothing in this chapter shall prevent the repair, reconstruction or replacement of a building or structure existing on the effective date of this chapter and located totally or partially within the floodway, non-encroachment area, or stream setback

provided that the bulk of the building or structure below regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback is not increased and provided that such repair, reconstruction or replacement meets all of the other requirements of this chapter; and

- (9) New solid waste disposal facilities, hazardous waste management facilities, salvage yards and chemical storage facilities shall not be permitted in special flood hazard areas. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a special flood hazard area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified according to section 9-6-4(B) of this chapter.

(B) *Specific standards.* In all special flood hazard areas where base flood elevation data have been provided as set forth in section 9-6-3(B) or section 9-6-4(E)(11) and (12), the following provisions are required:

- (1) *Residential construction.* New construction or substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation.

(Ord. No. 00-19, § 4, passed 2-10-2000)

- (2) *Nonresidential construction.* New construction or substantial improvement of any commercial, industrial or other nonresidential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation. Structures located in Zones A, AE, AH, AO, A99 may be floodproofed to the regulatory flood protection elevation in lieu of being elevated, provided that all areas of the structure, together with attendant utility and sanitary facilities, below the required flood protection elevation are watertight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with Section 9.6.5 (G) (2). A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in section 9-6-4(B)(3) along with the operational plan and the inspection and maintenance plan.

- (3) *Manufactured homes.*

- (a) New or replacement manufactured homes shall be elevated on a foundation such that the reference level of the manufactured home is elevated no lower than the regulatory flood protection elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

- (b) Manufactured homes that are to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the provisions of subsection (B)(3)(a) above must be elevated so that the lowest floor of the manufactured home is elevated no lower than the regulatory flood protection elevation, and be securely anchored to an adequately anchored foundation to resist flotation, collapse and lateral movement in accordance with the State of North Carolina Regulations for Manufactured/Mobile Homes, 1995 Edition and any revision thereto adopted by the Commissioner of Insurance pursuant to G.S. 143-143.15 or a certified engineered foundation. Additionally, all manufactured homes located in special flood hazard areas must be installed either on a pre-approved foundation design from the Manual of Standard Designs and Details or on a foundation design certified by a professional engineer registered in the State of North Carolina. Furthermore, all tanks, decks, porches and steps to the manufactured home must be sufficiently designed and anchored to prevent collapse and/or flotation off the site, except that porches and steps serving a manufactured home on a lot that is less than five feet below the lowest floor of the manufactured home at the location of the porch or steps shall not be required to be anchored.
 - (c) An evacuation plan must be developed for evacuation of all residents of all new substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Local Floodplain Administrator and the local Emergency Management Coordinator.
 - (d) When the elevation of the manufactured home would be met by an elevation of the chassis 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or other foundation elements of at least equivalent strength.
 - (e) If a manufactured home is placed with the elevation of the chassis above 36 inches in height, an engineered foundation certification is required per subsection (B)(3).
 - (f) All foundation enclosures or skirting shall be in accordance with subsection (B)(5) of this section.
- (4) *Recreational vehicles.* Recreational vehicles placed on sites within a special flood hazard area shall either:
- (a) Be on site for fewer than 180 consecutive days;
 - (b) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and has no permanently attached additions); or

- (c) Meet all the requirements for new construction, including anchoring and elevation requirements of section 9-6-4(B) and subsections (A) and (B)(3) of this section.
- (5) *Elevated buildings.* New construction or substantial improvements of elevated buildings that include fully enclosed areas that are below the regulatory flood protection elevation shall not be designed for human habitation, but shall be designed to be usable solely for the parking of vehicles, building access or limited storage of maintenance equipment used in connection with the premises in an area other than a basement, be constructed entirely of flood resistant materials below the regulatory flood protection level and meet the following design criteria.
- (a) Measures for complying with this requirement shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. To meet this requirement, the foundation must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - 1. Provide a minimum of two openings on different sides of each enclosed area subject to flooding having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - 2. The bottom of all openings shall be no higher than one foot above the adjacent grade;
 - 3. Openings may be equipped with screens, louvers or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions;
 - 4. If a building has more than one enclosed area, each area must have openings on exterior walls to allow floodwater to directly enter; and
 - 5. Foundation enclosures:
 - a. Vinyl or sheet metal skirting is not considered an enclosure for regulatory and flood insurance rating purposes. Therefore such skirting does not require hydrostatic openings as outlined above.
 - b. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires hydrostatic openings as outlined above to comply with this chapter.
 - (b) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door)

or entry to the living area (stairway or elevator); and

- (c) The interior portion of the enclosed area shall not be partitioned or finished into separate rooms except to enclose storage areas.
 - (d) Where the lowest floor is more than four feet high, property owners shall be required to execute and record a non-conversion agreement prior to issuance of a building permit declaring that the area below the lowest floor shall not be improved, finished or otherwise converted to habitable space and the Floodplain Administrator shall have the right to inspect the enclosed area. This agreement shall be recorded with the Pitt County Register of Deeds and shall transfer with the property in perpetuity.
 - (e) Release of restrictive covenant. If a property which is bound by a non-conversion agreement is modified to remove enclosed areas below the regulatory flood elevation, then the owner may request release of restrictive covenant after staff inspection and submittal of confirming documentation.
- (6) *Temporary structures.* Prior to the issuance of a floodplain development permit for a temporary structure, the following requirements must be met:
- (a) All applicants must submit to the Local Floodplain Administrator prior to the issuance of the floodplain development permit a plan for the removal of the structure(s) in the event of a hurricane or flash flood warning notification. The plan must include the following information:
 - 1. A specific time period for which the temporary use will be permitted;
 - 2. The name, address and phone number of the individual responsible for the removal of the temporary structure;
 - 3. The time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
 - 4. A copy of the contract or other suitable instrument with a trucking company to ensure the availability of removal equipment when needed; and
 - 5. Designation, accompanied by documentation, of a location outside the floodplain to which the temporary structure will be moved.
 - (b) The above information shall be submitted in writing to the Local Administrator for review and written approval.
- (7) *Accessory structures.* When accessory structures (sheds, detached garages and

the like) are to be placed in the floodplain, the following criteria shall be met:

- (a) Accessory structures shall not be used for human habitation (including work, sleeping, living, cooking or restroom areas);
- (b) Accessory structures shall be designed to have low flood damage potential;
- (c) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistant to the flow of flood waters;
- (d) Accessory structures shall be firmly anchored in accordance with subsection (A)(1) above;
- (e) All service facilities such as electrical and heating equipment shall be elevated in accordance with subsection (A)(4) above; and
 - 1. Openings to relieve hydrostatic pressure during a flood shall be provided below regulatory flood protection elevation in conformance with subsection (B)(5).
 - 2. An accessory structure with a footprint less than 150 square feet does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with section 9-6-4(B).

(8) *Additions/improvements.*

- (a) Additions and/or improvements to pre-FIRM structures whereas the addition and/or improvements in combination with any interior modifications to the existing structure:
 - 1. Are not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more nonconforming than the existing structure;
 - 2. Are a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
- (b) Additions to post-FIRM structures with no modifications to the existing structure shall require only the addition to comply with the standards for new construction.
- (c) Additions and/or improvements to post-FIRM structures whereas the addition and/or improvements in combination with any interior modifications to the existing structure:

1. Are not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction;
 2. Are a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
- (d) Where a fire wall or independent perimeter load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and only the addition must comply with the standards for new construction.
- (e) Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a one year period, the cumulative cost of which equals or exceeds 49 percent of the market value of the structure before the improvement or repair is started must comply with the standards for new construction. For each building or structure, the one year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this ordinance. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:
1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions.
 2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.
- (9) *Tanks.* When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:
- (a) *Underground tanks.* Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty;
 - (b) *Above-ground tanks, elevated.* Above-ground tanks in flood hazard areas shall be elevated to or above the Regulatory Flood Protection Elevation

on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;

- (c) Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of Section 9.6.5 (B) (2) of this ordinance shall be permitted in flood hazard areas provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.
- (d) Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:
 - 1. At or above the Regulatory Flood Protection Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
 - 2. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

(10) *Other Development.*

- (a) Fences in regulated floodways and NEAs that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 9.6.5 (C) of this ordinance.
- (b) Retaining walls, sidewalks and driveways in regulated floodways and NEAs. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 9.6.5 (C) of this ordinance.
- (c) Roads and watercourse crossings in regulated floodways and NEAs. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 9.6.5 (C) of this ordinance.

(C) *Floodways and non-encroachment areas.* Located within special flood hazard areas established in section 9-6-3(B) are areas designated as floodways or non-encroachment areas. Since the floodways and non-encroachment areas are extremely hazardous areas due to the velocity of

flood waters which carry debris, potential projectiles and have erosion potential, the following provisions shall apply to all development within such areas:

- (1) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during occurrence of the base flood. Such certification and technical data shall be presented to the Local Floodplain Administrator.
- (2) If subsection (C)(1) is satisfied, all development and substantial improvements shall comply with all applicable flood hazard reduction provisions of this chapter.
- (3) No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured homes (mobile homes) park or subdivision, provided the anchoring and the elevation standards of subsection (B)(3), and the non-encroachment standards of subsection (B)(1) are met.
- (4) Notwithstanding any other provisions of 44 C.F.R. § 60.3, a community may permit encroachments within the adopted regulatory floodway or non-encroachment area that would result in an increase in base flood elevations, provided that the community first applies for a conditional LOMR and floodway revision, fulfills the requirements for such revisions as established under the provisions of 44 C.F.R. § 65.12 of the “National Flood Insurance Program and Related Regulations,” and receives the approval of the Local Floodplain Administrator prior to commencement of the development.

(D) *Standards for floodplains without established base flood elevations.* Within the special flood hazard areas established in section 9-6-3(B) are floodplains where no base flood elevation data has been provided, the following provisions shall apply:

- (1) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of the stream bank equal to five times the width of the stream at the top of bank or 20 feet each side from top of bank, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) If subsection (E)(1) is satisfied and base flood elevation is available from other source, all new construction and substantial improvements within such areas shall comply with all applicable provisions of this chapter and shall be elevated or floodproofed in accordance with elevations established in accordance with section 9-6-4(E)(11) and (12). When base flood elevation data is not available from a federal, state or other source, the reference level, including basement, shall be elevated at least two feet above the highest adjacent grade.

(E) *Standards for subdivision, manufactured home park and major development proposals.*

- (1) All proposals shall be consistent with the need to minimize flood damage;
- (2) All proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- (3) All proposals shall have adequate drainage provided to reduce exposure to flood hazards; and
- (4) Base flood elevation data shall be provided for all proposals and other proposed development, which is greater than the lesser of 50 lots/manufactured home sites or five acres. Such base flood elevation (BFE) data shall be adopted by reference per section 9-6-3(B) to be utilized in implementing this Code.

(F) *Standards for floodplains with BFE but without established floodways or non-encroachment areas.* Along rivers and streams where base flood elevation (BFE) data is provided but neither floodway nor non-encroachment areas are identified for a special flood hazard area on the FIRM or in the FIS, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided, demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(G) *Standards for areas of shallow flooding (A Θ H Zones).* Located within the special flood hazard areas established in section 9-6-3(B) are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. The following provisions apply within such areas:

- (1) All new construction and substantial improvements of all structures shall have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least to the regulatory flood protection elevation as defined for the special flood hazard areas where no BFE has been established.
- (2) All new construction and substantial improvements of nonresidential structures shall have the option, in lieu of elevation, to be completely floodproofed together with attendant utilities and sanitary facilities to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as per section 9-6-4(B)(3) and section 9-6-4(B)(2).

SEC. 9-6-6 LEGAL STATUTES AND PROVISIONS.

(A) *Effect on rights and liabilities under the existing flood damage prevention ordinance.* This chapter in part is adopted due to re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted June 8, 1978, as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this chapter shall not affect any action, suit or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance of the City of Greenville enacted on June 8, 1978, as amended, which are not re-enacted herein are repealed.

(B) *Effect upon outstanding building permits.* Nothing herein contained shall require any change in the plans, construction, size or designated use of any development or any part thereof for which a floodplain development permit has been granted by the Local Floodplain Administrator or his or her authorized agents, before time of passage of this chapter; provided, however, that when construction is not begun under such outstanding permit within a period of 60 days subsequent to passage of this chapter or any revision thereto, construction or use shall be in conformity with the provisions of this chapter.

(C) *Severability.* If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

Section 2. 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 3. That Title 9, Chapter 6, Section 1, Subsection A of the Code of Ordinances of the City of Greenville (City Code § 9-6-1(A)), as amended herein, does not take effect until January 1, 2021, but that the remainder of this ordinance shall become effective immediately.

Adopted this 14th day of May, 2020.

P.J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

Excerpt from the draft Planning & Zoning Commission Minutes (04/21/2020)

ORDINANCE AMENDING THE FLOOD DAMAGE PREVENTION ORDINANCE TEXT TO ADOPT UPDATED FLOOD INSURANCE RATE MAPS AND TO ALIGN WITH THE MODEL ORDINANCE - APPROVED

Daryl Norris presented on behalf of the city. He stated there is a need to change the flood damage prevention ordinance initiated by FEMA insurance map updates. On January 2, 2004, and July 7, 2014, flood insurance studies (FIS) and flood insurance rate maps (FIRM) for Pitt County, which includes all the communities within the county, was published by FEMA and adopted by Council. On June 19, 2020, FEMA will publish an updated FIS for certain areas within the City's jurisdiction. The City is required to adopt the revised FIS and its accompanying FIRM to remain a member in good standing in the National Flood Insurance Program (NFIP).

City staff, along with staff of the NC Department of Public Safety (NCDPS), reviewed the City's Flood Damage Prevention Ordinance for compliance with the state model ordinance. It was determined the present ordinance requires some changes for clarification and to ensure consistency with the state model ordinance and to maximize credits in the Community Rating System (CRS). The City is currently rated in the CRS program as a Classification 7 which provides for a 15% reduction in insurance premiums annually for all flood insurance policies. There are 10 classes and ten is the best. Each class represents 500 points from various activities in the program. The City is working to improve its class.

Required amendments:

- Adoption of the revised FIS and the accompanying FIRM;
- Various changes to update and align with the state model ordinance such as: updating definitions and local floodplain administrator's duties and responsibilities, detailing floodplain development plan requirements, adding survey datum references, etc.;

Suggested amendments:

- Change the substantial damage/improvements threshold from 50% to 49% of the market value of the structure before the damage/improvement to maximize credit (20 points) in the Community Rating System (CRS);
- Require Non-Conversion Agreements for enclosures below the Regulatory Flood Protection Elevation greater than four feet in height to maximize credit (60 points) in the Community Rating System (CRS).

Michael Overton asked if the City currently has non-conversion agreements.

Mr. Norris stated a non-conversion agreement is currently not in the ordinance. Non-conversion agreements are optional and not required by FEMA, but if they were required the City would get more points to help raise the City's classification for lower flood insurance premiums. While the City does not allow enclosure of this space for habitable use there is no requirement for a written agreement. The agreement will put a notification on property so future buyers will know that there is a non-conversion. This also allows the city to inspect for compliance. This would only apply to new development. However, Greenville has very few areas that would actually need this requirement, but this is an easy way to increase our points. In closing, there is very little change. Part of this amendment is includes updates maps which are available for viewing on the state's website.

Chair Robinson opened up the public hearing.

No one spoke in favor.

No one spoke in opposition.

Chair Robinson closed the public hearing.

Motion made by Mr. Overton, seconded by Mr. West, to recommend approval of the proposed amendment. Motion passed unanimously.

CHAPTER 6: FLOOD DAMAGE PREVENTION

Section

9-6-1	Statutory authorization, findings of fact, purpose and objectives
9-6-2	Definitions
9-6-3	General provisions
9-6-4	Administration
9-6-5	Provisions for flood hazard reduction
9-6-6	Legal statutes and provisions

Cross-reference:

Emergency and rescue, see §§ 5-3-1 et seq.

Public Safety, generally, see Title 5

Public Utilities, see Title 8

Subdivisions within floodprone or flood hazard areas, see § 9-5-94

Editor's note:

Ch. 6 was rewritten by Ord. No. 03-123, enacted Dec. 15, 2003, with an effective date of Jan. 2, 2004. Former Ch. 6, §§ 9-6-1—9-6-6 was replaced by § 1 of Ord. No. 98-8, enacted Jan. 8, 1998. Ch. 6, §§ 9-6-1—9-6-14 and 9-6-16—9-6-19, was repealed by § 1 of Ord. No. 1705, enacted April 9, 1987, and § 1 of Ord. No. 1705 also enacted, in lieu thereof, a new Ch. 6 as previously set forth in §§ 9-6-1—9-6-6. The repealed provisions pertained to flood hazard areas and derived from Ord. No. 786, adopted June 8, 1978.

SEC. 9-6-1 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.

(A) *Statutory authorization.* The legislature of the State of North Carolina has, in Part 6, Article 21 of G.S. Chapter 143; ~~Parts 3, 5 and 8 of Article 19 of G.S. Chapter 160A~~ **Article 7, 9, and 11 of Chapter 160D**; and Article 8 of G.S. Chapter 160A, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry.

(B) *Findings of fact.*

- (1) The flood hazard areas within the jurisdiction of the City of Greenville are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood prone areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

(C) *Statement of purpose.* It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

- (1) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;

- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- (4) Control filling, grading, dredging and all other development which may increase erosion or flood damage; and
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

(D) *Objectives.* The objectives of this chapter are:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business losses and interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, cable and sewer lines, streets and bridges located in flood prone areas;
- (6) Minimize damage to private and public property due to flooding;**
- (7) Make flood insurance available to the community through the National Flood Insurance Program;**
- (8) Maintain the natural and beneficial functions of floodplains;**
- (9) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and

(10) To ensure that potential homebuyers are notified that property is in a special flood hazard area.

(Ord. No. 03-123, passed 12-15-2003)

SEC. 9-6-2 DEFINITIONS.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meanings they have in common usage and to give this chapter its most reasonable application.

Accessory structure. A structure, which is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban “accessory structures.” Pole barns, hay sheds and the like qualify as “accessory structures” on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

Addition (to an existing building). An extension or increase in the floor area or height of a building or structure.

***Alteration of a watercourse.* A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.**

Appeal. A request for a review of the Local Floodplain Administrator’s interpretation of any provision of this chapter.

Area of shallow flooding. A designated AO or ~~VO~~ AH Zone on a community’s Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of special flood hazard. See definition of special flood hazard area (SFHA).

Base flood. The flood having a 1% chance of being equaled or exceeded in any given year.

Base flood elevation (BFE). A determination as published in the Flood Insurance Study of the water surface elevations of the base flood.

Basement. Any area of the building having its floor subgrade (below ground level) on all sides.

Building. See definition of structure.

Chemical storage facility. A building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

Design flood. See “Regulatory Flood Protection Elevation.”

Development. Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations or storage of equipment or materials.

Development activity. Any activity defined as Development which will necessitate a Floodplain Development Permit. This includes buildings, structures, and non-structural items, including (but not limited to) fill, bulkheads, piers, pools, docks, landings, ramps, and erosion control/stabilization measures.

Digital Flood Insurance Rate Map (DFIRM). The digital official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

Disposal. Defined as in G.S. 130A-290(a)(6).

Elevated building. A non-basement building, which has its reference level raised above the ground by means of pilings, columns (posts and piers), or shear walls parallel to the flow of water.

Encroachment. The advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Existing building and existing structure. Any building and/or structure for which the “start of construction” commenced before June 8, 1978.

Existing manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before June 8, 1978.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; and
- (2) The unusual and rapid accumulation of runoff of surface waters from any source.

Flood boundary and floodway map (FBFM). An official map of a community, issued by the Federal Emergency Management Agency, on which the Special flood hazard areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

Floodplain development permit. Any type of permit including grading, building, or any other development permit that is required in conformance with the provisions of this chapter prior to the commencement of any development activity.

Flood hazard boundary map (FHBM). An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the special flood hazard have been defined as Zone A.

Flood insurance rate map (FIRM). An official map of a community, issued by the Federal Emergency Management Agency on which both the special flood hazard areas and the risk premium zones applicable to the community are delineated.

Flood insurance study (FIS). An examination, evaluation, and determination of flood hazard areas, corresponding water surface elevations (if appropriate), flood insurance risk zones, and other flood data in a community issued by FEMA. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

Floodplain or flood prone area. Any land area susceptible to being inundated by water from any source.

Floodplain administrator. The individual appointed to administer and enforce the floodplain management regulations.

Floodplain management. The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations and open space plans.

*Floodplain **management** regulations.* This chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood prone areas. This term describes federal, state or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

Flood prone area. See definition of floodplain.

Floodproofing. Any combination of structural and nonstructural additions, changes or adjustments to structures, which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitation facilities, or structures with their contents.

***Flood-resistant material.* Any building product [material, component or system] capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbers are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, and available from the FEMA. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.**

Floodway. The channel of a river or other watercourse ~~and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.~~ **including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.**

***Floodway encroachment analysis.* An engineering analysis of the impact that a proposed encroachment into a floodway or non-encroachment area is expected to have on the floodway boundaries and flood levels during the occurrence of the base flood discharge. The evaluation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and models.**

Flood zone. A geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

Floor. See definition of lowest floor.

Freeboard. The additional amount of height added to the base flood elevation (BFE) to account for uncertainties in the determination of flood elevations. See also definition of regulatory flood protection elevation.

Functionally dependent facility. A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or

passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales or service facilities.

Hazardous waste management facility. A facility for the collection, storage, processing, treatment, recycling, recovery or disposal of hazardous waste as defined in G.S. Chapter 130A, Article 9.

Highest adjacent grade (HAG). The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Historic structure. Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the United States Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of Interior, or directly by the Secretary of Interior in states without approved programs.

Letter of Map Change (LOMC). An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

- (1) **Letter of Map Amendment (LOMA)** An official amendment, by letter, to an effective National Flood Insurance Program map. A LOMA is based on technical data showing that a property had been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area;
- (2) **Letter of Map Revision (LOMR):** A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features;
- (3) **Letter of Map Revision Based on Fill (LOMR-F):** A determination that a structure or parcel of land has been elevated by fill above the BFE and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations;
- (4) **Conditional Letter of Map Revision (CLOMR):** A formal review and comment as to whether a proposed project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

Light Duty Truck. Any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less as defined in 40 CFR 86.082-2 and is:

- (1) **Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or**
- (2) **Designed primarily for transportation of persons and has a capacity of more than 12 persons; or**
- (3) **Available with special features enabling off-street or off-highway operation and use.**

Lowest adjacent grade (LAG). The **lowest** elevation of the ground, sidewalk, patio slab ~~or deck support~~ immediately next to the building, **or deck support**, after completion of the building. ~~For Zones A and AO use the natural grade elevation prior to construction.~~

Lowest floor. Subfloor, top of slab or grade of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's "lowest floor," provided that such an enclosure is not built so as to render the structure in

violation of the applicable non-elevation design requirements of this chapter.

Manufactured home. A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include a recreational vehicle.

Manufactured home park (MHP) or subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market value. The building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. “Market value” can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value) or adjusted assessed values.

~~*Mean sea level.* For purposes of the NFIP, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988 or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which base flood elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.~~

New construction. Structures for which the start of construction commenced on or after the effective date of the original version of this chapter and includes any subsequent improvements to such structures.

Nonconforming building or use. Any legally existing building or use which fails to comply with the current provisions of this chapter.

***Non-Conversion Agreement.* A document stating that the owner will not convert or alter what has been constructed and approved. Violation of the agreement is considered a violation of the ordinance and, therefore, subject to the same enforcement procedures and penalties. The agreement must be filed with the recorded deed for the property. The agreement must show the clerk’s or recorder’s stamps and/or notations that the filing has been completed.**

Non-encroachment area. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot as designated in the Flood Insurance Study report.

Obstruction. Includes but is not limited to any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

Post-firm. Construction or other development, which started on or after January 1, 1975, or on or after the effective date of the initial Flood Insurance Rate Map for the area, whichever is later.

Pre-firm. Construction or other development, which started before January 1, 1975 or before the effective date of the initial Flood Insurance Rate Map for the area, whichever is later.

***Principally Above Ground.* At least 51% of the actual cash value of the structure is above ground.**

Public safety and/or nuisance. Anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal or basin.

Recreational vehicle (RV). A vehicle, which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and

- (4) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel or seasonal use.

(5) Is fully licensed and ready for highway use.

Reference level. The portion of a structure or other development that must be compared to the regulatory flood protection elevation to determine regulatory compliance of the building. Within special flood hazard areas designated as Zones A1-A30, AE, A, A99, AO or AH, the reference level is the top of the lowest floor or lowest attendant utility (including ductwork), whichever is lower.

Regulatory flood protection elevation. The elevation to which all structures and other development located within the special flood hazard areas must be elevated or floodproofed, if nonresidential.

- (1) In “Special Flood Hazard Areas” where base flood elevations (BFEs) have been determined, this elevation shall be at least the BFE plus two (2) feet for all structures and other development except manufactured homes.
- (2) For manufactured homes, this elevation shall be at least the BFE plus two (2) feet, provided that no portion of the manufactured home below the lowest floor is lower than the base flood elevation. Allowable elements below the lowest floor are limited to electrical, mechanical, and duct work, which are considered a standard part of the manufactured home. Cross over ducts for double and triple wide manufactured homes are specifically exempted from the freeboard requirement provided the bottom of all such cross over ducts are above the base flood elevation. All electrical, mechanical, and duct work which are not a part of the manufactured home shall be no lower than two (2) feet above the base flood elevation.
- (3) In “Special Flood Hazard Areas” where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

Remedy a violation. To bring the structure or other development into compliance with state or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impact may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this chapter or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

Repetitive loss structure. ~~Flood related damages sustained by a structure on two separate occasions during any ten year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25% of the market value of the structure before the damage occurred. Any insurable building for which two or more claims of more than \$1,000 were paid by the National Flood Insurance Program (NFIP) within any rolling ten-year period, since 1978. A RL property may or may not be currently insured by the NFIP.~~

Retrofitting. Measures, such as floodproofing, elevation, construction of small levees, and other modifications, taken on an existing building or its yard to protect it from flood damage.

Riverine. Relating to, formed by, or resembling a river (including tributaries), stream, brook and the like.

Salvage yard. Property used for the storage, collection and/or recycling of any type of equipment whatsoever, whether industrial or noncommercial, and including but not limited to vehicles, appliances and related machinery.

Special flood hazard area (SFHA). The land in the floodplain subject to a 1% or greater chance of being flooded in any given year as determined in section 9-6-3(B) of this chapter.

Solid waste disposal facility. Any facility involved in the disposal of solid waste, as defined in G.S. 130A-290(a)(35).

Solid waste disposal site. Defined as in G.S. 130A-290(a)(36).

Start of construction. Includes substantial improvements, and the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure

(including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual “start of construction” means the first alteration of any wall, ceiling, floor or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

Structure. For floodplain management purposes, a walled and roofed building, a manufactured home, or a gas or liquid storage tank, or that is principally above ground.

Substantial damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure during any one-year period to its before damaged condition would equal or exceed ~~50~~49% of the market value of the structure before the damage occurred. See definition of substantial improvement. “Substantial damage” also means flood-related damage sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25% of the market value of the structure before the damage occurred.

Substantial improvement. Any combination of repairs, reconstruction, rehabilitation, addition or other improvement of a structure, taking place during any one-year period whereby the cost of which equals or exceeds ~~50~~49% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project of improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of a historic structure, provided that the alteration will not preclude the structure’s continued designation as a historic structure.

Technical Bulletin and Technical Fact Sheet. A FEMA publication that provides guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U.S. Code of Federal Regulations at Section 60.3. The bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations; rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations. It should be noted that Technical Bulletins and Technical Fact Sheets provide guidance on the minimum requirements of the NFIP regulations. State or community requirements that exceed those of the NFIP take precedence. Design professionals should contact the community officials to determine whether more restrictive State or local regulations apply to the building or site in question. All applicable standards of the State or local building code must also be met for any building in a flood hazard area.

Temperature Controlled. Having the temperature regulated by a heating and/or cooling system, built-in or appliance.

Variance. A grant of relief from the requirement of this chapter that permits construction in a manner otherwise prohibited by this chapter where specific enforcement would result in unnecessary hardship.

Violation. The failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications or other evidence of compliance required in sections 9-6-4 and 9-6-5 is presumed to be in violation until such time as the documentation is provided.

Watercourse. A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. “Watercourse” includes specifically designated areas in which substantial flood damage may occur.

Water surface elevation (WSE). The height, in relation to ~~mean sea level-NAVD 1988~~, of floods of various magnitudes

and frequencies in the floodplains of coastal or riverine areas.
(Ord. No. 03-123, passed 12-15-2003; Ord. No. 14-031, passed 5-8-2014)

SEC. 9-6-3 GENERAL PROVISIONS.

- (A) *Lands to which this chapter applies.* This chapter shall apply to all special flood hazard areas within the jurisdiction, including extraterritorial jurisdictions (ETJ) if applicable, of the City of Greenville.
- (B) *Basis for establishing the special flood hazard areas.*

- (1) The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for Pitt County, dated ~~July 7, 2014~~ **June 19, 2020**, and its accompanying Flood Insurance Rate Map (FIRM), including any digital data developed as part of the FIS, **and all revisions thereto after January 1, 2021**, which are adopted by reference and declared to be a part of this ordinance. Future revisions to the FIS or FIRM panels that do not change flood hazard data within the jurisdictional authority of the City of Greenville are also adopted by reference and declared to be part of this ordinance. Subsequent ~~revisions to the FIRM~~ **Letter of Map Revisions (LOMRs) and/or Physical Map Revisions (PMRs) shall** be adopted within ~~6~~ **3** months.

- (2) The initial Flood Insurance Rate Map for the City of Greenville is dated July 3, 1978.

(C) *Establishment of development permit.* A floodplain development permit shall be required in conformance with the provisions of this chapter prior to the commencement of any development activities within the special flood hazard area to which this chapter applies.

(D) *Compliance.* No structure or land shall hereafter be located, extended, converted, altered or developed in any way without full compliance with the terms of this chapter and other applicable regulations.

(E) *Abrogation and greater restrictions.* This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another ordinance conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(F) *Interpretation.* In the interpretation and application of this chapter all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(G) *Warning and disclaimer of liability.* The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Actual flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

(H) *Penalties for violation.* Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a **Class 1** misdemeanor **pursuant to NC G.S. § 143-215.58**. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than ~~\$50100~~ or imprisoned for not more than 30 days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. No. 03-123, passed 12-15-2003; Ord. No. 13-015, § 1, passed 4-11-2013; Ord. No. 14-031, passed 5-8-2014)

SEC. 9-6-4 ADMINISTRATION.

(A) *Designation of Local Floodplain Administrator.* The City Engineer or a designee is hereby appointed to administer and implement the provisions of this chapter. For the purposes of this chapter, the City Engineer or designee shall hereafter be referred to as “Local Floodplain Administrator.”

(B) *Floodplain development permit and certification requirements; plans and application requirements.* Application for a floodplain development permit shall be made to the Local Floodplain Administrator on forms furnished by him or her prior to any development activities within flood prone areas. The following items/information shall be presented to the Local Floodplain Administrator to apply for a floodplain development permit:

- ~~(1) A plot that shows the 100-year floodplain contour or a statement that the entire lot is within the floodplain must be provided by the floodplain development permit applicant when the lot is or appears to be within the floodplain as mapped by the Federal Emergency Management Agency or the floodplain identified pursuant to either section 9-6-4(E)(11), section 9-6-5(D) and section 9-6-5(E). The plot plan must be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same;~~
- ~~(2) The plot plan required by subsection (B)(1) above must show the floodway or non-encroachment area(s), if any, as identified by the Federal Emergency Management Agency or the floodway/non-encroachment area identified pursuant to either section 9-6-4(E)(11) or section 9-6-5(E);~~
- (1) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:**
 - (a) The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;**
 - (b) The boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Section 9.6.3 (B), or a statement that the entire lot is within the Special Flood Hazard Area;**
 - (c) Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Section 9.6.3 (B);**
 - (d) The boundary of the floodway(s) or non-encroachment area(s) as determined in Section 9.6.3 (B);**
 - (e) The Base Flood Elevation (BFE) where provided as set forth in Section 9.6.3 (B); Section 9.6.4 (E); or Section 9.6.5 (D);**
 - (f) The old and new location of any watercourse that will be altered or relocated as a result of proposed development; and**
 - (g) The certification of the plot plan by a registered land surveyor or professional engineer**
- (2) Where base flood elevation data is provided in accordance with section 9-6-3(B) or section 9-6-4(E)(11), the application for a floodplain development permit within the Zone A on the Flood Insurance Rate Map shall show:
 - (a) The elevation (in relation to ~~mean sea level-NAVD 1988~~) of the lowest floor (including basement) of all new and substantially improved structures;
 - (b) If the structure has been floodproofed in accordance with section 9-6-5(B)(2), the elevation (in relation to ~~mean sea level-NAVD 1988~~) to which the structure was floodproofed; and
 - (c) Elevation in relation to ~~mean sea level-NAVD 1988~~ to which any proposed utility systems will be elevated or floodproofed.

- (3) Where the base flood elevation data is not provided, the application for a development permit must show construction of the lowest floor at least two feet above the highest adjacent grade;
- (4) Where any watercourse will be altered or relocated as a result of proposed development, the application for a development permit shall include: a description of the extent of watercourse alteration or relocation; an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation;
- (5) When a structure is floodproofed, the applicant shall provide a floodproofing certificate and back-up plans from a registered professional engineer or architect that the nonresidential floodproofed structure meets the floodproofing criteria in section 9-6-5(B)(2);
- (6) An elevation certificate (FEMA Form 81-31) or floodproofing certificate (FEMA Form 81-65) is required after the reference level is completed. Within 21 calendar days of establishment of the reference level elevation, or floodproofing, by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the Local Floodplain Administrator a certification of the elevation of the reference level, or floodproofed elevation, whichever is applicable in relation to ~~mean sea level-NAVD 1988~~. The certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized, the certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work done within the 21-day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Local Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the certification or failure to make the corrections required shall be cause to issue a stop-work order for the project;
- (7) A final as-built elevation certificate (FEMA Form 81-31) or floodproofing certificate (FEMA Form 81-65) is required after construction is completed and prior to certificate of compliance/occupancy issuance. It shall be the duty of the permit holder to submit to the Local Floodplain Administrator a certification of final as-built construction of the elevation or floodproofed elevation of the reference level and all attendant utilities. The certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized, the certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Local Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to certificate of compliance/occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make the corrections required shall be cause to withhold the issuance of a certificate of compliance/occupancy;
- (8) If a manufactured home is placed within an A, AO, AE or A1-30 Zone and the elevation of the chassis is above 36 inches in height, an engineered foundation certification is required per section 9-6-3(B);
- (9) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit;
- (10) A foundation plan drawn to scale which shall include details of the proposed foundation system to ensure all provisions of this chapter are met. These details include but are not limited to:
 - (a) Proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/piers);
 - (b) Should solid foundation perimeter walls be used in floodplains, details of sufficient openings to facilitate the unimpeded movements of floodwaters in accordance with section 9-6-5(B)(5).
- (11) Usage details of any enclosed space below the regulatory flood protection elevation;

- (12) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical and water systems to be located and constructed to minimize flood damage;
- (13) Copy of all other local, state and federal permits required prior to floodplain development permit issuance (i.e., wetlands, erosion and sedimentation control, riparian buffers, mining and the like); and
- (14) If floodplain development permit is issued for placement of recreational vehicles and/or temporary structures, documentation to ensure section 9-6-5(B)(4) and (B)(6) of this Code are met.

(C) *Certification exemptions.* The following structures, if located within A, AO, AE or A1-30 Zones, are exempt from the elevation/floodproofing certification requirements specified in subsections (A) and (B) above:

- (1) Recreational vehicles meeting requirements of section 9-6-5(B)(4);
- (2) Temporary structures meeting requirements of section 9-6-5(B)(6); and
- (3) Accessory structures less than 150 square feet meeting requirements of section 9-6-5(B)(7).

(D) *Determinations for existing buildings and structures.* For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

- (1) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;**
- (2) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;**
- (3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and**
- (4) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the NC Building Code and this ordinance is required.**

(E) *Floodplain development permit data requirements.* The following information shall be provided at a minimum on the floodplain development permit to ensure compliance with this Code:

- (1) A **complete** description of the development to be permitted under the floodplain development permit (**e.g. house, garage, pool, septic, bulkhead, cabana, pier, bridge, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.**) issuance;
- (2) The special flood hazard area determination for the proposed development per available data specified in section 9-6-3(B);
- (3) The regulatory flood protection elevation required for the reference level and all attendant utilities;
- (4) The regulatory flood protection elevation required for the protection of all public utilities;
- (5) All certification submittal requirements with timelines;
- (6) State that no fill material shall encroach into the floodway or non-encroachment area of any watercourse, if applicable **unless the requirements of Section 9-6-5 (C) have been met;**

- (7) If in an A, AO, AE or A1-30 Zone, specify the minimum foundation opening requirements; ~~and~~
- (8) State limitations of below BFE enclosure uses (if applicable) (i.e., parking, building access and limited storage only); **and**
- (9) A statement, that all materials below BFE/RFPE must be flood resistant materials.**

(F) *Duties and responsibilities of the Local Floodplain Administrator.* Duties of the Local Floodplain Administrator shall include but not be limited to:

- (1) Review all floodplain development applications and issue permits for all proposed development within flood prone areas to assure that the permit requirements of this chapter have been satisfied;
- (2) Advise permittee that additional federal or state permits (i.e., wetlands, erosion and sedimentation control, riparian buffers, mining, and the like) may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the floodplain development permit;
- (3) Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency;
- (4) Assure that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished;
- (5) Prevent encroachments within floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of section 9-6-5 are met;
- (6) Obtain actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and all attendant utilities in accordance with subsection (B)(7) or (8) of this section;
- (7) Obtain the actual elevation (in relation to mean sea level) to which the new or substantially improved structures and all utilities have been floodproofed, in accordance with subsection (B)(7) or (8) of this section;
- (8) Obtain actual elevation (in relation to mean sea level) of all public utilities, in accordance with subsection (B) above;
- (9) When floodproofing is utilized for a particular structure, the Local Floodplain Administrator shall obtain certification from a registered professional engineer or architect, in accordance with this section and section 9-6-5(B)(2);
- (10) Where interpretation is needed as to the exact location of boundaries of the special flood hazard areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Local Floodplain Administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this chapter;
- (11) When base flood elevation data has not been provided in accordance with section 9-6-3(B), then the Local Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation along with floodway data and/or non-encroachment area data available from a federal, state or other source, including data developed pursuant to section 9-6-5(E)(4) in order to administer the provisions of section 9-6-5;
- (12) When base flood elevation (BFE) data is provided but no floodway nor non-encroachment area data has been provided in accordance with section 9-6-3(B), obtain, review and reasonably utilize any floodway data, and/or non-encroachment area data available from a federal, state or other source in order to administer the provisions of this chapter;
- (13) When the exact location of boundaries of the special flood hazard areas conflict with the current, natural

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topography information at the site, the property owner may apply and be approved for a Letter of Map Amendment (LOMA) by FEMA. A copy of the Letter of Map Amendment issued from FEMA will be maintained by the Local Floodplain Administrator in the permit file;

- (14) Make on-site inspections of projects in accordance with subsection (F) below. As the work pursuant to a floodplain development permit progresses, the Local Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Local Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action;
 - (15) Serve notices of violations, issue stop-work orders, revoke permits and take corrective actions in accordance with subsection (F) below. Whenever a building or part thereof is being constructed, reconstructed, altered or repaired in violation of this chapter, the Local Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor;
 - (16) All records pertaining to the provisions of this chapter shall be permanently maintained in the office of the Local Floodplain Administrator and shall be open for public inspection;
 - (17) Annexation: provide the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program with two copies of the maps delineating new corporate limits within six months from date of annexation or change in corporate boundaries;
 - (18) Revocation of floodplain development permits as required. The Local Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable state or local law may also be revoked;
 - (19) Make periodic inspections throughout all special flood hazard areas within the jurisdiction of the community. The Local Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action; and
 - (20) Follow through with corrective procedures of subsection (F) below.
 - (21) Review, provide input, and make recommendations for variance requests.**
 - (22) Maintain a current map repository to include, but not limited to, historical and effective FIS Report, historical and effective FIRM and other official flood maps and studies adopted in accordance with the provisions of Section 9.6.3 (B) of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.**
 - (23) Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).**
- (G) *Administrative corrective procedures.*
- (1) *Violations to be corrected.* When the Local Floodplain Administrator finds violations of applicable state and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law in the property he or she owns.
 - (2) *Actions in event of failure to take corrective action.* If the owner of a building or property shall fail to take prompt corrective action, the Local Floodplain Administrator shall give the owner written notice, by certified or registered mail to his or her last known address or by personal service, stating that:

- (a) The building or property is in violation of the Flood Damage Prevention Ordinance;
 - (b) A hearing will be held before the Local Floodplain Administrator at a designated place and time, not later than ten days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
 - (c) Following the hearing, the Local Floodplain Administrator may issue an order to alter, vacate or demolish the building; or to remove fill as appears appropriate.
- (3) *Order to take corrective action.* If, upon a hearing held pursuant to the notice prescribed above, the Local Floodplain Administrator finds that the building or development is in violation of the Flood Damage Prevention Ordinance, he or she shall make an order in writing to the owner, requiring the owner to remedy the violation within 60 days. The Local Floodplain Administrator may prescribe a period shorter than 60 days; provided that the Local Floodplain Administrator finds that there is imminent danger to life or other property.
- (4) *Appeal.* Any owner who has received an order to take corrective action may appeal from the order to the Board of Adjustment by giving notice of appeal in writing to the Local Floodplain Administrator and the City Clerk within ten days following issuance of the final order. In the absence of an appeal, the order of the Local Floodplain Administrator shall be final. The Board of Adjustment shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
- (5) *Failure to comply with order.* If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been taken, or fails to comply with an order of the Board of Adjustment following an appeal, he or she shall be guilty of a **Class 1** misdemeanor **pursuant to NC G.S. §143-215.58** and shall be punished in the discretion of the court.

(H) *Variances.*

- (1) The Board of Adjustment as established by the city shall hear and decide requests for variances from the requirements of this chapter.
- (2) Any person aggrieved by the decision of the Board of Adjustment or any taxpayer may appeal the decision to the Superior Court as provided in G.S. Chapter 7A of the North Carolina General Statutes.
- (3) Variance may be issued for the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (4) In passing upon such applications for variances, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter and:
 - (a) The danger that materials may be swept onto other lands to the injury of others;
 - (b) The danger to life and property due to flooding or erosion damage;
 - (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) The importance of the services provided by the proposed facility to the community;
 - (e) The necessity to the facility of a waterfront location, where applicable;
 - (f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (g) The compatibility of the proposed use with existing and anticipated development;
 - (h) The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area;

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- (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - (k) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- (5) The findings listed above shall be submitted to the Board of Adjustment, in writing, and included in the application for a variance.
- (6) Upon consideration of the factors listed above, and the purposes of this chapter, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
- (7) Variances shall not be issued within any designated floodway or non-encroachment area if any increase in flood levels during the base flood discharge would result.
- (8) Conditions for variances:
- (a) Variances may not be issued when the variance will make the structure in violation of other federal, state or local laws, regulations or ordinances.
 - (b) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (c) Variances shall only be issued upon:
 - 1. A showing of good and sufficient cause;
 - 2. A determination that failure to grant the variance would result in exceptional hardship; and
 - 3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or chapters.
 - (d) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced reference level elevation. Such notification shall be maintained with a record of all variance actions.
 - (e) The Local Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.
- (9) A variance may be issued for solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in special flood hazard areas, provided that all of the following conditions are met. A floodplain development permit may be issued for such development only if a variance is granted:
- (a) The use serves a critical need in the community;
 - (b) No feasible location exists for the use outside the special flood hazard area;
 - (c) The reference level of any structure is elevated or floodproofed to at least the regulatory flood protection level;
 - (d) The use complies with all other applicable federal, state and local law; and
 - (e) The City of Greenville has notified the Secretary of the North Carolina Department of Crime Control

and Public Safety of its intention to grant a variance at least 30 days prior to granting the variance.
(Ord. No. 03-123, passed 12-15-2003)

SEC. 9-6-5 PROVISIONS FOR FLOOD HAZARD REDUCTION.

(A) *General standards.* In all special flood hazard areas the following provisions are required:

- (1) All new construction and substantial improvement shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- (2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- (3) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (4) **All new electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be elevated to the regulatory flood protection elevation and/or designed so as to prevent water from entering or accumulating within the components during conditions of flooding. These include but are not limited to HVAC equipment, water softener units, bath/kitchen fixtures, duct work, electric meter panels/boxes, utility/cable boxes, appliances (i.e., washers, dryers, refrigerator and the like), hot water heaters, electric outlets/switches;**
 - (a) Replacements part of a substantial improvement, electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall also meet the above provisions.**
 - (b) Replacements that are for maintenance and not part of a substantial improvement, may be installed at the original location provided the addition and/or improvements only comply with the standards for new construction consistent with the code and requirements for the original structure.**
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems;
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters;
- (7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
- ~~(8) Any alteration, repair, reconstruction or improvement to a structure which is in compliance with the provisions of this chapter shall meet the requirements of new construction as contained in this chapter;~~
- (8) Nonconforming structures or other development may not be enlarged, replaced or rebuilt unless the enlargement or reconstruction is accomplished in conformance with the provisions of this chapter. Provided, however, nothing in this chapter shall prevent the repair, reconstruction or replacement of a building or structure existing on the effective date of this chapter and located totally or partially within the floodway, non-encroachment area, or stream setback provided that the bulk of the building or structure below regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback is not increased and provided that such repair, reconstruction or replacement meets all of the other requirements of this chapter; and
- (9) New solid waste disposal facilities, hazardous waste management facilities, salvage yards and chemical storage facilities shall not be permitted in special flood hazard areas. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a special flood hazard area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified according to section 9-6-4(B) of this chapter.

(B) *Specific standards.* In all special flood hazard areas where base flood elevation data have been provided as set forth in section 9-6-3(B) or section 9-6-4(E)(11) and (12), the following provisions are required:

- (1) *Residential construction.* New construction or substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation.

(Ord. No. 00-19, § 4, passed 2-10-2000)

- (2) *Nonresidential construction.* New construction or substantial improvement of any commercial, industrial or other nonresidential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation. ~~Such structures~~ **Structures located in Zones A, AE, AH, AO, A99** may be floodproofed to the regulatory flood protection elevation in lieu of being elevated, provided that all areas of the structure, **together with attendant utility and sanitary facilities**, below the required flood protection elevation are watertight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. **For AO Zones, the floodproofing elevation shall be in accordance with Section 9.6.5 (G) (2).** A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in section 9-6-4(B)(3) **along with the operational plan and the inspection and maintenance plan.**

- (3) *Manufactured homes.*

- (a) New or replacement manufactured homes shall be elevated on a foundation such that the reference level of the manufactured home is elevated no lower than the regulatory flood protection elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- (b) Manufactured homes that are to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the provisions of subsection (B)(3)(a) above must be elevated so that the lowest floor of the manufactured home is elevated no lower than the regulatory flood protection elevation, and be securely anchored to an adequately anchored foundation to resist flotation, collapse and lateral movement in accordance with the State of North Carolina Regulations for Manufactured/Mobile Homes, 1995 Edition and any revision thereto adopted by the Commissioner of Insurance pursuant to G.S. 143-143.15 or a certified engineered foundation. Additionally, all manufactured homes located in special flood hazard areas must be installed either on a pre-approved foundation design from the Manual of Standard Designs and Details or on a foundation design certified by a professional engineer registered in the State of North Carolina. Furthermore, all tanks, decks, porches and steps to the manufactured home must be sufficiently designed and anchored to prevent collapse and/or flotation off the site, except that porches and steps serving a manufactured home on a lot that is less than five feet below the lowest floor of the manufactured home at the location of the porch or steps shall not be required to be anchored.
- (c) An evacuation plan must be developed for evacuation of all residents of all new substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Local Floodplain Administrator and the local Emergency Management Coordinator.
- (d) When the elevation of the manufactured home would be met by an elevation of the chassis 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or other foundation elements of at least equivalent strength.
- (e) If a manufactured home is placed with the elevation of the chassis above 36 inches in height, an engineered foundation certification is required per subsection (B)(3).
- (f) All foundation enclosures or skirting shall be in accordance with subsection (B)(5) of this section.

- (4) *Recreational vehicles.* Recreational vehicles placed on sites within a special flood hazard area shall either:

- (a) Be on site for fewer than 180 consecutive days;

- (b) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and has no permanently attached additions); or
 - (c) Meet all the requirements for new construction, including anchoring and elevation requirements of section 9-6-4(B) and subsections (A) and (B)(3) of this section.
- (5) *Elevated buildings.* New construction or substantial improvements of elevated buildings that include fully enclosed areas that are below the regulatory flood protection elevation shall not be designed for human habitation, but shall be designed to be usable solely for the parking of vehicles, building access or limited storage of maintenance equipment used in connection with the premises in an area other than a basement, be constructed entirely of flood resistant materials below the regulatory flood protection level and meet the following design criteria.
- (a) Measures for complying with this requirement shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. To meet this requirement, the foundation must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - 1. Provide a minimum of two openings on different sides of each enclosed area subject to flooding having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - 2. The bottom of all openings shall be no higher than one foot above the adjacent grade;
 - 3. Openings may be equipped with screens, louvers or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions;
 - 4. If a building has more than one enclosed area, each area must have openings on exterior walls to allow floodwater to directly enter; and
 - 5. Foundation enclosures:
 - a. Vinyl or sheet metal skirting is not considered an enclosure for regulatory and flood insurance rating purposes. Therefore such skirting does not require hydrostatic openings as outlined above.
 - b. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires hydrostatic openings as outlined above to comply with this chapter.
 - (b) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and
 - (c) The interior portion of the enclosed area shall not be partitioned or finished into separate rooms except to enclose storage areas.
 - (d) **Where the lowest floor is more than four feet high, property owners shall be required to execute and record a non-conversion agreement prior to issuance of a building permit declaring that the area below the lowest floor shall not be improved, finished or otherwise converted to habitable space and the Floodplain Administrator shall have the right to inspect the enclosed area. This agreement shall be recorded with the Pitt County Register of Deeds and shall transfer with the property in perpetuity.**
 - (e) **Release of restrictive covenant. If a property which is bound by a non-conversion agreement is modified to remove enclosed areas below the regulatory flood elevation, then the owner may request release of restrictive covenant after staff inspection and submittal of confirming documentation.**

- (6) *Temporary structures.* Prior to the issuance of a floodplain development permit for a temporary structure, the following requirements must be met:
- (a) All applicants must submit to the Local Floodplain Administrator prior to the issuance of the floodplain development permit a plan for the removal of the structure(s) in the event of a hurricane or flash flood warning notification. The plan must include the following information:
 1. A specific time period for which the temporary use will be permitted;
 2. The name, address and phone number of the individual responsible for the removal of the temporary structure;
 3. The time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
 4. A copy of the contract or other suitable instrument with a trucking company to ensure the availability of removal equipment when needed; and
 5. Designation, accompanied by documentation, of a location outside the floodplain to which the temporary structure will be moved.
 - (b) The above information shall be submitted in writing to the Local Administrator for review and written approval.
- (7) *Accessory structures.* When accessory structures (sheds, detached garages and the like) are to be placed in the floodplain, the following criteria shall be met:
- (a) Accessory structures shall not be used for human habitation (including work, sleeping, living, cooking or restroom areas);
 - (b) Accessory structures shall be designed to have low flood damage potential;
 - (c) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistant to the flow of flood waters;
 - (d) Accessory structures shall be firmly anchored in accordance with subsection (A)(1) above;
 - (e) All service facilities such as electrical and heating equipment shall be elevated in accordance with subsection (A)(4) above; and
 1. Openings to relieve hydrostatic pressure during a flood shall be provided below regulatory flood protection elevation in conformance with subsection (B)(5).
 2. An accessory structure with a footprint less than 150 square feet does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with section 9-6-4(B).
- (8) *Additions/improvements.*
- (a) Additions and/or improvements to pre-FIRM structures whereas the addition and/or improvements in combination with any interior modifications to the existing structure:
 1. Are not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more nonconforming than the existing structure;
 2. Are a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

- (b) Additions to post-FIRM structures with no modifications to the existing structure shall require only the addition to comply with the standards for new construction.
- (c) Additions and/or improvements to post-FIRM structures whereas the addition and/or improvements in combination with any interior modifications to the existing structure:
 - 1. Are not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction;
 - 2. Are a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
- (d) Where a fire wall or independent perimeter load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and only the addition must comply with the standards for new construction.
- (e) **Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a one year period, the cumulative cost of which equals or exceeds 49 percent of the market value of the structure before the improvement or repair is started must comply with the standards for new construction. For each building or structure, the one year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this ordinance. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:**
 - 1. **Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions.**
 - 2. **Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.**
- (9) **Tanks.** When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:
 - (a) **Underground tanks.** Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty;
 - (b) **Above-ground tanks, elevated.** Above-ground tanks in flood hazard areas shall be elevated to or above the Regulatory Flood Protection Elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;
 - (c) **Above-ground tanks, not elevated.** Above-ground tanks that do not meet the elevation requirements of Section 9.6.5 (B) (2) of this ordinance shall be permitted in flood hazard areas provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.
 - (d) **Tank inlets and vents.** Tank inlets, fill openings, outlets and vents shall be:
 - 1. **At or above the Regulatory Flood Protection Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during Item #6 of**

the design flood; and

- 2. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.**

(10) Other Development.

- (a) Fences in regulated floodways and NEAs that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 9.6.5 (C) of this ordinance.**
- (b) Retaining walls, sidewalks and driveways in regulated floodways and NEAs. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 9.6.5 (C) of this ordinance.**
- (c) Roads and watercourse crossings in regulated floodways and NEAs. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 9.6.5 (C) of this ordinance.**

(C) *Floodways and non-encroachment areas.* Located within special flood hazard areas established in section 9-6-3(B) are areas designated as floodways or non-encroachment areas. Since the floodways and non-encroachment areas are extremely hazardous areas due to the velocity of flood waters which carry debris, potential projectiles and have erosion potential, the following provisions shall apply to all development within such areas:

- (1) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during occurrence of the base flood. Such certification and technical data shall be presented to the Local Floodplain Administrator.
- (2) If subsection (C)(1) is satisfied, all development and substantial improvements shall comply with all applicable flood hazard reduction provisions of this chapter.
- (3) No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured homes (mobile homes) park or subdivision, provided the anchoring and the elevation standards of subsection (B)(3), and the non-encroachment standards of subsection (B)(1) are met.
- (4) Notwithstanding any other provisions of 44 C.F.R. § 60.3, a community may permit encroachments within the adopted regulatory floodway or non-encroachment area that would result in an increase in base flood elevations, provided that the community first applies for a conditional LOMR and floodway revision, fulfills the requirements for such revisions as established under the provisions of 44 C.F.R. § 65.12 of the "National Flood Insurance Program and Related Regulations," and receives the approval of the Local Floodplain Administrator prior to commencement of the development.

(D) *Standards for floodplains without established base flood elevations.* Within the special flood hazard areas established in section 9-6-3(B) are floodplains where no base flood elevation data has been provided, the following provisions shall apply:

- (1) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of the stream bank equal to five times the width of the stream at the top of bank or 20 feet each side from top of bank, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) If subsection (E)(1) is satisfied and base flood elevation is available from other source, all new construction and substantial improvements within such areas shall comply with all applicable provisions of this chapter and shall be elevated or floodproofed in accordance with elevations established in accordance with section 9-6-4(E)(11) and (12). When base flood elevation data is not available from a federal, state or other source, the reference level, including basement, shall be elevated at least two feet above the highest adjacent grade.

(E) *Standards for subdivision, manufactured home park and major development proposals.*

- (1) All proposals shall be consistent with the need to minimize flood damage;
- (2) All proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- (3) All proposals shall have adequate drainage provided to reduce exposure to flood hazards; and
- (4) Base flood elevation data shall be provided for all proposals and other proposed development, which is greater than the lesser of 50 lots/manufactured home sites or five acres. Such base flood elevation (BFE) data shall be adopted by reference per section 9-6-3(B) to be utilized in implementing this Code.

(F) *Standards for floodplains with BFE but without established floodways or non-encroachment areas.* Along rivers and streams where base flood elevation (BFE) data is provided but neither floodway nor non-encroachment areas are identified for a special flood hazard area on the FIRM or in the FIS, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided, demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(G) *Standards for areas of shallow flooding (AOH Zones).* Located within the special flood hazard areas established in section 9-6-3(B) are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. The following provisions apply within such areas:

- (1) All new construction and substantial improvements of all structures shall have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least to the regulatory flood protection elevation as defined for the special flood hazard areas where no BFE has been established.
- (2) All new construction and substantial improvements of nonresidential structures shall have the option, in lieu of elevation, to be completely floodproofed together with attendant utilities and sanitary facilities to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as per section 9-6-4(B)(3) and section 9-6-4(B)(2).

(Ord. No. 03-123, passed 12-15-2003)

SEC. 9-6-6 LEGAL STATUTES AND PROVISIONS.

(A) *Effect on rights and liabilities under the existing flood damage prevention ordinance.* This chapter in part is adopted due to re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted June 8, 1978, as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this chapter shall not affect any action, suit or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance of the City of Greenville enacted on June 8, 1978, as amended, which are not re-enacted herein are repealed.

(B) *Effect upon outstanding building permits.* Nothing herein contained shall require any change in the plans, construction, size or designated use of any development or any part thereof for which a floodplain development permit has been granted by the Local Floodplain Administrator or his or her authorized agents, before time of passage of this chapter; provided, however, that when construction is not begun under such outstanding permit within a period of 60 days subsequent to passage of this chapter or any revision thereto, construction or use shall be in conformity with the provisions of this chapter.
(Ord. No. 03-123, passed 12-15-2003)

(C) Severability. If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.



City of Greenville, North Carolina

Meeting Date: 5/14/2020
Time: 6:00 PM

Title of Item: Resolution and economic development agreement for a Job Creation Grant for ABC Phones of North Carolina, Inc. dba Victra

Explanation: **Abstract:** Victra will be establishing operations in Greenville and is seeking a Job Creation Grant as part of the project. City staff recommends awarding a Job Creation Grant to Victra. City Council must hold a public hearing before considering awarding the grant.

Explanation: Victra is establishing their operation in Greenville and is seeking a Job Creation Grant as part of the project. This expansion will create 125 new jobs in the Greenville area in Phase 1 and could include 75 additional jobs in the Greenville area in Phase 2. The project is expected to increase the taxable property base, stimulate the local economy, promote business, and provide employee opportunities. Victra will invest up to \$1 million and will create up to 200 jobs.

If the City does not issue this grant, Victra could relocate its headquarters to another city in North Carolina or to another state.

Grants may be awarded in annual installments with a grant period ranging from 3 to 5 years, but up to 7 years for transformative projects.

Fiscal Note: A five-year grant period for Victra will result in an incentive totaling \$500,000.

Recommendation: City Council hold a public hearing on the Job Creation Grant (proposed economic development incentive), approve the attached resolution and economic development agreement with Victra awarding the Job Creation Grant in an amount not to exceed \$500,000, and authorize the City Manager to make any non-substantive changes to the agreement.

ATTACHMENTS:

- ▣ **RESOLUTION_Victra_grant_5_14_20_Council_meeting_1128310**
- ▣ **Victra_Job_Creation_Grant_agreement_1128309**

RESOLUTION NO. ___-20
RESOLUTION OF THE GREENVILLE CITY COUNCIL APPROVING AN ECONOMIC
DEVELOPMENT INCENTIVE FOR VICTRA, INC.

WHEREAS, North Carolina General Statute § 158-7.1 grants authority to the City of Greenville to make appropriations for the purposes of aiding and encouraging the location or expansion of certain business enterprises in the corporate limits of the City or in Pitt County, or for other purposes which the City Council finds, in its discretion, will increase employment, taxable property base, and business prospects of the City;

WHEREAS, ABC Phones of North Carolina, Inc. dba Victra (“Victra”) is headquartered in Raleigh, NC and plans to open a location within the City limits and it is the largest, exclusive authorized retail partner of Verizon, and Verizon operates 4 inbound call telesales operations in the following four states: Texas, Arizona, Florida and South Carolina, and the Company could take its proposal to another State if the City does not offer the Job Creation Grant;

WHEREAS, the Greenville City Council has held a public hearing to consider whether to participate in an economic development project by authorizing the Job Creation Grant (cash incentive) be paid to Victra;

WHEREAS, the grant would be paid to Victra only upon proof that the Company made the agreed-upon investment in real property (building) which it leases and created up to 200 full-time jobs;

WHEREAS, Victra plans to invest in the real property it leases and thereby enhance Pitt County’s tax base, and create up to 200 jobs, and persons filling the new positions shall work in the building;

WHEREAS, the City Council does hereby find and determine that the proposed economic development project will tend to increase the taxable property base of the City, increase the business prospects of the City, and create high-paying jobs, and that it is in the public interest to provide assistance, as authorized by North Carolina General Statute § 158-7.1, in order to encourage the Company to develop the project described herein;

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

- The City approves an economic development incentive (“Job Creation Grant”) to Victra that consists of appropriation and expenditure of up to \$100,000 annually for 3 fiscal years (July 1, 2020-June 30, 2023) in exchange for Victra creating up to 125 jobs. This grant period is called “Phase I”.
- In addition, City approves Job Creation Grant to Victra that consists of appropriation and expenditure of up to \$100,000 annually for 2 additional fiscal years (July 1, 2023-

June 30, 2025) in exchange for Victra creating up to 75 jobs. This grant period is called "Phase II".

- The Economic Development Agreement between the City of Greenville (the "City") and Victra includes terms that require the Company to make improvements to the real property it leases located at 1451 Thomas Langston Road and create up to 200 new jobs is hereby approved.
- New full-time job creation levels must be met at end of each fiscal year prior to grant funds being dispersed.
- In addition, all new full-time jobs must be created within five fiscal years beginning on July 1, 2020, and such jobs must be maintained 3 years from final grant payment.

The Mayor or City Manager is authorized to execute this agreement and any other documents necessary to the project on behalf of the City.

Adopted this 14th day of May, 2020.

City of Greenville

By: _____
P.J. Connelly, Mayor

Attest:
(SEAL)

Valerie Shiuwegar, City Clerk

**NORTH CAROLINA
PITT COUNTY**

**ECONOMIC DEVELOPMENT AGREEMENT BETWEEN VICTRA, INC. AND CITY
OF GREENVILLE FOR JOB CREATION WITHIN CITY LIMITS**

THIS AGREEMENT is made and entered into this the ___ day of May, 2020 (“effective date”), by and between the City of Greenville, a municipal corporation organized and existing pursuant to the laws of the State of North Carolina, Party of the First Part and hereinafter referred to as the “City”, and ABC Phones of North Carolina, Inc. dba Victra (“Victra”), a company organized and existing under the laws of the State of North Carolina, hereinafter referred to as the “Company or Victra.”

WITNESSETH:

WHEREAS, North Carolina General Statute § 158-7.1 grants the authority to the City to make appropriations for the purposes of aiding and encouraging the location or expansion of certain business enterprises in the corporate limits of the City or the City’s Extraterritorial Jurisdiction (ETJ), or for other purposes which the City Council of the City finds, in its discretion, will increase the population, taxable property base, and employment prospects of the City or County;

WHEREAS, the Company is developing an economic development project (“project”) consisting of rehabilitation of an existing building within City limits of the City that the Company leases, and the expansion of the workforce (creation of 200 jobs) which is expected to increase the taxable property base in the County, and to stimulate the local economy, promote business, and provide employment opportunities;

WHEREAS, the Company has stated in its application for a Job Creation Grant that it is investigating and/or is in discussions with other States about its project described herein;

WHEREAS, the Company is headquartered in Raleigh, NC, and is the largest, exclusive authorized retail partner of Verizon, and Verizon operates at least 4 other inbound call telesales operations in the following four states: Texas, Arizona, Florida and South Carolina, and the Company could take its proposal to another State if the City does not offer the Job Creation Grant;

WHEREAS, the City's Job Creation Grant program requires the Company to pay 50% of employee health insurance or an equivalent benefit, and the Company must pay an average wage rate for all employees at the investment site equal to or greater than 100% of the average annual wage rate for the Greenville M.S.A.;

WHEREAS, the Company intends to lease and rehabilitate the building located 1451 Thomas Langston Road in Greenville, North Carolina (the "Property"), and the Company anticipates that it will invest ~~in excess of~~ one million dollars (\$1,000,000), to be located upon the Property (the "Improvements"), with \$500,000 of the Improvements to be made between June 1, 2020, and May 31, 2021, and \$125,000 the next four years thereafter (the "Improvement Period");

WHEREAS, as an inducement to the Company, the City has approved the appropriations and expenditures as hereinafter set forth for the specific purpose of making economic development grants ("Job Creation Grant") based upon the creation of 125 jobs ("Phase I" jobs") within three (3) fiscal years, City's fiscal year starting July 1, 2020 (Year 1)-through June 30, 2023 (end of Year 3), and such jobs will remain in effect through at least three years from date of final grant payment. The City will make a grant payment at the end of each fiscal year.

WHEREAS, in addition, the City approves the appropriations and expenditures for the specific purpose of making economic development grants based on creation of 75 jobs ("Phase II" jobs") within two (2) fiscal years, City's fiscal year starting July 1, 2023 (Year 4)-through June 30, 2025 (end of Year 5), and such jobs will remain in effect through at least three years from date of

final grant payment. The City will make a grant payment at the end of each fiscal year.

WHEREAS, in consideration of the economic development incentives, the Company agrees to comply with the covenants and conditions binding upon it as set forth in this Agreement; and

WHEREAS, the parties desire to reduce their agreement to written form, clearly stating their respective responsibilities under the Agreement, and setting forth provisions regarding remedies for breach of those responsibilities by the Company and for recapture of sums appropriated or expended by the City upon the occurrence of events specified in the Agreement, as required by North Carolina General Statute § 158-7.1(h).

NOW THEREFORE, in consideration of the mutual promises contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

SECTION I – DEFINITIONS

1. Definitions

a. “Phase I Qualified Job”: Full-time permanent position created during the City’s fiscal year starting July 1, 2020 (beginning of Year 1) through June 30, 2023 (end of Year 3), and retained through 3 years from final payment, and which is evidenced by the Company’s annual 4th Quarter NCUI 101 Quarterly Tax and Wage Report and any other documentation as necessary to establish such position and employment for the applicable duration.

b. “Phase II Qualified Job”: Full-time permanent position created during the City’s fiscal year starting July 1, 2023 (beginning of Year 4) through June 30, 2025 (end of Year 5) and retained through 3 years from final payment, and which is evidenced by

the Company's annual 4th Quarter NCUI 101 Quarterly Tax and Wage Report and any other documentation as necessary to establish such position and employment for the applicable duration.

- c. "Economic development incentive payment", "grant payment" or "payment": Maximum amount of \$100,000 per year, or \$1,000 per job up to a maximum period of 5 fiscal years starting on July 1, 2020 and the annual payment is made by the City.
- d. "Effective date": The date this Agreement is in effect, and such date is determined by the City and is indicated on the first page of this Agreement.
- e. Fiscal Year means a year that begins on July 1 and ends on June 30.

SECTION II- COMPANY

2. In order to induce the City to enter into this Agreement and to appropriate and expend monies for payment of economic development incentives, the Company represents and warrants to the City that as of the execution date hereof:

2.1. Victra Inc. is a Company duly organized and existing under the laws of the State of North Carolina, has a place of business within the State of North Carolina, and is in good standing and authorized to do business in the State of North Carolina.

2.2 The Company has the corporate power and authority to own or lease its properties and assets and to carry on its business and has the corporate power to execute and perform this Agreement.

2.3 The undersigned officer of the Company has the right, authority, and duty to execute

this Agreement in the name and on behalf of the Company.

2.4 This Agreement (i) is a valid and binding instrument and agreement of the Company, enforceable against the Company in accordance with its terms; (ii) does not violate any order of any court or other agency of government binding on the Company; the charter documents or operating agreement of the Company; or any provision of any indenture, agreement or other instrument to which the Company is a party; and (iii) does not conflict with, result in a breach of, or constitute an event of default, or an event which, with notice or lapse of time, or both, would constitute an event of default, under any indenture, agreement or other instrument to which the Company is a party.

2.5 There is no suit, claim, action or litigation pending, or to the best knowledge of the Company threatened, relating to the Improvements, the use of the Improvements for their intended purpose, or any other matter contained herein.

2.6 To the best of the Company's knowledge, there is no impediment to the use of the Property for the purposes contemplated by this Agreement.

2.7 The Company is not engaged in a business that would be exempt from property taxes.

2.8 Any jobs that previously existed at Company and are filled shall not be counted as a "Phase I Qualified Job" or "Phase II Qualified Job." The Company may replace a person filling a "Qualified Job" as defined herein.

3. The Company shall make investments in the Property and Improvements during the Improvement Period. It is expected that cumulative expenditures for said investments will meet ~~or exceed~~ ~~\$500,000~~ ~~1,000,000~~ by May 31, 2021, and \$125,000 the next four years thereafter all of which will qualify and result in additional value for ad valorem tax purposes as determined by the Pitt County Tax Office. The Improvements to be made by the Company on the Property shall be a

renovation of the Property located at 1451 Thomas Langston Road for the purposes of housing new employees of the Company and carrying out its business within the City. The Company shall provide the City with the final plans for its review for consistency with said depiction and the description of the Improvements as specified herein prior to a building permit being issued. During construction of the Improvements, the Company will allow the City access onto the Property so that the City may conduct inspections of the work for consistency with said depiction and the description of the Improvements as specified herein. The Company will maintain Improvements in place, in good condition (ordinary wear and tear excepted) at least through 3 years from final payment.

4. The Company shall lease the Property and Improvements continuously during the period from the date of this Agreement until 3 years from final payment. The Property and Improvements shall not be tax exempt for property tax purposes continuously during the period from the date of this Agreement until 3 years from final payment. The Company's intent and desire is to create a minimum of 200 Qualified Jobs within five fiscal years beginning on July 1, 2020. All Phase I Qualified Jobs or Phase II Qualified Jobs must be maintained for 3 years from final payment.

5. The Company shall pay at least 50% of employee health insurance or an equivalent benefit for recipients of the Qualified Jobs created and the Company must pay an average wage rate for all employees at the investment site equal to or greater than 100% of the average annual wage rate for the Greenville M.S.A. as required by the City's Job Creation Grant policy. In addition, the Company shall complete the annual certification (attached herein and marked as Exhibit A) which amongst other things documents the number of Qualified Jobs that have been created.

5.1 The Company's job goals for creating the 200 jobs are as follows:

Phase I Jobs:

Grant YEAR	JOB CREATION GOAL	Annual Payment	<i>Maximum number of Annual grant installments</i>
	City's fiscal year starting July 1, 2020-- June 30, 2023 3 year period	\$1K per new full time job created (unit incentive amount), with a maximum annual installment of \$100K	
<u>Fiscal YEAR 1</u> July 1, 2020	125 jobs total		3 The Company is eligible for a grant payment in fiscal year that job is created, and such payment may be renewed in a subsequent year so long as that job is maintained until the Phase I job creation goal is reached. Maximum number of annual grant payments is 3.
<u>YEAR 2</u> July 1, 2021			
<u>YEAR 3</u> July 1, 2022			

Phase II Jobs

Grant YEAR	Goal of JOBS CREATED	Annual Payment	<i>Maximum number of Annual grant installments</i>
	During 24 month period	\$1K per new full time job created (unit incentive amount)with a maximum annual installment of \$100K	
<u>Year 4</u> July 1, 2023	75 jobs		2 The Company is eligible for a grant payment in fiscal

			year that job is created, and such payment may be renewed in a subsequent year so long as that job is maintained until the Phase II job creation goal is reached. Maximum number of annual grant payments is 2.
<u>Year 5</u> July 1, 2024			

SECTION III – THE CITY

6. The City will only make one incentive payment after each fiscal year in accordance with this Agreement, and such payments will be based upon the confirmed addition of the specified number of “Phase I Qualified Jobs” or “Phase II Qualified Jobs”.

6.1 After the Phase I or II Qualified Job or Jobs are created, the City will provide an annual grant payment equal to the lesser of (i) \$100,000 (if 100 Qualified Jobs created), or (ii) \$1,000 per job added by the Company, based on the number of Qualified Jobs created and compliance with the provisions in the Agreement.

6.2. Renewal of Grant Payments

(a). Phase I. The Company is eligible for a grant payment for each job created during that fiscal year and such payment may be renewed in a subsequent year so long as that job is maintained until the job creation goal in Phase I is reached.

(b). Phase II. The Company is eligible for a grant payment for each job created during that fiscal year and such payment may be renewed in a subsequent year so long as that job is maintained until the job creation goal in Phase II is reached.

6.3 Payment. At the end of each fiscal year, after creation of the Qualified Jobs the City will, within sixty (60) days of receiving sufficient documentation (invoice), pay to the Company an economic development incentive payment in the amount of the lesser of (i) \$100,000 or (ii) \$1,000 per job added by the Company based on the annual 4th Quarter NCUI 101 Quarterly Tax and Wage Report. This same process will be followed by the City and the Company in each subsequent fiscal year up to and including the entire Job Creation Period for Phase I Qualified Jobs (fiscal year beginning on July 1, 2020- June 30, 2023), and Phase II Qualified Jobs (July 1, 2023- June 30, 2025) if the Company is in compliance with the terms of this Agreement.

SECTION IV. - ADDITIONAL PROVISIONS

7. It shall be an Event of Default if any one or more of the following events shall occur for any reason whatsoever (and whether such occurrence shall be voluntary or involuntary or come about or be affected by operation of law or pursuant to or in compliance with any judgment, decree or order of any court or any order, rule or regulation of any administrative or governmental body).

7.1 If the Company shall commit a material breach of a material obligation hereunder including without limitation, the obligation to maintain Qualified Jobs through 3 years from final payment; the obligation to remain the lessee of the Property and Improvements at least through 3 years from final payment; and the obligation that the Property and Improvements not be tax exempt for property tax purposes at least through 3 years from final payment as specified in this Agreement.

7.2 If any material representation, warranty or other statement of fact contained in this Agreement or in any writing, certificate, report or statement furnished by the Company to the City in connection with the transaction described in this Agreement, shall be false or misleading in any material respect when given;

7.3 If the Company shall be unable to pay its debts generally as they become due; file a

petition to take advantage of any insolvency statute; make an assignment for the benefit of creditors; commence a proceeding for the appointment of a receiver, trustee, liquidator, or conservator of itself or of the whole or any substantial part of its Property; file a petition or answer seeking reorganization or arrangement of similar relief under the federal bankruptcy laws or any other applicable law or statute of the United States of America or any state;

7.4 If a court of competent jurisdiction shall enter an order, judgment, or decree appointing a custodian, receiver, trustee, liquidator, or conservator of the Company or of the whole or any substantial part of its Property, or approve a petition filed against the Company seeking reorganization or arrangement of similar relief under the federal bankruptcy laws or any other applicable law or statute; or if, under the provisions of any other law for the relief or aid of debtors, a court of competent jurisdiction shall assume custody or control of the Company or of the whole or any substantial part of its Property; or

7.5 Any delay in the performance of any of the duties or obligations of the Company shall not be considered a breach of this Agreement and the time required for performance shall be extended for a period equal to the lesser of (i) the period of such delay or (ii) 24 months, provided that such delay has been caused by or is the result of any acts of God; acts of the public enemy; insurrections; riots; embargoes; labor disputes, including strikes, lockouts, job actions, or boycotts; shortages of materials or energy; fires; explosions; floods; changes in laws governing this type of facility; or other unforeseeable causes beyond the control and without the fault or negligence of the Company, which delay affects the Company. The Company shall give prompt notice to the City of such cause, and shall take whatever reasonable steps are necessary to relieve the effect of such cause as promptly as possible. No such event shall excuse the payment of any sums due and payable hereunder on the due date thereof except any payment due upon the occurrence of any act or event

for which delayed performance is excused as provided above.

8. Remedy: If an Event of Default occurs, the obligation of the City as set out herein shall immediately terminate. Additionally, if an Event of Default involves either the Company not leasing the Property and the Improvements; the Property and the Improvements being deemed tax exempt for property tax purposes or the Company fails to create Qualified Jobs or maintain such jobs for the length of time specified in this agreement (3 years from final payment by City), then the Company shall make a repayment to the City of grant payments (applies to jobs created during either Phase I or Phase II separately) made by the City pursuant to this Agreement as follows:

- i. If event of default occurs on or before the end of the first fiscal year after the annual payment, then 100% of the payment will be due.
- ii. If default occurs on or before the end of the second fiscal year after the annual payment, then 67% of the payment will be due.
- iii. If default occurs on or before the end of the third fiscal year after the annual payment, then 34% of the payment will be due.

9. The Company and the City acknowledge that any monies appropriated and expended by the City for economic development incentives, as provided in this Agreement, are for a bona fide public purpose and are extended in good faith reliance on North Carolina General Statute § 158-7.1. Such incentive grants may be paid by the City from any fund sources of its choice. In the event a court of competent jurisdiction, after final appeal, rules, to which either the Company or the City is a party, that all monies expended by the City pursuant to this Agreement were not offered and accepted in good faith and in compliance with North Carolina General Statute § 158-7.1 and, further, that such monies must be repaid, the Company will make such repayment to the City. In the event one or

more lawsuits are brought against the City or any City elected official, officer, agent or employee, or the Company, challenging the legality of this Agreement, then the City and the Company shall exercise their best efforts to defend against any and all such lawsuits.

10. All notices, certificates or other communications required or permitted to be given or served hereunder shall be deemed given or served in accordance with the provisions of this Agreement if the notice is (i) mailed in a sealed wrapper and is deposited in the United States mail, certified mail, return receipt requested, postage prepaid, or (ii) deposited with a national overnight courier service that retains receipts for its deliveries, properly addressed as follows:

City: City of Greenville
Attn: City Manager
P.O. Box 7207
Greenville, NC 27835

Company: Victra
Attn: Sean Patel, Vice President of Growth or President
2626 Glenwood Ave., Suite 550
Raleigh, NC 27608

The City or the Company may, by notice given to the other, designate any further or other different addresses to which notices, certificates, requests or other communications shall be sent.

11. This Agreement shall inure to the benefit of, and is binding upon, the City and the Company and their respective successors and assigns. However, neither this Agreement nor any rights, privileges, or claims created by this Agreement may be transferred by the Company without the prior written approval of the City. An instrument shall be filed in the Office of the Register of Deeds of Pitt County which provides notice that the Property is subject to the conditions, requirements, and restrictions as contained in this Agreement. The instrument shall be indexed in the name of the Company in the grantor index.

12. Except as otherwise provided in this Agreement, this Agreement may not be amended,

changed, modified or altered except by written agreement of the parties.

13. If any provision of this Agreement is held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision of this Agreement.

14. This Agreement may be executed in any number of counterparts, each of which when so executed and delivered shall be deemed an original, and it shall not be necessary in making proof of this Agreement to produce or account for more than one such fully executed counterpart.

15. This Agreement shall be governed by and shall be construed in accordance with the laws of the State of North Carolina; venue of any action shall be in the general court of justice in Pitt County, or if in federal court, in the Eastern District of North Carolina.

16. The term of this Agreement shall commence on the effective date of this Agreement as defined herein and expire on 3 years from final payment of an incentive grant by the City as defined in this Agreement.

17. Both the Company and the City acknowledge and stipulate that this Agreement is the product of mutual negotiation and bargaining, and that it has been drafted by counsel for both the Company and the City. As such, the doctrine of construction against the drafter shall have no application to this Agreement.

18. E-Verify Requirements. (A) If this contract is awarded pursuant to North Carolina General Statutes (NCGS) 143-129 – (i) the Company represents and covenants that the Company and its subcontractors comply with the requirements of Article 2 of Chapter 64 of the NCGS; (B) If this contract is subject to NCGS 143-133.3, the Company and its subcontractors shall comply with the requirements of Article 2 of Chapter 64 of the NCGS.

IN WITNESS WHEREOF the parties hereto have set their hands and seals as of the day and

year first above written.

City of Greenville

By: _____
P.J. Connelly, Mayor

Attest:
(SEAL)

Valerie Shiuwegar, City Clerk

APPROVED AS TO FORM:

BY: _____
Emanuel D. McGirt, City Attorney

PRE-AUDIT CERTIFICATION:

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

BY: _____
Byron Hayes, Director of Financial Services

STATE OF NORTH CAROLINA
COUNTY OF PITT

I, _____, a Notary Public of said County and State, certify that Valerie Shiuwegar, City Clerk, personally came before me this day and acknowledged that she is the City Clerk of the City of Greenville, a municipal corporation, and that by authority duly given and as the act of the City of Greenville, the foregoing instrument was signed in its name by its Mayor, sealed with the City Seal, and attested by herself as City Clerk.

Witness my hand and seal this the _____ day of _____, 2020.

Notary Public
Printed Name: _____

My commission expires: _____

ABC Phones of North Carolina, Inc. dba Victra

BY: _____ (SEAL)

Printed Name: _____

Title: _____

NORTH CAROLINA
_____ COUNTY

I, _____, Notary Public in and for the aforesaid County and State, do hereby certify that _____, personally appeared before me this day and acknowledged that he/she is _____ of ABC Phones of North Carolina, Inc. dba Victra, a corporation, and that he/she, as _____, being authorized to do so, executed the foregoing instrument on behalf of the corporation.

WITNESS my hand and official seal, this the _____ day of _____, 2020.

Notary Public

Printed Name: _____

My Commission Expires: _____

EXHIBIT A

ANNUAL CERTIFICATION

TO: City of Greenville
ATTN: City Manager
P.O. Box 7207
Greenville, NC 27835

This Certificate is delivered pursuant to the Economic Development Agreement (the "Agreement") dated May ____, 2020, between the City of Greenville ("City") and Victra ("Company"). Any capitalized term not otherwise defined herein shall have the meaning assigned to such term in the Agreement. The terms of the Agreement are incorporated into this Certificate as if fully set forth herein.

I do hereby certify, for and on behalf of the Company, that

- (a) The following Improvements were made during the Improvement Period from June 1, 2020, through May 31, 2021:
- (b) The amount of the personal and real property valuations of the Property and Improvements, as of January 1, 20__, are in the amount of _____.
- (c) The following new jobs have been added:
- (d) Proof of taxes paid is attached to this certificate (Victra shall obtain this information from owner of subject real property or public records).

Certified, this the ____ day of _____, 20__.

Victra, Inc.

By: _____

Title: _____



City of Greenville, North Carolina

Meeting Date: 5/14/2020
Time: 6:00 PM

Title of Item: Presentation of the proposed Fiscal Year 2020-2021 operating budgets for:

- a. Pitt-Greenville Convention & Visitors Authority
- b. Sheppard Memorial Library
- c. Greenville Utilities Commission

Explanation: **Abstract:** Pitt-Greenville Convention & Visitors Authority, Sheppard Memorial Library, and Greenville Utilities Commission will present their proposed Fiscal Year 2020-2021 operating budgets.

Explanation: During the May 14, 2020 City Council meeting, representatives from the Pitt-Greenville Convention & Visitors Authority, Sheppard Memorial Library, and Greenville Utilities Commission will present their proposed Fiscal Year 2020-2021 operating budget.

In compliance with Section 160A-148(5) of the North Carolina General Statutes, the City Council will hold a public hearing on Monday, June 8, and consider adopting the annual budget ordinance on Thursday, June 11.

Fiscal Note: The final amount of each of the budgets presented will be determined by City Council action at the June 11, 2020, City Council meeting.

Recommendation: Receive presentations on the proposed Fiscal Year 2020-2021 operating budgets and provide feedback and direction.

ATTACHMENTS:

- ☐ CVB Budget Message**
- ☐ CVB Budget Charts**
- ☐ SML Budget Documents**
- ☐ GUC Budget Docs**



GREENVILLE-PITT COUNTY
CONVENTION & VISITORS BUREAU

April 27, 2020

Dear Mayor, Mayor Pro-Tem, and Members of City Council:

The Convention & Visitors Authority, in conjunction with its hospitality partners, continues to make great progress in establishing Greenville and Pitt County as a competitive hospitality destination throughout the state of North Carolina. In 2018, tourism expenditures in Pitt County totaled 260.5 million dollars and generated 5.8 million dollars in local taxes resulting in a tax savings of \$106.56 per resident. These tourism numbers rank Greenville among the top 20% of tourism generating destinations across our state and we continue to gain ground each year against other municipalities.

The cornerstone of the 2020-2021 CVA budget is centered on achieving our established goals and objectives as set forth by the CVA board of directors and CVB staff. A main focus will be to counteract the harmful effects that COVID-19 has had on Greenville and Pitt County by using tourism as a way to help restart the economy. The CVB will concentrate on recapturing postponed and cancelled events in the meetings, convention, reunion, and sports market while working to grow leisure visitation.

Over the next twelve months, the Convention and Visitors Bureau's budget is based on projected revenue from the hotel-motel occupancy tax collections. Our budget is based off a 20% decrease in collections for the fiscal year due to COVID-19. To combat this loss in revenue, our budget reflects the use of some fund balance and reduces its salary line item as we will not re-hire two full-time positions which are set to retire after the fiscal year starts. Due to the uncertainty of when travel will begin again in earnest, it is possible that the CVA will need to further adjust its budget as we move into the next fiscal year.

This proposed budget has been approved by our CVA executive committee, our full CVA board, and is ready for consideration by the Greenville City Council. The CVA appreciates the continual support of the Greenville City Council and looks forward to working with each member to make Greenville and Pitt County a preferred destination for conventions, meetings, reunions, events, and leisure travel.

Sincerely,

A handwritten signature in black ink that reads 'Andrew D. S' with a stylized flourish at the end.

Andrew D. Schmidt, CHME, MPA
Executive Director

CONVENTION & VISITORS BUREAU BUDGET PROPOSAL-FISCAL YEARS 2021 and 2022

<u>ACCOUNT DESCRIPTION</u>	FY 2018	FY 2019	FY 2020 YTD	FY 2020	FY2021	FY2022
	ACTUAL	ACTUAL	4/23/2020	MGR REQ/REV	MGR REQ	MGR REQ
OCCUPANCY TAX	\$ 777,156.46	\$ 866,567.71	\$ 696,431.19	\$ 837,343.78	\$ 693,254.17	\$ 883,205.80
1% OCCUPANCY TAX	\$ 388,578.23	\$ 433,283.86	\$ 232,143.73	\$ 433,123.00	\$ 346,627.08	\$ 441,602.90
CAPITAL RESERVE	\$ -	\$ -	\$ 275,000.00	\$ 275,000.00	\$ 300,000.00	\$ 315,000.00
INT/INVEST EARNINGS	\$ 60.19	\$ 481.59	\$ 482.00		\$ 482.00	\$ 482.00
APPROPRIATED FUND BAL	\$ 134,208.12	\$ 200,552.58		\$ 99,579.22	\$ 148,970.40	\$ 16,250.42
TOTAL CVB REVENUES	\$ 1,300,003.00	\$ 1,500,885.74	\$ 1,204,056.92	\$1,645,046.00	\$ 1,489,333.65	\$ 1,656,541.12

<u>ACCOUNT DESCRIPTION</u>	FY 2018	FY 2019	FY 2020	FY 2020	FY2021	FY2022
	ACTUAL	ACTUAL	ACTUAL	MGR REQ	MGR REQ	MGR REQ
SALARIES-PERMANENT	\$ 364,936.52	\$ 381,593.48	333,879.78	\$ 421,157.07	\$ 390,674.34	\$ 440,048.72
SALARIES-SALES INCENTIVE	\$ -	\$ -	\$ -	\$ 7,500.00	\$ 8,000.00	\$ 10,000.00
OPEB	\$ -	\$ -	\$ 1,380.29	\$ 9,000.00	\$ 17,900.00	\$ 26,000.00
CAR ALLOWANCE	\$ -	\$ -	\$ -	\$ 3,900.00	\$ 3,900.00	\$ 3,900.00
FICA EXPENSE	\$ 27,097.85	\$ 27,874.60	\$ 24,251.97	\$ 32,967.74	\$ 32,967.74	\$ 34,253.65
GROUP LIFE	\$ 1,567.84	\$ 1,816.19	\$ 977.95	\$ 1,700.00	\$ 2,000.00	\$ 2,000.00
RETIREMENT	\$ 26,441.44	\$ 29,215.60	\$ 29,393.32	\$ 29,193.60	\$ 29,193.60	\$ 31,503.41
HEALTH/DENTAL INSURANCE	\$ 60,345.16	\$ 75,940.07	\$ 61,954.78	\$ 75,484.82	\$ 75,484.82	\$ 75,484.82
WORKERS COMP	\$ -	\$ -	\$ -	\$ 2,000.00	\$ 1,000.00	\$ 1,000.00
UNEMPLOYMENT COMP	\$ -	\$ 16.79	\$ 270.67	\$ 500.00	\$ 500.00	\$ 500.00
401K REGULAR EMP	\$ 5,463.80	\$5,421.40	\$ 4,692.00	\$ 7,280.00	\$ 5,850.00	\$ 5,850.00
GAFC	\$ 660.63	\$ 910.13	\$ 719.64	\$ 850.00	\$ 1,000.00	\$ 1,200.00
*PERSONNEL	\$486,513.24	\$ 522,788.26	\$ 457,520.40	\$ 591,533.23	\$ 568,470.50	\$ 631,740.60

PRINTING	\$ 19,174.17	\$ 31,714.44	\$ 14,203.29	\$ 33,500.00	\$ 25,000.00	\$ 30,000.00
TRAVEL/MARKETING	\$ 107,825.56	\$ 128,831.79	\$ 88,591.99	\$ 115,000.00	\$ 110,000.00	\$ 119,500.00
MAINTENANCE & REPAIR	\$ -	\$ 1,444.60	\$ 2,098.06	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00
SUPPLIES & MATERIALS	\$ 5,059.59	\$ 81,712.55	\$ 7,156.47	\$ 8,000.00	\$ 8,000.00	\$ 8,000.00
CONTRACTED SERVICES	\$ 47,116.58	\$ 59,118.00	\$ 111,891.14	\$ 112,000.00	\$ 80,000.00	\$ 80,000.00

COST OF COLLECTION	\$ 17,723.35	\$ 19,808.81	\$ 13,691.98	\$ 18,664.48	\$ 19,107.81	\$ 19,872.12
DUES/SUBSCRIPTIONS	\$ 15,346.91	\$ 7,364.97	\$ 14,952.70	\$ 22,000.00	\$ 20,000.00	\$ 20,000.00
ADVERTISING	\$ 135,516.29	\$ 134,606.67	\$ 193,037.56	\$ 183,848.00	\$ 180,000.00	\$ 175,000.00
POSTAGE	\$ 7,920.12	\$ 6,499.58	\$ 807.45	\$ 8,000.00	\$ 7,000.00	\$ 7,000.00
TELEPHONE/CELL ALLOWANCE	\$ 770.70	\$ 4,890.41	\$ 3,477.74	\$ 7,000.00	\$ 3,000.00	\$ 3,000.00
UTILITIES/RENT	\$ 38,835.46	\$ 40,183.32	\$ 34,310.88	\$ 42,677.00	\$ 43,928.26	\$ 45,126.10
GENERAL INSURANCE LIAB.	\$ -	\$ 1,200.00	\$ -	\$ 1,200.00	\$ 1,200.00	\$ 1,200.00
DIR./OFFICERS LIAB. INS.	\$ 1,200.00	\$ 825.00	\$ -	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00
CONTINGENCY	\$ 5,091.15	\$ 7,093.92	\$ 6,023.83	\$ 8,000.00	\$ 8,000.00	\$ 8,000.00
CONVENTION CTR MARKETING	\$384,046.73	\$ 398,813.55	\$ 389,201.03	\$ 433,123.00	\$ 346,627.08	\$ 441,602.90
CONVENTION INCENTIVES	\$ 9,629.12	\$ 11,924.97	\$ 5,000.00	\$ 12,000.00	\$ 7,000.00	\$ 12,000.00
TOURISM PROJECTS/SPONSOR	\$ 39,026.27	\$ 42,064.90	\$ 49,526.54	\$ 50,000.00	\$ 57,500.00	\$ 50,000.00
*OPERATING	\$ 834,282.00	\$ 978,097.48	\$ 933,970.66	\$ 1,059,512.48	\$ 920,863.15	\$ 1,024,801.12
GCC Marketing Reserve Req				\$ 73,657.92		
YTD Variance						
TOTAL CVB EXPENSES	\$1,317,795.24	\$1,500,885.74	\$1,397,378.21	\$1,651,045.71	\$ 1,562,991.57	\$1,656,541.12

SHEPPARD MEMORIAL LIBRARY

FY 2020-2021 Budget and FY 2021-2022 Financial Plan



BOARD OF TRUSTEES

Ralph Scott, Chair

Tracy Stroud, Vice-Chair

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Rick Smiley

Ray Spears

Chris Ulfers

Lauren White

Greg Needham, Library Director / Executive Secretary to the Board of Trustees



March 21, 2020

To: Ann Wall, City Manager
 Michael Cowin, Assistant City Manager
 Byron Hayes, Director of Financial Services
 Shelley Z. Leach, Financial Analyst

From: Greg Needham, Director of Libraries 

RE: 2020-2021 Budget and 2021- 2022 Plan for Sheppard Memorial Library

Attached is the 2020-2021 and 2021-2022 Sheppard Memorial Library system budget request to the City of Greenville. Sheppard Memorial Library requests \$1,347,299 for FY 20-21 and \$1,387,718 for FY 21-22.

The total amount of funding requested from Pitt County is \$673,649 and \$693,859 respectively for year one and year two of the budget cycle. Anticipated revenue from State Aid is set by the State Library of North Carolina.

I appreciate the opportunity to submit this budget request to the City of Greenville, and I will be glad to answer any related questions you may have.

Thank you for your consideration!

THE SHEPPARD MEMORIAL LIBRARY SYSTEM

The Sheppard Memorial Library system consists of the main library, the Pitt County Bookmobile, and four branch facilities. The main library and two of the branches are located in the City of Greenville, one branch is located in the Town of Winterville, and another branch is located in the Town of Bethel. Operating funds for the libraries in Greenville and the Pitt County Bookmobile are funded by the City of Greenville and Pitt County. Operating costs for libraries in Winterville and Bethel are paid for by those towns, as well as support from Pitt County, and by revenues generated from the operation of these facilities. The Sheppard Memorial Library system receives the Pitt County appropriation of State public library funding because it is recognized as the county library system.

MISSION STATEMENT FOR 2019 – 2024

Sheppard Memorial Library promotes the joys of reading, life-long learning, creativity, and economic growth. It collects and maintains diverse, comprehensive knowledge resources which nourish enlightenment, critical thinking, literacy, and understanding throughout the region.

In an era of consistent change, Sheppard Memorial Library offers stability and reliability to its community.

The library's primary mission is to provide high-interest material in a variety of formats and locations thereby allowing access and use of its collections and resources by as many individuals as possible.

The library supports both formal and informal education endeavors of persons in the community. It particularly supports reading and learning for children and assisting students in meeting objectives established during formal courses of study.

The library aggressively seeks to add to the knowledge infrastructure of Pitt County in order to support the vitality of the future knowledge-based economy. In this way it contributes to the economic development of the community.

The library's staff is composed of highly effective information specialists who assist library users in locating authoritative, timely, non-biased information among the myriad of possible sources. They aid persons in finding answers to everyday problems as well as issues that move beyond facts and data to knowledge and enlightenment.

Recognizing the need to remain current with the times, Sheppard Memorial Library regularly reviews its mission to ensure that the System is providing maximum benefit to its service area.

GOALS

The library system will provide welcoming physical “public” spaces that foster a sense of community, encourage the free flow of ideas, increase the availability of resources, and add to the information infrastructure of Greenville and Pitt County.

The library system will provide welcoming “virtual” public spaces that foster a sense of community, and enrich the information base of the service area.

The Library system will offer its service community a rich array of Programs (individual and group activities) that foster intellectual activity, promote the joys of reading, and encourage life-long learning and creativity.

The library’s staff is composed of well-trained, service-oriented, employees who effectively assist library users in locating authoritative, timely, non-biased information among a myriad of possible sources. They aid persons in finding answers to everyday problems as well as issues that move beyond facts and data to knowledge and enlightenment.

Quality library service is not free; the Library will actively seek sources of revenue to fulfill its mission. These sources of revenue will include public and private sources.

Sheppard Memorial Library will reach out to the other public and institutional libraries in the community to enhance the service for all library users in Greenville and Pitt County.

Recognizing the vital role of technology in today’s library world, Sheppard Memorial Library will provide adequate supplies of current state-of-the art means of information delivery.

Recognizing the vital role of communications in alerting the public to services and resources, the Library will reach out through the media and other means to inform the public about its offerings.

Sheppard Memorial Library General Fund 2020-2021 Budget and 2021-2022 Financial Plan

REVENUE	FY 18-19 Actual	3/18/2120 FY 19-20 Library Board Approved Budget	3/18/2020 FY 20-21 Library Board Approved Budget	3/18/2020 FY 21-22 Library Board Approved Financial Plan
City of Greenville	\$1,269,958	\$1,308,057	\$1,347,299	\$1,387,718
County of Pitt	\$601,194	\$613,819	\$673,649	\$693,859
County of Pitt - Bethel/W'ville	\$12,000	\$12,000	\$12,000	\$12,000
Town of Bethel	\$21,108	\$21,108	\$21,108	\$21,108
Town of Winterville	\$165,300	\$165,300	\$166,700	\$166,700
State Aid	\$190,680	\$190,682	\$190,682	\$190,682
Desk Receipts	\$108,507	\$107,800	\$105,000	\$103,000
Interest Income	\$1,755	\$20,155	\$15,000	\$15,000
Miscellaneous Inc.	\$42,619	\$39,000	\$32,000	\$32,000
Greenville Housing Authority	\$10,692	\$10,692	\$10,692	\$10,692
Trans In from Fiduciary Fund	\$4,776	\$0	\$0	\$0
Capital Projects – HVAC	\$0	\$0	\$150,000	\$75,000
Capital – HVAC - Fund Balance	\$0	\$0	\$25,000	\$25,000
Fund Balance	\$0	\$30,915	\$23,801	\$34,605
TOTAL REVENUE	\$2,428,589	\$2,519,528	\$2,772,931	\$2,767,364

EXPENDITURES				
Personnel	\$1,569,151	\$1,626,014	\$1,618,562	\$1,681,769
Operations	\$790,793	\$882,822	\$957,677	\$974,903
Greenville Housing Authority	\$10,346	\$10,692	\$10,692	\$10,692
Capital - Generator	\$12,890	\$0	\$0	\$0
Capital - Computer Equipment	\$22,577	\$0	\$11,000	\$0
Capital - HVAC	\$0	\$0	\$175,000	\$100,000
TOTAL EXPENDITURES	\$2,405,757	\$2,519,528	\$2,772,931	\$2,767,364



Greenville Utilities Commission
Greenville City Council
Customers of Greenville Utilities

Ladies and Gentlemen:

Greenville Utilities Commission (GUC) is pleased to present, for your consideration, the proposed FY 2020-21 Budget that was developed using the values and objectives identified in our “Blueprint – GUC’s Strategic Plan.” Our core principles focus on facilitating regional growth, safely providing reliable and innovative utility solutions, and providing exceptional customer service.

GUC provides retail electric, water, sewer, and natural gas services; the Commission also provides wholesale water and sewer services to some surrounding communities. Providing these utility services differentiates GUC from many other utilities around the country.

Management Objectives

GUC’s budget maintains several key financial metrics including debt-service coverage ratios, fund balance (as defined by the NC Local Government Commission), and days cash on hand. These metrics are reviewed for each fund and at the enterprise level. Maintaining these metrics at the fund level ensures the long-term sustainability of GUC to continue meeting its mission and future financial objectives.

Guiding all budgetary decisions is GUC’s Strategic Plan, which emphasizes our commitment to provide exceptional service while maintaining a viable financial position. GUC utilizes Key Performance Indicators at the corporate level on a consistent basis to monitor our effectiveness in implementing the objectives identified in the Strategic Plan. Therefore, GUC’s budget goals are designed to achieve the following:

- Safely provide reliable utility solutions at the lowest reasonable cost
- Provide exceptional customer service in an environmentally responsible manner
- Position GUC to achieve greater efficiencies
- Continue to meet regulatory requirements
- Minimize rate increases
- Avoid future rate shock
- Maintain Key Performance Indicators for each fund
- Be operationally and financially prepared for emergency situations
- Be prepared for growth and expansion opportunities
- Preserve and/or improve bond ratings
- Support economic development in our community

Highlights of the FY 2020-21 operating budget are listed below:

- Expenditures budgeted for FY 2020-21 have increased by 3.7%, or \$9.7M, when compared to the FY 2019-20 budget. Key points are:
 - \$2.8M increase in purchased power
 - \$2.0M decrease in purchased gas
 - \$1.9M increase in debt service
 - \$2.6M increase in capital outlay
 - \$250K decrease in transfers to rate stabilization
 - \$3.9M increase in transfers to capital projects
 - \$3.6M increase in operations
- No rate adjustment for the Electric Fund, 4.1% less than projected last year
- No rate adjustment for the Water Fund, 6.9% less than projected last year
- No rate adjustment for the Sewer Fund
- No rate adjustment for the Gas Fund
- Funding for the employee merit program at 2.0%
- Continuation of a self-insured health insurance plan which includes a high-deductible Health Savings Account option
- Continuation of a self-insured dental insurance plan
- Funding to hire replacements prior to the retirement of key personnel to facilitate succession planning, leverage the knowledge and experience of long-term employees for training on critical issues, and ensure smooth transitions
- Three part-time positions converted to permanent positions to appropriately respond to needs within the combined enterprise operation
- Seven permanent positions have been added to provide contracted professional services to the Greenville ENC Alliance
- Transfer of \$500K to the Other Post-Employment Benefits (OPEB) Trust
- Funding for the increase in Local Government Employees Retirement System (LGERS) employer contribution from 8.95% to 10.15% - \$373K
- Transfer of \$150K to the City's housing energy conservation program
- Commitment of \$500,000 to participate as a sustaining member in the public-private economic development partnership
- Investment of \$14.0M for capital outlay to maintain system reliability and comply with regulatory requirements
- Annual turnover or transfer of \$6.4M to the City of Greenville, in accordance with the Charter issued by the North Carolina General Assembly

Highlights of the FY 2020-21 capital budget are listed below:

- GUC continues to make investments in capital projects to maintain reliability, meet ongoing regulatory requirements, and remain strategically positioned to facilitate growth. To that end, in FY 2020-21, GUC will be establishing capital projects totaling \$26.79M.

Key Factors Affecting the Fiscal Year 2021 Budget

As the Commission begins its 115th year of providing utility services, many challenges and opportunities present themselves regarding the development of the budget.

COVID-19 Impact

The Commission's staff has considered potential impacts of COVID-19 and made adjustments to the budget to reflect the economic effects this event may present.

Commodity Costs

The largest expenditures in the 2020-21 budget are for the purchased commodities of electricity and natural gas. Ensuring a constant, steady, and reasonably priced supply of power and natural gas is one of the most important challenges.

The supply of electricity is influenced by many factors including the cost of fuel for generation, the availability of that supply, and other economic and international events. Power supply can often be impacted by outages at nuclear plants, unplanned maintenance and repairs for reactors and generators, and price fluctuations in fossil fuels. The delivery of electricity to the Commission through long transmission lines can be impacted by weather or major damages due to use and obsolescence.

The supply of natural gas for the Commission, which is primarily dependent on sources located in the Gulf of Mexico, offers challenges as well. Weather is always a factor in the delivery of utility services. Events, such as hurricanes and winter storms, can impact the flow of natural gas to our area and can result in higher purchase prices and delivery costs for the commodity. Interruptions or price spikes impact costs, and can also impact revenues as consumers often use less gas as prices rise.

To address these issues, the Commission has entered into contracts to receive and provide a constant and steady supply of electricity. Additionally, at several customer sites, there are peak-shaving generators the utility uses to offset periods of heavy load. Contracts are in place to provide mutual aid from other utilities to offer assistance when major weather events cause disruptions.

The Gas Fund operates a liquefied natural gas plant to inject natural gas into the system during periods of high usage. This fuel is shipped to the plant by truck and may provide an alternative for a portion of customer demand, as needed.

Capital Investment

The Commission serves more than 161,000 customer connections across all four operating funds. With local economic development on the rise in our service areas, the utility is preparing for increased customer growth within the operating systems. Continuous customer growth places new demands on the capacities of the systems and requires additions and expansions and increased investments in capital spending. Capital spending, and the associated debt to finance the strategic investment in infrastructure, is a major driver of the budgeting process and impacts rates for all funds. The Commission has implemented a debt management plan to provide an orderly plan of capital investment and to maintain the integrity of utility rates and their impact on customers. As part of the annual budget process a five-year financial plan and a capital spending plan are prepared to identify spending needs and planned sources of funding.

The largest capital project GUC has undertaken is the new operations center. The purpose and value of this project is to relocate the utility's current operations center from a flood prone area to strategic high ground to allow unimpeded operations during severe weather and flooding. The relocation also allows for modernization and expansion that is not currently available due to site congestion and development restrictions within flood plains.

The Commission is also preparing for the new Water Treatment Plant expansion project. Since its last expansion in 2002, the customer base and system demand continue to increase. The system is nearing capacity, and an upgrade is now necessary to manage additional demand. The project will expand the water treatment plant from its current capacity of 22.5 million gallons per day (mgd) to 32 mgd to provide sufficient capacity for future economic expansion in the Greenville region.

Operational Excellence

Federal, State and local regulations continue to impact all of the Commission's operating funds. Regulations concerning the siting and construction of new generation plants, reliability standards, homeland security, employee safety, renewable resource mandates, and quality standards are all contributing to costs and will continue to impact rate strategies.

In 2018, GUC's Electric Department received the American Public Power Association's (APPA) highest award, the RP3 Diamond Designation, for providing customers with the highest degree of safe and reliable electric service. Public power utilities must demonstrate proficiency in reliability, safety, workforce development, and system improvement. The Commission's overall system reliability is at 99.994%, which is a testament to the quality work our employees do every day. The designation is good for three years.

For the fourth year in a row, our Water Treatment Plant has received the prestigious North Carolina Wide Optimization Award. The North Carolina

Division of Water Resources has included the Commission among the 57 out of 149 water treatment plants in the state honored for surpassing federal and state drinking water standards in 2018. The award recognition is a state effort to enhance the performance of existing surface water treatment facilities.

The Commission's Wastewater Treatment Plant received the George W. Burke, Jr.'s Safety Award for the second time from the North Carolina American Water Works Association/Water Environment Association (AWWA-WEA) for the plant's "active and effective safety program and safety record." The first time the Commission received this award was in 2008. The purpose of this award is to encourage an active and effective safety program in municipal and industrial wastewater facilities, and to encourage the collecting and reporting on injury data. In addition, the plant was recognized for shifting from a "transactional safety culture" (rules, policies, and procedures) to a "transformational safety culture" where everyone is personally invested in their own, and their co-worker's, safe work.

The Water Resources Department was awarded Collection System of the Year by the NC Section of the American Water Works Association – Water Environment Federation (NC AWWA-WEA). The mission of the award is to identify and recognize utilities that protect the public health and the natural beauty of the environment through pro-active practices of management, operations, and maintenance beyond what is required by the North Carolina Department of Environmental Quality (NCDEQ) permitting.

In 2019, the Gas Department was one of 32 gas systems from across the country recently awarded the American Public Gas Association (APGA) Safety Award for an outstanding safety record. This makes the 9th year that our Gas Department has exemplified worker safety at a national level. APGA's safety award winners are determined by their overall incident (lost work time) rates in a calendar year.

The Government Finance Officers Association of the United States and Canada (GFOA) presented the Distinguished Budget Presentation Award to GUC for its Annual Budget for the fiscal year beginning July 1, 2019. In order to receive this award, a governmental unit must publish a budget document that meets program criteria as a policy document, an operations guide, a financial plan, and a communications device. GUC has received this award for the past four years.

The Commission's Public Information Office received two 2019 Excellence in Public Power Communications Awards from the APPA. The awards were in Video and Digital (Web/Social Media) categories. Awards were given to those who showed ingenuity and creativity in telling their stories through outstanding copy, design, graphics, social media engagement, and video editing. This is the fourth time the Commission has won an award for website and/or social media efforts, and the second award for video.

Personnel Funding

The Commission recognizes that employees are the most valuable asset available to the utility. Over the next five years, 36% of current employees are eligible to retire, and more than 50% are eligible within 10 years. As employees complete their working careers and retire, it is imperative that a new generation is available to continue the high standards of service that define the utility. The Commission began an initiative to identify and train personnel replacements to promote an orderly transition into the future. In addition, the utility has adopted an iLead program to identify and educate employees that are likely to be ready to move into supervisory and management positions within the next 10 years.

In an effort to develop a pipeline of diverse, talented, and prepared employees eligible to earn a North Carolina Certification as a water treatment plant or wastewater treatment plant operator, GUC created the iGrow program, which provides on-the-job training and North Carolina Rural Water Association (NCRWA) Certification classes for current employees.

Economic Development & Community Involvement

GUC maintains its commitment to supporting growth and economic development initiatives throughout the City of Greenville and Pitt County. The Commission has committed to being a sustaining member of a newly formed public-private partnership that will be transformative for our community.

The Commission continues to be a leader in the community by participating in community sponsored events such as PirateFest, Freeboot Friday, and “Careers In Your Own Backyard” job fairs at our local Pitt County high schools. GUC also participates in the STEM Outreach Program which focuses on educating schools and colleges about the diverse set of science, technology, engineering, and math (STEM) careers that the Commission offers. During the summer, GUC’s fan donation program provides 150 fans to the Pitt County Department of Social Services and Council on Aging to be distributed to customers in need. The Commission is also a member of the Greenville-Pitt County Chamber of Commerce and actively participates in chamber-related events.

SUMMARY

The FY 2020-21 balanced budget reflects the Board and the Commission’s strategic values, objectives, and the continuing mission of enhancing the quality of life for those we serve by safely providing reliable utility solutions at the lowest reasonable cost, with exceptional customer service in an environmentally responsible manner.

On behalf of the entire staff at GUC, I am pleased to present this proposed budget for FY 2020-21 to the Board of Commissioners for consideration.

A handwritten signature in black ink, appearing to read "Anthony C. Cannon". The signature is fluid and cursive, with a long horizontal stroke at the end.

Anthony C. Cannon
General Manager/CEO

ORDINANCE NO. _____
 CITY OF GREENVILLE, NORTH CAROLINA
 2020-21 GREENVILLE UTILITIES COMMISSION BUDGET ORDINANCE

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

Section I. Estimated Net Revenues and Fund Balances. It is estimated that the following non-tax revenues and fund balances will be available during the fiscal year beginning July 1, 2020 and ending June 30, 2021 to meet the subsequent expenditures, according to the following schedules:

	<u>Revenues</u>		<u>Budget</u>
A.	<u>Electric Fund</u>		
	Rates & Charges	\$172,488,964	
	Fees & Charges	1,387,306	
	Miscellaneous	1,640,595	
	Interest on Investments	470,000	
	Bond Proceeds	137,585	
	Transfer from Capital Projects	500,000	
	Transfer from Rate Stabilization	5,750,000	
	Appropriated Fund Balance	3,850,000	
	Total Electric Fund Revenue		\$186,224,450
B.	<u>Water Fund</u>		
	Rates & Charges	\$22,583,645	
	Fees & Charges	421,409	
	Miscellaneous	195,566	
	Interest on Investments	70,000	
	Bond Proceeds	15,459	
	Appropriated Fund Balance	1,050,000	
	Total Water Fund Revenue		\$24,336,079
C.	<u>Sewer Fund</u>		
	Rates & Charges	\$23,948,463	
	Fees & Charges	410,148	
	Miscellaneous	136,520	
	Interest on Investments	80,000	
	Bond Proceeds	166,957	
	Appropriated Fund Balance	1,050,000	
	Total Sewer Fund Revenue		\$25,792,088
D.	<u>Gas Fund</u>		
	Rates & Charges	\$32,493,100	
	Fees & Charges	144,550	
	Miscellaneous	141,511	
	Interest on Investments	130,000	
	Transfer from Capital Projects	206,000	
	Appropriated Fund Balance	1,050,000	
	Total Gas Fund Revenue		\$34,165,161
	Total Revenues		\$270,517,778

Section II. Expenditures. The following amounts are hereby estimated for the Greenville Utilities Commission to be expended for managing, operating, improving, maintaining, and extending electric, water, sewer and gas utilities during the fiscal year beginning July 1, 2020 and ending on June 30, 2021, according to the following schedules:

<u>Expenditures</u>		<u>Budget</u>
Electric Fund	\$186,224,450	
Water Fund	24,336,079	
Sewer Fund	25,792,088	
Gas Fund	34,165,161	

Section III. Capital Improvements. The following Capital Improvements anticipated revenues and project appropriations as listed below in this section are hereby adopted in the fiscal year beginning July 1, 2020.

(a) It is estimated that the following non-tax revenues and long term debt proceeds will be available to fund capital project expenditures that will begin in the fiscal year beginning July 1, 2020.

<u>Capital Projects Revenues</u>		<u>Budget</u>
Electric Fund - Long Term Debt Proceeds	\$16,392,000	
Electric Fund - Capital Projects Fund Balance	2,250,000	
Water Fund -Long Term Debt Proceeds	1,500,000	
Water Fund - Capital Projects Fund Balance	1,750,000	
Sewer Fund - Capital Projects Fund Balance	1,750,000	
Gas Fund - Long Term Debt Proceeds	193,000	
Gas Fund - Capital Projects Fund Balance	<u>2,950,000</u>	
 Total Revenues		<u>\$26,785,000</u>

(b) The following amounts are hereby appropriated for capital projects that will begin during the fiscal year beginning July 1, 2020.

<u>Capital Projects Expenditures</u>		<u>Budget</u>
New Operations Center - Fleet Maintenance Building	\$7,000,000	
Mt. Pleasant to Wellcome 115 kV Transmission	8,892,000	
Peak Shaving Generator(s) Replacement	6,000,000	
Transmission Structure Replacement(s)	2,000,000	
Water Treatment Plant Riverbank Stabilization	1,500,000	
14th Street Widening (NCDOT U-5917)	57,000	
Evans Street Widening (NCDOT U-2817)	136,000	
VOA Road Loop	1,200,000	
 Total Capital Projects Expenditures		<u>\$26,785,000</u>

Section IV: Amendments.

(a) Pursuant to General Statutes 159-15, this budget may be amended by submission of proposed changes to the City Council.

(b) Notwithstanding Subsection (a) above, the General Manager/CEO of Greenville Utilities Commission is authorized to transfer funds from one appropriation to another in an amount not to exceed \$100,000. Any such transfers shall be reported to the Greenville Utilities Commission and the City Council at their next regular meeting and shall be entered in the minutes.

(c) In case of emergency which threatens the lives, health, or safety of the public, the General Manager/CEO may authorize expenditures in an amount necessary to meet the emergency so long as such amount does not exceed the amount in contingency accounts and the expenditure is reported to the Greenville Utilities Commission as soon as possible, and appropriate budget amendments are submitted to the City Council, if necessary, at its next regular meeting.

(d) Capital Projects listed in section III may be amended on an individual project basis.

Section V: Appropriation. The capital project revenue and expenditure authorizations shall extend from year to year until each project is completed.

Section VI: Distribution. Copies of this ordinance shall be furnished to the General Manager/CEO and the Chief Financial Officer of the Greenville Utilities Commission, and the Director of Financial Services of the City of Greenville to be kept on file by them for their direction in the disbursement of funds.

Adopted this the 11th day of June, 2020.

Attest:

P. J. Connelly, Mayor

Valerie Shiuwegar, City Clerk

ALL FUNDS

	2018-2019 Actual		2019-2020 Budget		2019-2020 Projected		2020-2021 Forecast		2020-2021 Budget
REVENUE:									
Rates & Charges	\$ 254,956,387	\$	248,354,659	\$	251,244,533	\$	257,359,940	\$	251,514,172
Fees & Charges	3,633,800		2,580,890		2,043,436		2,637,834		1,938,375
U. G. & Temp. Ser. Chgs.	454,368		372,614		392,957		322,458		425,038
Miscellaneous	2,418,926		1,574,433		1,890,612		1,580,389		2,114,192
Interest on Investments	1,764,463		1,790,000		1,500,000		485,022		750,000
FEMA/Insurance Reimbursement	582,579		-		152,958		-		-
Bond Proceeds	486,943		359,813		-		-		320,001
Transfer from Cap Projects	-		3,245,539		882,781		1,016,676		706,000
Transfer from Rate Stabilization	-		2,600,000		5,821,414		2,950,000		5,750,000
Appropriated Fund Balance	-		-		-		-		7,000,000
	\$ 264,297,467	\$	260,877,948	\$	263,928,691	\$	266,352,319	\$	270,517,778
EXPENDITURES:									
Operations	\$ 64,523,308	\$	69,883,841	\$	68,113,455	\$	71,721,607	\$	73,471,410
Purchased Power	129,516,409		129,385,800		134,995,469		132,503,391		132,210,549
Purchased Gas	18,949,073		19,055,300		16,848,985		19,186,000		17,022,470
Capital Outlay	12,651,279		11,408,801		15,619,996		12,383,711		14,002,610
Debt Service	16,469,935		12,338,160		12,208,169		13,658,554		14,243,132
City Turnover - General	5,908,642		5,769,888		5,769,888		5,885,286		5,542,118
Street Light Reimbursement	809,172		869,481		825,355		886,871		841,345
Transfer to OPEB Trust	500,000		500,000		500,000		500,000		500,000
Transfer to Rate Stabilization	700,000		250,000		854,741		-		-
Transfer to Capital Projects	11,356,664		8,250,000		8,092,633		7,400,000		12,100,000
Operating Contingencies	-		3,166,677		-		-		584,144
	\$ 261,384,481	\$	260,877,948	\$	263,828,691	\$	264,125,420	\$	270,517,778

ELECTRIC FUND

	2018-2019		2019-2020		2019-2020		2020-2021		2020-2021
	Actual		Budget		Projected		Forecast		Budget
REVENUE:									
Rates & Charges	\$ 174,263,970	\$	169,333,894	\$	172,179,033	\$	176,105,138	\$	172,488,964
Fees & Charges	2,539,639		1,565,396		1,080,613		1,633,570		976,268
U. G. & Temp. Ser. Chgs.	438,568		358,114		378,457		307,958		411,038
Miscellaneous	1,489,833		1,076,711		1,341,703		1,069,499		1,640,595
Interest on Investments	1,103,310		1,150,000		935,000		318,276		470,000
FEMA/Insurance Reimbursement	497,794		-		100,900		-		-
Bond Proceeds	271,258		105,688		-		-		137,585
Transfer from Cap Projects	-		1,184,830		500,000		740,616		500,000
Transfer from Rate Stabilization	-		2,600,000		5,821,414		2,400,000		5,750,000
Appropriated Fund Balance	-		-		-		-		3,850,000
	\$ 180,604,372	\$	177,374,633	\$	182,337,120	\$	182,575,057	\$	186,224,450
EXPENDITURES:									
Operations	\$ 26,711,538	\$	30,083,472	\$	28,492,593	\$	30,922,670	\$	31,495,702
Purchased Power	129,516,409		129,385,800		134,995,469		132,503,391		132,210,549
Capital Outlay	9,357,350		7,060,927		10,315,120		7,707,663		8,890,926
Debt Service	3,757,021		3,440,789		3,328,583		4,396,586		4,524,186
City Turnover - General	4,184,591		4,055,000		4,055,000		4,136,100		3,876,969
Street Light Reimbursement	809,172		869,481		825,355		886,871		841,345
Transfer to OPEB Trust	275,000		300,000		275,000		275,000		275,000
Transfer to Capital Projects	3,300,000		1,000,000		-		1,000,000		3,850,000
Operating Contingencies	-		1,179,164		-		-		259,773
	\$ 177,911,081	\$	177,374,633	\$	182,287,120	\$	181,828,281	\$	186,224,450

WATER FUND

	2018-2019		2019-2020		2019-2020		2020-2021		2020-2021
	Actual		Budget		Projected		Forecast		Budget
REVENUE:									
Rates & Charges	\$ 21,037,132	\$	22,439,513	\$	22,609,401	\$	24,001,776	\$	22,583,645
Fees & Charges	429,895		443,728		411,952		426,988		407,409
U. G. & Temp. Ser. Chgs.	15,800		14,500		14,500		14,500		14,000
Miscellaneous	338,145		206,074		220,469		208,716		195,566
Interest on Investments	156,586		140,000		140,000		56,939		70,000
FEMA/Insurance Reimbursement	29,490		-		18,107		-		-
Bond Proceeds	82,168		153,125		-		-		15,459
Transfer from Cap Projects	-		382,781		382,781		134,491		-
Appropriated Fund Balance	-		-		-		-		1,050,000
	\$ 22,089,216	\$	23,779,721	\$	23,797,210	\$	24,843,410	\$	24,336,079

EXPENDITURES:									
Operations	\$ 14,064,658	\$	14,496,346	\$	14,560,428	\$	14,853,797	\$	15,318,599
Capital Outlay	646,515		1,216,846		1,690,051		1,313,736		1,136,630
Debt Service	5,124,958		1,972,757		2,117,658		2,370,297		2,682,732
Transfer to OPEB Trust	75,000		100,000		75,000		75,000		75,000
Transfer to Capital Projects	2,766,664		5,150,000		5,339,073		5,550,000		5,050,000
Operating Contingencies	-		843,772		-		-		73,118
	\$ 22,677,794	\$	23,779,721	\$	23,782,210	\$	24,162,830	\$	24,336,079

SEWER FUND

	2018-2019		2019-2020		2019-2020		2020-2021		2020-2021
	Actual		Budget		Projected		Forecast		Budget
REVENUE:									
Rates & Charges	\$ 23,859,199	\$	23,412,652	\$	24,013,310	\$	23,501,326	\$	23,948,463
Fees & Charges	489,939		428,159		402,469		430,796		410,148
Miscellaneous	384,738		146,518		177,412		149,449		136,520
Interest on Investments	199,960		200,000		165,000		44,807		80,000
FEMA/Insurance Reimbursement	29,490		-		18,107		-		-
Bond Proceeds	68,082		101,000		-		-		166,957
Transfer from Cap Projects	-		1,271,903		-		95,533		-
Appropriated Fund Balance	-		-		-		-		1,050,000
	\$ 25,031,407	\$	25,560,232	\$	24,776,298	\$	24,221,911	\$	25,792,088

EXPENDITURES:									
Operations	\$ 13,500,685	\$	14,590,050	\$	14,269,059	\$	14,949,376	\$	15,427,569
Capital Outlay	1,537,251		2,180,346		2,393,939		2,307,556		2,493,784
Debt Service	6,198,950		5,680,853		5,519,740		5,300,924		5,447,876
Transfer to OPEB Trust	75,000		100,000		75,000		75,000		75,000
Transfer to Capital Projects	3,100,000		2,100,000		2,503,560		850,000		2,150,000
Operating Contingencies	-		908,983		-		-		197,859
	\$ 24,411,886	\$	25,560,232	\$	24,761,298	\$	23,482,856	\$	25,792,088

GAS FUND

	2018-2019 Actual	2019-2020 Budget	2019-2020 Projected	2020-2021 Forecast	2020-2021 Budget
REVENUE:					
Rates & Charges	\$ 35,796,087	\$ 33,168,600	\$ 32,442,789	\$ 33,751,700	\$ 32,493,100
Fees & Charges	174,328	143,607	148,402	146,480	144,550
Miscellaneous	206,210	145,130	151,028	152,725	141,511
Interest on Investments	304,608	300,000	260,000	65,000	130,000
FEMA/Insurance Reimbursement	25,804	-	15,844	-	-
Bond Proceeds	65,434	-	-	-	-
Transfer from Cap Projects	-	406,025	-	46,036	206,000
Transfer from Rate Stabilization	-	-	-	550,000	-
Appropriated Fund Balance	-	-	-	-	1,050,000
	\$ 36,572,471	\$ 34,163,362	\$ 33,018,063	\$ 34,711,941	\$ 34,165,161
EXPENDITURES:					
Operations	\$ 10,246,427	\$ 10,713,973	\$ 10,791,375	\$ 10,995,764	\$ 11,229,540
Purchased Gas	18,949,073	19,055,300	16,848,985	19,186,000	17,022,470
Capital Outlay	1,110,162	950,682	1,220,886	1,054,756	1,481,270
Debt Service	1,389,007	1,243,761	1,242,188	1,590,747	1,588,338
City Turnover - General	1,724,051	1,714,888	1,714,888	1,749,186	1,665,149
Transfer to OPEB Trust	75,000	-	75,000	75,000	75,000
Transfer to Rate Stabilization	700,000	250,000	854,741	-	-
Transfer to Capital Projects	2,190,000	-	250,000	-	1,050,000
Operating Contingencies	-	234,758	-	-	53,394
	\$ 36,383,720	\$ 34,163,362	\$ 32,998,063	\$ 34,651,453	\$ 34,165,161

**GREENVILLE UTILITIES COMMISSION
BUDGET BY DEPARTMENT
2020-2021**

Department	Electric	Water	Sewer	Gas	Total
Governing Body and Administration	1,281,452	777,464	777,464	792,464	3,628,844
Finance	6,419,515	2,049,295	2,000,969	1,952,948	12,422,727
Human Resources	1,655,453	888,299	847,923	646,035	4,037,710
Information Technology	4,495,883	1,207,539	1,207,539	1,397,933	8,308,894
Customer Relations	3,623,615	248,353	248,353	446,705	4,567,026
Development Activities	563,019	-	-	-	563,019
Electric Department	20,206,167	-	-	-	20,206,167
Shared Resources	36,250	18,750	18,750	21,250	95,000
Meter	1,889,088	515,211	515,211	515,211	3,434,721
Water Department	-	10,534,129	-	-	10,534,129
Sewer Department	-	-	12,088,955	-	12,088,955
Gas Department	-	-	-	6,722,075	6,722,075
Utility Locating Service	216,186	216,189	216,189	216,189	864,753
Ancillary	145,837,822	7,880,850	7,870,735	21,454,351	183,043,758
Grand Total	186,224,450	24,336,079	25,792,088	34,165,161	270,517,778

2019-2020

Department	Electric	Water	Sewer	Gas	Total
Governing Body and Administration	1,271,451	767,479	767,479	782,479	3,588,888
Finance	5,886,864	1,926,277	1,881,381	1,889,478	11,584,000
Human Resources	1,514,679	812,758	775,819	591,096	3,694,352
Information Technology	4,190,323	1,155,665	1,155,665	1,332,860	7,834,513
Customer Relations	3,365,310	200,959	200,959	401,917	4,169,145
Development Activities	-	-	-	-	-
Electric Department	18,944,779	-	-	-	18,944,779
Shared Resources	48,250	30,750	30,750	33,250	143,000
Meter	1,747,960	457,633	457,633	457,633	3,120,859
Water Department	-	10,186,884	-	-	10,186,884
Sewer Department	-	-	11,325,923	-	11,325,923
Gas Department	-	-	-	6,001,155	6,001,155
Utility Locating Service	174,783	174,787	174,787	174,787	699,144
Ancillary	140,230,234	8,066,529	8,789,836	22,498,707	179,585,306
Grand Total	177,374,633	23,779,721	25,560,232	34,163,362	260,877,948

GREENVILLE UTILITIES COMMISSION
EXPENDITURES BY DEPARTMENT
2020-2021

Department	2018-2019 Actual	2019-2020 Budget	2019-2020 Projected	2020-2021 Budget
Governing Body and Administration	2,990,059	3,588,888	3,569,261	3,628,844
Finance	10,409,063	11,584,000	12,196,816	12,422,727
Human Resources	3,570,110	3,694,352	3,929,731	4,037,710
Information Technology	6,188,155	7,834,513	7,630,039	8,308,894
Customer Relations	3,858,083	4,169,145	4,474,469	4,567,026
Development Activities	-	-	151,868	563,019
Electric Department	20,462,341	18,944,779	19,874,798	20,206,167
Shared Resources	123,216	143,000	95,000	95,000
Meter	3,424,481	3,120,859	3,152,606	3,434,721
Water Department	9,385,397	10,186,884	10,550,079	10,534,129
Sewer Department	9,897,566	11,325,923	11,059,298	12,088,955
Gas Department	6,171,592	6,001,155	6,294,155	6,722,075
Utility Locating Service	694,525	699,144	755,331	864,753
Ancillary	184,209,894	179,585,306	177,801,073	183,043,758
Total	261,384,482	260,877,948	261,534,524	270,517,778