



Agenda

Greenville City Council

May 12, 2022

6:00 PM

City Hall Council Chambers, 200 West 5th Street

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

I. Call Meeting To Order

II. Invocation - Mayor Connelly

III. Pledge of Allegiance

IV. Roll Call

V. Approval of Agenda

VI. Special Recognitions

1. Janis Gallagher - Pitt County Manager
2. Joey Strickland - Fire/Rescue Department Retiree
3. Niki Verdin - Police Department Retiree

VII. 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.

VIII. Appointments

4. Appointments to Boards and Commissions

IX. Old Business

5. Second reading of an ordinance requested by the Police Department, Animal Protective Services Unit, to repeal and replace Part II, Title 12, Chapter 2 of the City Code of Ordinances

X. New Business

Public Hearings

6. Recommendation for naming the baseball field at Guy Smith Stadium as the Ronald "RV" Vincent Field
7. Ordinance to annex Fire Tower Commercial Park, Lot 6, involving 2.22 acres located west of Whitley Drive and 620 +/- feet north of West Fire Tower Road
8. Ordinance to annex Fire Tower Commercial Park, Lot 30 involving 6.163 acres located west of Victory Lane and 300 +/- feet north of West Fire Tower Road
9. Ordinance requested by Daly Hotel Management, Inc. to rezone 25.30 acres located along the southern right-of-way of Stantonsburg Road (Hwy 264) roughly between Stantonsburg Road and Allen Road from MO (Medical-Office) to MR (Medical-Residential [High Density Multi-family])
10. Ordinance requested by Denali East Place, LLC to rezone a total of 6.54 acres located along the northern right-of-way of Dickinson Avenue between West Arlington Boulevard and Spring Forest Road from RA20 (Residential-Agricultural) to OR (Office-Residential [High Density Multi-family])
11. Ordinance requested by Liberty Investment, LLC to amend the Future Land Use and Character Map for 41.67 acres from Commercial (C) and Potential Conservation/Open Space (PCOS) to Residential, High Density (HDR) for the property located between Stantonsburg Road (Hwy 264) and MacGregor Downs Road and west of B's BBQ Road
12. Ordinance requested by the Planning and Development Services Department to amend Title 9, Chapter 4 of the City Code to make miscellaneous changes to the zoning ordinance

13. Ordinance requested by the Planning and Development Services Department to amend the Zoning Ordinance to establish a new use and add a definition and standards for a "bar 2022"
14. Public hearing for the 2022-2023 Annual Action Plan for CDBG and HOME Programs
15. Public Hearing on the Proposed Fiscal Year 2022-23 City of Greenville Budgets Including Sheppard Memorial Library, the Pitt-Greenville Convention & Visitors Authority, Greenville Utilities Commission and a Public Hearing to be Held Concurrently on Proposed Stormwater Management Utility Rate Increase

XI. City Manager's Report

XII. Comments from Mayor and City Council

XIII. Adjournment



City of Greenville, North Carolina

Meeting Date: 05/12/2022

Title of Item: Appointments to Boards and Commissions

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

The City Council updated the Boards 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 commissions 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 nomination and elections in Robert's Rules of Order." Under this provision, the following seats are open to nominations from the City Council: - Mark Rasdorf - Human Relations Council
9 seats on the Youth Council

Fiscal Note: No direct fiscal impact

Recommendation: Make appointments to the Affordable Housing Loan Committee, Environmental Advisory Commission, Housing Authority, Human Relations Council, Police Community Relations Committee, Recreation and Parks Commission, and Youth Council.

ATTACHMENTS

 [May 2022 Appointments to Boards and Commissions.pdf](#)

Appointments to Boards and Commissions

May 2022

Affordable Housing Loan Committee

Council Liaison: Mayor Pro-Tem Rose Glover

| Name | District # | Current Term | Reappointment Status | Expiration Date |
|-----------------|-------------------|---------------------|-----------------------------|------------------------|
| Judy Wagner | 4 | 1-year term | Eligible | February 2022 |
| Deborah Spencer | 1 | Second term | Resigned | February 2023 |

Environmental Advisory Commission

Council Liaison: Council Member Brian Meyerhoeffer

| Name | District # | Current Term | Reappointment Status | Expiration Date |
|-------------|-------------------|---------------------|-----------------------------|------------------------|
| David Ames | 4 | Second term | Ineligible | April 2022 |

Housing Authority

Council Liaison: Council Member Monica Daniels

| Name | District # | Current Term | Reappointment Status | Expiration Date |
|------------------|-------------------|---------------------|-----------------------------|------------------------|
| Gwendolyn Greene | 2 | First term | Eligible | May 2022 |
| Don Cavellini | 2 | Second term | Ineligible | May 2022 |

Human Relations Council

Council Liaison: Mayor Pro-Tem Rose Glover

| Name | District # | Current Term | Reappointment Status | Expiration Date |
|--------------|-------------------|---------------------|-----------------------------|------------------------|
| Mark Rasdorf | 4 | First term | Resigned | September 2022 |

Police Community Relations Committee

Council Liaison: Council Member Will Bell

| Name | District # | Current Term | Reappointment Status | Expiration Date |
|--|------------|------------------------|----------------------|-----------------|
| Kevon Gainer <i>(Council Member Monica Daniels)</i> | 1 | Filling unexpired term | Ineligible | October 2021 |

Recreation and Parks Commission

Council Liaison: Council Member Monica Daniels

| Name | District # | Current Term | Reappointment Status | Expiration Date |
|---------------|------------|------------------------|----------------------|-----------------|
| Byron Aynes | 4 | First term | Eligible | May 2022 |
| Derrick Clark | 4 | Filling unexpired term | Eligible | May 2022 |
| Michael Saad | 4 | Second term | Ineligible | May 2022 |

Youth Council

Council Liaison: Mayor Pro-Tem Rose Glover

| Name | Current Term | Reappointment Status | Expiration Date |
|--------------|--------------|----------------------|-----------------|
| 9 spots open | | | |

Seats that are open to nominations from the City Council are highlighted.

Applicants for Affordable Housing Loan Committee

None.

Applicants for Environmental Advisory Commission

Bill Redding
601 S. Elm St
Greenville, NC 27858

District #: 3

Application 3/17/2021

Home Phone: (252) 758-7292

Business Phone:

Email: billredding07@yahoo.com

Michael H Barnum
614 Maple St
Greenville, NC 27858

District #: 3

Application 12/11/2020

Home Phone: (252) 916-2608

Business Phone: (252) 916-2608

Email: mbarnum@suddenlink.net

Applicants for Housing Authority

Joann Harkley
3923 Sterling Pointe Drive
Winterville, NC 28590

District #: 5

Application 4/20/2022

Home Phone: (252) 237-2044
Business Phone:
Email: harkleyjoann61@gmail.com

Applicants for Human Relations Council

Reginald Watson
211 Pin Oak Court
Greenville, NC 27834

Application 7/27/2020

District #: 5

Home Phone: (252) 355-3380
Business Phone: (252) 328-6684
Email: walston.tyrone@gmail.com

Applicants for Police Community Relations Committee

None.

Applicants for Recreation and Parks Commission

None.

Applicants for Youth Council

None.



City of Greenville, North Carolina

Meeting Date: 05/12/2022

Title of Item: Second reading of an ordinance requested by the Police Department, Animal Protective Services Unit, to repeal and replace Part II, Title 12, Chapter 2 of the City Code of Ordinances

Explanation: The Greenville Police Department (GPD) desires to revise Part II (Code of Ordinances), Title 12 (Offenses and Public Nuisances), Chapter 2 (Animals) of the Code of Ordinances, City of Greenville ("Title 12, Chapter 2"), to conform to applicable North Carolina law, including but not limited to:

- Chapter 19 and Chapter 67 of the North Carolina General Statutes;
- N.C.G.S. § 106-645, which authorizes, but limits, the City to adopt ordinances regulating bee hives;
- N.C.G.S. § 130A-192, which authorizes animal control officers to determine if there are any dogs and cats not wearing valid rabies vaccination tags;
- N.C.G.S. § 160A-174, which authorizes the City to define, prohibit, regulate, or abate acts, omissions, or conditions detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the city;
- N.C.G.S. § 160A-182, which authorizes the City to define and prohibit the abuse of animals;
- N.C.G.S. § 160A-186, which authorizes the City to regulate, restrict, or prohibit keeping, running, or going at large of any domestic animals and authorizes that animals at large in violation of the ordinance may be seized and sold or euthanized after reasonable efforts to notify their owner;
- N.C.G.S. § 160A-187, which authorizes the City to regulate, restrict, or prohibit the possession or harboring within the city of animals which are dangerous to persons or property; and
- N.C.G.S. § 160A-493, which authorizes the City to establish, equip, operate, and maintain animal shelters; and
- Session Law 2021-138, Part XIII. Section 13.(b), which amends N.C.G.S. § 160A-175 and N.C.G.S. § 14-4 regarding penalties for violations of ordinances; the North Carolina Administrative Code, and industry standards regarding the care and control of animals by and within municipalities.

Title 12, Chapter 2 has not been substantially revised since 2015 with the majority of the Chapter not having been revised since the 1990s.

The repeal and replacement of the entirety of Title 12, Chapter 2 is necessary to adequately ensure uniform compliance with applicable law and revise the criminal and civil penalties as necessary to address the interests of public safety and animal welfare.

Additionally, Session Law 2021-138, passed in 2021, provides that a violation of a City ordinance is not a misdemeanor or infraction unless the ordinance expressly provides that it is. To address the interests of public safety, in compliance with Session Law 2021-138, requested amendments to Title 12, Chapter 2 include adding civil and criminal penalties for violations of the ordinance.

The statutory language of Session Law 2021-138 also states: “Notwithstanding G.S. 160A-75, no ordinance specifying a criminal penalty may be enacted at the meeting in which it is first introduced.” Staff provided an overview of the ordinance at the April 11, 2022 City Council workshop. This item was reviewed and discussed at the May 9, 2022, City Council meeting. This is the second reading and request to approve the ordinance to amend the City Code.

Additionally, public input sessions were held on April 21, 2022 at the Greenville Police Department and April 28, 2022 at River Park North.

Each subsection of the ordinance is being amended to add penalties so as to conform with S.L. 2021-138. A summary of additional requested edits to Title 12, Chapter 2 is listed below.

- 12-2-1 Definitions: Reworded definitions to comply with best practices and applicable law.
- 12-2-2 Authority; Creation of Division of Animal Protection Services; Composition; scope of Chapter: Not in current ordinance, added to specify the statutorily granted authority to the City to regulate animals.
- 12-2-3 Duties of Division: Expanded duties as described in the current ordinance.
- 12-2-4 Police Powers of APS Officers; Badges; Storage and Use of Tranquilizer Guns: Revised the current ordinance removing firearms and adding tranquilizer guns.
- 12-2-5 Right of APS Officers to Enter for Inspection: Shortened and clarified current ordinance.
- 12-2-7 Impoundment and Disposition of Animal to Prevent Abuse:

Involuntary Absence of Owner: Clarified from current ordinance when an animal can be seized when owner is not present.

- 12-2-8 Records of Impounded Animals: Expanded the types of records to be kept to comply with state requirements.
- 12-2-10 Impoundment, Reclamation, and Disposition of Animals:
Generally: Clarified how animals may be reclaimed.
- 12-2-12 Certain Animals Prohibited: New section, not in current ordinance.
- 12-2-13 Inherently Dangerous Animals: New section, not in current ordinance.
- 12-2-14 Determinations: New section, not in current ordinance. Provides how animals are determined to be potentially dangerous, dangerous, vicious, or public nuisances.
- 12-2-15 Dangerous animals and Vicious animals: Added greater restrictions to ownership of dangerous, potentially dangerous, or vicious animals.
- 12-2-16 Appeals of Determinations: New section, not in current ordinance. Provides how determinations as described in 12-2-14 may be appealed and construction of appeal board to hear same.
- 12-2-17 Exotic Animals: Expanded current ordinance to include certain reptiles and permit authority to APS to issue and revoke permits.
- 12-2-18 Tethering: New section, not in current ordinance.
- 12-2-19 Cruelty to Animals: Expanded current ordinance to include denial of vet care as cruelty, as well as define various terms for clarification.
- 12-2-20 Adequate Food, Shade, Shelter, and Water: New section, not in current ordinance.
- 12-2-22 Duty of Drivers to Give Notice of Injury to Domesticated Animal: Added duty to notify to domesticated animals only.
- 12-2-27 Keeping Swine: Reworded to allow up to two pot belly pigs of certain sizes per parcel within city limits.
- 12-2-28 Keeping Fowl: Reworded to comply with State statute. Added penalties to conform with S.L. 2021-138.
- 12-2-30 Urban Beekeeping: Reworded to comply with State statute.

- 12-2-31 Dead Domesticated Animals: Reworded to clarify when APS will pick up deceased animals.
- 12-2-32 Inoculation of Animals Generally: Reworded to comply with State statute; added dogs must wear vaccination tag in public.
- 12-2-33 Feral Cat Trap-Neuter-Return (TNR) Program: Removed trapping language and made it a separate section (12-2-34).
- 12-2-35 Animal Bite Notification; Bites Unlawful: New section, not in current ordinance. Makes bites unlawful and unlawful to fail to report bite to APS.
- 12-2-36 Summary Destruction of Animals that Cannot be Seized by Reasonable Means: New section not in current ordinance. Allows destruction of animals posing an immediate risk to public health and safety after humane attempts of removal have been exhausted.
- 12-2-37 Public Nuisances: Reworded to provide how public nuisances are addressed and abated.
- 12-2-38 Restraint of Animals: Reworded to state all domesticated animals must be under control of a competent person.
- 12-2-39 Defecation: Reworded to remove urination provision in current ordinance. Provide distinction between public and private property.
- 12-2-40 Limitation on Number of Domesticated Animals Allowed: New section not in current ordinance. Added to strengthen ordinance on kennels enforced by zoning and to discourage hoarding of animals.
- 12-2-41 Interference: New section not in current ordinance.
- 12-2-42 Prohibition Against Giveaways in Public Places: New section not in current ordinance.
- 12-2-43 Bird Sanctuary: Reworded to comply with State statute.

Fiscal Note: There is no cost to the City.

Recommendation: Hear discussion on the second reading of the ordinance and approve the Ordinance.

ATTACHMENTS

 [COG-#1162014-v3-ORDINANCE--22-XX--
An Ordinance to Repeal and Replace Part II Title 12 Chapter 2 of City Code.pdf](#)

ORDINANCE NO. 22-_____

AN ORDINANCE TO REPEAL AND REPLACE PART II, TITLE 12, CHAPTER 2
OF THE CODE OF ORDINANCES, CITY OF GREENVILLE

WHEREAS, the City Council of the City of Greenville desires to revise Part II, Title 12, Chapter 2 of the Code of Ordinances, City of Greenville to conform to applicable North Carolina law, including but not limited to Chapter 19 and Chapter 67 of the North Carolina General Statutes; N.C.G.S. § 106-645, which authorizes, but limits the City, to adopt ordinances regulating bee hives; N.C.G.S. § 130A-192, which authorizes animal control officers to determine if there are any dogs and cats not wearing valid rabies vaccination tags; N.C.G.S. § 160A-174, which authorizes the City to define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the City; N.C.G.S. § 160A-182, which authorizes the City to define and prohibit the abuse of animals; N.C.G.S. § 160A-186, which authorizes the City to regulate, restrict, or prohibit keeping, running, or going at large of any domestic animals and authorizes that animals at large in violation of the ordinance may be seized and sold or destroyed after reasonable efforts to notify their owner; N.C.G.S. § 160A-187, which authorizes the City to regulate, restrict, or prohibit the possession or harboring within the city of animals which are dangerous to persons or property; N.C.G.S. § 160A-493, which authorizes the City to establish, equip, operate, and maintain animal shelters; and Session Law 2021-138, Part XIII. Section 13.(b), which amends N.C.G.S. § 160A-175 and N.C.G.S. § 14-4 regarding penalties for violations of ordinances; the North Carolina Administrative Code, and industry standards regarding the care and control of animals by and within municipalities;

WHEREAS, Part II, Title 12, Chapter 2 of the Code of Ordinances, City of Greenville has not been substantially revised since 2015 with the majority of the Chapter not having been revised since the 1990s; and

WHEREAS, the repeal and replacement of the entirety of Part II, Title 12, Chapter 2 of the Code of Ordinances, City of Greenville is necessary to adequately ensure uniform compliance with applicable law and revise the criminal and civil penalties as necessary to address the interests of public safety and animal welfare;

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

SECTION 1. That Part II, Title 12, Chapter 2 of the Code of Ordinances, City of Greenville, is hereby repealed and replaced as amended to now read as follows:

PART II: CODE OF ORDINANCES
TITLE 12: OFFENSES AND PUBLIC NUISANCES
CHAPTER 2: ANIMALS

SEC. 12-2-1 DEFINITIONS.

For the purpose of this chapter, the following definitions, regardless of capitalization, shall apply unless the context clearly indicates or requires a different meaning.

Adequate food. The provision, at suitable intervals, of a quantity of wholesome foodstuff suitable for the species and age of the animal, sufficient to maintain a reasonable level of nutrition in an animal. Such foodstuff shall be served in a sanitized receptacle, dish, or container.

Adequate shade. In addition to an adequate shelter structure, one or more separate outside areas of shade that are large enough to shield all of the animals therein at one time from the direct rays of the sun.

Adequate shelter. An enclosure sufficient to provide shelter from the extremes of weather, and a means to remain cool, dry, and comfortable. Adequate shelter shall consist of at least three solid sides, a roof, and a floor to be ventilated with sufficient room for the animal to move about freely and lie down comfortably.

Adequate water. The provision of, or constant access to, a supply of clean and fresh potable water.

Animal. Any living vertebrate in the classes Amphibia, Reptilia, Aves, and Mammalia except human beings.

Animal Protective Services; APS; or Division. The Division of Animal Protective Services of the City.

APS Supervisor. An APS officer appointed by the City Manager to serve as head of the Division, and where appropriate, his or her designee, charged with the responsibility and authority to operate the Division.

APS Officer. An officer of the Division employed by the City, whose responsibility includes animal control and the enforcement of this Chapter.

Attack. Any action by an animal upon a person or domesticated animal which includes but is not limited to any injury, biting, tearing of clothing, or act causing fearful flight to escape by the person or other animal, or any other act which could reasonably cause any injury to a person or animal.

Bite. When the teeth of an animal scratches or breaks the skin of another animal or a person.

Chief of Police. The Chief of Police of the Greenville Police Department or designee.

City. The City of Greenville.

Dangerous animal.

- (A) Any animal that:
 - (1) Without provocation has killed or inflicted severe injury, through bite or otherwise, on a person; or
 - (2) Has killed or inflicted severe injury upon a domestic animal when running at large in violation of this chapter or upon any public or private dog park; or
 - (3) Approached a person when not on the owner's real property in a terrorizing manner in an apparent attitude of attack; or
 - (4) Has previously been deemed, declared, or ruled as a dangerous animal, potentially dangerous animal, or a substantially similarly classified or designated animal, by any lawful agency, person, board, jurisdiction, or authority.
- (B) Any animal owned or harbored primarily or in part for the purpose of animal fighting, or any animal trained for animal fighting.

Domesticated Animal. An animal such as is accustomed to live in or about the habitation of humans, including but not limited to cats, cattle, dogs, fowl, horses, and sheep. This definition does not include domesticated wild animals.

Eartipped or Eartipping. The removal of ¼-inch tip of a cat's left ear, performed while the cat is under anesthesia, to identify the cat as being sterilized, lawfully vaccinated against rabies, and part of a TNR Colony.

Electronic Implant. Method of permanent identification of an animal that may be electronically read.

Feral. An animal that is not socialized.

Heat; in heat. A female animal in the erotic stage of copulation or in estrus.

Impound; Impounded; Impoundment. The placement of an animal into the care, custody, and control of the Division, any authorized representative thereof, or any person or entity duly authorized by this chapter or City Council or by state law for this purpose.

Inherently Dangerous Animal. This term shall apply to any live member of the following animals including crossbreeds or hybrids thereof, which, due to their inherent nature, may be considered dangerous to humans and which include:

- (1) *Canidae*. Any member of the dog (canid) family not customarily domesticated by humans, including wolves and coyotes but not including domestic dogs (*Canis familiaris*);
- (2) *Felidae*. Any member of the cat family weighing over 15 pounds not customarily domesticated by humans, but not including, domestic cats (*Fells catus*);
- (3) *Ursidae*. Any member of the bear family;
- (4) *Nonhuman Primates*; and
- (5) *Crocodillia*, such as crocodiles, alligators, and caiman.

Inoculated or inoculation against rabies. The vaccination or inoculation of a dog, cat, or ferret in accordance with Chapter 130A, Article 6, Part 6 of the North Carolina General Statutes.

Livestock. Any and all animals domesticated or non-domesticated commonly found on a farm, to include but not be limited to cattle (of any type), horses, goats, and sheep but not including any animal otherwise regulated in this chapter.

Manual of Fees. The fee schedule approved and adopted by the Greenville City Council which is periodically updated and lists sales and services provided by the City of Greenville.

Owner or animal owner. Any person, group of persons, or any entity owning, possessing, keeping, having charge of, sheltering, feeding, harboring, taking care of, having care, custody, or control of, or acting as custodian of, however temporarily, any animal covered by this chapter. A person having temporary custody or possession of an animal for the sole purpose of turning over such animal to the Division or any law enforcement officer shall not be deemed the owner of the animal.

Owner's real property. Any real property owned or leased by the animal owner, not including any public right-of-way or a common area of a condominium, apartment complex, or townhouse development.

Person. An individual, firm, partnership, association, corporation, company, or organization of any kind.

Physical restraint. Any animal confined within the passenger area of a motor vehicle, or confined within the owner's real property, or otherwise sufficiently secured and restrained by leash, lead, cage, bridle, or similarly effective device allowing the animal to be controlled. For purposes of this definition passenger area of a motor vehicle means the area designed to seat the driver and passengers and specifically excludes any fully unenclosed or open area behind the last upright back seat of a motor vehicle. For purposes of this chapter, voice command or electric collar is not recognized as sufficient physical restraint.

Police Department. The Greenville Police Department.

Police Officers. Sworn law enforcement officers employed by the Greenville Police Department.

Provocation. Conduct or actions on the part of any person or animal that is likely to arouse a violent or aggressive response by an animal. This term does not include any action on the part of an individual or animal that pertains to reasonable efforts of self-defense.

Public nuisance animal. Any animal is declared by City Council to be a public nuisance if the animal is:

- (1) Frequently or excessively making any disturbing noise including but not limited to howling, yelping, or unprovoked barking; or
- (2) Chasing, snapping at, or attacking a pedestrian, bicyclist, or any other vehicle; or
- (3) Turning over or scattering garbage containers or damaging any timber, garden, crops, vegetables, plants, lands, or any other matter or thing growing or being thereon; or
- (4) By virtue of number or type, is offensive or dangerous to the public health, safety, or welfare; or
- (5) Destructive to real or personal property other than that of the owner.

Running at large. Any animal off the owner's real property and not under sufficient physical restraint. This definition does not apply to any areas in City parks or upon City property that have been specifically designated by City Council as dog exercise and play areas. Any such areas so designated shall be securely separated from the rest of the park or property by a physical barrier sufficient to prevent any animal from leaving the designated area unless under the animal owner's physical restraint and control.

Severe injury. Any physical injury that results in broken bones or disfiguring lacerations or requires cosmetic surgery or hospitalization.

Stray. An animal that is beyond the limits of confinement or lost and is not wearing any tags, microchips, tattoos, or other methods of identification.

Tattooing. Method of permanent identification for an animal located on the inside thigh.

Tethering. Tying out or fastening an animal outdoors on a rope, chain, wire, cable, trolley system, or other similar type of device that fastens, chains, ties, or restrains an animal to a pole, tree, fence, post, stake, dog house or any other structure or object. The term tether does not mean the restraint of an animal on an attended leash.

Trap-Neuter-Return or TNR. The process of humanely trapping, sterilizing, vaccinating for rabies, eartipping, and returning feral cats to their original location.

Trap-Neuter-Return colony or TNR colony. A group of feral cats that have been registered with the Division in accordance with this chapter.

TNR caregiver. A person who, in accordance with the TNR program as defined in this chapter, provides care, including food, shelter, or medical care to a feral cat in a TNR colony.

Vicious animal. Any animal that, after having been determined as herein defined to be a dangerous animal, while violating any provisions of this chapter, commits a subsequent attack on a person or domestic animal causing bodily injury.

Wild animal. Any animal occurring or growing in a natural state, not domesticated, cultivated or tamed; having an uncivilized, barbarous, or savage mannerism.

SEC. 12-2-2 AUTHORITY; CREATION OF DIVISION OF ANIMAL PROTECTIVE SERVICES; COMPOSITION; SCOPE OF CHAPTER.

(A) This chapter is established pursuant to grants of statutory authority provided in the North Carolina General Statutes (G.S.) including, but not limited to, the following, identified in pertinent part:

- (1) G.S. 14-4, which identifies the criminal penalty for a violation of a City ordinance made a misdemeanor under G.S. 160A-175.
- (2) Chapter 67 of the North Carolina General Statutes.
- (3) G.S. 106-645, which authorizes, but limits the City, to adopt ordinances regulating bee hives.
- (4) G.S. 130A-192, which authorizes animal control officers to determine if there are any dogs and cats not wearing valid rabies vaccination tags.
- (5) G.S. 160A-174, which authorizes the City to define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the city.
- (6) G.S. 160A-175, which authorizes the City to have the power to impose fines and penalties for violations of its ordinances and to secure injunctions and abatement orders to further insure compliance with its ordinances; defines the process by which the City may make a violation of a City ordinance a misdemeanor or infraction as provided in G.S. 14-4; identifies ordinances that may not be charged as a misdemeanor or infraction; and authorizes the City to impose a civil penalty for a violation of an ordinance.

- (7) G.S. 160A-182, which authorizes the City to define and prohibit the abuse of animals.
- (8) G.S. 160A-186, which authorizes the City to regulate, restrict, or prohibit keeping, running, or going at large of any domestic animals and authorizes that animals at large in violation of the ordinance may be seized and sold or destroyed after reasonable efforts to notify their owner.
- (9) G.S. 160A-187, which authorizes the City to regulate, restrict, or prohibit the possession or harboring within the city of animals which are dangerous to persons or property.
- (10) G.S. 160A-493, which authorizes the City to establish, equip, operate, and maintain animal shelters.

(B) There is hereby created within the police department of the City the Division, composed of the APS Supervisor to serve as head of the Division and such other employees as the City Council shall deem necessary.

(C) The provisions of this chapter and the enforcement thereof apply to all animals within the corporate limits of the City.

SEC. 12-2-3 DUTIES OF DIVISION.

(A) The Division shall be charged with the responsibility and duties of animal control within the City and shall also be responsible for:

- (1) Seeing that all dogs, cats, and ferrets in the City are adequately inoculated against rabies.
- (2) Cooperating with the local Health Director and county health officials and assisting in the enforcement of the laws of the state regarding the control of animals and especially the vaccination of dogs, cats, and ferrets against rabies and the confinement of vicious dogs.
- (3) Be responsible for the investigation of all reported animal bites within the City, for the quarantine of any dog, cat, or ferret involved in a bite of a person for a period of not less than ten (10) days, and for reporting to the Health Director as soon as practicable the occurrence of any such animal bite and condition of any quarantined animal.
- (4) Investigating all complaints regarding animals covered by this chapter.

- (5) Making such canvasses of the city, including the homes in the city, as it deems necessary for the purpose of ascertaining that all dogs, cats, and ferrets are vaccinated against rabies.
- (6) Enforcing all laws of the State and all ordinances of the City pertaining to animals.
- (7) Operating, managing, and supervising the City's animal shelter.

(B) Except as may otherwise be provided by statute, local law, or ordinance, no officer, agent or employee of the City charged with the duty of enforcing the provisions of this chapter or other applicable law shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of these duties, unless he or she acted with actual malice.

SEC. 12-2-4 POLICE POWERS OF APS OFFICERS; BADGES; STORAGE AND USE OF TRANQUILIZER GUNS.

(A) In the performance of their duties, members of the Division shall have the power, authority, and immunity as described in G.S. 15A-404 to enforce the provisions of this chapter and state law regarding the care, custody, control, treatment, and impoundment of animals for violations of such provisions.

(B) Each APS officer while performing his or her respective duties shall wear a badge of a size and design to be determined by the Chief of Police.

(C) APS officers shall be authorized to store at the animal shelter, designated City facility, or carry in Division vehicles tranquilizer guns or projectors approved for use by the Chief of Police and use such tranquilizer guns or projectors when necessary to enforce sections of this chapter or other applicable law for the control of wild, vicious, or diseased animals.

(D) In administering their duties under this chapter, APS Officers and Police Officers are empowered to issue civil citations, criminal summonses, or warrants for arrest as otherwise allowed by law to any person, if there is probable cause to believe that that person has violated any of the provisions of this chapter.

SEC. 12-2-5 RIGHT OF APS OFFICERS TO ENTER FOR INSPECTION.

Whenever it is necessary to make an inspection to enforce any provisions of, or perform any duty imposed by this chapter or other applicable law, or whenever an APS officer has reasonable cause to believe that there exists in any building or upon any premises any violation of the provisions of this chapter or other applicable law, the APS officer is hereby empowered to enter the property at any reasonable time to inspect same and perform any duty imposed upon the APS officer by this chapter or other applicable law, but only if consent of the occupant or owner of the property is freely given; a search warrant is obtained; or an administrative inspection warrant is obtained.

SEC. 12-2-6 DUTY OF APS OFFICERS AND POLICE OFFICERS TO SEIZE AND IMPOUND CERTAIN ANIMALS.

(A) Notwithstanding any other provision of this chapter, an APS officer or police officer shall have the authority to enter upon any unenclosed lots or land to enforce the provisions of this chapter or other applicable state law regarding domestic animals running at large, including impoundment and seizure of said domestic animal, if such violation is being committed in the presence of such officers.

(B) It shall be the duty of on-duty police officers to seize and immediately deliver to the Division, or to notify the Division, of the presence of those animals which are authorized and directed to be seized and impounded by this chapter or which are found or kept contrary to the provisions of this chapter.

SEC. 12-2-7 IMPOUNDMENT AND DISPOSITION OF ANIMALS TO PREVENT ABUSE; INVOLUNTARY ABSENCE OF OWNER.

So as to prevent cruelty, abandonment, or abuse of an animal, whenever the Division determines that any animal is or will be without proper care or may be subject to cruelty, abandonment, or abuse due to the injury, death, illness, incarceration, or other involuntary absence of the owner, the Division may impound the animal until it is reclaimed by its owner or a person authorized by the owner, in writing, to reclaim the animal on behalf of the owner. The owner or person authorized by the owner to reclaim the animal must pay all applicable fees in the same manner as any other owner would reclaim an impounded animal prior to the release of the animal by the Division. An animal which has been impounded pursuant to this section and has not been reclaimed within 10 days of impoundment may be disposed of by the Division pursuant to Section 12-2-10 and the Animal Welfare Act of North Carolina.

SEC. 12-2-8 RECORDS OF IMPOUNDED ANIMALS.

(A) The Division shall keep a record of each animal impounded in accordance with 02 NCAC 52J.0101, including all of the following:

- (1) The origin of the animal (including names and addresses of consignors) and the date the animal was received.
- (2) The description of the animal including species, age, sex, breed, and color markings.
- (3) The location of the animal if not kept at the licensed or registered City facility.
- (4) The disposition of the animal including the name and address of the person to whom the animal is sold, traded, or adopted and the date of such transaction.

- (5) In the event of the death of the animal, the record shall also show the date of death, signs of illness, or cause of death if identified. If the animal is euthanized, the record shall show the date and type of euthanasia.
- (6) The record of veterinary care for the animal including all treatments, immunizations, and date, time, description of medication (including name and dosage), and initials of person administering any medication, product, or procedure.

SEC. 12-2-9 KEEPING STRAY ANIMALS.

(A) It shall be unlawful for any person to knowingly and intentionally harbor, feed, or keep in possession by confinement or otherwise, any stray animal.

(B) Within 24 hours from the time a stray animal comes into a person's possession, the person shall notify the Division that the stray animal is in the person's possession. Upon receiving such notice, the Division may impound the animal at the Division's discretion.

(C) It shall be unlawful for any person to refuse to surrender any stray animal to an authorized representative of the Division upon demand.

(D) A person having temporary custody or possession of an animal for the sole purpose of turning over such animal to the Division or any law enforcement officer shall not be deemed in violation of this section.

(E) *Penalties.* A violation of this section may subject the offender to any or all of the following penalties:

(1) *Criminal.* Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to G.S. 14-4 and G.S. 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).

(2) *Civil.*

(a) Any person violating any provision of this section shall be issued a civil citation or citations, as may be required, as follows:

1. *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).

2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).

3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.
- (b) *Contents and service of civil citation.* A civil citation issued for a violation of any provision of this section shall clearly state when the civil penalty is due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served personally or by first-class mail upon the violator by an APS officer or by a member of the Greenville Police Department.
 - (c) *Appeals; payment of civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, all civil penalties assessed for violations of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
 - (d) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
 1. A civil action in the nature of a debt.
 2. The use of a collections agency.
 3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
 4. Equitable remedies issued by a court of competent jurisdiction.
 5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (3) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

SEC. 12-2-10 IMPOUNDMENT, RECLAMATION, AND DISPOSITION OF ANIMALS; GENERALLY.

(A) The Division shall hold any stray horse, mule, burro, cattle, goat, sheep, or other livestock impounded under this chapter for a period of seven days from the time of impoundment, during which time the owner of the animal, if known, shall be notified and allowed to reclaim the animal upon the payment of all applicable fees.

(B) The Division shall hold any stray dog, cat, domestic rabbit, bird, fowl, and other stray animal for 72 hours from the time of impoundment, during which time the owner of the animal, if known, shall be notified and allowed to reclaim the animal upon the payment of all applicable fees.

(C) Animals not herein specifically mentioned shall be disposed of in the same manner as dogs and cats.

(D) If a stray animal is not reclaimed by the owner during the applicable period of reclamation, the animal shall be disposed of as follows:

- (1) In the case of animals described in subsection (A) of this section, the animal shall be disposed of in accordance with Chapter 68, Article 3 of the North Carolina General Statutes.
- (2) In the case of animals described in subsections (B) and (C) of this section, the animal shall be disposed of in accordance with G.S. 19A-32.1.
- (3) If any animal is not reclaimed, the Division may continue to hold that animal for subsequent disposition consistent with applicable law.

(E) The Division may immediately destroy any wild animal in a humane manner consistent with the laws and regulations of the North Carolina Wildlife Resources Commission.

(F) All proceeds derived by the Division shall be turned over to the Financial Services Department of the City.

(G) Any dog, cat, or ferret impounded which appears to be suffering from rabies, affected with rabies, or affected with hydrophobia shall not be reclaimed or adopted but shall be quarantined for 10 days under observation; and thereafter if the Division determines that the dog, cat, or ferret is affected with rabies or hydrophobia, the dog, cat, or ferret shall be destroyed by the Division in a humane manner. If the animal has been determined to not have rabies or hydrophobia, the animal shall be subject to reclamation or adoption as herein provided. Any animal suffering from any other infection, contagious or dangerous disease shall not be adopted or sold but may be reclaimed by the owner.

SEC. 12-2-11 RECLAMATION FEES.

(A) The Division shall charge and collect reclamation fees as provided in the *Manual of Fees*.

(B) Reclamation fees shall be in addition to any other applicable charges including but not limited to any license fee or inoculation costs or fees that may be required by this chapter or other applicable law.

SEC. 12-2-12 CERTAIN ANIMALS PROHIBITED.

(A) It shall be unlawful for any person(s) to own, keep, have charge of, shelter, feed, or harbor any of the following within the City limits:

- (1) An animal that without provocation and in the City kills or inflicts severe injury, through bite or otherwise, on a person.
- (2) A vicious animal.
- (3) A public nuisance animal.
- (4) An inherently dangerous animal.

(B) *Penalties.* A violation of this section may subject the offender to any or all of the following penalties:

- (1) *Criminal.* Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to G.S. 14-4 and G.S. 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).
- (2) *Civil.*
 - (a) Any person violating any provision of this section shall be issued a civil citation or citations, as may be required, as follows:
 1. *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
 2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
 3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein

defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.

- (b) *Contents and service of civil citation.* A civil citation issued for a violation of any provision of this section shall clearly state when the civil penalty is due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served personally or by first-class mail upon the violator by an APS officer or by a member of the Greenville Police Department.
 - (c) *Appeals; payment of civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, all civil penalties assessed for violations of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
 - (d) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
 - 1. A civil action in the nature of a debt.
 - 2. The use of a collections agency.
 - 3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
 - 4. Equitable remedies issued by a court of competent jurisdiction.
 - 5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (3) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

SEC. 12-2-13 INHERENTLY DANGEROUS ANIMALS.

(A) It shall be unlawful for any person to own, keep, maintain, or have care, custody, or control of any inherently dangerous animal within the corporate limits of the City unless specifically exempted by this section.

(B) The confinement of inherently dangerous animals that are exempt under this section must meet the regulations promulgated by the North Carolina Wildlife Resources Commission, the minimum standards under the Animal Welfare Act, and all applicable rules promulgated by the U.S. Department of Agriculture. In addition, all exempt animals shall be confined, restrained, and controlled in such a manner so that the physical safety of persons and property shall not be endangered. The Division shall have the right to inspect the premises where an inherently dangerous animal is housed to ensure proper confinement and compliance with applicable state and federal regulations.

(C) Subject to this section, the following persons shall be exempt from the provisions of this section:

- (1) Any organization duly authorized and existing under the laws of the State of North Carolina that owns or harbors an inherently dangerous animal for research or educational purposes, provided that such institution is permitted for such animal by the U.S. Department of Agriculture and continually maintains any necessary permits from state and federal agencies.
- (2) Any owner who possesses an inherently dangerous animal, pursuant to the American with Disabilities Act (ADA), and uses such animal as a service animal trained to assist the owner with a disability.
- (3) A wildlife rehabilitator licensed by the North Carolina Wildlife Resources Commission.

(D) *Penalties.* A violation of this section may subject the offender to any or all of the following penalties:

- (1) *Criminal.* Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to G.S. 14-4 and G.S. 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).
- (2) *Civil.*
 - (a) Any person violating any provision of this section shall be issued a civil citation or citations, as may be required, as follows:
 1. *First violation.* A violation of this section shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
 2. *Second and subsequent violations within 365 days of the first violation.* A second violation and any subsequent violations of this section by the violator within 365 days from herein

defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.

- (b) *Contents and service of civil citation.* A civil citation issued for a violation of any provision of this section shall clearly state when the civil penalty is due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served personally or by first-class mail upon the violator by an APS officer or by a member of the Greenville Police Department.
 - (c) *Appeals; payment of civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, all civil penalties assessed for violations of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
 - (d) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
 - 1. A civil action in the nature of a debt.
 - 2. The use of a collections agency.
 - 3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
 - 4. Equitable remedies issued by a court of competent jurisdiction.
 - 5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (3) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

SECTION 12-2-14 DETERMINATIONS.

(A) The APS Supervisor shall be responsible for determining when an animal is a public nuisance in accordance with this chapter or dangerous animal, vicious animal, potentially dangerous dog, or dangerous dog in accordance with this chapter and Chapter 67 of the North Carolina General Statutes. The APS Supervisor must notify the owner in writing of the reasons

for the determination that an animal is a public nuisance animal, dangerous animal, vicious animal, potentially dangerous dog, and/or dangerous dog, before the animal may be considered as such. The determination shall also include notice of the owner's right to appeal.

(B) The owner may appeal the determination that an animal has been determined to be a public nuisance animal, dangerous animal, vicious animal, potentially dangerous dog, or dangerous dog by filing an appeal in accordance with this chapter. However, the APS Supervisor's determination that an animal is a public nuisance animal, dangerous animal, vicious animal, potentially dangerous dog, or dangerous dog shall remain in effect with any and all applicable restrictions unless the determination is subsequently overturned by the appeal board or superior court.

SECTION 12-2-15 DANGEROUS ANIMALS AND VICIOUS ANIMALS.

(A) The Division shall enforce this section, and it shall be the duty of the APS Supervisor to make the determination if an animal is dangerous or vicious in accordance with this chapter and Chapter 67 of the North Carolina General Statutes.

(B) *Restrictions of Ownership of Dangerous Animals.* It shall be lawful for the owner of an animal deemed as a dangerous animal to own, keep, harbor, have charge of, shelter, or feed the animal within the City only if the owner strictly adheres to all of the following restrictions:

- (1) *Tattooing or Electronic Implant.* Within 14 days from the initial determination deeming the animal as dangerous or within 14 days from the relocation of the animal to the City from another jurisdiction, the animal must have permanent identification by means of a tattoo located on the inside thigh or by electronic implant. The cost of said tattoo/implant will be paid for by the owner. The Division shall maintain a physical description and photograph of the animal. The owner must allow and assist any member of the Division or the police department in viewing the tattoo or reading the electronic implant at any time deemed reasonable or at such time as the identification of the dog is in question.
- (2) *Signage.* Within 14 days from the initial determination deeming the animal as dangerous or within 14 days from the relocation of the animal to the City from another jurisdiction, the owner shall place and install a sign stating "Dangerous Animal on Site," "Beware of Dangerous Animal," or, if the animal at issue is a dog, "Beware of Dangerous Dog" on all of the following locations:
 - (a) A sign at each entrance, driveway, or pathway to the owner's real property.
 - (b) A sign on any outdoor pen, fence, or enclosure.

The signs required by this section shall be at least two feet by two feet in size but shall not be greater than three feet by three feet in size. Any sign

in compliance with this section shall be exempt from the City's zoning ordinance.

- (3) *Sterilization.* Within 14 days from the initial determination deeming the animal as dangerous or within 14 days from the relocation of the animal to the City from another jurisdiction, the owner shall have the animal sterilized by a licensed veterinarian. All fees and costs are the responsibility of the owner.
- (4) *A Secure Pen.* Within 14 days from the initial determination deeming the animal as dangerous or within 14 days from the relocation of the animal to the City from another jurisdiction, the owner shall keep the animal secured inside the owner's residence or in a secure outdoor pen that is constructed of materials strong enough to contain the animal. The outdoor pen must be constructed to comply with all of the following:
 - (a) The pen shall be large enough for the animal (depending on the size of the animal) to move about freely. It shall provide the animal with adequate shelter and adequate shade.
 - (b) The pen must have a floor, sides, and a top from which the animal cannot escape.
 - (c) The pen shall be constructed of a six-foot-high fence of at least nine-gauge chain link. The pen will also have a fence or solid top constructed of the same material.
 - (d) The pen must be constructed so that the animal may not dig under the sides. If the floor is constructed of dirt, the enclosure must include an eight-foot fence with two feet buried in the ground or sunken into a concrete pad which is 24 inches wide along the inside perimeter of the fence and four inches thick.

Any pen in compliance with this section shall be exempt from the City's zoning ordinance.

- (5) *Inspection.* The Division and the police department may cause such inspections as deemed appropriate to be made to the premises of an owner of a dangerous animal to determine compliance with the provisions of this section.
- (6) *Off the Owner's Real Property.* Anytime a dangerous animal is off the owner's real property, the animal will be on a secure collar and leash not to exceed six feet, wearing a muzzle, and restrained by an individual, or securely enclosed inside of a transport container of adequate size and

strength to contain the animal. In no event shall the dangerous animal be allowed on any City-owned or operated dog park.

- (7) *Relocation.* The owner must notify the Division at least three business days prior to moving the animal to a new address and give the Division the new address or location of the animal.
- (8) *Notification of Death.* The owner must notify the Division within 3 days of the death of the animal.
- (9) *Owner to Maintain Ownership Unless Surrendered to Division.* No dangerous animal may be given away, sold, traded, placed for adoption, or otherwise transferred. The owner must retain ownership, possession, control, and responsibility for the animal until the animal dies naturally or is surrendered to the Division for euthanasia.
- (10) *Annual Registration and Dangerous Animal Permit Required.*
 - (a) *Registration Generally.* Within 7 days from the initial determination deeming the animal as dangerous or within 7 days from the relocation of the animal to the City from another jurisdiction, the owner shall register such animal with the Division, or may, in lieu of any hearing, register such animal voluntarily, which such voluntary registration shall constitute an admission and determination that the animal is dangerous.
 - (b) *Permits Generally.* After registration of a dangerous animal, or after a determination that such animal is dangerous, no person shall own, keep or harbor such animal thereafter within the City without applying for and obtaining a dangerous animal permit from the Division.
 - (c) *Issuance of Permit.* The Division shall issue a permit for a dangerous animal only upon submission by the owner to the Division of a complete, verified application, payment of the required dangerous animal permit fee, proof of insurance as described in this section, and a finding by the Division that the owner has complied with all other requirements of this section. Each permit shall be issued by the Division conditioned on the owner's continued compliance with all applicable ordinances and laws.
 - (d) *Term of Permit.* Each dangerous animal permit shall be valid for one calendar year from the date of issuance and must be renewed at least 14 days prior to the expiration of same.

- (e) *Permanent Registration Number Required.* The tattoo or electronic implant number assigned to the animal as required by this section shall be the permanent registration number of the animal with the Division. No person shall alter, conceal, or remove such registration number once it is assigned or affixed to the animal.
- (f) *Payment of Annual Dangerous Animal Registration Fee.* The owner shall pay annually a registration fee for each dangerous animal in an amount set in the *Manual of Fees*.
- (g) *Insurance.* The owner shall maintain a policy of liability insurance covering any injury or property damage caused by the animal. Minimum policy limits shall be \$250,000.00 per occurrence. The owner shall cause a certificate or declaration of insurance to be furnished to the Division annually as part of the permit application. Every calendar day that the required insurance is not in full force and effect shall constitute a violation of this ordinance.
- (h) *Revocation of Permit.* Upon a finding of noncompliance with the provisions of this section, the Division may revoke the dangerous animal permit and seize and impound the animal at the owner's expense pending the outcome of a hearing in accordance with section 12-2-16.

(C) *Subsequent Bite or Attack; Vicious Determination.* In addition to any other penalties as defined and described in this chapter, if an animal that has previously been determined to be a dangerous animal attacks or bites a person or domesticated animal while in violation of any provision of this chapter, the APS Supervisor may issue a determination that the animal is a vicious animal. Upon issuance of the determination that the animal is vicious, and unless the owner appeals the determination in accordance with this chapter, the animal shall immediately be seized and euthanized, after a 10 day rabies quarantine if required, by the Division.

(D) *Exceptions.* The following are exempt from the provisions of this section.

- (1) A law enforcement animal or guard dog used by a law enforcement officer or bona fide professional security guard to carry out official law enforcement or security duties.
- (2) An animal that causes injury to a person when that person, or another acting in concert with that person, was tormenting, abusing, or assaulting the animal or was committing or attempting to commit any crime or tort at or about the time of the injury.

(E) Nothing in this section shall be construed to prevent an APS Officer or any other person from pursuing remedies under G.S. Chapter 67, Article 1A or other operation of law.

(F) *Penalties.* A violation of this section may subject the offender to any or all of the following penalties:

(1) *Criminal.* Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to G.S. 14-4 and G.S. 160A-175 and shall pay a criminal penalty of not less than two hundred and fifty dollars (\$250.00) and not more than five hundred dollars (\$500.00).

(2) *Civil.*

(a) Any person violating any provision of this section shall be issued a civil citation or citations, as may be required, as follows:

1. *First violation.* A violation of this section shall subject the violator to a civil penalty of two hundred and fifty dollars (\$250.00).

2. *Second and subsequent violation within 365 days of the first violation.* Any subsequent violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00).

(b) *Contents and service of civil citation.* A civil citation issued for a violation of any provision of this section shall clearly state when the civil penalty is due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served personally or by first-class mail upon the violator by an APS officer or by a member of the Greenville Police Department.

(c) *Appeals; payment of civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, all civil penalties assessed for violations of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.

(d) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Chapter 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:

1. A civil action in the nature of a debt.

2. The use of a collections agency.
 3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
 4. Equitable remedies issued by a court of competent jurisdiction.
 5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (3) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

SECTION 12-2-16 APPEALS OF DETERMINATIONS.

(A) *Appeal Board.* The Appeal Board shall be constituted of three members who shall be a Veterinarian licensed to practice in North Carolina, the Chief of Police or his or her designee, and the current Fire Marshall or his or her designee. There shall be an alternate member from the Financial Services Department to serve in the event of a conflict of interest. The licensed Veterinarian shall be appointed by the City Council for a three-year term.

(B) *Appeal to Appeal Board.* The owner may appeal a determination made pursuant to this Section, Section 12-2-14, Section 12-2-15, or Section 12-2-37 by filing an appeal in accordance with this section.

- (1) *Notice of Appeal; Contents and Filing.* If the owner of the animal elects to appeal the APS Supervisor's determination, the owner shall file a notice of appeal in writing to the Appeal Board. The appeal shall be filed within three days of the issuance of the determination; shall include written objections; and shall be directed to the City Manager's office. Any appeal received by the City Manager's office more than three days after the date of the determination shall be deemed untimely and shall not be considered by the Appeal Board. Accordingly, the APS Supervisor's determination shall stand and may not be appealed.
- (2) *Scheduling of the Hearing.* The City Manager's office, as designee of the Appeal Board, shall schedule a hearing within 10 days of the filing of the notice of appeal. The hearing on the appeal shall take place within a reasonable time, but no longer than 30 days from the filing of the notice of appeal. The City Manager's office shall mail notice of the hearing via certified mail return receipt requested to the appellant and shall also provide notice to the APS Supervisor. If the owner does not appear at the hearing, the APS Supervisor's determination shall stand and shall be fully enforceable.

- (3) *Conduct of the Hearing.* The hearing on the appeal of the APS Supervisor's determination shall be an informal administrative hearing. The City Manager shall be the chairperson and conduct the hearing and govern procedural questions. The North Carolina rules of evidence shall not apply. However, both the appellant and the City shall be entitled to be represented by counsel, have the right to make opening and closing statements, present evidence, and call, confront, and cross-examine witnesses. All witnesses shall testify under oath. Each Appeal Board member shall have the right to question witnesses. The appellant and/or the City shall be allowed to record the hearing. The hearing shall be conducted in accordance with the principles of due process.

(C) *Final Decision of Appeal Board.* The Appeal Board shall make the final decision. The decision of the Appeal Board shall be by majority vote, and said decision shall be made at the conclusion of the hearing unless the Appeal Board requests additional evidence. The decision of the Appeal Board shall be documented by the City Manager in writing, including findings to support the Appeal Board's decision, and notice of appeal rights, and forwarded to the applicant within 10 days of the conclusion of the hearing via certified mail, return receipt requested.

(D) *Appeal to Superior Court.* Any appeal from the final decision of the Appeal Board shall be taken to the Pitt County superior court by filing notice of appeal and a petition for review within 10 days of the final decision of the Appeal Board. Appeals from rulings of the Appeal Board shall be heard de novo before a superior court judge sitting in the Pitt County superior court division.

(E) *Stay of APS Determination During Appeal.* Given the risk to public health and safety associated with determining that an animal is dangerous or vicious or a public nuisance, the APS Supervisor's determination shall be in effect and fully enforceable from the date of determination unless overturned on appeal. However, any requirements in the APS Supervisor's determination involving a date restriction shall be stayed during the pendency of the appeal.

SEC. 12-2-17 EXOTIC ANIMALS.

(A) The Division is hereby vested with the authority to issue permits for the keeping or maintaining of any wild, exotic, dangerous, or nondomestic animal when, in the opinion of the APS Supervisor, the animal may be kept or maintained without endangering the safety of any person or property.

(B) No person, business, or event (e.g., circus, exhibition, show, and the like) shall have or maintain any wild, exotic, dangerous, or nondomestic animal or reptile without first applying to and receiving from the Division a permit to do so, provided that the keeping or maintenance of such animals shall conform to any applicable zoning regulation. Any person, business, or event planning to have or maintain any of the types of animals stated above shall pay a fee for each permit as set out in the *Manual of Fees*.

(C) The Division may require an animal that is subject to the provisions of this section to be properly caged, secured, and maintained, and may revoke any such permit for any violation of state or federal law or this chapter or when, in the opinion of the APS Supervisor, the safety of any person or property is endangered by the keeping of any such animal.

(D) The Division shall also have authority to issue permits for the keeping or maintaining on a temporary basis of all types of wild animals or reptiles in connection with a circus, amusement enterprise, animal exhibition, or animal trade show, when located in the City and otherwise allowed by the City's Zoning Ordinance or other applicable law of rule.

(E) In accordance with Chapter 14, Article 55 of the North Carolina General Statutes (Regulation of Certain Reptiles), any person applying for a permit for a large constricting snake such as a: Reticulated Python, *Python reticulatus*; Burmese Python, *Python molurus*; African Rock Python, *Python sebae*; Amethystine Python, *Morelia amethystina*; and Green Anaconda, *Eunectes murinus*; or any of their subspecies or hybrids shall:

- (1) Own, possess, use, transport, or traffic the large constricting snake in a sturdy and secure enclosure designed to be escape-proof and shall have an operable lock.
- (2) Clearly and visibly label each enclosure with the scientific name, common name, number of specimens, and owner's identifying information.
- (3) Provide the Division with a written safety protocol and escape recovery plan which shall be within sight of permanent housing, and a copy shall accompany the transport of any of the large constricting snakes. The safety protocol shall include emergency contact information, identification of the local animal control office, and first aid procedures.
- (4) In the event of an escape of a large constricting snake, the owner or possessor shall immediately notify local law enforcement and the Division.

(F) In accordance with Chapter 14, Article 55 of the North Carolina General Statutes (Regulation of Certain Reptiles), any person applying for a permit for a venomous reptile shall:

- (1) Own, possess, use, transport, or traffic the venomous reptile housed in a sturdy and secure enclosure designed to be escape-proof, bite-proof, and have an operable lock.
- (2) Clearly and visibly label each enclosure with "Venomous Reptile Inside" with scientific name, common name, appropriate antivenin, number of specimens, and owner's identifying information noted on the container.
- (3) Provide the Division with a written bite protocol that includes emergency contact information, local animal control office information, the name and location of suitable antivenin, first aid procedures, and treatment guidelines,

as well as an escape recovery plan that must be within sight of permanent housing, and a copy of same must accompany the transport of any venomous reptile.

- (4) In the event of an escape of a venomous reptile, the owner or possessor of the venomous reptile shall immediately notify local law enforcement and the Division.

(G) Nothing in this chapter shall be constructed to prevent an APS Officer or Law Enforcement Officer from seeking remedies in accordance with Chapter 14, Article 55 of the North Carolina General Statutes (Regulation of Certain Reptiles) or other law expressly referencing an exotic or wild animal.

(H) *Penalties.* A violation of this section may subject the offender to any or all of the following penalties:

- (1) *Criminal.* Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to G.S. 14-4 and G.S. 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).

- (2) *Civil.*

- (a) Any person violating any provision of this section shall be issued a civil citation or citations, as may be required, as follows:

1. *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.

- (b) *Contents and service of civil citation.* A civil citation issued for a violation of any provision of this section shall clearly state when the civil penalty is due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served

personally or by first-class mail upon the violator by an APS officer or by a member of the Greenville Police Department.

(c) *Appeals; payment of civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, all civil penalties assessed for violations of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.

(d) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:

1. A civil action in the nature of a debt.
2. The use of a collections agency.
3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
4. Equitable remedies issued by a court of competent jurisdiction.
5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.

(3) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

SEC. 12-2-18 TETHERING.

(A) Any device used to tether a dog shall be at least 10 feet long and attached in such a manner as to prevent strangulation or other injury to the dog and entanglement with other objects.

(B) A cable trolley system may be used to tether a dog so long as the stationary cable is at least 10 feet long and the dog can perpendicularly move at least 10 feet away from the stationary line.

(C) A tether must be equipped with a swivel on both ends.

(D) The tether device shall be attached to the dog with a buckle type collar or a body harness.

(E) The device used to tether the dog shall weigh no more than 10 percent of the animal's body weight. In no event shall it be lawful to restrain a dog using a chain or wire grossly in excess of the size necessary to restrain the dog safely.

(F) It shall be unlawful to attach a rope, chain, wire, or other tethering device to a choke-type or pronged collar.

(G) While on a tether device, the dog must have access to adequate food, adequate shade, adequate shelter, and adequate water.

(H) *Penalties.* A violation of this section may subject the offender to any or all of the following penalties:

(1) *Criminal.* Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to G.S. 14-4 and G.S. 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).

(2) *Civil.*

(a) Any person violating any provision of this section shall be issued a civil citation or citations, as may be required, as follows:

1. *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).

2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).

3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.

(b) *Contents and service of civil citation.* A civil citation issued for a violation of any provision of this section shall clearly state when the civil penalty is due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served personally or by first-class mail upon the violator by an APS officer or by a member of the Greenville Police Department.

- (c) *Appeals; payment of civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, all civil penalties assessed for violations of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
- (d) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
 - 1. A civil action in the nature of a debt.
 - 2. The use of a collections agency.
 - 3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
 - 4. Equitable remedies issued by a court of competent jurisdiction.
 - 5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (3) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

SEC. 12-2-19 CRUELTY TO ANIMALS.

(A) It shall be unlawful for any person to intentionally overdrive, overload, wound, injure, torment, kill, or deprive of necessary sustenance or adequate veterinary care, or cause or procure to be overdriven, overloaded, wounded, injured, tormented, killed, or deprived of necessary sustenance or adequate veterinary care any animal.

(B) It shall be unlawful for any person to fail to provide veterinary care to any animal after having been notified in writing by an APS officer or law enforcement officer if in that officer's opinion the animal is in need of veterinary care to prevent suffering.

(C) It shall be unlawful for any owner in contact with or having knowledge of a sick, diseased, or injured animal to fail to provide proper medical treatment for the animal or notify the Division of the condition. A sick, diseased, or injured animal shall go no longer than 24 hours without veterinary care.

(D) It shall be unlawful for any person to willfully set on foot, or instigate, or move to, carry on, or promote, or engage in, or do any act towards the furtherance of any act of cruelty to any animal.

(E) As used in this section, the words “torture,” “torment,” and “cruelly” include or refer to any act, omission, or neglect causing or permitting unjustifiable pain, suffering, or death. As used in this section, the word “intentionally” refers to an act committed knowingly and without justifiable excuse.

(F) No domesticated animal, household pet, or wild animal in captivity may be confined in a motor vehicle under conditions that are likely to cause suffering, injury, or death to the animal due to heat, cold, lack of adequate ventilation, or other endangering conditions. Such confinement shall be considered unlawful. Without limiting the foregoing, it shall be presumed that an interior temperature exceeding 109° F causes an unacceptable level of suffering by any such animal and constitutes improper confinement in violation of this section.

(G) This section shall not apply to the following activities:

- (1) The lawful taking of animals under the jurisdiction and regulation of the Wildlife Resources Commission, except that this section shall apply to those birds other than pigeons exempted by the Wildlife Resources Commission from its definition of “wild birds” pursuant to G.S. 113-129(15a).
- (2) Lawful activities conducted for purposes of biomedical research or training or for purposes of production of livestock, poultry, or aquatic species.
- (3) Lawful activities conducted for the primary purpose of providing food for human or animal consumption.
- (4) Activities conducted for lawful veterinary purposes.
- (5) The lawful destruction of any animal for the purposes of protecting the public, other animals, property, or the public health.
- (6) The physical alteration of livestock or poultry for the purpose of conforming with breed or show standards.

(H) *Penalties.* A violation of this section may subject the offender to any or all of the following penalties:

- (1) *Criminal.* Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to G.S. 14-4 and G.S. 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).

(2) *Civil.*

(a) Any person violating any provision of this section shall be issued a civil citation or citations, as may be required, as follows:

1. *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.

(b) *Contents and service of civil citation.* A civil citation issued for a violation of any provision of this section shall clearly state when the civil penalty is due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served personally or by first-class mail upon the violator by an APS officer or by a member of the Greenville Police Department.

(c) *Appeals; payment of civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, all civil penalties assessed for violations of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.

(d) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:

1. A civil action in the nature of a debt.
2. The use of a collections agency.

3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
4. Equitable remedies issued by a court of competent jurisdiction.
5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.

(3) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

SEC. 12-2-20 ADEQUATE FOOD, SHADE, SHELTER, AND WATER.

(A) All dogs and cats shall be given adequate food, adequate shade, adequate shelter, and adequate water. Adequate shelter is defined as an enclosure of at least three sides, a roof, and a floor. The enclosure shall be ventilated and must have sufficient room for the animal(s) to move around freely and to lie down comfortably.

(B) Animals housed under the following conditions shall not constitute adequate shelter:

- (1) Underneath outside steps, decks, and stoops.
- (2) Inside of vehicles.
- (3) Underneath vehicles.
- (4) Inside metal or plastic barrels, cardboard boxes, or garbage cans.
- (5) Rooms, sheds, or other buildings without windows or proper ventilation.
- (6) Underneath houses.
- (7) Inside temporary animal carriers or crates.
- (8) Shelters located in flood-prone areas or areas that lack a suitable method of draining so as to eliminate excess water or moisture.

(C) Adequate shade must be provided for dogs and cats from sunrise to sunset during the months of May through September at all such times that a dog or cat is tethered or kenneled outside.

(D) *Penalties.* A violation of this section may subject the offender to any or all of the following penalties:

- (1) *Criminal.* Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to G.S. 14-4 and G.S. 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).
- (2) *Civil.*
 - (a) Any person violating any provision of this section shall be issued a civil citation or citations, as may be required, as follows:
 1. *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
 2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
 3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.
 - (b) *Contents and service of civil citation.* A civil citation issued for a violation of any provision of this section shall clearly state when the civil penalty is due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served personally or by first-class mail upon the violator by an APS officer or by a member of the Greenville Police Department.
 - (c) *Appeals; payment of civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, all civil penalties assessed for violations of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
 - (d) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:

1. A civil action in the nature of a debt.
 2. The use of a collections agency.
 3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
 4. Equitable remedies issued by a court of competent jurisdiction.
 5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (3) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

SEC. 12-2-21 TEASING OR MOLESTING ANIMALS.

(A) It shall be unlawful for any person to tease, molest, bait, or in any way bother any animal not belonging to him or her or legally under his or her control.

(B) *Penalties.* A violation of this section may subject the offender to any or all of the following penalties:

- (1) *Criminal.* Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to G.S. 14-4 and G.S. 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).
- (2) *Civil.*
 - (a) Any person violating any provision of this section shall be issued a civil citation or citations, as may be required, as follows:
 1. *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
 2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
 3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein

defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.

- (b) *Contents and service of civil citation.* A civil citation issued for a violation of any provision of this section shall clearly state when the civil penalty is due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served personally or by first-class mail upon the violator by an APS officer or by a member of the Greenville Police Department.
 - (c) *Appeals; payment of civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, all civil penalties assessed for violations of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
 - (d) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
 - 1. A civil action in the nature of a debt.
 - 2. The use of a collections agency.
 - 3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
 - 4. Equitable remedies issued by a court of competent jurisdiction.
 - 5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (3) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

SEC. 12-2-22 DUTY OF DRIVERS TO GIVE NOTICE OF INJURY TO DOMESTICATED ANIMAL.

(A) It shall be a civil offense for any person injuring a domesticated animal by striking the domesticated animal with an automobile, bicycle, or other vehicle to fail to immediately notify the owner of the domesticated animal, the Division, or the police department of such incident.

(B) *Civil Penalties.*

- (1) Any person violating any provision of this section may be issued a civil citation or citations, as may be required, as follows:
 - (a) *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
 - (b) *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
 - (c) *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.
- (2) *Contents and service of civil citation.* A civil citation issued for a violation of any provision of this section shall clearly state when the civil penalty is due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served personally or by first-class mail upon the violator by an APS officer or by a member of the Greenville Police Department.
- (3) *Appeals; payment of civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, all civil penalties assessed for violations of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
- (4) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
 - (a) A civil action in the nature of a debt.
 - (b) The use of a collections agency.
 - (c) The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.

- (d) Equitable remedies issued by a court of competent jurisdiction.
 - (e) Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (5) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

SEC. 12-2-23 STAKING OUT, HERDING, OR GRAZING ANIMALS ON UNENCLOSED PREMISES.

(A) No person shall stake out, herd, tether, or graze any animal, upon an unenclosed lot or land in any manner so that the animal may go beyond the boundary of the lot or land.

(B) *Civil Penalties.*

- (1) Any person violating any provision of this section may be issued a civil citation or citations, as may be required, as follows:
 - (a) *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
 - (b) *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
 - (c) *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.
- (2) *Contents and service of civil citation.* A civil citation issued for a violation of any provision of this section shall clearly state when the civil penalty is due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served personally or by first-class mail upon the violator by an APS officer or by a member of the Greenville Police Department.
- (3) *Appeals; payment of civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, all civil penalties assessed for violations of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.

- (4) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
- (a) A civil action in the nature of a debt.
 - (b) The use of a collections agency.
 - (c) The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
 - (d) Equitable remedies issued by a court of competent jurisdiction.
 - (e) Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (5) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

SEC. 12-2-24 SETTING ANIMALS FREE FOR CHASE.

(A) No person shall set free any rabbit, hare, or other animals in the City for the purpose of chasing, hunting, or having a race thereafter.

(B) *Civil Penalties.*

- (1) Any person violating any provision of this section may be issued a civil citation or citations, as may be required, as follows:
- (a) *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
 - (b) *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
 - (c) *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.

- (2) *Contents and service of civil citation.* A civil citation issued for a violation of any provision of this section shall clearly state when the civil penalty is due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served personally or by first-class mail upon the violator by an APS officer or by a member of the Greenville Police Department.
- (3) *Appeals; payment of civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, all civil penalties assessed for violations of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
- (4) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
 - (a) A civil action in the nature of a debt.
 - (b) The use of a collections agency.
 - (c) The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
 - (d) Equitable remedies issued by a court of competent jurisdiction.
 - (e) Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (5) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

SEC. 12-2-25 KEEPING OR DISPLAYING ANIMALS GENERALLY; CONDUCT OF WHOLESALE POULTRY YARDS.

(A) No person shall exhibit, keep, or display animals, birds, or fowl of any kind unattended in glass show windows for longer than six hours per day.

(B) No person shall exhibit, keep, or display animals, birds, or fowl of any kind in a manner without shading the animals from the sun, and providing adequate food, water, and ventilation for the animal.

(C) No person shall exhibit, keep, or display animals, birds, or fowl of any kind in glass show windows on Sundays and holidays.

(D) No person shall conduct or operate a wholesale poultry yard wherein quantities of fowl of any description are gathered and kept within any residential district of the City or within 80 feet of any place of human abode within the corporate limits of the City.

(E) *Civil Penalties.*

- (1) Any person violating any provision of this section may be issued a civil citation or citations, as may be required, as follows:
 - (a) *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
 - (b) *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
 - (c) *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.
- (2) *Contents and service of civil citation.* A civil citation issued for a violation of any provision of this section shall clearly state when the civil penalty is due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served personally or by first-class mail upon the violator by an APS officer or by a member of the Greenville Police Department.
- (3) *Appeals; payment of civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, all civil penalties assessed for violations of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
- (4) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
 - (a) A civil action in the nature of a debt.
 - (b) The use of a collections agency.

- (c) The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
 - (d) Equitable remedies issued by a court of competent jurisdiction.
 - (e) Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (5) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

SEC. 12-2-26 SALE OF FOWL OR RABBITS UNDER CERTAIN CONDITIONS; COLORING FOWL OR RABBITS.

(A) No person shall sell, offer for sale, barter, or give away baby chickens, ducklings, or other fowl, seven weeks of age or under as pets, toys, premiums, or novelties. Nothing contained in this section shall be construed to prohibit the sale of nondomesticated species of chicks, ducklings, or other fowl, from proper brooder facilities by hatcheries or stores engaged in the business of selling them for purposes other than for pets or novelties.

(B) No person shall color, dye, stain, or otherwise change the natural color of chickens, other fowl, or rabbits.

(C) *Civil Penalties.*

- (1) Any person violating any provision of this section may be issued a civil citation or citations, as may be required, as follows:
 - (a) *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
 - (b) *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
 - (c) *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.
- (2) *Contents and service of civil citation.* A civil citation issued for a violation of any provision of this section shall clearly state when the civil penalty is

due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served personally or by first-class mail upon the violator by an APS officer or by a member of the Greenville Police Department.

- (3) *Appeals; payment of civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, all civil penalties assessed for violations of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
- (4) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
 - (a) A civil action in the nature of a debt.
 - (b) The use of a collections agency.
 - (c) The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
 - (d) Equitable remedies issued by a court of competent jurisdiction.
 - (e) Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (5) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

SEC. 12-2-27 KEEPING SWINE.

(A) No person shall keep any hog, pig, swine, or other Suidae over 100 pounds or that is more than 22 inches high when measured at the shoulder.

(B) No more than two hogs, pigs, swine, or other Suidae allowed herein shall reside or be maintained at any dwelling unit or at any non-residentially zoned parcel.

(C) *Civil Penalties.*

- (1) Any person violating any provision of this section may be issued a civil citation or citations, as may be required, as follows:
 - (a) *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).

- (b) *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
 - (c) *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.
- (2) *Contents and service of civil citation.* A civil citation issued for a violation of any provision of this section shall clearly state when the civil penalty is due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served personally or by first-class mail upon the violator by an APS officer or by a member of the Greenville Police Department.
 - (3) *Appeals; payment of civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, all civil penalties assessed for violations of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
 - (4) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
 - (a) A civil action in the nature of a debt.
 - (b) The use of a collections agency.
 - (c) The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
 - (d) Equitable remedies issued by a court of competent jurisdiction.
 - (e) Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
 - (5) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

SEC 12-2-28 KEEPING FOWL.

(A) Up to 15 chickens, ducks, pigeons, doves, or other fowl may be kept on any single lot, tract, or parcel in the City upon the following conditions:

- (1) The fowl must be maintained in a chicken house or coop of suitable construction and size for the number of fowl maintained in it.
- (2) The owner where such houses or coops are maintained shall thoroughly clean the same of all manure and other wastes at least twice each week. All waste material removed from the houses or coops shall be disposed in such a way that it does not cause odor or attract flies.
- (3) No house or coop may be located closer than 80 feet from any parcel or property line not owned by the fowl owner.

(B) *Civil Penalties.*

- (1) Any person violating any provision of this section may be issued a civil citation or citations, as may be required, as follows:
 - (a) *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
 - (b) *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
 - (c) *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.
- (2) *Contents and service of civil citation.* A civil citation issued for a violation of any provision of this section shall clearly state when the civil penalty is due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served personally or by first-class mail upon the violator by an APS officer or by a member of the Greenville Police Department.
- (3) *Appeals; payment of civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, all civil penalties assessed for violations of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.

- (4) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
- (a) A civil action in the nature of a debt.
 - (b) The use of a collections agency.
 - (c) The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
 - (d) Equitable remedies issued by a court of competent jurisdiction.
 - (e) Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (5) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

SEC. 12-2-29 MAINTENANCE OF STABLES AND PENS.

(A) All persons in possession or control of any stable, corral, pen, coop, warren, or other place where an animal is kept shall maintain such place in a clean and sanitary condition at all times and in such a manner consistent with all applicable law or regulatory provisions related thereto.

(B) All persons in possession or control of any stable, corral, pen, coop, warren, and other place where an animal is kept shall remove all manure, debris, and trash therefrom and spray such places with suitable disinfectant at least once each week.

(C) *Civil Penalties.*

- (1) Any person violating any provision of this section may be issued a civil citation or citations, as may be required, as follows:
- (a) *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
 - (b) *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).

- (c) *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.
- (2) *Contents and service of civil citation.* A civil citation issued for a violation of any provision of this section shall clearly state when the civil penalty is due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served personally or by first-class mail upon the violator by an APS officer or by a member of the Greenville Police Department.
- (3) *Appeals; payment of civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, all civil penalties assessed for violations of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
- (4) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
 - (a) A civil action in the nature of a debt.
 - (b) The use of a collections agency.
 - (c) The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
 - (d) Equitable remedies issued by a court of competent jurisdiction.
 - (e) Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (5) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

SEC. 12-2-30 URBAN BEEKEEPING.

Purpose. The purpose of this section is to encourage persons who keep bees to properly maintain hives and comply with state regulatory requirements and the provisions of this section.

(A) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

- (1) *Apiary.* Bees, comb, hives, appliances, or colonies, wherever they are kept, located, or found.
- (2) *Bee(s).* Insects of the superfamily Apoidea; in particular, the honeybees, *Apis mellifera* (L) or any honey-producing insects of the genus *Apis*. It includes all life stages of such insects, their genetic material, and dead remains.
- (3) *Beekeeper.* The person who keeps and raises bees and harvests honey.
- (4) *Front yard.* The area extending across the full length of a lot from side lot line to side lot line and lying between the abutting street right-of-way or easement line and the building line; or in the case of a lot abutting more than one street, the “front yard” shall include all areas extending across the full length of a lot from property line to property line and lying between the abutting street right-of-way or easement and building line.
- (5) *Hive(s).* Any receptacle or container, or part of receptacle or container, which is made or prepared for the use of bees or which is inhabited by bees.
- (6) *Permit.* Authorization annually issued by the Division to a beekeeper to maintain bees for personal and family use.

(B) *Requirements.*

- (1) No more than five hives shall be permitted on a single parcel within the land use planning jurisdiction of the City.
- (2) Every hive shall be placed at ground level or securely attached to an anchor or stand. If the hive is securely attached to an anchor or stand, the City may permit the anchor or stand to be permanently attached to a roof surface.
- (3) No hive shall be located in a front yard.
- (4) All bee equipment and hives must be maintained in good order and condition.
- (5) The Division shall authorize the removal of any hive if the owner no longer maintains the hive or if removal is necessary to protect the health, safety, and welfare of the public.

(C) *Permitting and inspection.*

- (1) No person shall, within the limits of the City, keep bees without first obtaining a beekeeping permit from the Division.
- (2) The beekeeping permit must be renewed annually. All beekeeping permits will expire on December 31 of the year of issue and shall be free of charge
- (3) A beekeeper's bee equipment and hives shall be inspected annually by the Division before the issuance of a beekeeping permit.

(D) *Enforcement.*

- (1) Failure to comply with the provisions of this section will result in revocation of the beekeeping permit in addition to any civil penalties.
- (2) Violations of zoning ordinance provisions will be enforced by the City Zoning Enforcement Officers.

(E) *Civil Penalties.*

- (1) Any person violating any provision of this section may be issued a civil citation or citations, as may be required, as follows:
 - (a) *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
 - (b) *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
 - (c) *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.
- (2) *Contents and service of civil citation.* A civil citation issued for a violation of any provision of this section shall clearly state when the civil penalty is due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served personally or by first-class mail upon the violator by an APS officer or by a member of the Greenville Police Department.
- (3) *Appeals; payment of civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, all civil penalties

assessed for violations of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.

- (4) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
 - (a) A civil action in the nature of a debt.
 - (b) The use of a collections agency.
 - (c) The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
 - (d) Equitable remedies issued by a court of competent jurisdiction.
 - (e) Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (5) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

SEC. 12-2-31 DEAD DOMESTICATED ANIMALS.

(A) The APS Supervisor is designated as the person whose duty it shall be to provide for the removal and disposal of any dead domesticated animal located within the limits of the city where the owner or owners of the animal cannot be determined. In accordance with G.S. 106-403 in carrying out these responsibilities, the APS Supervisor may utilize the services of other employees of the City or may contract with a farmer, veterinarian, or any other person capable of accomplishing the task, to remove and dispose of dead domesticated animals.

(B) *Civil Penalties.*

- (1) Any person violating any provision of this section may be issued a civil citation or citations, as may be required, as follows:
 - (a) *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
 - (b) *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).

- (c) *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.
- (2) *Contents and service of civil citation.* A civil citation issued for a violation of any provision of this section shall clearly state when the civil penalty is due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served personally or by first-class mail upon the violator by an APS officer or by a member of the Greenville Police Department.
- (3) *Appeals; payment of civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, all civil penalties assessed for violations of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
- (4) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
 - (a) A civil action in the nature of a debt.
 - (b) The use of a collections agency.
 - (c) The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
 - (d) Equitable remedies issued by a court of competent jurisdiction.
 - (e) Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (5) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

SEC. 12-2-32 INOCULATION OF ANIMALS GENERALLY.

- (A) All dogs, cats, and ferrets in the city shall be inoculated against rabies in accordance with G.S. 130A-185.

(B) It shall be unlawful for an owner to fail to provide proof of current inoculation against rabies (hydrophobia) for any dog, cat, or ferret four months of age or older on demand of an APS officer or Law Enforcement Officer. A rabies inoculation shall be deemed current if two inoculations have been given one year apart and booster doses of rabies vaccine administered every three years thereafter.

(C) Any person inoculating an animal against rabies shall issue to the owner of the animal a metal rabies vaccination tag. The rabies vaccination shall show the year issued, a vaccination number, the words "North Carolina" or the initials "N.C." and the words "Rabies Vaccine."

(D) It shall be unlawful for the owner of a dog to allow such dog to be within the city without the metal inoculation tag securely fastened to the dog's collar or harness.

(E) Cats and ferrets shall not be required to wear the metal inoculation tag; however, the owner of a cat or ferret shall maintain the tag or the rabies vaccination certificate as written evidence to prove the cat or ferret has a current rabies inoculation.

(F) *Penalties.* A violation of this section may subject the offender to any or all of the following penalties:

(1) *Criminal.* Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to G.S. 14-4 and G.S. 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).

(2) *Civil.*

(a) Any person violating any provision of this section shall be issued a civil citation or citations, as may be required, as follows:

1. *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).

2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).

3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.

- (b) *Contents and service of civil citation.* A civil citation issued for a violation of any provision of this section shall clearly state when the civil penalty is due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served personally or by first-class mail upon the violator by an APS officer or by a member of the Greenville Police Department.
- (c) *Appeals; payment of civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, all civil penalties assessed for violations of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
- (d) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
 - 1. A civil action in the nature of a debt.
 - 2. The use of a collections agency.
 - 3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
 - 4. Equitable remedies issued by a court of competent jurisdiction.
 - 5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (3) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

SEC. 12-2-33 FERAL CAT TRAP-NEUTER-RETURN PROGRAM; TNR PROGRAM.

(A) Organizations or individuals wishing to engage in Trap-Neuter-Return (TNR) shall receive training provided by the Division of Animal Protective Services and ensure the following requirements are completed for each feral cat trapped:

- (1) Each cat must be trapped using humane trapping techniques. Personally owned traps may be used for TNR purposes.

- (2) Cats must be assessed by a veterinarian and deemed to be healthy and free of communicable diseases at the time of the spay/neuter surgery.
- (3) Cats must be spayed or neutered.
- (4) While undergoing the spay or neuter surgery, each cat must be vaccinated against rabies, Feline Viral Rhinotracheitis, Calicivirus and Panleukopenia, (FVRCP), and any additional vaccinations recommended by the veterinarian performing the surgery.
- (5) Cats must be ear tipped. A tipped ear will identify the cat as having received at least one dose of each vaccination described herein.
- (6) Cat bites must be reported to the Division within 24 hours of the bite. The organization or individual shall assist the Division in the capture of the cat and surrender the cat to the Division for a rabies quarantine.
- (7) Feeding of a registered TNR colony shall be allowed under the strict adherence of a maximum 30-minute feeding schedule and documented on the TNR Tracking Form. After the feeding of the colony, all food bowls and uneaten food shall be removed.
- (8) Cats entering the TNR program must be documented for tracking purposes by the TNR caregiver using the Division's TNR Tracking Form. The veterinarian performing the procedures outlined in this section must sign the tracking form. The completed forms must be turned in to the Division for review and statistical purposes.
- (9) The individual or organization engaging in TNR shall be responsible for all costs and expenses while engaging in these activities.
- (10) The TNR caregiver shall be considered the owner in accordance with this chapter and shall be responsible for the cats within the TNR colony.
- (11) A cat in the TNR colony shall be removed from the colony and city if deemed to be a public nuisance in accordance with this chapter.
- (12) A TNR colony shall be removed from the city if deemed to be a public nuisance in accordance with this chapter.

(B) Failure to comply with the requirements of this section shall be grounds for immediate revocation of the privilege of participation in any TNR program.

(C) *Civil Penalties.*

- (1) Any person violating any provision of this section may be issued a civil citation or citations, as may be required, as follows:
 - (a) *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
 - (b) *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
 - (c) *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.
- (2) *Contents and service of civil citation.* A civil citation issued for a violation of any provision of this section shall clearly state when the civil penalty is due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served personally or by first-class mail upon the violator by an APS officer or by a member of the Greenville Police Department.
- (3) *Appeals; payment of civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, all civil penalties assessed for violations of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
- (4) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
 - (a) A civil action in the nature of a debt.
 - (b) The use of a collections agency.
 - (c) The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
 - (d) Equitable remedies issued by a court of competent jurisdiction.

- (e) Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (5) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

SEC. 12-2-34 ANIMAL TRAPS AVAILABLE TO THE PUBLIC

(A) The Division is authorized to make animal traps available to members of the public under the conditions stated in this section.

(B) Live-capture animal traps provided by the City may be used only under the following conditions:

- (1) All traps must be checked at least once every 12 hours by the person who requested the trap.
- (2) Traps may be checked out for a one-week period, which may be extended for a second week at the discretion of the Division.
- (3) Persons who desire to check out any trap must complete an application provided by the Division.
- (4) Should the trap be damaged while in the possession of the public, the person in possession of the trap shall be responsible for reimbursing the City for damages.
- (5) The person who requested the trap shall immediately notify the division of any animal captured in the trap.

(C) Failure to comply with the requirements of this section shall be grounds for immediate revocation of the privilege of using a City-owned live-capture animal trap or participation in any Trap, Neuter and Return Program.

SEC. 12-2-35 ANIMAL BITE NOTIFICATION; BITES UNLAWFUL.

(A) *Bite Unlawful.* It shall be unlawful for an animal to bite a human being when that human being does not ordinarily reside on the animal owner's property unless the animal has been provoked or unless the bite victim was trespassing upon the animal owner's property at or near the time of the bite.

(B) *Reporting Bite.*

- (1) When a person has been bitten by any animal, the person, or parent, guardian, or person standing in loco parentis of the person, and the animal's owner shall notify the Division immediately and give the name

and address of the person bitten and the name and address of the animal's owner, if known or can be ascertained.

- (2) It shall be unlawful for any person to fail to inform the Division of the location to which an animal that has bitten a human being has been taken, if the owner has given the animal away, or caused in any way the animal to be taken from the owner's premises.

(C) *Penalties.* A violation of this section may subject the offender to any or all of the following penalties:

- (1) *Criminal.* Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to G.S. 14-4 and G.S. 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).

- (2) *Civil.*

- (a) Any person violating any provision of this section shall be issued a civil citation or citations, as may be required, as follows:

1. *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).

2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).

3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.

- (b) *Contents and service of civil citation.* A civil citation issued for a violation of any provision of this section shall clearly state when the civil penalty is due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served personally or by first-class mail upon the violator by an APS officer or by a member of the Greenville Police Department.

- (c) *Appeals; payment of civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, all civil penalties assessed for violations of any provision of this section

must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.

(d) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:

1. A civil action in the nature of a debt.
2. The use of a collections agency.
3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
4. Equitable remedies issued by a court of competent jurisdiction.
5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.

(3) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

SEC. 12-2-36 SUMMARY DESTRUCTION OF ANIMALS THAT CANNOT BE SEIZED BY REASONABLE MEANS.

Notwithstanding any other provision of this Chapter, any inherently dangerous animal or any animal that is determined to be dangerous or who is attacking a human being or animal and that cannot be seized, retrieved, humanely trapped, or tranquilized through reasonable means may be summarily destroyed, if such destruction is necessary for the protection of life or property or for the public health and safety.

SEC. 12-2-37 PUBLIC NUISANCES.

(A) *Prohibited generally; Exceptions.* It shall be unlawful to own, keep, or harbor a public nuisance animal within the corporate limits of the City. Provided, however, it shall not be unlawful to own or keep a dog of vicious tendencies for the protection of persons or property, if such dog is securely confined in a manner not to expose it to the general public. This exception for dogs of vicious tendencies does not extend to dogs which excessively make disturbing noises or animals deemed as dangerous or vicious.

(B) *Complaint and notice.* Upon receipt of a written, detailed, and signed complaint being made to the Division by any resident or residents that any person is maintaining a public nuisance as defined in Section 12-2-1 of this chapter, the APS Supervisor shall cause the owner of the animal(s) in question to be notified that a complaint has been received and shall cause the situation complained of to be investigated and a report and findings thereon to be reduced to writing by the investigating APS officer.

(C) *Determination and Abatement.* If the written findings of the investigating APS officer indicate that the complaint is justified, then the APS Supervisor shall cause the owner of the animal(s) in question to be so notified in writing, by certified mail, return receipt requested, of a determination which shall order the abatement of such nuisance within seven (7) days after the date of the notification of the determination, and shall issue a citation to the owner of the animal(s) for the violation. In the event the owner of the animal(s) is unknown and cannot be ascertained, the determination, along with a general description of the animal(s) shall be published within a local newspaper or electronic news outlet and also on the City's website.

(D) *Impoundment upon failure to abate.* If any person receiving a determination in the manner hereinabove described shall fail or refuse to abate the nuisance as ordered by the APS Supervisor within the specified time, the APS Supervisor may cause the animal(s) in question to be seized and impounded in accordance with the provisions of Section 12-2-11 of this chapter.

(E) *Right of appeal.* An animal owner may appeal the determination of the APS Supervisor in accordance with the provisions of Section 12-2-16.

(F) *Reclamation; destruction.* If the owner shall so request, the animal(s) may be reclaimed pursuant to the provisions of Section 12-2-10. The APS Supervisor may require as a condition of abatement and reclamation that the owner execute a written agreement providing the specific conditions of abatement necessary to comply with the determination and order of abatement issued in accordance with this section. If the owner fails to execute the written agreement, or fails to reclaim the animal(s) at issue, within the time specified under Section 12-2-10, then the animal shall be disposed of in accordance with the provisions of Section 12-2-10.

(G) *Penalties.* A violation of this section may subject the offender to any or all of the following penalties:

- (1) *Criminal.* Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to G.S. 14-4 and G.S. 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).
- (2) *Civil.*
 - (a) Any person violating any provision of this section shall be issued a civil citation or citations, as may be required, as follows:

1. *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
 2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
 3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.
- (b) *Contents and service of civil citation.* A civil citation issued for a violation of any provision of this section shall clearly state when the civil penalty is due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served personally or by first-class mail upon the violator by an APS officer or by a member of the Greenville Police Department.
- (c) *Appeals; payment of civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, all civil penalties assessed for violations of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
- (d) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
1. A civil action in the nature of a debt.
 2. The use of a collections agency.
 3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
 4. Equitable remedies issued by a court of competent jurisdiction.

5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (3) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

SEC. 12-2-38 RESTRAINT OF ANIMALS.

(A) It shall be unlawful for any owner or person to permit or negligently allow any domesticated animal to run at large, provided that a domesticated animal may be off the owner's real property if the domesticated animal is under physical restraint.

(B) *Penalties.* A violation of this section may subject the offender to any or all of the following penalties:

- (1) *Criminal.* Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to G.S. 14-4 and G.S. 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).
- (2) *Civil.*
 - (a) Any person violating any provision of this section shall be issued a civil citation or citations, as may be required, as follows:
 1. *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
 2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
 3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.
 - (b) *Contents and service of civil citation.* A civil citation issued for a violation of any provision of this section shall clearly state when the civil penalty is due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served personally or by first-class mail upon the violator by an APS officer or by a member of the Greenville Police Department.

- (c) *Appeals; payment of civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, all civil penalties assessed for violations of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.

- (d) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
 - 1. A civil action in the nature of a debt.
 - 2. The use of a collections agency.
 - 3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
 - 4. Equitable remedies issued by a court of competent jurisdiction.
 - 5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.

- (3) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

SEC. 12-2-39 DEFECATION.

(A) *Public Property:* It shall be unlawful for any animal owner to fail to immediately remove feces deposited by the animal on any street, sidewalk, park, or other City or publicly owned area.

(B) *Private Property:* It shall be unlawful for any animal owner to fail to immediately remove feces deposited by the animal on any private property unless the owner of the property has given permission allowing such use of the property.

(C) *Penalties.* A violation of this section may subject the offender to any or all of the following penalties:

- (1) *Criminal.* Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to G.S. 14-4 and G.S. 160A-175 and

shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).

(2) *Civil.*

(a) Any person violating any provision of this section shall be issued a civil citation or citations, as may be required, as follows:

1. *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.

(b) *Contents and service of civil citation.* A civil citation issued for a violation of any provision of this section shall clearly state when the civil penalty is due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served personally or by first-class mail upon the violator by an APS officer or by a member of the Greenville Police Department.

(c) *Appeals; payment of civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, all civil penalties assessed for violations of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.

(d) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:

1. A civil action in the nature of a debt.

2. The use of a collections agency.
3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
4. Equitable remedies issued by a court of competent jurisdiction.
5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.

(3) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

SEC. 12-2-40 LIMITATION ON NUMBER OF DOMESTICATED ANIMALS ALLOWED.

(A) It shall be unlawful to have more than three (3) canines on any one parcel within the city.

(B) It shall be unlawful to have more than six (6) domesticated animals on any one parcel within the city. At no point shall there be any more than three (3) canines on any one parcel within the city.

(C) *Penalties.* A violation of this section may subject the offender to any or all of the following penalties:

(1) *Criminal.* Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to G.S. 14-4 and G.S. 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).

(2) *Civil.*

(a) Any person violating any provision of this section shall be issued a civil citation or citations, as may be required, as follows:

1. *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).

3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.
- (b) *Contents and service of civil citation.* A civil citation issued for a violation of any provision of this section shall clearly state when the civil penalty is due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served personally or by first-class mail upon the violator by an APS officer or by a member of the Greenville Police Department.
 - (c) *Appeals; payment of civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, all civil penalties assessed for violations of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
 - (d) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
 1. A civil action in the nature of a debt.
 2. The use of a collections agency.
 3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
 4. Equitable remedies issued by a court of competent jurisdiction.
 5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (3) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

SEC. 12-2-41 INTERFERENCE.

(A) It shall be unlawful for any person to interfere with, obstruct, hinder, or molest the APS Division or its officers, agents, or veterinarians in the performance of any duty authorized by this chapter, or release, attempt to release, or procure another to release or attempt to release any animal in the custody of the Division except as is provided in this chapter.

(B) *Penalties.* A violation of this section may subject the offender to any or all of the following penalties:

(1) *Criminal.* Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to G.S. 14-4 and G.S. 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).

(2) *Civil.*

(a) Any person violating any provision of this section shall be issued a civil citation or citations, as may be required, as follows:

1. *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).

2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).

3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.

(b) *Contents and service of civil citation.* A civil citation issued for a violation of any provision of this section shall clearly state when the civil penalty is due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served personally or by first-class mail upon the violator by an APS officer or by a member of the Greenville Police Department.

(c) *Appeals; payment of civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, all civil penalties assessed for violations of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.

- (d) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
1. A civil action in the nature of a debt.
 2. The use of a collections agency.
 3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
 4. Equitable remedies issued by a court of competent jurisdiction.
 5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (3) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

SEC. 12-2-42 PROHIBITION AGAINST GIVEAWAYS IN PUBLIC PLACES.

(A) It shall be unlawful to display any animal in a public place for the purpose of selling or giving the animal away. This section does not apply to the display of animals by and within a pet shop, commercial kennel, animal welfare organization, or veterinarian's office.

(B) *Penalties.* A violation of this section may subject the offender to any or all of the following penalties:

- (1) *Criminal.* Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to G.S. 14-4 and G.S. 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).
- (2) *Civil.*
 - (a) Any person violating any provision of this section shall be issued a civil citation or citations, as may be required, as follows:
 1. *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).

2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
 3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.
- (b) *Contents and service of civil citation.* A civil citation issued for a violation of any provision of this section shall clearly state when the civil penalty is due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served personally or by first-class mail upon the violator by an APS officer or by a member of the Greenville Police Department.
- (c) *Appeals; payment of civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, all civil penalties assessed for violations of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
- (d) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
1. A civil action in the nature of a debt.
 2. The use of a collections agency.
 3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
 4. Equitable remedies issued by a court of competent jurisdiction.
 5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.

- (3) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

SEC. 12-2-43 BIRD SANCTUARY.

- (A) A bird sanctuary is created and established within the corporate limits of the city.

(B) It shall be unlawful for any person to hunt, kill, trap, or otherwise take any protected bird within the corporate limits of the city except pursuant to a permit issued by the North Carolina Wildlife Resources Commission under G.S. 113-274(c)(1a) or under any other license or permit of the Wildlife Resources Commission specifically made valid for use within the city limits. For the purpose of this section, a protected bird means any bird except a bird classed as a pest under G.S. Chapter 113, Article 22A (the Use of Poisons and Pesticides), G.S. Chapter 106, Article 4C (the Structural Pest Control Act of North Carolina of 1955) or G.S. Chapter 143, Article 52 (the North Carolina Pesticide Law of 1971).

(C) *Penalties.* A violation of this section may subject the offender to any or all of the following penalties:

- (1) *Criminal.* Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to G.S. 14-4 and G.S. 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).
- (2) *Civil.*
- (a) Any person violating any provision of this section shall be issued a civil citation or citations, as may be required, as follows:
1. *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
 2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
 3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.
- (b) *Contents and service of civil citation.* A civil citation issued for a violation of any provision of this section shall clearly state when the

civil penalty is due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served personally or by first-class mail upon the violator by an APS officer or by a member of the Greenville Police Department.

- (c) *Appeals; payment of civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, all civil penalties assessed for violations of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
 - (d) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
 - 1. A civil action in the nature of a debt.
 - 2. The use of a collections agency.
 - 3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
 - 4. Equitable remedies issued by a court of competent jurisdiction.
 - 5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (3) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

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

SECTION 4. In accordance with Session Law 2021-138, Part XIII., Section 13.(b), this ordinance specifying a criminal penalty has been enacted at the meeting other than that in which it was first introduced.

SECTION 5. This ordinance will become effective _____, 2022.

This the ____ day of _____, 2022.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk



City of Greenville, North Carolina

Meeting Date: 05/12/2022

Title of Item: Recommendation for naming the baseball field at Guy Smith Stadium as the Ronald "RV" Vincent Field

Explanation: City staff received a request to name the baseball field at Guy Smith Stadium after legendary J.H. Rose High Baseball Coach Ronald "RV" Vincent. The request is for the field to be named "Ronald 'RV' Vincent Field" due to his lasting impact on the Greenville community and its citizens.

Coach Vincent began his coaching teaching career in 1969 after graduating from East Carolina University. Since then he has taught and coached numerous young adults while working with Pitt County Schools. In 1973, Coach Vincent took over the head coaching duties at J.H. Rose High School, the same school he graduated from in 1965. He has led the J.H. Rose High School Baseball Rampants since taking over and has become the winningest coach in North Carolina High School Athletic Association accumulating 980 wins and counting. Coach Vincent has led seven state championship winning teams in his career, with the most recent coming in 2021.

Coach Vincent is also a vital component to the Greenville Babe Ruth League, serving on the Babe Ruth Board of Directors since the early 1970's and is currently the League Commissioner. During this time, Greenville Babe Ruth has won numerous state championships, regional championships, and participated in several World Series.

Coach Vincent has made a positive impact on the Greenville community for over 50 years and continues to do so as he works with the Greenville Recreation and Parks Department organizing various youth baseball camps annually. He continues to work with hundreds of Greenville youth, making a positive impact on each one, both with skill development and valuable life lessons.

If approved, City staff will design a new recognition sign to be mounted on the scoreboard at Guy Smith Stadium.

At their April 13, 2022 meeting, the members of the Recreation and Parks Commission unanimously passed a motion to recommend City Council approve the naming request for the baseball field at Guy Smith Stadium to be named the Ronald "RV" Vincent Field.

Fiscal Note: No financial impacts for the City as community members have committed to funding signage at Guy Smith Stadium.

Recommendation: Recommend City Council approve the naming request for the baseball field at Guy Smith Stadium to be named Ronald "RV" Vincent Field.



City of Greenville, North Carolina

Meeting Date: 05/12/2022

Title of Item: Ordinance to annex Fire Tower Commercial Park, Lot 6, involving 2.22 acres located west of Whitley Drive and 620 +/- feet north of West Fire Tower Road

Explanation: A. SCHEDULE

1. Advertising date: April 30, 2022
2. City Council public hearing date: May 12, 2022
3. Effective date: May 12, 2022

B. CHARACTERISTICS

1. Relation to primary city limits: Contiguous
2. Relation to recognized industrial area: Outside
3. Acres: 2.22
4. Voting District: 5
5. Township: Winterville
6. Zoning: CG (General Commercial)
7. Existing land use: Vacant
8. Anticipated land use: 16,000 square feet of automotive repair shop space
9. Population estimate

| | Formula | Number of people |
|--|---------|------------------|
| Total current: | 0 | 0 |
| Estimated at full development | 0 | 0 |
| Current minority | 0 | 0 |
| Estimated minority at full development | 0 | 0 |
| Current white | 0 | 0 |
| Estimated white at full development | 0 | 0 |

10. Rural fire tax district: Rural Winterville
11. Greenville fire district: Station 5 (2.3 miles)
12. Present tax value: \$676,921
13. Estimated tax value: \$1,900,000

Fiscal Note: Estimated tax value at full development is \$1,900,000

Recommendation: Approve the attached ordinance to annex Fire Tower Commercial Park, Lot 6

ATTACHMENTS

-  [Ordinance_-_Lot_6.pdf](#)
-  [Fire Tower Lot 6 survey.pdf](#)

ORDINANCE NO. 22-
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE CITY OF GREENVILLE, NORTH CAROLINA

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

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

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at 6:00 p.m. on the 12th day of May, 2022, after due notice by publication in The Daily Reflector on the 30th day of April, 2022; and

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

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

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

TO WIT: Being all of that certain property as shown on the annexation map entitled “Fire Tower Commercial Park, Lot 6”, involving 2.22 acres prepared by Timmons Group.

LOCATION: Situate in Winterville Township, Pitt County, North Carolina, located on the west side of Whitley Drive and 620+/- feet north of West Fire Tower Road.

GENERAL DESCRIPTION:

All that certain lot or parcel of land lying and being located in Winterville Township, Pitt County, North Carolina, and being more particularly described as follows:

Being all of Lot 6 as shown on the plat entitled “Final Plat Lot 6 Fire Tower Commercial Park” prepared by Timmons Group and recorded at Plat Book 87, Page 128, Pitt County Register of Deeds.

Section 2. Territory annexed to the City of Greenville by this ordinance shall, pursuant to the terms of G.S. 160A-23, be annexed into Greenville municipal election district five. The City Clerk, City Engineer, representatives of the Board of Elections, and any other person having responsibility or charge of official maps or documents shall amend those maps or documents to reflect the annexation of this territory into municipal election district five.

Section 3. The territory annexed and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Greenville and shall be entitled to the same privileges and benefits as other territory now within the City of Greenville. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 4. The Mayor of the City of Greenville, North Carolina, shall cause a copy of the map of the territory annexed by this ordinance and a certified copy of this ordinance to be recorded in the office of the Register of Deeds of Pitt County and in the Office of the Secretary of State in Raleigh, North Carolina. Such a map shall also be delivered to the Pitt County Board of Elections as required by G.S. 163-288.1.

Section 5. This annexation shall take effect from and after the 12th day of May, 2022.

ADOPTED this 12th day of May, 2022.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

NORTH CAROLINA
PITT COUNTY

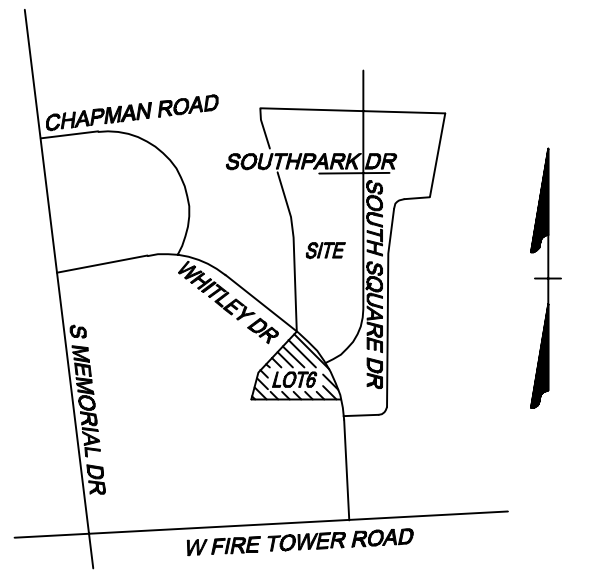
I, Camillia P. Smith, a Notary Public for said County and State, certify that Valerie Shiuwegar personally came before me this day and acknowledged that she is the City Clerk of the City of Greenville, a municipality, and that by authority duly given and as the act of the municipality, the foregoing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

WITNESS my hand and official seal this ____th day of _____, 2022.

Notary Public

My Commission Expires: _____

1163536



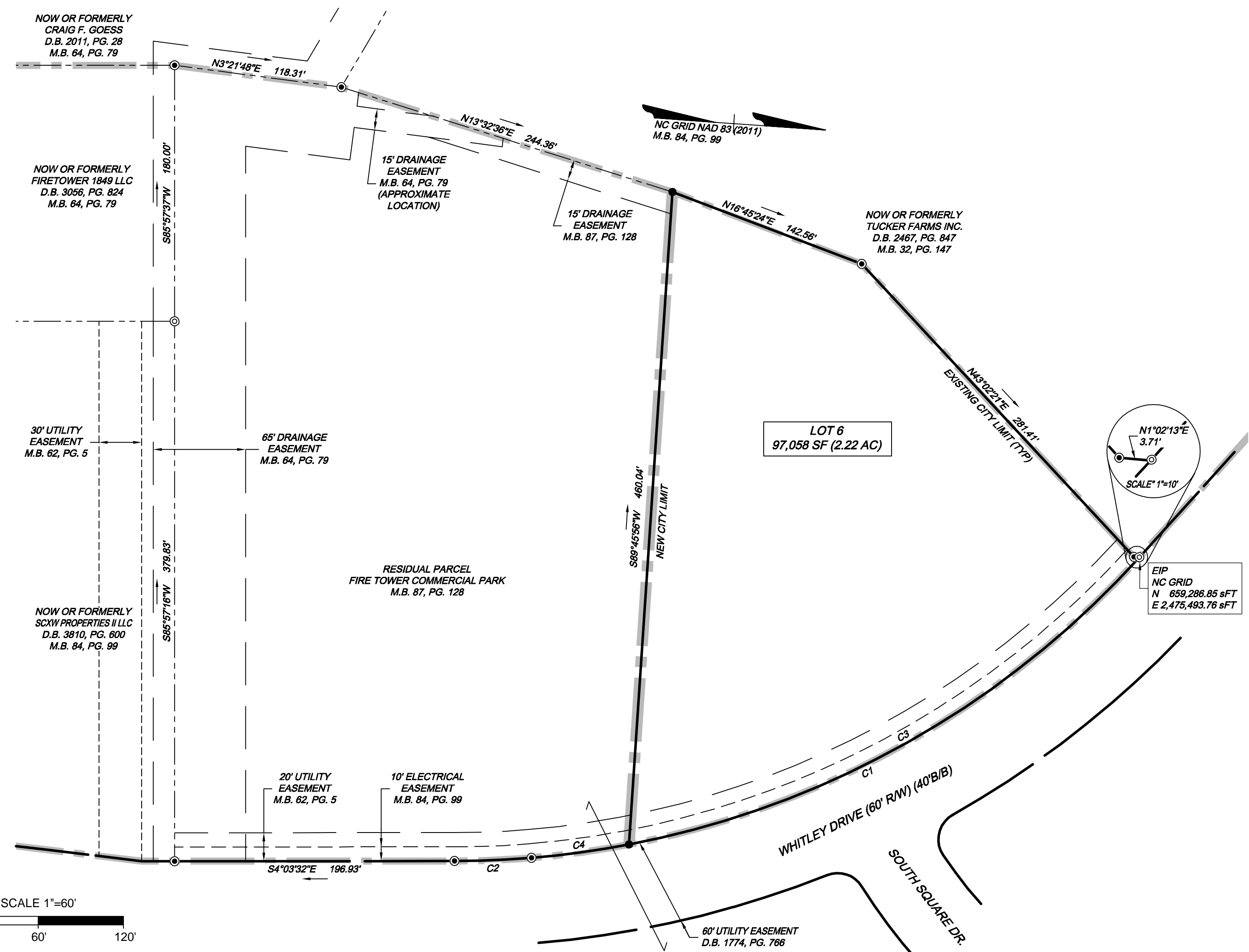
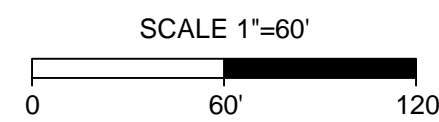
VICINITY MAP
(1"=1000')

- NOTES:
- ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES.
 - AREA COMPUTED BY USING COORDINATE METHOD.
 - THE PROPERTY IS LOCATED IN FLOOD ZONE X AS SHOWN ON FLOOD MAP PANEL 3720467500K, DATED JULY 07, 2014. SUBJECT TO CHANGE BY FEMA.
 - THIS PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS, RIGHTS-OF-WAY, AND RESTRICTIVE COVENANTS WHICH MAY BE OF RECORD.
 - THIS PROPERTY IS SUBJECT TO THE CITY OF GREENVILLE STORMWATER MANAGEMENT PROGRAM.
 - NO BUILDINGS, STRUCTURES, OR OTHER IMPROVEMENTS, MATERIALS, AND SURFACES, INCLUDING BUT NOT LIMITED TO PRINCIPAL AND ACCESSORY STRUCTURES AND APPURTENANCES THERETO, SIGNAGE, FENCES, WALLS, MECHANICAL EQUIPMENT, CANOPIES, ANTENNAS, MASTS, AERIALS, MONUMENTS, LANDSCAPE PLANTINGS, FILL MATERIALS, DEBRIS, SOLID WASTE COLLECTION CONTAINERS, MAIL RECEPTACLES, AND IMPERVIOUS SURFACES, SHALL ENCR OACH WITHIN ANY DEDICATED EASEMENT WITHOUT PRIOR WRITTEN APPROVAL OF THE CITY OF GREENVILLE.
 - THE DESIGNATION NOTED OVER WATER, SANITARY SEWER, GAS OR ELECTRIC LINES IS FOR THE PURPOSE OF ESTABLISHING THE WIDTH OF SAID ELEMENTS. THE EASEMENTS ARE NOT EXCLUSIVE AND WILL PERMIT THE INSTALLATION OF WATER, SANITARY SEWER, GAS AND ELECTRIC LINES WITHIN THOSE DESIGNATED WIDTHS.
 - PIN: 87681
D.B. 4196, PG. 690
M.B. 87, PG. 128
AREA: 2.22 AC

LEGEND

- ⊙ IRON PIPE (IPF)
- IRON ROD SET
- ⊙ CALCULATED POINT
- PROPERTY BOUNDARY
- RIGHT OF WAY LINES
- ADJACENT PROPERTY LINES
- POWER EASEMENT
- EXISTING DRAINAGE & UTILITY EASEMENT
- EXISTING CITY LIMIT
- NEW CITY LIMIT

| CURVE TABLE | | | | | | |
|-------------|---------|---------|---------|-----------|---------------|---------|
| CURVE | RADIUS | LENGTH | TANGENT | DELTA | CHORD BEARING | CHORD |
| C1 | 650.00' | 488.55' | 256.46' | 43°03'51" | S30°20'36"E | 477.13' |
| C2 | 650.00' | 54.24' | 27.13' | 4°46'51" | S6°25'15"E | 54.22' |
| C3 | 650.00' | 419.28' | 217.23' | 36°57'31" | S33°23'46"E | 412.05' |
| C4 | 650.00' | 69.27' | 34.67' | 6°06'21" | S11°51'51"E | 69.24' |



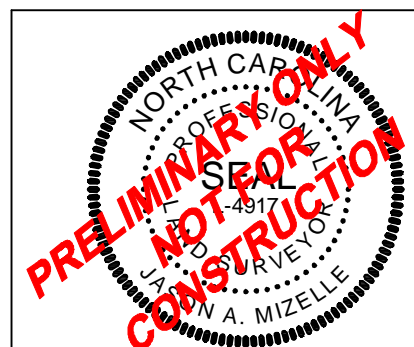
SURVEYOR'S CERTIFICATION

I, JASON A. MIZELLE, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL FIELD SURVEY PERFORMED UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 4196, PAGE 690, OR FROM BOOKS REFERENCED HEREON); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK PAGE _____ OR AS REFERENCED HEREON; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

I FURTHER CERTIFY PURSUANT TO G.S. 47-30(f)(1)(d) THIS SURVEY IS OF ANOTHER CATEGORY AND IS AN EXEMPTION TO THE DEFINITION OF A SUBDIVISION.

WITNESS MY ORIGINAL SIGNATURE AND SEAL THIS THE XXTH DAY OF APRIL, 2022.

SIGNED _____
PROFESSIONAL LAND SURVEYOR NO. L-4917



REVIEW OFFICER'S CERTIFICATION

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

BY _____ REVIEW OFFICER

DATE: _____

MAP SHOWING AREA ANNEXED BY THE CITY OF GREENVILLE, N.C.

DATE _____ ORDINANCE _____ AREA 2.22 ACRES

WINTERVILLE TOWNSHIP, PITT COUNTY, N.C.

| MAP NO. | PLATS RECORDED | BOOK | PAGE |
|---------|----------------|------|------|
| | | | |
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| | | | |
|--|-----------------------------------|----------------------|--|
| MP WINTERVILLE NC, LLC | FIRE TOWER COMMERCIAL PARK | | |
| LOT 6 | | | |
| TIMMONS GROUP 1805 West City Drive, Unit E Elizabeth City, NC 27909 TEL 252.621.5030 www.timmons.com North Carolina License Number C-1652 | SURVEYED: JDC - JFG | APPROVED: JAM | |
| | DRAWN: JHS | DATE: APRIL XX, 2022 | |
| | CHECKED: JAM | SCALE: 1"=60' | |

S:\109\48835 - CC Winterville-0 Whitley Drive - Greenville, NC\DWG\48835 Whitley Drive annex.dwg | Plotted on 3/28/2022 1:25 PM | by John Sawyer



City of Greenville, North Carolina

Meeting Date: 05/12/2022

Title of Item: Ordinance to annex Fire Tower Commercial Park, Lot 30 involving 6.163 acres located west of Victory Lane and 300 +/- feet north of West Fire Tower Road

Explanation: A. SCHEDULE

1. Advertising date: April 30, 2022
2. City Council public hearing date: May 12, 2022
3. Effective date: May 12, 2022

B. CHARACTERISTICS

1. Relation to primary city limits: Contiguous
2. Relation to recognized industrial area: Outside
3. Acres: 6.163
4. Voting District: 5
5. Township: Winterville
6. Zoning: CG (General Commercial)
7. Existing land use: Vacant
8. Anticipated land use: 53,500 square feet of mini-storage space
9. Population estimate



| | Formula | Number of people |
|--|---------|------------------|
| Total current: | 0 | 0 |
| Estimated at full development | 0 | 0 |
| Current minority | 0 | 0 |
| Estimated minority at full development | 0 | 0 |
| Current white | 0 | 0 |
| Estimated white at full development | 0 | 0 |

10. Rural fire tax district: Rural Winterville
11. Greenville fire district: Station 5 (2.4 miles)
12. Present tax value: \$637,050
13. Estimated tax value: \$3,600,000

Fiscal Note: The total estimated tax value at full development is \$3,600,000.

Recommendation: Approve the attached ordinance to annex Fire Tower Commercial Park, Lot 30

ATTACHMENTS

-  [Ordinance_-_Lot_30.pdf](#)
-  [Fire Tower Lot 30 -survey.pdf](#)

ORDINANCE NO. 22-
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE CITY OF GREENVILLE, NORTH CAROLINA

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

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

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at 6:00 p.m. on the 12th day of May, 2022, after due notice by publication in The Daily Reflector on the 30th day of April, 2022; and

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

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

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

TO WIT: Being all of that certain property as shown on the annexation map entitled "Fire Tower Commercial Park, Lot 30", involving 6.163 acres prepared by Baldwin Design Consultants.

LOCATION: Situate in Winterville Township, Pitt County, North Carolina, located on the west side of Victory Lane and 300+/- feet north of West Fire Tower Road.

GENERAL DESCRIPTION:

Beginning at a point in the centerline of Victory Lane, said point being the northeastern most corner of Lot 29, Fire Tower Commercial Park Phase 1 as shown in Map Book 69, Page 133 of the Pitt County Register of Deeds office. From the above described beginning, so located, running thence as follows:

Leaving the centerline of Victory Lane, N 89°00'00" W 270.89', thence N 01°00'00" E 92.00', thence N 89°00'00" W 90.84', thence S 13°57'43" W 94.41', thence N 89°00'00" W 86.42' to the center of a canal, the eastern line of lot 28, Fire Tower Commercial Park as shown in Map Book 86, Page 133 of the Pitt County Register of Deeds, thence with and beyond said Lot 28 and with the centerline of a canal N 13°57'15" E 915.18' to the southwestern corner of the Reimage Church Incorporated property as shown in Map Book 57, Page 67 of the Pitt County Register of

Deeds office, thence leaving said canal and with the southern line of said Reimage Church property, S 73°14'39" E 298.78' to the center line of Victory Lane, thence with the center line of Victory Lane S 23°43'29" W 83.52', S 18°55'02" W 199.96', S 14°09'45" W 100.00', S 00°08'46" E 99.99', S 14°24'57" E 200.00' and S 12°55'09" E 157.94' to the point of beginning containing 6.163 acres and being a portion of the property described in Map Book 2705, Page 470 of the Pitt County Register of Deeds.

Section 2. Territory annexed to the City of Greenville by this ordinance shall, pursuant to the terms of G.S. 160A-23, be annexed into Greenville municipal election district five. The City Clerk, City Engineer, representatives of the Board of Elections, and any other person having responsibility or charge of official maps or documents shall amend those maps or documents to reflect the annexation of this territory into municipal election district five.

Section 3. The territory annexed and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Greenville and shall be entitled to the same privileges and benefits as other territory now within the City of Greenville. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 4. The Mayor of the City of Greenville, North Carolina, shall cause a copy of the map of the territory annexed by this ordinance and a certified copy of this ordinance to be recorded in the office of the Register of Deeds of Pitt County and in the Office of the Secretary of State in Raleigh, North Carolina. Such a map shall also be delivered to the Pitt County Board of Elections as required by G.S. 163-288.1.

Section 5. This annexation shall take effect from and after the 12th day of May, 2022.

ADOPTED this 12th day of May, 2022.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

NORTH CAROLINA
PITT COUNTY

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

WITNESS my hand and official seal this ____th day of _____, 2022.

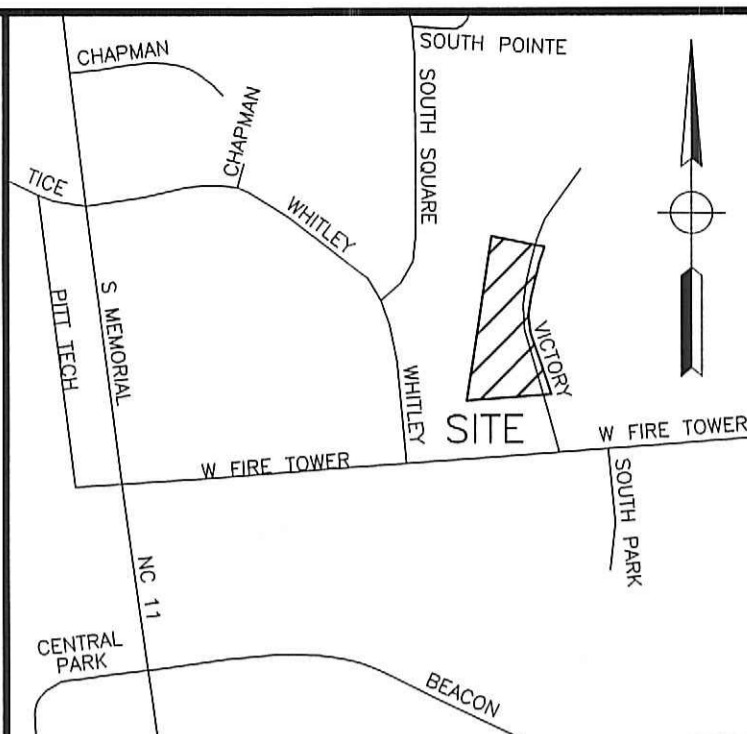
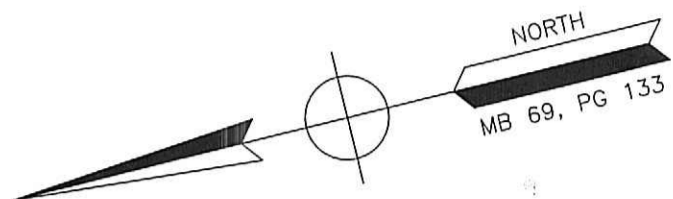
Notary Public

My Commission Expires: _____

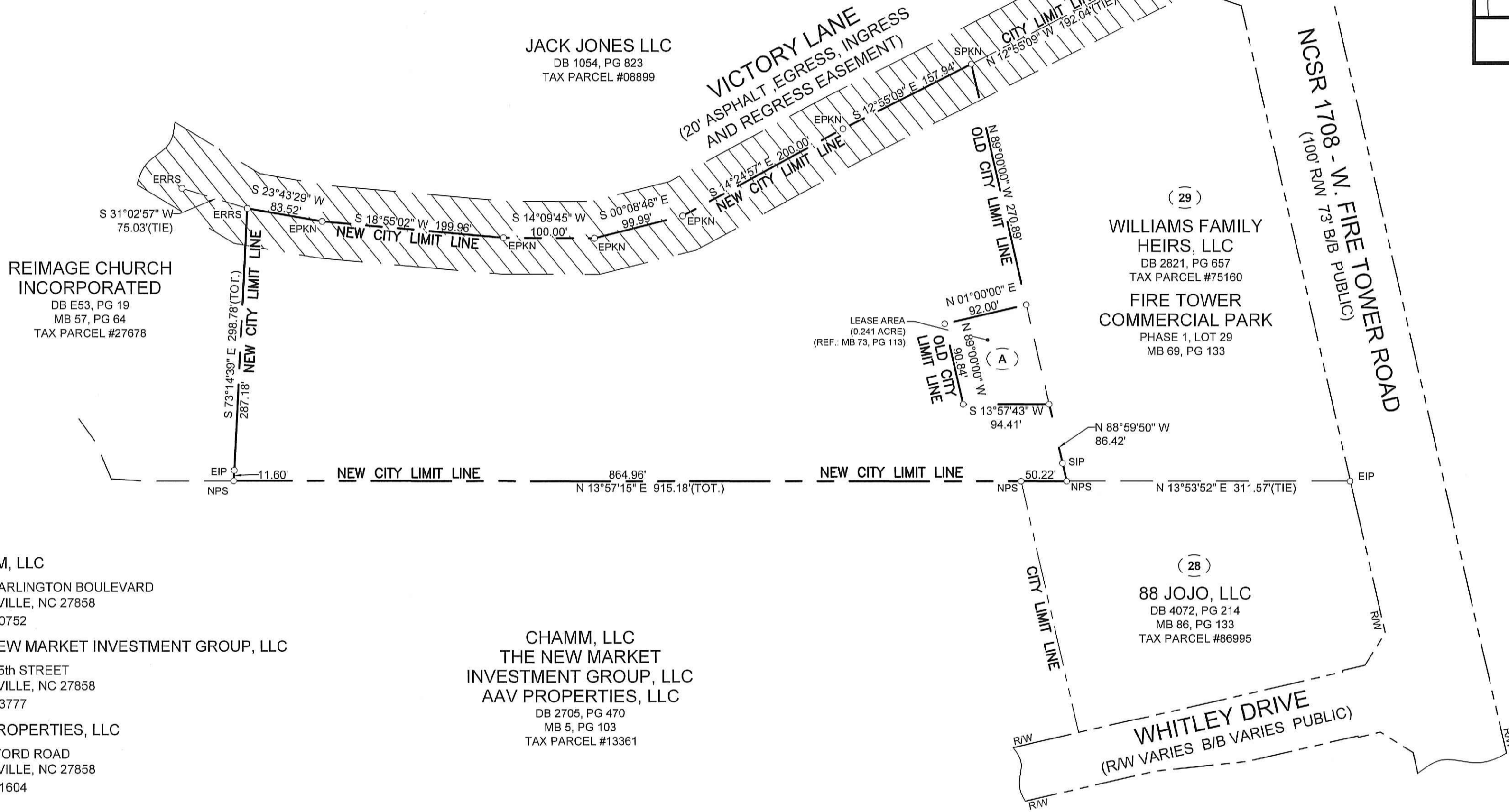
1163537

GENERAL NOTES

1. THIS IS A SURVEY OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXEMPTION OR EXCEPTION TO THE DEFINITION OF SUBDIVISION.
2. ALL AREAS CALCULATED BY COORDINATE GEOMETRY.
3. REFERENCE: DEED BOOK 2705, PAGE 470 AND DEED BOOK G-40, PAGE 704 AND DEED BOOK 707, PAGE 137 AND MAP BOOK 21, PAGE 6 OF THE PITT COUNTY REGISTER OF DEEDS.



SCALE: 1"=1000'
VICINITY MAP



LEGEND

- EIP = EXISTING IRON PIPE
- R/W = RIGHT-OF-WAY
- B/B = BACK OF CURB TO BACK OF CURB
- SIP = SET IRON PIPE
- NPS = NO POINT SET
- EIS = EXISTING IRON STAKE
- EPKN = EXISTING PARKER KALON NAIL
- UTP = UTILITY POLE
- CH = CHORD
- R = RADIUS
- L = LENGTH

REVIEW OFFICER

STATE OF NORTH CAROLINA
COUNTY OF PITT

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

DATE: _____

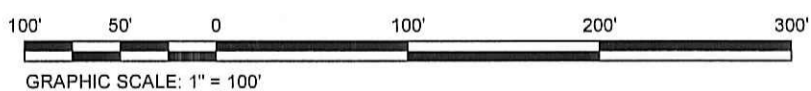
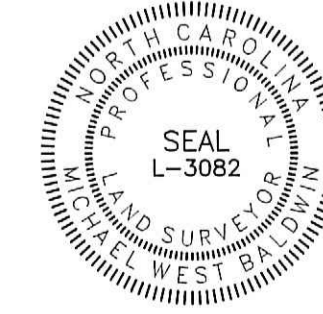
REVIEW OFFICER: _____

CERTIFICATION

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

WITNESS MY HAND AND SEAL THIS 1st DAY OF APRIL 2022

MICHAEL WEST BALDWIN, PLS L-3082



A PORTION OF TAX PARCEL #13361
TAX MAP #4675-69-2560

SHEET 1 OF 1

ANNEXATION MAP FOR
FIRE TOWER COMMERCIAL PARK
LOT 30
REFERENCE: DEED BOOK 2705, PAGE 470
OF THE PITT COUNTY REGISTER OF DEEDS

OWNER: SEE ABOVE
ADDRESS:
PHONE:

Baldwin Design Consultants, PA
ENGINEERING - LAND PLANNING - SURVEYING
1700-D EAST ARLINGTON BOULEVARD
GREENVILLE, NC 27858 252.756.1390

| | | |
|-----------------|---------------|------------------|
| LICENSE# C-3498 | SURVEYED: CBM | APPROVED: MWB |
| | DRAWN: NRW | DATE: 04/01/2022 |
| | CHECKED: MWB | SCALE: 1" = 100' |

LEGEND

- CITY LIMIT LINE = - - - - -
- NEW CITY LIMIT LINE = - - - - -
- OLD CITY LIMIT LINE = - - - - -

| CLOSURE CHECK BOUNDARY | |
|------------------------|------------------|
| CHECKED: NRW | DATE: 04/01/2022 |

| MAP NO. | PLATS RECORDED | MAP BOOK | PAGE |
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MAP SHOWING AREA ANNEXED BY
THE CITY OF GREENVILLE, N.C
(EFFECTIVE DATE _____ ORDINANCE # _____ AREA 6.163 AC.)
WINTERVILLE TOWNSHIP, PITT COUNTY, N.C.

Y:\DRAWINGS\22-017 FIRE TOWER COMM. PARK LOTS 30-34\ANNEXATION MAP.dwg Fri, Apr 01, 2022-9:48am RWELLS



City of Greenville, North Carolina

Meeting Date: 05/12/2022

Title of Item: Ordinance requested by Daly Hotel Management, Inc. to rezone 25.30 acres located along the southern right-of-way of Stantonsburg Road (Hwy 264) roughly between Stantonsburg Road and Allen Road from MO (Medical-Office) to MR (Medical-Residential [High Density Multi-family])

Explanation: **Required Notices:**

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on April 5, 2022.
On-site sign(s) posted on April 5, 2022.
City Council public hearing notice (property owner and adjoining property owner letter) mailed on April 26, 2022.
Public hearing legal advertisement published on April 30, 2022 and May 7, 2022.

Comprehensive Plan:

The Future Land Use Plan Map recommends mixed use, high intensity (MUHI) at the southwestern corner of the intersection of Stantonsburg Road (Hwy 264) and Allen Road and commercial (C) at the southeastern corner of the intersection of Stantonsburg Road (Hwy 264) and Stantonsburg Road with residential, high density (HDR) between the two characters to serve as a transitional buffer.

Mixed Use, High Intensity

Large-scale activity centers that contain places to live, work, and shop integrated in a walkable pattern. Multi-story mixed use buildings are located close together and near the street. Large floorplate buildings may support uses that serve the broader community and region.

Intent:

- Vertical mixed use buildings (residential or office above commercial) as well as multi-story single-use buildings that are integrated in a walkable street pattern

- Accommodate parking on-street, behind or to one side of buildings, or in parking structures; limit curb cuts that break main pedestrian ways; wrap parking structures with other uses or decorative elements; light parking well for safety
- Provide pedestrian and vehicular connection to surrounding development

Primary uses:

Office

Commercial

Multi-family residential

Secondary uses:

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

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 (Engineering Department):

Based on possible uses permitted by the requested zoning, the proposed zoning classification could generate 2,379 trips to and from the site on Stantonsburg Road, which is a net increase of 684 additional trips per day.

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

History/Background:

In 1985, the property was part of a large-scale extra-territorial jurisdiction (ETJ) expansion and was zoned to its current zoning.

Existing Land Uses:

Farmland

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 Greens Mill Run Watershed. If stormwater rules apply, it would require 25-year detention, nitrogen and phosphorus reduction. No portion of the property is located in the Special Flood Hazard Area. No Jurisdictional wetlands appear to exist on the property. Jurisdictional streams and riparian buffers do exist on the property.

Surrounding Land Uses and Zoning:

North: CG - One (1) vacant lot; MR - Waterford Commons Apartments
South: MRS - Farmland and radio/TV antennas; MR - Farmland and West Pointe Duplexes
East: MCH and MCG - Farmland and two (2) single-family residences
West: MO - Two (2) office buildings; West Pointe Apartments

Density Estimates:

Under the current zoning, the site could accommodate 174,000+/- sq. ft. of office space.

Under the proposed zoning, the site could accommodate 275-325 multi-family units (1, 2 and 3 bedroom units).

The anticipated build-out is within 3-5 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 19, 2022 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_-_Daly_Hotel.pdf](#)
-  [Minutes Excerpt_April_19_2022-_Daly_Hotel_RZ.pdf](#)
-  [Daly Hotelapo.pdf](#)
-  [Daly Survey.pdf](#)
-  [Dalytraffic.pdf](#)
-  [MO_to_MR.pdf](#)
-  [Density and Veg Charts.pdf](#)

LOCATION: Located along the southern right-of-way of Stantonsburg Road (Hwy 264) roughly between Stantonsburg Road and Allen Road.

DESCRIPTION: Lying and being in Greenville Township, Pitt County, North Carolina, lying south of NCSR 1467 Stantonsburg Road and west of NCSR 1203 Allen Road, and beginning at an existing concrete right-of-way monument located in the northern right of way of NCSR 1296 Radio Station Road, said point being the southeast corner of the RHD Property Management, LLC property as recorded in Deed Book 2415, Page 633 of the Pitt County Registry, thence leaving the right-of-way of Radio Station Road and with the eastern line of the RHD Property Management, LLC property N06-14-38E - 268.94' to a point on the southern right-of-way of NCSR 1467 Stantonsburg Road, thence along the right-of-way of NCSR 1467 Stantonsburg Road N85-13-36E - 103.02', thence S81-32-18E - 43.15', thence S81-32-18E - 101.06', thence S81-32-18E - 505.81', thence S76-04-46E - 106.04', thence S87-08-33E - 603.10', thence S84-07-24E - 76.38' to a point, said point being the northwest corner of the Lewis Stephen Redd property, thence leaving the southern right-of-way of US Highway 264 and with the western line of the Redd property, S03-19-05E - 19.92', thence S03-19-05E - 548.84, thence S06-01-26W - 49.26', thence S24-07-19W - 189.83', thence S38-57-38W - 12.16', thence N68-55-26W - 20.21', thence N85-33-40W - 9.91', thence S68-16-05W - 9.77', thence S46-05-55W - 38.41', thence S09-05-49W - 48.38', thence S21-25-24W - 11.13', thence S03-51-25W - 46.88' to a point in the northern property line of the Bypass Properties, III LLC property, thence leaving the common line of Redd and Bypass Properties III, LLC and following the northern property line of Bypass Properties III, LLC N63-46-52W - 273.33', thence N77-17-04W - 51.85' to the eastern line of Beasley Broadcasting of Coastal Carolina, Inc., thence with the Beasley Broadcasting boundary N08-55-54E - 100.00', thence N81-04-06W - 795.00', thence N08-55-54E - 460.06', thence S87-19-54W - 30.63'', S08-55-54W - 583.85' to a corner of Lot 9B, Westpointe, Section Six, Phase Two as recorded in Map Book 56, Page 59, thence leaving the Beasley line and following the boundary of Westpointe, Section Six, Phase Two, N81-04-06W - 203.12' to a to a corner of Lot 1, Westpointe, Section Three as recorded in Map Book 54, Page 77, thence following the boundary of Lot 1, Westpointe, Section Three N08-55-54E - 535.71' to point on the southern right-of-way of NCSR 1296 Radio Station Road, thence N08-55-54E - 62.54' to a point in the northern right-of-way of Radio Station Road, thence with the norther right of way of Radio Station Road S82-05-06W - 22.80', thence S80-06-27W - 58.27', thence S76-58-50W - 51.03', thence S74-03-31W - 64.32', thence S72-11-53W - 3.71' to the point of beginning containing 25.30 acres more or less and being all of parcel numbers 18295, 35965, 69949, and 45760 as filed with the Pitt County Tax Assessor's Office.

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 12th day of May, 2022.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

1163556

Excerpt from the draft Planning & Zoning Commission Minutes (4/19/22)

REQUEST BY DALY HOTEL MANAGEMENT, INC. TO REZONE 25.30 ACRES LOCATED ALONG THE SOUTHERN RIGHT-OF-WAY OF STANTONSBURG ROAD (HWY 264) ROUGHLY BETWEEN STANTONSBURG ROAD AND ALLEN ROAD FROM MO (MEDICAL-OFFICE) TO MR (MEDIAL-RESIDENTIAL [HIGH DENSITY MULTI-FAMILY]).

Chantae Gooby presented for staff. The property is located in the Greens Mill Run watershed and if stormwater rules apply, it will require 25-year detention. It is not located in a special hazard zone and there are no wetlands. There are some streams and buffers on the property. This rezoning could generate a net increase of 684 trips per day at full build-out. The property is currently zoned MO (Medical-Office) and could accommodate about 174,000 square feet of office space. Under the requested zoning which is MR (Medical-Residential), it could accommodate about 300 multi-family units. The Future Land Use Plan recommends Mixed Used at the corner of Allen Road and Stantonburg Road and commercial at the corner of Old Stantonburg Road and Stantonburg Road. The requested Medical-Residential is a part of the High-Density Residential character. In staff's opinion, the request is in compliance with the Horizons 2026: Greenville's Community Plan and the Future Land Use Plan. Therefore, staff recommends approval of the request.

Chairman Faison opened the public hearing.

Scott Anderson spoke in favor. He stated since the opening of the bypass there has been a lot of interest for multi-family residential in this area. There are several properties adjacent to this one that have the same or similar zoning.

Mr. Maxwell asked if there will be an additional stop light added to mitigate the increased traffic.

Mr. Anderson stated he is not sure if there will be additional lights. As they develop the site and start the site plan process they will do a Traffic Impact Analysis that will be received by DOT to make sure they meet all of their requirements. There is an existing stub that has already been put in on Stantonburg Road.

No one spoke in opposition.

Chairman Faison closed the public hearing.

Motion made by Mr. Thomas, seconded by Mr. Robinson, 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 unanimously.

Daly Hotel Management, Inc

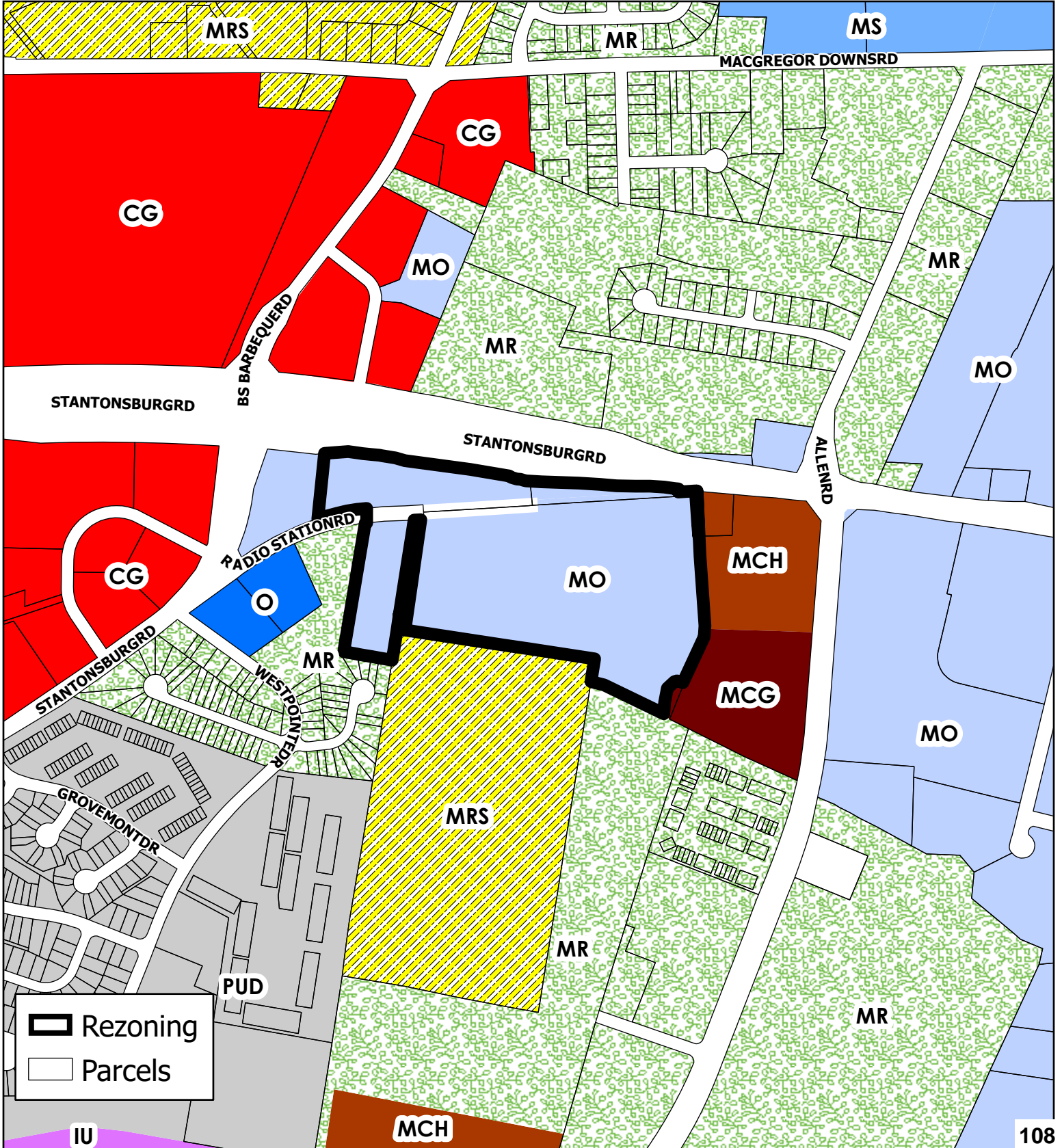
From: MO

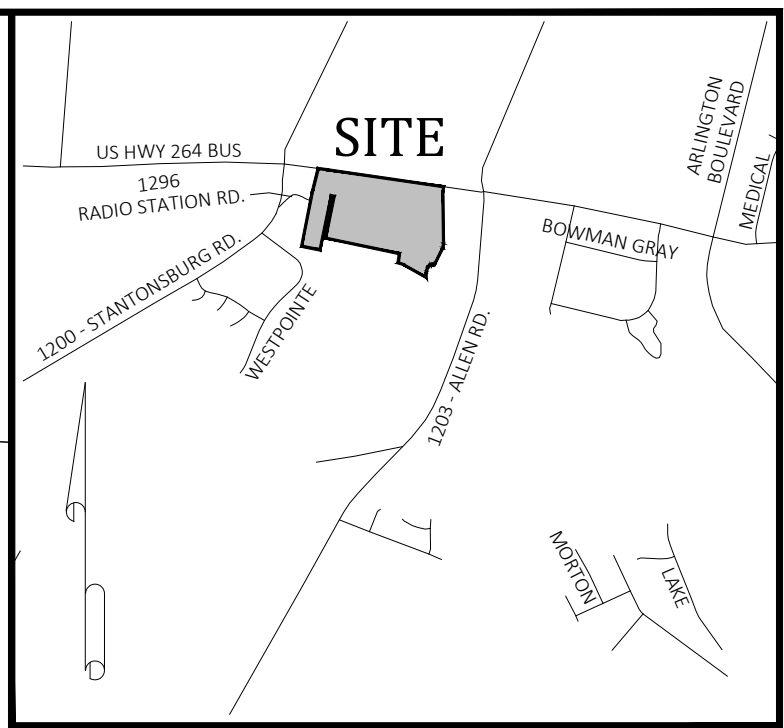
To: MR

Acres: 25.30

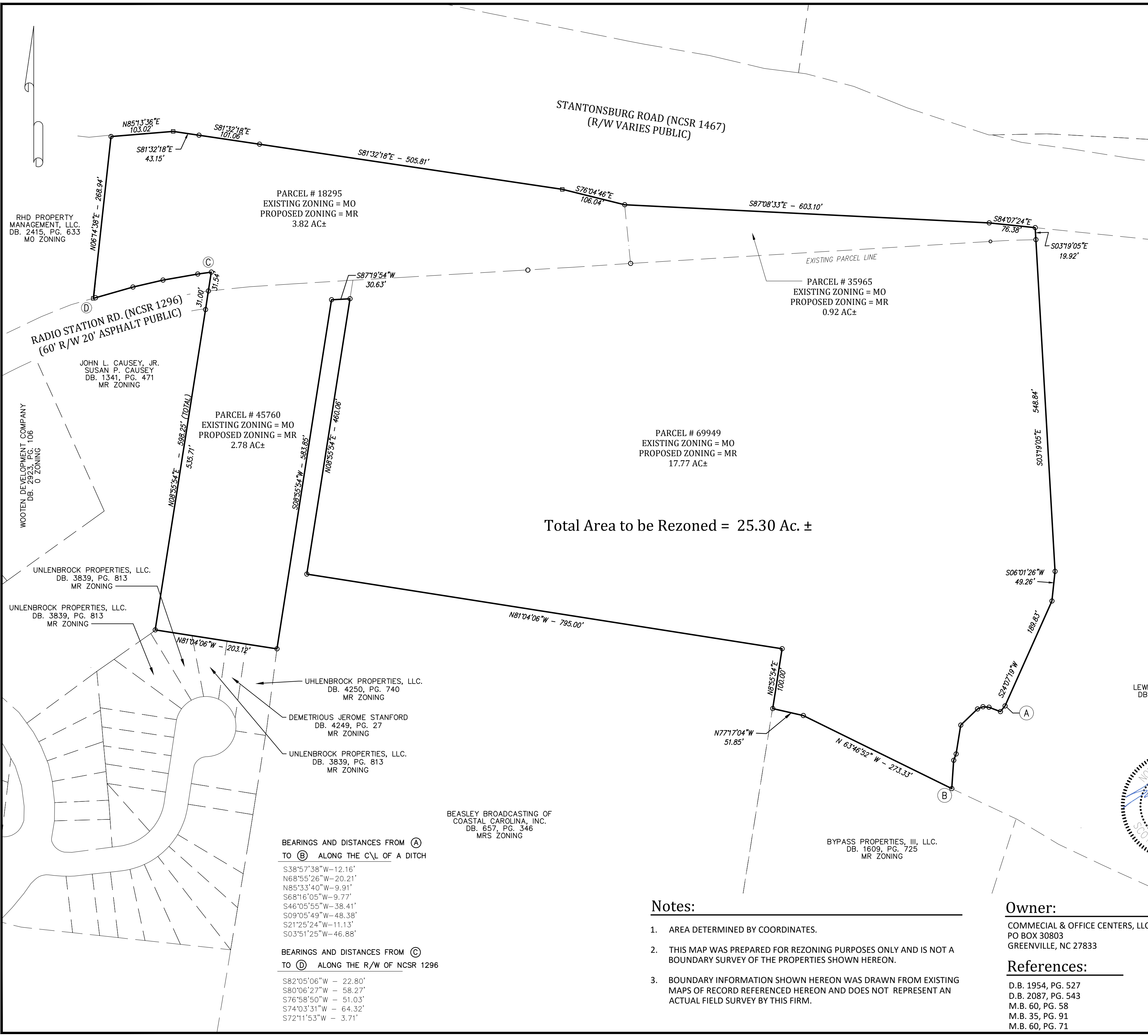
April 5th, 2022

0 0.04 0.07 0.14 Miles





Vicinity Map
SCALE: 1" = 1000'



Total Area to be Rezoned = 25.30 Ac. ±

RHD PROPERTY MANAGEMENT, LLC.
DB. 2415, PG. 633
MO ZONING

PARCEL # 18295
EXISTING ZONING = MO
PROPOSED ZONING = MR
3.82 AC±

PARCEL # 35965
EXISTING ZONING = MO
PROPOSED ZONING = MR
0.92 AC±

PARCEL # 45760
EXISTING ZONING = MO
PROPOSED ZONING = MR
2.78 AC±

PARCEL # 69949
EXISTING ZONING = MO
PROPOSED ZONING = MR
17.77 AC±

LEWIS STEPHEN REDD
DB. 3516, PG. 395
MCH ZONING

LEWIS STEPHEN REDD
DB. 3516, PG. 395
MCG ZONING

WOOTEN DEVELOPMENT COMPANY
DB. 2923, PG. 106
O ZONING

JOHN L. CAUSEY, JR.
SUSAN P. CAUSEY
DB. 1341, PG. 471
MR ZONING

UNLENBROCK PROPERTIES, LLC.
DB. 3839, PG. 813
MR ZONING

UNLENBROCK PROPERTIES, LLC.
DB. 3839, PG. 813
MR ZONING

UHLENBROCK PROPERTIES, LLC.
DB. 4250, PG. 740
MR ZONING

DEMETRIOS JEROME STANFORD
DB. 4249, PG. 27
MR ZONING

UNLENBROCK PROPERTIES, LLC.
DB. 3839, PG. 813
MR ZONING

BEASLEY BROADCASTING OF
COASTAL CAROLINA, INC.
DB. 657, PG. 346
MRS ZONING

BYPASS PROPERTIES, III, LLC.
DB. 1609, PG. 725
MR ZONING

BEARINGS AND DISTANCES FROM (A) TO (B) ALONG THE C/L OF A DITCH

- S38°57'38"W - 12.16'
- N68°55'26"W - 20.21'
- N85°33'40"W - 9.91'
- S68°16'05"W - 9.77'
- S46°05'55"W - 38.41'
- S09°05'49"W - 48.38'
- S21°25'24"W - 11.13'
- S03°51'25"W - 46.88'

BEARINGS AND DISTANCES FROM (C) TO (D) ALONG THE R/W OF NCSR 1296

- S82°05'06"W - 22.80'
- S80°06'27"W - 58.27'
- S76°58'50"W - 51.03'
- S74°03'31"W - 64.32'
- S72°11'53"W - 3.71'

Notes:

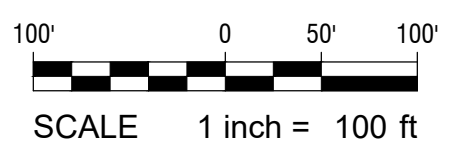
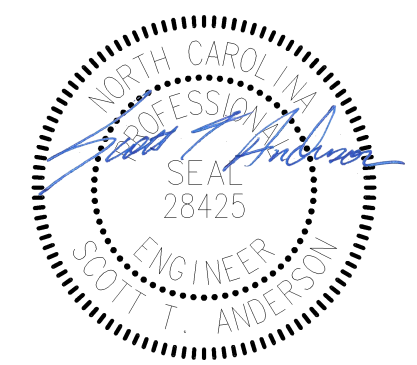
1. AREA DETERMINED BY COORDINATES.
2. THIS MAP WAS PREPARED FOR REZONING PURPOSES ONLY AND IS NOT A BOUNDARY SURVEY OF THE PROPERTIES SHOWN HEREON.
3. BOUNDARY INFORMATION SHOWN HEREON WAS DRAWN FROM EXISTING MAPS OF RECORD REFERENCED HEREON AND DOES NOT REPRESENT AN ACTUAL FIELD SURVEY BY THIS FIRM.

Owner:

COMMERCIAL & OFFICE CENTERS, LLC
PO BOX 30803
GREENVILLE, NC 27833

References:

- D.B. 1954, PG. 527
- D.B. 2087, PG. 543
- M.B. 60, PG. 58
- M.B. 35, PG. 91
- M.B. 60, PG. 71



ALLEN RD. (NCSR 1203)
(100' PUBLIC R/W PAVEMENT VARIES)

| | | | |
|--|-------------------|-----------------|--|
| 2755-B Charles Blvd. Greenville, NC 27858 (252) 558-0888 www.arkconsultinggroup.com | | | |
| REZONING MAP FOR DALY HOTEL MANAGEMENT, INC. CITY OF GREENVILLE, PITT COUNTY, NC | | | |
| SCALE 1" = 100' | DATE 3-31-2022 | SHEET 1 of 1 | |

C-1005

REZONING THOROUGHFARE/TRAFFIC VOLUME REPORT

Case No: 22-04

Applicant: Daly Hotel Management, Inc.

Property Information

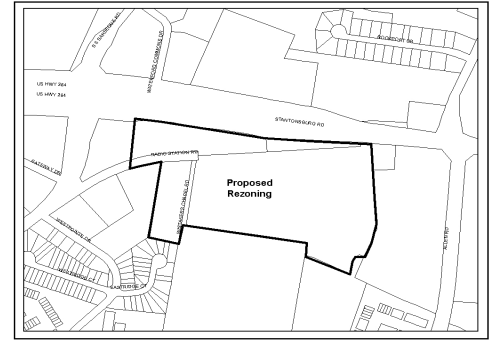
Current Zoning: MO (Medical-Office)

Proposed Zoning: MR (Medical-Residential [High Density])

Current Acreage: 25.30 acres

Location: Stantonsburg Rd, between B's BBQ Rd & Allen Rd

Points of Access: Stantonsburg Rd



Location Map

Transportation Background Information

1.) Stantonsburg Rd- State maintained

| | <u>Existing Street Section</u> | <u>Ultimate Thoroughfare Street Section</u> |
|----------------------------------|--------------------------------|---|
| Description/cross section | 4 lanes divided- grass median | no change |
| Right of way width (ft) | 250 | no change |
| Speed Limit (mph) | 55 | |
| Current ADT: | 32,472 (*) | |
| Design ADT: | 39,700 vehicles/day (**) | |
| Controlled Access | No | |
| Thoroughfare Plan Status: | Major Thoroughfare | |
| Other Information: | | |

Notes: (*) 2018 NCDOT count adjusted for a 2% annual growth rate
 (**) Traffic volume based an operating Level of Service D for existing geometric conditions
 ADT – Average Daily Traffic volume

Transportation Improvement Program Status: H170442/U-619 is an access management project along Stantonsburg Road, from Memorial Drive to B's Barbeque Road, that will add medians with specified turn lanes, sidewalks on each side, and a sidepath on the north side.

Trips generated by proposed use/change

Current Zoning: 1,695 -vehicle trips/day (*) **Proposed Zoning: 2,379** -vehicle trips/day (*)

Estimated Net Change: increase of 684 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 land use.)

Impact on Existing Roads

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

1.) Stantonsburg Rd, West of Site (30%): “No build” ADT of 32,472

| | |
|---|--------------------|
| Estimated ADT with Proposed Zoning (full build) – | 33,186 |
| Estimated ADT with Current Zoning (full build) – | <u>32,981</u> |
| Net ADT change = | 205 (<1% increase) |

2.) Stantonsburg Rd, East of Site (70%): “No build” ADT of 32,472

| | |
|---|-------------------|
| Estimated ADT with Proposed Zoning (full build) – | 34,137 |
| Estimated ADT with Current Zoning (full build) – | <u>33,659</u> |
| Net ADT change = | 479 (1% increase) |

Staff Findings/Recommendations

Based on possible uses permitted by the requested zoning, the proposed zoning classification could generate 2,379 trips to and from the site on Stantonsburg Rd, which is a net increase of 684 additional trips per day.

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

| EXISTING ZONING | |
|--|---|
| MO (MEDICAL-OFFICE) - 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 | |
| l. | Group care facility |
| n. | Retirement center or home |
| o. | Nursing, convalescent or maternity home; major care facility |
| (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 |
| d. | Bank, savings and loans or other savings or investment institutions |
| e. | Medical, dental, ophthalmology or similar clinic, not otherwise listed |
| (8) Services | |
| n. | Auditorium |
| r. | Art gallery |
| u. | Art studio including art and supply sales |
| y(3). | TV and/or radio broadcast facilities, including receiving and transmission equipment and towers or cellular telephone and wireless communication towers not exceeding 80 feet in height |
| y(4). | Distributed Antenna System (See also 9-4-103 (Q)) |
| ee. | Hospital |
| ii. | Wellness center, indoor and outdoor facilities |
| (9) Repair - None | |
| (10) Retail Trade | |
| d. | Pharmacy |
| s. | Book or card store, news stand |
| w. | Florist |
| (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 | |
| MO (MEDICAL-OFFICE) - SPECIAL USES | |
| (1) General - None | |
| (2) Residential | |
| i. | Residential quarters for resident manager, supervisor or caretaker; excluding mobile home |
| (3) Home Occupations - None | |
| (4) Governmental | |
| a. | Public utility building or use |
| (5) Agricultural/Mining - None | |
| (6) Recreational/Entertainment | |
| m(1). | Dining and entertainment establishment (see also section 9-4-103) |
| s. | Athletic club; indoor only |
| (7) Office/Financial/Medical - None | |
| (8) Services | |
| a. | Child day care facilities |
| b. | Adult day care facilities |
| e. | Barber or beauty salon |
| f. | Manicure, pedicure or facial salon |
| j. | College and other institutions of higher learning |
| 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) |
| s(1). | Hotel, motel bed and breakfast inn; extended stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103) |
| ff(1). | Mental health, emotional or physical rehabilitation day program facility |
| hh. | Exercise and weight loss studio; indoor only |
| jj. | Health services not otherwise listed |
| ll(1). | Dry cleaners; household users; drop-off/pick-up station only |
| (9) Repair- None | |
| (10) Retail Trade | |
| c. | Wine shop; including on-premise consumption (see also section 9-4-103) |
| f. | Office and school supply, equipment sales |
| h. | Restaurant; conventional |
| i. | Restaurant; fast food (limited to multi-unit structures which contain not less than three separate |
| j. | Restaurant and/or dining and entertainment establishment; regulated outdoor activities |
| k. | Medical supply sales and rental of medically-related products including uniforms and related accessories |
| t. | Hobby or craft shop |
| (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 | |
|--|--|
| MR (MEDICAL-RESIDENTIAL) - PERMITTED USES | |
| (1) General | |
| | a. Accessory use or building |
| | c. On-premise signs per Article N |
| (2) Residential | |
| | a. Single-family dwelling |
| | b. Two-family attached dwelling (duplex) |
| | c. Multi-family development per Article 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) |
| | 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) |
| | y(4) Distributed Antenna System (See also 9-4-103 (Q)) |
| (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 | |
| MR (MEDICAL-RESIDENTIAL) - SPECIAL USES | |
| (1) General - None | |
| (2) Residential | |
| | d. Land use intensity multi-family (LUI) development rating 50 per Article K |
| | l. Group care facility |
| | 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 |
| (4) Governmental | |

| | |
|--|---|
| a. | Public utility building or use |
| (5) Agricultural/Mining - None | |
| (6) Recreational/Entertainment | |
| 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 |
| 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 | |
| h. | Restaurant; conventional |
| i. | Restaurant; fast food (see also section 9-4-103) |
| k. | Medical supply sales and rental of medically-related products including uniforms and related accessories |
| l. | Electronic; stereo, radio, computer, TV and the like, sales and accessory repair |
| m. | Appliance; household use, sales and accessory repair, excluding outside storage |
| p. | Furniture and home furnishing sales not otherwise listed |
| q. | Floor covering, carpet and wall covering sales |
| r. | Antique sales, excluding vehicles |
| s. | Book or card store, news stand |
| t. | Hobby or craft shop |
| u. | Pet shop (see also animal boarding; outside facility) |
| v. | Video or music store; records, tape, CD and the like sales |
| w. | Florist |
| x. | Sporting goods sales and rental shop |
| y. | Auto part sales (see also major and minor repair) |
| aa. | Pawnbroker |
| bb. | Lawn and garden supply and household implement sales and accessory service |
| ee. | Christmas tree sales lot; temporary only (see also section 9-4-103) |
| (11) Wholesale/Rental/Vehicle-Mobile Home Trade | |
| b. | Rental of home furniture, appliances or electronics and medically-related products (see also division (10k.)) |
| c. | Rental of clothes and accessories; formal wear, and the like |
| (12) Construction | |
| c. | Construction office; temporary, including modular office (see also section 9-4-103) |
| e. | Building supply; lumber and materials sales, plumbing and/or electrical supply excluding outdoor sales |
| f. | Hardware store |

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.

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.



City of Greenville, North Carolina

Meeting Date: 05/12/2022

Title of Item: Ordinance requested by Denali East Place, LLC to rezone a total of 6.54 acres located along the northern right-of-way of Dickinson Avenue between West Arlington Boulevard and Spring Forest Road from RA20 (Residential-Agricultural) to OR (Office-Residential [High Density Multi-family])

Explanation: **Required Notices:**

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on April 5, 2022.
On-site sign(s) posted on April 5, 2022.
City Council public hearing notice (property owner and adjoining property owner letter) mailed on April 26, 2022.
Public hearing legal advertisement published on April 30, 2022 and May 7, 2022.

Comprehensive Plan:

The Future Land Use and Character Map recommends mixed use (MU) at the northwestern corner of the intersection of West Arlington Boulevard and Dickinson Avenue transitioning to commercial (C) to the south.

Mixed Use

Small-scale activity centers that contain places to live, work, and shop integrated in a walkable pattern. Mixed use buildings are located close together and near the street. Buildings tend to be smaller than mixed use, high intensity (MUHI), supporting primarily locally-oriented uses and serving as a transition in intensity to nearby neighborhoods.

Intent:

- Vertical mixed use buildings (residential or office above commercial) as well as various single-use buildings that are integrated in a walkable street pattern
- Accommodate parking on-street, behind or to one side of buildings, or in parking structures; limit curb cuts that break main pedestrian ways; wrap parking structures with other uses or decorative elements; light parking well for safety
- Provide pedestrian and vehicular connection to surrounding development

Primary uses:

Office

Commercial

Multi-family residential

Secondary uses:

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 (Engineering Department):

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 549 trips to and from the site on Dickinson Avenue, which is a net increase of 360 additional trips per day.

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

History/Background:

In 1969, the property was zoned RA20 (Residential-Agricultural).

Existing Land Uses:

Four (4) single-family and associated accessory buildings

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 drains to Greens Mill Run Watershed. If stormwater rules apply, it would require 25-year detention and nitrogen and phosphorous reduction. No portion of the property is located in the Special Flood Hazard Area. No Jurisdictional wetlands, streams, or riparian buffers exist on the property.

Surrounding Land Uses and Zoning:

North: MCG - Vacant
South: OR - Farmland; RA20 - One (1) single-family residence
East: MCH - Vacant
West: CH - East Carolina Property Management; R6 - Spring Village Townhomes; MR - 904 West Townhomes

Density Estimates:

Under the current zoning, the site could accommodate 15-20 single-family lots.

Under the proposed zoning, the site could accommodate 65-75 multi-family units (1, 2 and 3 bedroom units).

The anticipated build-out is within 2-5 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 19, 2022 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_-_Denali_East.pdf](#)
-  [Minute - Excerpt_April_19_2022-_Denali_RZ.pdf](#)
-  [Denaliapo.pdf](#)
-  [Denali Survey.pdf](#)
-  [Denalitrafic.pdf](#)
-  [RA20 to OR.pdf](#)
-  [Density and Veg Charts.pdf](#)

LOCATION: Located along the western right-of-way of Dickinson Avenue between Arlington Boulevard and Spring Forest Road.

DESCRIPTION: Beginning at a point on the northern right-of-way of U.S. Hwy 13-Dickinson Avenue, said point being the southwestern most corner of the Craig F. Goess property as described in Deed Book 3521, Page 394 of the Pitt County Register of Deeds property, said point beginning also being located approximately 324 feet as measured along the northern right-of-way of U.S. Hwy 13-Dickinson Avenue from the western right-of-way of West Arlington Boulevard. From the above described beginning so located running thence as follows:

With the northern right-of-way U.S. Hwy 13-Dickinson Avenue, S 42°07'10" W 351.76', thence leaving said right-of-way and with the eastern line of the LIDO Properties, LLC property, the Rodney D. Speight property and Spring Village Townhomes property, N 44°39'54" W 856.26' to the southern line of the Happy Trail Farms, LLC property as described in Deed Book 3690, Page 859 of the Pitt County Register of Deeds office. thence with the southern line of said Happy Trail Farms, LLC property N 51°14'11" E 21.43', N 39°16'06" E 47.79' and N 53°05'16" E 269.52' to the northwestern corner of the aforesaid Craig F. Goess property, thence with said Goess property S 44°28'31" E 209.11', S 45°48'53" E 325.27', N 47°26'56" E 6.90' and S 45°12'50" E 268.47' to the point of beginning containing 6.54 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 12th day of May, 2022.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

1163558

Excerpt from the draft Planning & Zoning Commission Minutes (4/19/22)

REQUEST BY DENALI EAST PLACE, LLC TO REZONE A TOTAL OF 6.54 ACRES LOCATED ALONG THE NORTHERN RIGHT-OF-WAY OF DICKINSON AVENUE BETWEEN WEST ARLINGTON BOULEVARD AND SPRING FOREST ROAD FROM RA20 (RESIDENTIAL-AGRICULTURAL) TO OR (OFFICE-RESIDENTIAL [HIGH DENSITY MULTI-FAMILY]).

Chantae Gooby presented for staff. The property is located in the Greens Mill Run watershed and will require 25-year detention. It is not located in a special hazard zone and there are no wetlands, streams or riparian buffers on the property. At full build-out, this rezoning could generate a net increase of 360 trips per day. It is also in the area of a neighborhood activity center which is intended to serve a one-mile radius with goods and services. Under the current zoning of RA20 (Residential-Agricultural), the property could yield about 20 single-family homes. Under the proposed zoning which is OR (Office-Residential), it could yield about 70 multi-family units. The Future Land Use Plan recommends Mixed Used at the corner of Dickinson Avenue and Arlington Boulevard. Mixed-Use is described as a place to work, live and shop so the OR district is a part of that character. In staff's opinion, the request is in compliance with the Horizons 2026: Greenville's Community Plan and the Future Land Use Plan. Therefore, staff recommends approval of the request.

Mr. Maxwell asked if there are any requirements for sidewalks or connectivity with adjacent properties.

Ms. Gooby stated a sidewalk will be required along Dickinson Avenue and the developer is responsible for the installation.

Chairman Faison opened the public hearing.

No one spoke in opposition.

Chairman Faison closed the public hearing.

Motion made by Mr. Robinson, 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 unanimously.

Denali East Place, LLC

From: RA20

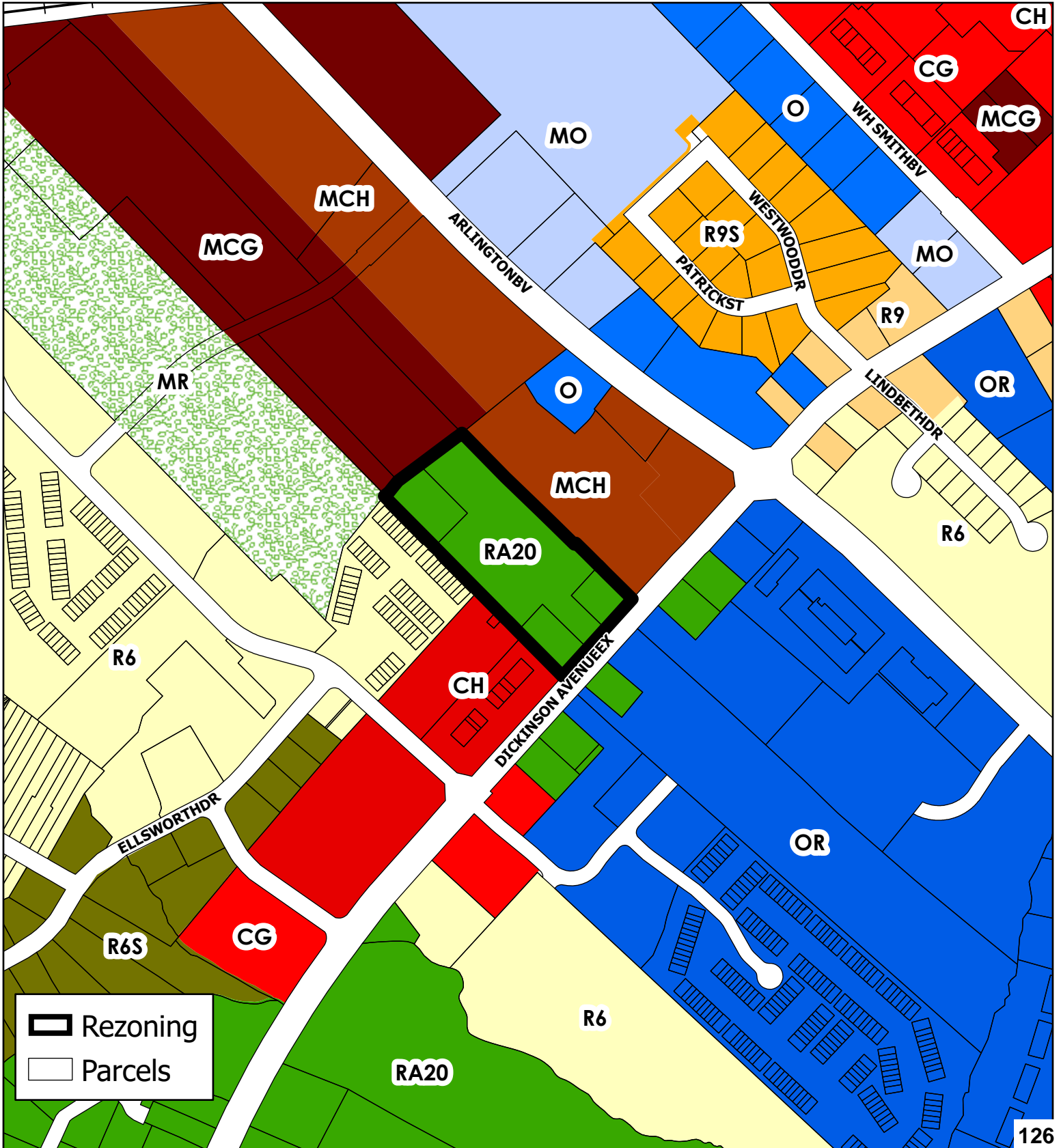
To: OR

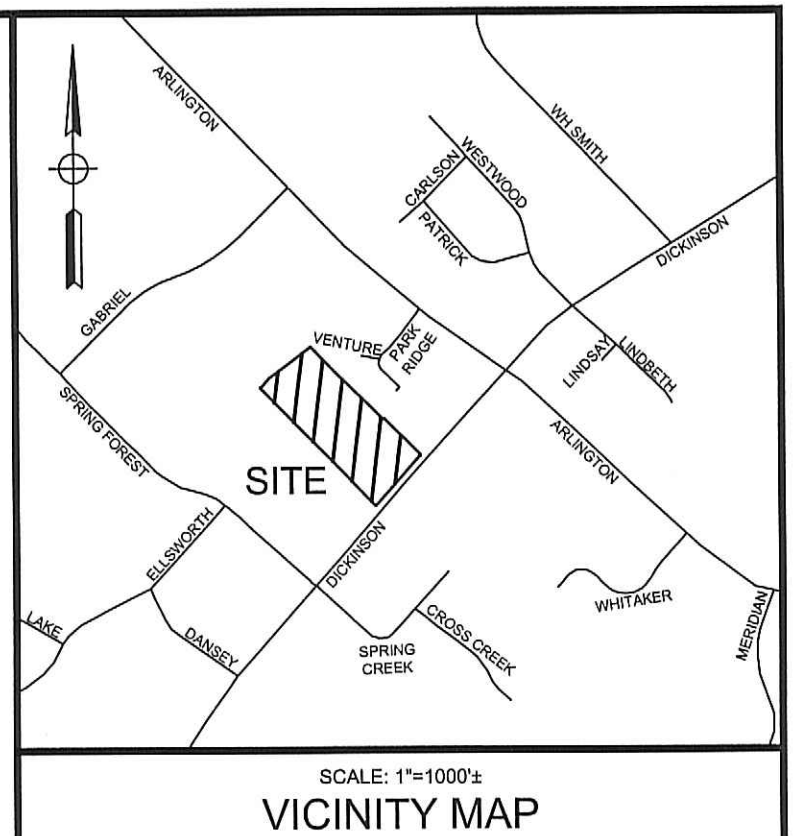
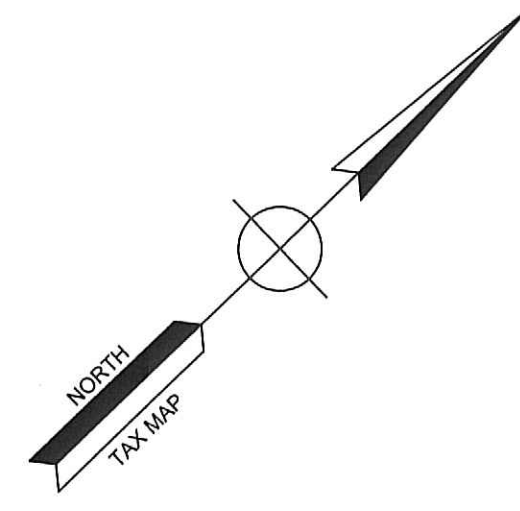
Acres: 6.54

April 5th, 2022

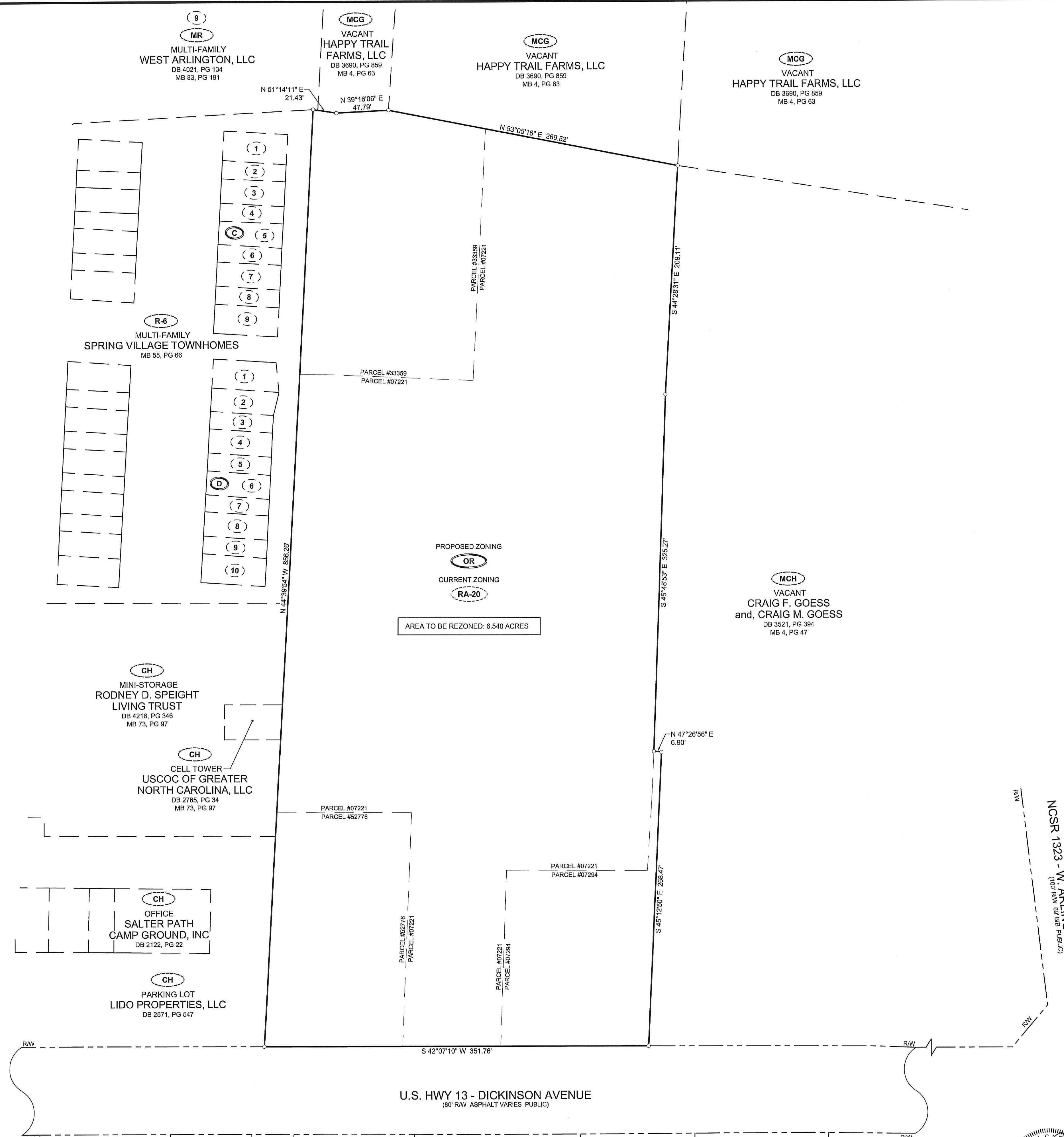


0 0.03 0.06 0.11 Miles





- LEGEND**
- R/W = RIGHT-OF-WAY
 - MBL = MINIMUM BUILDING LINE
 - B/B = BACK OF CURB TO BACK OF CURB
 - EIP = EXISTING IRON PIPE
 - SIP = SET IRON PIPE
 - EQM = EXISTING CONCRETE MONUMENT
 - EPKN = EXISTING PARKER KALON NAIL
 - SPKN = SET PARKER KALON NAIL
 - R = RADIUS
 - CH = CHORD
 - PC = POINT OF CURVATURE
 - PT = POINT OF TANGENCY
 - PCC = POINT OF COMPOUND CURVATURE
 - PRC = POINT OF REVERSE CURVATURE
 - NPS = NO POINT SET
 - PP = POWER POLE
 - TPED = TELEPHONE PEDESTAL
 - INV = INVERT
 - TC = TOP OF CURB
 - EP = EDGE OF PAVEMENT
 - TB = TOP OF BANK
 - C/L = CENTERLINE
 - MH = MANHOLE
 - FH = FIRE HYDRANT
 - WV = WATER VALVE
 - GV = GATE VALVE
 - BV = BALL VALVE
 - ROP = REINFORCED CONCRETE PIPE
 - CMP = CORRUGATED METAL PIPE
 - CB = CATCH BASIN
 - FES = FLARED END SECTION
 - = NOT TO SCALE



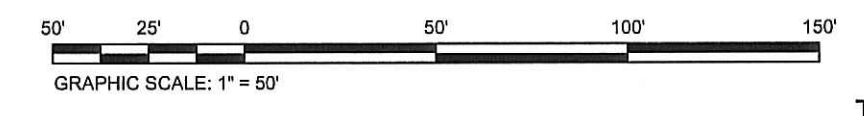
OWNER: ROBERT W. EVANS, ETAL.
 (PARCEL #07221 & PARCEL #52776)
 ADDRESS: 2690 DICKINSON AVENUE GREENVILLE, NC 27834
 PHONE: () - - -

OWNER: DONALD E. EVANS, ETAL.
 (PARCEL #33359)
 ADDRESS: 105 OVERLOOK ROAD CHOCOWINITY, NC 27817
 PHONE: () - - -

OWNER: LINDA KOON EVANS, ETAL.
 (PARCEL #07294)
 ADDRESS: 1370 FARMER ROAD ROBERSONVILLE, NC 27871
 PHONE: () - - -

- GENERAL NOTES**
1. ALL AREAS CALCULATED BY COORDINATE GEOMETRY.
 2. REFERENCE: DEED BOOK N-45, PAGE 576 AND DEED BOOK G-39, PAGE 481 OF THE PITT COUNTY REGISTER OF DEEDS AND ESTATE FILE 2018-164 OF THE PITT COUNTY CLERK OF COURTS.

NOTE: THE BEARINGS AND DISTANCES SHOWN ON THIS MAP WERE TAKEN FROM INFORMATION PROVIDED BY THE PITT COUNTY OPIS WEBSITE AND DOES NOT REPRESENT AN ACTUAL SURVEY BY THIS FIRM.



TAX PARCEL #33359
 TAX MAP #4677-35-6117
 TAX PARCEL #07221
 TAX MAP #4677-34-3896
 TAX PARCEL #52776
 TAX MAP #4677-44-0731
 TAX PARCEL #07294
 TAX MAP #4677-44-1885

SHEET 1 OF 1
 REZONING MAP

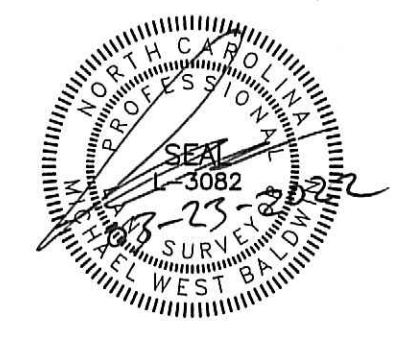
DENALI EAST PLACE, LLC

REFERENCE: DEED BOOK N-45, PAGE 576 AND DEED BOOK G-39, PAGE 481 OF THE PITT COUNTY REGISTER OF DEEDS AND ESTATE FILE 2018-164 OF THE PITT COUNTY CLERK OF COURTS
 GREENVILLE TOWNSHIP, PITT COUNTY, N.C.

OWNER: SEE ABOVE

ADDRESS:

PHONE:



CLOSURE CHECK BOUNDARY
 CHECKED: NRW DATE: 03/22/2022

| | | |
|---|-----------------|------------------|
| ENGINEERING - SURVEYING - PLANNING 1700-D EAST ARLINGTON BOULEVARD GREENVILLE, NC 27858 | SURVEYED: N/A | APPROVED: MWB |
| | DRAWN: NRW | DATE: 03/22/2022 |
| CHECKED: MWB | SCALE: 1" = 50' | |

REZONING THOROUGHFARE/TRAFFIC VOLUME REPORT

Case No: 22-06

Applicant: Denali East Place, Inc.

Property Information

Current Zoning: RA20 (Residential-Agricultural)

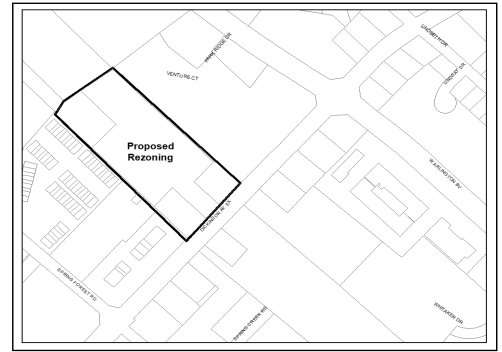
Proposed Zoning: OR (Office-Residential [High Density Multi-Family])

Current Acreage: 6.540 acres

Location: Dickinson Ave, southwest of Arlington Blvd

Points of Access: Dickinson Ave

Location Map



Transportation Background Information

1.) Dickinson Ave- State maintained

| | <u>Existing Street Section</u> | <u>Ultimate Thoroughfare Street Section</u> |
|---------------------------------|--------------------------------|---|
| Description/cross section | 4-lanes - curb & gutter | 4-lanes with raised median |
| Right of way width (ft) | 80 | 100 |
| Speed Limit (mph) | 45 | |
| Current ADT: | 16,777 (*) | |
| Design ADT: | 14,900 vehicles/day (**) | 39,700 vehicles/day (**) |
| Controlled Access | No | |
| Thoroughfare Plan Status | Major Thoroughfare | |

Other Information: There are no sidewalks along Dickinson Ave that service this property.

Notes: (*) 2018 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: 189 -vehicle trips/day (*) **Proposed Zoning: 549** -vehicle trips/day (*)

Estimated Net Change: increase of 360 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 Dickinson Ave are as follows:

1.) Dickinson Ave , North of Site (60%): “No build” ADT of 16,777

Estimated ADT with Proposed Zoning (full build) – 17,106
 Estimated ADT with Current Zoning (full build) – 16,890
Net ADT change = 216 (1% increase)

2.) Dickinson Ave , South of Site (40%): "No build" ADT of 16,777

Estimated ADT with Proposed Zoning (full build) – 16,997

Estimated ADT with Current Zoning (full build) – 16,853

Net ADT change = 144 (<1% increase)

Staff Findings/Recommendations

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 549 trips to and from the site on Dickinson Ave, which is a net increase of 360 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) |
| | y(4) Distributed Antenna System (See also 9-4-103 (Q)) |
| | 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 |

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.

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.



City of Greenville, North Carolina

Meeting Date: 05/12/2022

Title of Item: Ordinance requested by Liberty Investment, LLC to amend the Future Land Use and Character Map for 41.67 acres from Commercial (C) and Potential Conservation/Open Space (PCOS) to Residential, High Density (HDR) for the property located between Stantonsburg Road (Hwy 264) and MacGregor Downs Road and west of B's BBQ Road

Explanation: **Comprehensive Plan:**

When property is requested to be rezoned, staff relies on Horizons: Greenville's Community Plan and the Future Land Use and Character Map as a basis for staff's opinion. This is a request to amend the City's Future Land Use and Character Map to designate the future land use for the subject property.

The Future Land Use Plan Map recommends Commercial (C) at the northwestern corner of the intersection of Stantonsburg Road (Hwy 264) and B's BBQ Road transitioning to Office/Institutional (OI) and Potential Conservation/Open Space (PCOS) to the west.

Current Land Use Category

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

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.

Proposed Land Use Category:

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)

Current Conditions:

Currently, the property is woodlands and is zoned General Commercial (CG).

Thoroughfare/Traffic Report Summary (Engineering Department):

Based on the analysis comparing the existing land use (17,915 daily trips) and requested land use, the proposed land use could generate approximately 3,111 trips to and from the site on MacGregor Downs Road and B's Barbeque Road, which is a net decrease of 14,804 trips per day. Since the traffic analysis for the requested land use indicates that the proposal would generate less traffic than the existing land use, a traffic volume report was not generated.

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

Density:

Under the current categories, the site could accommodate one (1) hotel (120 rooms), one (1) freestanding convenience store – 6,000 sq. ft. and 228,000+/- sq. ft. of commercial space consisting: retail - 65,000 sq. ft., sit down restaurant - 30,000 sq. ft., fast food [no drive-thru] – 13,000 sq. ft., office - 20,000 sq. ft., and mini-storage - 100,000 sq. ft.

Under the proposed category, the site could accommodate 400-425 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: One of the guiding principles of the Comprehensive Plan Committee (CPC) was "sustainable development practices". The requested residential, high density character still meets the intent of the plan. Staff is of the opinion that this request promotes sustainable development practices and promotes the desired urban form.

In staff's opinion, the proposed Future Land Use and Character Map amendment fulfills the principles that guided the Comprehensive Plan Committee (CPC) and promotes the desired urban form. Therefore, staff recommends approval.

The Planning and Zoning Commission voted to approve (7:1) the request at its April 19, 2022 meeting.

ATTACHMENTS

-  [Ordinance - FLUM_Liberty_Investment.pdf](#)
-  [Minute - Excerpt April 19 2022- FLUP.pdf](#)
-  [Liberty Investmentapo.pdf](#)
-  [FLUMLibertyInvestmentsurvey.pdf](#)

ORDINANCE NO. 22-
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 160D, 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 12th day of May, 2022, at 6:00 p.m., 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 the subject property from commercial (C) and potential conservation/open space (PCOS) to residential, high density (HDR) for 41.67 acres for the property located between Stantonsburg Road (Hwy 264) and MacGregor Downs Road and west of B's BBQ Road.

GENERAL DESCRIPTION:

All that certain tract or parcel of land lying and being situated in Arthur Township, Pitt County, North Carolina, bounded on the north by MacGregor Downs Road (N.C. Secondary Road 1202), Ann Elizabeth Peralta, Bent Creek Farms, LLC, on the east by B's Barbeque Road (N.C. Secondary Road 1204) and Anne H. Karangelen, William F. Harrington Jr., et al, on the south by Stantonsburg Road (U.S. Highway 264) A.K.A. John P. East Memorial Highway on the west by the properties of Clarence Lee Jordan and Gay B. Howard Heirs, Leonard B. Fleming III and wife June H. Fleming, Alice F. Keene, Trustee of the Brewer Honorary Trust, George G. Wus and wife Virginia A. Wus, Antionette Moore and Wayne Jefferson, Deborah A. Dufresne, Paul Setliff and wife Katie Setliff, Teresa Manning Butts, et al and the City of Greenville property, being a portion of Pitt County Tax Parcels 10085 and 18275 containing 41.67 acres more or less and being described by metes and bounds as follows:

BEGINNING at a point where the northern right of way line of Stantonsburg Road (U.S. Highway 264) A.K.A. John P. East Memorial Highway intersects with the western right of way line of B's Barbeque Road (N.C. Secondary Road 1204), thence with the northern right of way line of Stantonsburg Road as heretofore mentioned along a curve in counter clockwise direction, said curve having a radius of 7799.44 feet a chord bearing of N 85° 53' 42" W and a chord distance of 15.29 feet to a point on said curve, thence continuing with said curve and right of way in a counter clockwise direction, said curve having a radius of 7799.44 feet, a chord bearing of N 88°36'11" W and a chord distance of 586.64 feet to a point in said right of way the TRUE POINT OF BEGINNING, thence from the TRUE POINT OF BEGINNING and continuing with northern right of way line of Stantonsburg Road along a curve in a counter clockwise direction, said curve having a radius of 7799.44 feet, a chord bearing of S 88°37'31" W, and a chord distance of 167.84 feet to a point of tangent, thence continuing with said right of way S 87°27'51" W 202.00 feet, thence S 87°20'03" W 576.70 feet to a point of curve, thence continuing with said right of way along a curve at the off ramp from Stantonsburg Road (U.S. Highway 264), toward the north bound lane of Martin Luther King Jr. Highway in a clockwise direction, said curve having a radius of 864.93 feet, a chord bearing of N 70°16'21" W and a chord distance 418.88 feet to a point of compound curve in said right of way, thence continuing with said right of way along a curve in a clockwise direction, said curve having a radius of 1055.92 feet, a chord bearing of N 53°46'08" W and a chord distance of 91.76 feet to a point in said right of way, said point being a corner with the Clarence Lee Jordan and Gay B. Howard Heirs property, thence leaving Stantonsburg Road (U.S. Highway 264), along the rear property line of Clarence Lee Jordan and Gay B. Howard Heirs (Parcel 33809), Leonard B. Fleming III and wife June H. Fleming (Parcel 32706), Alice F. Keene, Trustee of The Brewer Honorary Trust property (Parcel 32706), George G. Wus and wife Virginia A. Wus (Parcel 42218), Antionette Moore and Wayne Jefferson (Parcel 39891), Deborah A. Dufresne (Parcel 32708), and Paul Setliff and wife Katie Setliff (Parcel 32707), N 54°33'28" E 998.64 feet to a point, said point being a corner with the City of Greenville property recorded in Deed Book 3294, page 699 and shown on a map recorded in Map Book 78, page 120, thence with the City of Greenville property N 88°40'23" E 215.21 feet to a point, a corner, thence continuing with the City of Greenville property and the Teresa Manning Butts, et al property recorded in Deed Book F-42, page 714, N 01°19'37" W 450.73 feet to a point in the southern right of way line of MacGregor Downs Road (N.C. Secondary Road 1202), thence with the southern right of way line of MacGregor Downs Road (N.C. Secondary Road 1202) N 89°23'23" E 243.79 feet, thence N 89°36'16" E 648.49 feet, thence N 89°50'56" E 99.66 feet, thence N 89°58'12" E 60.33 feet to a point in said right of way, the northwest corner of the Ann Elizabeth Peralta, recorded in Deed Book 3461, page 178, thence leaving MacGregor Downs Road and with the Peralta property S 04°23'01" W 142.43 feet to a point, a corner, thence with the Ann Elizabeth Peralta property and the Bent Creek Farms, LLC, property recorded in Deed Book 3192, page 175, S 86°56'49" E 300.00 feet to a point, a corner with the Bent Creek Farms, LLC, property, thence with the Bent Creek Farms, LLC, property N 23°09'08" E 158.61 feet to a point in the southern right of way line of MacGregor Downs Road (N.C. Secondary Road 1202), thence with the southern right of way line of MacGregor Downs Road S 86°20'40" E 246.80 feet to a point where the southern right of way line of MacGregor Downs Road (N.C. Secondary Road 1202) intersects with the western right of way line of B's Barbeque Road (N.C. Secondary Road 1204), thence with the western right of way line of B's Barbeque Road (N.C. Secondary Road 1204) S 30°28'14" E 73.85 feet, thence S 25°22'43" W 160.12 feet to a point of curve, thence continuing with said right of way along a curve in a clockwise direction, said curve having a radius of 1411.97 feet, a chord bearing of S

31°24'15" W and a chord distance of 296.44 feet to a point of tangent thence continuing with said right of way S 37°25'48" W 277.80 feet to a point in said right of way a new corner, thence leaving the western right of way line of B's Barbeque Road (N.C. Secondary Road 1204) with a new line as follows: N 53°27'13" W 387.32 feet, S 38°08'49" W 292.52 feet to a point of curve, thence along a curve in a clockwise direction, said curve having a radius of 190.00 feet, a chord bearing of S 54°38'25" W, and a chord distance of 107.88 feet to a point of tangent, thence S 71°08'02" W 177.44 feet to a point of curve, thence with a curve in a counter clockwise direction, said curve having a radius of 210.00 feet, a chord bearing of S 57°39'41" W, and a chord distance of 97.85 feet to a point of tangent, thence S 44°11'21" W 142.50 feet to a point of curve, thence with a curve in a clockwise direction, said curve having a radius of 190.00 feet a chord bearing of S 56°14'45" W, and a chord distance of 79.37 feet to a point on said curve, thence S 01°19'37" E 171.10 feet to the TRUE POINT OF BEGINNING containing 41.67 acres more or less and being part of the Pitt County Tax Parcels 10085 and 18275 as shown on a map by Rivers and Associates, Inc. Drawing W-4004LUCM dated March 14, 2022 entitled Existing Land Use Character Map, Harrington Family Tracts for Liberty Investment Partners, LLC which by reference is made a part hereof.

Section 2. 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 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 12th day of May, 2022.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

Doc. # 1163560

Excerpt from the draft Planning & Zoning Commission Minutes (4/19/22)

REQUEST BY LIBERTY INVESTMENT, LLC TO AMEND THE FUTURE LAND USE AND CHARACTER MAP FOR 41.67 ACRES FROM COMMERCIAL (C) AND POTENTIAL CONSERVATION/OPEN SPACE (PCOS) TO RESIDENTIAL, HIGH DENSITY (HDR) FOR THE PROPERTY LOCATED BETWEEN STANTONSBURG ROAD (HWY 264) AND MACGREGOR DOWNS ROAD AND WEST OF B'S BBQ ROAD.

Chantae Gooby presented for staff. The property is currently zoned CG (General Commercial). There is no increase in traffic anticipated with this request. The current Future Land Use Plan recommends Commercial between Stantonburg Road, MacGregor Downs Road and to the west of B's BBQ Road. The Potential Conservation/Open Space (PCOS) is shown as a caution that there could be some potential environmental restraints. The request is asking to change the Commercial and Potential Conservation/Open Space (PCOS) to Residential, High Density (HDR). Under the current characters, the property could accommodate a hotel, convenience store or other commercial services. Under the proposed character, it could yield about 400 multi-family units at full build-out. This is a sustainable development practice as this same kind of land use pattern is in the vicinity of this property. Therefore, staff recommends approval.

Chairman Faison opened the public hearing.

Jim Walker spoke in favor. He stated due to no access on Stantonburg Road and limited access on B's BBQ Road, this property has never thrived as a commercial development. This is an opportunity to maintain the corner for development and develop the rear of the property as residential.

No one spoke in opposition.

Chairman Faison closed the public hearing.

Motion made by Mr. Collins, seconded by Mr. Robinson, to approve. Motion passed 7:1. Voting in Opposition: Maxwell.

Liberty Investment Partners, LLC

From: PCOS & C

To: HDR

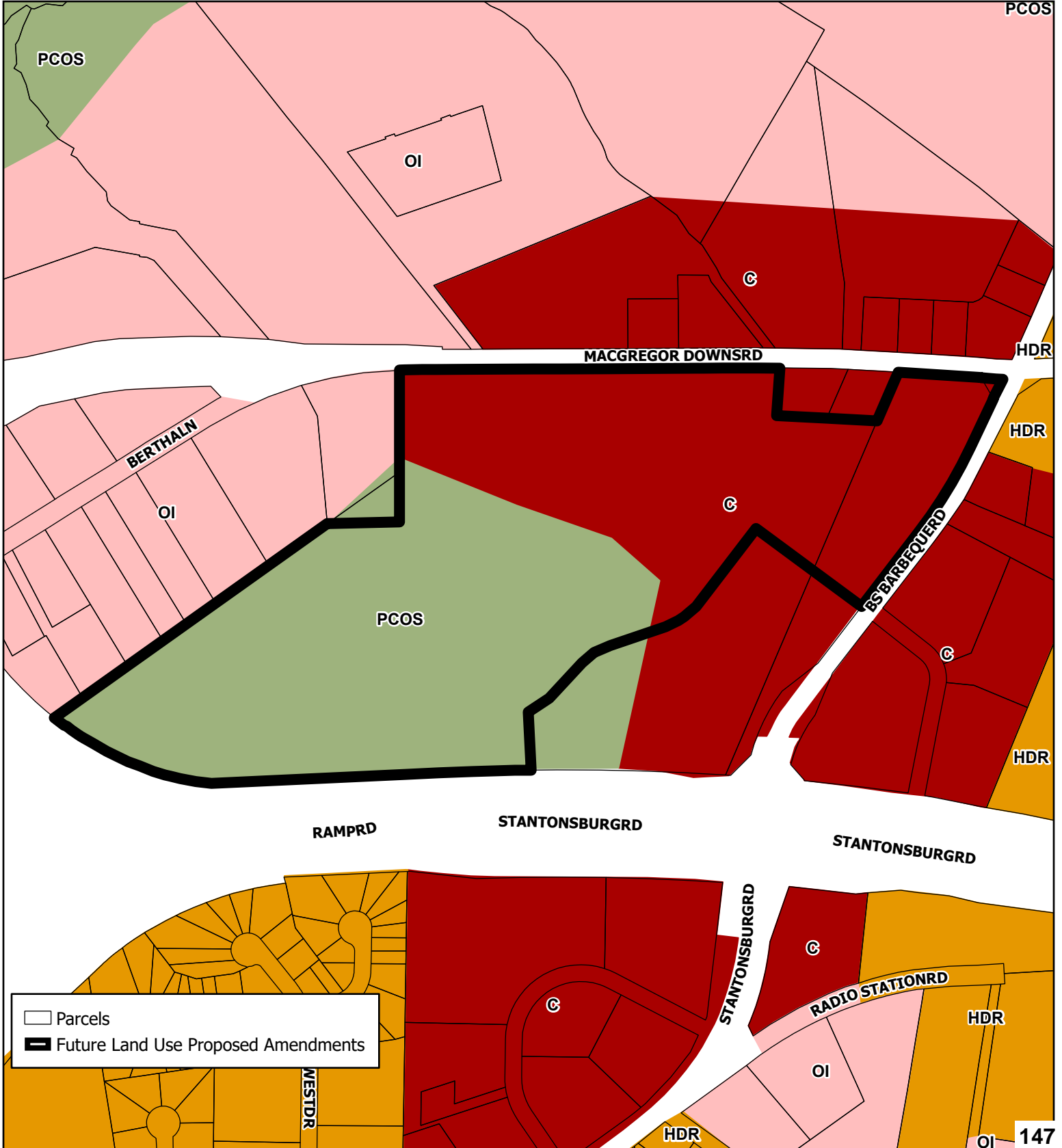
Acres: 41.67

April 5th, 2022

N

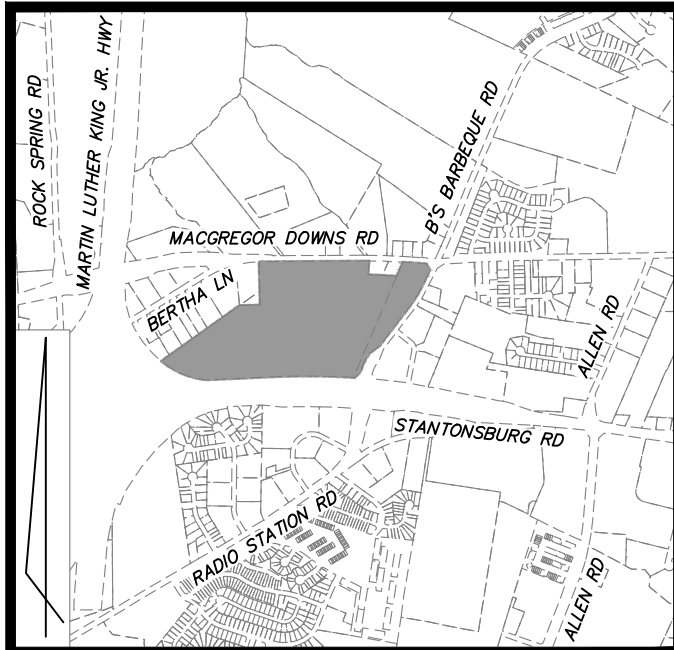


0 0.03 0.05 0.1 Miles



Parcels

Future Land Use Proposed Amendments



VICINITY MAP
SCALE: 1" = 2000'

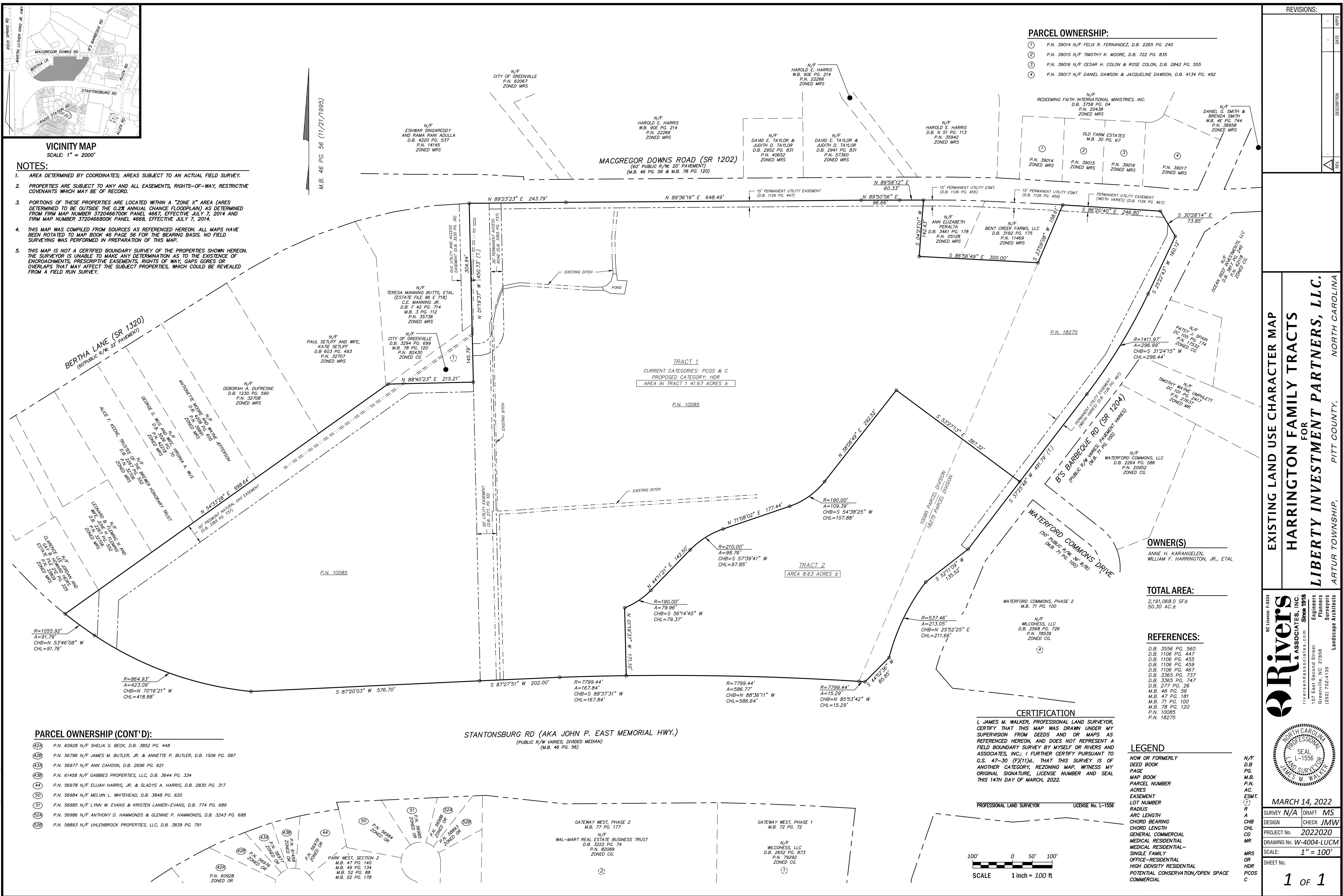
NOTES:

1. AREA DETERMINED BY COORDINATES; AREAS SUBJECT TO AN ACTUAL FIELD SURVEY.
2. PROPERTIES ARE SUBJECT TO ANY AND ALL EASEMENTS, RIGHTS-OF-WAY, RESTRICTIVE COVENANTS WHICH MAY BE OF RECORD.
3. PORTIONS OF THESE PROPERTIES ARE LOCATED WITHIN A "ZONE X" AREA (ARES DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS DETERMINED FROM FIRM MAP NUMBER 3720466700K PANEL 4667, EFFECTIVE JULY 7, 2014 AND FIRM MAP NUMBER 3720466800K PANEL 4668, EFFECTIVE JULY 7, 2014.
4. THIS MAP WAS COMPILED FROM SOURCES AS REFERENCED HEREON. ALL MAPS HAVE BEEN ROTATED TO MAP BOOK 46 PAGE 56 FOR THE BEARING BASIS. NO FIELD SURVEYING WAS PERFORMED IN PREPARATION OF THIS MAP.
5. THIS MAP IS NOT A CERTIFIED BOUNDARY SURVEY OF THE PROPERTIES SHOWN HEREON. THE SURVEYOR IS UNABLE TO MAKE ANY DETERMINATION AS TO THE EXISTENCE OF ENCROACHMENTS, PRESCRIPTIVE EASEMENTS, RIGHTS OF WAY, GAPS GORES OR OVERLAPS THAT MAY AFFECT THE SUBJECT PROPERTIES, WHICH COULD BE REVEALED FROM A FIELD RUN SURVEY.

M.B. 46 PG. 56 (11/21/1995)

PARCEL OWNERSHIP:

1. P.N. 39014 N/F FELIX R. FERNANDEZ, D.B. 2265 PG. 240
2. P.N. 39015 N/F TIMOTHY K. MOORE, D.B. 722 PG. 835
3. P.N. 39016 N/F CESAR H. COLON & ROSE COLON, D.B. 2842 PG. 555
4. P.N. 39017 N/F DANIEL DAWSON & JACQUELINE DAWSON, D.B. 4134 PG. 492

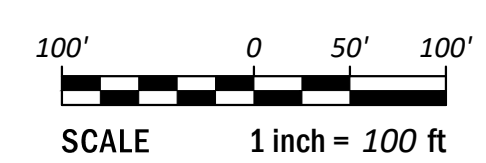


PARCEL OWNERSHIP (CONT'D):

- 42A. P.N. 60928 N/F SHELIA S. BECK, D.B. 3852 PG. 448
- 42B. P.N. 58796 N/F JAMES M. BUTLER, JR. & ANNETTE P. BUTLER, D.B. 1506 PG. 587
- 43A. P.N. 56977 N/F ANI CAHOON, D.B. 2696 PG. 621
- 43B. P.N. 61458 N/F GABBIES PROPERTIES, LLC, D.B. 3844 PG. 334
44. P.N. 58978 N/F ELIJAH HARRIS, JR. & GLADYS A. HARRIS, D.B. 2830 PG. 317
50. P.N. 56984 N/F MELVIN L. WHITEHEAD, D.B. 3848 PG. 620
51. P.N. 56985 N/F LYNN W. EVANS & KRISTEN LANIER-EVANS, D.B. 774 PG. 689
- 52A. P.N. 56986 N/F ANTHONY D. HAMMONDS & GLENNIE P. HAMMONDS, D.B. 3243 PG. 688
- 52B. P.N. 58993 N/F UHLENBROCK PROPERTIES, LLC, D.B. 3839 PG. 791

CERTIFICATION
I, JAMES M. WALKER, PROFESSIONAL LAND SURVEYOR, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM DEEDS AND OR MAPS AS REFERENCED HEREON, AND DOES NOT REPRESENT A FIELD BOUNDARY SURVEY BY MYSELF OR RIVERS AND ASSOCIATES, INC.; I FURTHER CERTIFY PURSUANT TO G.S. 47-30 (F)(1)(j), THAT THIS SURVEY IS OF ANOTHER CATEGORY, REZONING MAP. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 14TH DAY OF MARCH, 2022.

PROFESSIONAL LAND SURVEYOR LICENSE No. L-1556



- LEGEND**
- NOW OR FORMERLY DEED BOOK PAGE
 - MAP BOOK
 - PARCEL NUMBER
 - ACRES
 - EASEMENT
 - LOT NUMBER
 - RADIUS
 - ARC LENGTH
 - CHORD BEARING
 - CHORD LENGTH
 - GENERAL COMMERCIAL
 - MEDICAL RESIDENTIAL
 - MEDICAL RESIDENTIAL-SINGLE FAMILY
 - OFFICE-RESIDENTIAL
 - HIGH DENSITY RESIDENTIAL
 - POTENTIAL CONSERVATION/OPEN SPACE
 - COMMERCIAL

REVISIONS:

| NO. | DATE | DESCRIPTION |
|-----|------------|-------------|
| 1 | 11/21/1995 | AS SHOWN |

EXISTING LAND USE CHARACTER MAP
HARRINGTON FAMILY TRACTS
FOR
LIBERTY INVESTMENT PARTNERS, LLC.
ARTUR TOWNSHIP, PITT COUNTY, NORTH CAROLINA

Rivers & Associates, Inc.
Since 1918
Engineers
Planners
Surveyors
Landscape Architects



MARCH 14, 2022

| | | | |
|-------------|-------------|-------|-----|
| SURVEY | N/A | DRAFT | MS |
| DESIGN | | CHECK | JMW |
| PROJECT No. | 2022020 | | |
| DRAWING No. | W-4004-LUCM | | |
| SCALE: | 1" = 100' | | |
| SHEET No. | 1 OF 1 | | |



City of Greenville, North Carolina

Meeting Date: 05/12/2022

Title of Item: Ordinance requested by the Planning and Development Services Department to amend Title 9, Chapter 4 of the City Code to make miscellaneous changes to the zoning ordinance

Explanation: Request by the Planning and Development Services Department to amend Title 9, Chapter 4, Article F, Section 94(S) of the City Code to increase the height limit in the office zoning district to a maximum of 65' over property grade while increasing the setbacks for buildings over 45' above property grade. Additionally, bufferyard requirements are increased for buildings over 45' in height above property grade by requiring a bufferyard F adjacent to said building.

ARTICLE F. DIMENSIONAL STANDARDS, MODIFICATIONS AND SPECIAL STANDARDS

SEC. 9-4-94 SCHEDULE OF DEVELOPMENT STANDARDS BY ZONING DISTRICT.

(S) *O District.*

- (1) Lot area (net). All uses: 12,000 square feet.
- (2) Lot width (at the MBL). All uses: 100 feet.
- (3) Public street setback (MBL). All uses: 10 feet and per Article G.
- (4) Side setback. All uses: Per Article G.
- (5) Rear setback. All uses: Per Article G.
- (6) Maximum height (above grade). All uses: ~~35~~ 65 feet. No structure shall exceed 45 feet in height above the property grade unless the required setbacks are increased an additional two feet or fraction thereof for each additional one foot or fraction thereof of building height in excess of 45 feet. Where buildings exceed 45' in height, bufferyard "F" shall apply adjacent to said buildings except where the property abuts public/private streets or railroad rights-of-way in which the bufferyard as set forth in Article G shall apply.

(7) Maximum lot coverage (excluding drives and parking). All uses: None.

Fiscal Note: No cost to the City.

Recommendation: In staff's opinion, the proposed Zoning Ordinance Text Amendment is in compliance with the Horizons 2026: Greenville's Community Plan, Chapter 4, Growing the Economic Hub, Goal 4.3 A Stable & Resilient Economy.

Policy 4.3.1 Modernize and Diversify Local Economy. Support the growth of a variety of employment opportunities and businesses that diversify Greenville's economy and provide workers with a range of skill sets and training. Encourage business growth within incorporated areas to expand and diversify Greenville's tax base.

Therefore, staff recommends approval.





The Planning and Zoning Commission voted unanimously to approve the request at its April 19, 2022 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 amendment, 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, Chapter 4, Growing the Economic Hub, Goal 4.3 A Stable & Resilient Economy. *Policy 4.3.1 Modernize and Diversify Local Economy. Support the growth of a variety of employment opportunities and businesses that diversify Greenville's economy and provide workers with a range of skill sets and training. Encourage business growth within incorporated areas to expand and diversify Greenville's tax base.*"

ATTACHMENTS

-  [Ordinance_for_office.pdf](#)
-  [Minute - Excerpt April 19 2022- Misc_TA.pdf](#)
-  [Vegetation_Table.cleaned.pdf](#)
-  [Example_of_increased_setback.pdf](#)

ORDINANCE NO. 22-____
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 6, Chapter 160D, 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 12th day of May 2022, at 6:00 p.m., conduct a 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 160D-605, 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 applicable provisions of North Carolina General Statute 160D-605, 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 4, Growing the Economic Hub, Goal 4.3 A Stable & Resilient Economy. *Policy 4.3.1 Modernize and Diversify Local Economy. Support the growth of a variety of employment opportunities and businesses that diversify Greenville's economy and provide workers with a range of skill sets and training. Encourage business growth within incorporated areas to expand and diversify Greenville's tax base.*

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

Section 1. That Title 9, Chapter 4, Article F, Section (S)(6) is hereby amended by amended by replacing strikethrough text with red text to read as follows:

(S) *O District.*

- (1) Lot area (net). All uses: 12,000 square feet.
- (2) Lot width (at the MBL). All uses: 100 feet.
- (3) Public street setback (MBL). All uses: 10 feet and per Article G.
- (4) Side setback. All uses: Per Article G.
- (5) Rear setback. All uses: Per Article G

- (6) Maximum height (above grade). All uses: ~~35~~ 65 feet. No structure shall exceed 45 feet in height above the property grade unless the required setbacks are increased an additional two feet or fraction thereof for each additional one foot or fraction thereof of building height in excess of 45 feet. Where buildings exceed 45' in height, bufferyard 'F' shall apply adjacent to said buildings except where the property abuts public/private streets or railroad rights-of-way in which the bufferyard as set forth in Article G shall apply.
- (7) Maximum lot coverage (excluding drives and parking). All uses: None.

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

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

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

ADOPTED this 12th day of May, 2022.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

Doc. # 1163333

Excerpt from the draft Planning & Zoning Commission Minutes (4/19/22)

REQUEST BY THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT TO AMEND TITLE 9, CHAPTER 4 OF THE CITY CODE TO MAKE MISCELLANEOUS CHANGES TO THE ZONING ORDINANCE.

Chantae Gooby presented for staff. Staff was approached by a developer is interested in a property that is zoned (O) Office. This particular person was interested in making some changes due to the standards. The standards for Office limits the height to 35 feet which is roughly a three story building and they had ideas of developing a taller building. Typically, Office is a neighbor to Commercial or Office can be a buffer along the highway with a neighborhood behind it. To allow for taller office buildings without causing a nuisance, increased setbacks have been added when buildings are at a certain height. If a building is above 45 feet, the setback increases per foot by three feet and building height is capped by 65 feet. Typically, if there is an Office zoning next to a single-family zoning a bufferyard D is required. If the building height goes over 45 feet, a bufferyard F will be required which doubles the vegetation required under bufferyard D. In staff's opinion, the proposed Zoning Ordinance Text Amendment is in compliance with the Horizons 2026: Greenville's Community Plan, Chapter 4, Growing the Economic Hub,

Goal 4.3 A Stable & Resilient Economy. Policy 4.3.1 Modernize and Diversify Local Economy. Support the growth of a variety of employment opportunities and businesses that diversify Greenville's economy and provide workers with a range of skill sets and training. Encourage business growth within incorporated areas to expand and diversify Greenville's tax base.

Chairman Faison asked how staff decided on 65 feet.

Ms. Gooby stated staff worked to do what was best for the neighbors and the impacts if there is a single-family subdivision adjacent to office zoning.

Chairman Faison opened the public hearing.

Justin Mullarkey spoke in favor. He stated that he along with others in the real estate community support City Staff's changes.

Mr. Joyner stated he is not against it but he would like to know if this is in line with other cities.

Mr. Mullarkey stated he thinks this is way to attract and keep talent here for businesses that want to expand while also keeping neighbors in mind.

No one spoke in opposition.

Chairman Faison closed the public hearing.

Motion made by Mr. Robinson, seconded by Mr. Collins, 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 unanimously.

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 |

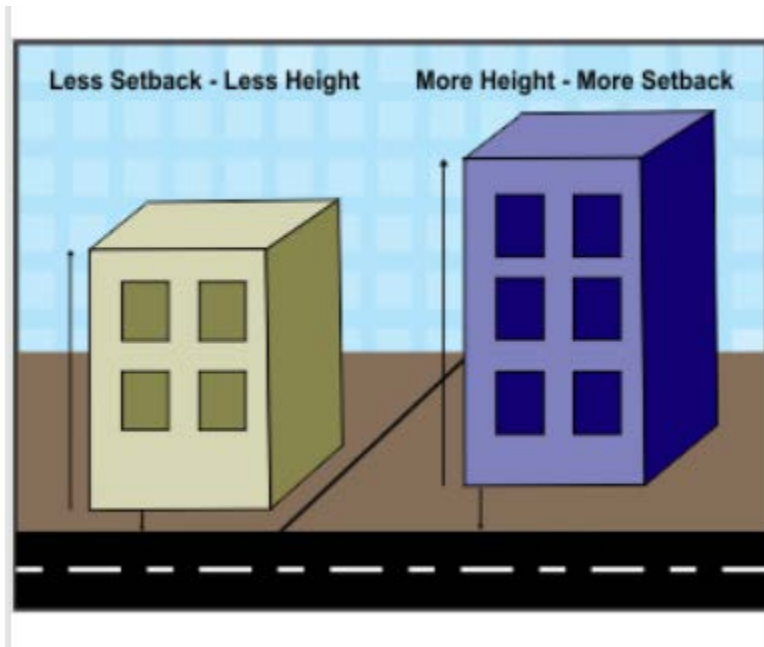
Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

| 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.

EXAMPLE OF INCREASED SETBACK WITH INCREASED HEIGHT





City of Greenville, North Carolina

Meeting Date: 05/12/2022

Title of Item: Ordinance requested by the Planning and Development Services Department to amend the Zoning Ordinance to establish a new use and add a definition and standards for a "bar 2022"

Explanation: This is a text amendment from the Planning and Development Service (PDS) staff to establish a new use and add a definition and standards for a "bar 2022". On March 14, 2022, the City Council passed a motion for PDS staff to bring a text amendment to the Planning and Zoning Commission (P&Z) for consideration of this text amendment.

History

A series of meetings was held by the City Council and an ad hoc Stakeholders Group starting in April, 2021. From the various meetings, staff has gathered feedback to draft this text amendment. Due to the current standards for a public/private club (bar), anyone wanting to start this type of establishment has a limited number of zoning districts where this use is allowed and also has the following separation requirements:

No public or private club shall be located within a 500-foot radius of:

1. an existing or approved public or private club;
2. a conforming use single-family dwelling located in any district; and
3. any single-family residential zoning district.

This is commonly referred to as the "500-foot rule" even though it is comprised of three (3) components. Over the years, the rules to regulate clubs have been instated, amended, and deleted.

Chronology of Zoning Ordinance Amendments Adopted to Regulate Clubs

1992 - Council deleted the 500-foot spacing between clubs
2009 - Fatal drive-by shooting downtown; 25 clubs downtown at that time
2010 - Council added a 500-foot spacing requirement for clubs
2010 - Council added a 500-foot spacing requirement between clubs and residential uses and residential zoning districts
2016 - Council adopted ordinance to allow nonconforming uses to expand through construction of roof decks

It is staff's intent to offer a path for someone to open this type of establishment

while adding standards to increase public safety by requiring security personnel, limiting hours of operation, and requiring a security plan. Also, a special use permit is required that includes a mandatory consideration of an annual renewal, amendment to conditions or revocation by the Board of Adjustment.

History of Meetings

On April 5, 2021, Hunden and Associates made a presentation to Council regarding the "500-foot" rule related to public/private club or bar and how it related to redevelopment and reinvestment in the downtown area.

A Stakeholder Group was established that included representative(s) from East Carolina University (ECU), Vidant, and Uptown Greenville, property and business owners as well as those interested in opening a public/private club.

February 7, 2022 - PDS staff made a presentation to Council with a draft ordinance amending the rules and regulations related to bar along with a proposed district.

March 9, 2022 - PDS staff made presentation of the final draft ordinance to the Stakeholders Group to gather additional feedback.

March 14, 2022 - PDS staff made a presentation to Council with a final draft ordinance. Motion passed for staff to proceed with the amendment for consideration by P&Z at its April 19, 2022 meeting and return to City Council at its May 12, 2022 meeting.

Proposed Definition

“Bar 2022 An establishment of which the principal use is entertainment and which meets all of the following:

- (a) May require a cover or minimum charge for admittance or service during regular or special periods of operation;
- (b) Occupies less than 3,500 square feet of space of mechanically conditioned floor area;
- (c) May provide live or recorded amplified music;
- (d) May provide a floor show;
- (e) May provide a dance area;
- (f) May provide a full service bar;
- (g) May offer food service and prepared and/or packaged foods, in a ready-to-consume state;

(h) Hours of operation shall be limited to 12:00 AM (midnight) Sunday-Thursday and 1:00 AM on Friday and Saturday;

(i) Shall only be allowed with a special use permit in the following geographic area which is located within the following boundary: East and West Third Street between South Pitt Street and Reade Street; Reade Street and Reade Circle between East Third Street to Cotanche Street; Cotanche Street between Reade Circle to East Eighth Street; East Eighth Street between Cotanche Street and Evans Street; Evans Street between East Eighth Street and East Tenth Street; West Tenth Street between Evans Street and Coastal Seaboard Railroad; Coastal Seaboard Railroad between West Tenth Street and West Fifth Street; West Fifth Street between Coastal Seaboard Railroad and Pitt-Greene Connector; South Pitt Street between West Fifth Street to West Third Street and returning to the point of beginning.

Proposed Standards:

(1) (a) A special use permit for a bar 2022 is subject to annual renewal, renewal with amended conditions or revocation in accordance with the provisions of this section (VV). Nothing herein shall prohibit or restrict the authority of the Board of Adjustment to rescind or revoke a special use permit for a bar 2022 in accordance with the provisions of section [9-4-83](#).

(b) Staff may request the Board of Adjustment hold a rehearing for any establishment that has enforcement or response to calls for service actions attributed to them. These include Notices of Violation and/or numerous calls for service from City departments such as Police, Fire/Rescue, Public Works, or Planning & Development Services for infractions of one or more instances of noncompliance with applicable laws, codes, and ordinances. This includes but is not limited to: noise regulations, litter control regulations, fire codes, building codes, nuisance and public safety regulations, and special use permit conditions at any time. The special use permit holder as specified under subsection (VV)(4) below shall be provided notice of the meeting and a copy of the staff report.

(c) At the regular January or a special call meeting of the Board of Adjustment, the Director of Planning and Development Services or their authorized representative shall present to the Board of Adjustment a written staff report of any citations that have been issued for which the annual rehearing shall include a finding of one or more instances of noncompliance with applicable laws, codes and ordinances, including but not limited to noise regulations, litter control regulations, fire codes, building codes, nuisance and public safety regulations, and special use permit conditions of approval. The special use permit holder as specified under subsection (VV)(4) below shall be provided notice of the meeting and a copy of the staff report. Planning and Development

Services staff can make a recommendation of renewal, renewal with amended conditions, or revocation.

(d) Bar 2022s that have not received any citations for noncompliance with applicable laws, codes and ordinances, including but not limited to noise regulations, litter control regulations, fire codes, building codes, nuisance and public safety regulations, and special use permit conditions may be recommended for renewal by the Director of Planning and Development Services or their representative to the Board of Adjustment without a rehearing at the annual review.

(e) Staff may request the Board of Adjustment hold a rehearing for any establishment that has on-going enforcement actions for numerous infractions of one or more instances of noncompliance with applicable laws, codes and ordinances, including but not limited to noise regulations, litter control regulations, fire codes, building codes, nuisance and public safety regulations, notices of violations and special use permit conditions at any time. The special use permit holder as specified under subsection (VV)(4) below shall be provided notice of the meeting and a copy of the staff report.

(f) Any rehearing shall be in the nature of and in accordance with the requirements for a hearing upon a special use permit application. After the rehearing and in accordance with the provisions of section 9-4-81, the Board of Adjustment may grant a special use permit with conditions imposed pursuant to this section (VV) and section 9-4-82 or deny the special use permit. The grant or denial of the special use permit by the Board of Adjustment after the rehearing shall constitute a revocation of the previously granted special use permit for a bar 2022.

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

- (2) The owner(s) and/or operator(s) of a bar 2022 shall collect and properly dispose of all litter and debris generated by their establishment or patrons immediately following the closure of business or not later than 7:00 a.m. each morning following any period of operation. All litter or debris shall be collected from within the boundaries of the establishment, associated parking areas, adjacent sidewalks and public rights-of-way or other adjacent public property open to the public. In addition, the owner(s) and operator(s) of a public or

private club shall comply with the provisions of Title 11, Chapter 9 of the City Code, whether or not the establishment is a nightclub, bar or tavern.

(3) In addition to subsection (F) above, the Board of Adjustment may establish specific and reasonable litter and trash mitigation standards or requirements.

(4) The special use permit shall be issued to the property owner as listed on the tax records of the county. When the ownership of any property, which has a special use permit for a bar 2022, is transferred to a new owner by sale or other means, the new owner shall sign and file with the Director of Planning and Development Services an acknowledgment of the rights, conditions and responsibilities of the special use permit prior to operation of the use under the permit. The acknowledgment shall be made on forms provided by the planning office.

(5) In no event shall the noise generated by amplified audio entertainment exceed the noise control provisions as provided in Title 12, Chapter 5, of the Greenville City Code. For purposes of this section, “amplified audio entertainment” shall mean any type of music or other entertainment delivered through and by an electronic system; provided, however, televisions operating with no amplification other than their internal speakers or televisions connected to a master sound system operating at low amplification and indoor background music system operating at a low amplification and not intended as a principal form of entertainment shall not be deemed amplified audio entertainment. This section shall apply regardless of the number of patrons actually within the establishment at the time of amplified audio entertainment. Security personnel shall remain on duty until the close of business and later to such time that all patrons and other persons, other than employees, have vacated the premises and associated parking area.

(6) If amplified entertainment is provided after 11 PM, the establishment shall employ uniformed security guard(s) provided by a security guard and control profession licensed in accordance with the provisions of G.S. Chapter 74C in the following ratios:

| Approved occupancy as determined by the Building Inspector | Number of Security Personnel |
|--|------------------------------|
| 1-100 | 1 |
| 101-200 | 2 |

| | |
|---------|---|
| 201-300 | 3 |
| 301-400 | 4 |
| 401-500 | 5 |

If occupancy exceeds 500, the same ratios shall apply as in the above table.

Establishments that have an approved occupancy of no more than 100 and provide amplified entertainment after 11 PM, shall employ no less than 2 security guards in order for one guard to be located within the establishment and one guard to patrol the parking lot where applicable.

(7) A security plan shall be submitted to the Greenville Police Department for review and approval along with the SUP application. Additional security personnel maybe required at the discretion of the Chief of Police based on location, proximity to similar uses, such as public private clubs, D&Es and bar 2022, building occupancy. The required security personnel shall remain on duty and visible outside the establishment, and shall be accessible to law enforcement officers at all times. This section shall apply regardless of the number of patrons actually within the establishment at the time of amplified audio entertainment.

(8) A lighting plan shall be submitted to the Director of Planning and Development Services or authorized agent for review and approval, and lighting fixtures shall be installed and maintained pursuant to the approved plan which illuminates all exterior portions of the building, lot area and parking lot as determined appropriate by the Director of Planning and Development Services, or authorized agent. Lighting shall be located and shielded to prevent the light cone of all exterior fixtures from encroaching beyond the property boundary line and into any adjacent public right-of-way, property or dwelling. Required or additional optional lighting shall comply with this subsection and section [9-4-104](#). A lighting plan will only be required when parking is located on private property.

(9) Shall be exempt of parking requirements in Article O.

(10) Shall use computer applications and software to detect fake identification (IDs).

(11) Shall comply with all current building codes and safety standards.

(12) Within the geographic area as described in the definition of a Bar 2022, there is no separation between a bar 2022 and any other use or zoning district.

Comprehensive Plan:

Uptown Core

Uptown core is composed of Greenville’s historic core. It is the most urban and mixed use area of the city with buildings located close together and near the street. Small blocks, on-street parking, and street trees create a pedestrian-friendly district. New development is encouraged to fill in vacant sites such as underutilized parking areas.

Intent:

- Infill vacant lots
- Encourage vertical mixed use development (residential or office above commercial)
- Adapt and reuse historic buildings
- Reduce/consolidate surface parking
- Maintain and expand public realm features such as street trees, lighting, and wayfinding signs

Primary uses:

Commercial

Institutional/civic

Secondary uses:

Office

Multi-family residential

Attached residential (townhomes)

Uptown Edge

Uptown edge surrounds the uptown core and continues the urban street grid. It includes the Warehouse District and the area near the future ECU Millennial Campus. Development should extend the mixed use and walkable pattern of the core. With parcels generally larger than in Uptown Core, this area offers opportunity for larger-scale infill and redevelopment projects.

Intent:

- Infill and redevelopment with a mix of uses
- Adapt and reuse existing buildings for non-industrial uses
- Improve public realm with sidewalks and street trees
- Reduce /consolidate surface parking

Primary uses:

Commercial

Institutional/civic

Neighborhood-scale commercial

Secondary uses:

Multi-family residential

Smart Growth Principles

1. Mix Land Uses

By putting residential, commercial and recreational uses in close proximity to one another, alternatives to driving, such as walking or biking, become viable. Mixed land uses also provide a diverse and sizable commercial base for supporting transit.

2. Take advantage of compact building design.

Compact building design suggests that communities be laid out in a way that preserves more open space, and that individual buildings make more efficient use of land and resources. For example, by encouraging development to grow vertically rather than horizontally, and by incorporating structured rather than surface parking, communities can reduce the footprint of new construction, and

preserve more green space.

4. Create walkable neighborhoods.

As the personal and societal benefits of pedestrian-friendly communities are realized - benefits that include lower transportation costs, greater social interaction, improved personal and environmental health, and expanded consumer choice - many are calling upon the public and private sectors to facilitate development of walkable places. By building places with multiple destinations within close proximity, where the streets and sidewalks balance multiple forms of transportation, communities have the basic framework for walkability.

7. Strengthen and direct development towards developed areas.

Directing development towards areas already served by infrastructure keeps communities compact. This development pattern uses the resources that existing neighborhoods offer and conserves open space and irreplaceable natural resources on the edges. Development in existing neighborhoods represents a cost-effective approach to growth that can improve the quality of life for residents.

Infill development is one strategy that fills the lots that have been left as empty or underused holes in between existing buildings. Redevelopment is another strategy that replaces existing buildings with new types of development. Both of these present significant opportunities for neighborhoods, cities, and developers to improve existing areas in the city and promote revitalization.

10. Encourage community and stakeholder collaboration in development decisions.

Growth can create great places to live, work and play if it responds to a community's own sense of how and where it wants to grow. Some cities have worked primarily to improve housing choices. Others that have suffered from disinvestment may emphasize infill development. New communities separated uses may be looking for the sense of place provided by mixed use town centers. Still others with poor air quality may seek relief by offering transportation choices. The common thread, however, is that the needs of every community and the programs to address them are best defined by the people who live and work there.

Principles

1. Development of underutilized land within the city's existing urban footprint that is served by infrastructure is a priority over undeveloped land on the city's edge.

It is preferable to accommodate growth in locations within the existing urban area that are appropriate for and can support increased development densities. Infill and redevelopment will occur in a strategic manner that considers community needs like access to amenities, transportation service, and the quality and quantity of open space.

- Areas for future development are identified for infill, redevelopment and

greenfield opportunities. Though infill and redevelopment are priorities, that does not imply that all infill or redevelopment capacity must be consumed prior to support for any greenfield development, or that there cannot be strategically targeted new areas for growth.

- Infill or redevelopment will promote a high quality of life for existing residents by encouraging appropriate building placement and size, minimizing traffic impacts, and avoiding other undue negative consequences.
- When new growth occurs on the edge of the community, it will be done in a manner to minimize demand for new infrastructure and community services. Such greenfield development should be clustered to preserve open space and avoid negative impacts on environmentally sensitive areas and waterways. The scenic quality of the area should be preserved.

3. A greater intensity of development that integrates a mix of uses (residential, commercial, office, institutional, civic, etc.) and connects with existing developed areas is encouraged in strategic locations.

Places will be created with multiple uses - residential, commercial, and institutional, among others - in proximity to each other, perhaps on the same site and/or in the same structure. Close attention will be given to the compatibility of those uses and their surroundings. Uses will be arranged in a manner that maximizes pedestrian activity.

- Mixed use centers will be an encouraged development pattern in the city. These places mix retail, residences, offices and civic uses at various scales.
- Special districts will be designated for uses that are not appropriate in a mixed use setting (such as industrial).

5. Uptown features a vibrant mix of businesses, residences, education, recreation, entertainment, and civic uses, and a distinctive character that is appealing to residents, visitors and investors.

As the historic and civic heart of Greenville, Uptown will be a focus for revitalization efforts, strengthening community pride and the city's image. Revitalization efforts will include both public and private investment.

- ECU's Main and Millennial Campuses will be leveraged to attract new development and help strengthen the city's core.
- Adaptive reuse of underutilized buildings will be encouraged.
- Development of buildings on existing surface parking areas will be encouraged, while parking needs will be addressed through sharing arrangements and parking structures.
- Policies will encourage investment in neighborhoods at the edge of Uptown.

Goals and Policies

Goal 1.1 Focused Approach to Growth and Reinvestment

Policy 1.1.4. Encourage the Evolution of Commercial Areas

Promote the evolution of commercial areas from primarily automobile-oriented to walkable mixed use areas as identified in the Future Land Use and Character Map. This evolution will likely occur incrementally and over time.

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.

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 of the 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.

Goal 1.4 A Vibrant Uptown

Policy 1.4.2. Foster High Density Infill Development

Foster development of high density mixed use buildings in and around Uptown that create a more vibrant pedestrian environment and provide a mix of new housing and office spaces.

Policy 1.4.5 Support and Control Uptown Nightlife

Promote Uptown as Greenville's vibrant and walkable nightlife district that supports a variety of high quality and responsible drinking and restaurant establishments. A thriving nightlife can attract and retain the young professional workers that in turn attract high quality employers. This does not mean nightlife activities need to be allowed to run out of control. Appropriate standards for these businesses should be enforced so that Uptown can be enjoyed safely and responsibly.

Chapter 3

Goal 3.1 Benefit from Past Investments

Policy 3.1.1. Promote Infill Development on Underutilized Sites in the Core

Promote the development of underutilized sites within the urban core of the city through development incentives and active advertisement to potential developers or business tenants. The city will investigate any current barriers to development and identify solutions to make infill development a more feasible and valued option.

Policy 3.1.2. Encourage Development to Locate Near Existing or Planned Infrastructure

Encourage new development to occur in areas that can be served by existing or planned infrastructure, particularly public water and wastewater while still

respecting limits of what the land and adjacent waterways can sustain.

Fiscal Note: No direct cost to the City.

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

Chapter 1, Growing the Economic Hub, Goal 1.4 A Vibrant Uptown.

Policy 1.4.4 Support and Control Uptown Nightlife. Promote Uptown as Greenville's vibrant and walkable nightlife district that supports a variety of high quality and responsible drinking and restaurants establishments. A thriving nightlife can attract and retain the young professional workers that in turn attract high quality employers. This does not mean nightlife activities need to be allowed to run out of control. Appropriate standards for these businesses should be enforced so that Uptown can be enjoyed safely and responsibly.

Chapter 3, Maintaining Fiscal Responsibility Goal 3.1 Benefit from Past Investments *Policy 3.1.1. Promote Infill Development on Underutilized Sites in the Core Promote the development of underutilized sites within the urban core of the city through development incentives and active advertisement to potential developers or business tenants. The city will investigate any current barriers to development and identify solutions to make infill development a more feasible and valued option.*

Therefore, staff recommends approval.

The Planning and Zoning Commission voted to approve (6:2) the request and to recommend to Council to implement additional community engagement prior to consideration of this request at its April 19, 2022 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 amendment, 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, Chapter 1, Growing the

Economic Hub, Goal 1.4 A Vibrant Uptown. *Policy 1.4.4 Support and Control Uptown Nightlife. Promote Uptown as Greenville's vibrant and walkable nightlife district that supports a variety of high quality and responsible drinking and restaurants establishments. A thriving nightlife can attract and retain the young professional workers that in turn attract high quality employers. This does not mean nightlife activities need to be allowed to run out of control. Appropriate standards for these businesses should be enforced so that Uptown can be enjoyed safely and responsibly."*

ATTACHMENTS

-  [Ordinance_for_bars_and_clubs.pdf](#)
-  [Minute Excerpt_April_19_2022-_Bar_2022_TA.pdf](#)
-  [Eligible District.pdf](#)
-  [StakeholderMeetings.pdf](#)
-  [Letter from Co-X Holdings.pdf](#)
-  [Written Comments.pdf](#)

ORDINANCE NO. 22-____
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 6, Chapter 160D, 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 12th day of May 2022, at 6:00 p.m., conduct a 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 160D-605, 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 applicable provisions of North Carolina General Statute 160D-605, 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, the following goals and policies of Horizons 2026: Greenville's Community Plan: Chapter 1, Growing the Economic Hub, Goal 1.4 A Vibrant Uptown.

Policy 1.4.4 Support and Control Uptown Nightlife. Promote Uptown as Greenville's vibrant and walkable nightlife district that supports a variety of high quality and responsible drinking and restaurants establishments. A thriving nightlife can attract and retain the young professional workers that in turn attract high quality employers. This does not mean nightlife activities need to be allowed to run out of control. Appropriate standards for these businesses should be enforced so that Uptown can be enjoyed safely and responsibly.

Chapter 3, Maintaining Fiscal Responsibility Goal 3.1 Benefit from Past Investments *Policy 3.1.1. Promote Infill Development on Underutilized Sites in the Core Promote the development of underutilized sites within the urban core of the city through development incentives and active advertisement to potential developers or business tenants. The city will investigate any current barriers to development and identify solutions to make infill development a more feasible and valued option.*

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

Section 1. That Title 9, Chapter 4, Section 22, is hereby amended by adding the following definition in its respective suitable locations within the section based on its alphabetical ordering:

“Bar 2022 An establishment of which the principal use is entertainment and which meets all of the following:

- (a) May require a cover or minimum charge for admittance or service during regular or special periods of operation;
- (b) Occupies less than 3,500 square feet of space of mechanically conditioned floor area;
- (c) May provide live or recorded amplified music;
- (d) May provide a floor show;
- (e) May provide a dance area;
- (f) May provide a full service bar;
- (g) May offer food service and prepared and/or packaged foods, in a ready-to-consume state;
- (h) Hours of operation shall be limited to 12:00 AM (midnight) Sunday-Thursday and 1:00 AM on Friday and Saturday;
- (i) Shall only be allowed with a special use permit in the following geographic area which is located within the following boundary: East and West Third Street between South Pitt Street and Reade Street; Reade Street and Reade Circle between East Third Street to Cotanche Street; Cotanche Street between Reade Circle to East Eighth Street; East Eighth Street between Cotanche Street and Evans Street; Evans Street between East Eighth Street and East Tenth Street; West Tenth Street between Evans Street and Coastal Seaboard Railroad; Coastal Seaboard Railroad between West Tenth Street and West Fifth Street; West Fifth Street between Coastal Seaboard Railroad and Pitt-Greene Connector; South Pitt Street between West Fifth Street to West Third Street and returning to the point of beginning.

Section 2. That Title 9, Chapter 4, Section 85, subsection is hereby amended to add “(QQ) Bar 2022”.

Section 3. That Title 9, Chapter 4, Section 86, subsection is hereby amended by adding “(VV) Bar 2022”.

(1) (a) A special use permit for a bar 2022 is subject to annual renewal, renewal with amended conditions or revocation in accordance with the provisions of this section (VV). Nothing herein shall prohibit or restrict the authority of the Board of Adjustment to rescind or revoke a special use permit for a bar 2022 in accordance with the provisions of section [9-4-83](#).

(b) Staff may request the Board of Adjustment hold a rehearing for any establishment that has enforcement or response to calls for service actions attributed to them. These include Notices of Violation and or numerous calls for service from City departments such as Police, Fire, Public Works, or Planning & Development Services for infractions of one or more instances of noncompliance with applicable laws, codes, and ordinances. This includes but is not limited to: noise regulations, litter control regulations, fire codes, building codes, nuisance and public

safety regulations, and special use permit conditions at any time. The special use permit holder as specified under subsection (VV)(4) below shall be provided notice of the meeting and a copy of the staff report.

(c) At the regular January or a special call meeting of the Board of Adjustment, the Director of Planning and Development Services or their authorized representative shall present to the Board of Adjustment a written staff report of any citations that have been issued for which the annual rehearing shall include a finding of one or more instances of noncompliance with applicable laws, codes and ordinances, including but not limited to noise regulations, litter control regulations, fire codes, building codes, nuisance and public safety regulations, and special use permit conditions of approval. The special use permit holder as specified under subsection (VV)(4) below shall be provided notice of the meeting and a copy of the staff report. Planning and Development Services staff can make a recommendation of renewal, renewal of with amended conditions or revocation.

(d) Bar 2022s that have not received any citations for noncompliance with applicable laws, codes and ordinances, including but not limited to noise regulations, litter control regulations, fire codes, building codes, nuisance and public safety regulations, and special use permit conditions may be recommended for renewal by the Director of Planning and Development Services or their representative to the Board of Adjustment without a rehearing at the annual review.

(e) Staff may request the Board of Adjustment hold a rehearing for any establishment that has on-going enforcement actions for numerous infractions of one or more instances of noncompliance with applicable laws, codes and ordinances, including but not limited to noise regulations, litter control regulations, fire codes, building codes, nuisance and public safety regulations, notices of violations and special use permit conditions at any time. The special use permit holder as specified under subsection (VV)(4) below shall be provided notice of the meeting and a copy of the staff report.

(f) Any rehearing shall be in the nature of and in accordance with the requirements for a hearing upon a special use permit application. After the rehearing and in accordance with the provisions of section [9-4-81](#), the Board of Adjustment may grant a special use permit with conditions imposed pursuant to this section (VV) and section [9-4-82](#) or deny the special use permit. The grant or denial of the special use permit by the Board of Adjustment after the rehearing shall constitute a revocation of the previously granted special use permit for a bar 2022.

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

- (2) The owner(s) and/or operator(s) of a bar 2022 shall collect and properly dispose of all litter and debris generated by their establishment or patrons immediately following the closure of business or not later than 7:00 a.m. each morning following any period of operation. All litter or debris shall be collected from within the boundaries of the establishment, associated parking areas, adjacent sidewalks and public rights-of-way or other adjacent public property open to the public. In addition, the owner(s) and operator(s) of a public or private club shall comply with the

provisions of Title 11, Chapter 9 of the City Code, whether or not the establishment is a nightclub, bar or tavern.

(3) In addition to subsection (F) above, the Board of Adjustment may establish specific and reasonable litter and trash mitigation standards or requirements.

(4) The special use permit shall be issued to the property owner as listed on the tax records of the county. When the ownership of any property, which has a special use permit for a bar 2022, is transferred to a new owner by sale or other means, the new owner shall sign and file with the Director of Planning and Development Services an acknowledgment of the rights, conditions and responsibilities of the special use permit prior to operation of the use under the permit. The acknowledgment shall be made on forms provided by the planning office.

(5) In no event shall the noise generated by amplified audio entertainment exceed the noise control provisions as provided in Title 12, Chapter 5, of the Greenville City Code. For purposes of this section, “amplified audio entertainment” shall mean any type of music or other entertainment delivered through and by an electronic system; provided, however, televisions operating with no amplification other than their internal speakers or televisions connected to a master sound system operating at low amplification and indoor background music system operating at a low amplification and not intended as a principal form of entertainment shall not be deemed amplified audio entertainment. This section shall apply regardless of the number of patrons actually within the establishment at the time of amplified audio entertainment. Security personnel shall remain on duty until the close of business and later to such time that all patrons and other persons, other than employees, have vacated the premises and associated parking area.

(6) If amplified entertainment is provided after 11PM, the establishment shall employ uniformed security guard(s) provided by a security guard and control profession licensed in accordance with the provisions of G.S. Chapter 74C in the following ratios:

| Approved occupancy as determined by the Building Inspector | Number of Security Personnel |
|--|------------------------------|
| 1-100 | 1 |
| 101-200 | 2 |
| 201-300 | 3 |
| 301-400 | 4 |
| 401-500 | 5 |

If occupancy exceeds 500, the same ratios shall apply as in the above table.

Establishments that have an approved occupancy of no more than 100 and provide amplified entertainment after 11PM, shall employ no less than 2 security guards in order for one guard to be located within the establishment and one guard to patrol the parking lot where applicable.

(7) A security plan shall be submitted to the Greenville Police Department for review and approval along with the SUP application. Additional security personnel maybe required at the discretion of the Chief of Police based on location, proximity to similar uses, such and public

private clubs, D&Es and bar 2022, building occupancy. The required security personnel shall remain on duty and visible outside the establishment, and shall be accessible to law enforcement officers at all time. This section shall apply regardless of the number of patrons actually within the establishment at the time of amplified audio entertainment.

(8) A lighting plan shall be submitted to the Director of Planning and Development Services or authorized agent for review and approval, and lighting fixtures shall be installed and maintained pursuant to the approved plan which illuminates all exterior portions of the building, lot area and parking lot as determined appropriate by the Director of Planning and Development Services, or authorized agent. Lighting shall be located and shielded to prevent the light cone of all exterior fixtures from encroaching beyond the property boundary line and into any adjacent public right-of-way, property or dwelling. Required or additional optional lighting shall comply with this subsection and section [9-4-104](#). A lighting plan will only be required when parking is located on private property.

(9) Shall be exempt of parking requirements in Article O.

(10) Shall use computer applications and software to detect fake identification (IDs).

(11) Shall comply with all current building codes and safety standards.

(12) Within the geographic area as described in the definition of a Bar 2022, there is no separation between a bar 2022 and any other use or zoning district.

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

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

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

ADOPTED this 12th day of May, 2022.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

Excerpt from the draft Planning & Zoning Commission Minutes (4/19/22)

REQUEST BY THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT TO ESTABLISH A NEW USE AND ADD A DEFINITION AND STANDARDS FOR “BAR 2022”.

Chantae Gooby presented for staff. In April 2021, the City hired Hunden and Associates (Hunden) to do an analysis for the downtown area. In October 2021, Hunden was asked to do an assessment on the 500-foot rule related to bars/clubs. Hunden recommended that the 500-foot rule be removed because it was preventing investment in the downtown area. There has been interest in opening establishments such as a daiquiri bar, alcoholic “icee” drink store or a vinyl record store that serves alcohol. All of which are considered a bar/club. Under current regulations, potential locations have been difficult to find. In 1992, Council deleted the 500-foot spacing between clubs. In 2009, there was a fatal drive-by shooting downtown which resulted in Council reinstating the 500-foot rule between clubs and also added residential uses and residential zoning districts. Staff held six stakeholder meetings from September 2, 2021 to March 9, 2022. The stakeholder group was made up of roughly 40 people that included property/business owners in the downtown area, Uptown Greenville, East Carolina University and Vidant. There are 39 alcohol establishments City-wide. This does not include restaurants. Bars/clubs are the most intensive uses as they have no security requirement and no ratio of food to alcohol sales requirements. The difference between bars and Dining and Entertainment Establishments (D&Es) are that D&Es must have food sales of at least 30% of the total gross receipts during any month. With the 500-foot rule, a bar/club cannot be within 500 feet of another club, a single-family home or a single-family residential zoning district. Bars/clubs are only allowed with a Special Use Permit in Downtown Commercial (CD), Downtown Commercial Fringe (CDF), General Commercial (CG) and Heavy Commercial (CH) zoning districts. From a survey of other cities, staff found that most do not have spacing requirements between bars to other bars, or between residential uses/districts. Most do have spacing requirements between bars and places of worship and schools. These spacing requirements are enforced by the state’s ABC Commission. At the March 14, 2022 meeting, City Council passed a motion to adopt the staff report and to forward this text amendment to the Planning and Zoning Commission at its April 19, 2022 meeting. With this new use, there may be a cover charge, the space has to be less than 3,500 square feet, there may be live music, a floor show or dance area and may serve food. However they must close by midnight Sunday through Thursday and 1:00 A.M. Friday through Saturday. The use can only be in the eligible district. A Special Use Permit (SUP) from the Board of Adjustment (BOA) is required. An annual renewal, renewal with amended conditions or revocation by the BOA is required. A rehearing may be requested by staff at any time for numerous enforcement actions or calls for services or violation of conditions. Staff may recommend no annual rehearing for establishments that have not had any enforcement actions, calls for service or violation of the conditions but the decision is made by BOA. If amplified entertainment is provided after 11:00 P.M., the establishment has to employ uniformed security guards in ratio to the approved occupancy of the building. Also a security plan has to be approved by Greenville Police Department and there also has to be a lighting plan. There are no parking requirements for this use. The establishment has to use apps and software to detect fake IDs and must comply with building codes and safety standards. For this use, there are no separation requirements between any uses and/or districts. The eligible area is identified as Uptown Core and Uptown Edge Characters. Within these characters, the plan recommends filling in vacant lots and encouraging Mixed-Use. In staff’s opinion, the proposed Zoning Ordinance Text Amendment is in compliance with the Horizons 2026: Greenville’s Community Plan,

Policy 1.4.4 Support and Control Uptown Nightlife. Promoted Uptown as Greenville’s vibrant and walkable nightlife district that supports a variety of high quality and responsible drinking and restaurant establishments. A thriving nightlife can attract and retain the young professional workers that in turn attract high quality employers. This does not mean nightlife activities need to be allowed to run out of control. Appropriate standards for these business should be enforced so that Uptown can be enjoyed safely and responsibly.

Mr. Robinson asked if conditions can be placed on the permit and if the permit has to be renewed every year.

Ms. Gooby stated yes. Any issues including violations, calls for services related to the Police or Fire Department, potential noise violations or litter violations would be brought to the BOA. The Board could approve the permit, revise the conditions or revoke the permit.

Mr. Robinson asked if the city can take action to rescind the permit if there is a problem between the first granting and the year review.

Ms. Gooby stated staff would take the information to the Board. Since the Board gives the permit, it would be the body to amend or revoke the permit.

Mr. Robinson asked if there is a problem how much notice does staff give to the permittee for a hearing for a modification/revocation.

Ms. Gooby stated the permittee would be given a 30-day notice.

Mr. Robinson asked if action is taken to revoke the permit and the decision is rendered, would that be immediate.

Ms. Gooby stated yes.

Mr. Robinson asked if the permittee can take legal action to get it reviewed and if that would be the local Superior Court.

Attorney McGirt stated the applicant can appeal the BOA's decision. Once the BOA issues an order to rescind the permit, under State law the holder has 30 days to appeal to the Superior Court and the permittee can get a stay on that decision while it is being litigated in trial court.

Mr. Robinson stated the Superior Court Judge would have to find that more likely than not, the City made an error when they revoked or rescinded the permit.

Attorney McGirt stated the court would have to make some findings of that nature to protect the permittee's rights while it is pending in trial court. It would be a zoning enforcement action so a Zoning Enforcement Officer would have information that a bar is in violation. The office would issue a Notice of Violation and if the person does not come into compliance, the person has a right to a hearing in front of the BOA. If the BOA agrees with the city and issues an order rescinding the permit then the holder of the permit can appeal to the trial court.

Mr. Robinson asked if there is any procedure that governs the bars currently in existence.

Attorney McGirt stated most of the bars currently in existence have SUPs. If they are in violation, the Zoning Enforcement Officer can issue a Notice of Violation and if they do not agree or don't come into compliance, they have the right to appeal to the BOA.

Chairman Faison stated most bars that are currently in existence are not under annual review. They are only under review in times when something negative happens.

Mr. Parker asked if there is a mechanism in place that would automatically trigger an immediate review of security, etc. if there are two instances between first year review and second year review.

Ms. Gooby stated staff works with the Police and Fire Departments so if something like that were to happen then staff would be notified. Staff would bring the information to BOA for review.

Mr. Robinson stated that is in addition to the policing of the ABC and ALE which grant the alcohol permit. He asked if they can also take action.

Ms. Gooby stated yes.

Chairman Faison asked why staff recommendations became so restrictive when some other cities allow bars as a by-right use. It seems like staff is restricting businesses from their ability to make money and compete with the current market.

Ms. Gooby stated staff did look at how other cities regulate bars, the City's current standards and the impediments for someone who wanted to run such a business. Staff tried to strike a balance with some restrictions for a "Bar 2002" to be a good neighbor whether that be to another bar, retail store or residences. Staff took that information and feedback from the stakeholders and City Council.

Mr. Joyner stated he thinks it is a good idea to review the 500-foot rule relative to investment. It seems like it would be difficult for some to invest with the restrictions and standards required. He stated the other cities do not have a 500-foot rule

Mr. Thomas stated there are three groups. There are bars that are "grandfathered", bars that have a SUP and bars under the current standards. East and West Greenville cannot have this opportunity.

Ms. Gooby stated that based on feedback from Council and the stakeholders group was to focus on downtown.

Mr. Parker asked if Staff had been approached by potential businesses that want to come downtown and if that is how this came about.

Thomas Barnett, Director of Planning and Development Services, stated Staff has been discussing this since back in late 2018. Staff was approached by people that wanted to open a bar but couldn't find a spot that meets all the criteria for the 500-foot rule.

Mr. Parker asked if this were in place then, would they have tried to open up under these new standards.

Mr. Barnett stated he thinks so assuming they weren't all talking about downtown. Staff has been approached recently by people that wanted to have alcohol sales which "makes" them a bar. For example there was a person that sells vinyl and used books but wanted to be able to sell alcohol and maybe have live music at night but the way the ordinance is written, it does not allow for these things so it would be considered a bar. When Staff held the stakeholders meetings there was push from both sides. What is being presented is a compromise to try to meet the needs of people. From Staff's perspective it was going to be the best thing to move forward and have some flexibility.

Mr. Thomas asked how many people attended the stakeholders meetings.

Mr. Barnett stated that the most that attended at any one time was 10. There were different people who showed up at different times but out of the total group there was probably 18 to 20.

Mr. Thomas asked if the stakeholders voted.

Mr. Barnett stated Staff asked them what they thought, took their comments and encouraged them to speak to Council. Staff took back the comments from the group to Council. What is being presented is a result of those meetings and Council's direction back to Staff.

Mr. Thomas asked if the ABC Board and ALE were part of these discussions.

Mr. Barnett stated there were conversations with them about the topic but they were not invited to the meetings.

Mr. Thomas stated there are some things with this that need to be worked on from multiple ends to create a viable solution. There has also been a lot of written commentary received. One of those comments came from Uptown Greenville that took a unanimous vote opposing this because it thinks there should be more discussion. There is also commentary here from the hotel owner who was unfortunately were not included in the stakeholder group.

Mr. Joyner stated he is for removing the 500-foot rule but he thinks there needs to be further work.

Chairman Faison opened the public hearing.

Maury York spoke in opposition. He stated he and his wife have owned 106 E. 4th Street in the Uptown area since 1989. Unfortunately they were not included in the stakeholder meetings. They are concerned about doing away with the 500-foot rule. Before the 500-foot rule was reinstated in 2009, their building was vandalized multiple times by bar patrons. Since the 500-foot rule has been reinstated, the number of bars has diminished and the amount of crime has declined.

Chairman Faison closed the public hearing.

Mr. Maxwell stated he is in agreement with some of the written comments. He thinks some of the businesses that have come downtown the last couple of years came because there wasn't a lot of bars. People are coming downtown more now because they feel safer.

Mr. Collins stated it seems there are some people that think it is too restrictive and some that think it is not restrictive enough so it seems it could be a reasonable compromise to make a decision.

Chairman Faison stated whichever way the vote goes, there still needs to be further discussion on what can be done because the eligible area is small. There is still a whole City where businesses cannot grow and flourish due to the 500-foot rule.

Mr. Robinson stated this is a way to eliminate the 500-foot rule and open up properties downtown for nice bars and restaurants.

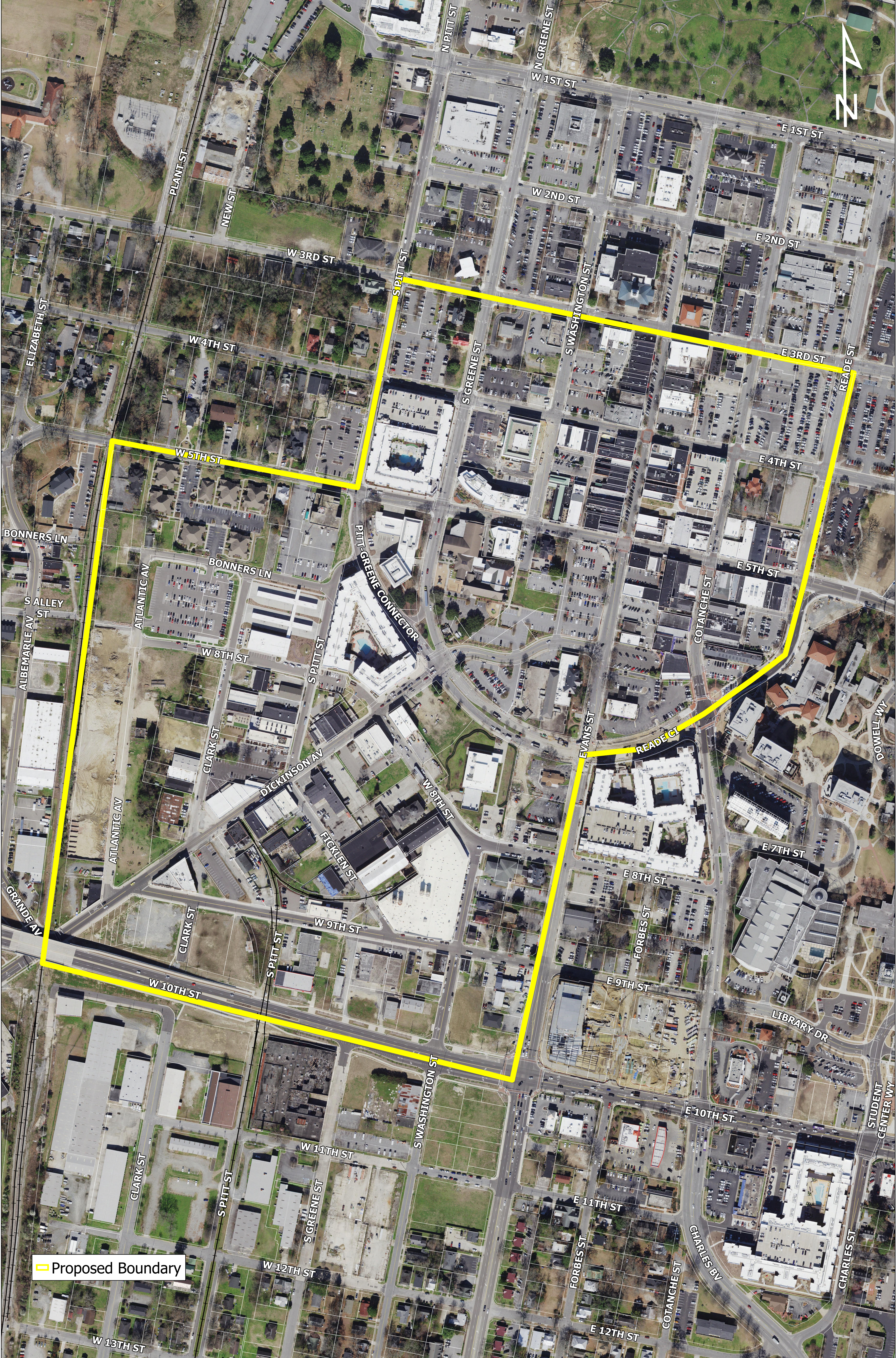
Mr. Thomas stated he thinks the Commission needs to be intentional with what they do here especially if everyone isn't happy. There is a letter from the upcoming hotel owner that states they would not have built here if they knew about this. He thinks there needs to be further meetings to discuss a good solution.

Chairman Faison asked if any hotel would potentially fall into that category. If so, are we telling a hotel that they can't have bar unless they have a restaurant. Some hotels in Raleigh turn into a bar at night that does not serve food.

Mr. Barnett stated they would have to be 500 feet from another bar or they would have to meet the current standard for 50% food sales. The restaurant does not have to be open the same time as the bar. The monthly sales would have to be 50/50.

Attorney McGirt stated the statutory purpose of the Commission is to make a recommendation to Council. The Commission either recommends approval or denial.

Motion made by Mr. Brock, seconded by Mr. Collins, 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 and to recommend to Council to implement additional community engagement prior to consideration of this request . Motion passed 6:2. Voting in favor: West, Robinson, Parker, Joyner, Collins, and Brock. Voting in opposition: Maxwell and Thomas.



Proposed Boundary

500-FOOT RULE STAKEHOLDER MEETINGS OUTLINE

STAKEHOLDER – A person that was identified as a potential stakeholder who was included in invitations and updates or a person who attended meetings.

ADHOC GROUP LISTING

| NAME | COMPANY/AFFILIATION |
|-------------------|----------------------------------|
| BAGNELL, BILL | ECU VICE CHANCELLOR |
| BLOUNT, GRAY | HOME BUILDER'S SUPPLY |
| BLOUNT, JIM | BLOUNT PROPERTIES |
| BOUTILIER, KELLY | STARLIGHT CAFÉ |
| BROWN, DAVID | DAVID USED BOOKS |
| CLARK, WILL | TIDELAND CONSTRUCTION LLC |
| DOWELL, TIFFANY | 13 ELEVEN NIGHTCLUB |
| DZEKO, MEREDITH | UPTOWN GREENVILLE |
| EDWARDS, DON | UNIVERSITY BOOK EXCHANGE (UBE) |
| EDWARDS, JUDY | CATALOG CONNECTION/UNIV BOUTIQUE |
| ELLIOTT, TIM | INTERSECT EAST |
| GARRIOTT, HOLLY | EMERALD LOOP/EMERGE GALLERY |
| GLENN, MICHAEL | JEFFERSON'S |
| HARDY, VIRGINIA | ECU VICE CHANCELLOR STUDENT AFF |
| HARRISON, HUNTER | SMASHED WAFFLES |
| HATOUM, SHARIF | STILL LIFE ENTERPRISES |
| HOUSE, KEITH | THE EAST GROUP |
| KHOURY, TONY | TRANSWORLD BUSINESS ADVISORS |
| KOCH, BILL | ECU VC CAMP SAFETY |
| KNEUBUEHL, ERIK | ASSOC VICE CHANCELLOR STUDENT |
| MCCLAMB, JJ | BUGGY'S BAR |
| MOYE, STACI | MOYE-CORP |
| OLIVERIO, BRET | SUP DOGS |
| OVERTON, MICHAEL | THE OVERTON GROUP |
| PORTER, TRISTA | GREENVILLE MUSEUM OF ART |
| SCULLY, MATT | THE SCULLERY |
| SENATORE, SCOTT | VIDANT |
| SHAW, RUSSELL | ANOTHER LEVEL HAIR BAR |
| STALLINGS, TUCKER | STARK HOLDINGS LLC/FICKLEN |
| TAFT JR, THOMAS | TAFT FAMILY VENTURES |
| TEEL, KATE | CHAMBER OF COMMERCE |
| THOMPSON, MARK | THE STATE THEATRE |
| VAINRIGHT, MARTY | COASTAL FOG |
| WARD, JIM | WARD HOLDINGS LLC |
| WHITE, CARLOS | 13 ELEVEN NIGHTCLUB |
| WILKERSON, HOLTON | THE STATE THEATRE |

500-FOOT RULE STAKEHOLDER MEETINGS OUTLINE

There were a total of six (6) stakeholder meetings held. Below is a quick synopsis of each meeting.

MEETING 1: SEPTEMBER 2, 2021 (IN-PERSON)

- STAKEHOLDERS IN ATTENDANCE:
 - Staci Moye; Lee Sarbo; David Lever; Bill Koch; Marilyn Reichstein; Mark Privette; Michael Overton; Don Edwards; Sharif Hatoum
- INFO PROVIDED: Initial introduction and history of the 500-Foot Rule

MEETING 2: OCTOBER 6, 2021 (IN-PERSON)

- STAKEHOLDERS IN ATTENDANCE:
 - Staci Moye; Erik Kneubeuhl; Claire Edwards; Andrew Marchea; Michael Overton; Bret Oliverio; David Brown; Meredith Dzeko; Bill Koch
- INFO PROVIDED:
 - Minutes from previous meeting
 - Introduction to “entertainment/overlay districts” and consultant’s (Hunden) scope of work
 - Pictures of downtown development in different locations

MEETING 3: NOVEMBER 3, 2021 (IN-PERSON)

- STAKEHOLDERS IN ATTENDANCE:
 - Meredith Dzeko; Andrew Schmidt; David Brown; Erik Kneubuehl; Tony Khoury; Bill Koch; Brett Oliverio
- INFO PROVIDED:
 - Minutes from previous meeting
 - Recap of D&E’s, Bars and Clubs
 - Two phase options based off of Council presentation suggestions discussed

MEETING 4 & 5: JANUARY 20, 2022 & JANUARY 25, 2022(VIRTUAL)

- STAKEHOLDERS IN ATTENDANCE:
 - Carlos White; David Brown; Andrew Schmidt; Corbett Harris; Erik Kneubuehl; Tiffany Dowell; Staci Moye; Bret Oliverio; Bill Koch; Sharif Hatoum; Michael Glenn
- INFO PROVIDED:
 - Proposed new use type and standards for “Bar 2021” (see attachment 3)
 - Potential 500-Foot Boundary Map (see attachment 4)

MEETING 6: MARCH 9, 2022 (IN-PERSON)

- STAKEHOLDERS IN ATTENDANCE:
 - Carlos White; Don Edwards; Tony Khoury; Bill Koch; Michael Glenn; Bret Oliverio
- INFO PROVIDED:
 - Draft “Bar 2022” Ordinance (see attachment 5)
 - Updated 500 Foot Rule Boundary Map (see attachment 6)

500-FOOT RULE STAKEHOLDER MEETINGS OUTLINE

CITY COUNCIL WORKSHOP/MEETING PRESENTATIONS

1. April 5, 2021 - presentation by Hunden on the 500-foot rule
2. October 11, 2021 - presentation by Hunden on downtown financial assessment and 500-foot rule
3. November 8, 2021 - presentation by PDS staff on 500-foot rule
4. December 6, 2021 presentation by PDS staff on 500-foot rule
5. February 7, 2022 - presentation by Hunden on downtown financial assessment and attract new investments to downtown
6. February 7, 2022 - presentation by PDS staff on 500-foot rule
7. March 14, 2022 - presentation by PDS staff on 500-foot rule

*******SEE THE NEXT FEW PAGES FOR ALL ATTACHMENTS*******

500-FOOT RULE STAKEHOLDER MEETINGS OUTLINE

ATTACHMENT 1

Summary from September 2, 2021

500-Foot Rule/Attract Diverse Reinvestment Downtown Meeting

Attendance:

Stakeholders

| | |
|-------------------------------------|-------------------------------|
| Lee Sarbo | Staci Moye (Business Owner) |
| Don Edwards (Uptown Props.) | David Lever |
| Marilyn Reichstein | Mark Privette |
| Michael Overton (The Overton Group) | Bill Koch (ECU Campus Safety) |
| Sharif Hatoum | |

City Staff

| | |
|-----------------------------------|--------------------------|
| Thomas Barnett (PDS) | TaWanda Cage (PDS) |
| Les Everett (PDS) | Chantae Gooby (Planning) |
| Elizabeth Blount (Planning) | Bob Clark (Planning) |
| Michael Cowin (City Mgr's Office) | |

Overview/Introduction

- A brief history was provided regarding why the 500-Foot Rule was established and created as a means to limit the number of nightclubs/bars
- The question was presented... “Should the 500-Foot Rule be kept, discarded or revised?... and a discussion of its current impacts on development and investment.”
 - o Handout was provided (Carrots/Sticks or Bonuses/Regulation to create an alternative or different framework to spur downtown development)

Discussion/Concerns from attendees

- Biggest challenges are outside of the 500-Foot Rule and those should be addressed first:
 - o Parking (Public lots vs. Private lots), ECU had closed part of their parking that had previously been open to the public.
 - o Lighting
 - o Police Enforcement-citizens not “allowed” in the bar/club establishments flooding the streets (excessive loitering); they feel police are not at liberty to enforce the way they need to
 - o Enforcement presence (City Police, ALE, and other agencies all present at the same time); too many agents present in uniformed open view on all the street corners deters “good” customers away

500-FOOT RULE STAKEHOLDER MEETINGS OUTLINE

- o Infrastructure/beautification investment is needed to brighten the appearance of the City
- Vacant properties due to the 500-Foot Rule:
 - o There are many vacant units in the downtown area. Given the current environment no business or office space is being sought as of now
 - o Only bar availability currently is on Dickinson Ave. (closer to Memorial Dr.) due to the current 500-Foot regulation

Suggestions/Solutions

- Keep the 500-Foot Rule but create an “Overlay/Entertainment District” allowing new developments but with additional regulations that must be met to reduce the 500-Foot requirements such as:
 - o Hours of operation (close before 2PM or offer amenities for patrons to stay a little longer even though no alcohol after 2PM to reduce the influx of people exiting the establishments at one time.
 - o Up to date Code compliance (Sprinklers, restroom facilities, proper occupant loads, ADA, etc.
 - o Strengthen annual review for Special Use Permits
 - o City Approved Security Plan
 - o Age Restrictions (over 21 only)
 - o Open to all (no discrimination or special dress code)
- Parking:
 - o Uptown Transportation could be provided to move people from parking to venues and back again
 - Trolleys
 - Low Speed Vehicles
 - o Signage (improve the ability for the public to easily find parking downtown)
- Incentivize Business Groups
 - o Try to develop complimenting businesses within the same area for more daytime and early evening environment
- Merchandising Plan
- Loitering:
 - o Provide alternative establishments / activities to reduce the numbers
 - o Possible encroachment permit adjustments to allow more authority of control to the business ownership (Major & Minor)

Moving Forward/Questions for Next Time

- Meeting consensus (how often)?
- What legal restrictions would there be within an “Overlay District”?
- Can the City facilitate a meeting between investors and vacant property owners within Uptown?

500-FOOT RULE STAKEHOLDER MEETINGS OUTLINE

ATTACHMENT 2

500-Foot Rule-Stakeholder Meeting Summary October 6, 2021

Attendance:

Stakeholders

| | |
|-------------------------------------|-------------------------------------|
| Erik Kneubeuhl (ECU) | Staci Moye (Business Owner) |
| Claire Edwards (Uptown Props.) | David Brown (David's Used Books) |
| Andrew Marcheal (ECU) | Meredith Dzeko (Uptown Greenville) |
| Michael Overton (The Overton Group) | Bill Koch (ECU Campus Safety) |
| Bret Oliverio (Sup Dogs) | |

City Staff

| | |
|--------------------------------|-----------------------------------|
| Thomas Barnett (PDS) | TaWanda Cage (PDS) |
| Tiana Berryman (Housing) | Chantae Gooby (Planning) |
| Elizabeth Blount (Planning) | Bob Clark (Planning) |
| Adrian Atkinson (PDS) | Mark Holtzman (GPD) |
| Ken Graves (City Mgr's Office) | Michael Cowin (City Mgr's Office) |

Presentation (via Powerpoint)

- Current local projects (The Ficklen, Intersect East, Evans St Hotel, Container Bar)
- "Downtown" images from other locations (Chapel Hill, Maryland, California)
- Map of the "greater Downtown area" (West Greenville, TRUNA area included)

Brief Overview of consultant's (Hunden) Scope of Work

- Incentives for development downtown
- Presenting Monday, October 11, 2021 at Council Workshop; attendees invited to watch and/or attend

City's Plan/Focus

- Phase I
 - 500-Foot Rule Options/Alternatives
 - No overlay district-will be Citywide
 - Rule ultimately stays in effect but exception for new bars who commit to a voluntary agreement to comply to specific regulations (i.e. hours of operation, minimum age requirements, safety plan, SUP annual review)

500-FOOT RULE STAKEHOLDER MEETINGS OUTLINE

- Draft amendment
- Eliminate 500-foot rule
 - Draft ordinance
 - i. Both choices will be offered to Council by end of year for direction
- Phase II
 - Development Downtown
 - Continued research of processes
 - Incentivizing reinvestments
 - Attracting new investments

Q&A/Comments

- Special Use Permits inquiry-obtained by the property owner and business owner; annual reviews will concentrate on the business operations
- Concern of legal liability of the City if renewal of SUP is denied raised
- Compliance standards set
- Previous SUPs considered “grandfathered”
- Definition of bars requested and established
 - BOA’s criteria-should be equitable in its regulations
 - b. Downtown Patrol - per Chief Holtzman, over 20 officers patrol during the weekend
 - i. Lt. Anderson oversees the patrolling
 - ii. Checkpoints (as a means to eliminate loitering-parking lots)
 - c. Late night transportation concern
 - i. Incentivizing drunk driving especially if businesses are in dispersed locations
 - ii. Trollies & low speed vehicles options
 - d. Zoning-preset regulations will still be in affect

Moving Forward

- Reach out to other comparable locations for input and ideas (i.e. Lynchburg VA; Meredith with Uptown Greenville to provide contact information of various areas)
- Text amendment/new ordinance to be drafted
- Next meeting-
 - Within 3 weeks
 - Review of drafted legislation at that time
 - Will submit draft to Council

500-FOOT RULE STAKEHOLDER MEETINGS OUTLINE

ATTACHMENT 3

500 FOOT RULE STAKEHOLDER MEETING January 20, 2022
“BAR 21” NEW USE TYPE AND UPDATED STANDARDS (STATUS: PROPOSED, TO BE
DRAFTED PRESUMABLY FOR FEBRUARY COUNCIL MEETING)
New use: “BAR 2021”, permissible by Special Use Permit

Proposed standards:

- Annual review by staff, with findings that would require BOA to rehear and renew/revoke the SUP
- If provide amplified entertainment after 11:00 PM, must provide 1 security guard or off-duty law enforcement officer for occupancy 50-199 persons; 2 for 200 or more occupancy
- Exterior lighting plan for the private property (similar to D&E standard)
- Hours of operation limited to 12 midnight Sunday-Thursday; 1 AM on Friday, Saturday.
- No cover charge or admittance fee
- Collect and dispose of litter and debris in the vicinity by 7 AM the following morning
- Shall admit only individuals at least 21 years of age
- Shall use apps/software to detect fake IDs
- Shall submit security plan approved by Police Department as part of the application for SUP
- Shall submit a lighting plan for building, lot, and parking lot
- Shall submit a parking plan demonstrating sufficient parking and safe ingress/egress
- Shall not apply drink pricing specials such as penny drafts; minimum price shall apply
- Shall comply with all current building codes and safety standards

Additional conditions may be placed by the BOA to ensure standards of SUP review are met, initially or upon annual review

500-FOOT RULE STAKEHOLDER MEETINGS OUTLINE

ATTACHMENT 5

ORDINANCE NO. 22-_____
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 6, Chapter 160D, 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 12th day of May 2022, at 6:00 p.m., conduct a 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 160D-605, 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 applicable provisions of North Carolina General Statute 160D-605, 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 4, Growing the Economic Hub, Goal 4.3 A Stable & Resilient Economy. *Policy 4.3.1 Modernize and Diversify Local Economy. Support the growth of a variety of employment opportunities and businesses that diversify Greenville's economy and provide workers with a range of skill sets and training. Encourage business growth within incorporated areas to expand and diversify Greenville's tax base.*

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

Section 1. That Title 9, Chapter 4, Section 22, is hereby amended by adding the following definition in its respective suitable locations within the section based on its alphabetical ordering:

“Bar 2022 An establishment of which the principal use is entertainment and which meets all of the following:

- (a) May require a cover, or minimum charge for admittance or service during regular or special periods of operation;
- ~~(b) Shall not sublet/and or lease to a third party;~~

500-FOOT RULE STAKEHOLDER MEETINGS OUTLINE

- (b) Occupies less than 3,500 square feet of space of mechanically conditioned floor area;
- (c) May provide live or recorded amplified music;
- (d) May provide a floor show;
- (e) May provide a dance area;
- (f) May provide a full service bar;
- (g) May offer food service and prepared and/or packaged foods, in a ready-to-consume state;
- (h) Hours of operation shall be limited to 12:00 AM (midnight) Sunday-Thursday and 1:00 AM on Friday and Saturday;
- (i) Shall only be allowed with a special use permit in the following geographic area which is located within the following boundary: East and West Third Street between S Pitt Street and Reade Street; Reade Street and Reade Circle between East Third Street to Cotanche Street; Cotanche Street between Reade Circle to East Eight Street; East Eight Street between Cotanche Street and Evans Street; Evans Street between East Eight Street and East Tenth Street; West 10th Street between Evans Street and Coastal Seaboard Railroad; Coastal Seaboard Railroad between West 10th Street and West Fifth Street; West Fifth Street between Coastal Seaboard Railroad and Pitt-Greene Connector; South Pitt Street between West Fifth Street to West Third Street and returning to the point of beginning.

Section 2. That Title 9, Chapter 4, Section 85, subsection is hereby amended to add “(QQ) Bar 2022”.

Section 3. That Title 9, Chapter 4, Section 86, subsection is hereby amended by adding “(VV) Bar 2022”.

(1) (a) A special use permit for a bar 2022 is subject to annual renewal, renewal with amended conditions or revocation in accordance with the provisions of this section (VV). Nothing herein shall prohibit or restrict the authority of the Board of Adjustment to rescind or revoke a special use permit for a bar 2022 in accordance with the provisions of section [9-4-83](#).

(b) Staff may request the Board of Adjustment hold a rehearing for any establishment that has enforcement or response to calls for service actions attributed to them. These include Notices of Violation and or numerous calls for service from City departments such as Police, Fire, Public Works, or Planning & Development Services for infractions of one or more instances of noncompliance with applicable laws, codes, and ordinances. This includes but is not limited to: noise regulations, litter control regulations, fire codes, building codes, nuisance and public safety regulations, and special use permit conditions at any time. The special use permit holder as specified under subsection (VV)(4) below shall be provided notice of the meeting and a copy of the staff report.

500-FOOT RULE STAKEHOLDER MEETINGS OUTLINE

(c) At the regular January or a special call meeting of the Board of Adjustment, the Director of Planning and Development Services or their authorized representative shall present to the Board of Adjustment a written staff report of any citations that have been issued for which the annual rehearing shall include a finding of one or more instances of noncompliance with applicable laws, codes and ordinances, including but not limited to noise regulations, litter control regulations, fire codes, building codes, nuisance and public safety regulations, and special use permit conditions of approval. The special use permit holder as specified under subsection (VV)(4) below shall be provided notice of the meeting and a copy of the staff report. Planning and Development Services staff can make a recommendation of renewal, renewal of with amended conditions or revocation.

(d) Bar 2022s that have not received any citations for noncompliance with applicable laws, codes and ordinances, including but not limited to noise regulations, litter control regulations, fire codes, building codes, nuisance and public safety regulations, and special use permit conditions may be recommended for renewal by the Director of Planning and Development Services or their representative to the Board of Adjustment without a rehearing at the annual review.

(e) Staff may request the Board of Adjustment hold a rehearing for any establishment that has on-going enforcement actions for numerous infractions of one or more instances of noncompliance with applicable laws, codes and ordinances, including but not limited to noise regulations, litter control regulations, fire codes, building codes, nuisance and public safety regulations, notices of violations and special use permit conditions at any time. The special use permit holder as specified under subsection (VV)(4) below shall be provided notice of the meeting and a copy of the staff report.

(f) Any rehearing shall be in the nature of and in accordance with the requirements for a hearing upon a special use permit application. After the rehearing and in accordance with the provisions of section [9-4-81](#), the Board of Adjustment may grant a special use permit with conditions imposed pursuant to this section (VV) and section [9-4-82](#) or deny the special use permit. The grant or denial of the special use permit by the Board of Adjustment after the rehearing shall constitute a revocation of the previously granted special use permit for a bar 2022.

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

(2) The owner(s) and/or operator(s) of a bar 2022 shall collect and properly dispose of all litter and debris generated by their establishment or patrons immediately following the closure of business or not later than 7:00 a.m. each morning following any period of operation. All litter or debris shall be collected from within the boundaries of the establishment, associated parking areas, adjacent sidewalks and public rights-of-way or other adjacent public property open to the public. In addition, the owner(s) and operator(s) of a public or private club shall comply with the provisions of Title 11, Chapter 9 of the City Code, whether or not the establishment is a nightclub, bar or tavern.

500-FOOT RULE STAKEHOLDER MEETINGS OUTLINE

(3) In addition to subsection (F) above, the Board of Adjustment may establish specific and reasonable litter and trash mitigation standards or requirements.

(4) The special use permit shall be issued to the property owner as listed on the tax records of the county. When the ownership of any property, which has a special use permit for a bar 2022, is transferred to a new owner by sale or other means, the new owner shall sign and file with the Director of Planning and Development Services an acknowledgment of the rights, conditions and responsibilities of the special use permit prior to operation of the use under the permit. The acknowledgment shall be made on forms provided by the planning office.

(5) In no event shall the noise generated by amplified audio entertainment exceed the noise control provisions as provided in Title 12, Chapter 5, of the Greenville City Code. For purposes of this section, “amplified audio entertainment” shall mean any type of music or other entertainment delivered through and by an electronic system; provided, however, televisions operating with no amplification other than their internal speakers or televisions connected to a master sound system operating at low amplification and indoor background music system operating at a low amplification and not intended as a principal form of entertainment shall not be deemed amplified audio entertainment. This section shall apply regardless of the number of patrons actually within the establishment at the time of amplified audio entertainment. Security personnel shall remain on duty until the close of business and later to such time that all patrons and other persons, other than employees, have vacated the premises and associated parking area.

(6) If amplified entertainment is provided after 11PM, the establishment shall employ uniformed security guard(s) provided by a security guard and control profession licensed in accordance with the provisions of G.S. Chapter 74C in the following ratios:

| Approved occupancy as determined by the Building Inspector | Number of Security Personnel |
|--|------------------------------|
| 1-100 | 1 |
| 101-200 | 2 |
| 201-300 | 3 |
| 301-400 | 4 |
| 401-500 | 5 |

If occupancy exceeds 500, the same ratios shall apply as in the above table.

Establishments that have an approved occupancy of no more than 100 and provide amplified entertainment after 11PM, shall employ no less than 2 security guards in order for one guard to be located within the establishment and one guard to patrol the parking lot where applicable.

(7) A security plan shall be submitted to the Greenville Police Department for review and approval along with the SUP application. Additional security personnel maybe required at the discretion of the Chief of Police based on location, proximity to similar uses, such and public private clubs, D&Es and bar 2022, building occupancy. The required security personnel shall remain on duty and visible outside the establishment, and shall be accessible to law enforcement

500-FOOT RULE STAKEHOLDER MEETINGS OUTLINE

officers at all time. This section shall apply regardless of the number of patrons actually within the establishment at the time of amplified audio entertainment.

(8) A lighting plan shall be submitted to the Director of Planning and Development Services or authorized agent for review and approval, and lighting fixtures shall be installed and maintained pursuant to the approved plan which illuminates all exterior portions of the building, lot area and parking lot as determined appropriate by the Director of Planning and Development Services, or authorized agent. Lighting shall be located and shielded to prevent the light cone of all exterior fixtures from encroaching beyond the property boundary line and into any adjacent public right-of-way, property or dwelling. Required or additional optional lighting shall comply with this subsection and section [9-4-104](#). A lighting plan will only be required when parking is located on private property.

(9) Shall be exempt from parking requirements in Article O.

(10) Shall use computer applications and software to detect fake identification (IDs).

(11) Shall comply with all current building codes and safety standards.

(12) Within the geographic area as described in the definition of a Bar 2022, there is no separation between a bar 2022 and any other use or zoning district.

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

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

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

ADOPTED this 12th day of May, 2022.

P. J. Connelly, Mayor

ATTEST:

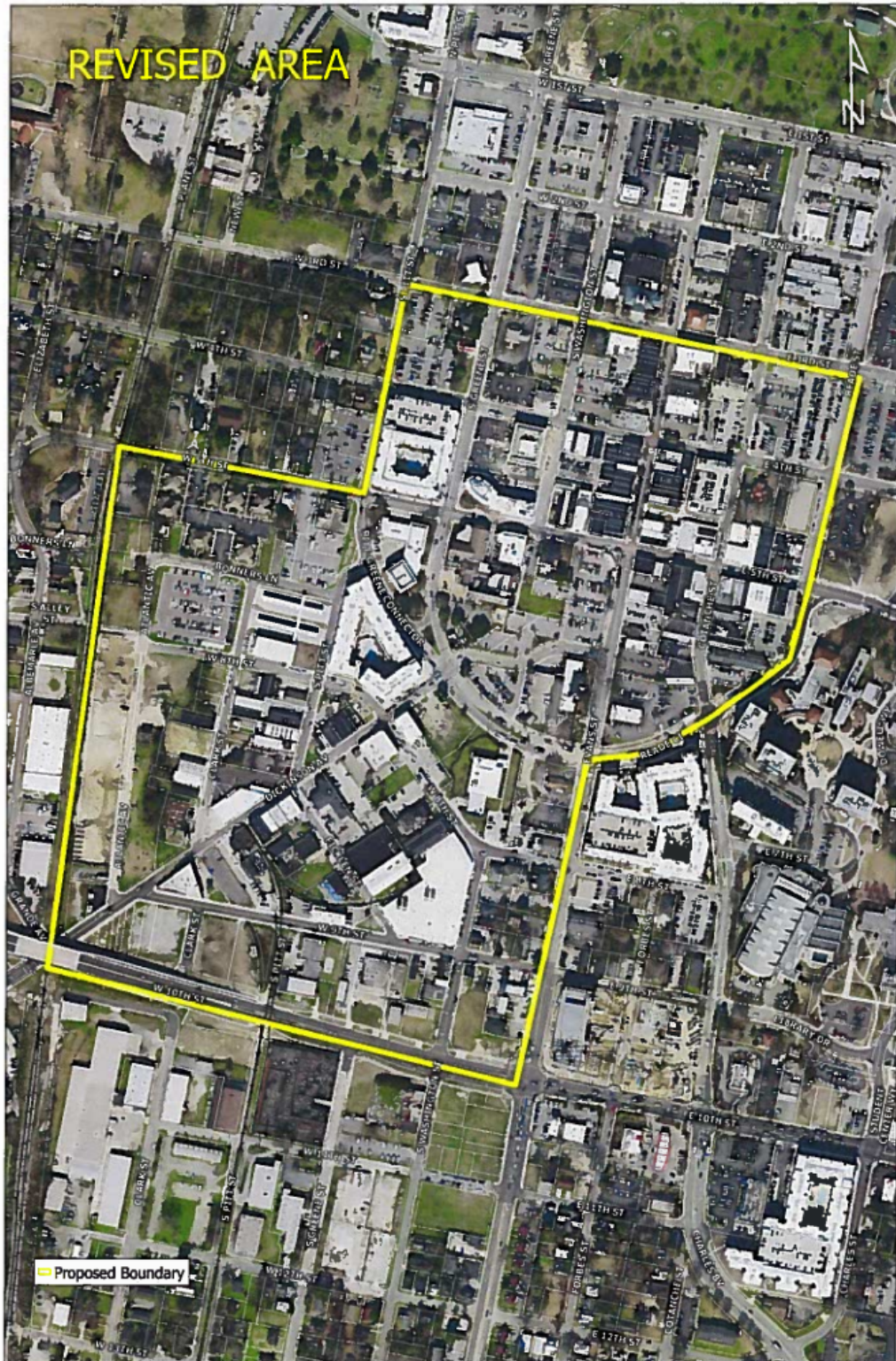
Valerie Shiuwegar, City Clerk

Updated version 1160955

500-FOOT RULE STAKEHOLDER MEETINGS OUTLINE

ATTACHMENT 6

ATTACHMENT 6





March 31, 2022

Mr. Kevin Faison
Chairman, Planning and Zoning Commission
City of Greenville,
Greenville, NC 27834

Dear Mr. Faison:

I am Scott Diggs of Co-X properties. We are building the Hilton Garden Inn in Uptown Greenville and I will be the owner of this new hotel. Our investment will be in excess of \$23,000,000 and will create a tax value of almost \$100,000,000 an acre, which will be the highest in Pitt County, as well as bringing new jobs and new opportunities to Greenville. We plan to open the hotel in the fall of 2023. We believe the hotel is imperative to the success of the continued revitalization of Uptown Greenville.

We strongly oppose the repeal of the 500-foot rule or the creation of an overlay district in Uptown in which there are special permitted exceptions to the 500-foot rule, concerning the opening of new bars. The 500-foot rule has decreased crime and increased public safety in the uptown area, as well as contributed to increased property values to the benefit of the city's tax base—both in reality and in public perception. Changing or repealing the 500-foot rule also will change the nature of the businesses which Uptown is beginning to attract, to the detriment of a decade's progress.

Firstly, the uptown district is safer and experiences less crime as a result of the 500-foot rule. Prior to 2010, before the enactment of the rule, the uptown district was widely regarded as unsafe. Safety from crime (both property crimes and violent crimes including assault) is absolutely essential to the success of a hotel, and we would not have invested in the Uptown district without the increased safety, both real and perceived, created by the 500-foot rule. The perceived and actual safety from crime also enhances the district's appeal to a broad range of businesses.

Secondly, a vibrant, diverse, and above all, commercially successful, Uptown district leads to increases in tax values. This is readily apparent in tax values for the Uptown district over the past ten years. More than just a measure of the area's success, increased tax revenues fund city operations across the entire

Co-X Holdings, LLC
648 NE 3rd Avenue Fort Lauderdale, FL 33304



March 31, 2022

Page 2

city. As of 2018, the Uptown district occupies about 2.29% of the city's land area but generates 13% of the city's property taxes. The hotel project will create nearly \$100 million in tax value per acre. We would like to see that value protected.

Finally, the 500-foot rule is working. Prior to the pandemic, in 2018, we added sixteen new businesses, in Uptown, and from 2016 to 2019 investors provided over half a billion dollars in capital improvements to the area. Newspaper stories covering the transformation of Greenville's downtown were everywhere before the pandemic. Six new businesses are opening in the Uptown area in the next few months, and with the easing of pandemic restrictions, the Uptown area is poised to resume its previously explosive expansion. The 500-foot rule is one part of a multi-pronged policy designed to continue the growth and development of Uptown. Increasing numbers of public art projects, public and private festivities, changes and improvements to parking and parking policy, and state and federal grant programs all work together, with the 500-foot rule, to create a vibrant and increasingly successful area, in spite of the pause to progress created by the pandemic.

The progression of the Uptown district over the last ten years cannot be overstated. New businesses and facilities run the gamut from unique local restaurants to museums, art galleries, music theaters and other amenities. It is not time to change the course of Uptown, particularly backwards, to a district of easy-come, easy-go bars and nightclubs which stand empty during daylight hours and which have little interest in the long-term success of the area. It is instead time to recommit to the changes which brought the hotel to downtown in the first place. We should make the positive changes of the previous ten years our guide and our signpost to the future, so that we can continue to create a great area. Repeal or revision of the 500-foot rule is a risky and unnecessary change which looks to the past. At minimum this issue should be tabled for a least two years and then revisited.

Thank you for your consideration on this most important matter.

Warm Regards,

A handwritten signature in black ink, appearing to read "Scott Diggs", is written over a large, stylized, circular flourish that extends to the right and loops back under the signature.

Scott Diggs
CEO

Co-X Holdings, LLC
648 NE 3rd Avenue Fort Lauderdale, FL 33304

Chantae Gooby

From: Jerry W. McRoy <jmcroy@earthlink.net>
Sent: Monday, April 18, 2022 11:02 PM
To: Chantae Gooby
Cc: Valerie Shiuwegar; PJ Connelly
Subject: Response / Public Comment -- RE: [External] * 500 Foot Rule Status

Importance: High

Hello Chantae,
 (cc: Valerie, P.J.)

My concerns regarding the reconsideration of the 500-foot rule are numerous but they center around the wider distribution of intoxicating beverages in downtown Greenville.

I remember many years ago, Halloween was bad time in downtown Greenville. Drunken people (perhaps many of them, college students) created a riotous situation that resulted in violence, mayhem, property destruction, and injuries. An eventual outcome was the blockading of the streets in downtown Greenville during Halloween night. That was long ago and I don't remember how long the situation existed, but it was of great concern to the city.

Apparently, a similar situation occurred about a decade ago (from what I read in a recent Daily Reflector article), resulting in the institution of the "500 Foot Rule." (I lived in another state at the time.)

As a Greenville resident, I am concerned that past lessons the city has learned are now being ignored . . . for what purpose, I do not know. I wrote to the Greenville Police Department to obtain information related to downtown Greenville's criminal activity BEFORE the implementation of the "500 Foot Rule" and SINCE, but have not heard back. I was hoping to have that information in hand before sending this response, but perhaps this is something the Planning and Zoning Commission should look into.

I believe it can be safely stated that increased alcohol consumption (including opportunities/places to do so) creates the potential for poor outcomes. Some of those poor outcomes include: more driving under the influence, more outbreaks of violence (including domestic violence), more alcohol related illnesses, and more risk of injuries to downtown patrons.

If the "500 Foot Rule" has been effective in reducing problems for the city and the Greenville Police Department, why would a change be considered? Why would the city want to put

patrons and citizens at a greater risk? Wouldn't a change be counterproductive and set the stage for a return to negative issues of the past? Poor decisions by a local government can often have short and long-term negative effects. Please proceed with wisdom.

When I was a teenager/young person, my Mother used to say "nothing good happens after midnight." Her warning was based on empirical evidence that parents had witnessed for generations. Wisdom usually comes from experience or direct observation. I firmly believe that "nothing good" also results from increased alcohol consumption.

I believe the "500 Foot Rule" should remain in effect. I know that a club or bar must obtain a "special use permit" but as an old friend of mine used to say, "Once the toothpaste is out of the tube, it's impossible to get it back in."

Please consider these comments and pass them on to others on the Planning and Zoning Commission as this issue is assessed / reassessed. Thank You.

NOTE: I would have liked to attend your April 19th meeting personally but have a previously scheduled conflicting meeting to attend.

*Jerry W. McRoy
1017 Van Gert Drive
Winterville, NC 28590
(908) 246-8881 - Mobile
(252) 364-2795 - Home
jmcroy@earthlink.net - E-mail*

To:
Chantae Gooby
Chief Planner
201 W. 5th Street
PO Box 7207
Greenville, NC 27835
252-329-4507

From: Chantae Gooby <cgooby@GREENVILLENC.GOV>
Sent: Wednesday, April 13, 2022 7:41 AM
To: Jerry W. McRoy <jmcroy@earthlink.net>
Cc: Valerie Shiuwegar <VPaul@greenvillenc.gov>; PJ Connelly <PJConnelly@greenvillenc.gov>
Subject: Re: [External] * 500 Foot Rule Status

Yes, the Commission will take public comments.

Chantae Gooby



April 19, 2022

Mayor P.J. Connelly and Members of the City Council
Ann Wall – City Manager
Mr. Kevin Faison - Chairman, Planning and Zoning Commission
Members of Planning and Zoning Commission
Mr. Tim Greene – Pitt County ABC Board
City of Greenville,
Greenville, NC 27834

RE: 500-Foot Rule - New bars - "Guard Rails"

To All Concerned:

I am Scott Diggs of Co-X properties. We are building the Hilton Garden Inn in Uptown Greenville. Our investment will be close to \$24,000,000. We plan to open the hotel in the fall of 2023. We believe the hotel is imperative to the success of the continued revitalization of Uptown Greenville.

We very much support positive development in Uptown and strongly encourage proper "Guard Rails" to be in place prior to the repeal of the 500-foot rule concerning the opening of new bars. The 500-foot rule has decreased crime and increased public safety in the uptown area.

Firstly, the uptown district is safer and experiences less crime as a result of the 500-foot rule. Prior to 2010, before the enactment of the rule, the uptown district was widely regarded as unsafe. Safety from crime (both property crimes and violent crimes including assault) is absolutely essential to the success of a hotel.

Secondly, a vibrant, diverse, and above all, commercially successful, Uptown district leads to increases in tax values. The hotel project will create nearly \$100 million in tax value per acre. We would like to see that value protected.

Thirdly, the Greenville Police must do a better job of enforcement immediately. The Police Chief needs to take a very active proactive enforcement stance to clean up the current loitering situation in the Uptown area. The Uptown area must be a safe environment for all residents, tourists, and students to feel free to move through the streets without an unsafe crowd loitering in the streets causing whether real or perceived potential harm to these visitors.

Finally, the 500-foot rule is working. Prior to the pandemic, in 2018, we added sixteen new businesses, in Uptown, and from 2016 to 2019 investors provided over half a billion dollars in capital improvements to the area. As I stated earlier, we are very pro-development and very much want to see every commercial space occupied with positive tenants that promote a successful Uptown Greenville district. As I stated earlier, we must implement proper "Guard Rails" to be in place prior to the repeal of the 500-foot rule concerning the opening of new bars. The 500-foot rule has decreased crime and increased public safety in the uptown area.

I have included our recommendations and comments below in Exhibit 1 and 2 concerning the documents that have been provided to me by Ann Wall, City Manager, over the last 10 days. The City also hired a professional consultant called Hunden Strategic Partners to evaluate the Uptown District (500-foot rule), comparisons with other cities with ideas that are working in these markets, and specific recommendations for the Uptown District of Greenville. It is apparent that some of these action items have been included, but most of the recommendations from the professional consultant have not been included in Ordinance 22 that is being considered by City Council.

We would like to be involved as soon as possible in conversations with the appropriate people to discuss these "Guard Rails" that should be put in place to make sure that we have a very productive, positive uptown Greenville District. The 500-foot rule has worked so far and it is important that we make sure that the version of a repeal of this 500-foot rule is done successfully and carefully. We only have one opportunity to implement positive growth properly without opening the door to negative elements opening in the Uptown district.

Thank you for your consideration on this most important matter.

M. Scott Diggs
Co-X Properties, LLC

cc: John Sandlin & Paul Adkison – Co-X Properties, LLC – Partners

EXHIBIT #1

CO-X PROPERTIES, LLC - Comments to Ordinance #22-

- 1) Section 1 (c) – Does this 3,500 foot “Condition” space open the rule to outdoor / porch space to be included to get around having a much larger bar? I think 3,500 total feet (inside & outside) is much safer to keep bars smaller.
- 2) Section 1 (e & f) – Does this allow for a “Strip Bar” or any other bad type of establishment?
- 3) Section 1 (i) – Would it make sense to start with even earlier close hours to be on the safe side out of the gate?
- 4) Section 3-1 (a) & 4 – Special Use Permit – What are the rules going to be to obtain, hold and maintain a SUP? This is very important and might be the best guard rail possible.
- 5) Section 3-6 – Why are we even giving allowances for a 500+ person bar when we are talking about 3,500 maximum sq ft? 500+ is much more than 3,500 feet will hold.
- 6) Section 3-9 – Why are we going to make “Bars” exempt from providing their parking?

Questions / Comments – ALL other Documents

- 1) Why only the “Yellow” box and not the whole City?
- 2) Police – Enforcement –
 - a. They feel police are not at liberty to enforce the way they need to so WHY is this?
 - b. Police chief needs to take a very active proactive enforcement stance to clean up the current laundering situation in the Uptown area.
- 3) What is being done to increase lighting and security?
- 4) Questions for “Guard Rails”:
 - a. No Cover Charge
 - b. Over 21
 - c. Close early
 - d. Food minimum
 - e. Security & Parking plan
 - f. Definition of “BAR”
 - g. Limit square footage and occupancy of a bar & allow LES to enter Bars to police these numbers.
 - h. Strict rules to revoke liquor license if out of compliance or 3 violations.
 - i. Major crack-down on underage drinking
- 5) City – No Loitering policy that gives police the ability to enforce, remove & arrest

- 6) Grand Father Clause – Existing Bars – This rule gives current bars the ability to be non-compliant to the new rules/efforts/special use permits being implemented with new bars in Uptown. This is a huge current problem that needs to be addressed in conjunction with the 500-foot rule.
 - 7) Special Use Permit – Very little color has been provided in all the documentation regarding the rules around a special use permit, the enforcement of such permit and the types of new establishments that will be allowed to operate within the new special use permit. We would like the details around this topic and rules.
 - 8) Encroachment permit - Investigate the rules and ability to implement encroachment permits in the Uptown district allowing the GPD the ability to properly enforce the loitering issue in the Uptown area. Shariff knows a fair amount on this subject and has ideas to make this idea a success.
 - 9) Issues with Attachment 5:
 - a. Seems to allow for larger bars with 500+ people
 - b. Eliminates the bar having to secure its own parking spaces to accommodate its business patrons
 - c. Allows for a Cover Charge
 - d. Does speak of the exact intended use i.e.: Can someone open a Strip Bar?
-

EXHIBIT #2

COMMENTS FROM HUNDEN STRATEGIC PARTNERS CONSULTING REPORT

Recommendations from the consulting report specifically targeted toward Uptown Greenville that should be implemented to produce positive development in Greenville:

- 1) Need to be approved as a “restaurant”. Must serve at least 10 menu items, have available seating for 50 diners, and a bonified kitchen. Tried doing a % of sales but was a major admin burden.
- 2) **Downtown Programming (Festivals, farmers markets, fairs) aimed at non-student population** – City governments noted that programming of cultural events in the downtown area that draws in non-student audiences were widely beneficial in creating a comfortable environment for all ages.
- 3) **Involve Police, Security Officials** – One of the beneficial strategies noted was streamlined compliance checks that are semi-annual (but randomly scheduled so visits see a candid reality) and have been seen to reduce drastically the number of places that fail these checks. Increased pressure by police and fire has been seen to eliminate the poor performing establishments or force them to change their actions. This entails staff training mandates, safety restrictions, and much more. Constant monitoring of the sidewalks outside of problem venues can result in citations and ramped up compliance to ensure a limited nuisance factor on the sidewalks and streets, which are under public jurisdiction.
- 4) Food sales over a certain percentage should be required to help mitigation of “alcohol-first” establishments. While 50/50 was claimed to be easy to get around with soft drinks and cheap drinks vs. regular priced food, the 60/40 requirement in other cities has worked.
- 5) **Incentives Needed.** Incentives will play a key role in improving the existing conditions of Uptown and promoting new development. The City needs to evaluate all their available tools to help positive development take place in Uptown. The City is a recipient of a Build Grant, which could be used to improve Uptown. Money talks and everyone can imagine an improved future, esp with carrots.

Initial Recommendations

Promoting Quality Market Entry:

- § Explore/Evaluate city incentives such as TIF Districts, Opportunity Zones, and Business Improvement Districts to promote new market entry.

- § Start with “Low-Hanging Fruit” investments. These small investments include green spaces, enhanced landscaping, public art, and other capital improvements.
- § Work with Uptown Greenville to increase programming of the downtown area, such as festivals, fairs, and farmers markets.
- § Analyze specific commercial developments that will bring an increased quality of life to the Uptown area. Understand that an array of use types is needed to create a synergy in Uptown.

§ Consider investing in an alternative version of a bar with a special use permit to move the property out of grandfathered protection.

Initial Recommendations Cont.

Improve Existing Establishments:

- ▪ Offer incentives focused on safety and security at existing establishments. This could be targeted at reducing occupancies, improving ingress/egress, hiring additional on-site security, increasing employee training, improving bathrooms, enforcing a specific % of food sales, and other measures. Inform existing businesses that they have a certain amount of time to initiate these changes in order to receive incentives. These incentives could come in several forms such as rental assistance and grants.
- ▪ Engage Police & Fire, East Carolina University, and other community organizations/stakeholders to increase on-premise/Uptown security presence. Give these organizations the power to enforce rules through warning systems and citations.
- ▪ Conduct random spot checks of existing bars/restaurants. If violation is in question, involve the most relevant parties to enforce suspensions, citations, and other restrictions.

uptown GREENVILLE

live. play. eat. shop. invest.

Dear Mayor Connelly and Council Members:

We would like to offer a sincere thank you Mayor Connelly, the Council and City staff for helping the Uptown merchants re-open post Covid 19. Doggie Jams was a smashing success, Dickinson Avenue After Dark doubled in size and last weekend's PirateFest's revenue exceeded 2019 by 3:30pm despite colder temperatures. Reorganizing the Uptown organization during Covid 19 has proven to allow the organization to operate with maximize efficiency with a much smaller stakeholder board.

We recognize the value of this partnership with the City and want to continue strengthening the relationship more than in years past. Our overall communication has improved immensely with City staff and Courtnee McGrath, of the Uptown office. Our partnership in the recent beautification efforts with sidewalk cleaning, flower boxes and landscaping have made a tremendous difference in the overall appearance in Uptown. Often, successful partnerships become strong by a need for direct discussions with all stakeholders. Having said this, the Uptown Greenville Board of Directors voted unanimously to request that Council "table" the removal of the current 500 Foot rule in the Center City District until further discussions take place with all stakeholders. We would like to recommend establishing a stakeholder committee to meet over the next 30-45 days to review the 500 Foot rule.

In conclusion, several stakeholder board members and nighttime business owners attended the public input sessions and voiced their concerns against lifting the 500 Foot Rule. We felt the overall information we provided to the consultants was enough to stop the process from moving forward and we are baffled on why it continued to do so. Again, we feel we are in a much better place as an organization and want to continue the positive momentum with the City as a partner.

Sincerely,

Board of Directors

Chairman – Sharif Hatoum

Vice Chairman – Jim Blount

East Carolina University – Eric Kneubuehl

SGA President – Ryan Bonnet

Greenville Utilities – Kathy Howard

Convention and Visitors Bureau – Andrew Schmidt

Sup Dogs – Bret Oliverio

Pirate Radio – Troy Dreyfus

Chamber of Commerce – Trent McGee

Pitt Street Brewery/Jefferson's – Michael Glenn

ENC Alliance/DAP House – Brad Hufford (Absent)

Vidant Health – Scott Senatore (Absent)

East Carolina University Athletic Department – J.J. McLamb (Absent)

City Council District 3 – Will Bell (Absent)

City of Greenville – Michael Cowin (Abstained)



City of Greenville, North Carolina

Meeting Date: 05/12/2022

Title of Item: Public hearing for the 2022-2023 Annual Action Plan for CDBG and HOME Programs

Explanation: Staff has drafted the 2022-2023 Annual Action Plan as mandated by the US Department of Housing and Urban Development (HUD). This document is designed to assist municipalities in assessing their needs in affordable housing, economic and community development. To receive Community Development Block Grant (CDBG) and HOME Investment Partnership Funds, the City must prepare an Annual Action Plan each year. The Plan details the annual allocation of resources for housing activities utilizing federal and supplemental funding. Proposed activities for the upcoming fiscal year include owner-occupied rehabilitation, public service, down payment assistance, and new construction of affordable housing.

Pursuant to the National Affordable Housing Act, the City is required to advertise two (2) public meetings to discuss and receive comments on activities being considered in the 2018-2022 Consolidated Plan and the 2022-2023 Annual Action Plan. The City's comment period runs from April 11, 2022 to May 12, 2022.

Fiscal Note: The Draft Annual Action Plan is based on the assumption of level CDBG and HOME funding. The City has been directed to use projected numbers in the absence of award notification. Rounded current-year allocations are used as estimates until actual allocations are provided from HUD.

Recommendation: Conduct the public hearing to further allow citizen participation in the planning of the 2022-2023 Annual Action Plan for the CDBG and HOME programs. Approve the plan for implementation and authorize the Mayor and/or City Manager, as appropriate, to sign required documents.

ATTACHMENTS

 [DRAFT_2022-2023_Annual Action Plan.pdf](#)



2022-2023 DRAFT Annual Action Plan

Public Comment Period: April 11, 2022- May 12, 2022

Executive Summary

AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

The 2022-2023 Annual Action Plan (AAP) is the fifth, and final, of the City of Greenville's 2018-2022 Five-Year Consolidated Plan. The AAP is a requirement of the Department of Housing and Urban Development (HUD) as a condition of receiving funding under certain federal programs. The goal of this plan is to identify the community's priorities related to housing and community development for primarily low- and moderate-income citizens, characterized by being at, or below, 80% of the area median income (AMI). Included are strategies, resources, and partnerships the community expects to leverage to address identified needs.

The Annual Action Plan serves as the City of Greenville's application for federal funding for the following grant programs:

- Community Development Block Grant (CDBG)
- HOME Investment Partnership Program (HOME)

The City leverages other federal, state, and local resources to support community development efforts prioritizing decent, affordable housing. The additional programs allow for energy efficiency improvements for owner-occupied units, down payment assistance for homebuyers, and other program and administration necessities.

These additional funding sources include:

- American Rescue Plan Act (APRA)
- Greenville Utilities Commission Energy Efficiency
- General Fund

The Housing Division of the Planning and Development Services Department administers and supports the aforementioned programs and related activities. Available activities range from neighborhood-specific to citywide initiatives with the overall aim to create and preserve affordable housing and neighborhood revitalization.

2. Summarize the objectives and outcomes identified in the Plan

Please refer to the tables located on pages 32 through 36 in this plan. These tables summarize and describe our goals for the 2022-2023 funding year. Anticipated outcomes are also identified.

3. Evaluation of past performance

During the 2021-2022 year, the Housing Division continued programs to address decent, affordable housing citywide and within the West Greenville Redevelopment Area. The Healthy Homes program was administered as an opportunity to create safe living environments for both low- and moderate-income homeowners and renters with children under age six. This program is complemented by CDBG funding to address additional sustainability concerns in owner-occupied homes.

Ongoing programs, such as the owner-occupied rehabilitation, continued to serve citizens citywide and stabilized families with the support of CDBG dollars. The City began to see increased productivity as the impacts of the pandemic allowed for more direct engagement.

4. Summary of Citizen Participation Process and consultation process

The City of Greenville continues to acknowledge the importance of citizen participation in developing activities for each upcoming year. Public input was encouraged in developing the 2021-2022 Annual Action Plan by holding three public meetings in the fall of 2021 and a public hearing during City Council on the dates and locations for the input sessions are as follows:

| Date | Location | Event |
|-------------------|-----------------------|---|
| November 10, 2021 | City Council Chambers | Affordable Housing Loan Committee Meeting |
| November 22, 2021 | Virtual | Public Meeting |
| December 9, 2021 | City Council Chambers | Public Hearing |

Copies of the Draft Plan were made available to the Affordable Housing Loan Committee members and general public by way of the City of Greenville website, public libraries, and Housing Division office. In addition, public meetings will be held where citizens may comment at the following dates and locations:

| Date | Location | Event |
|----------------|-----------------------------|---|
| April 21, 2022 | Virtual @ 4pm | Public Meeting |
| May 5, 2022 | Virtual @ 4pm | Public Meeting |
| May 11, 2022 | City Council Chambers @ 4pm | Affordable Housing Loan Committee Meeting |
| May 12, 2022 | City Council Chambers @ 6pm | Public Hearing |

5. Summary of public comments

The Draft 2022-2023 Annual Action Plan will continue to receive public comments through May 12, 2022. All comments will be included in the Draft Plan as an attachment.

6. Summary of comments or views not accepted and the reasons for not accepting them

No written comments received by the City have been rejected during the public participation process. All comments will be reviewed and considered before submission.

7. Summary

The City of Greenville is committed to meeting and, when possible, exceeding federal requirements for citizen participation by holding multiple public meetings throughout the city in both the fall and spring as an opportunity for community input prior to the adoption of the Annual Action Plan. A public hearing in each season is held to provide citizens and City Council an opportunity to engage and comment, as well. Both public hearings and two public meetings are aired on television to increase accessibility. An electronic copy is made available on the City's website and for stakeholders upon request. Paper copies of the Plan are located in the Housing Division office, at Sheppard Memorial and Carver libraries, and City community centers. Other paper copies can be made available upon request.

PR-05 Lead & Responsible Agencies – 91.200(b)

1. Agency/entity responsible for preparing/administering the Consolidated Plan

Describe the agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

| Agency Role | Name | Department/Agency |
|--------------------|------------|---|
| Lead Agency | Greenville | Planning and Development Services Department/ Housing Division |
| CDBG Administrator | Greenville | Planning and Development Services Department/ Housing Division |

Table 1 – Responsible Agencies

Narrative (optional)

The 2022-2023 Annual Action Plan dictates activities to be undertaken during the fiscal year July 1, 2022- June 30, 2023. The City of Greenville is a recipient of the Community Development Block Grant (CDBG) and Home Investment Partnership. The Department of Housing and Urban Development Department (HUD) makes funds available and encourages leverage of additional resources. Supplemental funds in Greenville include General Fund, Greenville Utilities Commission, and American Rescue Plan Act (APRA) funds.

The Housing Division of the Planning and Development Services Department administers these funds for various community development programs.

Annual Action Plan Public Contact Information:

Tiana Berryman, Housing Administrator
 Housing Division, Planning and Development Services Department
 201 W. Fifth Street
 Greenville, NC 27834
tberryman@greenvillenc.gov
www.greenvillenc.gov

phone-252-329-4481
fax-252-329-4631

AP-10 Consultation – 91.100, 91.200(b), 91.215(I)

1. Introduction

The City of Greenville (hereafter referred to as the City) is actively engaged in ongoing coordination with its local network of public and private community service providers and non-profit organizations that serve the people of Greenville through housing programs, public services and community and economic development programs. The City is the lead agency responsible for HUD's CDBG and HOME programs, and works with its partners to ensure the needs of the residents are met.

To comply with the Consolidated Plan development process and federal regulations (24 CFR 91.200(b), 91.215(i)) the City of Greenville consulted with community service providers, Pitt County, and other entities with a potential interest in or knowledge of Greenville's housing and non-housing community development issues. The City reached out through its website, advertisements in the local newspaper of general circulation, stakeholder meetings, and citizen participation meetings.

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(I))

Housing Division staff meets regularly with affordable housing partners and stakeholders in an effort to coordinate, and when possible, create or improve housing programs. Staff has worked with Greenville Housing Development Corporation (GHDC), the non-profit arm of the Greenville Housing Authority, to add affordable units within the Neighborhood Revitalization Strategy Area (NRSA). GHDC is completing construction of a new unit for a low- to moderate-income buyer. The City will further support this effort by providing down-payment assistance up to \$20,000, should the buyer be eligible.

Habitat for Humanity of Pitt County constructed a new unit for a first-time LMI buyer within the NRSA. Habitat partnered with the City for development of the unit. The City also provided down payment assistance to the buyer to improve affordability.

The City partners with other nonprofit agencies through the sub-recipient program that address mental health and related services. During the 2021-2022 program year, the City funded labor costs for therapy services for the Center for Family Violence Prevention to address mental health needs for victims of abuse.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

The North Carolina Balance of State Continuum of Care (CoC) is a multi-county regional committee of homeless service providers that includes the City of Greenville and Pitt County. The COC is managed by the North Carolina Coalition to End Homelessness (NCCEH). Within the COC, Pitt County Government and the City of Greenville work to actively end homelessness in the region.

To date, Pitt County has received funding every year since the 2003 funding cycle. Funding received under the 2004 and 2005 award was allocated to implement a Homeless Management Information System (HMIS) which is currently fully operational. All actions will address obstacles to meet the underserved needs in the community, assist with the reduction of poverty level families, assist with the development of institutional structures, and enhance coordination between public and private housing and social service providers. Other actions will include marketing of the Continuum to reach out to surrounding communities in an endeavor to promote regional participation.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS

The City of Greenville is a member of the Regional Balance of State Continuum of Care (BoS CoC) which is comprised of 4 counties known as Region 12- Beaufort, Bertie, Martin and Pitt Counties. The BoS CoC was created in 2005 in order to help rural communities apply for Continuum of Care funding from HUD. The BoS is one of twelve CoCs in North Carolina, representing 79 out of 100 counties in the state.

As a voting member of the Region 12 BoS CoC board, the City participates in the application review and submission process for CoC grants. Once local applications are submitted, they are scored and ranked. They are then submitted to the full committee for final vote as to which applications should be submitted to the BoS CoC. The BoS CoC then reads and reviews the submitted applications. Once scored and ranked, the BoS CoC submits the approved applications to HUD to request funding. Those agencies approved for funding from HUD will be notified by the BoS CoC. The BoS CoC signs the grant agreement with HUD and the agencies then contract with the BoS CoC.

The City participates in the Point in Time count annually in January.

The BoS CoC develops funding, policies and procedures for all regions. The regional members do have an opportunity for input in the development of policies and procedures, but the final decision stands with the BoS CoC.

HMIS data is collected and entered by local agencies that receive funding from COC grants as well as agencies that have a first point of contact with individuals / families that are at risk of homelessness. Pitt County is the lead agency for Region 12 and has a staff member that monitors and updates the HMIS data collection.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdiction's consultations with housing, social service agencies and other entities.

See Table 2 below.

Table 2 – Agencies, groups, organizations who participated

| | | |
|---|--|--|
| 1 | Agency/Group/Organization | City of Greenville |
| | Agency/Group/Organization Type | Housing Services - Housing Other government - Local |
| | What section of the Plan was addressed by Consultation? | Housing Need Assessment Economic Development Market Analysis |
| | How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination? | The City of Greenville is the lead responsible agency of the Consolidated Plan. The mission of the City is to provide all citizens with high-quality services in an open, inclusive, professional manner, ensuring a community of excellence now and in the future. |
| 2 | Agency/Group/Organization | Housing Authority of the City of Greenville, North Carolina |
| | Agency/Group/Organization Type | Housing PHA Services - Housing |
| | What section of the Plan was addressed by Consultation? | Public Housing Needs |
| | How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination? | HACG promotes the development and professional management of a variety of affordable housing opportunities, facilities and supportive services to nurture neighborhoods, provide economic development and self-sufficiency activities for residents while also assuring equal access to safe, quality housing for low and moderate income families throughout the community. |

| | | |
|---|--|--|
| 3 | Agency/Group/Organization | Pitt County |
| | Agency/Group/Organization Type | Housing Services - Housing Other government - County |
| | What section of the Plan was addressed by Consultation? | Housing Need Assessment Market Analysis |
| | How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination? | Pitt County works with the City of Greenville in community and housing needs assessments. The City is the major metropolitan area in the county. The mission of Pitt County Government is to enhance the health, safety, and well-being of our community by advocating for and providing quality services in a friendly and cost-effective manner. |
| 4 | Agency/Group/Organization | Community Crossroads Center |
| | Agency/Group/Organization Type | Services-homeless |
| | What section of the Plan was addressed by Consultation? | Homelessness Strategy |
| | How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination? | Community Crossroads Center is an emergency shelter that provides homeless adults and families with temporary shelter and meals. Its mission is to serve the homeless and those at risk of homelessness by providing safe housing, and assisting them in developing a long-term plan that leads to self-sufficiency. |
| 5 | Agency/Group/Organization | Center for Family Violence Prevention |
| | Agency/Group/Organization Type | Services-Victims of Domestic Violence Services-homeless |
| | What section of the Plan was addressed by Consultation? | Homelessness Strategy Non-Homeless Special Needs |

| | | |
|---|--|--|
| | How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination? | The Center for Family Violence Prevention is a private, non-profit agency primarily funded by state, federal and local grants. Through this funding, the Center for Family Violence Prevention provides resources and services to victims of domestic violence and their families. |
| 6 | Agency/Group/Organization | NC Balance of State COC |
| | Agency/Group/Organization Type | Services-homeless |
| | What section of the Plan was addressed by Consultation? | Homelessness Strategy |
| | How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination? | The Balance of State Continuum of Care (BOS COC) was created in 2005 in order to help rural communities apply for Continuum of Care funding from HUD. COC funding serves homeless populations through permanent supportive housing, transitional housing, rapid re-housing, supportive services, and HMIS projects, and is accessed through an annual application process. |
| 8 | Agency/Group/Organization | Mid-East Commission |
| | Agency/Group/Organization Type | Regional organization |
| | What section of the Plan was addressed by Consultation? | Non-Homeless Special Needs Economic Development Market Analysis |
| | How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination? | The mission of Mid-East Commission is to enhance the ability of local governments to successfully improve the quality of life for area citizens: Leadership in technical assistance, planning, program management and development and public-private partnerships. |
| 9 | Agency/Group/Organization | LWG Intergenerational Community Center |
| | Agency/Group/Organization Type | Services-Education Services-Employment |

| | | |
|----|--|---|
| | What section of the Plan was addressed by Consultation? | Non-Homeless Special Needs Economic Development |
| | How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination? | IGCC is committed to promoting independence and self-sufficiency among residents of West Greenville and Pitt County by enriching living and social conditions, increasing economic development, community involvement, improving and advocating educational opportunities, stimulating health awareness, and providing outreach networks. Community members benefit from these services regardless of age, race, creed, religion, economic status, or educational level. IGCC brings all members of the community together to identify and solve community issues with multiple community programs. |
| 10 | Agency/Group/Organization | Metropolitan Housing and CDC, Inc. |
| | Agency/Group/Organization Type | Housing Services - Housing |
| | What section of the Plan was addressed by Consultation? | Housing Need Assessment |
| | How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination? | Metropolitan Housing is a Community Development Corporation that has developed housing in the West Greenville area. |
| 11 | Agency/Group/Organization | Literacy Volunteers - Pitt County |
| | Agency/Group/Organization Type | Services-Education |
| | What section of the Plan was addressed by Consultation? | Non-Homeless Special Needs |

| | | |
|----|--|---|
| | How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination? | The mission of LV-PC is to promote literacy in Pitt County through trained volunteer tutors who provide one on one and small group tutoring to adults with limited reading, writing or English speaking/literacy skills. |
| 12 | Agency/Group/Organization | Pitt County Council on Aging |
| | Agency/Group/Organization Type | Services-Elderly Persons |
| | What section of the Plan was addressed by Consultation? | Non-Homeless Special Needs |
| | How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination? | The Pitt County Council on Aging works to enhance the quality of life for adults by providing access to a continuum of services, programs, and resources that promote healthy living and independence. |
| 13 | Agency/Group/Organization | ECU Marriage and Family Therapy |
| | Agency/Group/Organization Type | Services-Education |
| | What section of the Plan was addressed by Consultation? | Non-Homeless Special Needs |
| | How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination? | East Carolina University's marriage and family therapy program prepares students to become licensed marriage and family therapists. The program has been continuously accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE) since 1992. |
| 14 | Agency/Group/Organization | Mediation Center of Eastern Carolina |
| | Agency/Group/Organization Type | Services - Mediation |
| | What section of the Plan was addressed by Consultation? | Non-Homeless Special Needs |

| | | |
|----|--|--|
| | How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination? | MCEC is a conflict resolution based center, offering a variety of programs for the communities they serve. Their mission is to help individuals in the community develop the capacity to respectfully resolve conflict. |
| 15 | Agency/Group/Organization | Habitat for Humanity of Pitt County |
| | Agency/Group/Organization Type | Housing Services - Housing |
| | What section of the Plan was addressed by Consultation? | Housing Need Assessment Non-Homeless Special Needs |
| | How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination? | The mission of Habitat for Humanity is to bring people together to build homes, communities and hope. |
| 16 | Agency/Group/Organization | Operation Sunshine, Inc. |
| | Agency/Group/Organization Type | Services-Education Services-Employment |
| | What section of the Plan was addressed by Consultation? | Non-Homeless Special Needs Economic Development |
| | How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination? | OS provides nurturing and motivating programs, structured activities to develop and promote academic success, social skills, cultural awareness, personal growth and self-esteem to economically and socially deprived at-risk females ages 5-13 in the Pitt County community. |
| 17 | Agency/Group/Organization | Boys and Girls Clubs of the Coastal Plain |
| | Agency/Group/Organization Type | Services-Education |

| | | |
|----|--|--|
| | What section of the Plan was addressed by Consultation? | Non-Homeless Special Needs |
| | How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination? | The mission of the Boys and Girls Clubs of the Coastal Plain is to enable all young people, especially those who need us most, to reach their full potential as productive, caring, responsible citizens. |
| 18 | Agency/Group/Organization | KCC CDC |
| | Agency/Group/Organization Type | Services-Education |
| | What section of the Plan was addressed by Consultation? | Non-Homeless Special Needs |
| | How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination? | KCC CDC provides before and after school programs, summer camps and youth leadership programs to children and youth in Greenville, NC. The City has partnered with KCC CDC to develop an affordable housing project and has donated a home to them for rehabilitation as an affordable rental unit. This improved coordination is expected to continue with future projects. |
| 19 | Agency/Group/Organization | Restore One |
| | Agency/Group/Organization Type | Services-Education Services - Victims |
| | What section of the Plan was addressed by Consultation? | Non-Homeless Special Needs |
| | How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination? | Restore One is a ministry that seeks to open shelters that offer faith-based residential recovery programs, free of cost to American boys who are survivors of domestic minor sex trafficking. Restore One also counteracts human trafficking and human exploitation by community awareness, education, outreach and partnerships. |

| | | |
|----|--|--|
| 20 | Agency/Group/Organization | United Way of Pitt County |
| | Agency/Group/Organization Type | Services-Education Services-Employment Regional organization Neighborhood Organization |
| | What section of the Plan was addressed by Consultation? | Non-Homeless Special Needs Economic Development |
| | How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination? | United Way PC creates lasting change by addressing the underlying causes of community issues. UWPC provides a safety net of basic needs services, while also focusing on school success and workforce development. |
| 21 | Agency/Group/Organization | Gods Love |
| | Agency/Group/Organization Type | Philanthropy, Charity and Volunteer Neighborhood Organization |
| | What section of the Plan was addressed by Consultation? | Non-Homeless Special Needs |
| | How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination? | Gods Love is a philanthropy, charity and volunteer promotion organization in North Carolina. |
| 22 | Agency/Group/Organization | Trillium Health Resources |
| | Agency/Group/Organization Type | Other government - Local |
| | What section of the Plan was addressed by Consultation? | Housing Need Assessment Non-Homeless Special Needs |

| | |
|---|---|
| <p>How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?</p> | <p>Trillium is a local governmental agency that manages mental health, substance use, and intellectual/developmental disability services in eastern North Carolina.</p> |
|---|---|

Identify any Agency Types not consulted and provide rationale for not consulting

Other local/regional/state/federal planning efforts considered when preparing the Plan

| Name of Plan | Lead Organization | How do the goals of your Strategic Plan overlap with the goals of each plan? |
|--|--------------------|--|
| Consolidated Plan | City of Greenville | The Consolidated Plan identifies high priority areas and activities to address housing and community development needs |
| City of Greenville City Council Goals and Priorities | City of Greenville | The City Council goals emphasize creating and sustaining complete neighborhoods, enhancing public infrastructure, and economic development |

Table 3 – Other local / regional / federal planning efforts

Narrative (optional)

AP-12 Participation – 91.105, 91.200(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation Summarize citizen participation process and how it impacted goal-setting

The City of Greenville values citizen participation in identifying needs and developing activities for each plan year. Staff utilizes multiple modes of communication to inform citizens of opportunities to engage around Action Plan activities. Five public meetings were held with three being in various locations and two held via video technology as a response to COVID-19 to accommodate and encourage citizen participation on the 2021-2022 Plan. Two of the meetings were televised as part of the Affordable Housing Loan Committee meeting airing on the government access television station. Two meetings were scheduled within the Neighborhood Revitalization Strategy Area, one of which was within the West Greenville Redevelopment Area but had to be canceled because of State and Local Stay At Home orders to prevent the spread of COVID-19. Copies of the Plan were made available on the City's website, at the Housing Division office, and at the local libraries. Hard copies are also available upon request.

Citizen Participation Outreach

| Sort Order | Mode of Outreach | Target of Outreach | Summary of response/ attendance | Summary of comments received | Summary of comments not accepted and reasons | URL (If applicable) |
|------------|-----------------------|------------------------------|---|-----------------------------------|--|---------------------|
| 1 | Public Comment Period | Non-targeted/broad community | 30-day public comment period was held from November 10, 2021-December 9, 2021 for citizens to provide input | No written comments were received | NA | NA |
| 2 | Public Meeting | Non-targeted/broad community | A community meeting was held during the Affordable Housing Loan Committee meeting in City Hall on November 10 from 4p-5p to receive input on the 2020-2022 AAP. | No written comments were received | NA | NA |
| 5 | Public Hearing | Non-targeted/broad community | A Public hearing was held at City Council on December 9, 2021 for citizens to provide input | No written comments were received | NA | NA |

| Sort Order | Mode of Outreach | Target of Outreach | Summary of response/ attendance | Summary of comments received | Summary of comments not accepted and reasons | URL (If applicable) |
|------------|-----------------------|------------------------------|---|------------------------------|--|---------------------|
| 6 | Public Comment Period | Non-targeted/broad community | 31-day public comment period was held from April 11, 2022- May 12, 2022 for citizens to provide input | | NA | NA |
| 7 | | | | | | |
| 8 | | | | | | |
| 9 | | | | | | |
| 10 | | | | | | |

Table 4 – Citizen Participation Outreach

Expected Resources

AP-15 Expected Resources – 91.220(c)(1,2)

Introduction

The City of Greenville will continue to support housing and community development activities with funding from CDBG, HOME, General Fund revenues, Greenville Utilities Commission (GUC) Energy Efficiency funds, and other resources as available. The availability of CDBG and HOME funds makes possible the leveraging of additional funding through public-private partnerships and

other agencies. Program income from these programs is reinvested in the community to further community development activities.

Anticipated Resources

| Program | Source of Funds | Uses of Funds | Expected Amount Available Year 1 | | | | Expected Amount Available Remainder of ConPlan \$ | Narrative Description |
|---------|-----------------|---|----------------------------------|--------------------|--------------------------|-----------|---|--|
| | | | Annual Allocation: \$ | Program Income: \$ | Prior Year Resources: \$ | Total: \$ | | |
| CDBG | Public-federal | Acquisition Admin & Planning Demolition Public Improvements Public Services Rehabilitation | 1,000,000 | 30,000 | 450,000 | 1,480,000 | NA | CDBG funds will be utilized for administration and planning to facilitate all eligible activities. Funds will support acquisition and demolition of blighted properties in priority areas, public improvements to enhance priority areas, citywide owner-occupied home rehabilitation, and continued support of non-profits. |
| HOME | Public-federal | Admin & Planning Homebuyer Assistance Rehabilitation Multifamily New Construction | 500,000 | 30,000 | 1,900,000 | 2,430,000 | NA | HOME funds will be utilized for administration and planning to facilitate all eligible activities. Funds will support down payment assistance, new construction of single and multifamily development. |

| | | | | | | | | |
|--------------|--------------|------------------|---------|---|---|---------|----|--|
| General Fund | Public-local | Admin & Planning | 328,695 | 0 | 0 | 328,695 | NA | Local funding will be used for administrative and operating costs, and planning. |
|--------------|--------------|------------------|---------|---|---|---------|----|--|

Table 5 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

Additional funds are leveraged due to the availability of federal resources through a variety of programs. They include:

- Greenville Utilities Commission (GUC) supports energy efficiency improvements in owner-occupied units of households at or below 100% area median income (AMI). This supplemental funding makes possible additional repairs for homeowners participating in CDBG or HOME rehab programs, or an opportunity for repairs for families that may not qualify for federally funded programs.
- American Rescue Plan Act (ARPA) has made available unique funding to address the lingering impacts of COVID on vulnerable populations. HOME-ARP will become available to address homeless needs, as well as resources from the State that may be leveraged to expand existing HUD-funded programs.
- City-owned property purchased with federal or local bond funds has been made available to affordable housing developers to encourage production in priority areas.
- General Fund dollars support the administrative and operational costs of the Housing Division, demonstrating the City’s commitment to adequate capacity for facilitation of federal programs.

If appropriate, describe publicly owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

Discussion

The City has acquired property in the West Greenville Revitalization Area. The Consolidated Plan has identified this area for federal and local investment. The buildable lots in this priority area will be used for affordable housing. Concentrated effort will be focused in the Lincoln Park neighborhood. Completion of one new unit was documented during the 2021-2022 plan year, and construction of more is being planned. Completion and sale of these units is expected in the 2023-2024 program year.

Annual Goals and Objectives

AP-20 Annual Goals and Objectives

Goals Summary Information

| Sort Order | Goal Name | Start Year | End Year | Category | Geographic Area | Needs Addressed | Funding | Goal Outcome Indicator |
|------------|---|------------|----------|--|-------------------------------------|--|-----------|---|
| 1 | Affordable Housing Preservation and Development | 2018 | 2022 | Affordable Housing | West Greenville NRSA Citywide | Supply of Affordable Housing | CDBG HOME | Homeowner Housing Rehabilitated: 15 units Rental units constructed: 180 units Homeowner Housing Added: 5 units Down payment assistance: 12 |
| 2 | Addressing Homelessness | 2018 | 2022 | Homelessness | Citywide | Addressing Homelessness | CDBG HOME | Individuals Assisted: 650 individuals |
| 3 | Expansion of Available Public Services | 2018 | 2022 | Affordable Housing Non-Housing Community Development | Citywide | Affordable Housing Preservation & Development Addressing Homelessness | CDBG | Households Assisted: 1,950 |

Table 6 – Goals Summary

Goal Descriptions

| | | |
|----------|-------------------------|---|
| 1 | Goal Name | Affordable Housing Preservation and Development |
| | Goal Description | The City will create and preserve affordable housing for low- and moderate- income families by extending the lifespan of units through rehabilitation, providing down payment assistance for first-time homebuyers, and by working with private developers to produce affordable owner-occupied and rental units. |
| 2 | Goal Name | Addressing Homelessness |
| | Goal Description | The City will utilize federal funding to support the regional efforts of the CoC that provide housing and services to special needs populations and very-low income individuals. |
| 3 | Goal Name | Expansion of Available Public Services |
| | Goal Description | The City will continue to support non-profits through CDBG sub-recipient funding. |

Projects

AP-35 Projects – 91.220(d)

Introduction

CDBG and HOME resources will be used to administer housing and community development activities throughout the city with emphasis in the West Greenville Neighborhood Revitalization Strategy Area (NRSA). CDBG-CV resources will be used to prevent job loss, and additional HOME resources will also be used to establish a temporary Tenant Based Rental Assistance (TBRA) program to assist City of Greenville residents affected by COVID-19.

Projects

| # | Project Name |
|---|---------------------------------------|
| 1 | CDBG: Program Administration (2020) |
| 2 | CDBG: Rehabilitation (2020) |
| 3 | CDBG: Public Services (2020) |
| 4 | HOME: Program Administration (2020) |
| 5 | HOME: Down Payment Assistance (2020) |
| 6 | HOME: New Construction/Housing (2020) |

Table 7 - Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

The community goals and needs identified in the 2018-2022 Consolidated Plan determine the project and funding priorities for the 2022-2023 program year. The needs of the community exceed available funding, increasing the importance of leveraging additional resources. Several of the intended activities are for citywide participation, while the majority will be concentrated within the priority area of the NRSA.

AP-38 Project Summary
Project Summary Information

| | | |
|----------|--|---|
| 1 | Project Name | CDBG: Program Administration (2020) |
| | Target Area | NA |
| | Goals Supported | All |
| | Funding | \$200,000 |
| | Description | Staff salary, planning, and administrative service delivery costs for implementing CDBG will be funded with the 20% administrative cap allowed by federal regulations and with support of local general fund. |
| | Target Date | 6/30/2023 |
| | Estimate the number and type of families that will benefit from the proposed activities | NA |
| | Planned Activities | Program administration of the CDBG program |
| 2 | Project Name | CDBG: Rehabilitation (2023) |
| | Target Area | Citywide |
| | Goals Supported | <ol style="list-style-type: none"> 1. Affordable housing preservation and development 2. Reduce slum and blight |
| | Funding | \$1,080,000 |
| | Description | The rehabilitation program assists low- and moderate-income homeowners with repairing existing housing. Rehab activities eliminate code violations and extend the lifespan of housing units. |
| | Target Date | 6/30/2023 |

| | | |
|----------|--|--|
| | Estimate the number and type of families that will benefit from the proposed activities | Number of units rehabilitated: 15 |
| | Planned Activities | Rehabilitation activities are intended to remediate code violations providing decent, safe, and sanitary living environments for 10 qualified homeowners with annual incomes at or below 80% AMI citywide or 120% AMI within the NRSA. |
| 3 | Project Name | CDBG: Public Services (2023) |
| | Target Area | Citywide |
| | Goals Supported | <ol style="list-style-type: none"> 1. Expansion of available public services 2. Addressing homelessness 3. Affordable housing preservation and development |
| | Funding | \$150,000 |
| | Description | The City will make available funds to assist non-profit organizations with approved activities. The Affordable Housing Loan Committee (AHLC) makes a recommendation for funding that is included in the AAP. Qualified agencies will provide services that assist low- and moderate- income individuals, homeless persons, youth development, housing providers, and mental health services. Other services may be procured throughout the program year. |
| | Target Date | 6/30/2023 |
| | Estimate the number and type of families that will benefit from the proposed activities | Number of individuals served: 1,950 |

| | | |
|----------|--|---|
| | Planned Activities | <p>The City of Greenville will make available funding to assist approved non-profit sub-recipients that address the needs and goals identified by the 2018-2022 Consolidated Plan. The agencies, activities, and funding amounts recommended by the AHLC are below:</p> <p>Center for Family Violence Prevention - \$22,000</p> <p>Community Crossroads Center - \$10,000</p> <p>Martin-Pitt Partnership for Children - \$20,000</p> <p>Habitat for Humanity of Pitt County - \$18,000</p> <p>Boys & Girls Club of the Coastal Plain - \$15,000</p> <p>Other community needs addressed by non-profits- \$50,000</p> |
| 4 | Project Name | HOME: Program Administration (2020) |
| | Target Area | NA |
| | Goals Supported | All |
| | Funding | \$200,000 |
| | Description | Staff salary, planning, and administrative service delivery costs for implementing HOME will be funded with the 10% annual allocation administrative cap allowed by federal regulations and with support of local general fund. |
| | Target Date | 6/30/2023 |
| | Estimate the number and type of families that will benefit from the proposed activities | NA |

| | | |
|----------|--|---|
| | Planned Activities | Program administration of the HOME program |
| 5 | Project Name | HOME: Down Payment Assistance (2020) |
| | Target Area | Citywide |
| | Goals Supported | 1. Affordable housing preservation and development |
| | Funding | \$200,000 |
| | Description | Down payment assistance for LMI first-time buyers or buyers who have not owned a home within the past three years. |
| | Target Date | 6/30/2021 |
| | Estimate the number and type of families that will benefit from the proposed activities | Number of new homeowners: 12 |
| | Planned Activities | Following completion of homeownership counselling, down payment assistance of up to 20% of the purchase price not to exceed \$20,000 will be made available to qualified buyers. |
| 6 | Project Name | HOME: New Construction/Housing (2023) |
| | Target Area | Citywide |
| | Goals Supported | 1. Affordable housing preservation and development |
| | Funding | \$2,000,000 |
| | Description | Funding will be made available for the development of new affordable housing via partnerships with private developers. New units will support the need for rental and owner-occupied housing for low- and moderate-income families. |

| | | |
|--|--|---|
| | Target Date | 6/30/2023 |
| | Estimate the number and type of families that will benefit from the proposed activities | Number of new units: 185 |
| | Planned Activities | New construction or rehabilitation for purposes of creating new rental or owner-occupied units. |

AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

Most activities include eligibility citywide in an effort to support broad and diverse affordable housing practices. The West Greenville community, however, benefits from focused attention and some exceptions to decrease racially-concentrated areas of poverty and to remain aligned with plans for redevelopment.

Geographic Distribution

| Target Area | Percentage of Funds |
|-------------------------|----------------------------|
| West Greenville NRSA | 75 |
| Citywide Scattered Site | 25 |

Table 8 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

Discussion

Funds are concentrated within the NRSA in an effort to create significant improvements. Development has been initiated and will continue implementation with a focused approach to increase momentum and ensure both an efficient and effective use of resources. While program data suggests a majority of households are minority occupied, eligibility for programs is extended to all racial, ethnic, and gender groups equally.

Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

The City of Greenville prioritizes creating and preserving affordable housing with the use of federal and local housing resources. A variety of housing and community economic development strategies are utilized including:

1. Down Payment Assistance
2. Owner-Occupied Home Rehabilitation
3. New Construction
4. Homeownership Education
5. Homeless Services
6. Emergency Rental Assistance

| One Year Goals for the Number of Households to be Supported | |
|---|-----|
| Homeless | 650 |
| Non-Homeless | 34 |
| Special-Needs | 0 |
| Total | 684 |

Table 9 - One Year Goals for Affordable Housing by Support Requirement

| One Year Goals for the Number of Households Supported Through | |
|---|-----|
| The Production of New Units | 185 |
| Rehab of Existing Units | 15 |
| Total | 200 |

Table 10 - One Year Goals for Affordable Housing by Support Type

Discussion

The City will continue to support a variety of low- and moderate- income families with affordable housing. Homeless support will be provided through the Community Crossroads Center, a sub-recipient of CDBG. Other households receiving assistance will include 15 owner-occupied rehabilitations, 180 Low Income Housing Tax Credit units produced, 5 HOME-funded new builds in partnership with a developer, 12 down payment assistance subsidies, and other opportunities as they may present.

AP-60 Public Housing – 91.220(h)

Introduction

There are four (4) Public Housing managing agencies in Pitt County that receive federal funding to address and maintain public housing needs. The agencies are Greenville Housing Authority, Mid-East Commission, Farmville Housing Authority, and Ayden Housing Authority.

Actions planned during the next year to address the needs to public housing

The City will continue to partner with the Greenville Housing Authority to provide homeownership counselling in preparation for ownership and to create new affordable units for low- and moderate-income buyers. The City partners with GHA for monthly workshops offered to public housing residents and the general public.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

Preparing and assisting public housing residents with obtaining homeownership goals helps transition residents to self-sustainability and reduces the overwhelming demand for public housing.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

NA

Discussion

AP-65 Homeless and Other Special Needs Activities – 91.220(i)

Introduction

The City is an active partner of the Pitt County Continuum of Care. The group, comprised also of Pitt County, nonprofit, and service providers, meets regularly to discuss homeless needs and concerns within the community. The January 2018 Homeless Population Point in Time count revealed 122 homeless individuals in Pitt County.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including

The City plans to fund homeless services for an anticipated 650 individuals. Services will be administered through sub-recipient partners, Community Crossroads Center and the Center for Family Violence Prevention.

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The City is committed to continuing support for the regional committee through services and programs that aid in the reduction, and ultimate elimination, of homelessness.

Addressing the emergency shelter and transitional housing needs of homeless persons

The City addresses emergency shelter with services administered through sub-recipient partners, Community Crossroads Center and the Center for Family Violence Prevention.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

Considering the relationship between mental health and chronic homelessness, the City is funding the mental health counselling through the Center for Family Violence Prevention in addition to other direct housing assistance for homeless individuals and families. Financial literacy classes are being discussed with community partners to address issues such as credit, budgeting, and employment that tend to also create obstacles to obtaining housing.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving

assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

The City of Greenville is not a recipient of the Emergency Solutions Grant (ESG); however, the City is a committed partner of the ESG-funded Continuum of Care. The City provides CDBG funding to help address housing, social service, education, and youth needs through sub-recipient grants.

Discussion

AP-75 Barriers to affordable housing – 91.220(j)

Introduction:

The City of Greenville developed an Analysis of Impediments to Fair Housing Choice (AI) serving as a comprehensive consideration of housing issues in the city limits. From this, five (5) goals were identified to address impediments to fair housing, including: increasing access to affordable housing, reducing substandard housing, increasing employment training and opportunities, increasing economic development activities and investments, and increasing fair housing awareness and education.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

In an attempt to address and remove negative or unintended consequences of public policies that serve as barriers to affordable housing, the City supplements affordable housing strategies with locally funded programs that benefit citizens citywide and/or above maximums for federal programs. These programs include the Energy Efficiency, West Greenville and University Area Down Payment Assistance, and 10% Loan Assistance programs. While programs and services are emphasized in a racially concentrated area of poverty, the NRSA designation allows some CDBG-funded programs to be extended to residents with incomes above 80% AMI. This allows for creating and sustaining mixed-income communities.

Discussion:

AP-85 Other Actions – 91.220(k)

Actions planned to address obstacles to meeting underserved needs

Staff partners with a variety of other agencies to understand community needs and to leverage additional resources to address them. The City continues to create affordable housing through a variety of strategies, to support community economic development, and to fund services that benefit low- to moderate-income citizens. Sub-recipient funding makes available social services, senior services, homeless services, youth development and family programs for residents of Greenville meeting a variety of underserved needs. Staff will continue to create opportunities to engage the public on specific needs through an increasing amount of community outreach.

Actions planned to foster and maintain affordable housing

1. **Down Payment Assistance** reduces the amount of financing required for homebuyers to achieve homeownership.
2. **Owner-Occupied Home Rehabilitation** assists homeowners with maintenance of older homes by financing needed repairs through grants or zero-interest loans.
3. **New Construction** of single- and multi-family units is incentivized by providing a number of subsidies to developers.
4. **Homeownership Counselling** provided in partnership with other agencies educates and provides support to prospective homebuyers about the homebuying process.
5. **Homeless Services** are provided through sub-recipient funding creating emergency solutions for individuals and families in need.

Actions planned to reduce lead-based paint hazards

Lead will continue to be addressed in pre-1978 built homes through the owner-occupied rehabilitation program.

Actions planned to reduce the number of poverty-level families

The City actively removes barriers to elevate poverty-level families by providing financial literacy education, extending the lifespan of housing for low-income homeowners through the owner-occupied rehabilitation program, and by providing down payment assistance to reduce needed financing for low-income homebuyers. Social and housing services provided through sub-recipients also eliminate financial burdens for citizens at or near poverty-level.

Actions planned to develop institutional structure

The City of Greenville, through the Housing Division, a network of sub-recipients, Community Housing Development Organization (CHDO), housing contractors, and Continuum of Care partnership is organized to utilize all local, state, and federal funding through appropriate programs. The private sector is incentivized to provide services that address the goals of the Consolidated and Annual Action Plans. By coordinating with other governmental agencies, non-

profit organizations, private enterprises, and individuals, the network of resources will increase opportunities within the target area and citywide.

Actions planned to enhance coordination between public and private housing and social service agencies

The City of Greenville partners with local nonprofit agencies to provide homeownership counselling and workshops for potential homebuyers. At program completion, participants are eligible for down payment assistance for the purchase of their first home.

In addition, the City partners with Metropolitan Housing and CDC and Greenville Housing Development Corporation for creation of new single-family units in the West Greenville NRSA. The City is continuing to expand partnerships with affordable housing developers for additional production.

Program Specific Requirements

AP-90 Program Specific Requirements – 91.220(I)(1,2,4)

HOME Investment Partnership Program (HOME)

Reference 24 CFR 91.220(I)(2)

- 1. A description of other forms of investment being used beyond those identified in Section 92.205 is as follows:**

The City has partnered with the Greenville Housing Development Corporation to access their down payment assistance funds through a partnership with the North Carolina Housing Finance Agency (NCHFA). The NCHFA program can bring up to \$20,000 in down payment assistance to qualified buyers. When combined with the City's down payment assistance program, up to \$40,000 is available to reduce the burden of homeownership for low-wealth families.

- 2. A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in 92.254, is as follows:**

In accordance with the applicable homebuyer recapture/resale provision outlined in 24 CFR Part 92.254, the City of Greenville has adopted the recapture provision. Greenville provides direct HOME subsidy, on a pro-rata basis, to eligible homebuyers, which includes down payment assistance and closing costs. Greenville provides HOME funds to its CHDOs to develop affordable housing. Greenville CHDOs have adopted the HOME recapture provision, with the exception of development of rental units. When CHDOs develop homeownership single-family housing, down payment assistance is provided by the City.

All CHDOs, sub-recipients and all entities who administer HOME programs will follow recapture provisions that have been adopted by the City. The City requires the recapture of its HOME-funded homeownership housing assistance from net sales proceeds when the original homebuyer sells the property during the affordability period.

Net sales proceeds are the funds remaining from the sale of the property by the original homebuyer less the repayment of the outstanding balance on any superior mortgage, sales commission, the original homebuyer's down payment and the cost of any property improvements made by the original homebuyer. To the extent that net proceeds are available at closing, all of the HOME funds are due and payable. In the event of foreclosure, the Lender may not require the Borrower to repay an amount greater than the net proceeds available after the foreclosure sale. The recapture provision is enforced through execution of a Declaration of Deed Restrictions, which identifies the

period of affordability, primary residency requirement, and term and conditions required when using the recapture provision.

Homebuyer assistance may be used for down payment assistance and/or principal mortgage reduction via Secondary Mortgage. Borrower's income cannot exceed 80% of the area median income adjusted by family size as published annually for Greenville. Maximum loan amounts of up to \$20,000 (20% of sales price of home with cap of \$20,000). Loans will be amortized over a fifteen-year period at 0% interest. If the property is disposed of voluntarily, involuntarily, or is in default, the percentage for repayment is based on the actual year.

Assistance provided to nonprofit agencies through the CDBG Program will be secured with a sub-recipient agreement/contract. Should the agency fail to comply with program rules, the assistance will be recaptured.

Recaptured HOME funds by a CHDO, on behalf of the City of Greenville, are not considered to be CHDO proceeds but shall be used by the CHDO to provide affordable housing for the City of Greenville residents.

Recaptured HOME funds provided by an agency other than a CHDO will be recaptured by the City of Greenville to be used for eligible HOME activities in accordance with the requirements of the HOME statute and regulations, in the same manner as program income.

The recapture provision will ensure that each HOME assisted unit will remain affordable for a period of time determined by the recapture schedule below, established in accordance with 24 CFR 92.254(a)(4):

| <u>HOME Funds Provided</u> | <u>Period of Affordability</u> |
|----------------------------|--------------------------------|
| Less than \$15,000 | 5 years |
| \$15,000 to \$40,000 | 10 years |
| More than \$40,000 | 15 years |
| New Construction | 20 years |

3. A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds? See 24 CFR 92.254(a)(4) are as follows:

Housing rehabilitation assistance will be offered to persons/families with incomes up to but not greater than 80% AMI adjusted by family size and as published annually for Greenville. For households with incomes less than 50% AMI, a 15-year deferred loan will be offered up to \$60,000 for rehabilitation

assistance. For households with incomes from 51% to 80% AMI, the combination of a deferred payment loan and a no-interest loan is available. Deferred loans are forgiven at a rate of 10% each year and no-interest loans are amortized over ten (10) years. In no case may the assistance exceed \$60,000 unless special circumstances exist that warrant exceeding the maximum price and approval of the City Manager is granted.

Assistance provided to nonprofit agencies through CDBG will be secured with a sub-recipient agreement/contract. Should the agency fail to comply with program rules, the assistance will be recaptured.

Recaptured HOME funds by CHDOs, on behalf of the City of Greenville, are not considered to be CHDO proceeds but shall be used by the CHDO to provide affordable housing for City of Greenville citizens.

Recaptured HOME funds provided by an agency other than a CHDO will be recaptured by the City of Greenville to be used for eligible HOME activities in accordance with the requirements of the HOME statute and regulations, in the same manner as program income.

4. Plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds along with a description of the refinancing guidelines required that will be used under 24 CFR 92.206(b), are as follows:

The City of Greenville does not have existing debt.



City of Greenville, North Carolina

Meeting Date: 05/12/2022

Title of Item: Public Hearing on the Proposed Fiscal Year 2022-23 City of Greenville Budgets Including Sheppard Memorial Library, the Pitt-Greenville Convention & Visitors Authority, Greenville Utilities Commission and a Public Hearing to be Held Concurrently on Proposed Stormwater Management Utility Rate Increase

Explanation: Attached are the Fiscal Year 2022-23 Proposed City of Greenville and Greenville Utilities Commission Budget Ordinances. The City Council is required by Section 159-12 of the North Carolina General Statutes to hold a public hearing before adopting the budget ordinances. The City of Greenville's budget ordinance also includes Sheppard Memorial Library and Pitt-Greenville Convention & Visitors Authority.

It should be noted that the required public hearing on the proposed stormwater management utility rate increase will be held concurrently with the public hearing on the proposed Fiscal Year 2022-23 budgets as authorized by North Carolina General Statute 160A-314.

The attached ordinances are submitted for consideration at the City Council's May 23, 2022 meeting.

Fiscal Note: The City of Greenville Fiscal Year 2022-23 budget ordinance for the City's operating funds provide revenues and appropriations for the following:

| | |
|---------------------------------|---------------|
| General | \$ 95,165,572 |
| Debt Service | 6,322,622 |
| Public Transportation (Transit) | 3,485,714 |
| Fleet Maintenance | 5,203,116 |
| Sanitation | 8,387,480 |
| Stormwater Utility | 8,535,490 |
| Housing | 1,931,466 |
| Health | 14,258,648 |
| Vehicle Replacement | 5,153,938 |
| Facilities Improvement | 1,200,000 |

The City of Greenville's Fiscal Year 2022-23 budget ordinance also includes revenues and appropriation for Sheppard Memorial Library and Pitt-Greenville Convention and Visitors Authority as follows:




| | |
|---|-------------|
| Sheppard Memorial Library Fund | \$2,731,653 |
| Pitt-Greenville Convention & Visitors Authority | \$1,674,358 |

The Greenville Utilities Commission's Fiscal Year 2022-23 budget ordinance provides revenues and appropriations for the following:

| | |
|--------------------|---------------|
| Operating Revenues | \$274,105,613 |
|--------------------|---------------|

Recommendation: Receive staff presentations and conduct a public hearing on the proposed budgets for Fiscal Year 2022-23, including the concurrent public hearing on the stormwater management utility rate increase.

ATTACHMENTS

-  [COG 2023 Budget Ordinance.XLSX](#)
-  [GUC Ordinance 2023.pdf](#)
-  [Manual_of_Fees_2023.docx](#)

ORDINANCE NO. 22-
CITY OF GREENVILLE, NORTH CAROLINA
2022-2023 BUDGET ORDINANCE

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

Section I: Estimated Revenue. It is estimated that the following revenues will be available for the City of Greenville during the fiscal year beginning July 1, 2022 and ending June 30, 2023:

| GENERAL FUND | | |
|--|---------------|------------|
| Unrestricted Intergovernmental Revenues: | | |
| Ad Valorem Taxes | | |
| Current Year Taxes - Operations | \$ 37,642,527 | |
| Prior Year's Taxes and Penalties | 387,873 | |
| Subtotal | | 38,030,400 |
| | | |
| Sales Tax | \$ 26,935,346 | |
| Rental Vehicle Gross Receipts | 176,125 | |
| Video Programming & Telecommunication Services Tax | 793,717 | |
| Utilities Franchise Tax | 6,828,328 | |
| Motor Vehicle Tax | 1,746,059 | |
| Other Unrestricted Intergovernmental Revenues | 871,145 | |
| Subtotal | | 37,350,720 |
| | | |
| Restricted Intergovernmental Revenues: | | |
| Restricted Intergovernmental Revenues | \$ 465,601 | |
| Powell Bill - State allocation payment | 2,123,924 | |
| Subtotal | | 2,589,525 |
| | | |
| Licenses, Permits, & Fees: | | |
| Other Licenses, Permits & Fees | \$ 4,341,722 | |
| Subtotal | | 4,341,722 |
| | | |
| Sales and Services: | | |
| Rescue Service Transport | \$ 3,200,000 | |
| Parking Violation Penalties | 275,000 | |
| Leased Parking & Meters | 378,697 | |
| Subtotal | | 3,853,697 |
| | | |
| Other Revenues: | | |
| Sale of Property | \$ - | |
| Other Revenues Sources | 1,032,490 | |
| Subtotal | | 1,032,490 |
| | | |
| Investment Earnings: | | |
| Interest on Investments | \$ 742,690 | |
| Subtotal | | 742,690 |
| | | |
| Other Financing Sources: | | |
| Transfer from FEMA Fund | \$ - | |
| Transfer from Greenville Utilities Commission | 7,074,328 | |
| Subtotal | | 7,074,328 |
| | | |
| Fund Balance Appropriated: | | |
| Appropriated Fund Balance - General | \$ 150,000 | |
| Appropriated Fund Balance - Powell Bill | - | |
| Subtotal | | 150,000 |
| | | |
| TOTAL GENERAL FUND REVENUES | | 95,165,572 |

| | | | |
|---|------------------------------------|------------------|-----------------------------|
| | DEBT SERVICE FUND | | |
| Occupancy Tax | \$ | 684,958 | |
| Transfer from General Fund | | <u>5,637,664</u> | |
| TOTAL DEBT SERVICE FUND | | | <u><u>\$ 6,322,622</u></u> |
| | PUBLIC TRANSPORTATION FUND | | |
| Grant Income | \$ | 2,391,820 | |
| Bus Fare / Ticket Sales | | 272,000 | |
| Other Revenues | | 50,000 | |
| Transfer from General Fund | | <u>771,894</u> | |
| TOTAL TRANSPORTATION FUND | | | <u><u>\$ 3,485,714</u></u> |
| | FLEET MAINTENANCE FUND | | |
| Fuel Markup | \$ | 1,604,780 | |
| Labor Fees | | 1,606,279 | |
| Parts Markup | | 1,284,335 | |
| Commercial Labor Markup | | 665,572 | |
| Other Revenue Sources | | <u>42,150</u> | |
| TOTAL FLEET MAINTENANCE FUND | | | <u><u>\$ 5,203,116</u></u> |
| | SANITATION FUND | | |
| Refuse Fees | \$ | 8,133,180 | |
| Cart and Dumpster | | 158,000 | |
| Other Revenues | | <u>96,300</u> | |
| TOTAL SANITATION FUND | | | <u><u>\$ 8,387,480</u></u> |
| | STORMWATER MANAGEMENT UTILITY FUND | | |
| Utility Fee | \$ | 8,535,490 | |
| Appropriated Fund Balance | | <u>-</u> | |
| TOTAL STORMWATER MANAGEMENT UTILITY FUND | | | <u><u>\$ 8,535,490</u></u> |
| | COMMUNITY DEVELOPMENT HOUSING FUND | | |
| CDBG Grant Income | \$ | 1,037,668 | |
| HOME Grant Income | | 565,103 | |
| Transfer from General Fund | | <u>328,695</u> | |
| TOTAL COMMUNITY DEVELOPMENT HOUSING FUND | | | <u><u>\$ 1,931,466</u></u> |
| | HEALTH FUND | | |
| Employer Contributions - City of Greenville | \$ | 9,397,836 | |
| Employee Contributions - City of Greenville | | 1,646,123 | |
| Retiree Contributions - City of Greenville | | 1,327,544 | |
| Other Agencies | | 1,103,731 | |
| Other Revenues | | 4,246 | |
| Insurance Company Refund/Reimbursement | | 240,000 | |
| Appropriated Fund Balance | | <u>539,168</u> | |
| TOTAL HEALTH FUND | | | <u><u>\$ 14,258,648</u></u> |

| FACILITIES IMPROVEMENT FUND | | |
|--|----|-----------------------|
| Transfer from General Fund | \$ | 1,200,000 |
| TOTAL FACILITIES IMPROVEMENT FUND | | <u>\$ 1,200,000</u> |
| VEHICLE REPLACEMENT FUND | | |
| Sale of Property | \$ | - |
| Transfer from City Departments | | 5,153,938 |
| Appropriated Fund Balance | | <u>-</u> |
| TOTAL VEHICLE REPLACEMENT FUND | | <u>\$ 5,153,938</u> |
| CAPITAL RESERVE FUND | | |
| Transfer from General Fund | \$ | - |
| TOTAL CAPITAL RESERVE FUND | | <u>\$ -</u> |
| TOTAL ESTIMATED CITY OF GREENVILLE REVENUES | | <u>\$ 149,644,046</u> |
| SHEPPARD MEMORIAL LIBRARY FUND | | |
| City of Greenville | \$ | 1,408,535 |
| Pitt County | | 640,335 |
| Pitt County-Bethel/Winterville | | 12,000 |
| Town of Bethel | | 21,108 |
| Town of Winterville | | 168,400 |
| State Aid | | 187,393 |
| Desk/Copier Receipts | | 55,000 |
| Interest Income | | 4,500 |
| Other Revenues | | 10,000 |
| Greenville Housing Authority | | 10,692 |
| Grant - LSTA Planning Grant | | 20,000 |
| Capital Projects | | 80,000 |
| SML Fund Balance & Capital | | <u>113,690</u> |
| TOTAL SHEPPARD MEMORIAL LIBRARY FUND | | <u>\$ 2,731,653</u> |
| PITT-GREENVILLE CONVENTION AND VISITORS AUTHORITY FUND | | |
| Occupancy Tax (2%) | \$ | 800,238 |
| Occupancy Tax (1%) | | 400,119 |
| Capital Reserve | | 325,000 |
| Investment Earnings | | 584 |
| Appropriated Fund Balance | | 98,417 |
| Capital Reserve/CVB | | <u>50,000</u> |
| TOTAL PITT-GREENVILLE CONVENTION AND VISITORS AUTHORITY FUND | | <u>\$ 1,674,358</u> |

Section II: Appropriations. The following amounts are hereby appropriated for the operation of the City of Greenville and its activities for the fiscal year beginning July 1, 2022 and ending June 30, 2023:

GENERAL FUND

| | | |
|--------------------------------|----|-------------------|
| Mayor & City Council | \$ | 503,926 |
| City Manager | | 2,950,567 |
| City Clerk | | 362,930 |
| City Attorney | | 686,116 |
| Human Resources | | 4,383,855 |
| Information Technology | | 3,533,373 |
| Engineering | | 5,021,147 |
| Fire/Rescue | | 17,360,824 |
| Financial Services | | 2,844,749 |
| Police | | 27,665,488 |
| Recreation & Parks | | 7,905,239 |
| Public Works | | 5,547,691 |
| Planning and Development | | 3,384,929 |
| Other Post Employment Benefits | | 700,000 |
| Contingency | | 100,000 |
| Capital Improvement | | 474,018 |
| Transfer to Other Funds | | 13,691,607 |
| Indirect Cost Reimbursement | | (1,950,887) |
| TOTAL GENERAL FUND | \$ | <u>95,165,572</u> |

DEBT SERVICE FUND

| | | |
|--------------|----|-----------|
| Debt Service | \$ | 6,322,622 |
|--------------|----|-----------|

PUBLIC TRANSPORTATION FUND

| | | |
|-----------------------|----|-----------|
| Public Transportation | \$ | 3,485,714 |
|-----------------------|----|-----------|

FLEET MAINTENANCE FUND

| | | |
|-------------------|----|-----------|
| Fleet Maintenance | \$ | 5,203,116 |
|-------------------|----|-----------|

SANITATION FUND

| | | |
|--------------------|----|-----------|
| Sanitation Service | \$ | 8,387,480 |
|--------------------|----|-----------|

STORMWATER MANAGEMENT UTILITY FUND

Stormwater Management \$ 8,535,490

COMMUNITY DEVELOPMENT HOUSING FUND

Community Development Housing / CDBG \$ 1,931,466

HEALTH FUND

Health Fund \$ 14,258,648

FACILITIES IMPROVEMENT FUND

Facilities Improvement Fund \$ 1,200,000

VEHICLE REPLACEMENT FUND

Vehicle Replacement Fund \$ 5,153,938

CAPITAL RESERVE FUND

| | | |
|----------------------------|------|-------------|
| Transfer from General Fund | \$ - | |
| TOTAL CAPITAL RESERVE FUND | | <u>\$ -</u> |

TOTAL CITY OF GREENVILLE APPROPRIATIONS \$ 149,644,046

SHEPPARD MEMORIAL LIBRARY FUND

Sheppard Memorial Library \$ 2,731,653

PITT-GREENVILLE CONVENTION AND VISITORS AUTHORITY FUND

Pitt-Greenville Convention and Visitors Authority \$ 1,674,358

Section III: Encumbrances. Appropriations herein authorized and made shall have the amount of outstanding purchase orders of June 30, 2022, added to each appropriation as it appears in order to account for the expenditures in the fiscal year in which it was paid.

Section IV: Taxes Levied. There is hereby levied a tax rate of 48.95 cents per one hundred dollars (\$100) valuation of taxable properties, as listed for taxes as of January 1, 2023 as set forth in the foregoing estimates of revenue, and in order to finance the foregoing appropriations.

Section V: Salaries.

(a) Salaries of Elected Officials. The annual salaries of the Mayor, Mayor Pro-Tem, and other members of the City Council shall be as follows:

| | | |
|-----------------|----|--------|
| Mayor | \$ | 13,900 |
| Mayor Pro-Tem | \$ | 9,600 |
| Council Members | \$ | 8,700 |

(b) Salary Cap of Greenville Utilities Commission Members. Pursuant to Section 4 of the Charter of the Greenville Utilities Commission of the City of Greenville, the monthly salaries of the members of the Greenville Utilities Commission shall not exceed the following caps:

| | | |
|--------|----|-----|
| Chair | \$ | 350 |
| Member | \$ | 200 |

Section VI: Amendments

(a) Pursuant to the General Statutes 159-15, this budget may be amended by submission of proposed changes to the City Council.

(b) Notwithstanding Subsection (a) above, the City Manager is authorized to transfer funds from one appropriation to another within the same fund in an amount not to exceed \$10,000. Any such transfers shall be reported to the City Council at its 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 City Manager 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 City Council as soon as possible, and the appropriate budget amendments are submitted at the next regular meeting.

Section VII: The Manual of Fees, dated July 1, 2022, is adopted herein by reference.

Section VIII: Motor Vehicle Tax.

(a) Pursuant to provisions of General Statute 20-97 (b1) and Section 10-3-1 of the Code of Ordinances, City of Greenville, an annual motor vehicle tax in the amount of thirty dollars (\$30) is hereby levied upon any vehicle resident in the city.

Section IX: Community Development. The City Council does hereby authorize grant project funds for the operation of FY 2022-2023 CDBG Entitlement and Community Development Home Consortium programs under the Community Development Block Grant Program and Home Consortium Program for the primary purpose of housing rehabilitation and other stated expenditures.

Section X: Greenville Utilities Commission. The City Council adopts a separate ordinance for the budget of the Greenville Utilities Commission.

Section XI: Distribution. Copies of this ordinance shall be furnished to the City Manager and Director of Financial Services of the City of Greenville to be kept on file by them for their direction in disbursement of funds.

ADPOTED this the 23rd day of May, 2022.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

ORDINANCE NO. 22-_____

CITY OF GREENVILLE, NORTH CAROLINA

2022-23 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, 2022 and ending June 30, 2023 to meet the subsequent expenditures, according to the following schedules:

| | <u>Revenues</u> | <u>Budget</u> |
|----|----------------------------------|----------------------|
| A. | <u>Electric Fund</u> | |
| | Rates & Charges | \$179,718,246 |
| | Fees & Charges | 1,346,990 |
| | Miscellaneous | 2,707,387 |
| | Interest on Investments | 240,000 |
| | Bond Proceeds | 217,683 |
| | Transfer from Rate Stabilization | <u>5,000,000</u> |
| | Total Electric Fund Revenue | \$189,230,306 |
| B. | <u>Water Fund</u> | |
| | Rates & Charges | \$24,399,360 |
| | Fees & Charges | 520,538 |
| | Miscellaneous | 265,823 |
| | Interest on Investments | 53,000 |
| | Bond Proceeds | <u>19,039</u> |
| | Total Water Fund Revenue | \$25,257,760 |
| C. | <u>Sewer Fund</u> | |
| | Rates & Charges | \$24,135,503 |
| | Fees & Charges | 485,732 |
| | Miscellaneous | 148,207 |
| | Interest on Investments | 45,000 |
| | Bond Proceeds | <u>38,078</u> |
| | Total Sewer Fund Revenue | \$24,852,520 |
| D. | <u>Gas Fund</u> | |
| | Rates & Charges | \$32,876,444 |
| | Fees & Charges | 184,987 |
| | Miscellaneous | 173,596 |
| | Interest on Investments | 70,000 |
| | Transfer from Rate Stabilization | <u>1,460,000</u> |
| | Total Gas Fund Revenue | <u>\$34,765,027</u> |
| | Total Revenues | <u>\$274,105,613</u> |

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, 2022 and ending on June 30, 2023, according to the following schedules:

| <u>Expenditures</u> | <u>Budget</u> |
|---------------------|----------------------|
| Electric Fund | \$189,230,306 |
| Water Fund | 25,257,760 |
| Sewer Fund | 24,852,520 |
| Gas Fund | <u>34,765,027</u> |
| Total Expenditures | <u>\$274,105,613</u> |

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, 2022.

(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, 2022.

| <u>Capital Projects Revenues</u> | <u>Budget</u> |
|--|-------------------------------|
| Electric Fund - Long Term Debt Proceeds | \$4,700,000 |
| Water Fund - Long Term Debt Proceeds | 525,000 |
| Sewer Fund - Long Term Debt Proceeds | 1,525,000 |
| Sewer Fund - Capital Projects Fund Balance | 500,000 |
| Gas Fund - Long Term Debt Proceeds | <u>750,000</u> |
| Total Revenues | <u><u>\$8,000,000</u></u> |

(b) The following amounts are hereby appropriated for capital projects that will begin during the fiscal year beginning July 1, 2022.

| <u>Capital Projects Expenditures</u> | <u>Budget</u> |
|---|-------------------------------|
| FCP10210 New Operations Center - Building 1 | \$2,000,000 |
| ICP10211 Customer Care & Billing Software Upgrade | 4,500,000 |
| SCP10245 Frog Level Pump Station Improvements | <u>1,500,000</u> |
| Total Capital Projects Expenditures | <u><u>\$8,000,000</u></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 23rd day of May, 2022.

Attest:

P. J. Connelly, Mayor

Valerie Shiuwegar, City Clerk



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CITY OF GREENVILLE

MANUAL OF FEES

JULY 1, 2022

Document Number 1163937

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INTRODUCTION

The Manual of Fees represents the compilation into one document of the fees and charges established by the City Council. Annually, the Manual of Fees is reviewed in its entirety and edited with any changes that may be made by City Council during the budget process.

Revisions may be made in this Manual as fees and charges are subsequently amended, established, or altered by City Council. Once City Council approves an amendment, it is the department head's responsibility to notify the Financial Services Director of the change.

The Manual of Fees was first printed on March 12, 1981. The Manual of Fees was repealed by the City Council and a new Manual of Fees was adopted on June 9, 1983 by Ordinance 1280.

ADMINISTRATIVE FEES

| Service | Fee |
|--|--|
| Beer & Wine License | |
| On-premises License | \$30.00 |
| Off-premises License | \$15.00 |
| Citizen Self Service - Credit Card Convenience Fee | \$1.50 per transaction |
| Copies | |
| Any Information Not Specifically Listed | \$0.25/page for each page over 7 pages |
| Requiring Research of Council, Board, or Commission Minutes 20 Years and Older | \$2.00/page for each page over 7 pages |
| Video Copy Fee | \$15.00 |
| Video Mailing Fee (to Cover Postage & Envelope) | \$3.00 |
| Motor Vehicle Fee | \$30.00 |
| Notary Service | |
| 1 Signature | \$3.00 |
| 2 Signatures | \$4.00 |
| 3 Signatures | \$5.00 |
| Public Record Requests | \$5.00 per CD or DVD |
| | \$50.00 per 64GB Flash Drive |
| | \$25.00 per 32GB Flash Drive |
| | \$15.00 per 16GB Flash Drive |
| | \$3.00 Mailing Fee |
| Release of Custodial Law Enforcement Agency Recordings [N.C.G.S. § 132-1.4A(I)] | Same Fees as Public Records Requests |
| Rental of Council Chambers (3-hour minimum) | Actual Staff Cost (\$150.00 Minimum) |
| Returned Check Fee | \$25.00 |

ANIMAL PROTECTIVE SERVICES FEES

| Service | Fee |
|---|---|
| Animal Protective Services Civil Penalties | |
| Animal Noise | \$100.00 |
| Public Nuisance | \$25.00 |
| Cruelty to Animals | \$50.00/1st Offense \$100.00/2nd Offense \$150.00/3rd Offense |
| Failure to Acquire Rabies Vaccination | \$50.00/1st Offense \$100.00/2nd Offense \$150.00/3rd Offense |
| Lack of Restraint by Chain or Leash (Leash Law Violation) | \$50.00/1st Offense \$100.00/2nd Offense \$150.00/3rd Offense |
| Un-kept Kennels or Pens | \$25.00/1st Offense \$50.00/2nd Offense \$75.00/3rd Offense |
| All Other Sections | \$15.00 |
| Administrative Fee | \$5.00 per Rabies Vaccination |
| Exotic Animal Fees | |
| Circus, Exhibitions, Shows | \$250.00 |
| Pet Store Permit | \$150.00 |
| Individual Permit | \$75.00 |

CEMETERY FEES

| Service | Fee |
|--|------------|
| Grave/Crypt Opening & Closing - Weekday | \$600.00 |
| Grave/Crypt Opening & Closing - Weekend or Holiday | \$750.00 |
| Cremation Niche Opening & Closing - Weekday | \$200.00 |
| Cremation Niche Opening & Closing - Weekend or Holiday | \$250.00 |
| Wait Time Per Hour | \$50.00 |
| Tree Removal | \$50.00 |
| Shrubbery Removal Per Lot | \$50.00 |
| Crypt/Mausoleum Installation Permit | \$100.00 |
| Monument Permit ** | \$40.00 |
| Certification of Cemetery Lot | \$10.00 |
| Trading or Resale of Cemetery Lot | \$25.00 |
| Copy of Lot Ownership When Original Deed Is Lost | \$10.00 |

**A permit for a government-issued Veteran's flush-mounted foot marker is required, but the permit fee will be waived for the foot marker. The fee will apply to government-issued headstones.

Prices are for the hours of 8 AM - 5 PM. For grave opening/closing before 8 AM and after 5 PM, add \$50 per grave. Wait time will be billed at the rate of \$50 per hour when the funeral director does not comply with the scheduled closing time as indicated on the "Request for Opening/Closing Grave".

| Sale of Cemetery Spaces | City Resident | Non Resident |
|--------------------------------|----------------------|---------------------|
| Single Grave Lot | \$700.00 | \$900.00 |
| Four Grave Lot | \$2,200.00 | \$3,000.00 |
| Eight Grave Lot | \$4,400.00 | \$6,000.00 |
| Inside Mausoleum Space | \$5,000.00 | \$5,200.00 |
| Outside Mausoleum Space | \$2,500.00 | \$2,700.00 |
| Outside Cremation Niche Space | \$1,750.00 | \$1,950.00 |
| Hillside West Mausoleum Space | \$2,000.00 | \$2,200.00 |

Grave lots are no longer available in Cherry Hill and Brownhill Cemeteries.

CODE ENFORCEMENT FEES

| Specific Offenses | Fee |
|--|-------------------------------|
| Closing or Securing Vacated and Closed Buildings | |
| Each Day Violation Continues | \$50.00 civil citation |
| Minimum Housing Code | |
| 1st Offense | \$50.00 |
| 2nd Offense in Calendar Year | \$100.00 |
| 3rd Offense in Calendar Year | \$250.00 |
| Each Subsequent Offense After the Third Offense | \$250.00 |
| Parking on Unimproved Surfaces | |
| | \$25.00 per day |
| Signs, Banners, Occupancy Violations | |
| 1st Offense | \$50.00 |
| 2nd Offense in Calendar Year | \$100.00 |
| 3rd Offense in Calendar Year | \$250.00 |
| 3rd and Subsequent Offenses within 12-Month Period | \$250.00 |
| Weeds, Vegetation and Other Public Health Nuisances | |
| 1st Offense | \$50.00 + Administrative Fee |
| 2nd Offense in Calendar Year | \$100.00 + Administrative Fee |
| 3rd Offense in Calendar Year | \$250.00 + Administrative Fee |
| Administrative Fee | \$50.00 |
| Administrative Filing Fee for Grass Liens | \$10.00 |

ENGINEERING FEES

| Service | Fee |
|--|--|
| Land Disturbance Permit | No Fee |
| Street Closings (Right-of-Way Abandonments) | \$600.00 per street plus \$100/each additional street or portion thereof |
| Right-of-Way Encroachment Agreements | \$500.00* |
| *No fee when the City of Greenville provides funding for either wholesale or partial improvements that require an encroachment agreement through the Neighborhood Grant Program. | |
| Driveway (Single-Family and Duplex) | \$30.00 |
| Driveway (Multi-Family and Commercial) | \$45.00 for 1st + \$20.00 each additional |
| CCTV Re-mobilization Fee | \$200.00 |
| Re-Inspection | \$75.00 for 1st + \$125.00 each additional |
| After Hours Inspection Fee | \$100.00 per hr with 2 hr minimum |
| Erosion Control Plan Review Fee | \$100 per acre or any portion thereof |
| Color CAD/GIS Maps | |
| City Map (1" = 1000') | \$30.00 |
| City Map (1" = 1500') | \$25.00 |
| City Map (1" = 2000') | \$20.00 |
| GIS (8 1/2" x 11") | \$5.00 |
| GIS (11" x 17") | \$17.00 |
| GIS (30" x 42") | \$30.00 |
| Special Map Requests | \$20.00 |
| Blueprint/Photocopy | |
| Planimetric (1" = 100') | \$10.00 |
| Topos (1" = 100') | \$10.00 |
| Topos (1" = 200') | \$15.00 |
| City Map (1' - 1000') | \$10.00 |
| City Map (1' - 2000') | \$5.00 |
| Printing/Miscellaneous Photocopies | |
| Bond (20" x 24") Small | \$3.00 |
| Vellum (20" x 24") Small | \$4.00 |
| Film mylar (20" x 24") Small | \$8.00 |
| Bond (24" x 36") Medium | \$4.00 |
| Vellum (24" x 36") Medium | \$5.00 |
| Film mylar (24" x 36") Medium | \$10.00 |
| Bond (30" x 42") Large | \$5.00 |
| Vellum (30" x 42") Large | \$8.00 |

ENGINEERING FEES

| Service | Fee | |
|--|--|---------------|
| Film mylar (30" x 42") Large | | \$15.00 |
| Small Photocopies (8 ½" x 11", 8 ½" x 14") | \$0.25/page over 7 pages; \$2.00 minimum | |
| Photocopies (11" x 17") | | \$1.00 |
| Shipping | | \$3.00 |
| Traffic Engineering | | |
| Handicapped Signs | | \$18.00 |
| Maximum Penalty Signs | | \$8.00 |
| Maximum Penalty Stickers | | \$3.00 |
| Van Accessible Signs | | \$8.00 |
| Barricade Delineator (Left or Right) | | \$13.00 |
| 2-Way Street Name Signs | | |
| | For 9" | For 6" |
| (Under 36") | \$58.00 | \$50.00 |
| (36" - 48") | \$74.00 | \$60.00 |
| (49" - 60") | \$90.00 | \$75.00 |
| 4-Way Street Name Signs | | |
| | For 9" | For 6" |
| (Under 36") | \$91.00 | \$75.00 |
| (36" - 48") | \$123.00 | \$99.00 |
| (49" - 60") | \$156.00 | \$118.00 |
| Over 60" | \$188.00 | \$132.00 |
| No Parking-Fire Lane Sign | | \$18.00 |
| Community Watch Sign | | \$20.00 |
| 11' Channel Posts | | \$23.00 |
| 12' Channel Posts | | \$26.00 |
| 14' Channel Posts | | \$38.00 |
| 10' Aluminum Pole | | \$36.00 |
| Hardware (1 set) | | \$2.00 |

EQUIPMENT RENTAL RATES – Equipment rates have been established by the Department of Homeland Security Federal Emergency Management Agency (FEMA). Each rate covers all costs eligible under the Robert T. Stafford Disaster Relief and Emergency Assistance Act and are applicable to major disasters and emergencies declared by the president.

FIRE/RESCUE FEES

| Service | Fee |
|--|--------------------------|
| Tank Extraction Permit | \$125.00/tank |
| Tank Installation Permit | \$150.00/tank |
| Re-piping Permit | \$50.00 |
| Tank Abandonment | \$50.00/tank |
| Follow-up Tank Inspection | \$50.00 |
| Burn Permit: Open Burning except that there shall be no fee for flag retirement ceremony when conducted by a nonprofit veterans organization | \$50.00 |
| Permits: Fair/Carnival, Tents, Explosives, Pyrotechnics, Fumigate/Fogging, Exhibits, Trade Shows | \$50.00 |
| Permits: Mall Displays, Private Fire Hydrant | \$50.00 |
| EMS Basic Transport Fee: | |
| BLS (Basic Life Support) | \$0.00 |
| BLS - Emergency | \$375.00 |
| ALS (Advanced Life Support) | \$0.00 |
| ALS - Emergency | \$475.00 |
| ALS 2 | \$0.00 |
| Oxygen Delivery | \$30.00 |
| No Transport/Treatment Fee | \$100.00 |
| No Transport/Treatment Fee (ALS) | \$200.00 |
| Head Immobilization | \$30.00 |
| Ground Mileage, Per Statute Mile | \$9.00 |
| EMS Dedicated Standby | |
| Unit & Crew | \$100.00/hr. |
| Crew Only | \$40.00/hr. per employee |
| ETJ Business Inspections (Except for Those Under Fire Protection Contracts (Initial Inspection): | |
| Minimum | \$60.00 |
| Hourly | \$30.00 |

FIRE/RESCUE FEES

| Service | Fee |
|--|----------------------|
| State-Required Inspection for Licenses: | |
| In City Limits | \$50.00/per building |
| In ETJ | \$80.00/per building |
| Special Requested Business Inspection: | |
| In City Limits | \$50.00 |
| In ETJ | \$80.00 |
| Special Requested Business Inspection with plan reviews | |
| In City Limits | \$60.00/per system |
| In ETJ | \$90.00/per system |
| Sprinkler Review and Field Test | |
| In City Limits | \$100.00/per system |
| In ETJ | \$130.00/per system |
| Sprinkler Review and Field Test Follow up (Re-inspection) | |
| In City Limits | \$50.00 |
| In ETJ | \$65.00 |
| City Code Violation | \$50.00 |
| Life Safety Violation | |
| 1st Offense | \$100.00 |
| 2nd Offense | \$250.00 |
| 3rd Offense | \$500.00 |
| Fire Inspection Follow-Up (Re-Inspections) | \$50.00 |
| <p><i>Fire Protection Service:</i> The following formula is hereby established for determining the extraterritorial fire protection fee each fiscal year: Total property value divided by 100 multiplied by 10% equals the billed amount. In no event shall the annual cost of service under this agreement exceed the sum of \$50,000.</p> | |

INFORMATION TECHNOLOGY FEES

| Service | Fee |
|--|--|
| Provide Existing Database Information | |
| 8.5" x 11" Document Paper | \$0.25/page for each page over seven pages |
| Digital GIS - Commercial User | |
| GIS Data Request (Digital Delivery) | \$100.00 |
| Service Charge for Research Labor | \$75.00 |
| <i>(No charge if less than one hour of research)</i> | |
| CD-ROM | \$10.00 |
| Flash Drive | \$10.00 |
| <u>Printed Maps from the IT Department</u> | |
| Small (up to 11" x 17") | \$5.00 |
| Medium (up to 22" x 34") | \$17.00 |
| Large (up to 34" x 44") | \$30.00 |
| Custom Map & Analytics | \$50.00/ per hour |

INSPECTIONS FEES

| Service | Fee |
|---------|-----|
|---------|-----|

| Square Footage Costs of Construction | |
|---|------------------|
| Type Construction | Rate: \$/Sq. Ft. |
| <u>Commercial</u> | |
| General | \$125.00 |
| Multi-Family (Apartments, Townhouses, Condos) | \$100.00 |
| Shell (Exterior Walls, Roof, Floor Slab or Some Combination Thereof) | \$75.00 |
| Addition | \$75.00 |
| <u>Residential</u> | |
| Single-Family and/or Duplex | \$100.00 |
| Addition | \$75.00 |
| Storage Building | \$50.00 |
| Example: (Actual Square Footage) x (Square Footage Cost) = Computed Construction Cost; 1,970 square feet x \$50.00 per square foot = \$98,500 | |

| |
|-----------------------------|
| Building Permit Fees |
|-----------------------------|

Service: Single-family, multi-family, multi-family additions, multi-family alterations, commercial, commercial additions, commercial alterations, industry, industry additions, industry alterations, church, hotel/motel and roofing.

| |
|---|
| Service: New duplex, duplex additions, duplex alterations, residential additions, residential alterations, new storage additions, storage alterations, new garage/carports, garage/carport additions, garage/carport alterations, swimming pools, and signs. |
|---|

| Computed Costs of Construction | |
|---------------------------------------|--|
| \$100 to \$5,000 | \$75.00 |
| \$5,001 to \$15,000 | \$100.00 |
| \$15,001 to \$30,000 | \$125.00 |
| \$30,001 to \$50,000 | \$150.00 |
| \$50,001 to \$75,000 | \$200.00 |
| \$75,001 to \$100,000 | \$300.00 |
| \$100,001 & over | \$250.00 + \$3.25/\$1,000 over \$100,000 |

Example: Computed Cost = \$120,000; Permit Fee = \$250 plus \$3.25 x 20 = \$315.00

INSPECTIONS FEES

| Service | Fee |
|--|--|
| Other Permit Fees | |
| Change of Occupancy Review | \$75.00/unit |
| Day Care Inspection | \$100.00/unit |
| Demolition | \$100.00 |
| Driveway (single family and duplex) | \$30.00 |
| Driveway (multi-family and commercial) | \$45.00 |
| | For 1 st , plus \$20.00 each additional |
| Group Home Inspection | \$100.00/unit |
| House Moving | \$125.00 |
| Insulation (insulation work only) | \$75.00 |
| Lawn Irrigation existing property | \$25.00 |
| Lawn Irrigation w/ new construction (considered per fixture) | \$6.00 |
| Mechanical (per unit) up to 5 tons | \$125.00 |
| Mechanical (per unit) over 5 tons | \$250.00 |
| Mobile Home | \$75.00 |
| Occupant Load Card | \$75.00 to calculate |
| Off Six Months - Electrical or Gas | \$75.00 |
| Plumbing (per fixture) | \$15.00 each w/ minimum of \$50.00 |
| Refrigeration, Installation & Repair | \$50.00/unit |
| Sewer, septic tank, gas, and water | \$75.00 |
| Sprinkler Systems (1 & 2 Family Structures) | \$100.00 |
| Tent | \$40.00 |
| Electrical Permits | |
| Commercial | |
| General | |
| Hospitals, Hotel/Motel, Business Occupancies, Industrial, & Manufacturing (Service Equipment Included) | \$.10/sq. ft. for 1st 6,000 sq. ft. plus \$.06/sq. ft. over 6,000 sq. ft. each floor |
| Commercial Storage and Warehouse, Farm Buildings (Up to 75 outlets) (Service Equipment Included) | \$115.00/Flat Fee |

INSPECTIONS FEES

| Service | Fee |
|--|--|
| Residential | |
| General | |
| Single-Family, Duplex, Multi-Family (Apts., Townhomes, and Condominiums) (Service Equipment Included) | \$.10/sq. ft. each floor |
| Example: (Actual Square Footage) x (Square Footage Cost) = Permit Fee; 1970 Square Feet x \$.06 Square Feet = \$118.20 Actual Permit Cost | |
| Mobile Homes/Office Trailer Services | \$75.00 |
| Change of Electrical Service | \$75.00 |
| Temporary Construction Service | \$75.00 |
| Signs (electrical) | \$75.00 |
| Pole Service | \$75.00 |
| Swimming Pool | \$75.00 |
| Mobile Home Park Pedestal | \$75.00 |
| Minimum: Up to 20 Outlets (Storage Buildings, Additions, Additional Circuits, Dryers, HVAC, etc.) | \$75.00 |
| NOTE: Over 20 outlets use appropriate square footage rate. | |
| NOTE: Service Fees below apply to all Inspections Division Fee areas: | |
| After Hours Inspection Fee | \$100.00 per hr. w/ 2 hr. minimum |
| Penalty Fee (Minimum) | \$250.00 |
| Penalty Fee (second offence within 12 months) | \$500.00 |
| Plan Review Fee (small) | \$50.00 |
| Plan Review Fee (medium) | \$150.00 |
| Plan Review Fee (large) | \$300.00 |
| Re-inspection | \$75.00 for 1st time, \$125.00 each time after |
| Technology Fee (qualifying permit only) | \$10.00 |
| Temporary Utility Permit | \$75.00 |
| Miscellaneous Fee | \$75.00 |

PARKING FEES

| Service | Fee |
|---|---|
| Leased Parking | |
| Monthly Rates: | |
| Single Space in Paved Lot | According to Lease Agreement |
| Single Space in Unpaved Lot | According to Lease Agreement |
| Contractor (Maximum 4 Spaces/Month) | According to Lease Agreement |
| E-Tag Limited Time Zone Parking | \$75 per year |
| Controlled Residential Parking Permit | \$5 per decal/per calendar year |
| Online application convenience fee | \$2.50 |
| Duplicate Residential Parking Permit Decals | \$5.00 |
| Merchant Lot* | \$60.00 per month/per space |
| Harris Lot* | \$60.00 per month/per space |
| Courthouse Lot* | \$60.00 per month/per space |
| Blount Harvey Lot* | \$60.00 per month/per space |
| Edwards Lot* | \$60.00 per month/per space |
| Hooker Lot | Operated by Evans Street Properties, LLC |
| Greene Street Lot | City of Greenville Employee Only Parking |
| Parking Deck | Metered Parking - \$0.75 per hour / \$6 per day |
| *Each Space Increases by \$2.00 Per Year | |

USE OF FIVE POINTS PLAZA PARKING LOT - UPTOWN GREENVILLE

The City of Greenville welcomes persons, organizations or groups to use the Five Points Plaza for various purposes provided that the proposed use enhances the vibrancy of the Uptown District and generates increased patronage of the Uptown businesses and venues. The nature and scheduling of all activities must be approved by the *Five Points Plaza Activities Committee*. A “Special Event Permit Application” must be completed and signed by the applicant. Applications may be submitted online through the City’s website by visiting www.greenvillenc.gov/fivepoints or a hard copy may be picked up at Greenville City Hall, 200 West Fifth Street.

The application packet contains “*Rules for Use of the Five Points Plaza*”, a listing of other information and documents required as a part of the application process, and the fees associated with the use of Five Points Plaza. Applications must be submitted a maximum of 10 months prior to the event and a minimum of 4 months (120 days) prior to the event. Please allow 14 days from the submission date of the application packet for review and approval processes by the committee. All fees are due at the time application is made and are refundable should the request be denied, less a \$25 non-refundable processing fee.

PARKING FEES

| Service | Fee |
|------------------------------|--------|
| Parking Fees - Meters | |
| City Meters | \$0.25 |
| Pay by License Plate | |
| 1-Hour Limit | \$0.75 |
| 2-Hour Maximum | \$1.50 |
| Parking Deck – All Day | \$6.00 |

PARKING PENALTIES

| Service | Fee |
|--|---------|
| Overtime Parking Downtown | |
| If Paid Within 10 Calendar Days - First Offense | \$0.00 |
| If Paid Within 10 Calendar Days - Second Offense | \$5.00 |
| If Paid Within 10 Calendar Days - Third Offense (and thereafter) | \$10.00 |
| If Paid Within 10 Calendar Days - Fourth Offense (and thereafter) | \$20.00 |
| If Paid Between the 11th Calendar Day After Issuance and the 30th Day | \$10.00 |
| If Paid After 30 Days | \$15.00 |
| Overtime Parking Residential & All Areas Not Otherwise Designated | |
| If Paid Within 10 Calendar Days | \$20.00 |
| If Paid Between the 11th Calendar Day After Issuance and the 30th Day | \$35.00 |
| If Paid After 30 Days | \$50.00 |
| Illegal Parking Downtown | |
| If Paid Within 10 Calendar Days | \$15.00 |
| If Paid Between the 11th Calendar Day After Issuance and the 30th Day | \$20.00 |
| If Paid After 30 Days | \$25.00 |
| Illegal Parking Residential & All Areas Not Otherwise Designated | |
| If Paid Within 10 Calendar Days | \$20.00 |
| If Paid Between the 11th Calendar Day After Issuance and the 30th Day | \$35.00 |
| If Paid After 30 Days | \$50.00 |
| Parking in a Fire Lane | |
| If Paid Within 10 Calendar Days | \$50.00 |
| If Paid Between the 11th Calendar Day After Issuance and the 30th Day | \$65.00 |
| If Paid After 30 Days | \$80.00 |

PARKING PENALTIES

| Service | Fee |
|--|------------------------|
| Designated Handicap Spaces | |
| If Paid Within 10 Calendar Days | \$100.00 |
| If Paid Between the 11th Calendar Day After Issuance and the 30th Day | \$150.00 |
| If Paid After 30 Days | \$200.00 |
| If Paid After 60 Days | \$250.00 |
| Parking on Unimproved Surface | |
| | \$25.00 per occurrence |
| Penalties for Violation of Traffic Regulations | |
| All Violations of Articles D through K of Title 10, Chapter 2 of Ordinance #00-111, Unless Otherwise Specified | \$50.00 |
| Parking Fees Meters | |
| City Meters - Single Post | \$0.25 |
| Pay by License Plate | |
| 1-Hour Limit | \$0.75 |
| 2-Hour Maximum | \$1.50 |
| Parking Deck - All day | \$6.00 |

PLANNING FEES

| Service | Fee |
|---|---|
| Preliminary Plat | \$550 base fee \$50 per acre or additional major fraction thereof Min \$600 |
| Final Plat (Including Minor Subdivisions) | \$440 base fee plus \$50 per acre or additional major fraction thereof Min \$490 |
| Rezoning | \$605 base fee plus \$50 per acre or additional major fraction thereof Min \$600 |
| Board of Adjustment Case | \$385 flat fee for residential related special use permits included under Sec 9-4-78 (f)(2) & (3); \$50 flat fee for an appeal of an administrative decision to issue a citation for parking on an unimproved surface as a violation of a parking area surface material requirement as set forth in Section 9-4-248 (a): All other cases \$500 flat fee ; refund of Appeals of Administrative Decisions or Interpretation case fee where the Board of Adjustment finds in favor of the applicant |
| Board of Adjustment Renewal Case | \$275.00 |
| Special Use Permit Renewals for Public or Private Clubs and Billiard Parlors or Pool Halls in any Zoning District | |
| Site Plan | \$544 base fee plus \$50 per acre or additional major fraction thereof Min \$545 |
| Landscape Plan | 1st Inspection: \$110 base fee plus \$25 per acre or additional major fraction thereof (\$150 minimum) not to exceed \$500; Each additional inspection, \$75 flat fee |
| NOTE: Planning fees are based on the minimum charge | |

PLANNING FEES

| Service | Fee |
|--|--|
| Preliminary Plat - Minor Alterations | \$605.00 plus \$50/acre |
| Final Plat - Minor Alterations | \$495.00 plus \$50/acre |
| Site Plan - Minor Alterations | \$330.00 Flat Fee |
| Landscape Plan - Minor Alterations | \$165.00 Flat Fee |
| Landscape Plan Inspection | \$210.00 |
| Street Name Change | \$440.00 Base Fee + \$10.00/certified notice |
| Amendments (Zoning/Subdivision Text, Comprehensive Plan) | \$600.00 Flat Fee |
| Annexation; Petition (voluntary) | \$600.00 Flat Fee |
| Planning & Zoning Commission Special Use Permit (Planned Unit Development-PUD; Land Use Intensity-LUI) | \$880.00 Flat Fee |
| Zoning Certificate Letter | \$50.00 Flat Fee |
| Certificate of Appropriateness (COA) Major Works | \$20.00 Flat Fee |
| Certificate of Appropriateness (COA) Major Works - After the Fact | \$75.00 |
| Commercial Plat Plan Review | \$150.00 |
| Zoning Compliance Letter | \$25.00 |
| Temporary Activity Permit | \$25.00 |
| <u>Maps from the Planning Department:</u> | |
| Small | \$20.00 |
| Medium | \$25.00 |
| Large | \$35.00 |
| Special Request (May Require Multiple Data Layers) If the time exceeds 30 minutes in designing a special request map, then a programming fee of \$25.00 per hour will be applied. | |

POLICE FEES

| Service | Fee |
|--|--|
| Accident Report | |
| First Copy Only for Driver/Individual Involved | No Charge |
| Additional Accident Copies and all Incident Copies | \$5.00 |
| Mail Order Requests (Fee to Cover Postage, Envelope, Stationery and Storage) | Additional \$5.00 |
| Alarm Permit | |
| First Year | \$15.00 |
| Subsequent Years | \$5.00 per year |
| Crosswalk Enforcement Zone Violation | |
| If Paid Within 10 Calendar Days | \$20.00 |
| If Paid Between the 11th Calendar Day After Issuance and the 30th day | \$35.00 |
| If Paid After 30 Days | \$50.00 |
| Fingerprinting | \$15.00 |
| Outdoor Amplified Sound (Noise) Permit* | \$50.00 |
| Parade Permit* | \$100.00 |
| Parade Staffing* | \$40.00/per hour per Officer Minimum of 3 hours per parade \$25.00/per vehicle per event |
| <p>*There shall be no fee charged for a parade permit, parade staffing, off-duty officers, temporary street closing application, and outdoor amplified sound permit for the following:</p> <ul style="list-style-type: none"> -Veteran's Day Parade -Memorial Day Parade (in the event a Memorial Day parade occurs) <p>Permits will still be required to be obtained from the City but with no fee.</p> | |
| <p>*There shall be no fee charged for parade staffing and off-duty officers for the following:</p> <ul style="list-style-type: none"> -Christmas Parade -ECU Homecoming Parade -Martin Luther King Jr. Day march <p>Fees will continue to be charged for a parade permit, temporary street closing application, and outdoor amplified sound permit.</p> | |
| <p>*All fees shall be charged for other processions which are parades. This includes:</p> <ul style="list-style-type: none"> -St. Patrick's Day Parade -Road Races | |

POLICE FEES

| Service | Fee |
|--|---|
| *There is no fee charged for use of a recreation facility and for off-duty officers, temporary street closing application, and outdoor amplified sound permit for the following: | |
| -Veteran's Day ceremonies at the Town Common | |
| -Memorial Day ceremonies at the Town Common | |
| -Fireworks display on the 4 th of July at the Town Common | |
| -PirateFest | |
| Solicitation Permit | \$30.00 |
| Taxicab Annual Inspection | \$20.00 |
| Taxi License Initial Application | \$30.00 |
| Taxi License Renewal Application | \$19.00 |
| Peddler's License Application Fee | \$60.00 + \$14.00 money order |
| Itinerant Merchant License | \$374.00 |
| Itinerant Merchant License Renewal | \$219.00 |
| Towing Administrative Fee | \$30.00 |
| Towing Operator Inspection Fee | \$25.00 |
| Wrecker | \$20.00 |
| Off-Duty Fee | Officer Supervisor Premium |
| Rate Paid to Employee by City | \$32.00 \$37.00 \$42.00 |
| Administrative Fee | \$3.00 \$3.00 \$3.00 |
| Extra Duty Solution (EDS) | \$2.75 \$3.15 \$3.53 |
| Total | \$37.75 \$43.54 \$48.53 |
| Police Athletic League (PAL) After-School Program | |
| One Semester | \$50.00 |
| Two Semesters | \$80.00 |
| Summer Camp | \$50.00 |
| Spring Break | \$25.00 |
| Late Pick-up Fee | \$5.00 - \$10.00 |
| Precious Metals Dealer | |
| Dealer Fee | \$180.00 |
| Background Fee | \$38.00 |

POLICE FEES

Service

| | |
|---|------------------|
| Precious Metal Dealer - Co-owner Supplement | |
| Background Fee | \$38.00 |
| Precious Metal Dealer - Employee Registration Form | |
| Background Fee | \$10.00 |
| Each Subsequent Year | \$38.00 + \$3.00 |

PUBLIC TRANSPORTATION FEES

| Service | Fee |
|--|------------|
| Bus Fares | |
| Elderly & Handicap | \$0.50 |
| Regular | \$1.00 |
| Transfers | Free |
| Bus Passes/Ticket Book Transfers | Free |
| Military Veterans with service connected disability | Free |
| Bus Passes | |
| 12 Rides (Elderly & Handicap) | \$5.00 |
| 22 Rides (Elderly & Handicap) | \$10.00 |
| 44 Rides (Elderly & Handicap) | \$20.00 |
| 12 Rides (Regular) | \$10.00 |
| 22 Rides (Regular) | \$20.00 |
| 44 Rides (Regular) | \$40.00 |
| Day Pass (Regular) | \$2.00 |
| Day Pass (Elderly & Handicap) | \$1.00 |
| Kid's Summer Pass (Ages 6 to 16) | \$15.00 |
| *Paratransit Per Trip | \$2.00 |
| * These riders must be unable to access the GREAT Bus due to disability. | |

PUBLICATIONS FEES

| Service | Fee |
|--|------------|
| Many publications listed below can be accessed at www.greenvillenc.gov | Free |
| Audit | \$25.00 |
| Budget | \$25.00 |
| Capital Improvement Program | \$15.00 |
| City Code | \$125.00 |
| City Code Supplement | \$30.00 |
| Comprehensive Plan (on disk) | \$40.00 |
| Driveway Ordinance | \$3.00 |
| Economic Base Report | \$15.00 |
| Erosion Control Ordinance | \$3.00 |
| Flood Damage Prevention Ordinance | \$3.00 |
| Land Development Ordinance (on disk) | \$10.00 |
| Landscape Ordinance | \$5.00 |
| Manual of Fees | \$10.00 |
| Manual of Standard Designs and Details (MSDD) | \$15.00 |
| MSDD Shipping Fee | \$3.00 |
| Minority/Women Business Enterprise (MWBE) Directory | \$25.00 |
| Noise Ordinance | \$5.00 |
| Parking Ordinance | \$5.00 |
| Pay Plan | \$5.00 |
| Personnel Policies Manual | \$10.00 |
| Purchasing Procedures Manual | \$10.00 |
| Reports, manuals, and other official documents not listed | \$10.00 |
| Schedule of Traffic Regulations | \$30.00 |
| Special District Report | \$5.00 |
| Storm Drainage Ordinance | \$1.50 |
| Street List | \$3.00 |
| Subdivision List | \$3.00 |
| Subdivision Ordinance | \$10.00 |
| Zoning Ordinance | \$40.00 |
| Zoning Ordinance Supplements | \$10.00 |

RECREATION & PARKS FEES

| Service | Fee |
|--|---|
| River Park North | |
| Pedal Boat Rental Individual | \$5 R/ \$7 NR - 30 minutes |
| Group Pedal Boat Rental (Six Boats) | \$60 R/ \$90 NR - per hour |
| Science & Nature Center Admission | \$1 R/ \$1.50 NR (Under 12) \$2 R/ \$3 NR (12 & Over) |
| Boat Launch Fees | \$2 R/ \$4 NR |
| Camping Fee | \$4 R/ \$8 NR - per person fee for groups over 12 \$10 R/ \$15 NR - per campsite |
| Jon Boat Rental | \$9 R/ \$12 NR - 3 hours |
| Fishing Permit | |
| Annual | \$12 R/ \$24 NR |
| Daily | \$1.50 R/ \$3 NR |
| Lifetime Senior Fishing Pass (Born after 7/1/1956) | \$15 |
| Permanently Disabled Public/Veteran Lifetime License | \$10 - lifetime |
| Large Shelter Reservation | See Shelter Reservations (page 31) |
| Small Shelter Reservation | See Shelter Reservations (page 31) |
| Cleanup Fee | See Shelter Reservations (page 31) |
| Kayak Rental | \$9 R/ \$12 NR - 3 Hours |
| Group Kayak Rental (Seven Kayaks) | \$35 R/ \$50 NR - per hour |
| RPN Enclosed Camping Platform | \$20 R/ \$30 NR - per night |
| RPN Platform Gear Transport Fee | \$10 |
| Adult Recreation and Fitness | |
| Karate/Self Defense | \$0 - \$200 R/ \$0 - \$300 NR |
| Weightlifting | |
| Ladies Exercise | |
| Adult Dance | |
| Riverbirch Tennis Center | |
| Adult Tennis Lessons | \$0 - \$200 R / \$0 - \$300 NR |
| Youth Tennis Lessons | \$0 - \$50 R / \$0 - \$75 NR |

RECREATION & PARKS FEES

| Service | Fee |
|---|---|
| Sports Connection | |
| Entrance (Walk-Ins) | \$1 - \$150 R/ \$1 - \$225 NR |
| Gym Rental Fee | \$50 - 1.5 hours R/ \$75 - 1.5 hours NR |
| Court Rental Fee | \$10 R/ \$15 NR - hour for half court |
| Tokens for Batting Cage (1-12 rounds) | \$.50 - \$10.00 each |
| Pitching / Hitting Lessons Packages | \$20 - half hour R/ \$30 - half hour NR |
| Birthday Parties | \$100 - \$300 R/ \$150 - \$450 NR |
| Sports Clinics | \$1 - \$150 R/ \$1 - \$225 NR |
| Youth & Adult Programs | \$1 - \$150 R/ \$1 - \$225 NR |
| Concessions | \$.50 - \$5.00 each |
| Art Classes | |
| | \$20 - \$250 R/ \$30 - \$375 NR |
| Ceramics Classes | |
| Dance | |
| Decorative Arts | |
| Drawing & Painting | |
| Fiber Arts | |
| Potters Club | |
| Workshops | |
| Youth Arts & Crafts | |
| Public Outdoor Pool (Community Pool) | |
| Admission | \$2-\$5 Daily R/ \$10-\$100 Season Pass R |
| | -\$8 Daily NR/ \$15-\$150 Season Pass NR |
| Aquatic Programs | |
| | \$0 - \$100 R/ \$0 - \$150 NR |
| Camps | |
| Swimming Lessons | |
| Swim Team | |
| Life Guard Training | |
| Specialized Recreation | |
| | \$20 - \$100 R/ \$30 - \$150 NR |
| Creative Oasis | |
| Seasonal dances | |

RECREATION & PARKS FEES

| Service | Fee |
|---|---|
| Youth Sports | \$0 - \$90 R/ \$0 - \$130 NR |
| Baseball - Small Fry, Mini Fry, Big Fry | |
| Basketball | |
| Flag Football | |
| Future Stars Soccer | |
| Running/Track and Field Programs | |
| Tennis Programs | |
| Various Sports Clinics | |
| Adult Sports | \$75 - \$750 Team Fee |
| | \$0 - \$50 R/ \$15 - \$75 NR Individual Participation Fee |
| Adult Dodgeball | |
| Adult Softball Leagues | |
| Adult Summer Basketball | |
| Adult Tennis Programs | |
| Basketball Leagues | |
| Basketball Program | |
| Flag Football Leagues | |
| Kickball Leagues | |
| Running Programs | |
| Wiffleball Leagues | |
| Pickleball Leagues & Clinics | |
| Parking | \$5 - \$35 R/ \$150 - \$225 NR - Season pass per vehicle |
| Vendor Fees | \$0 - \$500/month |
| Special Events | See pages 36-37 for Special Events |
| Concession Services in Parks | |
| Summer Camps/Programs | \$0 - \$175 R/ \$0 - \$263 NR - per week |
| Art Camps | |
| Day Camps | |
| Junior Counselor Program | |
| Outdoor Living Skills / Nature | |
| Sports Camps | |

RECREATION & PARKS FEES

| Service | Fee |
|--|--|
| Senior Recreational Programs | \$0 - \$4,000 R/ \$0 - \$6,000 NR |
| Bridge Classes | |
| Exercise Classes | |
| Instructional Classes | |
| Senior Olympics | |
| Senior Clubs | |
| Trips | |
| | |
| | |
| CLASS DEFINITIONS FOR RENTAL RATES BELOW | |
| Class I - Any event for which admission is charged or any other type of compensation is realized including donations. This class does not include non-profit organizations. All Class I rentals must receive administrative approval. | |
| Class II - Any event where no admission is charged nor any other type of compensation is realized. | |
| Class III - Any event hosted by an organization which can provide proof of non-profit/federal tax-exempt status. | |
| | |
| Town Common Amenities | Class I - \$400 - \$1,000 / day R |
| Call 329-4567 | Class I - \$600 - \$1,500 / day NR |
| Includes facilities such as: | Class II - \$100 - \$600 / day R |
| Amphitheater, | Class II - \$200 - \$900 / day NR |
| Sycamore Hill Gateway Plaza | Class III - \$75 - \$200 / day R |
| | Class III - \$150 - \$350 / day NR |
| Staff if necessary | \$35 per hour staff fee |
| | |
| Barnes-Ebron -Taft Building at Greenfield Terrace | Class I - \$75 R/ \$113 NR - per hour |
| | Class II - \$45 R/ \$68 NR - per hour |
| | Class III - \$35 R/ \$38 NR - per hour |
| | |

RECREATION & PARKS FEES

| Service | Fee |
|--|--|
| Meeting Rooms | Class I - \$75 R/ \$113 NR - per hour |
| Multipurpose Rooms | Class II - \$40 R/ \$60 NR - per hour |
| Jaycee Park Auditorium | Class III - \$15 R/ \$23 NR - per hour |
| Elm Street Center | |
| Bradford Creek Public Golf Course Clubhouse | \$100 - \$200/hr; \$100 Deposit |
| Call 329-GOLF | |
| Boyd Lee Park Beach Volleyball Courts (price per court) | Class I - \$35 R/ \$53 NR - per hour |
| Call 329-4550 | Class II - \$18 R/ \$27 NR - per hour |
| | Class III - \$7 R/ \$11 NR - per hour |
| Community Pool | Class I - \$40 R/ \$60 NR- per hour |
| Call 329-4041 | Class II - \$20 R/ \$30 NR - per hour |
| | Class III - \$12 R/ \$18 NR - per hour |
| Elm Street Lawn Games Area | \$50 / hr; Staff may be required |
| Call 329-4550 | |
| Greenville Aquatics & Fitness Center | Varies |
| (Gym, Gym & Pool, Pool, Entire Facility) | |
| Call 329-4041 for details | |
| Guy Smith Stadium | Class I - \$300 R/ \$450 NR - per day |
| Call 329-4550 | Class II - \$200 R/ \$300 NR - per day |
| | Class III - \$100 R/ \$150 NR - per day |
| | All Classes - \$35/per hour light fee |
| | All Classes - \$30/marketing fee |
| Sarah Vaughn Field of Dreams | Class I - \$60 R/ \$90 NR - per hour |
| | Class II - \$30 R/ \$45 NR - per hour |
| | Class III - \$15 R/ \$23 NR - per hour |
| Town Common Pedestrian Bridge | Class I - \$380-600 R/ \$570-900 NR |
| *Contact 329-4567 for details* | Class II - \$130-200 R/ \$195-300 NR |
| | Class III - \$40-80R / \$60-120 NR - per day |
| | Plus \$35/hour Staffing Fee if required |
| Bridge Lighting | \$40/per request |

RECREATION & PARKS FEES

| Service | Fee |
|---|--|
| Softball / Baseball / Cricket Field Rentals | Class I - \$30 R/ \$45 NR – per hour |
| Call 329-4550 | Class II - \$20 R/ \$30 NR – per hour |
| | Class III - \$10 R/ \$15 NR – per hour |
| | |
| Soccer / Lacrosse / Football Multipurpose Fields | Class I - \$30 R/ \$45 NR – per hour |
| | Class II - \$20 R/ \$30 NR – per hour |
| | Class III - \$10 R/ \$15 NR – per hour |
| | |
| Special Services | All Classes - \$35/ per hour light fee All Classes - \$100/ marking fee |
| | |
| Gymnasiums | Class I - \$100 R/ \$150 NR – per hour |
| Drew Steele | Class II - \$50 R/ \$75 NR – per hour |
| Eppes | Class III - \$25 R/ \$38 NR – per hour |
| H. Boyd Lee | |
| South Greenville | |
| | |
| Skate Park / Roller Hockey Rink at Jaycee Park | Class I - \$100 R/ \$150 NR – per hour |
| | Class II - \$50 R/ \$75 NR – per hour |
| | Class III - \$25 R/ \$38 NR – per hour |
| | |
| Family Rental for Athletic Tournaments | Tournament Rates |
| Call 329-4550 | |
| | |
| Science & Nature Center Facility | |
| Deck & Surrounding | \$25 R/ \$37 NR – per hour |
| Classroom | \$50 R/ \$75 NR – per hour |
| Theatre | \$75 R/ \$112 NR – per hour |
| Entire Facility (6) Tables, (50) Chairs | \$375 R/ \$563 NR – 8 hours |
| | \$290 R/ \$435 NR – 3 hours |
| | \$50 per event |
| | |
| | |

RECREATION & PARKS FEES

| Service | Fee |
|---|---|
| Class Definitions do not apply for Shelter Reservations | |
| Shelter Reservations | |
| Rates are determined by half day and full day rentals | |
| <ul style="list-style-type: none"> • In-Season (March – October) | |
| <ul style="list-style-type: none"> ○ Half day rentals are 8 am-2:30 pm or 3:00 pm-dark | |
| <ul style="list-style-type: none"> ○ Full day rentals are 8 am-dark | |
| <ul style="list-style-type: none"> • Off-season (November – February) | |
| <ul style="list-style-type: none"> ○ Full day rentals are 8 am-dark, at in-season half day rates | |
| Large Picnic Shelters | Half Day Rentals: \$50 R / \$75 NR Full Day Rentals: \$90 R / \$135 NR |
| Small Picnic Shelters | Half Day Rentals: \$40 R / \$60 NR Full Day Rentals: \$60 R / \$90 NR |
| Pavilion at Town Common (Times may vary) | *Hourly Rental Rate: \$60 R / \$90 NR *Two Hour Minimum |
| Pavilion at Wildwood Park (Times may vary) | *Hourly Rental Rate: \$100 R / \$150 NR *Two Hour Minimum Plus \$35/hour Staffing Fee if required |
| Shelter Clean-up fees | Groups of 75 or more: \$100 Groups of 200 or more: \$200 |
| Extras: | |
| Key Fobs for Recreation Centers All Recreation Centers | First Replacement is free, \$1 for 2 nd |
| Press Box; Scoreboard / Panel Box Call 329-4550 | \$50 (up to 4 hrs); \$10 per hour staff fee |
| Staging | \$35 for 4' x 8' section |
| For more information, call 329-4543 | |

RECREATION & PARKS FEES

| Service | Fee |
|---|---------|
| Application for service and sale of malt beverages and unfortified wine pursuant to the Policy and Procedures for the Conditional Service, Sale and Consumption of Alcoholic Beverages within Greenville Recreation and Parks Facilities | \$50.00 |
| <p>NOTE: As a result of the diversity of opportunities provided, programs may be added or dropped at any time and, therefore, the fees are subject to change as approved by the Recreation & Parks Commission. Additionally, the Recreation & Parks Commission may waive, in whole or in part, fees which are related to programs conducted in cooperation with another organization or individual which is assuming all or a portion of the expense of the program.</p> <p>R means City Resident, NR means Non-City Resident.</p> <p>Non Resident Fees equal 150% of Resident Fees unless otherwise indicated. Recreation & Parks programs listed are examples and are not inclusive of all offerings at all times.</p> | |

BRADFORD CREEK PUBLIC GOLF COURSE

| Service | Fee |
|-------------------------------|-----------------------------------|
| Golf Green and Ball Fees | \$5 to \$45 |
| All Range Ball and Range Fees | |
| Various Play Offerings | |
| | |
| Golf Clinics | |
| Summer Youth Golf Camp | |
| Spring Youth Camp | |
| Junior Golf Team | |
| Coastal Plains Tournament | |
| | |
| Clubhouse Rental | \$100 - \$200 / hr; \$100 Deposit |
| Call 329-GOLF | |

GREENVILLE AQUATICS & FITNESS CENTER (GAFC)

| Service | Fee |
|--|--|
| Family Membership (City Employee) | \$12/per pay period |
| Family Membership (GUC Employee) | \$12/per pay period |
| GAFC Recreational Programming | \$0 - \$150/Members \$0 - \$200/ Non-members |
| | \$0 - \$400 / Non-member/ Resident (Effective 9/1/12) |
| Membership Application Fees | \$0 - \$100 |
| Walk-in Fees | \$0 - \$12 |
| Amenities/Concessions: | \$0 - \$40 per use |
| Includes: Towels, Locks, Snacks, Fruit, etc. | |

| Membership Type for Residents | Yearly Fees | Quarterly Fees | Monthly Draft Fee |
|--|---------------|----------------|-------------------|
| Family Individual Young Adult Senior Corporate | \$220 - \$515 | \$60 - 238 | \$19 - \$185 |
| Membership Type for Non-Residents | Yearly Fees | Quarterly Fees | Monthly Draft Fee |
| Family Individual Young Adult Senior Corporate | \$275 - \$644 | \$75 - \$273 | \$23.75 - \$219 |

| | |
|------------------|-----------------------------|
| Temporary Passes | |
| One Week | \$20/Individual/\$35 Family |
| One Month | \$30-\$60 R/\$37.50-\$75 NR |
| One Month (Pool) | \$35 R/\$52 NR |

SANITATION FEES

| Service | Fee |
|--------------------------------------|---|
| Refuse Fee-Backyard Pickup (Premium) | Eliminated - 7/1/2017 |
| Refuse Fee-Curbside Pickup (Basic) | \$16.00/per month |
| Multi-Family Containers | \$16.00/per month |
| | |
| Containers 6 or 8 Yards | \$100.00 over cost Rounded to nearest dollar |
| | |
| Roll Out Carts | \$65.00 |
| Each Additional Curbside Container | \$5.00 per month |
| | |
| Yard Waste over 4 Cubic Yards | \$25.00 per collection |
| | |
| Sanitation Nuisance Abatement Fee | \$150.00 for the first hour and \$125.00 for each additional hour |

SPECIAL EVENTS

*Go to www.greenvillenc.gov to view Special Events Policy & Procedures – fees below are directly related to activities identified as “special events”.

| Event Type | Application Fee | Permit Fee | Refundable Deposit | Late Fee |
|---------------------------------|------------------------|-------------------|---------------------------|-----------------|
| Parade | \$100.00 | \$100.00 | \$200.00 | \$250.00 |
| Race 5k or Less | \$100.00 | \$100.00 | \$100.00 | \$250.00 |
| More than 5k Race | \$100.00 | \$250.00 | \$100.00 | \$250.00 |
| Neighborhood Block Party | \$50.00 | \$0.00 | \$200.00 | \$75.00 |
| General Event | \$100.00 | \$250.00 | \$100.00 | \$250.00 |
| Festivals | \$100.00 | \$100.00 | \$500.00 | \$250.00 |
| Concerts | \$100.00 | \$250.00 | \$500.00 | \$250.00 |
| Outdoor Amplified Sound (Noise) | \$50.00 | \$50.00 | N/A | N/A |
| Temporary Street Closing | \$50.00 | \$50.00 | N/A | N/A |

| Police Off-Duty Fees | | | |
|-----------------------------|---|-------------------|----------------|
| | Officer | Supervisor | Premium |
| Rate per Hour | \$40.00 | \$50.00 | \$50.00 |
| Parade Staffing | \$40.00 per Hour per Officer (Minimum 3 Hours per Parade) + \$25.00 per Vehicle per Event | | |

| Fire / Rescue Stand-By Fire Fees | |
|---|--|
| Base Charge per EMS Unit | \$100.00 (# of Units Required Based on Attendance) |
| Fire / EMS Staff per Unit | \$40.00 per Hour per Staff Member |
| | Minimum of 2.00 Staff Members Per Truck |

| Attendance Range | Fire / Rescue Units Required | |
|-------------------------|-------------------------------------|---------------------------|
| | NON ABC Event | ABC Event |
| 0 - 5,000 | 1 | 1 - 2 |
| 5,001 - 10,000 | 1 - 3 | 1 - 4 |
| Over 10,000 | # Determined by F/R Chief | # Determined by F/R Chief |

| Crowd Managers | |
|----------------------------|--|
| Number of Attendees | Number of Required Crowd Managers |
| 250 | 1 |

SPECIAL EVENTS

| Public Works Roll-Out Carts / Trash Cans / Barricades | | | |
|--|---|---------|-----------------|
| Barricade(s) | Traffic Cones | 1 - 25 | \$50.00 |
| | | 26 - 49 | \$100.00 |
| | | > 50 | \$150.00 |
| | Bike Racks | | \$20.00 Each |
| | Type I, II, and/or III Traffic Barricades | | \$30.00 Each |
| | Water Barricades | | \$50.00 Each |
| | Traffic Plan / Road Closure Review | | \$40.00 per Hr |
| Sanitation | Recycling Carts / Cans | | \$20.00 per Set |
| | Trash Cans | | |
| | Street Sweeper (Truck + Labor) | | \$100.00 per Hr |
| Electrical | Usage Fee | | \$100.00 |
| | Technician / Contract Assistance | | \$100.00 |

STORMWATER FEES

| Service | Fee |
|---------|-----|
|---------|-----|

| | |
|---------------------------------|---------------------------|
| Stormwater Utility Fees* | \$7.35 per unit per month |
|---------------------------------|---------------------------|

*For each equivalent rate unit, as defined by Section 8-3-2 of the Greenville City Code, there shall be a service charge per month for the purposes of supporting stormwater management programs and structural and natural stormwater and drainage systems, said charge to be effective on and after July 1, 2003. One unit equals 2,000 square feet.

STREETS FEES

| Service | Fee |
|--|------------------------------|
| Administrative Fee per Utility Cut Permit Request | \$100.00 |
| Labor, Material and Equipment cost associated with Utility Cut Repairs | Current market-based pricing |
| | |

TAXICAB FARES

Taxicabs operating within the jurisdictional city limits may elect to charge fares and fees by the installation and use of a taximeter or by use of the approved zone map and the fares and fees provided herein. The election decision is made by the franchise holder and will apply to all taxicabs operating under the particular franchise.

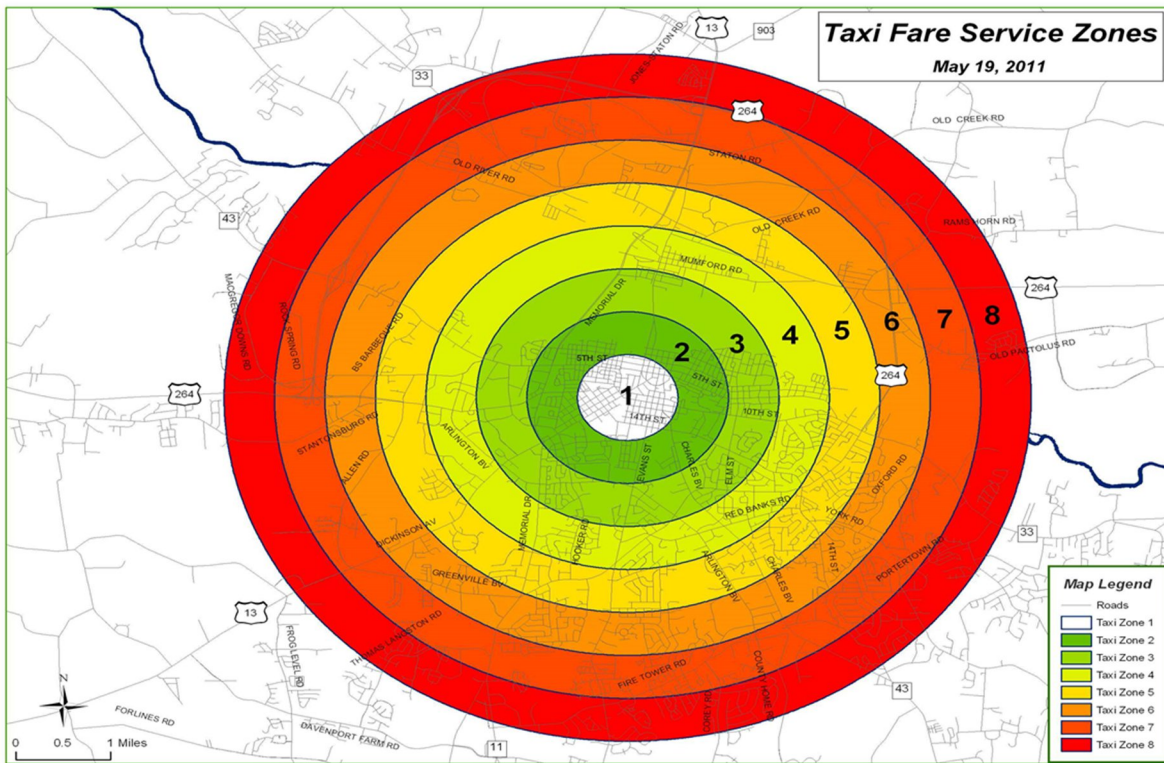
| Taximeter Rates and Fees: | |
|--|--------|
| Drop Fee | \$2.75 |
| Per 1/6th of Mile | \$0.25 |
| Surcharge Night Time from 11 PM to 6 AM per Person | \$0.50 |
| Per Minute Wait Time at Fare's Request | \$0.30 |
| Per Luggage Bag Over Two | \$1.25 |
| Per Person Over First Two | \$2.00 |
| Per Trunk or Large Suitcase | \$0.10 |
| Pedi-cab Rates and Fees: | |
| Per Person per 1/2 mile or Fraction Thereof | \$1.50 |
| Per Minute Wait Time at Fare's Request | \$0.30 |
| Per Luggage Bag Over Two | \$1.25 |
| Per Person Over First Two | \$2.00 |
| Per Trunk or Large Suitcase | \$2.00 |
| Per Grocery Bag Over 3 | \$0.10 |

TAXICAB ZONE FARES

The following rates shall be applicable for each standard zone fare:

| ZONES | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-------|------|------|------|------|------|------|------|------|
| 1 | 6.00 | 6.35 | 6.70 | 7.05 | 7.40 | 7.75 | 8.10 | 8.50 |
| 2 | 6.35 | 6.35 | 6.70 | 7.05 | 7.40 | 7.75 | 8.10 | 8.50 |
| 3 | 6.70 | 6.70 | 6.70 | 7.05 | 7.40 | 7.75 | 8.10 | 8.50 |
| 4 | 7.05 | 7.05 | 7.05 | 7.05 | 7.40 | 7.75 | 8.10 | 8.50 |
| 5 | 7.40 | 7.40 | 7.40 | 7.40 | 7.40 | 7.75 | 8.10 | 8.50 |
| 6 | 7.75 | 7.75 | 7.75 | 7.75 | 7.75 | 7.75 | 8.10 | 8.50 |
| 7 | 8.10 | 8.10 | 8.10 | 8.10 | 8.10 | 8.10 | 8.10 | 8.50 |
| 8 | 8.50 | 8.50 | 8.50 | 8.50 | 8.50 | 8.50 | 8.50 | 8.50 |

The fare charged shall be the amount of the highest zone which is traveled through. Only one fare shall be charged for one or two persons traveling from the same point of origin to the same point of destination.



TAXICAB ZONE FARES

The following rates are for fares across town:

| ZONES | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| 1 | 6.00 | 6.60 | 7.20 | 7.80 | 8.40 | 9.00 | 10.60 | 10.20 |
| 2 | 6.60 | 7.20 | 7.80 | 8.40 | 9.00 | 9.60 | 11.20 | 10.80 |
| 3 | 7.20 | 7.80 | 8.40 | 9.00 | 9.60 | 10.20 | 11.80 | 11.40 |
| 4 | 7.80 | 8.40 | 9.00 | 9.60 | 10.20 | 10.80 | 11.40 | 12.00 |
| 5 | 8.40 | 9.00 | 9.60 | 10.20 | 10.80 | 11.40 | 12.00 | 12.60 |
| 6 | 9.00 | 9.60 | 10.20 | 10.80 | 11.40 | 12.00 | 12.60 | 13.20 |
| 7 | 9.60 | 10.20 | 10.80 | 12.40 | 12.00 | 12.60 | 13.20 | 13.80 |
| 8 | 10.20 | 10.80 | 11.40 | 12.00 | 12.60 | 12.20 | 13.80 | 14.50 |

| | | |
|--|--|---------|
| Ironwood/Bradford Creek | Standard Fare | \$9.50 |
| | Across Town | \$14.50 |
| Over two persons (per person extra) | | |
| Waiting time (per hour) | | \$18.00 |
| Trunks or footlockers (each) | | \$2.00 |
| Baggage (each) | | \$1.50 |
| Grocery bags (each bag over 3) | | \$0.10 |
| Rates outside zones unless previously specified (per mile) | | \$2.75 |
| Pedi-cab rates: | \$1.50 per person per 1/2 mile or fraction | |
| Waiting time (per hour) | | \$18.00 |
| Trunks or footlockers (each) | | \$2.50 |
| Baggage (each) | | \$1.50 |
| Grocery bags (each bag over 3) | | \$0.10 |