



Agenda

Greenville City Council

January 12, 2023

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 - Council Member Daniels

III. Pledge of Allegiance

IV. Roll Call

V. Approval of Agenda

VI. Special Recognitions

1. William Staats - Public Works Department Retiree
2. Chris Battle - Recreation and Parks Department Retiree
3. Mark Dixon - Recreation and Parks 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. Appointment to the Animal Control Appeal Board
5. Appointments to Boards and Commissions

IX. New Business

Public Hearings

6. Ordinance to annex Parkside Bluffs, Section 2, Lots 2 & 3 for a portion of property involving 2.658 acres located at the northeastern corner of the intersection of E. 10th Street and Parkside Drive
7. Ordinance to annex Mill Creek Subdivision, Phase 3 involving 7.894 acres located at the current terminus of Megan Drive
8. Ordinance to annex Mann Farm Subdivision, Lot 2 for a portion of property involving 22.36 acres located at the current terminus of Oakdowne Way
9. Ordinance to annex a portion of Hunter and Olivia Nichols' property involving 5.318 acres located at the northwestern corner of the intersection of Frog Level Road and Dickinson Avenue Extension
10. Ordinance requested by Hunter and Olivia Nichols to rezone a total of 4.82 acres located at the northwestern corner of the intersection of Dickinson Avenue and Frog Level Road from GC (General Commercial – Pitt County’s Jurisdiction) to CH (Heavy Commercial)
11. Ordinance requested by 4 Life Properties, LLC to rezone a total of 90.378 acres from IU (Unoffensive Industry) and CH (Heavy Commercial) to R6 (Residential [High Density Multi-family]) for Tract 1 - 87.059 acres and from IU (Unoffensive Industry) to R6-CA (Residential [High Density Multi-family]) - Conservation Area Overlay for Tract 2 - 3.319 acres for the property located along the western right-of-way of Allen Road and adjacent to the Pitt County Landfill
12. Ordinance requested by Bill Clark Homes of Greenville, LLC to rezone a total of 29.532 acres located east of L. T. Hardee Road and between the Norfolk Southern Railroad and Leon Drive from RA20 (Residential-Agricultural) to R6A (Residential [Medium Density Multi-family])
13. Ordinance requested by Porters Crossing Residential, LLC to rezone a total of 12.711 acres

located east of Thomas Langston Road and at the current termini of Dublin Road and Dahlonga Road from RA20 (Residential-Agricultural) to R6S (Residential-Single-family)

14. Ordinance requested by the Planning and Development Services Department to establish a new use and add a definition and standards for a "bar 2022" which includes two options related to size limitation: 1) no more than 3,500 square feet OR 2) no more than 2,000 square feet
15. Ordinance requested by the Planning and Development Services Department to make changes to the Zoning Ordinance by deleting the use, definition and standards of a "dining and entertainment establishment", adding a "microbrewery" and "microdistillery" as an accessory use to a "bar" and adding "alcohol sales" as an accessory use for certain uses and making amendments due to changes in the North Carolina General Statutes which includes the following: amending the definition of a "restaurant, conventional" and changing the name of "public or private club" to "bar" along with amending the standards of same

X. City Manager's Report

XI. Comments from Mayor and City Council

XII. Adjournment



City of Greenville, North Carolina

Meeting Date: 01/12/2023

Title of Item: Appointment to the Animal Control Appeal Board

Explanation: The City Council at its May 23, 2022, meeting passed an ordinance repealing and replacing Part II, Title 12, Chapter 2 of the City Code to conform to applicable North Carolina law and revise the criminal and civil penalties as necessary to address the interests of public safety and animal welfare.

Section 12-2-16 provides for the creation of an appeal board to hear appeals related to determinations issued when declaring an animal a public nuisance, dangerous animal, vicious animal, potentially dangerous dog, or dangerous dog in accordance the City Code and Chapter 67 of the North Carolina General Statutes.

The three-member appeal board shall be constituted of the following:

- A veterinarian licensed to practice in North Carolina
- The Chief of Police or their designee
- The Fire Marshall or their designee

An alternate member from the Financial Services Department shall be designated to serve in the event of a conflict of interest.

The veterinarian shall be appointed by the City Council for a three-year term that will be retroactively dated to commence August 1, 2022 and expire July 31, 2025.

Fiscal Note: No direct fiscal impact.

Recommendation: Appoint a veterinarian to the appeal board for a three-year term that will commence immediately upon appointment and expire July 31, 2025.

ATTACHMENTS

 [City Code Section 12-2-16.pdf](#)

- (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



City of Greenville, North Carolina

Meeting Date: 01/12/2023

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, Historic Preservation Commission, Human Relations Council, Multimodal Transportation Commission, Police Community Relations Committee, 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:

- 8 seats on the Youth Council

Fiscal Note: No direct fiscal impact

Recommendation: Make appointments to the Affordable Housing Loan Committee, Environmental Advisory Commission, Historic Preservation Commission, Human Relations Council, Multimodal Transportation Commission, Police Community Relations Committee, and Youth Council.

ATTACHMENTS

 [Appointment List.pdf](#)

Appointments to Boards and Commissions

January 2023

Affordable Housing Loan Committee

Council Liaison: Council Member Marion Blackburn

Name	District #	Current Term	Reappointment Status	Expiration Date
Deborah Spencer	1	Second term	Resigned	February 2023

Environmental Advisory Commission

Council Liaison: Council Member Marion Blackburn

Name	District #	Current Term	Reappointment Status	Expiration Date
Diego Llerna	5	First term	Resigned	April 2021

Historic Preservation Commission

Council Liaison: Council Member Monica Daniels

Name	District #	Current Term	Reappointment Expiration	
Myron Caspar	3	Second term	Ineligible	January 2023
Roger Kammerer	3	Second term	Ineligible	January 2023
Israel Mueller	3	First term	Eligible	January 2023
Candace Pearce	4	Second term	Ineligible	January 2023

Human Relations Council

Council Liaison: Mayor Pro-Tem Rose Glover

Name	District #	Current Term	Reappointment Status	Expiration Date
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Mark Rasdorf	4	First term	Resigned	September 2022
Rod Debs	3	Second term	Ineligible	September 2022
Heena Shah	1	Filling unexpired term	Eligible	September 2022

Multimodal Transportation Commission

Council Liaison: Council Member Monica Daniels

Name	District #	Current Term	Reappointment Status	Expiration Date
Arcina Dixon	5	Unexpired term	Eligible	January 2023
Robert Edwards	3	First term	Eligible	January 2023
Daniel Hemme	2	First term	Eligible	January 2023
Hunter Peyton	5	First term	Resigned	January 2023

Police Community Relations Committee

Council Liaison: Council Member At-Large Will Bell

Name	District #	Current Term	Reappointment Status	Expiration Date
Gary Davis <i>(Council Member Marion Blackburn)</i>	3	Filling unexpired term	Eligible	October 2022

Youth Council

Council Liaison: Mayor Pro-Tem Rose Glover

Name	Current Term	Reappointment Status	Expiration Date
Jamia Galloway	Second term	Ineligible	September 2022
Diego Lorenzo	Second term	Ineligible	September 2022
Olivia Thorn	First term	Eligible	September 2022

(8 open seats)

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

Applicants for Affordable Housing Loan Committee

Beth Bee
800 Forest Hill Circle
Greenville, NC 27858

District #: 3

Application 9/18/2022

Home Phone: (970) 227-9044

Business Phone:

Email: bethbee78@gmail.com

Sydney McLeod
22 Upton Ct
Greenville, NC 27858

District #: 4

Application 10/15/2022

Home Phone: (910) 635-8702

Business Phone:

Email: sydneyhmcleod@gmail.com

Applicants for Environmental Advisory Commission

Chris Davis
1710 Sassafras Ct
Greenville, NC 27858
District #: 4

Application 10/20/2022
Home Phone: (336) 420-2435
Business Phone: (252) 355-7006
Email: cndavis320@yahoo.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 Planning and Zoning Commission

Sebastian Krassler
1901 East 6th St
Greenville, NC 27858
District #: 3

Application 6/10/2022
Home Phone: (856) 495-1039
Business Phone:
Email: skrassley98@yahoo.com

Chris Davis
1710 Sassafras Ct
Greenville, NC 27858
District #: 4

Application 10/20/2022
Home Phone: (336) 420-2435
Business Phone: (252) 355-7006
Email: cndavis320@yahoo.com

Applicants for Youth Council

None.



City of Greenville, North Carolina

Meeting Date: 01/12/2023

Title of Item: Ordinance to annex Parkside Bluffs, Section 2, Lots 2 & 3 for a portion of property involving 2.658 acres located at the northeastern corner of the intersection of E. 10th Street and Parkside Drive

Explanation: A. SCHEDULE

1. Advertising date: December 31, 2022
2. City Council public hearing date: January 12, 2023
3. Effective date: January 12, 2023

B. CHARACTERISTICS

1. Relation to primary city limits: Contiguous
2. Relation to recognized industrial area: Outside
3. Acres: 2.658
4. Voting District: 3
5. Township: Grimesland
6. Zoning: General Commercial (CG)
7. Existing land use: Vacant
8. Anticipated land use: Convenience store with gasoline sales and a restaurant
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

* Source: Census.gov

10. Rural fire tax district: Eastern Pines
11. Greenville fire district: Station 6
12. Present tax value: \$183,711
13. Estimated tax value: \$1,000,000

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

Recommendation: Approve the attached ordinance to annex Parkside Bluffs, Section 2, Lots 2 & 3

ATTACHMENTS

-  [Ordinance Parkside Bluffs Section 2, Lots 2 & 3 Annexation.pdf](#)
-  [Parkside Bluffs Survey.pdf](#)

ORDINANCE NO. 23-____
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 January, 2023, after due notice by publication in The Daily Reflector on the 31st day of December, 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 "Parkside Bluffs, Section 2, Lots 2 & 3", involving 2.658 acres prepared by Cornerstone Professional Land Surveying.

LOCATION: Situate in Grimesland Township and the Extra Territorial Jurisdiction of the City of Greenville, Pitt County, North Carolina, located at the northeastern corner of the intersection of E. 10th Street and Parkside Drive.

GENERAL DESCRIPTION:

ANNEXATION AREA 1

BEING a part of that certain tract or parcel of land lying and being within Grimesland Township and the Extra Territorial Jurisdiction of the City of Greenville, Pitt County, North Carolina, and being more particularly described as follows:

BEGINNING at an existing 1/2 inch iron rod at the northeast intersection formed by the northerly margin of the right of way of East Tenth Street (NC Hwy 33) and the easterly margin of the right of way of Parkside Drive; thence with the easterly margin of Parkside Drive for the following two (2) courses and distances: 1) North 23°45'51" West a distance of 56.60 feet to a new 1/2-inch iron rod; 2) North 21°06'40" East a distance of 215.31 feet to a new nail; thence

turning and running with a line through the property of V-Slew, LLC as described in Deed Book 2043, Page 165 in the Pitt County Public Registry (the "Registry") South 68°20'10" East a distance of 211.54 feet to an existing nail on the westerly line of the property of ALDI (N.C.) L.L.C. as described in Deed Book 3474, Page 28 in said Registry; thence with and along the westerly line of the ALDI (N.C.) L.L.C. property South 21°24'00" West a distance of 258.94 feet to a new 1/2-inch iron rod on the northerly margin of the right of way of East Tenth Street, said point being located North 58°19'26" West a horizontal grid distance of 596.62 feet from NGS Monument "Fence" having NC Grid Coordinates (NAD83) of N: 670,709.59 and E: 2,504,036.11; thence with the northerly margin of East Tenth Street for the following three (3) courses and distances: 1) North 68°30'36" West a distance of 42.17 feet to a new nail; 2) North 61°44'49" West a distance of 39.03 feet to an existing 1/2-inch iron rod; 3) North 68°36'40" West a distance of 89.40 feet to the point and place of **BEGINNING**, containing an area of 53,210 square feet or 1.222 acres of land, more or less, as shown on an annexation plat prepared by Cornerstone Professional Land Surveying, PLLC, dated November 30, 2022, bearing Job No. 2022-105

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

TO WIT: Being all of that certain property as shown on the annexation map entitled "Parkside Bluffs, Section 2, Lots 2 & 3", involving 2.658 acres prepared by Cornerstone Professional Land Surveying.

LOCATION: Situate in Grimesland Township and the Extra Territorial Jurisdiction of the City of Greenville, Pitt County, North Carolina, located at the northeastern corner of the intersection of E. 10th Street and Parkside Drive.

GENERAL DESCRIPTION:

BEING a part of that certain tract or parcel of land lying and being within Grimesland Township and the Extra Territorial Jurisdiction of the City of Greenville, Pitt County, North Carolina, and being more particularly described as follows:

Commencing from an existing 1/2 inch iron rod at the northeast intersection formed by the northerly margin of the right of way of East Tenth Street (NC Hwy 33) and the easterly margin of the right of way of Parkside Drive and run thence with the easterly margin of Parkside Drive for the following three (3) courses and distances: 1) North 23°45'51" West a distance of 56.60 feet to a new 1/2-inch iron rod; 2) North 21°06'40" East a distance of 215.31 feet to a new nail; 3) North 08°40'43" East a distance of 30.78 feet to the point and place of **BEGINNING**; thence continuing with and along the easterly margin of Parkside Drive for the following four (4) courses and distances: 1) North 08°40'43" East a distance of 35.97 feet to a new 1/2-inch iron rod; 2) North 21°27'43" East a distance of 66.46 feet to a new 1/2-inch iron rod; 3) with a circular curve turning to the right having a radius of 170.00 feet and an arc length of 121.62 feet (chord: North 41°57'26" East distance of 119.04 feet) to a new 1/2 inch iron rod; 4) North 62°27'10" East a distance of 24.30 feet to a new 1/2-inch iron rod at the terminus of Parkside Drive; thence continuing with a new line through the property of V-Slew, LLC as described in Deed Book 2043, Page 165 in the Pitt County Public Registry (the "Registry") for the following two (2) courses and distances: 1) North 62°27'10" East a distance of 125.57 feet to a new 1/2-inch iron rod; 2) with a circular curve turning to the left having a radius of 230.00 feet and an arc length of 176.83 feet (chord: North 40°25'38" East distance of 172.51 feet) to a new 1/2 inch iron rod on the westerly line of the property of Greenville Mobile Estates, LLC as described in Deed Book 3809, Page 606 of said Registry; thence with and along the westerly line of the Greenville Mobile Estates, LLC property for the following two (2) courses and distances: 1) South 18°24'06" West distance of 325.46 feet to an existing 1/2-inch iron rod; 2) South 72°26'04" East distance of 12.70 feet to an existing 1-inch iron pipe being the northwest corner of the property of ALDI (N.C.) L.L.C. as described in Deed Book 3474, Page 28 in said Registry; thence with and along the westerly line of the ALDI (N.C.) L.L.C. property South 21°24'00" West a distance of 165.94 feet to an existing nail, said point being located North 21°24'00" East a distance of 30.00 feet from an existing nail described in the foregoing Annexation Area 1 description; thence with a line through the property of V-Slew, LLC as described in Deed Book 2043, Page 165 in said Registry North 68°20'10" West a distance of 218.32 feet to the point and place of

BEGINNING, containing an area of 62,558 square feet or 1.436 acres of land, more or less, as shown on an annexation plat prepared by Cornerstone Professional Land Surveying, PLLC, dated November 30, 2022, bearing Job No. 2022-105.

Section 3. Territory annexed to the City of Greenville by this ordinance shall, pursuant to the terms of G.S. 160A-23, be annexed into Greenville municipal election district three. 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 three.

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

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

Section 6. This annexation shall take effect from and after the 12th day of January, 2023.

ADOPTED this 12th day of January, 2023.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

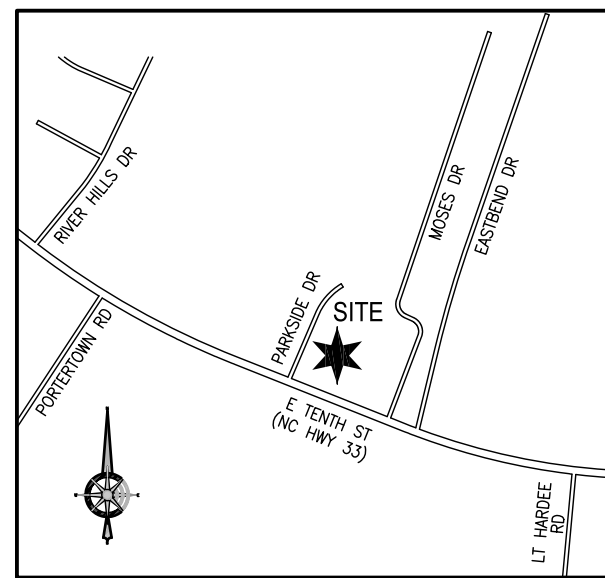
NORTH CAROLINA
PITT COUNTY

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.

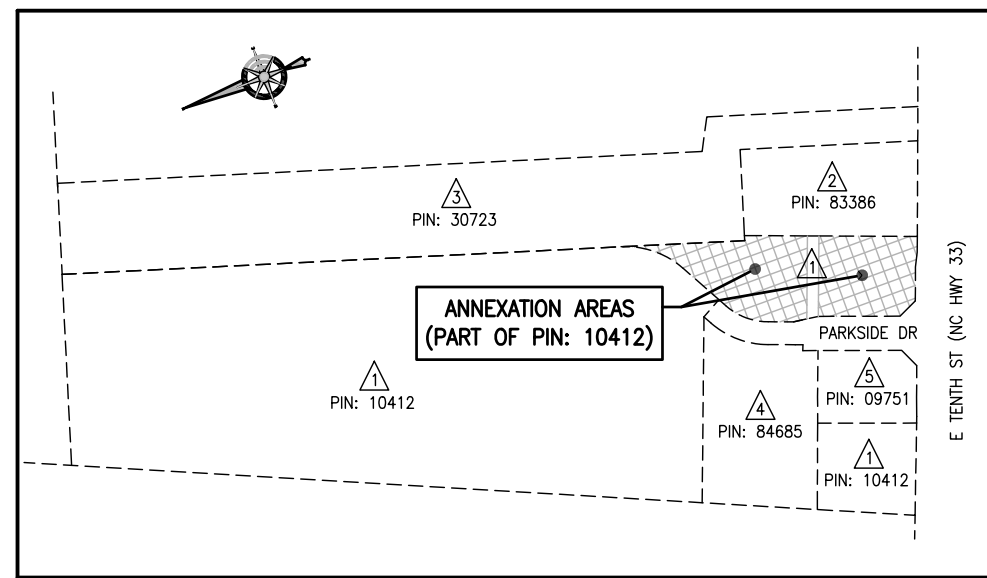
WITNESS my hand and official seal this ____th day of _____, 2023.

Notary Public

My Commission Expires: _____
1174753



VICINITY MAP
NOT TO SCALE



SITE DETAIL
NOT TO SCALE

REVIEW OFFICER:

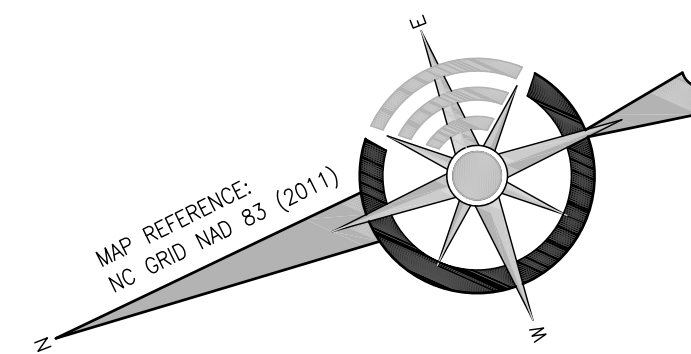
I, _____ REVIEW OFFICER OF PITT COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER _____ DATE _____

ZONING:

SUBJECT PROPERTY ZONED: CG (GENERAL COMMERCIAL) & OR (OFFICE RESIDENTIAL) AS PER ZONING VERIFICATION LETTER FROM THE GREENVILLE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT, DATED NOVEMBER 15, 2021.

FOR FURTHER INFORMATION CONTACT THE GREENVILLE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT AT 252-329-4486.



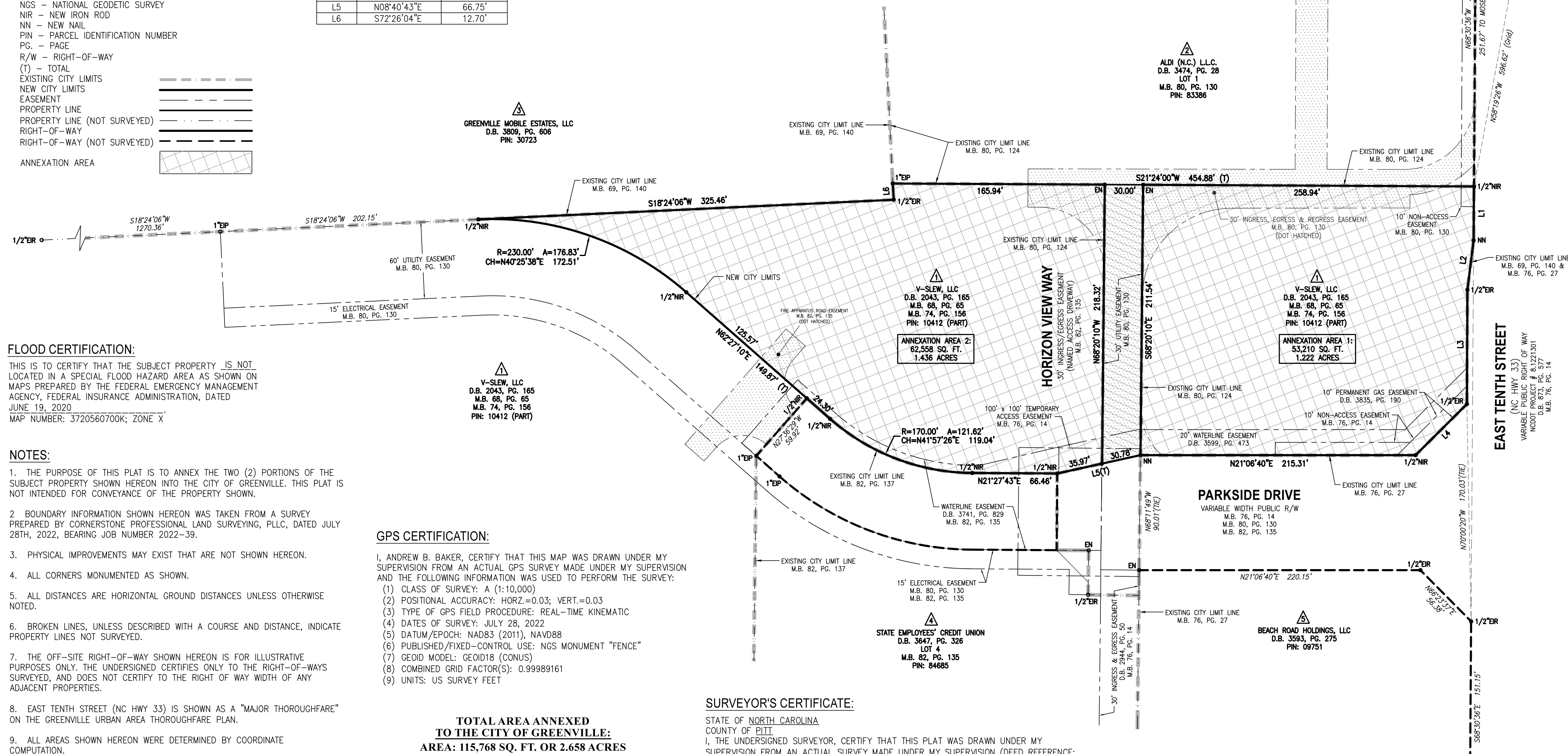
NGS MONUMENT
"FENCE"
NAD83 (2011)
N: 670,708.59
E: 2,504,036.11

LEGEND:

- D.B. - DEED BOOK
- EIP - EXISTING IRON PIPE
- EIR - EXISTING IRON ROD
- EN - EXISTING NAIL
- M.B. - MAP BOOK
- NN - NEW NAIL
- NGS - NATIONAL GEODETIC SURVEY
- NIR - NEW IRON ROD
- NN - NEW NAIL
- PIN - PARCEL IDENTIFICATION NUMBER
- PG. - PAGE
- R/W - RIGHT-OF-WAY
- (T) - TOTAL
- EXISTING CITY LIMITS
- NEW CITY LIMITS
- EASEMENT
- PROPERTY LINE
- PROPERTY LINE (NOT SURVEYED)
- RIGHT-OF-WAY
- RIGHT-OF-WAY (NOT SURVEYED)
- ANNEXATION AREA

LINE TABLE:

LINE	BEARING	DISTANCE
L1	N68°30'36"W	42.17'
L2	N61°44'49"W	39.03'
L3	N68°36'40"W	89.40'
L4	N23°45'51"W	56.60'
L5	N08°40'43"E	66.75'
L6	S72°26'04"E	12.70'



FLOOD CERTIFICATION:

THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION, DATED JUNE 19, 2020
MAP NUMBER: 3720560700K; ZONE X

NOTES:

- THE PURPOSE OF THIS PLAT IS TO ANNEX THE TWO (2) PORTIONS OF THE SUBJECT PROPERTY SHOWN HEREON INTO THE CITY OF GREENVILLE. THIS PLAT IS NOT INTENDED FOR CONVEYANCE OF THE PROPERTY SHOWN.
- BOUNDARY INFORMATION SHOWN HEREON WAS TAKEN FROM A SURVEY PREPARED BY CORNERSTONE PROFESSIONAL LAND SURVEYING, PLLC, DATED JULY 28TH, 2022, BEARING JOB NUMBER 2022-39.
- PHYSICAL IMPROVEMENTS MAY EXIST THAT ARE NOT SHOWN HEREON.
- ALL CORNERS MONUMENTED AS SHOWN.
- ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
- BROKEN LINES, UNLESS DESCRIBED WITH A COURSE AND DISTANCE, INDICATE PROPERTY LINES NOT SURVEYED.
- THE OFF-SITE RIGHT-OF-WAY SHOWN HEREON IS FOR ILLUSTRATIVE PURPOSES ONLY. THE UNDERSIGNED CERTIFIES ONLY TO THE RIGHT-OF-WAYS SURVEYED, AND DOES NOT CERTIFY TO THE RIGHT OF WAY WIDTH OF ANY ADJACENT PROPERTIES.
- EAST TENTH STREET (NC HWY 33) IS SHOWN AS A "MAJOR THOROUGHFARE" ON THE GREENVILLE URBAN AREA THOROUGHFARE PLAN.
- ALL AREAS SHOWN HEREON WERE DETERMINED BY COORDINATE COMPUTATION.

GPS CERTIFICATION:

I, ANDREW B. BAKER, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GPS SURVEY MADE UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:

- CLASS OF SURVEY: A (1:10,000)
- POSITIONAL ACCURACY: HORZ.=0.03; VERT.=0.03
- TYPE OF GPS FIELD PROCEDURE: REAL-TIME KINEMATIC
- DATES OF SURVEY: JULY 28, 2022
- DATUM/EPOCH: NAD83 (2011), NAVD88
- PUBLISHED/FIXED-CONTROL USE: NGS MONUMENT "FENCE"
- GEOID MODEL: GEOID18 (CONUS)
- COMBINED GRID FACTOR(S): 0.99989161
- UNITS: US SURVEY FEET

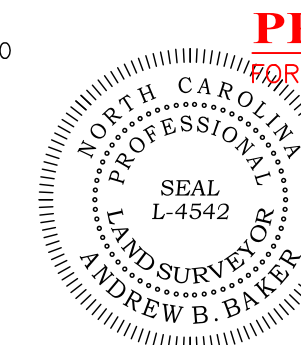
TOTAL AREA ANNEXED TO THE CITY OF GREENVILLE:
AREA: 115,768 SQ. FT. OR 2.658 ACRES

SURVEYOR'S CERTIFICATE:

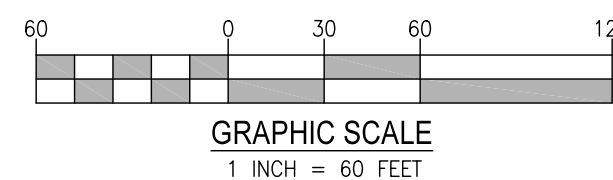
STATE OF NORTH CAROLINA
COUNTY OF PITT
I, THE UNDERSIGNED SURVEYOR, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED REFERENCE: D.B. 2043, PG. 165); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION AS REFERENCED ON THE FACE OF THIS PLAT; THAT THE RATIO OF PRECISION AS CALCULATED EXCEEDS 1: 10,000 LINEAR FEET; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 11TH DAY OF NOVEMBER, A.D., 2022.

THIS PLAT IS OF A SURVEY OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT ORDERED SURVEY OR OTHER EXCEPTIONS TO THE DEFINITION OF A SUBDIVISION.

ANDREW B. BAKER, PLS (L-4542) _____ DATE _____



PRELIMINARY PLAT
FOR REVIEW ONLY. NOT FOR CONVEYANCE,
SALES OR RECORDATION



REVISIONS		 CORNERSTONE PROFESSIONAL LAND SURVEYING LICENSE NO: P-2533 P.O. BOX 1296, MONROE, NC 28111 TEL: (704) 956-5611 www.cornerstonepls.net
CREW:	DRAWN:	
ND	AB	
SCALE:	DATE:	JOB NO.
1" = 60'	NOV. 30, 2022	2022-105

ANNEXATION PLAT PREPARED FOR:
CGP ACQUISITION & DEVELOPMENT, LLC

EAST TENTH STREET & PARKSIDE DRIVE
GRIMESLAND TOWNSHIP, CITY OF GREENVILLE ETJ,
PITT COUNTY, NORTH CAROLINA
DEED REFERENCE: D.B. 2043, PG. 165
MAP REFERENCE: M.B. 74, PG. 156
TAX PARCEL NO: 10412 (PART)



City of Greenville, North Carolina

Meeting Date: 01/12/2023

Title of Item: Ordinance to annex Mill Creek Subdivision, Phase 3 involving 7.894 acres located at the current terminus of Megan Drive

Explanation: A. SCHEDULE

1. Advertising date: December 31, 2022
2. City Council public hearing date: January 12, 2023
3. Effective date: January 12, 2023

B. CHARACTERISTICS

1. Relation to primary city limits: Contiguous
2. Relation to recognized industrial area: Outside
3. Acres: 7.894
4. Voting District: 2
5. Township: Winterville
6. Zoning: Residential-Agricultural (RA-20)
7. Existing land use: Vacant
8. Anticipated land use: 19 single-family lots
9. Population estimate

	Formula	Number of people
Total current:	0	0
Estimated at full development	19 x 2.18*	42
Current minority	0	0
Estimated minority at full development	42 x 43.4%	18
Current white	0	0
Estimated white at full development	42 - 18	24

* Source: Census.gov

10. Rural fire tax district: Red Oak
11. Greenville fire district: Station 5
12. Present tax value: \$105,630
13. Estimated tax value: \$6,000,000

Fiscal Note: Estimated tax value at full development is \$6,000,000.

Recommendation: Approve the attached ordinance to annex Mill Creek Subdivision, Phase 3

ATTACHMENTS

-  [Ordinance Mill Creek SD P3 Annexation.pdf](#)
-  [Mill Creek SD P3 Survey.pdf](#)

ORDINANCE NO. 23-____
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 January, 2023, after due notice by publication in The Daily Reflector on the 31st day of December, 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 “Mill Creek Subdivision – Phase 3”, involving 7.894 acres prepared by Carlton E. Parker.

LOCATION: Situate in Arthur Township, Pitt County, North Carolina, located at the current terminus of Megan Drive.

GENERAL DESCRIPTION:

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

Beginning at the southeast corner of the Carl W. Blackwood and Lynda C. Wainwright , etal property as recorded in deed book 3293, page 43 of the Pitt County Registry at a point in the western line of the Clark Builders, LLC property as recorded in deed book 4155, page 264, thence with the western line of the Clark Builders, LLC property S 00-30-04 E – 202.03’ to the northern line of Mill Creek Subdivision Phase 2 as recorded in map book 85, page 9, thence with the northern line of Mill Creek Subdivision Phase 2 S 89 24-31 W – 60.00’, thence S 00-30-04 E – 141.97’, thence S 89-24-31 W – 351.80’, thence N 00-35-29 W – 21.75’, thence S 89-24-31 W – 203.00’, thence S 00-35-29 E – 8.66’, thence S 89-24-31 W – 257.83’, thence N 63-30-58 W – 115.56’, thence N 36-59-30 W – 345.79’ to the southern line of the Carl W. Blackwood and

Lynda C. Wainwright , et al property, thence with the southern line of the Carl W. Blackwood and Lynda C. Wainwright , et al property N 89-24-31 E – 1181.26’ to the point of beginning containing 7.8942 acres

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 two. The City Clerk, City Engineer, representatives of the Board of Elections, and any other person having responsibility or charge of official maps or documents shall amend those maps or documents to reflect the annexation of this territory into municipal election district two.

Section 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 January, 2023.

ADOPTED this 12th day of January, 2023.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

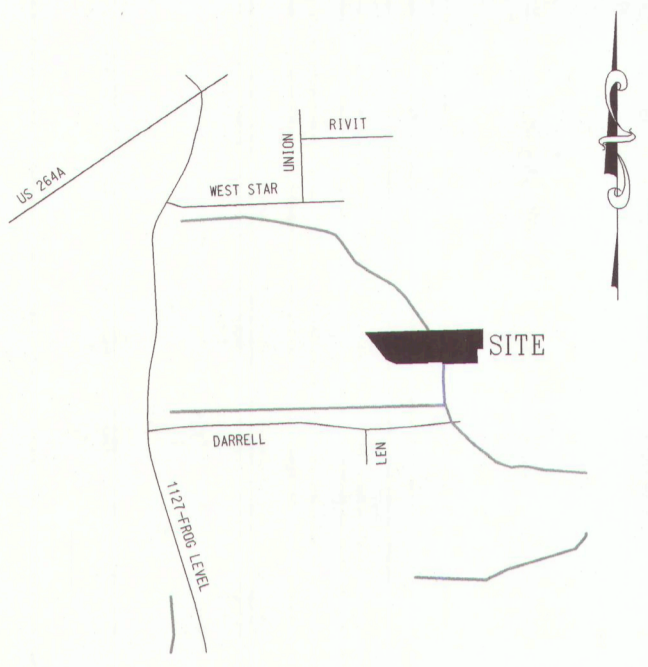
NORTH CAROLINA
PITT COUNTY

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 _____, 2023.

Notary Public

My Commission Expires: _____
1174752



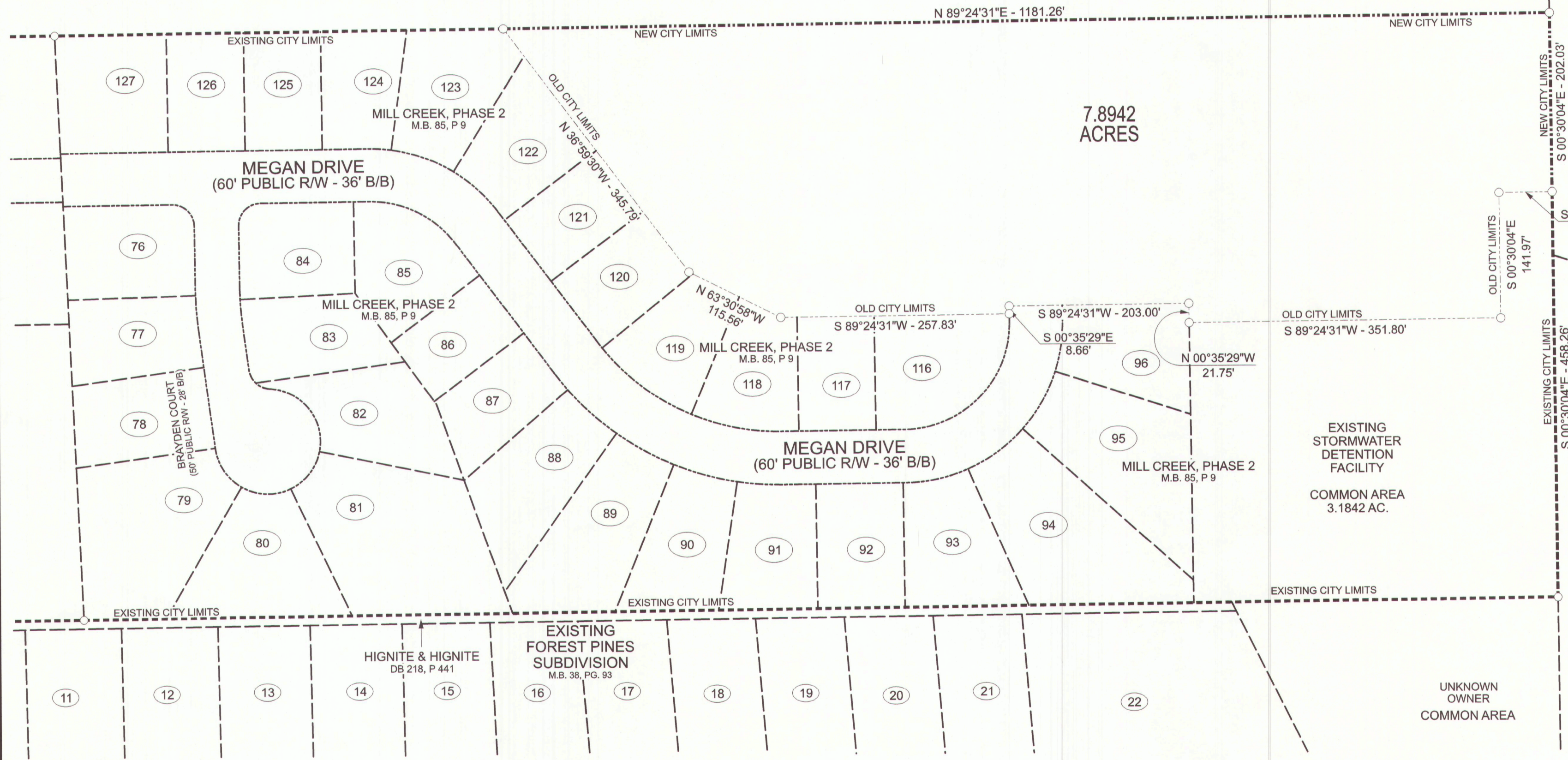
VICINITY MAP
1" = 2000'

CARL W. BLACKWOOD &
LYNDA C. WAINWRIGHT, ET AL
DB 3293, P 43

M.B. 36, PG. 93

CLARK BUILDERS, LLC
DB 4155, P 264

BILL CLARK HOMES
OF GREENVILLE, LLC
DB 3898, P 587



PARCEL NUMBER 03117

ANNEXATION MAP FOR
MILL CREEK SUBDIVISION - PHASE 3

REFERENCE DEED BOOK 4201, PAGE 733,
OF THE PITT COUNTY REGISTRY

CITY OF GREENVILLE WINTERVILLE TOWNSHIP PITT COUNTY NORTH CAROLINA

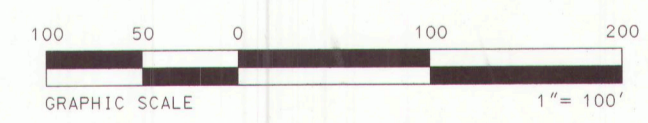
OWNER: KJLK, LLC
ADDRESS: 4747 NC HIGHWAY 33 EAST, STE A
GREENVILLE, NC 27858
PHONE: (252)

MALPASS & ASSOCIATES
1645 E. ARLINGTON BLVD., SUITE D
GREENVILLE, N.C. 27858
(252) 756-1780

SURVEYED:	CEP	APPROVED:	CEP
DRAWN:	WCO	DATE:	11/21/22
CHECKED:	CEP	SCALE:	1" = 100'

LEGEND

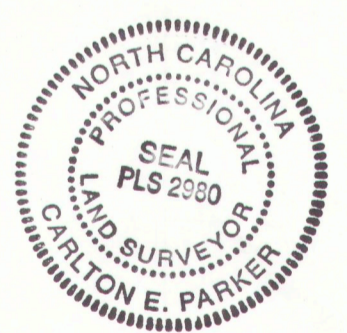
- NEW CITY LIMITS = - - - - -
- EXISTING CITY LIMITS = - - - - -
- OLD CITY LIMITS = - - - - -



MAP NO.	PLATS RECORDED	BOOK	PAGE

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

DATE: _____ ; ORDINANCE NUMBER: _____ ; AREA: 7.8942 ACRES
WINTERVILLE TOWNSHIP, PITT COUNTY, NORTH CAROLINA



I, CARLTON E. PARKER CERTIFY THAT THIS MAP WAS DRAWN BY ME OR UNDER MY SUPERVISION FROM AN ACTUAL SURVEY BY ME OR UNDER MY SUPERVISION, THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000+; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN BOOK _____, PAGE _____ WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL
THIS 28TH DAY OF NOVEMBER A.D., 2022.
CARLTON E. PARKER L-2980



City of Greenville, North Carolina

Meeting Date: 01/12/2023

Title of Item: Ordinance to annex Mann Farm Subdivision, Lot 2 for a portion of property involving 22.36 acres located at the current terminus of Oakdowne Way

Explanation: A. SCHEDULE

1. Advertising date: December 31, 2022
2. City Council public hearing date: January 12, 2023
3. Effective date: January 12, 2023

B. CHARACTERISTICS

1. Relation to primary city limits: Contiguous
2. Relation to recognized industrial area: Outside
3. Acres: 22.36
4. Voting District: 4
5. Township: Greenville
6. Zoning: Office-Residential (OR)
7. Existing land use: One (1) single-family residence and farmland
8. Anticipated land use: 288 multi-family units
9. Population estimate

	Formula	Number of people
Total current:	0	0
Estimated at full development	288 x 2.18*	628
Current minority	0	0
Estimated minority at full development	628 x 43.4%	272
Current white	0	0
Estimated white at full development	628 - 272	356



* Source: Census.gov

10. Rural fire tax district: Eastern Pines
11. Greenville fire district: Station 6
12. Present tax value: \$1,284,037
13. Estimated tax value: \$62,000,000

Fiscal Note: Estimated tax value at full development is \$62,000,000

Recommendation: Approve the attached ordinance to annex Mann Farm Subdivision, Lot 2

ATTACHMENTS

-  [Ordinance Mann Farm Subdivision Lot 2 Annexation.pdf](#)
-  [Mann Farm Survey.pdf](#)

ORDINANCE NO. 23-____
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 January, 2023, after due notice by publication in The Daily Reflector on the 31st day of December, 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 "Mann Farm Subdivision, Lot 2", involving 22.36 acres prepared by Encompass, PLLC.

LOCATION: Situate in Greenville Township, Pitt County, North Carolina, located at the current terminus of Oakdowne Way.

GENERAL DESCRIPTION:

Lying and being located in Greenville Township, Pitt County, NC and being more particularly described as follows:

Beginning at an existing iron pipe located in the southern right of way of NC Highway 33 – E. Tenth Street, said point being the northeast corner of the Pinewood Memorial Park Property as shown on a map for annexation recorded in Map Book 64, Page 45 of the Pitt County registry, thence running along the western property line of the Pinewood Memorial Park property South 52°35'21" West, 447.05 feet to an existing concrete monument having NC Grid Coordinates N 672068.55 and E 2500828.89; thence North 83°51'58" West, 94.16 feet; thence North 77°53'48" West, 83.03 feet; thence North 61°39'32" West, 82.51; thence South 78°42'13" West, 25.87; thence North 39°28'07" West, 10.13 feet ;thence North 85°00'29" West, 20.15 feet; thence South 67°50'27" West, 49.50 feet; thence South 27°00'47" West, 18.90 feet; thence North 70°28'37"

West, 30.88 feet; hence South 87°57'35" West, 31.94 feet; thence South 79°27'40" West, 43.14 feet; thence North 85°39'52" West, 31.49 feet; thence North 81°44'42" West, 37.60 feet; thence South 69°04'44" West, 78.05 feet; thence North 75°54'16" West, 64.27 feet; thence North 65°58'24" West, 77.14 feet; thence North 33°38'27" West, 9.93 feet; thence South 86°51'15" West, 29.79 feet; thence North 80°57'47" West, 31.11 feet; thence North 56°01'34" West, 40.62 feet; thence North 42°25'41" West, 31.73 feet; thence South 81°54'36" West, 65.20 feet; thence North 14°44'09" West, 18.37 feet; thence North 87°12'37" West, 58.68 feet; thence North 38°38'14" West, 67.17 feet; thence South 88°19'54" West, 21.24 feet; thence North 61°49'54" West, 68.57 feet; thence South 82°27'37" West, 19.06 feet; thence North 61°43'13" West, 28.98 feet to a point; thence leaving the western line of Pinewood Memorial Park, Inc. property and with a new line across the Mann Farm Partners, LLC property recorded in Deed Book 4233, Page 394 of the Pitt County Registry North 10°29'34" East, 346.78 feet to a point; thence with a curve in a clockwise direction having a radius of 60.50 feet a chord bearing of North 11°46'03" West, and a chord distance of 116.26 feet to a point; thence with a curve in a counterclockwise direction having a radius of 13.00 feet a chord bearing of North 35°02'32" East and a chord distance of 11.84 feet to a point; thence North 07°56'42" East, 101.81 feet to a point; thence with a curve in a clockwise direction having a radius of 530 feet, a chord bearing of North 14°34'46" East and a chord distance of 122.46 feet to a point; thence North 21°12'49" East, 159.30 feet to a point in the southern property line of the Lowes Home Center, Inc. property recorded in Deed Book 2318, Page 489 of the Pitt County registry; thence South 82°02'41" East, 5.29 feet to a point; thence South 82°02'41" East, 343.46 feet to a point; thence South 82°07'08" East, 54.62 feet to a point; thence South 33°27'01" East, 708.15 feet to a point; thence with a curve in a clockwise direction having a radius of 57.00 feet a chord bearing of North 53°00'36" East, and a chord distance of 84.83 feet to a point; thence with a curve in a counterclockwise direction having a radius of 15.00 feet a chord bearing of North 75°26'10" East, and a chord distance of 12.99 feet to a point; thence North 49°46'38" East, 298.65 feet to a point in the northern right of way of NC Highway 33 - E. Tenth Street; thence with the northern right of way line of NC Highway 33 - E. Tenth Street along a curve in a counterclockwise direction having a radius of 2,083.71 feet a chord bearing of South 40°44'21" East, and a chord distance of 102.83 feet to a point; thence continuing along a curve in a counterclockwise direction having a radius of 2,083.71 feet, a chord bearing of South 47°17'37" East, and a chord distance of 368.14 feet to a point; thence South 52°35'21" West, 102.13 feet to the Point of Beginning containing 22.36 acres more or less.

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 four. 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 four.

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 January, 2023.

ADOPTED this 12th day of January, 2023.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

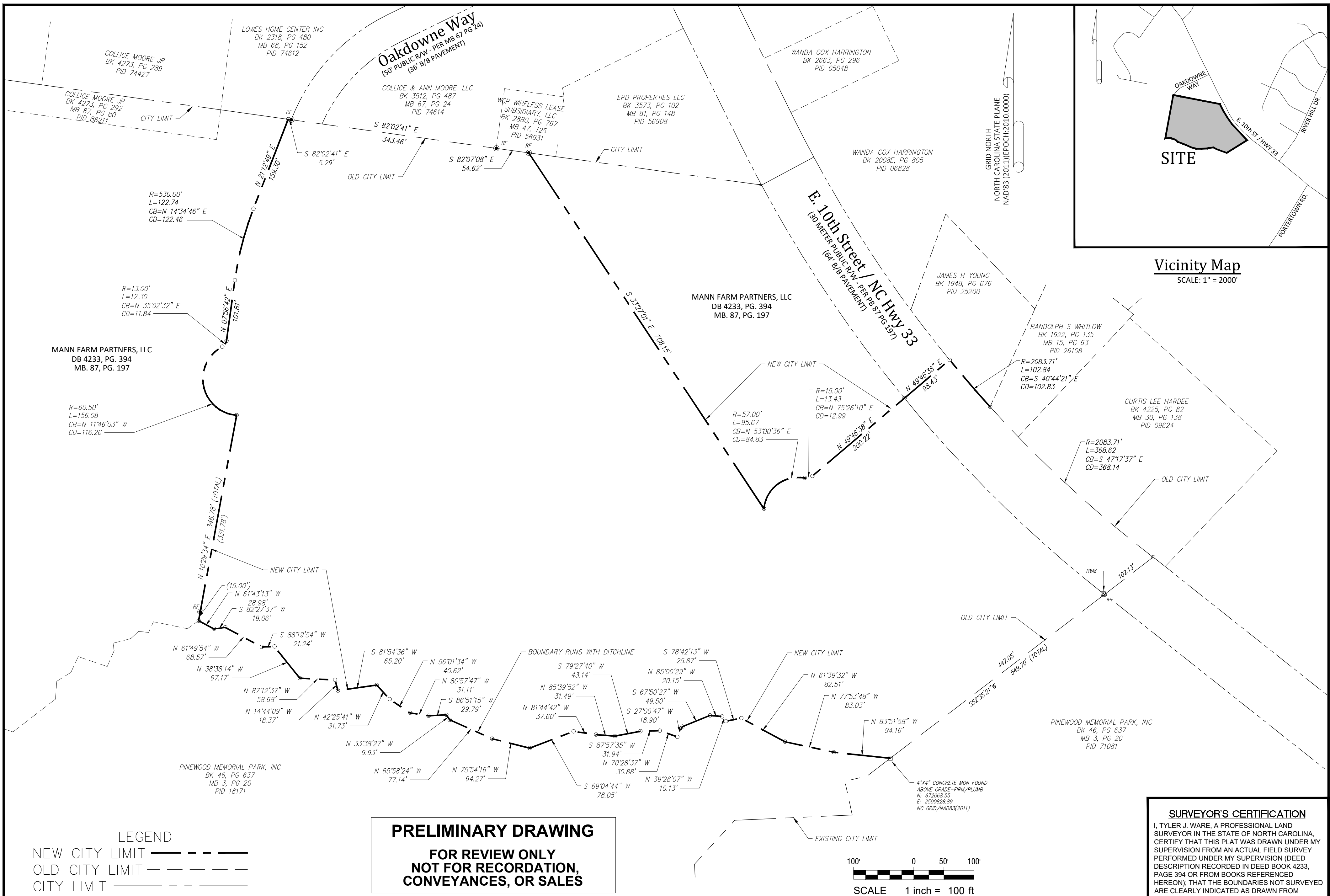
NORTH CAROLINA
PITT COUNTY

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 _____, 2023.

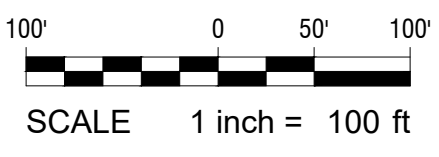
Notary Public

My Commission Expires: _____
1174754



LEGEND
 NEW CITY LIMIT ———
 OLD CITY LIMIT - - - -
 CITY LIMIT ———

PRELIMINARY DRAWING
FOR REVIEW ONLY
NOT FOR RECORDATION,
CONVEYANCES, OR SALES



ANNEXATION PLAT FOR
MANN FARM PARTNERS, LLC
 PORION OF PITT CO. TAX PARCEL 87939
 GREENVILLE TOWNSHIP, PITT CO., NORTH CAROLINA

Encompass, PLLC
 Tyler J. Ware, PLS L-5033
 230 Hilliard Ave., Suite 1
 Asheville, NC 28801
 (828) 575-2118
 Firm License No. P-1049

SURVEYED: TJW APPROVED: TJW
 DRAWN: CED DATE: 11-30-22
 CHECKED: TJW SCALE: 1" = 100'

MAP NO.	PLATS RECORDED	BOOK	PAGE
	PINWOOD MEMORIAL PARK	64	45
	OAKHURST PARK - LOT 6	67	33
	OAKHURST PARK - LOT 7	81	146

MAP SHOWING AREA ANNEXED BY
THE CITY OF GREENVILLE, N.C.
 DATE: _____ ORDINANCE NO. _____ AREA: 22.36 AC.
GREENVILLE TOWNSHIP, PITT COUNTY, N.C.

SURVEYOR'S CERTIFICATION
 I, TYLER J. WARE, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH CAROLINA, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL FIELD SURVEY PERFORMED UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN DEED BOOK 4233, PAGE 394 OR FROM BOOKS REFERENCED HEREON); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOKS REFERENCED HEREON; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000; AND THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

I FURTHER CERTIFY PURSUANT TO G.S. 47-30(f) (11) (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 _____ DAY OF _____, 2022.

SIGNED _____ PROFESSIONAL LAND SURVEYOR NO. L- 5033

D:\Vek Dropbox\01 - Projects\Active\Encompass\22083 - Mann Farm\03 - Final\C-100X - Amended Mann Farm.dwg, Annotation Map, Scott Henderson, Wed Nov 30, 2022 at 3:27pm



City of Greenville, North Carolina

Meeting Date: 01/12/2023

Title of Item: Ordinance to annex a portion of Hunter and Olivia Nichols' property involving 5.318 acres located at the northwestern corner of the intersection of Frog Level Road and Dickinson Avenue Extension

Explanation: A. SCHEDULE

1. Advertising date: December 31, 2022
2. City Council public hearing date: January 12, 2023
3. Effective date: January 12, 2023

B. CHARACTERISTICS

1. Relation to primary city limits: Contiguous
2. Relation to recognized industrial area: Outside
3. Acres: 5.318
4. Voting District: 2
5. Township: Arthur
6. County Zoning: General Commercial (GC)
7. Existing land use: Vacant
8. Anticipated land use: One (1) convenience store with gasoline sales and a restaurant
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

* Source: Census.gov

10. Rural fire tax district: Red Oak
11. Greenville fire district: Station 5
12. Present tax value: \$178,876
13. Estimated tax value: \$1,000,000

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

Recommendation: Approve the attached ordinance to annex Hunter and Olivia Nichols

ATTACHMENTS

 [Ordinance Hunter and Olivia Nichols Annexation.pdf](#)

 [Nichols Survey.pdf](#)

ORDINANCE NO. 23-____
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 January, 2023, after due notice by publication in The Daily Reflector on the 31st day of December, 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 “Hunter Nichols & Olivia Nichols”, involving 5.318 acres prepared by Matrix East, PLLC.

LOCATION: Situate in Arthur Township, Pitt County, North Carolina, located at the northwestern corner of the intersection of Frog Level Road and Dickinson Avenue Extension.

GENERAL DESCRIPTION:

BEGINNING AT AN NEW IRON STAKE LOCATED IN THE SOUTHWESTERN RIGHT-OF-WAY LINE OF FROG LEVEL ROAD (NCSR 1127 – VARIABLE WIDTH PUBLIC RIGHT-OF-WAY), SAID NEW IRON STAKE HAVING NC GRID/NAD 83(2011) COORDINATES N=667,143.8895' AND E=2,462,337.2434' AND BEING THE POINT OF BEGINNING;

THENCE, FROM THE POINT OF BEGINNING SO LOCATED, RUNNING ALONG THE SOUTHWESTERN RIGHT-OF-WAY LINE OF FROG LEVEL ROAD (NCSR 1127 – VARIABLE WIDTH PUBLIC RIGHT-OF-WAY), S 50° 22' 53" E A DISTANCE OF 332.66 FEET TO A NEW IRON STAKE; THENCE, CONTINUING ALONG THE

SOUTHWESTERN RIGHT-OF-WAY LINE OF FROG LEVEL ROAD (NCSR 1127 – VARIABLE WIDTH PUBLIC RIGHT-OF-WAY), ALONG A CURVE TURNING TO THE RIGHT HAVING A RADIUS OF 550.00 FEET, AN ARC LENGTH OF 172.96 FEET, A CHORD BEARING OF S 31° 35' 35" E, AND A CHORD LENGTH OF 172.25 FEET TO A NEW IRON STAKE; THENCE CONTINUING ALONG THE SOUTHWESTERN RIGHT-OF-WAY LINE OF FROG LEVEL ROAD (NCSR 1127 – VARIABLE WIDTH PUBLIC RIGHT-OF-WAY), S 14° 36' 22" E A DISTANCE OF 6.70 FEET TO A NEW IRON STAKE; THENCE, LEAVING THE SOUTHWESTERN RIGHT-OF-WAY LINE OF FROG LEVEL ROAD (NCSR 1127 – VARIABLE WIDTH PUBLIC RIGHT-OF-WAY), S 51° 35' 27" E A DISTANCE OF 54.04 FEET TO A CORNER OF THE CITY LIMIT LINE SHOWN ON MAP BOOK 81, PAGE 73 IN THE PITT COUNTY REGISTER OF DEEDS OFFICE; THENCE, ALONG SAID CITY LIMIT LINE, S 56° 19' 14" W A DISTANCE OF 612.02 FEET TO A POINT; THENCE, CONTINUING ALONG SAID CITY LIMIT LINE, N 07° 15' 32" W A DISTANCE OF 519.67 FEET TO AN EXISTING IRON STAKE; THENCE N 39° 37' 03" E A DISTANCE OF 289.23 FEET TO THE POINT AND PLACE OF BEGINNING.

CONTAINING 5.318 ACRES MORE OR LESS.

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 two. The City Clerk, City Engineer, representatives of the Board of Elections, and any other person having responsibility or charge of official maps or documents shall amend those maps or documents to reflect the annexation of this territory into municipal election district two.

Section 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 January, 2023.

ADOPTED this 12th day of January, 2023.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

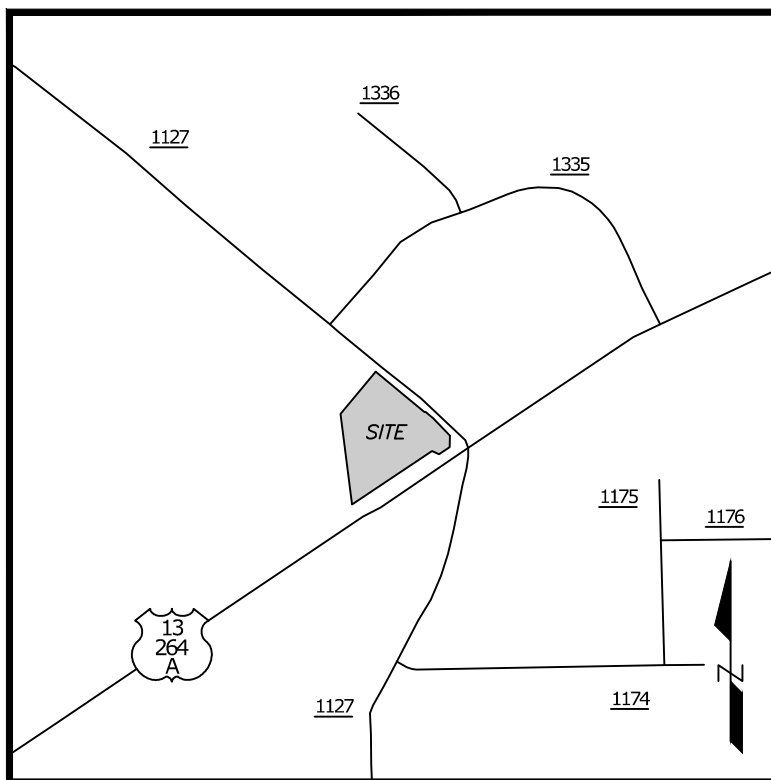
NORTH CAROLINA
PITT COUNTY

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 _____, 2023.

Notary Public

My Commission Expires: _____
1174755



VICINITY MAP
1" = 1000'

SOURCES OF TITLE

DB 3499, PG 481
DB 3643, PG 30
DB 4345, PG 77

EXISTING CITY LIMIT
LINE REFERENCE

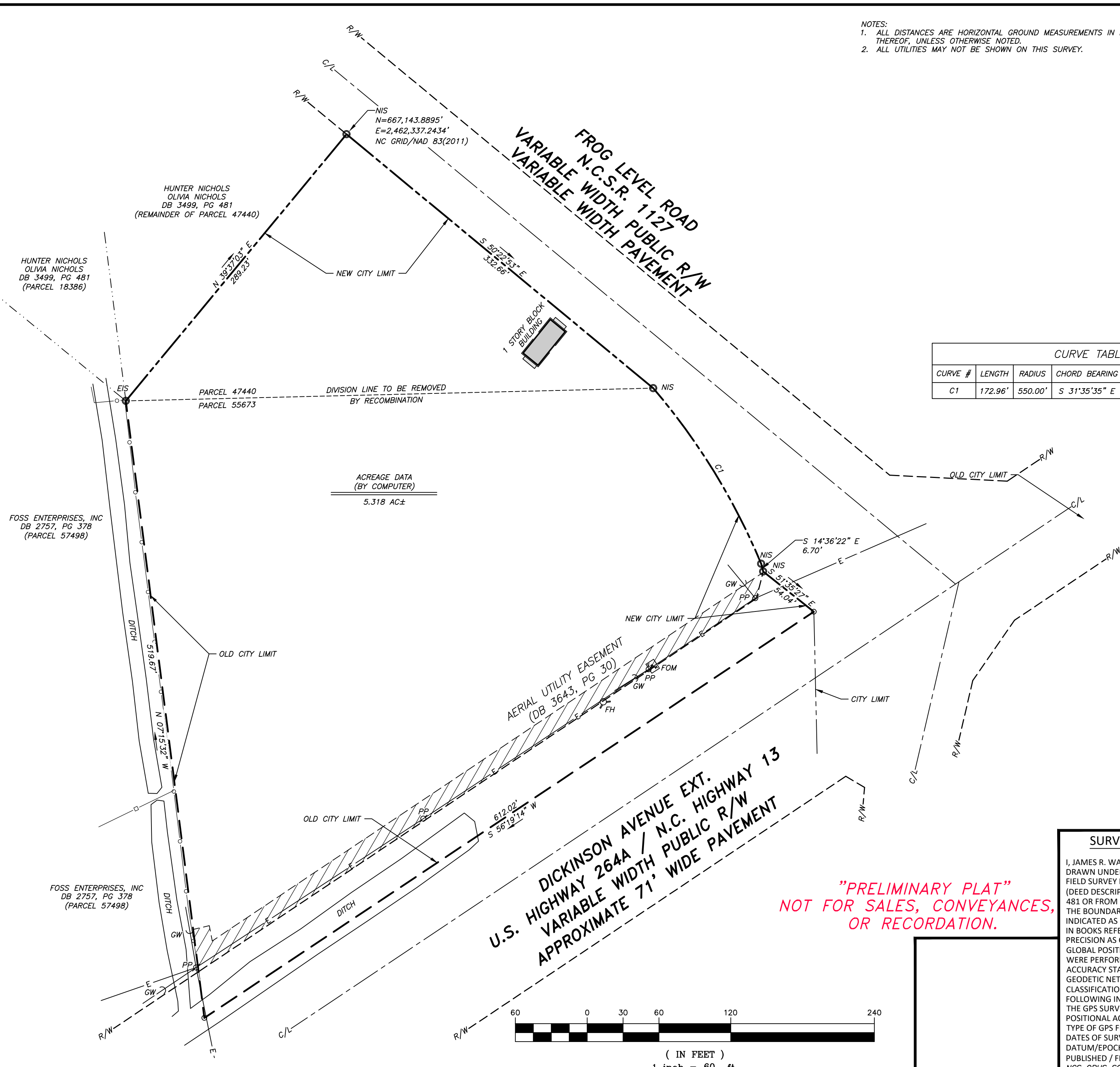
MB 81, PG 73

LEGEND

- R/W = RIGHT OF WAY
- C/L = CENTERLINE
- EIS = EXISTING IRON STAKE
- NIS = NEW IRON STAKE
- = NO POINT SET
- PP = POWER POLE
- GW = GUY WIRE
- FH = FIRE HYDRANT
- FOM = FIBER OPTIC MARKER
- E = OVERHEAD ELECTRIC LINE
- = ADJOINING PROPERTY LINE
- = CHAIN-LINK FENCE
- = METAL FENCE

LEGEND

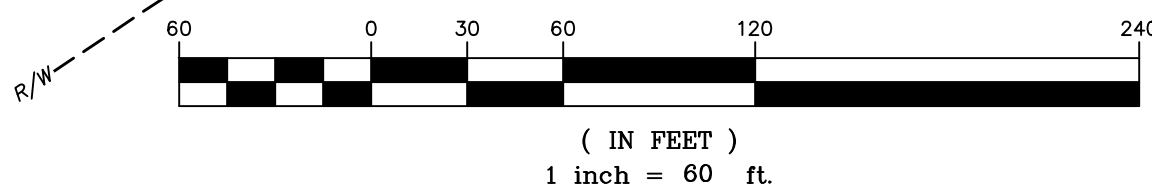
- NEW CITY LIMIT - - - - -
- OLD CITY LIMIT - - - - -
- CITY LIMIT - - - - -



NOTES:
1. ALL DISTANCES ARE HORIZONTAL GROUND MEASUREMENTS IN FEET & DECIMALS THEREOF, UNLESS OTHERWISE NOTED.
2. ALL UTILITIES MAY NOT BE SHOWN ON THIS SURVEY.

CURVE TABLE					
CURVE #	LENGTH	RADIUS	CHORD BEARING	CHORD LENGTH	DELTA ANGLE
C1	172.96'	550.00'	S 31°35'35\" E	172.25'	018°01'05\"

ACREAGE DATA
(BY COMPUTER)
5.318 AC±



DICKINSON AVENUE EXT.
U.S. HIGHWAY 264A / N.C. HIGHWAY 13
VARIABLE WIDTH PUBLIC R/W
APPROXIMATE 71' WIDE PAVEMENT

"PRELIMINARY PLAT"
NOT FOR SALES, CONVEYANCES,
OR RECORDATION.

SURVEYOR'S CERTIFICATION

I, JAMES R. WATSON CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL FIELD SURVEY PERFORMED UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 3499, PAGE 481 OR FROM BOOKS REFERENCED HEREON); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOKS REFERENCED HEREON; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000; THAT THE GLOBAL POSITIONING SYSTEM (GPS) OBSERVATIONS WERE PERFORMED TO THE GEOSPATIAL POSITIONING ACCURACY STANDARDS, PART 2: STANDARDS FOR GEODETIC NETWORKS AT THE CLASS "A" ACCURACY CLASSIFICATION (95% CONFIDENCE) AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE GPS SURVEY:
POSITIONAL ACCURACY: 0.10'
TYPE OF GPS FIELD PROCEDURE: REAL-TIME KINEMATIC
DATES OF SURVEY: 08/24/2022 & 11/22/2022
DATUM/EPOCH: NAD 83(2011)
PUBLISHED / FIELD CONTROL MONUMENTS USED: NGS OPUS SOLUTION
GEOID MODEL: GEOID12
COMBINED GRID FACTOR: 0.99988993
UNITS: U.S. SURVEY FEET
THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

I FURTHER CERTIFY PURSUANT TO G.S. 47-30(f) (11) (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 22ND DAY OF NOVEMBER, 2022.
SIGNED _____ PROFESSIONAL LAND SURVEYOR NO. L-4712

ANNEXATION PLAT FOR HUNTER NICHOLS & OLIVIA NICHOLS PROPERTY, PITT CO. TAX PARCEL 55673 & PORTION OF 47440 ARTHUR TOWNSHIP, PITT CO., NORTH CAROLINA			MAP NO.	PLATS RECORDED	BOOK	PAGE
MATRIX EAST, PLLC 906 N. QUEEN ST., STE A KINSTON, NC 28501 (252) 522-2500 FIRM LICENSE NO. P-0221	SURVEYED: BAR/NAP	PROJECT #: 20220173				
	DRAWN: JRW	DATE: 11/22/2022				
	CHECKED: JRW	SCALE: 1" = 60'				

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

DATE: _____ ORDINANCE NO. _____ AREA: 5.318 AC.
ARTHUR TOWNSHIP, PITT COUNTY, N.C.



City of Greenville, North Carolina

Meeting Date: 01/12/2023

Title of Item: Ordinance requested by Hunter and Olivia Nichols to rezone a total of 4.82 acres located at the northwestern corner of the intersection of Dickinson Avenue and Frog Level Road from GC (General Commercial – Pitt County’s Jurisdiction) to CH (Heavy Commercial)

Explanation: **Required Notices:**

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on December 6, 2022.

On-site sign(s) posted on December 6, 2022.

City Council public hearing notice (property owner and adjoining property owner letter) mailed on December 27, 2022.

Public hearing legal advertisement published on December 31, 2022 and January 7, 2023.

Comprehensive Plan:

The Future Land Use and Character Map recommends commercial (C) at the northwestern corner of the intersection of Dickinson Avenue Ex and Frog Level Road transitioning to industrial/logistics along the western right-of-way of Frog Level Road.

Commercial

Primarily community- and regional-scale commercial development situated near and along major roadway corridors. Existing development is characterized by buildings set back from street 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

Industrial/Logistics

Area is characterized by warehouses and light manufacturing operations and related office uses. It includes the Greenville Industrial Park, airport area, and Southwest Bypass Corridor.

Intent:

- Encourage expansion of light industrial, assembly and research uses
- Encourage the use of higher-quality building materials and landscaping for highly-visible sites

Primary uses:

Industrial

Light industrial

Research and assembly

Warehousing

Secondary uses:

Office

Commercial

Thoroughfare/Traffic Report Summary (Engineering Department):

Based on possible uses permitted by the requested zoning, the proposed zoning classification could generate 2,121 trips to and from the site on Dickinson Avenue, which is a net increase of 746 additional trips per day along Dickinson Avenue.

During the review process, measures to mitigate the traffic will be determined. A traffic signal is being installed at this intersection and is scheduled to be operational in spring 2023.

History/Background:

The subject property is located in the County's Jurisdiction and will require annexation. A voluntary annexation petition has been submitted and is scheduled for the January 12th, 2022 City Council meeting.

Existing Land Uses:

Farmland

Water/Sewer:

Water will be provided by Bell Arthur Water Corporation. Sanitary sewer is available to the property.

Historic Sites:

There are no known effects on historic sites.

Environmental Conditions/Constraints:

The property drains into the Greens Mill Run Watershed (Tar River Basin). If stormwater rules apply, it would require 25-year detention, nitrogen and phosphorus reduction.

The property is not located in the Special Flood Hazard Area. Jurisdictional wetlands, streams and riparian buffers do not exist on this property.

Surrounding Land Uses and Zoning:

North: GC (County) - Vacant (under common ownership of applicant)

South: CH – One (1) vacant lot, Atlantic Coastal Supply, and Foss Recycling

East: GC (County) – One (1) vacant lot, Frog Level Mini Storage, and Greenville Auto Brokers

West: CH – LKQ Pick Your Part

Density Estimates:

Under the current zoning, the site could one convenience store with gasoline sales (no restaurant).

Under the proposed zoning, the site could accommodate one convenience store with gasoline sales and restaurant.

The anticipated build-out is within 1-2 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 December 20, 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 Hunter and Olivia Nichols Rezoning.pdf](#)
-  [Minutes_-_Hunter_and_Olivia_Nichols.pdf](#)

-  **Nichols APO Map.pdf**
-  **Nichols Survey.pdf**
-  **Nichols Traffic.pdf**
-  **Existing GC (County) Uses.pdf**
-  **Proposed CH Uses.pdf**
-  **Bufferyard Chart**

LOCATION: Located at the northwestern corner of the intersection of Dickinson Avenue and Frog Level Road.

DESCRIPTION: Beginning at an iron stake having NC Grid Coordinates N 667,143.8895 and E 2,462,337.2434 and being located in the southern right of way of Frog Level Road; thence running along the southern right of way of Frog Level Road S50°22'53"E, 332.66 feet to an iron stake; thence 172.92 feet along an arc having a radius of 550.00 feet and whose chord bears S31°35'28"E for a distance of 172.212 feet to an iron stake; thence S27°10'08"E, 6.40 feet to an iron stake; thence S14°07'32"W, 23.24 feet to an iron stake along the western right of way of Dickinson Avenue Extension; thence S56°13'32"W, 56.51 feet to an iron stake along the right of way of Dickinson Avenue Extension; thence S56°13'32"W, 505.79 feet to an iron stake, said point being the southeast corner of the Foss Enterprises, Inc. property recorded in Deed Book 2757, Page 378, Pitt County Registry; thence leaving the right of way of Dickinson Avenue Extension and with the eastern line of the Foss Enterprises, Inc. property S07°15'32"E, 480.71 feet to an iron stake; thence with a proposed new property line across Parcel Number 47440, being Tract Five shown in Deed Book 3499, Page 481, N39°37'03"E, 289.23 feet to the point of beginning containing 4.82 acres, more or less.

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 January, 2023.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

1174732

Excerpt from the draft Planning & Zoning Commission Minutes (12/20/2022)

REQUEST BY HUNTER AND OLIVIA NICHOLS TO REZONE A TOTAL OF 4.82 ACRES LOCATED AT THE NORTHWESTERN CORNER OF THE INTERSECTION OF DICKINSON AVENUE AND FROG LEVEL ROAD FROM GC (GENERAL COMMERCIAL – PITT COUNTY’S JURISDICTION) TO CH (HEAVY COMMERCIAL)

Chantae Gooby presented for staff. The property is located in the county’s jurisdiction, but there is a request for the property to be annexed. The rezoning and annexation petition will go to the January 12th, 2023 City Council Meeting. The property is not located in a special flood area and drains into the Green Mills Run watershed, which requires a 25-year storm water detention. This rezoning could cause a net increase of 746 trips per day. The Dickinson Avenue-Frog Level Road intersection will be signalized in approximately spring 2023. Under the county’s zoning, the property would likely yield a convince store with gasoline sales. Under the City’s zoning the property would likely yield a convenience store with gasoline sales, larger in scale than under the county’s zoning and possibly with a restaurant. The Future Land Use Plan recommends commercial. 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.

Chair Faison opened the public hearing.

Scott Anderson, on behalf of the applicant spoke in favor of the proposal. He stated the proposed use is in compliance with adjacent properties and the property will be annexed to have access to sewer.

Chairman Faison asked if there are any plans already in place for the property.

Mr. Anderson confirmed that they have already submitted a Site Plan for a gas station on the site.

No one else spoke in favor.

No one spoke in opposition.

Chair Faison closed the public hearing.

Motion made by Vice Chair West, seconded by Mr. Joyner, 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.

Phillip Hunter Nichols & Olivia H. Nichols

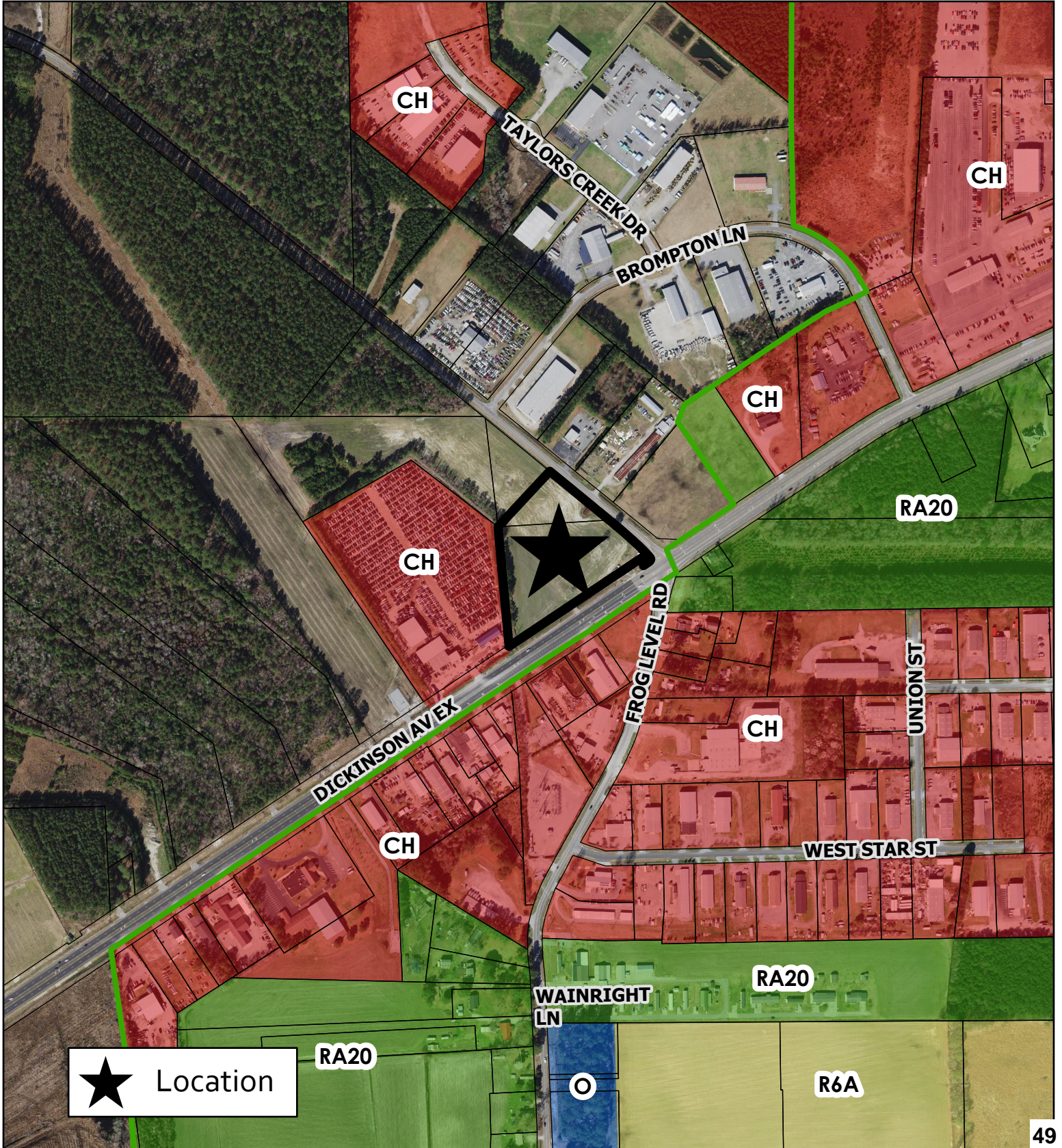
From: GC (County)

To: CH

Acres: 4.82

December 20th, 2022

0 0.03 0.07 0.13 Miles



REZONING THOROUGHFARE/TRAFFIC VOLUME REPORT

Case No: 22-23

Applicant: Hunter and Olivia Nichols

Property Information

Current Zoning: GC (General Commercial - County's Jurisdiction)

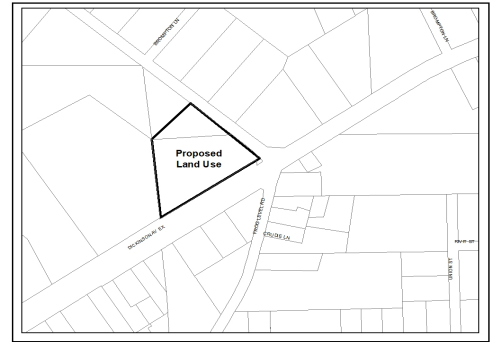
Proposed Zoning: CH (Heavy Commercial)

Current Acreage: 4.82 acres

Location: Northwest corner at the intersection of Dickinson Avenue & Frog Leve Road

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	2 lanes with paved shoulder	5-lanes - curb & gutter
Right of way width (ft)	100	no change
Speed Limit (mph)	50	no change
Current ADT:	9,740 (*)	
Design ADT:	12,000 vehicles/day (**)	32,200 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 an 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: 1,375 -vehicle trips/day (*) **Proposed Zoning:** 2,121 -vehicle trips/day (*)

Estimated Net Change: increase of 746 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 , West of Site (50%): **“No build” ADT of 9,740**

Estimated ADT with Proposed Zoning (full build) – 10,801
 Estimated ADT with Current Zoning (full build) – 10,428
Net ADT change = 373 (4% increase)

2.) Dickinson Ave , East of Site (50%): “No build” ADT of 9,740

Estimated ADT with Proposed Zoning (full build) – 10,801

Estimated ADT with Current Zoning (full build) – 10,428

Net ADT change = 373 (4% increase)

Staff Findings/Recommendations

Based on possible uses permitted by the requested zoning, the proposed zoning classification could generate 2,121 trips to and from the site on Dickinson Ave, which is a net increase of 746 additional trips per day along Dickinson Ave.

During the review process, measures to mitigate the traffic will be determined. A traffic signal is being installed at this intersection and is scheduled to be operational in spring 2023.

EXISTING ZONING

GC (General Commercial) Pitt County Zoning

AGRICULTURE-RELATED USES

Agricultural Production (crops)
Agricultural Production (livestock), except Swine Farms
Forestry

RESIDENTIAL USES

Bed and Breakfast Inn
Boarding and Rooming House
Family Care Home
Group Care Facility
Halfway House
Homeless Shelter
Multifamily Dwelling, less than 5 units
Multifamily Dwelling, 5 units or more
Planned Unit Development
Temporary Shelter

ACCESSORY USES and STRUCTURES

Accessory Structures and Buildings (Noncontiguous)
Accessory Uses and Structures (customary)
Caretaker Dwelling
Communication Tower Under 60' in Height
Emergency Shelter
Satellite Dish Antenna
Solar Collector, Accessory
Swimming Pool
Wind Energy Facility, Accessory

RECREATIONAL USES

Athletic Fields
Auditorium, Coliseum or Stadium
Batting Cages
Billiard Parlor
Bingo Games
Bowling Center
Civic, Social, and Fraternal Associations
Coin Operated Amusement, except Adult Arcade
Country Club with Golf Course
Dance School, Music Instruction
Fortune Tellers, Astrologers
Go-Cart Raceway
Golf Course

Golf Course, Miniature
Golf Driving Range
Physical Fitness Center
Private Campground/RV Park
Private Club or Recreation Facility, Other
Public Park or Recreational Facility, Other
Shooting Range, Indoor
Skating Rink
Sports and Recreation Club, Indoor
Swim and Tennis Club

EDUCATIONAL and INSTITUTIONAL USES

Ambulance Service
Cemetery or Mausoleum on Same Property as Church
Cemetery or Mausoleum Not on Same Property as Church
Church or Other Place of Worship
College, University, Technical Institute
Miscellaneous Educational Services
Day Care Center, Adult and Child
Elementary or Secondary School
Fire Station/Emergency Medical Service
Government Office
Hospital
Library
Museum or Art Gallery
National Guard /Military Reserve Center
Nursing and Convalescent Home
Orphanage
Law Enforcement Substation
Post Office
Psychiatric Hospital
Retreat/Conference Center
School Administration Facility
Tutoring/Mentoring Center (less than 5 students)

BUSINESS, PROFESSIONAL and PERSONAL SERVICES

Accounting, Auditing or Bookkeeping
Administrative or Management Services
Advertising, Outdoor Services
Automobile Parking (Commercial)
Automobile Rental or Leasing
Automobile Repair Services
Automobile Towing Services
Bank, Savings and Loan, or Credit Union
Barber and Beauty Shop
Blacksmith

Boat Repair
Building Maintenance Services, No Outside Storage
Car Wash
Clothing Alteration or Repair
Computer Maintenance and Repair
Computer Services
Crematorium
Employment Agency, Personnel Agency
Engineering, Architect or Survey Service
Equipment Rental and Leasing (no outside storage)
Equipment Repair, Light
Finance or Loan Office
Funeral Home
Furniture Refinishing
Furniture Repair Shop
Hotel or Motel, except Adult Motel
Insurance Agency
Kennels or Pet Grooming
Landscape and Horticultural Services
Laundromat, Coin-Operated
Laundry or Dry Cleaning Plant
Law Office
Medical, Dental or Related Office
Medical or Dental Laboratory
Miscellaneous Services, Not Listed
Office Uses Not Otherwise Classified
Pest or Termite Control Services
Pet Cemetery/Crematorium
Photocopying and Duplicating Services
Photography, Commercial Studio
Real Estate Office
Recording Studio
Refrigerator or Large Appliance Repair
Research, Development or Testing Services
Shoe Repair or Shoeshine Shop
Tattoo Parlor
Taxidermist
Television, Radio or Electronics Repair
Theater (indoor), except Adult Theater
Theater (outdoor), except Adult Theater
Tire Recapping
Wedding/Event Facility
Welding Shop
Veterinary Clinic
Vocational, Business or Secretarial School

RETAIL TRADE

ABC Store
Antique Store
Appliance Store
Arts and Crafts
Auto Supply Sales
Bakery
Bar, Night Club, Tavern
Bookstore, except Adult Bookstore
Building Supply Sales
Computer Sales
Convenience Store
Department, Variety or General Merchandise
Drugstore
Fabric or Piece Goods Store
Farm Supplies and Equipment
Floor Covering, Drapery or Upholstery
Florist
Food Store
Fuel Oil Sales
Furniture Sales
Garden Center or Retail Nursery
Hardware Store
Home Furnishings, Miscellaneous
Miscellaneous Retail Sales
Motor Vehicle Sales (new and used)
Motorcycle Sales
Musical Instrument Sales
Newsstand
Office Machine Sales
Optical Goods Sales
Paint and Wallpaper Sales
Pawnshop or Used Merchandise Store
Pet Store
Record and Tape Store
Recreational Vehicle Sales
Restaurant (with drive-thru)
Restaurant (without drive-thru)
Service Station, Gasoline Sales
Sporting Goods Store, Bicycle Shop
Tire Sales
Video Tape Rental and Sales, except Adult Video Store

WHOLESALE TRADE

Apparel, Piece Goods and Notions
Books, Periodicals and Newspapers

Drugs and Sundries
Durable Goods, Other
Electrical Goods
Farm Supplies, Other
Flowers, Nursery Stock and Florist Supplies
Furniture and Home Furnishings
Groceries and Related Products
Hardware
Jewelry, Watches, Precious Stones and Metals
Machinery, Farm and Garden
Market Showroom (furniture, apparel, etc.)
Paper and Paper Products
Professional and Commercial Equipment and Supplies
Sporting and Recreational Goods and Supplies
Tobacco and Tobacco Products
Toys and Hobby Goods and Supplies
Wallpaper and Paint Brushes

TRANSPORTATION, WAREHOUSING and UTILITIES

Bus Terminal
Communication or Broadcasting Facility
Courier Service
Marina
Radio, Television or Communication Tower Over 60' In Height
Sewage Treatment Plant
Solar Energy Facility
Taxi Terminal
Utility Company Office
Utility Equipment and Storage Yards
Utility Lines
Utility Service Facility (no outside storage)
Utility Related Appurtenances
Warehouse (general storage, enclosed)
Warehouse (self-storage)
Water Treatment Plant

MANUFACTURING and INDUSTRIAL USES

Contractors (no outside storage)
Contractors, General Building
Contractors, Special Trade
Printing and Publishing

OTHER USES

Arts and Crafts Shows
Automobile Parking on Same Lot as Principal Use
Billboards, Advertising Signs

Carnivals and Fairs
Christmas Tree Sales
Concerts, Stage Shows
Conventions, Trade Shows
Emergency Shelter
Outdoor Flea Markets
Outdoor Fruit and Vegetable Markets
Outdoor Religious Events
Sexually-Oriented Business
Shopping Center
Special Temporary Event
Subdivision
Temporary Construction, Storage or Office; Real Estate Sales or Rental Office (with concurrent building permit for permanent building)
Temporary Emergency, Construction, and Repair Residence

PROPOSED ZONING	
CH (HEAVY COMMERCIAL) - PERMITTED USES	
(1) General	
a.	Accessory use or building
b.	Internal service facilities
c.	On-premise signs per Article N
d.	Off-premise signs per Article N
e.	Temporary uses; of listed district uses
f.	Retail sales; incidental
g.	Incidental assembly of products sold at retail or wholesale as an accessory to principal uses
(2) Residential - None	
c.	Multi-family development per Article I
(3) Home Occupations - None	
(4) Governmental	
a.	Public utility building or use
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
e.	County government operation center
g.	Liquor store, state ABC
(5) Agricultural/Mining	
a.	Farming; agricultural, horticulture, forestry (see also section 9-4-103)
b.	Greenhouse or plant nursery; including accessory sales
d.	Farmers market
e.	Kennel (see also section 9-4-103)
h.	Animal boarding not otherwise listed; outside facility, as an accessory or principal use
i.	Beekeeping; minor use (see also section 9-4-103)
(6) Recreational/Entertainment	
b.	Golf course; par three
c.	Golf driving range
c(1).	Tennis club; indoor and outdoor facilities
e.	Miniature golf or putt-putt course
f.	Public park or recreational facility
h.	Commercial recreation; indoor only, not otherwise listed
i.	Commercial recreation; indoor and outdoor, not otherwise listed
j.	Bowling alley
m(1).	Dining and entertainment establishment (see also section 9-4-103)
n.	Theater; movie or drama, indoor only
o.	Theater; movie or drama, including outdoor facilities
q.	Circus, carnival, or fair, temporary only (see also section 9-4-103)
s.	Athletic club; indoor only
t.	Athletic club; indoor and outdoor facilities
(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
f.	Veterinary clinic or animal hospital (see also animal boarding; outside facility, kennel and stable)
g.	Catalogue processing center
(8) Services	
c.	Funeral home
e.	Barber or beauty salon
f.	Manicure, pedicure or facial salon
n.	Auditorium
o.	Church or place of worship (see also section 9-4-103)
q.	Museum
r.	Art gallery
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)
u.	Art studio including art and supply sales
v.	Photography studio including photo and supply sales
w.	Digital broadcast studio (see also section 9-4-103)
y.	TV and/or radio broadcast facilities, including receiving and transmission equipment and towers or cellular telephone and wireless communication towers
y(4) Distributed Antenna System (See also 9-4-103 (Q))	
z.	Printing or publishing service including graphic art, maps, newspapers, magazines and books
aa.	Catering service including food preparation (see also restaurant; conventional and fast food)
bb.	Civic organizations
cc.	Trade or business organizations
hh.	Exercise and weight loss studio; indoor only
kk.	Launderette; household users
ll.	Dry cleaners; household users
mm.	Commercial laundries; linen supply
oo.	Clothes alteration or shoe repair shop
pp.	Automobile wash
qq.	Pet grooming facility (see also section 9-4-103)
ss.	Tattooing
tt.	Microblading
(9) Repair	
b.	Minor repair; as an accessory or principal use
c.	Upholsterer; automobile, truck, boat, or other vehicle, trailer or van
d.	Upholsterer; furniture
f.	Appliance; household and office equipment repair
g.	Jewelry, watch, eyewear or other personal item repair
(10) Retail Trade	
a.	Miscellaneous retail sales; non-durable goods, not otherwise listed
b.	Gasoline or automotive fuel sales; accessory or principal use, retail
c.	Wine shop; including on-premise consumption (see also section 9-4-103)
d.	Pharmacy

e.	Convenience store (see also gasoline sales)
f.	Office and school supply, equipment sales
g.	Fish market; excluding processing or packing
h.	Restaurant; conventional
i.	Restaurant; fast food
k.	Medical supply sales and rental of medically-related products including uniforms and related accessories
l.	Electronic; stereo, radio, computer, TV, etc... sales and accessory repair
m.	Appliance; household use, sales and accessory repair, excluding outside storage
o.	Appliance; household, commercial or industrial use, sales and accessory repair, including 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
cc.	Farm supply and commercial implement sales
ee.	Christmas tree sales lot; temporary only (see also section 9-4-103)
mm.	Grocery store
(11) Wholesale/Rental/Vehicle-Mobile Home Trade	
a.	Wholesale; durable and nondurable goods, not otherwise listed
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
d.	Rental of automobiles, noncommercial trucks or trailers, recreational vehicles, motorcycles and boats
e.	Rental of tractors and/or trailers, or other commercial or industrial vehicles or machinery
f.	Automobiles, truck, recreational vehicle, motorcycles and boats sales and services (see also major and minor repair)
g.	Mobile home sales including accessory mobile home office
(12) Construction	
a.	Licensed contractor; general electrical, plumbing, mechanical, etc... excluding outside storage
b.	Licensed contractor; general electrical, plumbing, mechanical, etc... including outside storage
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
(13) Transportation	
c.	Taxi or limousine service
e.	Parcel delivery service

f.	Ambulance service
h.	Parking lot or structure; principal use
(14) Manufacturing/Warehousing	
a.	Ice plant and freezer lockers
b.	Dairy; production, storage, and shipment facilities
c.	Bakery; production, storage, and shipment facilities
g.	Cabinet, woodwork or frame shop; excluding furniture manufacturing or upholstery
h.	Engraving; metal, glass or wood
i.	Moving and storage of nonhazardous materials; excluding outside storage
k.	Mini-storage warehouse, household; excluding outside storage
m.	Warehouse; accessory to approved commercial or industrial uses within the district; excluding outside storage
u.	Tire recapping or retreading plant
(15) Other Activities (not otherwise listed - all categories) - None	
CH (HEAVY COMMERCIAL) - SPECIAL USES	
(1) General - None	
(2) Residential	
i.	Residential quarters for resident manager, supervisor or caretaker; excluding mobile home
j.	Residential quarters for resident manager, supervisor or caretaker; including mobile home
(3) Home Occupations - None	
(4) Governmental - None	
(5) Agricultural/Mining	
k.	Sand mining
m.	Beekeeping; major use
(6) Recreational/Entertainment	
d.	Game center
l.	Billiard parlor or pool hall
m.	Public or private club
r.	Adult uses
u.	Internet sweepstakes business (see also section 9-4-103)
(7) Office/Financial/Medical - None	
(8) Services	
a.	Child day care facilities
b.	Adult day care facilities
l.	Convention center; private
dd.	Massage establishment
ff(1).	Mental health, emotional or physical rehabilitation day program facility
(9) Repair	
a.	Major repair; as an accessory or principal use
(10) Retail Trade	
j.	Restaurant and/or dining and entertainment establishment; regulated outdoor activities
n.	Appliance; commercial use, sales and accessory repair; excluding outside storage
z.	Flea market
ff.	Tobacco shop (Class 1) (see also section 9-4-103)
gg.	Tobacco shop (Class 2) (see also section 9-4-103)
hh.	Hookah café (see also section 9-4-103)

(11) Wholesale/Rental/Vehicle-Mobile Home Trade - None	
(12) Construction	
e.	Building supply; lumber and materials sales, plumbing and/or electrical supply excluding outdoor sales
(13) Transportation - None	
(14) Manufacturing/Warehousing	
d.	Stone or monument cutting, engraving
j.	Moving and storage; including outside storage
l.	Warehouse or mini-storage warehouse, commercial or industrial; including outside storage
y.	Recycling collection station or facilities
(15) Other Activities (not otherwise listed - all categories)	
a.	Other activities; personal services not otherwise listed
b.	Other activities; professional services not otherwise listed
c.	Other activities; commercial services not otherwise listed
d.	Other activities; retail sales not otherwise listed

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: 01/12/2023

Title of Item: Ordinance requested by 4 Life Properties, LLC to rezone a total of 90.378 acres from IU (Unoffensive Industry) and CH (Heavy Commercial) to R6 (Residential [High Density Multi-family]) for Tract 1 - 87.059 acres and from IU (Unoffensive Industry) to R6-CA (Residential [High Density Multi-family]) - Conservation Area Overlay for Tract 2 - 3.319 acres for the property located along the western right-of-way of Allen Road and adjacent to the Pitt County Landfill

Explanation: **Required Notices:**

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on December 6, 2022.

On-site sign(s) posted on December 6, 2022.

City Council public hearing notice (property owner and adjoining property owner letter) mailed on December 27, 2022.

Public hearing legal advertisement published on December 31, 2022 and January 7, 2023.

Comprehensive Plan:

Currently, the Future Land Use and Character Map recommends commercial (C) at the southwestern corner of the intersection of Allen Road and the CSX Railroad (RR) transitioning to industrial/logistics (IL) to the south and west. There is a section of property along the western right-of-way of Allen Road, located roughly between the Pitt County Landfill and Woodridge Corporate Park, where the Future Land Use and Character Map recommends traditional neighborhood, medium to high density (TNMH). Further, the Future Land Use and Character recommends potential conservation/open space (PCOS) along Greens Mill Run and to also signify a buffer between incompatible land use plan characters.

Traditional Neighborhood, Medium to High Density

Primarily residential area featuring a mix of higher density housing types ranging

from multifamily, townhomes, and small-lot single-family detached. They are typically located within a walkable distance to a neighborhood activity center. Traditional neighborhoods should have a walkable street network of small blocks, a defined center and edges, and connections to surround development.

Intent:

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

Primary Uses:

Multifamily residential

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

Secondary Uses:

Institutional (neighborhood scale)

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

Industrial/Logistics

Area characterized by warehouses and light manufacturing operations and related to office uses. It includes the Greenville Industrial Park, airport area, and Southwest Bypass Corridor.

Intent:

- Encourage expansion of light industrial, assembly and research uses
- Encourage the use of higher-quality building materials and landscaping for highly visible sites

Primary Uses:

Industrial

Light industrial

Research and assembly

Warehousing

Secondary Uses:

Office Commercial

Potential Conservation/Open Space

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

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

Intent:

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

Thoroughfare/Traffic Report Summary (Engineering Department):

Based on possible uses permitted by the requested zoning, the proposed zoning classification could generate 5,255 trips to and from the site on Allen Road, which is a net increase of 3,788 additional trips per day (over current zoning).

During the review process, measures to mitigate the traffic will be determined. A Traffic Impact Analysis will be required for this development.

History/Background:

This property was included in a Future Land Use Plan Map amendment that was approved by City Council on December 8, 2022.

On January 24, 2022, the property was rezoned from RA20 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 (Tar River Basin). If stormwater rules apply, it would require 25-year detention, nitrogen and phosphorus reduction.

A portion of the property is located in the Special Flood Hazard Area and Floodway. Jurisdictional wetlands may exist on the property. Jurisdictional streams and riparian buffers exist on the property.

Surrounding Land Uses and Zoning:

North: IU – Pitt County Landfill; MCH – Farmland

South: IU and CH – Woodridge Corporate Park

East: RA20 and MRS – Five (5) single-family residences; CH – Mobile home park

West: IU – Woodridge Corporate Park

Density Estimates:

Under the current zoning, the site could accommodate 100,000+/- square feet of licensed contractor office (including supplies and equipment), 50,000+/- square feet of manufacturing of hazardous and non-hazardous materials, and 170,000+/- square feet of mini-storage.

Under the proposed zoning, the site could accommodate 450-500 multi-family units (1, 2 and 3 bedroom units) and 175-200 single-family lots.

The anticipated build-out is within 7-10 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 December 20, 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 4 Life Properties Rezoning.pdf](#)
-  [Min_-_4_Life_rezoning.pdf](#)
-  [4 Life APO Map.pdf](#)
-  [4 Life Rezoning Survey.pdf](#)
-  [4 Life Properties Traffic.pdf](#)
-  [List_of_uses_IU&CHtoR6.pdf](#)
-  [Density and Veg Charts.pdf](#)

LOCATION: Located along the western right-of-way of Allen Road and adjacent to the Pitt County Landfill.

GENERAL DESCRIPTION: Beginning at a point on the western right of way of NCSR 1203(Allen Road). Said point being the southeastern corner of the John Moye, Jr. property as described in Deed Book X-47, Page 731 of the Pitt County Register of Deeds Office. From the above described beginning, so located, running thence as follows:

With the western right of way of NCSR 1203(Allen Road), S 31°39'25" W 178.17', S32°05'12" W 93.09', and S 32°59'40" W 139.50' and thence S 32°24'26" W 79.24', S 74°47'58" W 75.25', thence S 09°19'20" W 129.37', thence S 32°24'26" W 64.75', thence leaving said right of way, N 57°25'32" W 233.33', thence S 31°40'55" W 112.42', thence S 58°45'19" E 232.21' to the western right of way NCSR 1203 (Allen Road), thence with the western right of right of Allen Road S 32°25'45" W 67.25', thence leaving said right of way N 57°48'38" W 13.23', thence N 57°40'09" W 383.70', thence S 33°19'37" W 240.72', thence S 56°28'19" E 270.21', thence S 33°58'43" W 112.83', thence S 56°01'35" E 48.81', thence S 31°06'48" W 311.41', thence N 46°55'04" W 20.59', thence N 71°35'36" W 160.20', thence N 78°10'53" W 46.32' thence N 78°10'53" W 14.92', thence N 55°28'49" W 58.87', thence N 55°28'49" W 27.77', thence N 59°27'03" W 126.89', thence N 66°47'12" W 36.35', thence N 89°45'37" W 30.07', thence N 67°01'53" W 88.15', thence S 60°48'21" W 14.64', thence N 66°54'16" W 14.65', thence N 74°33'57" W 35.83', thence N 38°44'14" W 68.12', thence N 57°59'15" W 44.14', thence N 85°57'04" W 81.60', thence N 74°47'39" W 53.58', thence N 54°34'30" W 43.43', thence N 41°58'49" W 27.24', thence N 86°10'22" W 26.10', thence N 58°22'48" W 24.02', thence N 35°05'48" W 48.47', thence N 85°02'59" W 30.49', thence S 81°48'37" W 47.77', thence N 41°33'17" W 37.84', thence S 85°57'19" W 21.08', thence N 66°05'34" W 35.49', thence S 77°43'12" W 17.88', thence N 48°30'19" W 69.49', thence N 61°51'39" W 48.30', thence N 38°34'10" W 72.82', thence N 68°40'55" W 63.31', thence N 21°03'43" W 40.97', thence N 29°24'42" W 14.32', thence N 56°15'49" W 45.89', thence S 62°30'44" W 61.97', thence S 80°58'43" W 36.39', thence N 43°17'42" W 55.98', thence N 84°30'06" W 34.66', thence N 34°04'19" W 27.77', thence N 71°13'08" W 20.16', thence S 86°28'56" W 23.09', thence N 48°35'54" W 38.81', thence N 19°03'59" W 27.77', thence N 60°52'52" W 36.70', thence S 77°39'47" W 14.13', thence N 50°20'04" W 54.38', thence S 66°17'56" W 50.56', thence N 63°08'24" W 21.23', thence N 37°31'05" W 15.81', thence N 79°47'37" W 25.22', thence N 55°57'38" W 44.62', thence N 00°53'49" W 30.06', thence N 27°44'57" W 19.26', thence N 57°58'44" W 22.09', thence N 33°22'46" W 59.75', thence N 53°20'49" W 29.77', thence N 35°03'07" E 313.52', thence N 11°18'05" E 396.75', thence N 06°34'06" E 142.37', thence N 66°41'29" E 13.46', thence N 76°37'36" E 525.22', thence N 53°16'11" E 66.10', thence N 50°02'13" E 235.46', thence N 01°57'17" W 102.00' thence N 81°01'55" W 87.80' thence N 86°01'51" E 193.04 thence S 12°14'40" W 156.21', thence S 61°32'32" E 189.27', thence S 59°18'31" E 106.01', thence S 57°08'15" 640.97, thence N 32°51'45" E 150.00' thence N 33°25'40" E 24.45', thence N 07°27'18" E 10.03', thence N 24°58'56" E 464.40', thence S 64°18'23" E 165.75', thence S 64°25'26" E 298.12', thence S 25°11'47" W 496.74, thence S 54°57'41" E 461.13' to the point of beginning containing 87.059 acres described in Deed Book 4292, Page 396 of the Pitt County Register of Deeds.

Section 2. That the following described territory is rezoned from IU (Unoffensive Industry) to R6-CA (Residential) – Conservation Area Overlay.

TO WIT: 4 Life Properties, LLC (Tract 2)

LOCATION: Located along the west of Allen Road and adjacent to the Pitt County Landfill.

GENERAL DESCRIPTION: Beginning at the southeastern corner of the Pitt County Transfer Station. Said point being the southeastern corner of the Pitt County Transfer Station as described in Deed Book L-42, Page 69 of the Pitt County Register of Deeds Office. From the above described beginning, so located, running thence as follows:

Leaving the southeastern corner, S 32°51'45" W 150.00', thence N 57°08'15" W 640.97', thence N 59°18'31" W 106.01', thence N 61°32'32" W 189.27', thence N 12°14'40" E 156.21', thence S 61°32'32" E 135.81', thence S 59°18'31" E 111.77', thence S 57°08'15" E 643.81 to the point of beginning containing 3.319 acres described in Deed Book 4292, Page 396 of the Pitt County Register of Deeds.

Section 3. 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 4. That all ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

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

ADOPTED this 12th day of January, 2023.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

1174733

Excerpt from the draft Planning & Zoning Commission Minutes (12/20/2022)

REQUEST BY 4 LIFE PROPERTIES, LLC TO REZONE A TOTAL OF 90.378 ACRES FROM IU (UNOFFENSIVE INDUSTRY) AND CH (HEAVY COMMERCIAL) TO R6 (RESIDENTIAL [HIGH DENSITY MULTI-FAMILY]) FOR TRACT 1 – 87.059 ACRES FROM IU (UNOFFENSIVE INDUSTRY) TO R6-CA (RESIDENTIAL [HIGH DENSITY MULTI-FAMILY]) – CONSERVATION AREA OVERLAY FOR TRACT 2 – 3.319 ACRES FOR THE PROPERTY LOCATED ALONG THE WESTERN RIGHT-OF-WAY OF ALLEN ROAD AND ADJACENT TO THE PITT COUNTY LANDFILL

Chantae Gooby presented for staff. The property was part of a Future Land Use Plan Map amendment that came before the commission in November. The amendment was approved by City Council on December 8th, 2022. The request is for Tract 1 to be rezoned R6, which allows single-family homes, duplexes, and multi-family. For tract 2 the request is for a conservation overlay, which means it will remain in its natural vegetated state. The property is located in the Green Mills Run watershed, which requires a 25-year storm water detention, and nitrogen and phosphorus reduction. A portion of the property is in a special flood hazard area and floodway along the southern border. A flood plain development permit and erosion control plan will be required. Jurisdictional wetlands may exist, and there are jurisdictional streams and riparian buffers on the property. This request could generate a net increase of 3,800 trips per day. The property also has access to Allen Road in two different sections. Due to the anticipated increase of traffic, a traffic impact analysis will be required. In the earlier part of the year, the property was zoned to its current zoning. Under the current zoning, the property could accommodate: 100,000 square feet of licensed contractor office space, including supplies and equipment, 50,000 square feet of manufacturing of hazardous and non-hazardous materials, and 170,000 square feet of mini-storage. Under the requested zoning, the site could accommodate between 450-500 multi-family units and between 175-200 single-family lots. The anticipated build out is between 7-10 years. 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.

Chair Faison opened the public hearing.

Mike Baldwin, on behalf of the applicant spoke in favor of the request. He stated the back property line will be 725 feet away from the landfill. The large part of the landfill has been capped off. Out of the 725 foot buffer, 150 will stay in its natural vegetation state. This development at full build-out would accommodate single-family homes, two-family homes, multi-family housing.

No one else spoke in favor.

No one spoke in opposition.

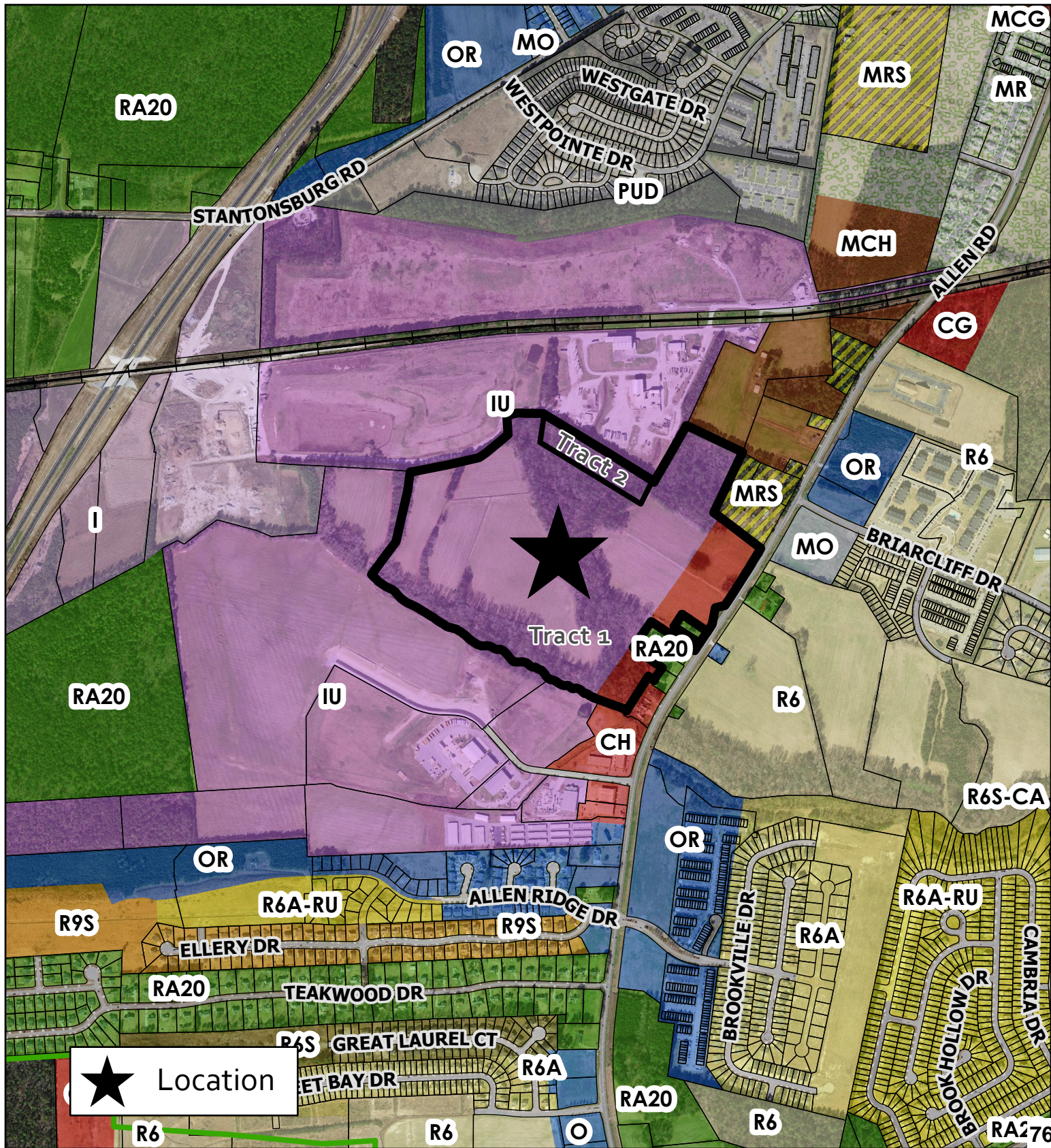
Chair Faison closed the public hearing.

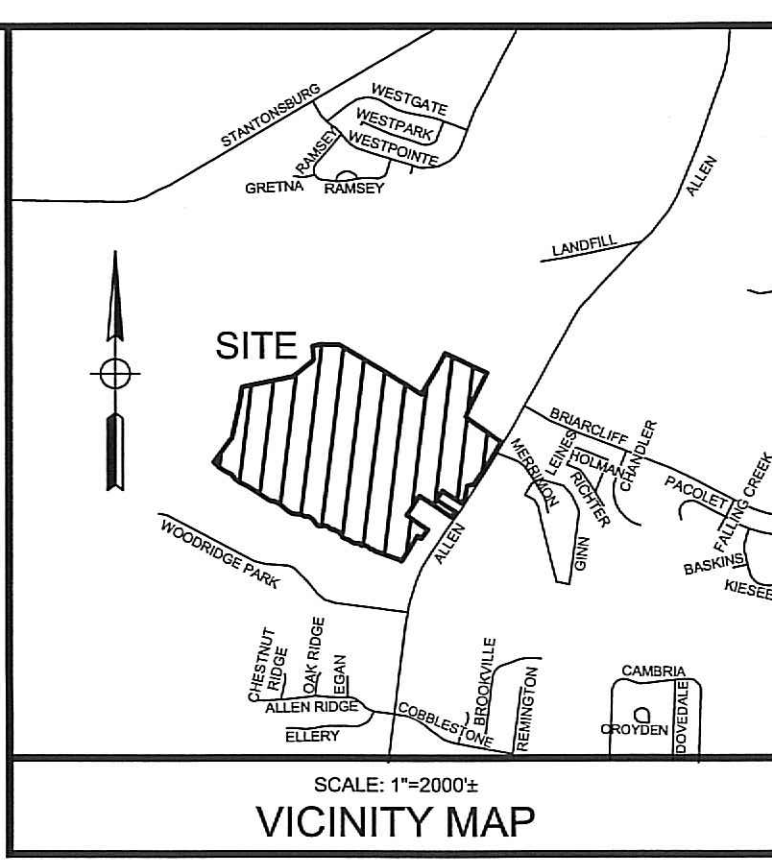
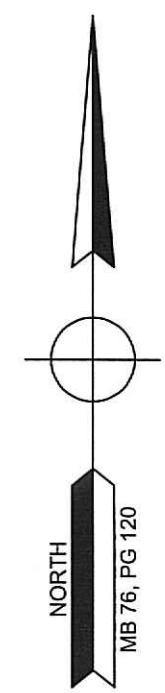
Motion made by Vice Chair West, seconded by Mr. Collins, to recommend approval of the proposed amendment, to advise that it is consistent with the comprehensive plan and to adopt the staff report which addresses plan consistency and other matters. Motion passed unanimously.

4 Life Properties LLC
Tract 1 From: IU,CH To R6
Tract 2 From: IU To: R6-CA
Acres: 90.378
December 20th, 2022



0 0.05 0.1 0.2 Miles
[Scale bar showing increments of 0.05 miles]





IU
CAPPED OFF PORTION OF LANDFILL
PITT COUNTY
PARCEL #09982
DB L-43, PG 89
MB 22, PG 168

IU
ACTIVE AREA OF TRANSFER STATION
PITT COUNTY
PARCEL #09982
DB L-42, PG 89
MB 22, PG 168

MCH
AGRICULTURAL
HAPPY TRAIL FARMS, LLC
PARCEL #26179
DB 3415, PG 635

MCH
MINI-STORAGE
TBD 2, LLC
PARCEL #03030
DB 4108, PG 754

IU
TRACT 2
PROPOSED ZONING
R6-CA
AREA = 3.319 ACRES

MRS
SINGLE FAMILY
JOHN MOYE, JR.
PARCEL #25131
DB X-47, PG 731
MB 26, PG 186

MO
AGRICULTURAL
ROCKY RUSSELL
DEVELOPMENT, LLC
PARCEL #73692
DB 2872, PG 818
MB 66, PG 73

RA-20
SINGLE FAMILY
ROBERT T. WALSTON
PARCEL #03029
DB 4287, PG 8
MB U-50, PG 501

RA-20
SINGLE FAMILY
B.T. WALSTON and wife,
DEBRA S. WALSTON
PARCEL #04001
DB 1153, PG 110
MB 4, PG 134

MO
AGRICULTURAL /
PARTIALLY WOODED
ROCKY RUSSELL
DEVELOPMENT, LLC
PARCEL #00332
DB 2443, PG 583
MB 69, PG 131

OR
OFFICE
ERNIE GENE ASTON
and ALLEN NEWBOLD
PARCEL #27305
DB 2653, PG 427

R-6
AGRICULTURAL / PARTIALLY WOODED
ASHTON ALEXANDER PROPERTIES, LLC;
MOLLEIGHBROOKE PROPERTIES, LLC and
HAPPY TRAIL FARMS, LLC
PARCEL #09983
DB 4226, PG 767

RA-20
SINGLE FAMILY
RUDOLPH MEBANE, JR. and
wife, ANGELA B. MEBANE
PARCEL #26673
DB 4078, PG 658

CH
SINGLE FAMILY
BRENT CREEK
FARMS, LLC
PARCEL #00294
DB 3367, PG 444
MB 49, PG 583

CH
OFFICE COMPLEX
HARDEE FAMILY
HOLDINGS, LLC
PARCEL #5300
DB 2972, PG 626
MB 50, PG 62

IU
VACANT
HARDEE FAMILY
HOLDINGS, LLC
PARCEL #77374
DB 2972, PG 626
MB 69, PG 134

IU
AGRICULTURAL
HARDEE FAMILY
HOLDINGS, LLC
PARCEL #22802
DB 2972, PG 626
MB 11, PG 121

IU
AGRICULTURAL
HARDEE FAMILY
HOLDINGS, LLC
PARCEL #22802
DB 2972, PG 626
MB 11, PG 121

TRACT 1
AREA TO BE REZONED = 87.059 ACRES
PROPOSED ZONING
R-6
CURRENT ZONING
UI CH

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.

GENERAL NOTES

1. ALL AREAS CALCULATED BY COORDINATE GEOMETRY.
2. REFERENCE: MAP BOOK 26, PAGES 186-186A OF THE PITT COUNTY REGISTER OF DEEDS

AREA = 90.378 ACRES

REVISED: 11/29/2022 (CITY COMMENTS/MAH)
REVISED TRACT 2 ZONING DESIGNATION

GRAPHIC SCALE: 1" = 100'

SHEET 1 OF 1
REZONING MAP TAX MAP #98148

4 LIFE PROPERTIES, LLC

REFERENCE: DEED BOOK 4282, PAGE 396
OF THE PITT COUNTY REGISTER OF DEEDS
ARTHUR TOWNSHIP, PITT COUNTY, N.C.

OWNER: 4 LIFE PROPERTIES, LLC
ADDRESS: 1645 EAST ARLINGTON BOULEVARD
GREENVILLE, NC 27609
PHONE: (301) 674-0977

Baldwin Design Consultants, PA
ENGINEERING - LAND PLANNING - SURVEYING
1700-D EAST ARLINGTON BOULEVARD
GREENVILLE, NC 27609
CHECKED: MWB DATE: 07/09/2021
SURVEYED: N/A APPROVED: MWB
DRAWN: NRW/MAH DATE: 11/18/2022
SCALE: 1" = 100'

COURSE	BEARING	DISTANCE
L1	N 78°10'53" W	46.32
L2	N 78°10'53" W	14.92
L3	N 72°17'56" W	58.87
L4	N 55°28'49" W	27.77
L5	N 59°27'03" W	126.89
L6	N 66°47'12" W	36.39
L7	N 89°45'37" W	30.07
L8	N 67°01'53" W	88.19
L9	S 60°48'21" W	14.64
L10	N 66°54'16" W	14.69
L11	N 74°33'57" W	35.83
L12	N 38°44'14" W	68.12
L13	N 57°59'19" W	44.14
L14	N 65°57'04" W	81.60
L15	N 74°47'39" W	53.58
L16	N 54°34'30" W	43.43
L17	N 41°58'49" W	27.24
L18	N 86°10'22" W	26.10
L19	N 58°22'48" W	24.02
L20	N 35°05'48" W	48.47
L21	N 85°02'59" W	30.49
L22	S 81°48'37" W	47.77
L23	N 41°33'17" W	37.84
L24	S 85°57'19" W	21.08
L25	N 66°05'34" W	35.49
L26	S 77°43'12" W	17.88
L27	N 48°30'19" W	69.49
L28	N 61°51'39" W	48.30

COURSE	BEARING	DISTANCE
L29	N 38°34'10" W	72.82
L30	N 68°40'55" W	63.31
L31	N 21°03'43" W	40.97
L32	N 29°24'42" W	14.32
L33	N 56°15'49" W	45.89
L34	S 62°30'44" W	61.97
L35	S 80°58'43" W	36.39
L36	N 43°17'42" W	55.98
L37	N 84°30'08" W	34.66
L38	N 34°04'19" W	27.77
L39	N 71°13'08" W	20.16
L40	S 80°28'56" W	23.09
L41	N 48°35'54" W	38.91
L42	N 19°03'59" W	21.77
L43	N 60°52'52" W	36.70
L44	S 77°39'47" W	14.13
L45	N 50°20'04" W	64.38
L46	S 66°17'56" W	50.56
L47	N 63°08'24" W	21.23
L48	N 37°31'05" W	15.81
L49	N 78°47'37" W	25.22
L50	N 55°57'38" W	44.62
L51	N 00°53'46" W	30.09
L52	N 27°44'57" W	19.26
L53	N 67°58'44" W	22.09
L54	N 33°22'46" W	59.75
L55	N 53°20'49" W	29.77

REZONING THOROUGHFARE/TRAFFIC VOLUME REPORT

Case No: 22-24

Applicant: 4 Life Properties, LLC

Property Information

Current Zoning: Tract 1: IU (Unoffensive Industry) and CH (Heavy Commercial)
 Tract 2: IU (Unoffensive Industry)

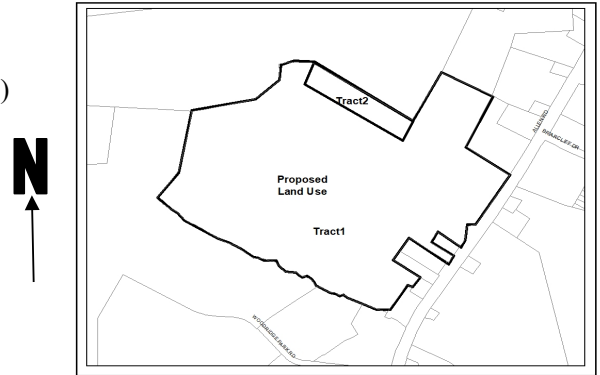
Proposed Zoning: Tract 1: R6 (Residential [High Density Multi-Family])
 Tract 2: R6-CA (Residential [High Density Multi-Family])
 Conservation Area Overlay

Current Acreage: Tract 1: 87.059
 Tract 2: 3.319

Location: Allen Road, south of Briarcliff Drive

Points of Access: Allen Road

Location Map



Transportation Background Information

1.) Allen Rd- State maintained

	<u>Existing Street Section</u>	<u>Ultimate Thoroughfare Street Section</u>
Description/cross section	3-lane, paved shoulders	4 lane divided with grass median
Right of way width (ft)	60	110
Speed Limit (mph)	50	
Current ADT:	17,860 (*)	
Design ADT:	15,750 vehicles/day (**)	41,800 vehicles/day (**)
Controlled Access	No	
Thoroughfare Plan Status:	Major Thoroughfare	

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

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: U-5875 - Widen approximately 2.3 miles of Allen Road from two lanes to a four-lane, median-divided roadway from Stantonsburg Road to Dickinson Avenue Extension (U.S. 13) in Greenville.

Trips generated by proposed use/change

Current Zoning: 1,467 -vehicle trips/day (*) **Proposed Zoning:** 5,255 -vehicle trips/day (*)

Estimated Net Change: increase of 3788 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 Allen Rd are as follows:

1.) Allen Rd , North of Site (50%): “No build” ADT of 17,860

Estimated ADT with Proposed Zoning (full build) – 20,488
 Estimated ADT with Current Zoning (full build) – 18,594
Net ADT change = 1,894 (10% increase)

2.) Allen Rd , South of Site (50%): "No build" ADT of 17,860

Estimated ADT with Proposed Zoning (full build) – 20,488

Estimated ADT with Current Zoning (full build) – 18,594

Net ADT change = 1,894 (10% increase)

Staff Findings/Recommendations

Based on possible uses permitted by the requested zoning, the proposed zoning classification could generate 5255 trips to and from the site on Allen Rd, which is a net increase of 3788 additional trips per day (over current zoning).

During the review process, measures to mitigate the traffic will be determined. A Traffic Impact Analysis will be required for this development.

EXISTING ZONING	
IU (UNOFFENSIVE INDUSTRY) - PERMITTED USES	
(1) General	
a.	Accessory use or building
b.	Internal service facilities
c.	On-premise signs per Article N
d.	Off-premise signs per Article N
e.	Temporary uses; of listed district uses
f.	Retail sales; incidental
g.	Incidental assembly of products sold at retail or wholesale as an accessory to principal uses
(2) Residential - None	
(3) Home Occupations - None	
(4) Governmental	
a.	Public utility building or use
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
e.	County government operation center
(5) Agricultural/Mining	
a.	Farming; agricultural, horticulture, forestry (see also section 9-4-103)
b.	Greenhouse or plant nursery; including accessory sales
d.	Farmers market
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
i.	Beekeeping; minor use (see also section 9-4-103)
(6) Recreational/Entertainment	
f.	Public park or recreational facility
g.	Private noncommercial park or recreational facility
m(1).	Dining and entertainment establishment (see also section 9-4-103)
p.	Circus, carnival, or fair
(7) Office/Financial/Medical	
b.	Operation processing center
c.	Office; customer service, not otherwise listed, including accessory service delivery vehicle parking and indoor storage
f.	Veterinary clinic or animal hospital (see also animal boarding; outside facility, kennel and stable)
g.	Catalogue processing center
(8) Services	
n.	Auditorium
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)
w.	Digital broadcast studio (see also section 9-4-103)

y.	TV and/or radio broadcast facilities, including receiving and transmission equipment and towers or cellular telephone and wireless communication towers
y(4)	Distributed Antenna System (See also 9-4-103 (Q))
z.	Printing or publishing service including graphic art, maps, newspapers, magazines and books
aa.	Catering service including food preparation (see also restaurant; conventional and fast food)
bb.	Civic organizations
gg.	Vocational rehabilitation center
mm.	Commercial laundries; linen supply
nn.	Industrial laundries
uu.	Modular data processing facility
vv.	Data processing center
(9) Repair	
b.	Minor repair; as an accessory or principal use
c.	Upholsterer; automobile, truck, boat, or other vehicle, trailer or van
d.	Upholsterer; furniture
f.	Appliance; household and office equipment repair
h.	Appliance; commercial and industrial equipment repair not otherwise listed
(10) Retail Trade	
b.	Gasoline or automotive fuel sales; accessory or principal use, retail
h.	Restaurant; conventional
i.	Restaurant; fast food
cc.	Farm supply and commercial implement sales
(11) Wholesale/Rental/Vehicle-Mobile Home Trade	
a.	Wholesale; durable and nondurable goods, not otherwise listed
d.	Rental of automobiles, noncommercial trucks or trailers, recreational vehicles, motorcycles and boats
e.	Rental of tractors and/or trailers, or other commercial or industrial vehicles or machinery
(12) Construction	
a.	Licensed contractor; general electrical, plumbing, mechanical, etc... excluding outside storage
b.	Licensed contractor; general electrical, plumbing, mechanical, etc... including outside storage
c.	Construction office; temporary, including modular office (see also section 9-4-103)
d.	Building supply; lumber and materials sales, plumbing and/or electrical supply including outdoor sales
(13) Transportation	
a.	Railroad freight or distribution and/or passenger station
d.	Truck terminal or distribution center
e.	Parcel delivery service
f.	Ambulance service
g.	Airport and related activities; private
h.	Parking lot or structure; principal use
(14) Manufacturing/Warehousing	
a.	Ice plant and freezer lockers
b.	Dairy; production, storage, and shipment facilities

c.	Bakery; production, storage, and shipment facilities
d.	Stone or monument cutting, engraving
g.	Cabinet, woodwork or frame shop; excluding furniture manufacturing or upholstery
h.	Engraving; metal, glass or wood
j.	Moving and storage; including outside storage
k.	Mini-storage warehouse, household; excluding outside storage
l.	Warehouse or mini-storage warehouse, commercial or industrial; including outside storage
m.	Warehouse; accessory to approved commercial or industrial uses within the district; excluding outside storage
o.	Feed and grain elevator, mixing, redrying, storage or sales facility
p.	Tobacco redrying or processing plant
s.	Manufacture of nonhazardous products; general, including nonhazardous and nontoxic chemicals and/or materials not otherwise listed
t.	Manufacture of nonhazardous medical supplies or medical products, including distribution
u.	Tire recapping or retreading plant
v.	Bottling or packing plant for nonhazardous materials or products
y.	Recycling collection station or facilities
cc.	Manufacture of pharmaceutical, biological, botanical, medicinal, and cosmetic products, and related materials
(15) Other Activities (not otherwise listed - all categories) - None	
IU (UNOFFENSIVE INDUSTRY) - SPECIAL USES	
(1) General - None	
(2) Residential	
i.	Residential quarters for resident manager, supervisor or caretaker; excluding mobile home
j.	Residential quarters for resident manager, supervisor or caretaker; including mobile home
o.	Nursing, convalescent or maternity home; major care facility
(3) Home Occupations - None	
(4) Governmental - None	
(5) Agricultural/Mining	
k.	Sand mining(see also item (5)j)
m.	Beekeeping; major use
(6) Recreational/Entertainment	
e.	Miniature golf or putt-putt course
i.	Commercial recreation; indoor and outdoor, not otherwise listed
k.	Firearm ranges; indoor ot outdoor
(7) Office/Financial/Medical	
a.	Office; professional and business, not otherwise listed
(8) Services	
a.	Child day care facilities
b.	Adult day care facilities
l.	Convention center; private
o.	Church or place of worship (see also 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)

(9) Repair	
a.	Major repair; as an accessory or principal use
(10) Retail Trade	
j.	Restaurant and/or dining and entertainment establishment; regulated outdoor activities
(11) Wholesale/Rental/Vehicle-Mobile Home Trade	
g.	Mobile home sales including accessory mobile home office
(12) Construction - None	
(13) Transportation	
c.	Taxi or limousine service
(14) Manufacturing/Warehousing	
z.	Metallurgy, steel fabrication, welding
(15) Other Activities (not otherwise listed - all categories)	
c.	Other activities; commercial services not otherwise listed
e.	Other activities; industrial uses not otherwise listed
EXISTING ZONING	
CH (HEAVY COMMERCIAL) - PERMITTED USES	
(1) General	
a.	Accessory use or building
b.	Internal service facilities
c.	On-premise signs per Article N
d.	Off-premise signs per Article N
e.	Temporary uses; of listed district uses
f.	Retail sales; incidental
g.	Incidental assembly of products sold at retail or wholesale as an accessory to principal uses
(2) Residential - None	
c.	Multi-family development per Article I
(3) Home Occupations - None	
(4) Governmental	
a.	Public utility building or use
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
e.	County government operation center
g.	Liquor store, state ABC
(5) Agricultural/Mining	
a.	Farming; agricultural, horticulture, forestry (see also section 9-4-103)
b.	Greenhouse or plant nursery; including accessory sales
d.	Farmers market
e.	Kennel (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	
b.	Golf course; par three
c.	Golf driving range
c(1).	Tennis club; indoor and outdoor facilities

e.	Miniature golf or putt-putt course
f.	Public park or recreational facility
h.	Commercial recreation; indoor only, not otherwise listed
i.	Commercial recreation; indoor and outdoor, not otherwise listed
j.	Bowling alley
m(1).	Dining and entertainment establishment (see also section 9-4-103)
n.	Theater; movie or drama, indoor only
o.	Theater; movie or drama, including outdoor facilities
q.	Circus, carnival, or fair, temporary only (see also section 9-4-103)
s.	Athletic club; indoor only
t.	Athletic club; indoor and outdoor facilities
(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
f.	Veterinary clinic or animal hospital (see also animal boarding; outside facility, kennel and stable)
g.	Catalogue processing center
(8) Services	
c.	Funeral home
e.	Barber or beauty salon
f.	Manicure, pedicure or facial salon
n.	Auditorium
o.	Church or place of worship (see also section 9-4-103)
q.	Museum
r.	Art gallery
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)
u.	Art studio including art and supply sales
v.	Photography studio including photo and supply sales
w.	Digital broadcast studio (see also section 9-4-103)
y.	TV and/or radio broadcast facilities, including receiving and transmission equipment and towers or cellular telephone and wireless communication towers
y(4) Distributed Antenna System (See also 9-4-103 (Q))	
z.	Printing or publishing service including graphic art, maps, newspapers, magazines and books
aa.	Catering service including food preparation (see also restaurant; conventional and fast food)
bb.	Civic organizations
cc.	Trade or business organizations
hh.	Exercise and weight loss studio; indoor only
kk.	Launderette; household users
ll.	Dry cleaners; household users
mm.	Commercial laundries; linen supply

oo.	Clothes alteration or shoe repair shop
pp.	Automobile wash
qq.	Pet grooming facility (see also section 9-4-103)
ss.	Tattooing
tt.	Microblading
(9) Repair	
b.	Minor repair; as an accessory or principal use
c.	Upholsterer; automobile, truck, boat, or other vehicle, trailer or van
d.	Upholsterer; furniture
f.	Appliance; household and office equipment repair
g.	Jewelry, watch, eyewear or other personal item repair
(10) Retail Trade	
a.	Miscellaneous retail sales; non-durable goods, not otherwise listed
b.	Gasoline or automotive fuel sales; accessory or principal use, retail
c.	Wine shop; including on-premise consumption (see also section 9-4-103)
d.	Pharmacy
e.	Convenience store (see also gasoline sales)
f.	Office and school supply, equipment sales
g.	Fish market; excluding processing or packing
h.	Restaurant; conventional
i.	Restaurant; fast food
k.	Medical supply sales and rental of medically-related products including uniforms and related accessories
l.	Electronic; stereo, radio, computer, TV, etc... sales and accessory repair
m.	Appliance; household use, sales and accessory repair, excluding outside storage
o.	Appliance; household, commercial or industrial use, sales and accessory repair, including 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
cc.	Farm supply and commercial implement sales
ee.	Christmas tree sales lot; temporary only (see also section 9-4-103)
mm.	Grocery store
(11) Wholesale/Rental/Vehicle-Mobile Home Trade	
a.	Wholesale; durable and nondurable goods, not otherwise listed
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

d.	Rental of automobiles, noncommercial trucks or trailers, recreational vehicles, motorcycles and boats
e.	Rental of tractors and/or trailers, or other commercial or industrial vehicles or machinery
f.	Automobiles, truck, recreational vehicle, motorcycles and boats sales and services (see also major and minor repair)
g.	Mobile home sales including accessory mobile home office
(12) Construction	
a.	Licensed contractor; general electrical, plumbing, mechanical, etc... excluding outside storage
b.	Licensed contractor; general electrical, plumbing, mechanical, etc... including outside storage
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
(13) Transportation	
c.	Taxi or limousine service
e.	Parcel delivery service
f.	Ambulance service
h.	Parking lot or structure; principal use
(14) Manufacturing/Warehousing	
a.	Ice plant and freezer lockers
b.	Dairy; production, storage, and shipment facilities
c.	Bakery; production, storage, and shipment facilities
g.	Cabinet, woodwork or frame shop; excluding furniture manufacturing or upholstery
h.	Engraving; metal, glass or wood
i.	Moving and storage of nonhazardous materials; excluding outside storage
k.	Mini-storage warehouse, household; excluding outside storage
m.	Warehouse; accessory to approved commercial or industrial uses within the district; excluding outside storage
u.	Tire recapping or retreading plant
(15) Other Activities (not otherwise listed - all categories) - None	
CH (HEAVY COMMERCIAL) - SPECIAL USES	
(1) General - None	
(2) Residential	
i.	Residential quarters for resident manager, supervisor or caretaker; excluding mobile home
j.	Residential quarters for resident manager, supervisor or caretaker; including mobile home
(3) Home Occupations - None	
(4) Governmental - None	
(5) Agricultural/Mining	
k.	Sand mining
m.	Beekeeping; major use
(6) Recreational/Entertainment	
d.	Game center

l.	Billiard parlor or pool hall
m.	Public or private club
r.	Adult uses
u.	Internet sweepstakes business (see also section 9-4-103)
(7) Office/Financial/Medical - None	
(8) Services	
a.	Child day care facilities
b.	Adult day care facilities
l.	Convention center; private
dd.	Massage establishment
ff(1).	Mental health, emotional or physical rehabilitation day program facility
(9) Repair	
a.	Major repair; as an accessory or principal use
(10) Retail Trade	
j.	Restaurant and/or dining and entertainment establishment; regulated outdoor activities
n.	Appliance; commercial use, sales and accessory repair; excluding outside storage
z.	Flea market
ff.	Tobacco shop (Class 1) (see also section 9-4-103)
gg.	Tobacco shop (Class 2) (see also section 9-4-103)
hh.	Hookah café (see also section 9-4-103)
(11) Wholesale/Rental/Vehicle-Mobile Home Trade - None	
(12) Construction	
e.	Building supply; lumber and materials sales, plumbing and/or electrical supply excluding outdoor sales
(13) Transportation - None	
(14) Manufacturing/Warehousing	
d.	Stone or monument cutting, engraving
j.	Moving and storage; including outside storage
l.	Warehouse or mini-storage warehouse, commercial or industrial; including outside storage
y.	Recycling collection station or facilities
(15) Other Activities (not otherwise listed - all categories)	
a.	Other activities; personal services not otherwise listed
b.	Other activities; professional services not otherwise listed
c.	Other activities; commercial services not otherwise listed
d.	Other activities; retail sales not otherwise listed
PROPOSED ZONING	
R6 (RESIDENTIAL) - PERMITTED USES	
(1) General	
a.	Accessory use or building
c.	On-premise signs per Article N
(2) Residential	
a.	Single-family dwelling
b.	Two-family attached dwelling (duplex)
b(1).	Master Plan Community per Article J
c.	Multi-family development per Article I
f.	Residential cluster development per Article M
k.	Family care homes (see also 9-4-103)

q.	Room renting
(3) Home Occupations - None	
(4) Governmental	
b.	City of Greenville municipal government building or use (see also section 9-4-103)
(5) Agricultural/Mining	
a.	Farming; agricultural, horticulture, forestry (see also section 9-4-103)
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	
R6 (RESIDENTIAL) - SPECIAL USES	
(1) General - None	
(2) Residential	
d.	Land use intensity multi-family (LUI) development rating 50 per Article K
e.	Land use intensity multi-family (LUI) development rating 67 per Article K
l.	Group care facility
n.	Retirement center or home
o(1).	Nursing, convalescent or maternity home; minor care facility
p.	Board or rooming house
r.	Fraternity or sorority house
(3) Home Occupations	
a.	Home occupation; not otherwise listed
b.	Home occupation; barber and beauty shop
c.	Home occupation; manicure, pedicure or facial salon
(4) Governmental	
a.	Public utility building or use
(5) Agricultural/Mining - None	
(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)
m.	Multi-purpose center
t.	Guest house for a college or other institution of higher learning
(9) Repair - None	
(10) Retail Trade - None	
(11) Wholesale/Rental/Vehicle-Mobile Home Trade - None	
(12) Construction - None	
(13) Transportation - None	
(14) Manufacturing/Warehousing - None	
(15) Other Activities (not otherwise listed - all categories) - None	

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: 01/12/2023

Title of Item: Ordinance requested by Bill Clark Homes of Greenville, LLC to rezone a total of 29.532 acres located east of L. T. Hardee Road and between the Norfolk Southern Railroad and Leon Drive from RA20 (Residential-Agricultural) to R6A (Residential [Medium Density Multi-family])

Explanation:

Required Notices:

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on December 6, 2022.

On-site sign(s) posted on December 6, 2022.

City Council public hearing notice (property owner and adjoining property owner letter) mailed on December 27, 2022.

Public hearing legal advertisement published on December 31, 2022 and January 7, 2023.

Comprehensive Plan:

The Future Land Use and Character Map recommends traditional neighborhood, medium-high density (TNMH) between Portertown Road and L. T. Hardee Road and south of the Norfolk Southern Railroad transitioning to residential, low-medium density (LMDR) to the west of L. T. Hardee Road and further south.

Traditional Neighborhood, Medium-High Density

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

Intent:

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

Primary uses:

Multi-family residential

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

Secondary uses:

Institutional (neighborhood scale)

Residential, Low-Medium Density

Residential, low to medium density areas are primarily single-family developments arranged along wide, curvilinear streets with few intersections. Building and lot size range in size and density but tend to be highly consistent within a development with limited connectivity between different residential types and non-residential uses.

Intent:

- Provide better pedestrian and vehicular connectivity between residential developments
- Improve streetscape features such as consistent sidewalks, lighting, and street trees

Primary uses:

Single-family detached residential

Secondary uses:

Two-family residential

Institutional/civic (neighborhood scale)

Thoroughfare/Traffic Report Summary (Engineering Department):

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 910 trips to and from the site on 10th Street, which is a net increase of 457 additional trips per day.

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 607 trips to and from the site on Eastern Pines Road, which is a net increase of 305 additional trips per day.

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

History/Background:

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

On August 18th, 2022, there was a request for 13.84 acres (a portion of the subject property) that was requested for R6 (Residential [High Density Multi-family]). That request was denied by City Council. The current rezoning request is for R6A (Residential [Medium Density Multi-family]), which is a reduction in density.

Existing Land Uses:

Farmland

Water/Sewer:

Water will be provided by Eastern Pines Water Corporation. Sanitary sewer is

available to the property.

Historic Sites:

There are no known effects on historic sites.

Environmental Conditions/Constraints:

The property drains into the Hardee Creek Watershed (Tar River Basin) via Lake Glenwood. While Lake Glenwood and the dam are located outside the city limits, staff has been aware of numerous deficiencies with regards to the dam. The City requested and received copies of five Notices of Deficiencies (NOD) beginning June 16, 2017 through the latest date of September 16, 2022. Deficiencies include, but are not limited to:

1. Corrugated Metal Pipe (CMP) outfall and under drain lines are severely deteriorated.
2. Cracks in concrete spillway and wing walls.
3. Continued wetness along the toe of the dam.
4. Excessive vegetation on upstream slope.
5. Ant and burrow activity noted.

The NC Department of Environmental Quality Division of Energy, Mineral and Land Resource (DEMLR) has determined this dam is a Class C or High Hazard Dam. This means, in the event of failure, it meets one or more of the following conditions:

1. Loss of human life, or
2. Economic Damage of \$200,000 or more, or
3. Probable loss of human life due to breached roadway (>250 VPD) or bridge on or below the dam.

The High Hazard classification requires the owner to submit an Emergency Action Plan (EAP) which details the anticipated impact in the event of failure. Per DEMLR's on-line inventory the last EAP on file is from May 8, 2002.

Staff has also reviewed an engineering report prepared for the Lake Glenwood Property Owners Association dated August 2019. This report was later updated (April 2022) for Pitt County. The report states in addition to the condition issues the dam does not pass the required design storm without overtopping based on today's requirements. In addition, CMP is no longer allowed to be utilized in High Hazard Dams. Furthermore, written approval pursuant to plan review is required to construct, repair, modify, or remove a dam.

Staff has been in communication with the NC Dam Safety Engineer, Josh Colley, and is attempting to get a copy of the most current EAP and clarification/verification of the requirements noted above.

If stormwater rules apply, it would require 10-year detention, nitrogen and phosphorus reduction. The property is not located in the Special Flood Hazard Area. Jurisdictional wetlands, streams and riparian buffers do not exist on this property.

Surrounding Land Uses and Zoning:

North: CG - Hardee Crossing and farmland

South: RA20 - Single-family residences (some are part of Lake Glenwood Subdivision)

East: RA20 - GUC utility substation and (2) single-family residences; IU – Everett's Auto Service

West: RA-20 - Stormwater detention facility for Hardee Crossing

Density Estimates:

Under the current zoning, the site could accommodate 75-80 single-family lots.

Under the proposed zoning, the site could accommodate 200-225 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 to deny (3:2) the request at its December 20, 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 Bill Clark Rezoning.pdf](#)
-  [Minute Excerpt_Bill_Clark_Homes_Dec_20_2022.pdf](#)
-  [Bill Clark APO Map.pdf](#)
-  [Bill Clark Home survey.pdf](#)
-  [Bill Clark Homes Traffic.pdf](#)

-  [List_of_uses_RA20toR6A.pdf](#)
-  [Density and Veg Charts.pdf](#)
-  [Lake Glenwood Impact Analysis.pdf](#)

LOCATION: Located east of L. T. Hardee Road and between the Norfolk Southern Railroad and Leon Drive.

DESCRIPTION: Lying and being in Grimesland Township, Pitt County, North Carolina, lying south of NC Highway 33 (E. Tenth Street) and north of Leon Drive, being bounded on the north by Norfolk Southern Railroad and on the south by Glennwood Properties, Inc as recorded in Map Book 16, Page 58, and being more particularly described as follows:

Beginning at a point in the northern right-of-way of NCSR 1728 L.T. Hardee Road where the western right-of-way of NCSR 1728 L. T. Hardee Road meets the northern right-of-way at the property of Ollie Joseph Gupton, Jr., Parcel Number 80477, deed reference recorded in Deed Book 3774, Page 11 of the Pitt County Registry, the True Point of Beginning.

Thence from the True Point of Beginning, leaving the right-of-way of NCSR 1728 L. T. Hardee Road and following the boundary of the Gupton property the following calls: Thence with a curve to the left, having a radius of 163.65' and a chord of N 06°37'03" W - 125.97' to the point of reverse curvature, thence with a curve to the right having a radius of 223.65' and a chord of N 23°22'36" W - 71.99', thence N 74°39'01" W - 153.59', thence S 11°04'31" W - 213.53' to the northeast corner of Lot 107, Glennwood Properties, Inc. (Map Book 16, Page 58), thence along the northern line of Glennwood Properties, Inc. the following calls: N 72°40'10" W - 98.60', thence N 72°34'30" W - 185.85', thence N 72°34'03" W - 51.91' to a point in the northern line of Lot 103 and 104 of Glennwood Properties, Inc., a common corner to Hardee Properties Family Limited Partnership as recorded in Map Book 89, Page 130, thence N 72° 34' 56" W - 98.27', thence N 57° 33' 15" W - 325.89' to a point in the northern line of Lot 100, Glennwood Properties, Inc., a common corner to Wal Mart Real Estate Business Trust as recorded in Map Book 75, Page 102, thence leaving Glennwood Properties, Inc. and following the Wal Mart Real Estate Business Trust eastern line N 18° 40' 37" E - 1026.01' to a point on the southern right-of-way of the Norfolk Southern Railroad, thence along the right-of-way of the railroad S 79° 17' 36" E - 215.07' to a point on the southern right-of-way of the Norfolk Southern Railroad., a common corner to Bill Clark Homes of Greenville, LLC. thence S 79°17'36" E - 456.47' to a point on the southern right-of-way of the Norfolk Southern Railroad., a common corner to Hardee Properties Family Limited Partnership, thence S 79° 17' 36" E - 454.31' to the northwest corner of the City Of Greenville property, thence along the western line of City Of Greenville and Raymond M. Everett the following calls: S 08° 45' 56" W - 391.77', thence S 08° 45' 56" W - 328.78' to a corner of the Bill Clark Homes of Greenville, LLC property thence S 08°55'51" W - 238.91', thence leaving Jeffery Lynn Smith and following the line of Wanda R. Smith N 81°16'57" W - 249.27', thence S 17°26'03" W - 207.70' to the northern right-of-way of NCSR 1728 L. T. Hardee Road, thence along the right-of-way of L.T. Hardee Road N 72°04'18" W - 60.26' to the True Point of Beginning, containing 29.5321 Acres and being Parcel Numbers 80476, 50523 and a portion of 09710 as listed 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 January, 2023.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

1174730

Excerpt from the adopted Planning & Zoning Commission Minutes (12/20/22)

REQUEST BY BILL CLARK HOMES OF GREENVILLE, LLC TO REZONE A TOTAL OF 29.532 ACRES LOCATED EAST OF L. T. HARDEE ROAD AND BETWEEN THE NORFOLK SOUTHERN RAILROAD AND LEON DRIVE FROM RA20 (RESIDENTIAL-AGRICULTURAL) TO R6A (RESIDENTIAL [MEDIUM DENSITY MULTIFAMILY]).

Chantae Gooby presented for staff. The property is located in the Hardee Creek Watershed. If stormwater rules apply, it will require 10-year detention. The property is not located in a special hazard area. Jurisdictional wetlands exist on the property, however there are no jurisdictional streams or riparian buffers. This request could generate a net increase of 457 trips per day on E. 10th Street. There would also be a net increase of about 305 trips per day on Eastern Pines Road. Under the current zoning of the property, it can accommodate roughly 80 single-family homes. Under the proposed zoning, the site could accommodate roughly 200 multi-family units. The Future Land Use Plan recommends Traditional Neighborhood, Medium to High Density (TNMH) between Portertown Road and L.T. Hardee Road. It transitions into Low to Medium Density along L.T. Hardee Road. 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.

Chair Faison opened the public hearing.

Drake Brinkley, Ward and Smith Law Firm, spoke in favor. R6A accommodates a compatible mixture of single-family, two-family, and multi-family dwellings at medium densities. This commission previously approved a rezoning of a portion of the property to R6. At City Council the project encountered some citizens with concerns about stormwater, Lake Glenwood, and Lake Glenwood Dam. Bill Clark's team had Mr. Stroud analyze the effect of the project on Lake Glenwood and the dam. Mr. Stroud will speak to the results of his analysis. There was also a neighborhood meeting with 30-35 citizens in attendances. There was great discussion and clarification on many misunderstandings about the project. Contact information was given out and people at the meeting were told if they had any questions to reach out. No one has reached out to me. The target zoning for the subject property is consistent with surrounding zoning. There is General Commercial to the north of the train tracks with Walmart, IU, and RA20. The target zoning of medium density will provide a good transition area from the commercial uses to the north and the single-family uses to the south.

Linwood Stroud, Stroud Engineering, spoke in favor. There was concern about Lake Glenwood during the previous rezoning request. Everyone knows that Lake Glenwood is under a notice of deficiency by the Department of Environmental Quality (DEQ). The notice of deficiency is related to the lack of maintenance on the dam since it was constructed in the 1960s. They are fairly minor issues. The dam has a high hazard classification, but is unrelated to the condition of the dam. This classification is related to the level of danger imposed by the potential failure of the dam. There are residential areas downstream from the dam which is why it is classified as high hazard. I was tasked with determining the impact of development to the potential failure of the dam. The current zoning of RA20 could be developed with cluster development. There is an increase in run off from the property regardless of how it is developed. The total upstream area for Lake Glenwood is approximately 302 acres. Out of those 302 acres, approximately 90 acres are developed as single-family, approximately 40 acres are developed as commercial, and 172 acres are undeveloped. Regardless of how the property is developed, stormwater detention will be required. The rate of runoff into Lake Glenwood would not increase with either development. The presence of stormwater detention at this development will cause the peak runoff to lag behind that of surrounding developments. There will not be any negative impacts to Lake Glenwood with the development of this property.

Landon Weaver, Bill Clark Homes, spoke in favor. Another item discussed at the community meeting that raised some concern was traffic. Some studies were done with City staff and NCDOT's help. The discovery was that L.T. Hardee Road is being used at 1/5 of its design capacity. It is classified as a minor thoroughfare. City staff provided crash reports which showed that there were no fatalities or serious injuries over the past five years. There have only been two accidents this year. Most of the crashes have happened at the four-way stop at the intersection of L.T. Hardee and Eastern Pines Road. NCDOT stated that the Fire Tower Road widening and roundabout at Portertown and Eastern Pines Road has been put back on the docket. The project dependent on this rezoning will be developed over time and will not be an immediate impact.

Mr. Denton asked if NCDOT has provided feedback about the access to the property being in the sharp curve.

Mr. Weaver responded that Gene Pittman, NCDOT, had stated that he did not have any reservations about allowing that access point. The curves have 15 MPH speed limits.

Mr. Collins asked if they were expecting to be able to have access by Walmart.

Mr. Weaver responded that the railroad does not want a full access over the train tracks, so that access will be for emergency services only.

No one else spoke in favor.

Jeff Bair, resident of Lake Glenwood, spoke in opposition. I am the pond manager because no one else wants to do it. This pond has a 50+ year old dam. The pond serves 367 acres of watershed. Downstream development is the biggest issue. If the dam breaches, the properties downstream are in trouble. When they are given a notice of deficiency, improvements have to go through the State. If the downstream development had not happened, a notice of deficiency would not have been given to them. The neighborhood raised \$30,000 for improvements, but the state said that the dam was high hazard and the latest bill was \$550,000 for repairs. They have to hire an engineering firm to remove trees from the dam because of regulations with the State. There have been breaches of the dam that have washed out the road twice. Mr. Bair showed a video of flooding at a residence in the Lake Glenwood Subdivision.

Mark Cory, resident of Brittany Ridge, spoke in opposition. Around six times a year, my backyard becomes a small creek from flooding. City Council spent quite a bit of time discussing 'like use' in regards to this development. It will add 200-225 units which will only contribute to runoff and traffic. While it is consistent with the comprehensive plan, the use will not be similar or compatible with surrounding uses. Most of this area consists of single-family homes that are zoned RA20. A multi-family development does not fit as a like use.

Christine Tepper, resident of Lake Glenwood, spoke in opposition. The house in the video that Mr. Bair showed is in front of my house. That video depicted a rain storm and hurricanes are much worse. Stormwater runoff is a big issue in this region. It is time for the City to look at something besides a 10-year detention pond because weather conditions are only getting worse.

Marco Savier spoke in opposition. Not a lot of studies happen for this area because it is the ETJ. NCDOT has not placed traffic counters to be able to determine that the road is being used at 1/5 capacity. There is a lot of traffic on L.T. Hardee, Eastern Pines, and Portertown Roads at 5:00 rush hour. It is almost impossible to make a left turn onto 10th Street at 5:00.

Chair Faison asked Mr. Brinkley to clarify that he had not been contacted since the community meeting. Also, if any of the citizens present at the meeting were also in attendance at the community meeting.

Mr. Brinkley said that was correct.

Mr. Weaver pointed out that the uses in the area were almost 50% commercial and that their proposed development would serve as a transition between the commercial and residential uses.

Brett Ivey spoke in opposition. Where does the stormwater runoff flow to get to the lake? It is through his neighbor's yard. There is a ditch that used to be a part of any empty field in both back yards. The drainage ditch is not maintained and there are trees growing in it. Will their stormwater be released onto private property?

Mr. Weaver responded that the existing ditch will catch water from above their property and run through their stormwater system and then will be released back into the ditch. The water that flows through their now is untreated will eventually be treated by their stormwater system.

John Schedler spoke in opposition. Why would I call the man who had the community meeting to go through all of this again and waste time? The neighborhood cannot accept any more water flow until the problems with the dam are fixed. The dam will fail.

Linda Mandell, member of HOA in Willow Run, spoke in opposition. There is a great concern about the 100 houses in Willow Run. There is a nature area adjacent to the houses on Willow Run Street. If the dam fails, the houses could be severely damaged. A flood with 2 inches of water in a neighbor's house caused thousands of dollars in damage. Please make sure the dam is in good condition before anymore development goes into this area. If you lived in the neighborhood, you would be concerned about your homes too.

Harold Wise spoke in opposition. The engineering study is accurate for most of the year, but there are times with major storms that cause flooding of 6 inches over L.T. Hardee Road. There is no way to guarantee that there will not be more runoff during a major storm with additional development.

Mr. Denton asked Mr. Stroud for a response on the concerns by the neighbors on the ability of the development's detention pond being able to contain the runoff.

Mr. Stroud responded that new development will not add to the existing problem, but it also will not fix it.

Mr. Denton asked if their detention pond would have any impact on L.T. Hardee Road.

Mr. Stroud said no because it will not drain in that direction.

Mr. Weaver stated that they will investigate installing a 25-year detention pond on their property in order to ease the neighbor's concerns.

No one else spoke in opposition.

Chair Faison closed the public hearing.

Motion made by Mr. Peyton, seconded by Mr. Collins, to recommend denial of the proposed amendment, to advise that, although the proposed amendment is consistent with the comprehensive plan, there is a more appropriate zoning classification, and to adopt the staff report which addresses plan consistency and other matters. Motion passed 3:2. Voting in favor: Peyton, Collins, and Joyner. Voting in opposition: Denton and West.

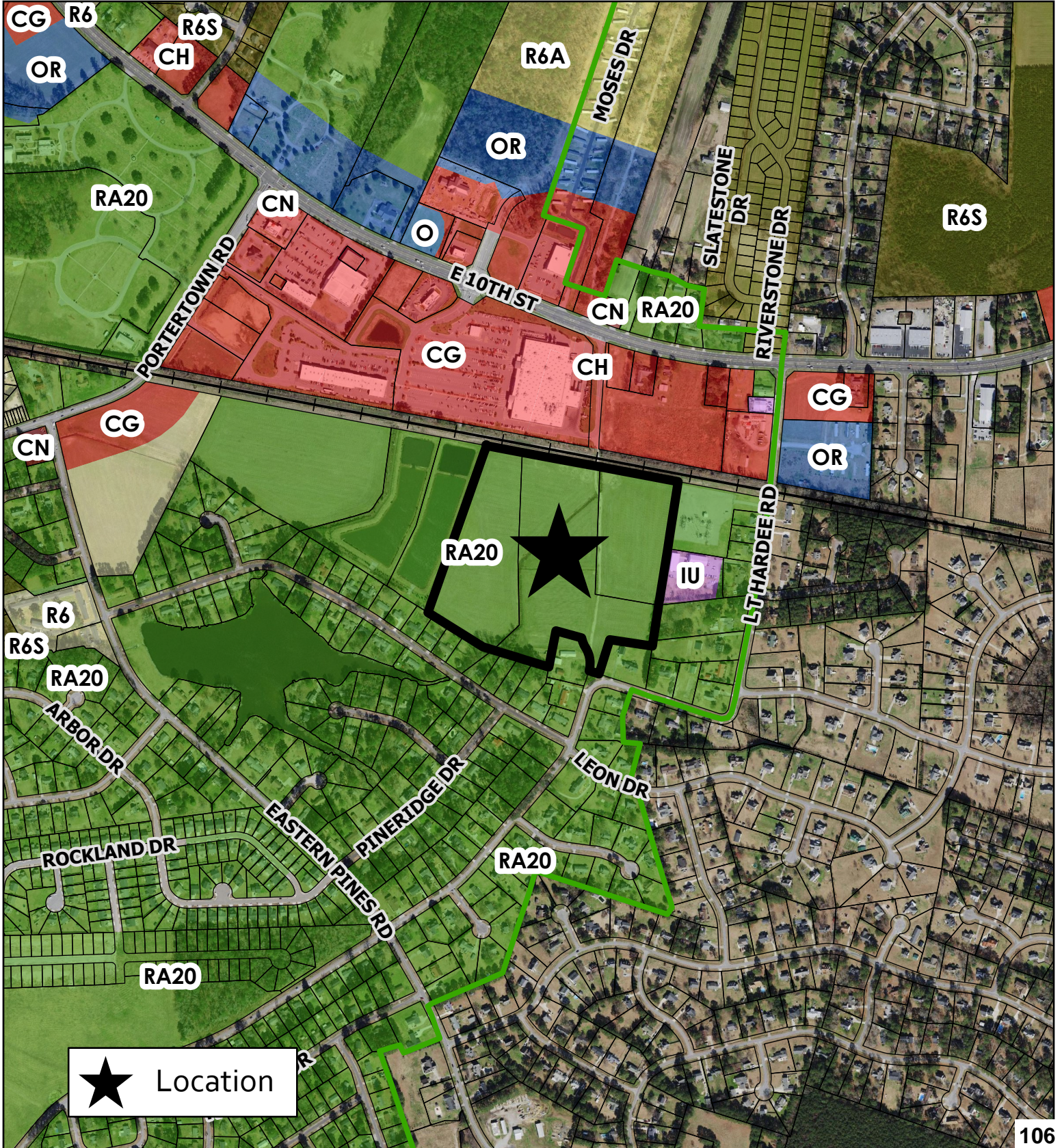
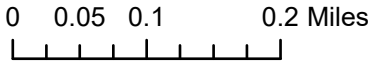
Bill Clark Homes of Greenville, LLC

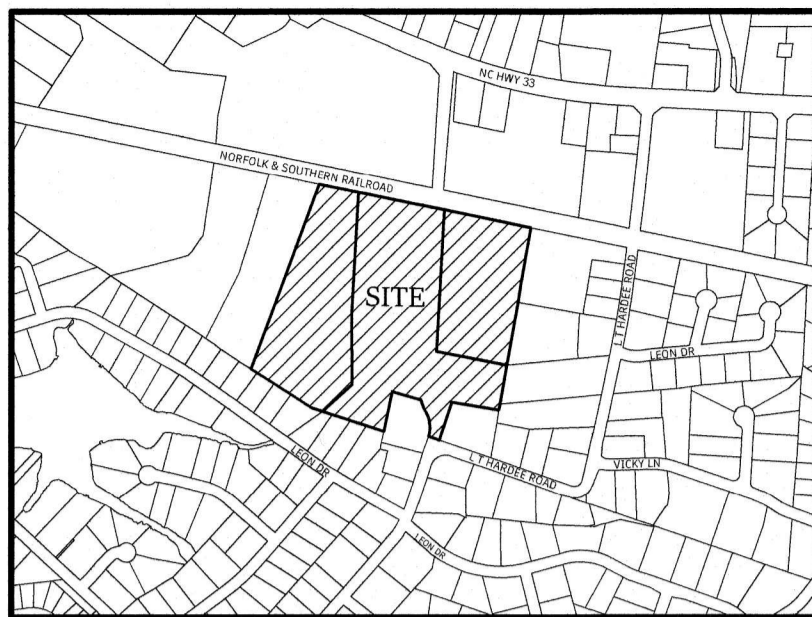
From: RA-20

To: R6A

Acres: 29.5321

December 20th, 2022





VICINITY MAP
SCALE: 1"=1000'

THIS MAP IS EXEMPT FROM GS 47-30 REQUIREMENTS PER GS 47-30 (j) WHICH STATES:
"THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO BOUNDARY PLATS OF STATE LINES, COUNTY LINES, AREAS ANNEXED BY MUNICIPALITIES, NOR TO PLATS OF MUNICIPAL BOUNDARIES, WHETHER OR NOT REQUIRED BY LAW TO BE RECORDED."



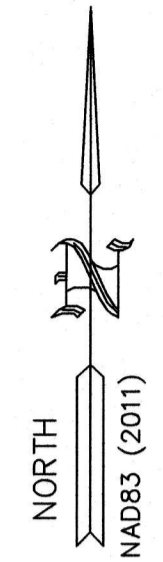
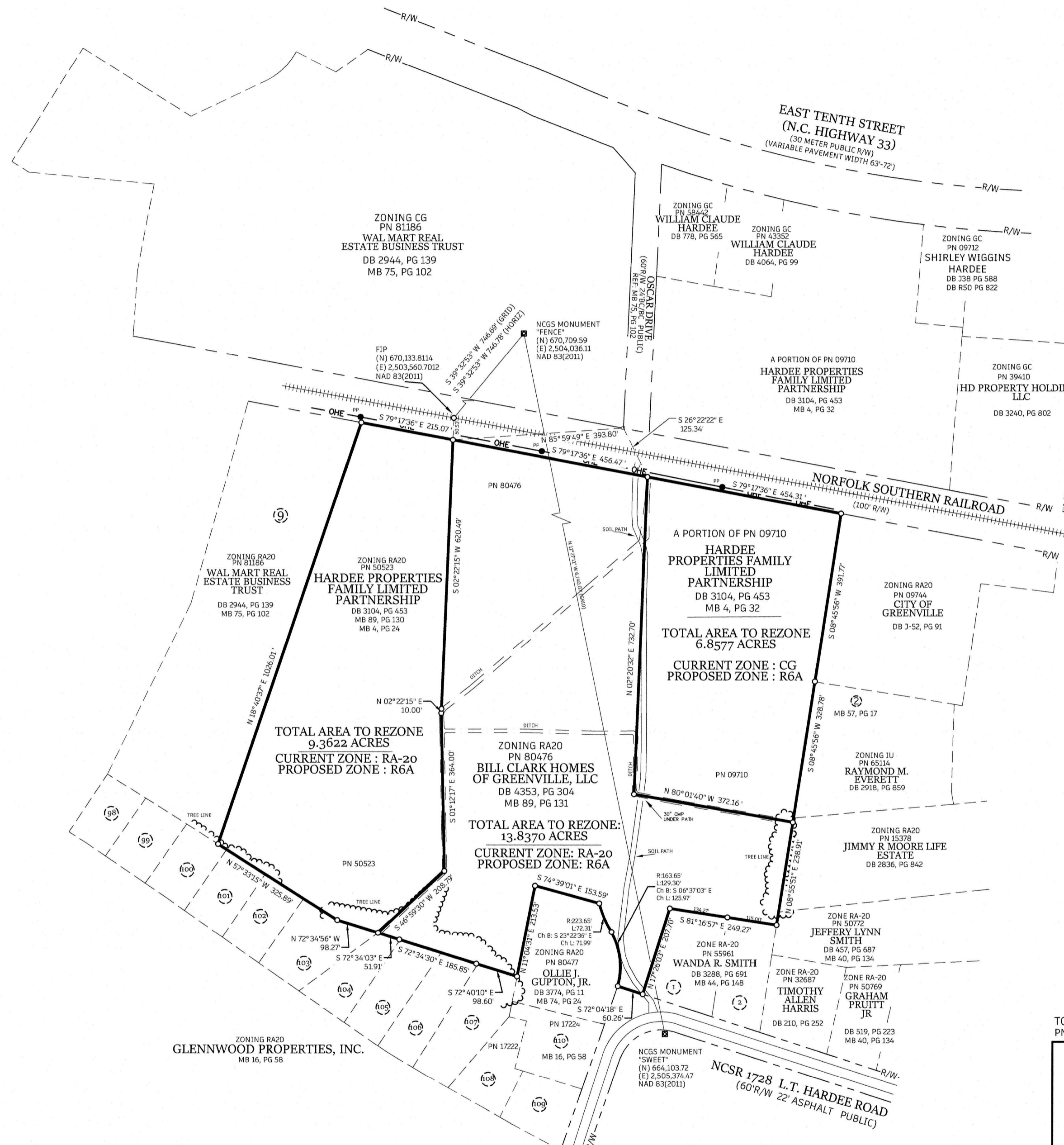
I, DEBORAH T. BOYETTE, CERTIFY THAT THIS MAP WAS DRAWN BY MICHAEL L. BOWMAN UNDER MY SUPERVISION. THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN DEEDS AND MAPS REFERENCED HEREON;

WITNESS MY ORIGINAL SIGNATURE AND SEAL THIS THE 29th DAY OF NOVEMBER, 2022.

SIGNED Deborah T. Boyette
PROFESSIONAL LAND SURVEYOR L-4146

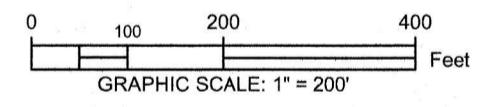
NORTH CAROLINA, _____ COUNTY
I, _____, NOTARY
PUBLIC OF THE COUNTY AND STATE
AFORESAID, CERTIFY THAT
_____, A PROFESSIONAL LAND
SURVEYOR, PERSONALLY APPEARED BEFORE
ME THIS DAY AND ACKNOWLEDGED THE
EXECUTION OF THE FOREGOING INSTRUMENT.
WITNESS MY HAND AND OFFICIAL STAMP OR
SEAL THIS THE _____ DAY OF _____

NOTARY PUBLIC _____
MY COMMISSION EXPIRES _____



- NOTES
- BOUNDARY INFORMATION TAKEN FROM MAP TITLED "BOUNDARY SURVEY FOR " HARDEE PROPERTIES FAMILY LIMITED PARTNERSHIP" RECORDED IN MAP BOOK 89 PAGE 130 AND DATED 10/26/2022
 - TREE LINES TAKEN FROM AERIAL IMAGERY.
 - ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES. NO GRID FACTORS HAVE BEEN APPLIED.

- LEGEND
- OHE= OVERHEAD ELECTRIC
 - ===== RAILROAD TRACK
 - ADJACENT PROPERTY LINES
 - RIGHT-OF-WAY LINES
 - TOP OF DITCH BANK
 - TIE LINE
 - TREE LINE
 - CORNER OF LOT
 - TIE LINE CORNER



TOTAL AREA TO REZONE: 29.5321 AC
PN 50523, PN 80476 AND PORTION OF PN 09710

REZONING MAP FOR
THE RESERVE

REFERENCE: BEING THE PROPERTY RECORDED IN
DEED BOOK 3104, PAGE 453 AND DEED BOOK 4353, PAGE 304
OF THE PITT COUNTY REGISTRY

GRIMESLAND TOWNSHIP PITT COUNTY NORTH CAROLINA

CLIENT: BILL CLARK HOMES OF GREENVILLE, LLC
ADDRESS: 200 E. ARLINGTON BLVD, SUITE A
GREENVILLE, NC 27858
PHONE: (252) 355-5805

SURVEYED BY: JD/DE/JE
DRAWN BY: MLB
CHECKED BY: DTB
DATE: 11/28/2022
SCALE: 1" = 100'
SHEET 1 OF 1

STROUD ENGINEERING, P.A.
107-B COMMERCE STREET
GREENVILLE, NC 27858
(252) 756-9352 LICENSE NO. C-0647

REZONING THOROUGHFARE/TRAFFIC VOLUME REPORT

Case No: 22-22

Applicant: Bill Clark Homes of Greenville, LLC

Property Information

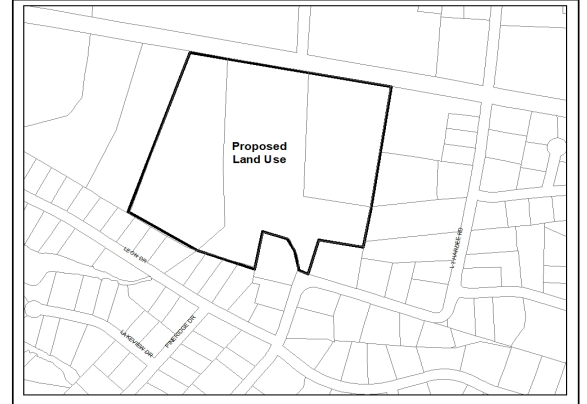
Current Zoning: RA20 (Residential-Agricultural)

Proposed Zoning: R6A (Residential [Medium Density Multi-Family])

Current Acreage: 30 acres

Location: LT Hardee Rd, south of railroad track

Points of Access: 10th St and Eastern Pines Rd via LT Hardee Rd



Location Map

Transportation Background Information

1.) 10th St- State maintained

	<u>Existing Street Section</u>	<u>Ultimate Thoroughfare Street Section</u>
Description/cross section	5-lane with curb & gutter	no change
Right of way width (ft)	100	no change
Speed Limit (mph)	50	no change
Current ADT:	20,295 (*)	
Design ADT:	32,200 vehicles/day	
Controlled Access	No	
Thoroughfare Plan Status:	Major Thoroughfare	
Other Information:	There are no sidewalks along 10th St that service this property.	

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: No Planned Improvements.

2.) Eastern Pines Rd- State maintained

	<u>Existing Street Section</u>	<u>Ultimate Thoroughfare Street Section</u>
Description/cross section	2 lanes - paved shoulders	2 lanes - wide shoulders
Right of way width (ft)	60	70
Speed Limit (mph)	45	no change
Current ADT:	3,830 (*)	
Design ADT:	12,000 vehicles/day (**)	13,300 vehicles/day (**)
Controlled Access	No	
Thoroughfare Plan Status:	Minor Thoroughfare	
Other Information:		

Notes: (*) 2016 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: No Planned Improvements.

Trips generated by proposed use/change**Current Zoning: 755** -vehicle trips/day (*)**Proposed Zoning: 1,517** -vehicle trips/day (*)**Estimated Net Change: increase of 762 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 10th St and Eastern Pines Rd are as follows:****1.) 10th St, West of Site (45%): "No build" ADT of 20,295**

Estimated ADT with Proposed Zoning (full build) – 20,978

Estimated ADT with Current Zoning (full build) – 20,635**Net ADT change = 343 (2% increase)****2.) 10th St, East of Site (15%): "No build" ADT of 20,295**

Estimated ADT with Proposed Zoning (full build) – 20,523

Estimated ADT with Current Zoning (full build) – 20,408**Net ADT change = 114 (<1% increase)****3.) Eastern Pines Rd, West of Site (30%): "No build" ADT of 3,830**

Estimated ADT with Proposed Zoning (full build) – 4,285

Estimated ADT with Current Zoning (full build) – 4,057**Net ADT change = 229 (6% increase)****4.) Eastern Pines Rd, East of Site (10%): "No build" ADT of 3,830**

Estimated ADT with Proposed Zoning (full build) – 3,982

Estimated ADT with Current Zoning (full build) – 3,906**Net ADT change = 76 (2% increase)****Staff Findings/Recommendations**

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 910 trips to and from the site on 10th St, which is a net increase of 457 additional trips per day.

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 607 trips to and from the site on Eastern Pines Rd, which is a net increase of 305 additional trips per day.

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

EXISTING USES	
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
i.	Beekeeping; minor use (see also section 9-4-103)
(6) Recreational/Entertainment	
f.	Public park or recreational facility
g.	Private noncommercial park or recreational facility
(7) Office/Financial/Medical - None	
(8) Services	
o.	Church or place of worship (see also section 9-4-103)
(9) Repair - None	
(10) Retail Trade - None	
(11) Wholesale/Rental/Vehicle-Mobile Home Trade - None	
(12) Construction	
c.	Construction office; temporary, including modular office (see also section 9-4-103)
(13) Transportation - None	
(14) Manufacturing/Warehousing - None	
(15) Other Activities (not otherwise listed - all categories) - None	
RA20 (RESIDENTIAL-AGRICULTURAL) - SPECIAL USES	
(1) General - None	
(2) Residential	
b.	Two-family attached dwelling (duplex)
g.	Mobile home (see also section 9-4-103)
n.	Retirement center or home
o.	Nursing, convalescent or maternity home; major care facility
o(1).	Nursing, convalescent or maternity home; minor care facility
(3) Home Occupations	
a.	Home occupation; not otherwise listed

	b.	Home occupation; barber and beauty shop
	c.	Home occupation; manicure, pedicure or facial salon
(4) Governmental		
	a.	Public utility building or use
(5) Agricultural/Mining		
	b.	Greenhouse or plant nursery; including accessory sales
	m.	Beekeeping; major use
	n.	Solar energy facility
(6) Recreational/Entertainment		
	a.	Golf course; 18-hole regulation length (see also section 9-4-103)
	a(1).	Golf course; 9-hole regulation length (see also section 9-4-103)
	c(1).	Tennis club; indoor and outdoor facilities
(7) Office/Financial/Medical - None		
(8) Services		
	a.	Child day care facilities
	b.	Adult day care facilities
	d.	Cemetery
	g.	School; junior and senior high (see also section 9-4-103)
	h.	School; elementary (see also section 9-4-103)
	i.	School; nursery and kindergarten (see also section 9-4-103)
(9) Repair - None		
(10) Retail Trade - None		
(11) Wholesale/Rental/Vehicle-Mobile Home Trade - None		
(12) Construction - None		
(13) Transportation - None		
(14) Manufacturing/Warehousing - None		
(15) Other Activities (not otherwise listed - all categories) - None		
PROPOSED ZONING		
R6A (RESIDENTIAL) - PERMITTED USES		
(1) General		
	a.	Accessory use or building
	c.	On-premise signs per Article N
(2) Residential		
	a.	Single-family dwelling
	b.	Two-family attached dwelling (duplex)
	b(1).	Master Plan Community per Article J
	c.	Multi-family development per Article I
	f.	Residential cluster development per Article M
	k.	Family care homes (see also 9-4-103)
	q.	Room renting
(3) Home Occupations - None		
(4) Governmental		
	b.	City of Greenville municipal government building or use (see also section 9-4-103)
(5) Agricultural/Mining		
	a.	Farming; agricultural, horticulture, forestry (see also section 9-4-103)
	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	
R6A (RESIDENTIAL) - SPECIAL USES	
(1) General - None	
(2) Residential	
d.	Land use intensity multi-family (LUI) development rating 50 per Article K
e.	Land use intensity multi-family (LUI) development rating 67 per Article K
l.	Group care facility
n.	Retirement center or home
o(1).	Nursing, convalescent or maternity home; minor care facility
p.	Board or rooming house
r.	Fraternity or sorority house
(3) Home Occupations	
a.	Home occupation; not otherwise listed
b.	Home occupation; barber and beauty shop
c.	Home occupation; manicure, pedicure or facial salon
(4) Governmental	
a.	Public utility building or use
(5) Agricultural/Mining - None	
	* None
(6) Recreational/Entertainment	
a.	Golf course; 18-hole regulation length (see also section 9-4-103)
a(1).	Golf course; 9-hole regulation length (see also section 9-4-103)
c(1).	Tennis club; indoor and outdoor facilities
(7) Office/Financial/Medical	
(8) Services	
a.	Child day care facilities
b.	Adult day care facilities
d.	Cemetery
g.	School; junior and senior high (see also section 9-4-103)
h.	School; elementary (see also section 9-4-103)
i.	School; nursery and kindergarten (see also section 9-4-103)
m.	Multi-purpose center
t.	Guest house for a college or other institution of higher learning
(9) Repair - None	

(10) Retail Trade - None
(11) Wholesale/Rental/Vehicle-Mobile Home Trade - None
(12) Construction - None
(13) Transportation - None
(14) Manufacturing/Warehousing - None
(15) Other Activities (not otherwise listed - all categories) - None

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.



STROUD ENGINEERING, P.A.

CONSULTING ENGINEERS
107-B COMMERCE STREET
GREENVILLE, NORTH CAROLINA 27858
(252) 756-9352
C-0647

October 24, 2022

Mr. Landon Weaver

Bill Clark Homes of Greenville LLC

200 East Arlington Boulevard

Suite A

Greenville, North Carolina 27858

RE: Lake Glenwood Dam

Dear Mr. Weaver:

Per your request I have performed an engineering analysis and evaluation of potential impact of your proposed development of 30.15 acres of land on the safety of the Lake Glenwood Dam (see Exhibits 1 and 2). The property proposed for development is currently zoned RA 20. As currently zoned the property could be developed with a minimum lot size of 10,000 SF or as a cluster development with a minimum lot size of 6,000 SF. You intend to apply to rezone the property to R6A which would allow development as multifamily.

The Lake Glenwood Dam is currently under a continuing Notice of Deficiency (NOD) which was initially issued January 2, 2020. The deficiencies are:

- 1) The spillway CMP conduits and the dam subsurface drain lines are severely deteriorated. Voids and earthen depressions noted above and adjacent to concrete sections, as well as the downstream slope need prompt attention.
- 2) Recent utility work compromised downstream slope stability. Immediate attention needed to evaluate, stabilize and repair affected areas.
- 3) Cracks noted on principal spillway concrete and wings.
- 4) Oxidized discharge from the drains near Eastern Pines Road requires additional engineering evaluation and repair.
- 5) Continued wetness in areas along the toe contact.
- 6) Some ant and burrow activity noted.

There is concern that the proposed change in zoning and subsequent development would increase the risk of failure of the dam. The purpose of this analysis is to evaluate the validity of that concern.

The dam has a high hazard classification of "High". The hazard classification is unrelated to the condition of the dam and the risk of failure. The following is a quote from an email received from Josh Holley, PE State Dam Safety Engineer on 08/22/22.

"It is essential to understand that the hazard classification of a dam is determined by

understanding the consequences of failure of that specific dam. It is not a measure of the likelihood or probability of failure i.e., a high hazard dam is not inherently more likely to fail than a low hazard dam. Hazard classification does not take the condition of the dam into consideration, only the consequences of failure are considered.”

So the question is; will development as R6A increase the risk of failure resulting from increase runoff. To address this question I analyzed the drainage area upstream of the dam. I determined the drainage area to be approximately 302 acres consisting of: (see Exhibits 1 and 2)

- Undeveloped area, mostly farmland – 172 acres +/-.
- Previously developed low density residential with no storm water detention – 90 acres +/-.
- Developed as commercial with detention – 40acres +/- (include Walmart site)

Using these areas I calculated the total 24 hour runoff volume under existing conditions (Condition 1), future conditions with the 30.15 acre tract developed as RA20 (Condition 2), and future conditions with the 30.15 acre tract developed as R6 (Condition 3). Results are as follows:

	24Hr. Runoff Volume (acre feet)		
	10 Year Storm	25 Year Storm	100 Year Storm
Condition 1	32.19	40.06	54.52
Condition 2	38.07	47.38	64.48
Condition 3	39.38	49.01	66.70

This analysis indicates the increased volume of runoff during a 24 hour period is about 1% for R6A zoning vs current zoning. However, this does not mean that the rate of runoff to Lake Glenwood would be 1 % higher. The reason is that whether the 30.15 acres is developed as RA 20 or R6A, stormwater detention will be required. Stormwater detention reduces the peak flow rate for design storms up to 10 year to the peak flow before development. Importantly in this case, the detention pond control structure would cause a lag in the time of the peak flow to Lake Glenwood such that the peak flow from areas without detention will have passed before the peak flow from areas with detention arrives. Therefore in my judgement there would be no increase in peak flow rate to Lake Glenwood and the development as R6A will have no impact on the safety of the dam. The current dam safety deficiencies can only be corrected by compliance with the requirement contained in the NOD.

Sincerely,



Linwood E Stroud, PE



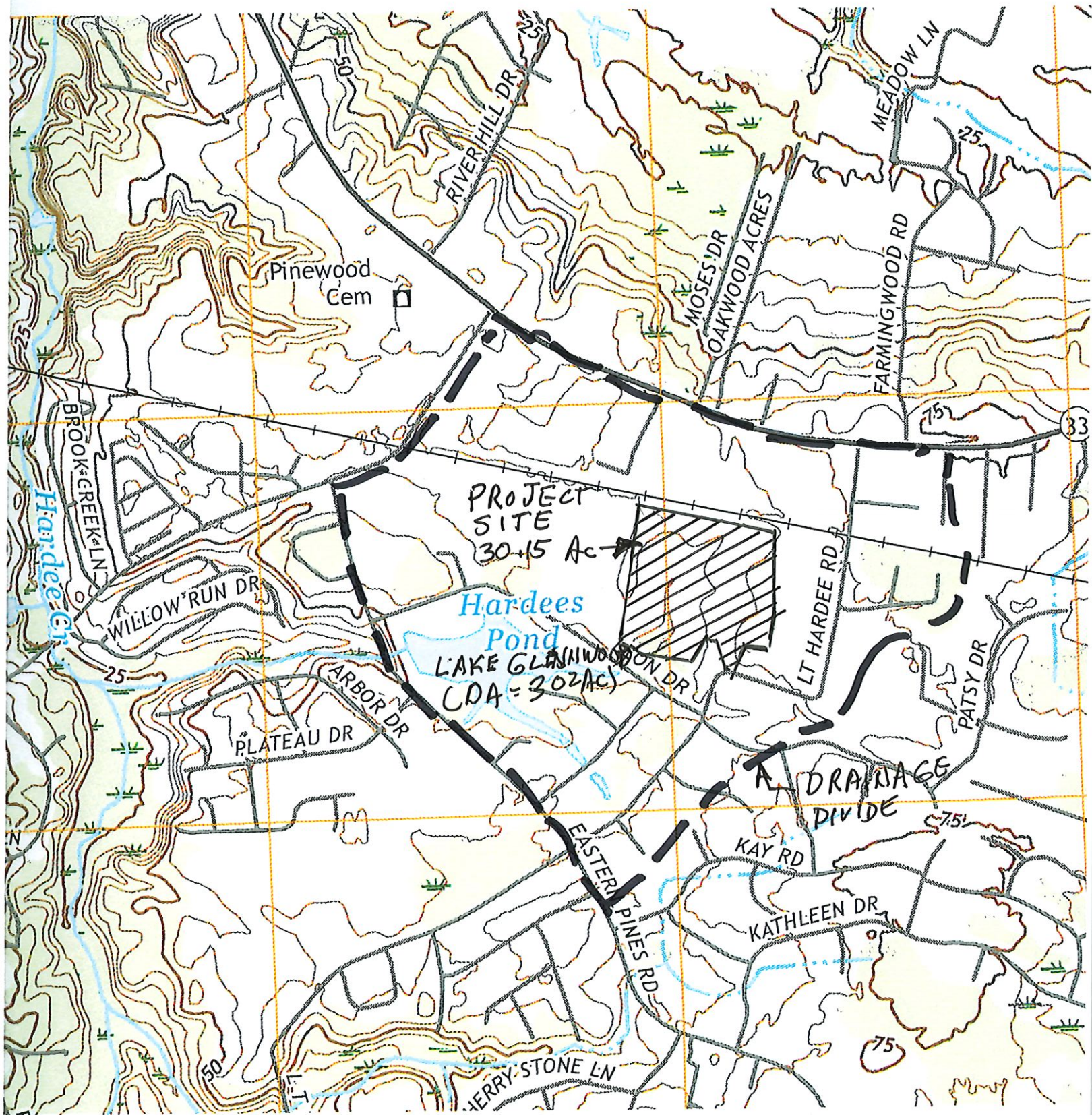


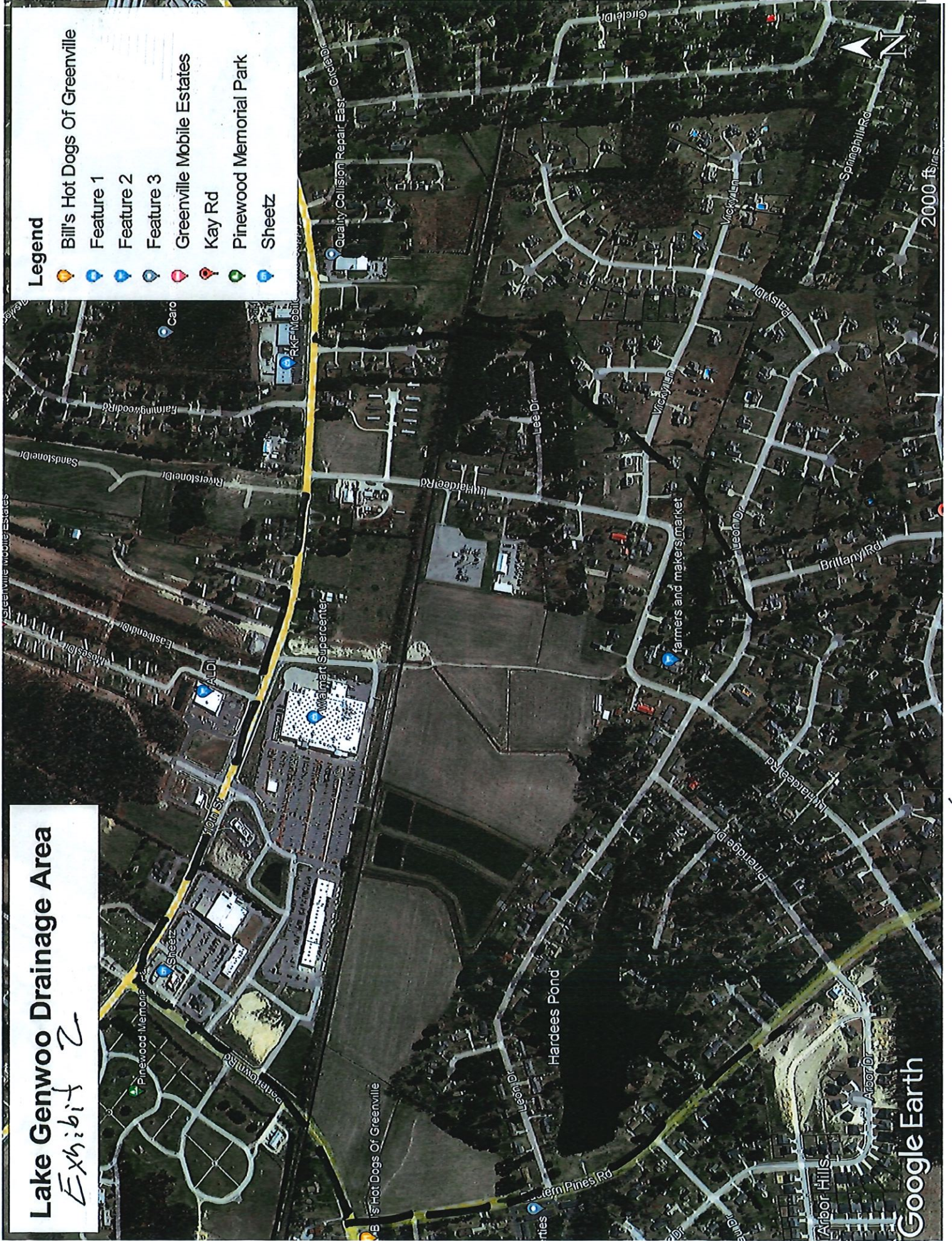
Exhibit J

Lake Genwoo Drainage Area

Exhibit 2

Legend

- Bill's Hot Dogs Of Greenville
- Feature 1
- Feature 2
- Feature 3
- Greenville Mobile Estates
- Kay Rd
- Pinewood Memorial Park
- Sheetz





City of Greenville, North Carolina

Meeting Date: 01/12/2023

Title of Item:

Ordinance requested by Porters Crossing Residential, LLC to rezone a total of 12.711 acres located east of Thomas Langston Road and at the current termini of Dublin Road and Dhalonega Road from RA20 (Residential-Agricultural) to R6S (Residential-Single-family)

Explanation:

Required Notices:

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on December 6, 2022.

On-site sign(s) posted on December 6, 2022.

City Council public hearing notice (property owner and adjoining property owner letter) mailed on December 27, 2022.

Public hearing legal advertisement published on December 31, 2022 and January 7, 2023.

Comprehensive Plan:

The Future Land Use and Character Map recommends residential, low to medium density (LMDR) at the northeastern corner of the intersection of Thomas Langston Road and Davenport Farm Road and the interior areas.

Residential, Low-Medium Density (LMDR)

Residential, Low to Medium Density areas are primarily single-family development arranged along wide, curvilinear streets with few intersections. Building and lot size range in size and density but tend to be highly consistent within a development with limited connectivity between different residential

types and non-residential uses.

Intent:

- Provide better pedestrian and vehicular connectivity between residential developments
- Improve streetscape features such as consistent sidewalks, lighting, and street trees

Primary uses:

Single-family detached residential

Secondary uses:

Two-Family residential

Institutional/Civic (neighborhood scale)

Thoroughfare/Traffic Report Summary (Engineering Department):

Based on possible uses permitted by the requested zoning, the proposed zoning classification could generate 613 trips to and from the site on Thomas Langston Road, which is a net increase of 236 additional trips per day (over current zoning).

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

History/Background:

In 1987, the property was incorporated into the City's extra-territorial jurisdiction (ETJ) and 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 drains into the Swift Creek Watershed (Neuse River Basin). If stormwater rules apply, it would require 10-year detention, nitrogen and phosphorus reduction.

The property is not located in the Special Flood Hazard Area. Jurisdictional wetlands, streams and riparian buffers do not exist on the property.

Surrounding Land Uses and Zoning:

North: RA20 – Davencroft Subdivision

South: RA20 – Davencroft Subdivision

East: RA20 – Woodridge North Subdivision

West: RA20 – Lynchburg Subdivision

Density Estimates:

Under the current zoning, the site could accommodate 35-40 single-family lots.

Under the proposed zoning, the site could accommodate 60-65 single-family lots.

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

Fiscal Note: No cost to the City.

Recommendation: In staff's opinion, the request is not in compliance with Horizons 2026: Greenville's Community Plan and the Future Land Use and Character Map. Therefore, staff recommends denial.

"Not in compliance with the comprehensive plan" should be construed as meaning the requested zoning (i) is specifically noncompliant with plan objectives and recommendations including the range of allowable uses in the proposed zone, etc... and/or is of a scale, dimension, configuration or location that is not objectively in keeping with plan intent and (ii) does not promote or preserve the desired urban form. The requested zoning is considered undesirable and not in the public interest, and staff recommends denial of the requested rezoning.

The Planning and Zoning Commission voted to deny (3:2) the request at its December, 20, 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, the request is inconsistent with the comprehensive plan and to adopt the staff report which addresses plan consistency and other matters. "

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 Porters Crossing Rezoning.pdf](#)
-  [Minutes Excerpt_Porters_Crossing_Residential_RZ_Dec_20_2022.pdf](#)
-  [Porters Crossing APO Map.pdf](#)
-  [PORTERS CROSSING Survey.pdf](#)
-  [Porters Crossing Traffic.pdf](#)
-  [List_of_uses_RA20toR6S.pdf](#)
-  [Density and Veg Charts.pdf](#)

ORDINANCE NO. 23-____
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE
REZONING TERRITORY LOCATED WITHIN THE PLANNING AND ZONING
JURISDICTION OF THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 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 January, 2023, at 6:00 p.m., conduct a public hearing on the adoption of an ordinance rezoning the following described territory;

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

WHEREAS, in accordance with the applicable provisions of North Carolina General Statute 160D-605, the City Council does hereby find and determine that the adoption of the ordinance zoning the following described property is consistent with the adopted comprehensive plan and other officially adopted plans that are applicable and that the adoption of the ordinance zoning the following described property is reasonable and in the public interest due to its consistency with the comprehensive plan and other officially adopted plans that are applicable and, as a result, its furtherance of the goals and objectives of the comprehensive plan and other officially adopted plans that are applicable;

WHEREAS, as a further description as to why the action taken is consistent with the comprehensive plan and other officially adopted plans that are applicable in compliance with the provisions of North Carolina General Statute 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, Policy 1.1.1 guide development with the Future Land Use and Character Map and Policy 1.1.6 guide development using the Tiered Growth Approach; and

WHEREAS, as a further explanation as to why the action taken is reasonable and in the public interest in compliance with the 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 will, in addition to the furtherance of other goals and objectives, promote the safety and general welfare of the community because the requested zoning is consistent with the recommended Future Land Use and Character Map and is located in a Primary Service Area;

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;

WHEREAS, in accordance with the provisions of North Carolina General Statute 160D-605, this ordinance is deemed an amendment to the comprehensive plan;

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

Section 1. That the following described territory is rezoned from RA20 (Residential-Agricultural) to R6S (Residential-Single-family).

TO WIT: Porters Crossing Residential, LLC

LOCATION: Located east of Thomas Langston Road and at the current termini of Dublin Road and Dahlonega Road

DESCRIPTION:

Section 2. The Future Land Use and Character Map is hereby amended by re-designating the “Traditional Neighborhood, Low to Medium” category to the “Traditional Neighborhood, Medium to High” category for the area described in Section 1.

Section 3. 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 4. That all ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

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

ADOPTED this 12th day of January, 2023.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

1174734

Excerpt from the adopted Planning & Zoning Commission Minutes (12/20/22)

REQUEST HAS BEEN MADE BY PORTERS CROSSING RESIDENTIAL, LLC TO REZONE A TOTAL OF 12.711 ACRES LOCATED EAST OF THOMAS LANGSTON ROAD AND AT THE CURRENT TERMINI OF DUBLIN ROAD AND DAHLONEGA ROAD FROM RA20 (RESIDENTIAL-AGRICULTURAL) TO R6S (RESIDENTIAL-SINGLE-FAMILY).

Chantae Gooby presented for staff. The property is located in the Swift Creek Watershed. If stormwater rules apply, it will require 10-year detention. The property is not located in a special hazard area. There are no wetlands, streams, or buffers. Under the current zoning of the property, it can accommodate 35-40 single-family lots. Under the requested zoning, it could accommodate 60-65 single-family lots. This rezoning could generate a net increase of about 236 trips per day. The Future Land Use Plan recommends Traditional Neighborhood, Low to Medium Density (TNLM) in this entire area. In staff's opinion, the request is not in compliance with the Horizons 2026: Greenville's Community Plan and the Future Land Use Plan. The requested zoning is out of character with the rest of the area. The current zoning requires a 10,000 square foot lot minimum. The requested zoning requires a 6,000 square foot lot minimum. The requested zoning is not part of the TNLM character. Therefore, staff recommends denial of the request.

Chair Faison opened the public hearing.

Mike Baldwin spoke in favor. This is the leftover piece that has remained in a dormant state since about 2008. Low to medium density does not fit what is in this area. The existing subdivision was designed with 10,000 square foot lots. Davencroft Village is a patio home community. The lot size for that subdivision is 6,000 square foot because it was done under the cluster development ordinance. This zoning is a little denser, but it still fits with what is in the area. With RA20 zoning, I can typically get 3 lots per acres. At 13 acres, that would be 39 lots. With R6S zoning, I can get close to 4 lots per acre which would be 52 lots. That is not a significant increase. They want a 70-foot wide lot with a lot depth of 120 feet. The desire was to design lots that would be a good fit in this area. Increasing from 39 lots to 52 would not generate the amount of trips per day stated by the City. The stormwater pond in this area may have to be upgraded for the change in density to handle the increase.

No one else spoke in favor.

Brian Holt, HOA President of Davencroft, spoke in opposition. Will the new development tie into the stormwater pond which is already not up to code?

Mr. Baldwin stated that this would be a good opportunity because the developers of this subdivision would have to acquire the stormwater pond and have it brought back into compliance as a part of the development.

Mr. Holt stated that Davencroft Village was located at the rear of their neighborhood and had to use the front entrance because they do not have an entrance of their own. Will this be addressed with additional streets or entrances in the new plat?

Mr. Baldwin stated that they would have to run the numbers and see if that prompted an additional entrance to the subdivision.

Mr. Holt stated that it would greatly increase the traffic flow for both neighborhoods.

Mr. Baldwin stated that the increase from 39 to 52 lots would result in an increase of about 9 trips per day.

Chair Faison asked if a traffic study would have to be done for this subdivision.

Staff said no.

Mr. Holt stated that his neighborhood had actually just had a traffic study done to get speed bumps to slow drivers down, but it was denied.

No one else spoke in opposition.

Chair Faison closed the public hearing.

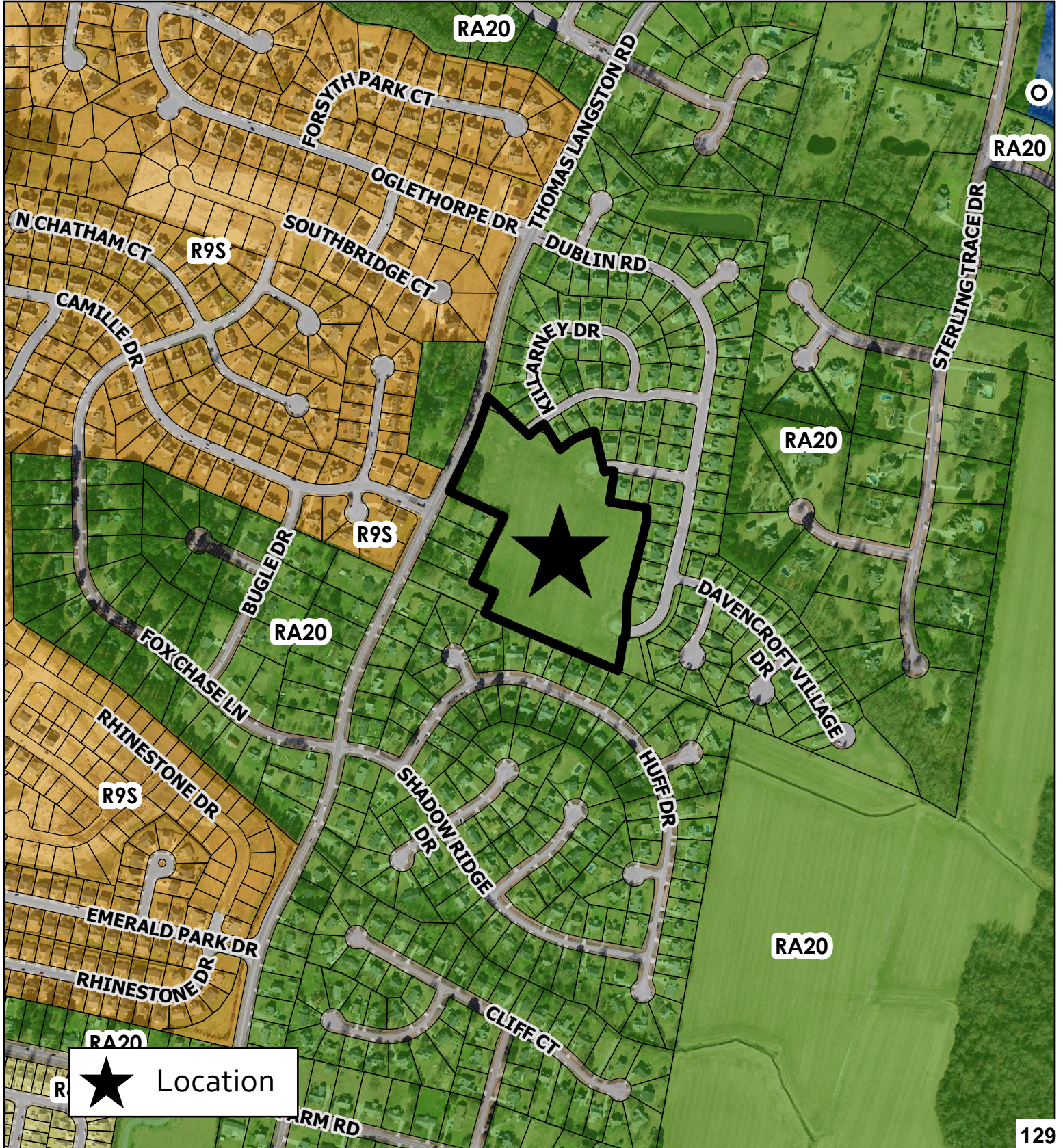
Motion made by Mr. Joyner, seconded by Vice Chair West, to recommend approval of the proposed amendment, to advise that, although the proposed amendment is not consistent with the comprehensive plan, in this instance it is an appropriate zoning classification, and to adopt the staff report which addresses plan consistency and other matters. Motion failed 2:3. Voting in favor: Joyner and West. Voting in opposition: Denton, Peyton, and Collins.

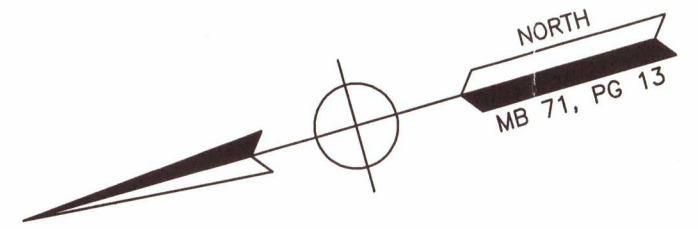
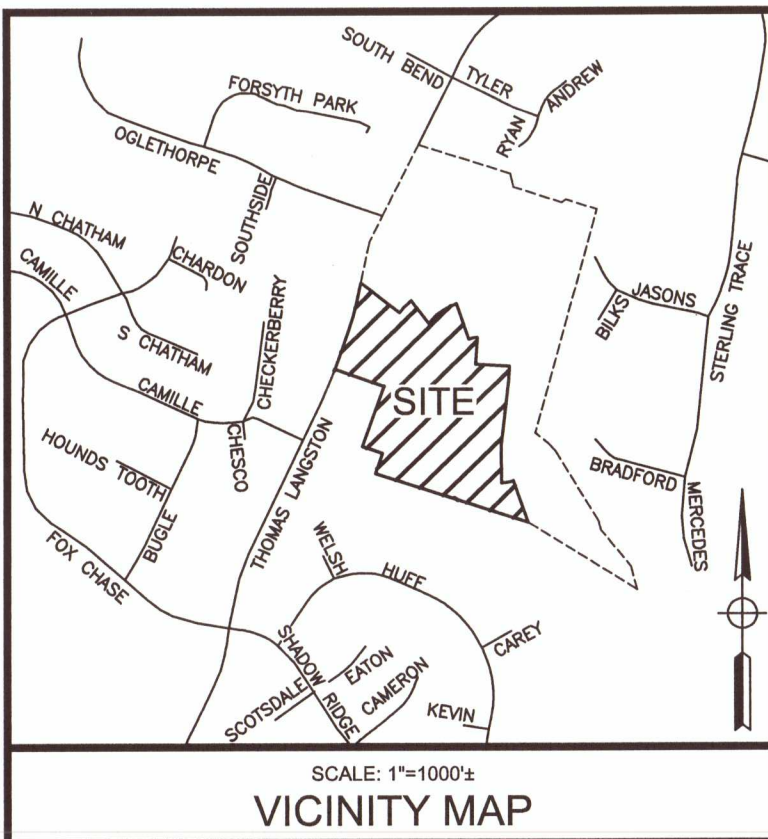
Motion made by Mr. Collins, seconded by Mr. Denton, to recommend denial of the proposed amendment, to advise that it is inconsistent with the comprehensive plan, and to adopt the staff report which addresses plan consistency and other matters. Motion failed 3:2. Voting in favor: Denton, Peyton, and Collins. Voting in opposition: Joyner and West.

Porters Crossing LLC
From: RA-20
To: R6S
Acres: 12.711
December 20th, 2022



0 0.04 0.07 0.14 Miles





CARLOW PLACE
(40' R/W 24' B/B PUBLIC)

BRAY COURT
(40' R/W 24' B/B PUBLIC)

WOODRIDGE NORTH
PHASE III 180A
MB 41, PG 190 & 190A

GENERAL NOTES

- ALL AREAS CALCULATED BY COORDINATE GEOMETRY.
- REFERENCE: MAP BOOK 71, PAGE 13 OF THE PITT COUNTY REGISTER OF DEEDS

GRAPHIC SCALE: 1" = 100'

SHEET 1 OF 1
REZONING MAP
PARCEL #05587

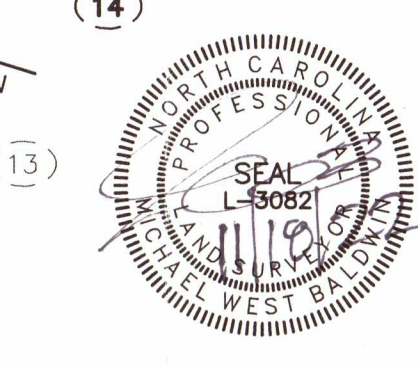
PORTERS CROSSING RESIDENTIAL, LLC

REFERENCE: DEED BOOK 1741, PAGE 330
OF THE PITT COUNTY REGISTER OF DEEDS

WINTERVILLE TOWNSHIP, PITT COUNTY, NC

OWNER: JACK V. DAVENPORT	OWNER: FIRST CAROLINA STATE BANK
ADDRESS: 2251 THOMAS LANGSTON ROAD WINTERVILLE, NC 28590	ADDRESS: 171 NORTH WINSTEAD AVENUE ROCKY MOUNT, NC 27804
PHONE: (252) 355-2901	PHONE: (252) 937-2152

Baldwin Design Consultants, PA ENGINEERING - LAND PLANNING - SURVEYING 1700-D EAST ARLINGTON BOULEVARD GREENVILLE, NC 27605 252.756.1390	LICENSE # C-3488	SURVEYED: N/A	APPROVED: MWB
		DRAWN: MAH	DATE: 11/18/2022
		CHECKED: MWB	SCALE: 1" = 100'



CLOSURE CHECK BOUNDARY
CHECKED: MAH DATE: 11/18/2022

LEGEND

R/W = RIGHT-OF-WAY
B/B = BACK OF CURB TO BACK OF CURB
EIP = EXISTING IRON PIPE
SIP = SET IRON PIPE
ECM = EXISTING CONCRETE MONUMENT
EPKN = EXISTING PARKER KALON NAIL
SPKN = SET PARKER KALON NAIL
R = RADIUS
CH = CHORD
C/L = CENTERLINE
- - - = NOT TO SCALE

REZONING THOROUGHFARE/TRAFFIC VOLUME REPORT

Case No: 22-25

Applicant: Porters Crossing Residential, LLC

Property Information

Current Zoning: RA20 (Residential-Agricultural)

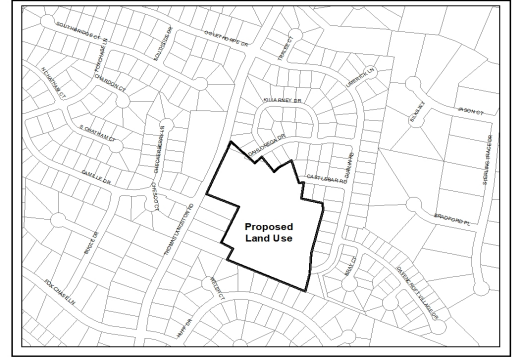
Proposed Zoning: R6S (Residential-Single-family [Medium Density Multi-Family])

Current Acreage: 12.711 acres

Location: Thomas Langston Road, south of Dublin Road

Points of Access: Thomas Langston Road

Location Map



Transportation Background Information

1.) Thomas Langston Rd- State maintained

	<u>Existing Street Section</u>	<u>Ultimate Thoroughfare Street Section</u>
Description/cross section	2-lane - paved shoulders	3-lanes with curb & gutter
Right of way width (ft)	60	70
Speed Limit (mph)	45	
Current ADT:	6,018 (*)	
Design ADT:	13,300 vehicles/day (**)	14,300 vehicles/day (**)
Controlled Access	No	
Thoroughfare Plan Status:	Minor Thoroughfare	

Other Information: There are no sidewalks along Thomas Langston Rd that service this property.

Notes: (*) 2021 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:

Trips generated by proposed use/change

Current Zoning: 377 -vehicle trips/day (*) **Proposed Zoning:** 613 -vehicle trips/day (*)

Estimated Net Change: increase of 236 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 Thomas Langston Rd are as follows:

1.) Thomas Langston Rd , North of Site (60%): “No build” ADT of 6,018

Estimated ADT with Proposed Zoning (full build) –	6,386
Estimated ADT with Current Zoning (full build) –	<u>6,244</u>
Net ADT change =	142 (2% increase)

2.) Thomas Langston Rd , South of Site (40%): “No build” ADT of 6,018

Estimated ADT with Proposed Zoning (full build) – 6,263

Estimated ADT with Current Zoning (full build) – 6,169**Net ADT change = 94 (2% increase)****Staff Findings/Recommendations**

Based on possible uses permitted by the requested zoning, the proposed zoning classification could generate 613 trips to and from the site on Thomas Langston Rd, which is a net increase of 236 additional trips per day (over current zoning).

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
i.	Beekeeping; minor use (see also section 9-4-103)
(6) Recreational/Entertainment	
f.	Public park or recreational facility
g.	Private noncommercial park or recreational facility
(7) Office/Financial/Medical - None	
(8) Services	
o.	Church or place of worship (see also section 9-4-103)
(9) Repair - None	
(10) Retail Trade - None	
(11) Wholesale/Rental/Vehicle-Mobile Home Trade - None	
(12) Construction	
c.	Construction office; temporary, including modular office (see also section 9-4-103)
(13) Transportation - None	
(14) Manufacturing/Warehousing - None	
(15) Other Activities (not otherwise listed - all categories) - None	
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	
R6S (RESIDENTIAL-SINGLE-FAMILY) - PERMITTED USES	
(1) General	
a.	Accessory use or building
c.	On-premise signs per Article N
(2) Residential	
a.	Single-family dwelling
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)
(6) Recreational/Entertainment	
f.	Public park or recreational facility
g.	Private noncommercial park or recreational facility
(7) Office/Financial/Medical - None	
(8) Services	

o.	Church or place of worship (see also section 9-4-103)
(9) Repair - None	
(10) Retail Trade - None	
(11) Wholesale/Rental/Vehicle-Mobile Home Trade - None	
(12) Construction	
c.	Construction office; temporary, including modular office (see also section 9-4-103)
(13) Transportation - None	
(14) Manufacturing/Warehousing - None	
(15) Other Activities (not otherwise listed - all categories) - None	
R6S (RESIDENTIAL-SINGLE-FAMILY) - SPECIAL USES	
(1) General - None	
(2) Residential - None	
(3) Home Occupations	
a.	Home occupation; not otherwise listed
d.	Home occupation; bed and breakfast inn
(4) Governmental	
a.	Public utility building or use
(5) Agricultural/Mining - None	
(6) Recreational/Entertainment	
a.	Golf course; 18-hole regulation length (see also section 9-4-103)
a(1).	Golf course; 9-hole regulation length (see also section 9-4-103)
c(1).	Tennis club; indoor and outdoor facilities
(7) Office/Financial/Medical - None	
(8) Services	
d.	Cemetery
g.	School; junior and senior high (see also section 9-4-103)
h.	School; elementary (see also section 9-4-103)
i.	School; nursery and kindergarten (see also section 9-4-103)
t.	Guest house for a college or other institution of higher learning
(9) Repair - None	
(10) Retail Trade - None	
(11) Wholesale/Rental/Vehicle-Mobile Home Trade - None	
(12) Construction - None	
(13) Transportation - None	
(14) Manufacturing/Warehousing - None	
(15) Other Activities (not otherwise listed - all categories) - None	

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: 01/12/2023

Title of Item: Ordinance requested by the Planning and Development Services Department to establish a new use and add a definition and standards for a "bar 2022" which includes two options related to size limitation: 1) no more than 3,500 square feet OR 2) no more than 2,000 square feet

Explanation: History

A series of meetings were 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.

These are 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 has 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

April 5, 2021, Hunden and Associates made a presentation to Council regarding the "500-foot" rules 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 to P&Z at its April 19, 2022 meeting and return to CC at its May 12, 2022.

April 19, 2022 - the Planning and Zoning Commission recommended approval of the request (6:2) and to implement further public engagement before the consideration of this request.

May 9, 2022 - Council directed staff to have more public input.

July 7, 2022 - new legislation was passed by North Carolina for bars, clubs, and restaurants which impacts this pending amendment.

July 27, 2022 - three (3) public interest meeting held to gather input.

November 7, 2022 - PSD staff made a presentation to Council to provide an update on the new legislation and its impact to this amendment.

December 5, 2022 - Council directed staff to move forward with the recommended changes and to bring the text amendment to the Planning and Zoning Commission.

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: 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.*

The Planning and Zoning Commission voted to deny (3:2) both options at its December 20, 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

-  [Revised - Ordinance - Bar 2022 for 3500_SF.pdf](#)
-  [Revised - Ordinance - Bar 2022_2000_SF.pdf](#)
-  [Excerpt Text_Amend #8.pdf](#)

ORDINANCE NO. 23-____
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 January, 2023, 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 definitions in their respective suitable locations within the section based on its alphabetical ordering:

Premises. A fixed permanent establishment, including all areas inside or outside extensions, including but not limited to decks, porches, patios, the establishment, where the permit holder has control through a lease, deed, or other legal process, including areas related to the fixed permanent establishment that are in close proximity. Premises larger than the allowable square footage under Bar 2022 must be appropriately separated to meet the allowable square footage and meet all applicable building code requirements, including future amendments, and independent of other available space within the same premises that exceeds the 3,500 square feet requirement.

On-site manager. A person principally in charge of a Bar 2022 when the permit holder of the establishment is not on-site and who is listed with and approved by the City as an on-site manager.

Public safety violation. Violations that are related to the sole or principal purpose to protect the health, safety and welfare of patrons or employees of an establishment and the general public. These violations are split into two classes: major and/or minor.

- a. Major violations are of such an egregious nature that it warrants immediate action. Major violations can cause a hearing for modification or revocation of a special use permit to be requested by PDS if at least 2 violations resulting in the issuance of an ~~infraction~~ violation occur within a 6-month period. This shall not limit the ability of PDS to request a hearing for a modification or revocation for a single egregious violation.
- b. Minor violations do not warrant immediate action. Minor violations can cause a hearing for modification or revocation of a special use permit to be requested by PDS if at least 4 violations resulting in the issuance of an ~~infraction~~ violation occur within a 6-month period.

Public nuisance violation. Violations that do not present an immediate or imminent danger to the general public but relate to quality of life issues. Public Nuisance violations can cause a hearing for a modification or revocation to be requested by PDS if at least 4 violations resulting in the issuance of an ~~infraction~~ violation occur within a 6-month period.”

Section 2. 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) Occupies less than 3,500 square feet of space of premises;
- (b) May provide live or recorded amplified music;
- (c) May provide a floor show;
- (d) May provide a dance area;
- (e) Shall only be allowed with a special use permit in the following geographic area:

Uptown District: Beginning at the intersection of West Third Street and South Pitt Street, between along West and East Third Streets 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 3. That Title 9, Chapter 4, Section 85, subsection is hereby amended by adding “(QQ) Bar 2022”.

Section 4. That Title 9, Chapter 4, Section 86, is hereby amended by adding the following definitions in their respective suitable locations within the section based on its alphabetical ordering:

“(VV) Bar 2022

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

(b) *Control of Premises.* It shall be unlawful for any permit holder to relinquish control of a bar 2022 to any person except an on-site manager. The permit holder or an on-site manager must remain on and in control of the premises during all events, including private parties.

(c) *Reporting.* At the regular January 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 **infraction violation** that has been issued for which the annual review 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. If the Board of Adjustment votes to hold a modification or revocation of the special use permit, the property owner, as specified under subsection (VV)(4) below, shall be provided notice of the meeting and a copy of the staff report.

(d) *Violations.* The following tables show public safety and public nuisance violations based on the applicable City department, and are not exhaustive of all potential violations of this Chapter.

Public Safety Violations

Table 1: Greenville Police Public Safety Violations Major Violations	
Major Violations	Minor Violations

Aggravated Assault (to include shootings, stabbings, violent assaults resulting in significant injury, employee assaulting patron with significant injury)	Sale of Alcohol to Minors by Outlet Staff
Sexual Assaults	Minor Altercations (fights-little or no injury, verbal disputes requiring police intervention)
Security Neglect	ALE/ABC issues
Prostitution	Security Violation (Minor)
Negligent service of alcohol resulting in severe injury or death	Negligent service of alcohol resulting in injury to persons or property; no injury/treatment required by medical personnel/facility
Selling drugs on premises	Noise Violations
	Other Nuisance Violations

Table 2: Greenville Fire/Rescue/Building Code Public Safety Violations	
Major Violations	Minor Violations
Blocked egress or exit that is inoperable/ Inadequate means of egress	Exit sign not working properly
Fire protection system impairment including sprinkler/fire alarm	Emergency lighting not working properly
Illegal/unapproved use of pyrotechnics	Fire extinguishers expired or not working properly
Installation of unapproved wall coverings that promote flame spread	Misuse of extension cords
Hazardous conditions prone to cause fire	Damaged electrical outlets
Bad condition of walls	Unapproved construction or modification to existing space (potentially major if significant change as determined Fire Marshal)
Overloaded floors	Failure to complete required staff training
Defective construction	
Decay	
Unsafe wiring or heating systems	

Table 3: Public Nuisance Violations	
Violation	Responsible Department
Noise	GPD
Trash and debris	PDS
Lack of required security personnel on-site	GPD, PDS
Other minor SUP violation	GPD, FR, PDS

Non-life safety building/fire/zoning violations	FR, PDS
Lack of permit holder or on-site manager on the premises	GPD, PDS

(e) *Continuing Violations.* If a violation of this article is not corrected within the time specified in the notice and citation or other lawful order issued hereunder, the violator shall be guilty of a new and separate violation, and each day’s further continuing violation shall be a separate and distinct violation, enforceable by all the remedies herein set forth, including additional civil penalties.

(f) *Compliance.* Bar 2022s that have not received any **infractions violations** 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 may be recommended for renewal by the Director of Planning and Development Services or their representative to the Board of Adjustment at the annual review.

(g) *Noncompliance; Modification or Revocation.* Staff may request the Board of Adjustment hold a hearing for a modification or revocation of a special use permit for any establishment that has enforcement actions for numerous **infractions violations** of one or more instances of noncompliance with applicable laws, codes and ordinances including Notices of Violation and/or numerous calls for service from City departments such as Police, Fire, Public Works, or Planning & Development Services, 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 property owner, as specified under subsection (VV)(4), below shall be provided notice of the meeting and a copy of the staff report.

(h) *Quasi-Judicial Hearing.* Any hearing for a modification or revocation of a special use permit shall be in the nature of and in accordance with the requirements for a hearing upon a special use permit application. After the hearing and in accordance with the provisions of section [9-4-81](#), the Board of Adjustment may modify the conditions or revoke a special use permit pursuant to this section (VV) and section [9-4-82](#). The modification or revocation of the special use permit by the Board of Adjustment after the hearing shall constitute a revocation of the previously granted special use permit for a bar 2022.

(i) *Revocation.* If a special use permit is revoked for any reason, use of the property allowed by such special use permit shall be discontinued immediately.

(2) *Litter/Debris.* 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) *Ownership.* 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) *Noise-amplified entertainment.* 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) *Security plan.* A security plan shall be submitted to the Greenville Police Department for review and approval along with the special use permit application. Additional security personnel maybe required at the discretion of the Chief of Police based on location, proximity to similar uses, such as bars and other bar 2022s, and 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) *Lighting plan.* 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) *Parking.* Shall be exempt of parking requirements in Article O in the Uptown District Area. Article O. Parking standards apply in all areas except the Uptown District Area.

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

(13) Shall only be granted one special use permit for the operation of one Bar 2022 per parcel and/or building regardless of available units, suites, or square footage within the building.

(14) Penalties

(A) Any violation of the provisions of this chapter or a failure to comply with any of its requirements shall subject the violator to a civil penalty as follows:

Type of Violation	First Day	Second Day/Second Violation within 12 Months	Third Day/Second Violation within 12 Months
Major Violation	\$500	\$1,000	\$2,000
Minor Violation	\$250	\$500	\$1,000

(B) *Payment.* Violators shall be issued a citation which must be paid within 72 hours. If a person fails to pay the civil penalty within 72 hours, the city may recover the penalty together with all costs by filing a civil action in the general court of justice in the nature of a suit to collect a debt.

(C) *Other Remedies.* In addition to the issuance of a notice of violation, citation, or some other order, the modification or revocation of a Bar 2022 special use permit, or imposition of civil

penalties, any person who violates this article may be subject to any and all civil and equitable remedies set out in G.S. § 160A-175 and G.S. § 160D-404(c) in a court of competent jurisdiction.

(D) *Continuing Violations.* Each day that any violation continues shall be considered a separate violation for purposes of the penalties and remedies specified in this section. Notwithstanding the foregoing, the Zoning Enforcement Officer may invoke the escalating civil penalties authorized by subsection (A) whenever the violation continues and there has been sufficient time, no more than 72 hours, for the violation to be corrected after notification that the violation exists or whenever the violation has occurred previously during a 12-month period.

(E) *Cumulative Penalties and Remedies.* Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this chapter.

(F) *Interested Parties.* The owner, tenant or occupant of any building or land or part thereof and any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this chapter may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

(15) Appeals

(A) Appeals of Zoning Enforcement violations shall be made to the Board of Adjustment in accordance with 9-4-351 and shall be submitted to the City Clerk within 30 days of issuance of Notice of Violation.

(B) Appeals from Greenville Police Department, Fire/Rescue and Public Nuisance violations shall be in accordance with standards and policies of the appropriate department.”

Section 5. That all ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 6: 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 7: That this ordinance shall become effective upon its adoption.

ADOPTED this 12th day of January, 2023.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

Doc. # 1167197

ORDINANCE NO. 23-____
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 January, 2023, 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 definitions in their respective suitable locations within the section based on its alphabetical ordering:

Premises. A fixed permanent establishment, including all areas inside or outside extensions, including but not limited to decks, porches, patios, the establishment, where the permit holder has control through a lease, deed, or other legal process, including areas related to the fixed permanent establishment that are in close proximity. Premises larger than the allowable square footage under Bar 2022 must be appropriately separated to meet the allowable square footage and meet all applicable building code requirements, including future amendments, and independent of other available space within the same premises that exceeds the 3,500 square feet requirement.

On-site manager. A person principally in charge of a Bar 2022 when the permit holder of the establishment is not on-site and who is listed with and approved by the City as an on-site manager.

Public safety violation. Violations that are related to the sole or principal purpose to protect the health, safety and welfare of patrons or employees of an establishment and the general public. These violations are split into two classes: major and/or minor.

- a. Major violations are of such an egregious nature that it warrants immediate action. Major violations can cause a hearing for modification or revocation of a special use permit to be requested by PDS if at least 2 violations resulting in the issuance of an ~~infraction~~ violation occur within a 6-month period. This shall not limit the ability of PDS to request a hearing for a modification or revocation for a single egregious violation.
- b. Minor violations do not warrant immediate action. Minor violations can cause a hearing for modification or revocation of a special use permit to be requested by PDS if at least 4 violations resulting in the issuance of an ~~infraction~~ violation occur within a 6-month period.

Public nuisance violation. Violations that do not present an immediate or imminent danger to the general public but relate to quality of life issues. Public Nuisance violations can cause a hearing for a modification or revocation to be requested by PDS if at least 4 violations resulting in the issuance of an ~~infraction~~ violation occur within a 6-month period.”

Section 2. 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) Occupies less than 2,000 square feet of space of premises;
- (b) May provide live or recorded amplified music;
- (c) May provide a floor show;
- (d) May provide a dance area;
- (e) Shall only be allowed with a special use permit in the following geographic area:

Uptown District: Beginning at the intersection of West Third Street and South Pitt Street, between along West and East Third Streets 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 3. That Title 9, Chapter 4, Section 85, subsection is hereby amended by adding “(QQ) Bar 2022”.

Section 4. That Title 9, Chapter 4, Section 86, is hereby amended by adding the following definitions in their respective suitable locations within the section based on its alphabetical ordering:

“(VV) Bar 2022

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

(b) *Control of Premises.* It shall be unlawful for any permit holder to relinquish control of a bar 2022 to any person except an on-site manager. The permit holder or an on-site manager must remain on and in control of the premises during all events, including private parties.

(c) *Reporting.* At the regular January 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 **infraction violation** that has been issued for which the annual review 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. If the Board of Adjustment votes to hold a modification or revocation of the special use permit, the property owner, as specified under subsection (VV)(4) below, shall be provided notice of the meeting and a copy of the staff report.

(d) *Violations.* The following tables show public safety and public nuisance violations based on the applicable City department, and are not exhaustive of all potential violations of this Chapter.

Public Safety Violations

Table 1: Greenville Police Public Safety Violations Major Violations	
Major Violations	Minor Violations

Aggravated Assault (to include shootings, stabbings, violent assaults resulting in significant injury, employee assaulting patron with significant injury)	Sale of Alcohol to Minors by Outlet Staff
Sexual Assaults	Minor Altercations (fights-little or no injury, verbal disputes requiring police intervention)
Security Neglect	ALE/ABC issues
Prostitution	Security Violation (Minor)
Negligent service of alcohol resulting in severe injury or death	Negligent service of alcohol resulting in injury to persons or property; no injury/treatment required by medical personnel/facility
Selling drugs on premises	Noise Violations
	Other Nuisance Violations

Table 2: Greenville Fire/Rescue/Building Code Public Safety Violations	
Major Violations	Minor Violations
Blocked egress or exit that is inoperable/ Inadequate means of egress	Exit sign not working properly
Fire protection system impairment including sprinkler/fire alarm	Emergency lighting not working properly
Illegal/unapproved use of pyrotechnics	Fire extinguishers expired or not working properly
Installation of unapproved wall coverings that promote flame spread	Misuse of extension cords
Hazardous conditions prone to cause fire	Damaged electrical outlets
Bad condition of walls	Unapproved construction or modification to existing space (potentially major if significant change as determined Fire Marshal)
Overloaded floors	Failure to complete required staff training
Defective construction	
Decay	
Unsafe wiring or heating systems	

Table 3: Public Nuisance Violations	
Violation	Responsible Department
Noise	GPD
Trash and debris	PDS
Lack of required security personnel on-site	GPD, PDS
Other minor SUP violation	GPD, FR, PDS

Non-life safety building/fire/zoning violations	FR, PDS
Lack of permit holder or on-site manager on the premises	GPD, PDS

(e) *Continuing Violations.* If a violation of this article is not corrected within the time specified in the notice and citation or other lawful order issued hereunder, the violator shall be guilty of a new and separate violation, and each day’s further continuing violation shall be a separate and distinct violation, enforceable by all the remedies herein set forth, including additional civil penalties.

(f) *Compliance.* Bar 2022s that have not received any **infractions violations** 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 may be recommended for renewal by the Director of Planning and Development Services or their representative to the Board of Adjustment at the annual review.

(g) *Noncompliance; Modification or Revocation.* Staff may request the Board of Adjustment hold a hearing for a modification or revocation of a special use permit for any establishment that has enforcement actions for numerous **infractions violations** of one or more instances of noncompliance with applicable laws, codes and ordinances including Notices of Violation and/or numerous calls for service from City departments such as Police, Fire, Public Works, or Planning & Development Services, 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 property owner, as specified under subsection (VV)(4), below shall be provided notice of the meeting and a copy of the staff report.

(h) *Quasi-Judicial Hearing.* Any hearing for a modification or revocation of a special use permit shall be in the nature of and in accordance with the requirements for a hearing upon a special use permit application. After the hearing and in accordance with the provisions of section [9-4-81](#), the Board of Adjustment may modify the conditions or revoke a special use permit pursuant to this section (VV) and section [9-4-82](#). The modification or revocation of the special use permit by the Board of Adjustment after the hearing shall constitute a revocation of the previously granted special use permit for a bar 2022.

(i) *Revocation.* If a special use permit is revoked for any reason, use of the property allowed by such special use permit shall be discontinued immediately.

(2) *Litter/Debris.* 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) *Ownership.* 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) *Noise-amplified entertainment.* 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) *Security plan.* A security plan shall be submitted to the Greenville Police Department for review and approval along with the special use permit application. Additional security personnel maybe required at the discretion of the Chief of Police based on location, proximity to similar uses, such as bars and other bar 2022s, and 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) *Lighting plan.* 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) *Parking.* Shall be exempt of parking requirements in Article O in the Uptown District Area. Article O. Parking standards apply in all areas except the Uptown District Area.

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

(13) Shall only be granted one special use permit for the operation of one Bar 2022 per parcel and/or building regardless of available units, suites, or square footage within the building.

(14) Penalties

(A) Any violation of the provisions of this chapter or a failure to comply with any of its requirements shall subject the violator to a civil penalty as follows:

Type of Violation	First Day	Second Day/Second Violation within 12 Months	Third Day/Second Violation within 12 Months
Major Violation	\$500	\$1,000	\$2,000
Minor Violation	\$250	\$500	\$1,000

(B) *Payment.* Violators shall be issued a citation which must be paid within 72 hours. If a person fails to pay the civil penalty within 72 hours, the city may recover the penalty together with all costs by filing a civil action in the general court of justice in the nature of a suit to collect a debt.

(C) *Other Remedies.* In addition to the issuance of a notice of violation, citation, or some other order, the modification or revocation of a Bar 2022 special use permit, or imposition of civil

penalties, any person who violates this article may be subject to any and all civil and equitable remedies set out in G.S. § 160A-175 and G.S. § 160D-404(c) in a court of competent jurisdiction.

(D) *Continuing Violations.* Each day that any violation continues shall be considered a separate violation for purposes of the penalties and remedies specified in this section. Notwithstanding the foregoing, the Zoning Enforcement Officer may invoke the escalating civil penalties authorized by subsection (A) whenever the violation continues and there has been sufficient time, no more than 72 hours, for the violation to be corrected after notification that the violation exists or whenever the violation has occurred previously during a 12-month period.

(E) *Cumulative Penalties and Remedies.* Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this chapter.

(F) *Interested Parties.* The owner, tenant or occupant of any building or land or part thereof and any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this chapter may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

(15) Appeals

(A) Appeals of Zoning Enforcement violations shall be made to the Board of Adjustment in accordance with 9-4-351 and shall be submitted to the City Clerk within 30 days of issuance of Notice of Violation.

(B) Appeals from Greenville Police Department, Fire/Rescue and Public Nuisance violations shall be in accordance with standards and policies of the appropriate department.”

Section 5. That all ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 6: 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 7: That this ordinance shall become effective upon its adoption.

ADOPTED this 12th day of January, 2023.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

Doc. # 1175166

Excerpt from the draft Planning & Zoning Commission Minutes (12/20/2022)

ORDINANCE REQUESTED BY THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT TO ESTABLISH A NEW USE AND ADD A DEFINITION AND STANDARDS FOR A "BAR 2022" WHICH INCLUDES TWO OPTIONS RELATED TO SIZE LIMITATION: 1) NO MORE THAN 3,500 SQUARE FEET OR 2) NO MORE THAN 2,000 SQUARE FEET

Chantae Gooby presented for staff. The request is related to the standards for the "Bar 2022" use and also include specific language in regards to size limitation. There are two options 1) no more than 3,500 square feet OR 2) no more than 2,000 square feet. In April 19, 2022, the Planning and Zoning Commission voted to recommend approval (6:2) of the original amendment and to implement further public engagement before the consideration of the request. At the May 9, 2022 City Council meeting staff was directed to have more public input. Effective July 7, 2022, there was a new legislation passed by North Carolina for bars, clubs, and restaurants which impacted the pending amendment. Staff had three public interest meetings on July 27, 2022, which resulted in about 40 attendees. During the meeting, staff reviewed the regulations presented to Planning and Zoning Commission, presented a study of available properties in downtown area based on those regulations, offered three additional area in the City to possibly implement the same regulations, as well as, presented an enforcement plan for modification and/or revocation of permit. Feedback from the stakeholder's meeting included the following: requiring sales of 20% of other goods and/or services other than alcoholic beverages, limit size to 2,000 square feet instead of 3,500 square feet, closing times Sunday through Thursday would be 11:00PM and Friday through Saturday would be 12:00AM – which is one hour earlier, concern of possible increase in criminal activity with more alcohol establishments, discouragement of new business and residents from locating in downtown, increase noise and traffic/parking issues, financial strain on new businesses, limits free enterprise, possible lack of enforcement, City should concentrate on other existing/new businesses, shouldn't change the current regulations, focus on implementing new regulations for downtown area first, and security should be required. A "Bar 2022" has two options on size limits 1) less than 3,500 OR 2) 2,000 square feet and also may have live or recorded amplified music, may provide a floor show, may provide a dance area, and shall only be allowed with special use permit in the eligible area shown on the map in your packet. A manager has to be on site at all times. If there is amplified entertainment provided after 11PM, the establishment shall employ uniformed security guard(s) based on the ratio (100:1) of the building occupancy. A security plan has to be approved by the Greenville Police Department, have a lighting plan, no parking requirements, shall use apps and software to detect fake IDs, and comply with current building codes and safety standards. There is no separation between uses or districts. The new regulations also include enforcement standards. There are public safety and public nuisance violations and those have been classified as either "major" or "minor". If an establishment has 2 major public safety violation or 4 minor violations in 6 months staff will report that information to the Board of Adjustment where there may be a hearing for a modification or revocation of the special use permit. 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,

Mr. Joyner asked about no separation between uses or districts and does it include the "500-foot" rule regarding churches and schools.

Ms. Gooby responded the traditional standards for bars has not changed. "Bar 2022" is a new use with no separation requirements.

Mr. Faison asked if the "Bar 2022" could only exist with the presented eligible area.

Ms. Gooby stated yes.

Mr. Faison asked why “Bar 2022” was only allowed in the eligible area and not extended city-wide because he remembered that the board sent back recommendations to expand across the City. It seems as if a “Bar 2022” is being limited to one area and not city spread.

Mr. Denton agreed with this comment from Mr. Faison and stated there may be an issue with the “500-foot rule” that is already set in place.

Ms. Gooby stated a “Bar 2022” doesn’t have any separation standards but still traditional bar still has to abide by the “500-foot rule”.

Mr. Denton asked if the board could adjust the request or does the board only have the option to approve or deny.

Ms. Gooby confirmed that the board could only vote up or down.

Mr. Faison asked if the “500-foot rule” was a completely separate topic.

Mr. Joyner stated that when the request was initially presented to the board, the board requested that the use be city-wide.

Mr. Faison stated that the request was not changed as far as the eligible area.

Ms. Gooby stated that request went to City Council and there were other City Council workshops in which this was discussed. This particular request is what City Council has requested to be presented.

Mr. Faison asked if the current request can be placed on hold until the next item on the agenda was discussed.

Ms. Gooby stated both requests would still need to be voted on; however, the board can move on to the next item on the meeting’s agenda.

Motion made by Mr. West seconded by Mr. Denton, to approve the postponement of item number 8, until after the discussion of item number 9. Motion passed. Vote: 5 to 0

Mr. Barnett, Director of Planning and Development Services, stated that staff was aware of all items that were presented. He and Ms. Gooby relayed all questions and topics to City Council. He stated that it was presented to extend the eligible area city-wide and City Council stated not at this time. City Council informed there may be extension of the eligible area later but just not at this time.

Chair opened the public hearing.

No one spoke in favor.

Mr. Maury York stated that he and his wife have owned a building in uptown Greenville since 1989. This site is currently deemed as a local landmark and is being leased by a real estate agency. He understands the commission member is trying to strategize keeping young adults in the City but he strongly objects to the proposed ordinance that will circumvent the “500-foot rule”. He stated that the “500-foot rule” has served well since it was implemented in 2010 after the 2 murders that happened on 5th Street. He appreciates the parameters crafted by Ms. Gooby and her dedicated team; however, there is still no guarantee that new bars that wish to move uptown Greenville will be an asset. The new proposed ordinance will not contribute to the on-going improvement of the area. He arrived at his building one morning and noticed bodily fluids and

trash next to his building. The bar owners are responsible for cleaning up their location after every closing. He mentioned to a highly respected uptown restaurant owner what he noticed and the owner stated, 'oh, we see that all the time'. It would be unwise to change the ordinance at this time. With this "500-foot rule", it is respected by many highly respected business owners. There are very few vacant sites for new businesses in uptown. Crime has decreased.

Mr. Don Edwards stated he has a list of 100 stakeholders that are in favor of the "500-foot rule". He stated that he is the liaison for Paul Atkinson and Scott Diggs, who are currently investing \$100 million dollars for the Hilton Garden. Both Paul Atkinson and Scott Diggs are in favor of the "500-foot rule". He would like for the 2,000 square option to be implemented as well. With the 3,500 square feet, it would house about 700 people and that is not safe for our citizens. He asked if earlier closing hours could be implemented in the special use permit.

Mr. Faison stated it was against the state law.

Mr. Faison asked Mr. Edwards what his stance was prior to the hotel investment.

Mr. Edwards stated that he would like the proper guard rails set in place.

Mr. Denton stated that this commission is not allowed to make any changes to the proposed amendment.

Mr. Edwards asked was there a way to make changes to strengthen the guard rails.

Mr. Denton asked Mr. Edwards, from the list of stakeholders, were there any comments in regards to the square footage.

Mr. Edwards stated that 2,000 square feet is what is needed.

Chair Faison closed the public hearing.

Motion made by Mr. Joyner, seconded by Mr. Peyton, for approval of the proposed amendment for size limitation for 3500 square feet, to advise that it is consistent with the comprehensive plan and to adopt the staff report which addresses plan consistency and other matters. Motion failed. Vote 2:3. Voting in favor: Joyner and Peyton. Voting in opposition: Collins, Denton and West.

Motion made by Mr. Collins, seconded by Mr. Denton, for denial of the proposed amendment for size limitation for 3500 square feet, although the proposed amendment is consistent with the comprehensive plan, there is a more appropriate zoning classification, and to adopt the staff report which addresses plan consistency. Motion passed. Vote 3:2. Voting in favor: Collins, Denton and West. Voting in opposition: Joyner and Peyton.

Motion made by Mr. West, seconded by Mr. West, for approval of the proposed amendment for size limitation for 2000 square feet, to advise that it is consistent with the comprehensive plan and to adopt the staff report which addresses plan consistency and other matters. Motion failed. Vote 2:3. Voting in favor: Joyner and Peyton. Voting in opposition: Collins, Denton and West.

Motion to deny the proposed amendment for size limitation for 2000 square feet, although the proposed amendment is consistent with the comprehensive plan, there is a more appropriate zoning classification, and to adopt the staff report which addresses plan consistency. Motion passed. Vote 3:2. Voting in favor: Collins, Denton and West. Voting in opposition: Joyner and Peyton.



City of Greenville, North Carolina

Meeting Date: 01/12/2023

Title of Item:

Ordinance requested by the Planning and Development Services Department to make changes to the Zoning Ordinance by deleting the use, definition and standards of a "dining and entertainment establishment", adding a "microbrewery" and "microdistillery" as an accessory use to a "bar" and adding "alcohol sales" as an accessory use for certain uses and making amendments due to changes in the North Carolina General Statutes which includes the following: amending the definition of a "restaurant, conventional" and changing the name of "public or private club" to "bar" along with amending the standards of same

Explanation:

This request consists various amendments to the Zoning Ordinance. Some of the amendments are related to changes in the General Statutes that necessitates the City to update its code. The other changes are related to stakeholder and public feedback received as part of the 500-foot rule and Bar 2022 discussions. Staff has attached a red-line copy that shows the original text and proposed changes for your reference. The final text is included in the attached ordinance. These amendments have been grouped into three (3) categories as listed below:

1. Amending the name and definition of "Public or private club" to "Bar", amending the definition of "Restaurant, conventional", deleting "Dining and entertainment establishments", amending the standards for a "Bar" and adding a definition of ~~"infraction"~~ "violation".

On July 7, 2022, new legislation was passed by the State of North Carolina related to bars, clubs and restaurants. The definition of "Private bar" was repealed and replaced with the following: "Bar. An establishment that is primarily engaged in the business of selling alcoholic beverages and for consumption on the premises. A bar shall not include a brewery, winery, or distillery." Also, the definition of "restaurant" was amended where the required amount of seating was reduced from at least 36 to 10 and included the ability of the restaurant to operate without maintaining the kitchen operations at all times it is open to the public. With respect to those changes, "public or private club" will change to "bar" and the current definition of "public or private club" and "restaurant" needs to be amended to align with state law. This includes reducing the ratio of alcohol sales to food sales from 50% alcohol sales to 50% food sales to 70% alcohol sales to 30% food sales. Due to the change in ratio of alcohols sales to food sales, dining entertainment establishments become redundant because the required ratio of alcohols sales to food sales will be the same of the new definition of "restaurant, conventional". Also, included in this amendment

area changes to the language related to special use permits so that the language is the same for "Bar 2022" and other alcohol establishments. This includes the addition of the definition of ~~"infraction"~~ "violation".

2. Amending the definition of "accessory use" and adding "accessory use, alcohol sales".

As part of the discussion of the 500-foot rule and Bar 2022, there was interest in allowing certain uses to serve and sell alcohol that did not want to exclusively sell alcohol or be a restaurant. The purpose of this amendment is to allow certain uses the opportunity to serve and sell alcohol as an accessory use. The storage space and operating area of the alcohol sales shall not exceed 20% of the total square footage of the building(s) or 20% of the total land area devoted to the principal use. The operator will be required to secure an ABC permit, local beer and wine license and a zoning compliance permit. Below are the specific uses as listed in Title 9, Chapter 4, Article U, Appendix A, *Table of Uses*:

(10) Retail Sales

- a. Miscellaneous retail sales; nondurable goods; not otherwise listed
- p. Furniture and home furnishing sales not otherwise listed
- r. Antique sales, excluding vehicles
- s. Book or card store; news stand
- t. Hobby or craft shop
- v. Video or music store; record, tape, compact disc and the like sales
- x. Sporting goods sales and rental shop

3. Amending the language related to special use permits for "microbrewery" and "microdistillery" to align with the standards for "Bar 2022" and other alcohol establishments and to allow "microbrewery" and "microdistillery" as an accessory use to a "bar". The accessory use shall not 49% of the area of the bar including the operating brewing and/or distilling equipment.

Fiscal Note: No direct 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; and*

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.

Therefore, staff recommends approval.

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

- 📄 [Revised Ordinance_for_D&E__accessory_use_of_microdistillery_and_brewery_and_alcohol_sales.pdf](#)
- 📄 [Excerpt for Item 9.pdf](#)
- 📄 [Red-line__public_or_private_club_.pdf](#)
- 📄 [Red_line_version_of_restaurant__conventional.pdf](#)
- 📄 [Clean_version_of_restaurant.pdf](#)
- 📄 [D & E Definiton and Standards.pdf](#)
- 📄 [D and Es.pdf](#)
- 📄 [Red line accessory_use.pdf](#)
- 📄 [Red_line_Microbrewery_and_microdistillery.pdf](#)

ORDINANCE NO. 23-____
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 January, 2023, 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;* and

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.

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 definitions in their respective suitable location within the section based on its alphabetical ordering:

Infraction Violation. An occurrence on the premises for which a special use permit is held that leads to the issuance including but not limited to any of the following: notice of violation, citation, arrest, other complaint and order or legal process.

Accessory use; Alcohol Sales. Allows the on-premise sale and consumption of malt beverages, unfortified and fortified wine, and spirituous liquor. A use which meets the following conditions:

(1) A use located on the same lot as the principal use, whether located in the same building, in an accessory building or as an accessory use of land;

(2) Is incidental to and subordinate to the principal use;

(3) Will be constructed, maintained and conducted to avoid creation of a nuisance or hazard to the principal use or area uses to a greater degree than that which can be expected by the principal use prior to creation of the accessory use;

(4) In no case shall storage space and the operation of an accessory use exceed 20% of the total square footage of the building(s) or 20% if the total land area used where the principal use is located;

(5) Does not enlarge, expand, or change the nature of the use of an otherwise nonconforming principal use;

(6) Shall not be established until approval of all required permits, including but not limited to special use permits, ABC permits and local beer and wine licenses, for the principal and the accessory use or activity;

(7) Shall only be permitted in the zoning districts as shown in Title 9, Chapter 4, Article U, Appendix A, *Table of Uses*;

(8) Shall only be permitted as an accessory to the following uses as listed in Title 9, Chapter 4, Article U, Appendix A, *Table of Uses*:

(10) Retail Sales

a. Miscellaneous retail sales; nondurable goods; not otherwise listed

p. Furniture and home furnishing sales not otherwise listed

r. Antique sales, excluding vehicles

s. Book or card store; news stand

t. Hobby or craft shop

v. Video or music store; record, tape, compact disc and the like sales

x. Sporting goods sales and rental shop

(9) Meeting all standards for the use, as required by the Chapter, as though it were a principal use, except parking.

Section 2. That Title 9, Chapter 4, Section 22, is hereby amended by deleting and replacing the definition of “*Public or private club*” with the following in its respective suitable location within the section based on its alphabetical ordering:

Bar

- (1) An establishment of which the principal use is primarily engaged in the business of selling alcoholic beverages and for consumption on the premises. A bar shall not include a brewery, winery, or distillery. A bar must meet all of the following:
 - (a) May provide live or recorded amplified music;
 - (b) May provide a floor show;
 - (c) May provide a dance area;
 - (d) May offer a full service bar; and
 - (e) Does not qualify under the definitions of restaurant, fast food; restaurant, conventional; or bar 2022 as contained in this section.

Any proposed or established “restaurant; conventional” that does not comply with the definition, standards or requirements applicable to a “restaurant; conventional” as contained herein shall be classified as a “bar” for purposes of zoning regulation.

Section 3. That Title 9, Chapter 4, Section 22, is hereby amended by deleting and replacing the definition of “*Restaurant, conventional*” with the following in its respective suitable location within the section based on its alphabetical ordering:

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

- (1) Has sales of prepared and/or packaged foods, in a ready-to-consume state, in excess of 30% of the total gross receipts for the establishment during any month.
 - (a) In determining the portion of sales that can be attributed to the sale of prepared and/or packaged food in a ready-to-consume state, the following sales shall be included: food prepared in the establishment’s kitchen and served as a meal to be consumed on the premises or as a take-out order; packaged food sold to accompany the meal; and non-alcoholic beverages sold to accompany the meal.
 - (b) The following shall not be included in the portion of sales that can be attributed to the sales of prepared and/or packaged food in a ready-to-consume state: mixed alcoholic beverages, including the mixer; any other alcoholic beverage; grocery items not ordered and purchased with meals; and any other product, item, entertainment, service or gratuity which is not specified in this subsection (1) as a sale to be included in the portion of sales that can be attributed to the sales of prepared and/or packaged food in a ready-to-consume state.

(c) For purposes of determining compliance under this subsection (1), the Zoning Enforcement Officer may utilize and rely upon any routine or special audit report prepared by a department, division of a department, or agency of the State of North Carolina.

(2) May offer food in disposable containers;

(3) Does provide sit down dining area(s);

(4) Does provide table cleaning and clearing (busboy) services;

(5) Does provide attendant (waiter/waitress) food delivery services, unless over the counter service is provided in accordance with subsection (9) below;

(6) May offer carry-out and/or off-site delivery services, provided the food service is an accessory activity;

(7) Does not offer drive-in attendant services;

(8) May exhibit one but not both of the following operational functions or characteristics:

(a) Drive-through service; or

(b) Over the counter service. For purposes of this section, the term “over the counter service” shall include both customer ordering and the receipt of food, excepting beverages, condiments, utensils and the like, from an order/delivery station or counter remote to the on-site place of consumption.

(9) May have a full service bar, live or recorded amplified music, floor show and dancing area which is open to the restaurant patrons and general public and is limited to the hours of operation of the principal use restaurant.

Section 4. That Title 9, Chapter 4, Section 86(F), is hereby amended by deleting and replacing with the following:

(F) *Bar*

(1) (a) *Annual Review.* A special use permit for a bar is subject to annual review in accordance with the provisions of this subsection (F)(1). Nothing herein shall prohibit or restrict the authority of the Board of Adjustment to modify, rescind or revoke a special use permit for a bar in accordance with the provisions of section 9-4-83.

(b) *Reporting.* At the regular January 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 ~~infraction~~ *violation* that has been issued for which the annual review 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. If the Board of Adjustment votes to hold a hearing for modification or revocation of the special use permit, the property owner, as specified under subsection (F)(4) below, shall be provided notice of the meeting and a copy of the staff report.

(c) *Noncompliance; and Modification or Revocation.* Staff may request for the Board of Adjustment to hold a hearing for a modification or revocation of a special use permit for any establishment that has enforcement actions for numerous ~~infractions~~ *violations* of one or more instances of noncompliance with applicable laws, codes and ordinances including Notices of Violation and/or numerous calls for service from City departments such as Police, Fire, Public Works, or Planning & Development Services, 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, and property owner, if not the same individual, as specified under subsection (F)(4) below, shall be provided notice of the meeting and a copy of the staff report.

(d) *Quasi-Judicial Hearing.* Any hearing for a modification or revocation of a special use permit shall be in the nature of and in accordance with the requirements for a hearing upon a special use permit application. After the hearing and in accordance with the provisions of section 9-4-81, the Board of Adjustment may modify the conditions or revoke a special use permit pursuant to this section (F) and section 9-4-82. The modification or revocation of the special use permit by the Board of Adjustment after the hearing shall constitute a revocation of the previously granted special use permit for a bar.

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

(2) *Litter/Debris.* The owner(s) and operator(s) of a bar 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 bar shall comply with the provisions of Title 11, Chapter 9 of the City Code.

(3) In addition to subsection (F)(2) above, the Board of Adjustment may establish specific and reasonable litter and trash mitigation standards or requirements.

(4) *Ownership.* 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, is transferred to a new owner by sale or other means, the new owner shall sign and file with the office of the Director of 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) Any bar that has been issued a special use permit by the Board of Adjustment shall continue under the terms and conditions of the issued special use permit unless there is a modification or a revocation.

(6) No bar located in any district shall be located within a 500-foot radius of an existing or approved bar as measured from the nearest lot line in accordance with the following. When a public or private club is located or to be located on a lot exclusive to itself, the measurement shall be from the perimeter lot line of the exclusive lot. When a bar is located or to be located in a

separate structure exclusive to itself on a lot containing multiple uses, the measurement shall be from the perimeter lot line of the lot containing multiple uses. When a bar is located or to be located in a common structure with other uses such as a shopping center on a common lot, the measurement shall be from the perimeter lot line of the common lot.

(7) At the time of special use permit approval, a bar shall not be located within a 500 foot radius, including street right-of-ways, of (i) a conforming use single-family dwelling located in any district, or (ii) any single-family residential zoning district. The required measurement shall be from the building or structure containing the bar to the nearest single-family dwelling lot line or single-family residential zoning district boundary line. For purpose of this section, the term “single-family residential zoning district” shall include any RA20, R15S, R9S, R6S, and MRS district.

Section 5. That the Greenville Code of Ordinance is hereby amended by deleting and replacing “public private club” with “bar”.

Section 6. That Title 9, Chapter 4, is hereby amended by deleting the definition of “dining and entertainment establishment” and replacing with the following:

Dining and entertainment establishment. See definition of *restaurant, conventional.*

Section 7. Title 9, Chapter 4, Section 9-4-86(F)1 is hereby deleted .

Section 8. That Title 9, Chapter 4, Section 22, is hereby amended by deleting and replacing the definition of “Accessory use” with the following in its respective suitable location within the section based on its alphabetical ordering:

Accessory use. A use which meets the following conditions:

- (1) A use located on the same lot as the principal use, whether located in the same building, in an accessory building or as an accessory use of land;
- (2) Is incidental to and subordinate to the principal use;
- (3) Will be constructed, maintained and conducted to avoid creation of a nuisance or hazard to the principal use or area uses to a greater degree than that which can be expected by the principal use prior to creation of the accessory use;
- (4) In no case shall storage space and the operation of an accessory use exceed 20% of the total square footage of the building(s) or 20% if the total land area used where the principal use is located;
- (5) Does not enlarge, expand, or change the nature of the use of an otherwise nonconforming principal use;
- (6) Shall not be established until approval of all required permits for the principal and the accessory use or activity; and
- (7) Meeting all standards for the use, as required by the Chapter, as though it were a principal use, except parking

Section 9. That Title 9, Chapter 4, Section 86(QQ), is hereby amended by deleting and replacing with the following:

9-4-86 Standards

(QQ) *Microbrewery* (see also section [9-4-22](#)).

(1) Microbreweries are allowed within the CD (Downtown Commercial) zoning district, subject to an approved special use permit.

(2) The principal use is the production of malt beverages for retail sales for on-premises and off-premises consumption in accordance with ABC permit requirements set forth in G.S. 18B-1001 as amended and issuance of on-premises malt beverage permit for breweries as authorized by G.S. 18B-1104 as amended and all other laws pursuant to G.S. 18B, as amended.

(3) Accessory uses may include and be limited only to: retail sales, food and beverage consumption, entertainment, games, a tasting room, event room, and loading area.

(4) The portion of the building devoted to operating brewing equipment shall not exceed 5,000 square feet.

(5) A minimum of 30% of the microbrewery's floor area shall have operating brewing equipment that produces beer for retail sales. This percentage shall be satisfied at the time a Certificate of Occupancy inspection is conducted and shall be maintained thereafter.

(6) In addition to compliance with the noise control standards in Title 5, Chapter 5 of the City Code, exterior guest areas shall not have amplified sound equipment within 150 feet from any residential use as measured from the property line of the residential use to the exterior area where the speaker equipment is located.

(7) (a) *Annual Review.* A special use permit for a microbrewery is subject to annual review in accordance with the provisions of this subsection (QQ)(7). Nothing herein shall prohibit or restrict the authority of the Board of Adjustment to modify, rescind or revoke a special use permit for a microbrewery in accordance with the provisions of section [9-4-83](#).

(b) *Reporting.* At the regular January 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 ~~infraction violation~~ that has been issued for which the annual review 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. If the Board of Adjustment votes to hold a modification or revocation of the special use permit, the property owner, as specified under subsection (QQ)(11) below, shall be provided notice of the meeting and a copy of the staff report.

(c) *Noncompliance; and Modification or Revocation.* Staff may request for the Board of Adjustment to hold a hearing for a modification or revocation of a special use permit for any establishment that has enforcement actions for numerous ~~infractions violations~~ of one or more instances of noncompliance with applicable laws, codes and ordinances including Notices of Violation and/or numerous calls for service from City departments such as Police, Fire, Public Works, or Planning & Development Services, 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 property owner, as specified under subsection (QQ)(11) below, shall be provided notice of the meeting and a copy of the staff report.

(d) *Quasi-Judicial Hearing.* Any hearing for a modification or revocation of a special use permit shall be in the nature of and in accordance with the requirements for a hearing upon a special use permit application. After the hearing and in accordance with the provisions of section 9-4-81, the Board of Adjustment may the special use permit pursuant to this subsection (QQ) and section 9-4-82. The modification or revocation of the special use permit by the Board of Adjustment after the hearing shall constitute a revocation of the previously granted special use permit for a microbrewery.

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

(8) Malt beverages produced for retail sales for on-premises and off-premises consumption shall comply with ABC permit requirements set forth in G.S. 18B-1001 as amended and issuance of on-premises malt beverage permit for breweries as authorized by G.S. 18B-1104 as amended and all other laws pursuant to G.S. 18B as amended.

(9) *Litter/Debris.* The owner(s) and operator(s) of a microbrewery bar 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 microbrewery shall comply with the provisions of Title 11, Chapter 9 of the City Code.

(10) In addition to subsection (QQ)(9) above, the Board of Adjustment may establish specific and reasonable litter and trash mitigation standards or requirements.

(11) *Ownership.* 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 microbrewery is transferred to a new owner by sale or other means, the new owner shall sign and file with the office of the Director of 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.

(12) Any microbrewery that has been issued a special use permit by the Board of Adjustment shall continue under the terms and conditions of the issued special use permit unless there is a modification or a revocation.

(13) A bar may add, subject to an approved special use permit, a state ABC permit and a local beer and wine license, if required, a microbrewery operation as an accessory use provided it complies with the following:

(a) The area of the bar devoted to operating the brewing equipment shall not exceed 49% of the area of the bar including the area devoted to the operating the brewing equipment.

Section 10. That Title 9, Chapter 4, Section 86(UU), is hereby amended by deleting and replacing with the following:

(UU) *Microdistillery (see also section 9-4-22).*

(1) Microdistilleries are allowed within the CD (Downtown Commercial) zoning district, subject to an approved special use permit.

(2) The principal use is the production of spirituous liquor for retail sales for on-premises and off-premises consumption in accordance with ABC permit requirements set forth in G.S. 18B-1001 as amended and issuance of on-premises spirituous liquor permit for distilleries as authorized by G.S. 18B-1105 as amended and all other laws pursuant to G.S. 18B as amended.

(3) Accessory uses may include and be limited only to: retail sales; food and beverage consumption; entertainment; games; a tasting room; event room; and loading area.

(4) The portion of the building devoted to operating distilling equipment shall not exceed 5,000 square feet.

(5) A minimum of 30% of the microdistillery's floor area shall have operating distilling equipment that produces spirituous liquor for retail sales. This percentage shall be satisfied at the time a Certificate of Occupancy inspection is conducted and shall be maintained thereafter.

(6) In addition to compliance with the noise control standards in Title 5, Chapter 5 of the City Code, exterior guest areas shall not have amplified sound equipment within 150 feet from any residential use as measured from the property line of the residential use to the exterior area where the speaker equipment is located.

(7) (a) *Annual Review.* A special use permit for a microdistillery is subject to annual review in accordance with the provisions of this subsection (UU)(7). Nothing herein shall prohibit or restrict the authority of the Board of Adjustment to modify, rescind or revoke a special use permit for a microbrewery in accordance with the provisions of section 9-4-83.

(b) *Reporting.* At the regular January 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 ~~infraction~~ *violation* that has been issued for which the annual review 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. If the Board of Adjustment votes to hold a modification or revocation of the special use permit, the property owner, as specified under subsection (UU)(11) below, shall be provided notice of the meeting and a copy of the staff report.

(c) *Noncompliance; and Modification or Revocation.* Staff may request for the Board of Adjustment to hold a hearing for a modification or revocation of a special use permit for any establishment that has enforcement actions for numerous ~~infractions~~ *violations* of one or more instances of noncompliance with applicable laws, codes and ordinances including Notices of Violation and/or numerous calls for service from City departments such as Police, Fire, Public Works, or Planning & Development Services, 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 property owner, as specified under subsection (UU)(11) below, shall be provided notice of the meeting and a copy of the staff report.

(d) *Quasi-Judicial Hearing.* Any hearing for a modification or revocation of a special use permit shall be in the nature of and in accordance with the requirements for a hearing upon a special use permit application. After the hearing and in accordance with the provisions of section 9-4-81, the Board of Adjustment may the special use permit pursuant to this subsection (QQ) and section 9-4-82. The modification or revocation of the special use permit by the Board of Adjustment after the hearing shall constitute a revocation of the previously granted special use permit for a microdistillery.

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

(8) Spirituous liquor produced for retail sales for on-premises and off-premises consumption shall comply with ABC permit requirements set forth in G.S. 18B-1001 as amended and issuance of on-premises spirituous liquor permit for distilleries as authorized by G.S. 18B-1105 as amended and all other laws pursuant to G.S.18B as amended.

(9) *Litter/Debris.* The owner(s) and operator(s) of a microbrewery bar 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 microbrewery shall comply with the provisions of Title 11, Chapter 9 of the City Code.

(10) In addition to subsection (UU)(9) above, the Board of Adjustment may establish specific and reasonable litter and trash mitigation standards or requirements.

(11) *Ownership.* 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 microdistillery is transferred to a new owner by sale or other means, the new owner shall sign and file with the office of the Director of 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.

(12) Any microdistillery that has been issued a special use permit by the Board of Adjustment shall continue under the terms and conditions of the issued special use permit unless there is a modification or a revocation.

(13) A bar may add, subject to an approved special use permit, a state ABC permit, and a local beer and wine license, if required, a microdistillery operation as an accessory use provided it complies with the following:

(a) The area of the bar devoted to operating the distilling equipment shall not exceed 49% of the area of the bar including the area devoted to the operating the brewing equipment.

Section 11. That all ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 12: 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 13: That this ordinance shall become effective upon its adoption.

ADOPTED this 12th day of January, 2023.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

Doc. # 1174914

Excerpt from the draft Planning & Zoning Commission Minutes (12/20/2022)

ORDINANCE REQUESTED BY THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT TO MAKE CHANGES TO THE ZONING ORDINANCE BY DELETING THE USE, DEFINITION AND STANDARDS OF A "DINING AND ENTERTAINMENT ESTABLISHMENT", ADDING A "MICROBREWERY" AND "MICRODISTILLERY" AS AN ACCESSORY USE TO A "BAR" AND ADDING "ALCOHOL SALES" AS AN ACCESSORY USE FOR CERTAIN USES AND MAKING AMENDMENTS DUE TO CHANGES IN THE NORTH CAROLINA GENERAL STATUTES WHICH INCLUDES THE FOLLOWING: AMENDING THE DEFINITION OF A "RESTAURANT, CONVENTIONAL" AND CHANGING THE NAME OF "PUBLIC OR PRIVATE CLUB" TO "BAR" ALONG WITH AMENDING THE STANDARDS OF SAME

Chantae Gooby presented for staff. Part one of the request is to amend the name and definition of "Public or private club" to "Bar", amend the definition of "Restaurant, conventional", delete "Dining and entertainment establishments", amend the standards for a "Bar" and add a definition of "infraction". In July 2022, there were legislative updates that resulted in the City having to evaluate its rules and regulation for bars and restaurant. The new definition of a "bar" is an establishment that is primarily engaged in the business of selling alcoholic beverages and for consumption on the premises. A bar shall not include a brewery, winery, or distillery. Statue law also re-defined a restaurant where there was a reduction in seating to qualify as a restaurant, which now only requires inside seating for 10 and can operate without maintaining kitchen operations when it is open to the public. The new definition reduces food sales from 50% to 30%. Since dining and entertainment establishments (D&Es) require at least 30% food sales that is duplicate with the new definition of a conventional restaurant. D&Es will now be considered conventional restaurants. The new regulations also include enforcement standards. There are public safety and public nuisance violations and those have been classified as either "major" or "minor". If an establishment has 2 major public safety violation or 4 minor violations in 6 months staff will report that information to the Board of Adjustment where there may be a hearing for a modification or revocation of the special use permit. A definition for "infraction" is included in the amendment as well. There are no changes to the 500-foot rule. Part two is amending the definition of "accessory use" and adding "accessory use, alcohol sales". The storage space and operation area of the alcohol sales shall not exceed 20% of total square footage of the building(s) or 20% for the total land are devoted to the principal use. The operator will be required to secure an ABC permit, local beer and wine license and a zoning compliance permit. Part 3 of is amending the language related to special use permits for "microbrewery" and "microdistillery" to align with the standards for "Bar" and other alcohol establishments and to allow a "microbrewery" and a "microdistillery" as an accessory use to a "bar". The accessory use shall not exceed 49% of the area of the bar to include the operating brewing and/or distilling equipment. With this text amendment, this will allow a bar to operate as "microbrewery" and "microdistillery" as an accessory use to a "bar" with a special use permit.

Mr. Collins asked if the "500-foot rule" is still in place and if there are any separation rules for alcohol establishments from each other or other businesses that do not sale alcohol.

Ms. Gooby stated that typically there is no separation between alcohol and non-alcohol from each other. The "500-foot rule" is still in place for bars.

Mr. Faison gave an example of two businesses with alcohols sales as an accessory use could operate with 300 feet of each other and asked if both businesses would be able to apply for ABC permit.

Ms. Gooby stated yes because there is no separation distance.

Mr. Faison asked does this apply to the whole city.

Ms. Gooby stated yes.

Mr. Faison thanked the City staff for their diligence on this matter, as he has spoken personally in regards to this matter. He also asked about the dining and entertainment establishments and the admission cost. He stated that he did not see in language in the proposed amendment to remove the admission fee/cover charge for restaurants.

Ms. Gooby shown the new definition of a restaurant where that language is removed.

Mr. Faison asked if a microbrewery and/or microdistillery can serve their different brands of alcohol.

Ms. Gooby stated that some of the rules and/or regulations are under state law. The City has no rules regarding what products can be served. Microdistilleries and microbreweries are only allowed in CD zoning district, and are still subject to an approved special use permit.

Chair Faison opened the public hearing.

No one spoke in favor.

No one spoke in opposition.

Chair Faison closed the public hearing.

Motion made by Mr. West seconded by Mr. Peyton, for 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.

~~*Public or private club: Bar*~~

(1) An establishment of which the principal use is primarily engaged in the business of selling alcoholic beverages and for consumption on the premises. A bar shall not include a brewery, winery, or distillery. A bar must meet all of the following:

~~(a) May be open to the general public;~~

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

(b a) May provide live or recorded amplified music;

(e b) May provide a floor show;

~~(d c)~~ May provide a dance area;

(e d) May offer a full service bar; and

~~(g) May offer food services;~~

~~(h) May provide food attendant (waiter/waitress) table ordering and busboy services; and~~

(f e) Does not qualify under the definitions of restaurant, fast food; restaurant, conventional; or bar 2022 ~~dining and entertainment establishment~~ as contained in this section.

Any proposed or established “restaurant; conventional” ~~“dining and entertainment establishment”~~ that does not comply with the definition, standards or requirements applicable to a “restaurant; conventional” as contained herein shall be classified as a “~~public or private club~~” bar for purposes of zoning regulation.

9-4-86 Standards

(F) ~~*Public or private club: Bar*~~

(1) (a) *Annual Review.* A special use permit for a ~~public or private club~~ bar is subject to annual review in accordance with the provisions of this subsection (F)(1). Nothing herein shall prohibit or restrict the authority of the Board of Adjustment to modify, rescind or revoke a special use permit for a ~~public or private club~~ bar in accordance with the provisions of section [9-4-83](#).

(b) *Reporting.* At the regular January meeting of the Board of Adjustment, ~~An annual review shall be conducted by~~ the Director of Planning and Development Services or ~~his or her~~ their authorized representative shall present to the Board of Adjustment a written staff report of a ~~public or private club~~ any infraction that has been issued for which the annual review shall include a finding of one or more instances of ~~which has received a special use permit for the purpose of determining and ensuring~~ 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 findings of the Director of Planning and Development Services or his or her authorized representative as a result of this annual review shall be compiled in a written staff report.~~ If the Board of Adjustment votes to hold a hearing for modification or revocation of the special use permit, the property owner, as

specified under subsection (F)(4) below, shall be provided notice of the meeting and a copy of the staff report.

~~(c) At a meeting of the Board of Adjustment, the Director of Planning and Development Services or his or her authorized representative shall present to the Board of Adjustment the staff report of a public or private club bar for which the annual review includes 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 (F)(4) below shall be provided notice of the meeting and a copy of the staff report.~~

~~(cd) *Noncompliance; and Modification or Revocation.* Staff may request for the Board of Adjustment to hold a hearing for a modification or revocation of a special use permit for any establishment that has enforcement actions for numerous infractions of one or more instances of noncompliance with applicable laws, codes and ordinances including Notices of Violation and/or numerous calls for service from City departments such as Police, Fire, Public Works, or Planning & Development Services, 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, and property owner, if not the same individual, as specified under subsection (F)(4) below, shall be provided notice of the meeting and a copy of the staff report.~~

~~Based on the staff report, the Board of Adjustment, by a majority vote, may either determine that a rehearing for a modification or revocation is not required for of the special use permit or order a rehearing on the special use permit.~~

~~1. An order for a rehearing shall be based upon a determination by the Board of Adjustment that either:~~

~~a. The use of the property is inconsistent with the approved application;~~

~~b. The use is not in full compliance with all specific requirements set out in this chapter;~~

~~c. The use is not compliant with the specific criteria established for the issuance of a special use permit including conditions and specifications, health and safety, detriment to public welfare, existing uses detrimental, injury to properties or improvements, and nuisance or hazard; or~~

~~d. The use is not compliant with any additional conditions of approval established by the Board and set out in the order granting the permit.~~

~~2. (d) *Quasi-Judicial Hearing.* Any hearing for a modification or revocation of a special use permit 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 modify the conditions or revoke imposed pursuant to this subsection (F) and section 9-4-82 or deny the a special use permit pursuant to this section (F) and section 9-4-82. The modification or revocation of the special use permit by the Board of Adjustment after the rehearing shall constitute a revocation of the previously granted special use permit for a public or private club bar.~~

Red line version of *Public or private club*.

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

(2) *Litter/Debris*. The owner(s) and operator(s) of a ~~public or private club~~ bar 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~~ bar 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)(2) above, the Board of Adjustment may establish specific and reasonable litter and trash mitigation standards or requirements.

(4) *Ownership*. The special use permit shall be issued to the property owner as listed on the tax records of the county. When the ownership of any property, which has a special use permit for a ~~public or private club~~ bar, is transferred to a new owner by sale or other means, the new owner shall sign and file with the office of the Director of 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) Any ~~public or private club~~ bar that has been issued a special use permit by the Board of Adjustment shall continue under the terms and conditions of the issued special use permit. ~~All subsequent special use permit approvals for the location shall be subject to the specific criteria set forth under this subsection (F).~~ unless there is a modification or a revocation.

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

(7) At the time of special use permit approval, a ~~public or private club~~ bar shall not be located within a 500 foot radius, including street right-of-ways, of (i) a conforming use single-family dwelling located in any district, or (ii) any single-family residential zoning district. The required measurement shall be from the building or structure containing the ~~public or private club~~ bar to the nearest single-family dwelling lot line or single-family residential zoning district boundary line. For purpose of this section, the term “single-family residential zoning district” shall include any RA20, R15S, R9S, R6S, and MRS district.

Red line version of *Restaurant, conventional*.

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

~~(1) Does not require a membership, cover or minimum charge for admittance or service during regular or special periods of operation;~~

~~(2) 1~~ Has sales of prepared and/or packaged foods, in a ready-to-consume state, in excess of ~~50~~ 30% of the total gross receipts for the establishment during any month.

(a) In determining the portion of sales that can be attributed to the sale of prepared and/or packaged food in a ready-to-consume state, the following sales shall be included: food prepared in the establishment's kitchen and served as a meal to be consumed on the premises or as a take-out order; packaged food sold to accompany the meal; and non-alcoholic beverages sold to accompany the meal.

(b) The following shall not be included in the portion of sales that can be attributed to the sales of prepared and/or packaged food in a ready-to-consume state: mixed alcoholic beverages, including the mixer; any other alcoholic beverage; grocery items not ordered and purchased with meals; and any other product, item, entertainment, service or gratuity which is not specified in this subsection ~~(2) 1~~ as a sale to be included in the portion of sales that can be attributed to the sales of prepared and/or packaged food in a ready-to-consume state.

(c) For purposes of determining compliance under this subsection ~~(2) 1~~, the Zoning Enforcement Officer may utilize and rely upon any routine or special audit report prepared by a department, division of a department, or agency of the State of North Carolina.

~~(3) 2~~ May offer food in disposable containers;

~~(4) 3~~ Does provide sit down dining area(s);

~~(5) 4~~ Does provide table cleaning and clearing (busboy) services;

~~(6) 5~~ Does provide attendant (waiter/waitress) food delivery services, unless over the counter service is provided in accordance with subsection (9) below;

~~(7) 6~~ May offer carry-out and/or off-site delivery services, provided the food service is an accessory activity;

~~(8) 7~~ Does not offer drive-in attendant services;

~~(9) 8~~ May exhibit one but not both of the following operational functions or characteristics:

(a) Drive-through service; or

(b) Over the counter service. For purposes of this section, the term "over the counter service" shall include both customer ordering and the receipt of food, excepting beverages, condiments, utensils and the like, from an order/delivery station or counter remote to the on-site place of consumption.

~~(10) 9~~ May have a full service bar, live or recorded amplified music, floor show and dancing area which is open to the restaurant patrons and general public and is limited to the hours of operation of the principal use restaurant.

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

(1) Has sales of prepared and/or packaged foods, in a ready-to-consume state, in excess of 30% of the total gross receipts for the establishment during any month.

(a) In determining the portion of sales that can be attributed to the sale of prepared and/or packaged food in a ready-to-consume state, the following sales shall be included: food prepared in the establishment's kitchen and served as a meal to be consumed on the premises or as a take-out order; packaged food sold to accompany the meal; and non-alcoholic beverages sold to accompany the meal.

(b) The following shall not be included in the portion of sales that can be attributed to the sales of prepared and/or packaged food in a ready-to-consume state: mixed alcoholic beverages, including the mixer; any other alcoholic beverage; grocery items not ordered and purchased with meals; and any other product, item, entertainment, service or gratuity which is not specified in this subsection (1) as a sale to be included in the portion of sales that can be attributed to the sales of prepared and/or packaged food in a ready-to-consume state.

(c) For purposes of determining compliance under this subsection (1), the Zoning Enforcement Officer may utilize and rely upon any routine or special audit report prepared by a department, division of a department, or agency of the State of North Carolina.

(2) May offer food in disposable containers;

(3) Does provide sit down dining area(s);

(4) Does provide table cleaning and clearing (busboy) services;

(5) Does provide attendant (waiter/waitress) food delivery services, unless over the counter service is provided in accordance with subsection (9) below;

(6) May offer carry-out and/or off-site delivery services, provided the food service is an accessory activity;

(7) Does not offer drive-in attendant services;

(8) May exhibit one but not both of the following operational functions or characteristics:

(a) Drive-through service; or

(b) Over the counter service. For purposes of this section, the term "over the counter service" shall include both customer ordering and the receipt of food, excepting beverages, condiments, utensils and the like, from an order/delivery station or counter remote to the on-site place of consumption.

(9) May have a full service bar, live or recorded amplified music, floor show and dancing area which is open to the restaurant patrons and general public and is limited to the hours of operation of the principal use restaurant.

Definition (9-4-22)

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

(1) May require a membership, cover or minimum charge for admittance or service during special periods of operation in accordance with this chapter;

(2) Has sales of prepared and/or packaged foods, in a ready-to-consume state, in excess of 30% of the total gross receipts for the establishment during any month.

(a) In determining the portion of sales that can be attributed to the sale of prepared and/or packaged food in a ready-to-consume state, the following sales shall be included: food prepared in the establishment's kitchen and served as a meal to be consumed on the premises or as a take-out order; packaged food sold to accompany the meal; and non-alcoholic beverages sold to accompany the meal.

(b) The following shall not be included in the portion of sales that can be attributed to the sales of prepared and/or packaged food in a ready-to-consume state: mixed alcoholic beverages, including the mixer; any other alcoholic beverage; grocery items not ordered and purchased with meals; and any other product, item, entertainment, service, or gratuity which is not specified in this subsection (2) as a sale to be included in the portion of sales that can be attributed to the sales of prepared and/or packaged food in a ready-to-consume state.

(c) A membership, cover, or minimum charge for admittance or service shall not be included in either the total gross receipts for the establishment or in the portion of sales that can be attributed to the sale of prepared and/or packaged food in a ready-to-consume state. For purposes of determining compliance under this subsection (2), the Zoning Enforcement Officer may utilize and rely upon any routine or special audit report prepared by a department, division of a department, or agency of the state;

(3) Does provide sit-down dining area(s);

(4) May provide food attendant (waiter/waitress) table ordering and busboy services;

(5) May offer food in disposable containers;

(6) May offer carry-out and/or off-site delivery services;

(7) Does not offer drive-in attendant services;

(8) May exhibit one but not both of the following operational functions or characteristics:

(a) Drive-through service; or

(b) Over the counter service. For purposes of this section, the term "over the counter service" shall include both customer ordering and the receipt of food, excepting beverages, condiments, utensils and the like, from an order/delivery station or counter remote to the on-site place of consumption.

(9) May have one or more of the following activities or services, which is open to the establishments patrons and general public and is limited to the hours of operation of complete food services including regular menu food ordering, food preparation and on-premises food consumption, except as otherwise provided in this subsection (9): full service bar, live or recorded amplified music, floor show and dancing area. Complete food services including regular menu food ordering, food preparation and on-premises food consumption services may be suspended at the option of the owner/operator not less than one hour prior to the close of business each evening. For purposes of interpretation of this section, when a dining and entertainment establishment closes for business at 12:00 a.m. (midnight) complete restaurant services including regular menu food ordering, food preparation and on-premises food consumption shall be provided until not less than 11:00 p.m. of the same day;

(10) Shall be limited to a maximum mechanically conditioned floor area requirement and shall comply with a minimum separation and security requirement as specified under sections [9-4-86](#) and [9-4-103](#);

(11) Does not qualify under the definition of “restaurant, fast food” or “restaurant, conventional” as contained herein; and

(12) Any dining and entertainment establishment that does not meet the aforesaid requirements shall be classified as a “public or private club” for purposes of zoning regulation.

(Ord. No. 09-27, § 1, passed 4-9-2009)

Listed Uses; Specific Criteria (9-4-86)

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

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

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

(c) At a meeting of the Board of Adjustment, the Director of Planning and Development Services or his or her authorized representative shall present to the Board of Adjustment the staff report of a dining and entertainment establishment for which the

annual review includes a finding of one or more instances of 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 (F)1.(4) below shall be provided notice of the meeting and a copy of the staff report.

(d) Based on the staff report, the Board of Adjustment, by a majority vote, may either determine that a rehearing is not required for the special use permit or order a rehearing on the special use permit.

1. An order for a rehearing shall be based upon a determination by the Board of Adjustment that either:

a. The use of the property is inconsistent with the approved application;

b. The use is not in full compliance with all specific requirements set out in [Title 9, Chapter 4](#) of the Greenville City Code;

c. The use is not compliant with the specific criteria established for the issuance of a special use permit including conditions and specifications, health and safety, detriment to public welfare, existing uses detrimental, injury to properties or improvements, and nuisance or hazard; or

d. The use is not compliant with any additional conditions of approval established by the Board and set out in the order granting the permit.

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

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

(2) The owner(s) and operator(s) of a dining and entertainment establishment shall collect and properly dispose of all litter and debris generated by their establishment or patrons immediately following the closure of business or not later than 7:00 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 dining and entertainment establishment shall comply with the provisions of [Title 11, Chapter 9](#), of the City Code entitled Litter Control in Parking Lots.

(3) In addition to subsection (F)1.(2) above, the Board of Adjustment may establish specific and reasonable litter and trash mitigation standards or requirements.

(4) The special use permit shall be issued to the property owner as listed on the tax records of the county. When the ownership of any property, which has a special use permit for a dining and entertainment establishment, is transferred to a new owner by sale or other means, the new owner shall sign and file with the office of the Director of 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) May require a membership, cover or minimum charge for admittance or service during regular or special periods of operation.

(6) Weekdays. Except as further provided under subsection (F)l.(8) below, dining and entertainment establishments located in any zoning district shall not have amplified audio entertainment after 11:00 p.m. each Monday, Tuesday, Wednesday and Thursday night and before 11:00 a.m. of the next day. For purposes of this section, "amplified audio entertainment" shall mean any type of music or other entertainment delivered through and by an electronic system; provided, however, televisions operating with no amplification other than their internal speakers or televisions connected to a master sound system operating at low amplification and indoor background music system operating at a low amplification and not intended as a principal form of entertainment shall not be deemed amplified audio entertainment.

(7) Weekends. Except as further provided under subsection (F)l.(8) below, dining and entertainment establishments located in any zoning district shall not have amplified audio entertainment after 2:00 a.m. each Friday and Saturday night and before 11:00 a.m. of the next day, and shall not have amplified audio entertainment after 11:00 p.m. each Sunday night and before 11:00 a.m. of the next day. For purposes of this section, "amplified audio entertainment" shall mean any type of music or other entertainment delivered through and by an electronic system; provided, however, televisions operating with no amplification other than their internal speakers or televisions connected to a master sound system operating at low amplification and indoor background music system operating at a low amplification and not intended as a principal form of entertainment shall not be deemed amplified audio entertainment.

(8) Provisions for extended hours of operation for amplified audio entertainment.

(a) The allowable period for amplified audio entertainment for any dining and entertainment establishment in any zoning district may be extended, at the option of the owner/operator, from the times specified under subsections (F)l.(6) and (7) above to not later than 2:00 a.m. the following day on December 31 (New Year's Eve).

(b) The allowable period for amplified audio entertainment for any dining and entertainment establishment that meets the separation requirements as specified under subsection (F)l.(8)(d) below may be extended, at the option of the owner/operator, from the times specified under subsections (F)l.(6) and (7) above on each Thursday night to no later than 2:00 a.m. the following day.

(c) The allowable period for amplified audio entertainment for any dining and entertainment establishment that meets the separation requirements as specified under

subsection (F)l.(8)(d) below may be extended, at the option of the owner/operator, from the times specified under subsections (F)l.(6) and (7) above to no later than 2:00 a.m. the following day on March 17 (St. Patrick's Day), May 5 (Cinco de Mayo); July 4 (Independence Day) and October 31 (Halloween).

(d) To qualify for extended hours of operation for amplified audio entertainment as provided in subsections (F)l.(8)(b) and (F)l.(8)(c) above, the dining and entertainment establishment shall not be located within a 500-foot radius, including street rights-of-way, of (i) a conforming use single-family dwelling located in any district, or (ii) any single-family residential zoning district. The required measurement shall be from the building or structure containing the dining and entertainment establishment to the nearest single-family dwelling lot line or single-family residential zoning district boundary line. For purpose of this subsection, the term "single-family residential zoning district" shall include any RA20; R15S; R9S; R6S; and MRS district.

(e) 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.

(9) Shall have sales of prepared and/or packaged foods, in a ready-to-consume state, in excess of 30% of the total gross receipts for the establishment during any month.

(a) In determining the portion of sales that can be attributed to the sale of prepared and/or packaged food in a ready-to-consume state, the following sales shall be included: food prepared in the establishment's kitchen and served as a meal to be consumed on the premises or as a take-out order; packaged food sold to accompany the meal; and non-alcoholic beverages sold to accompany the meal.

(b) The following shall not be included in the portion of sales that can be attributed to the sales of prepared and/or packaged food in a ready-to-consume state: mixed alcoholic beverages, including the mixer; any other alcoholic beverage; grocery items not ordered and purchased with meals; and any other product, item, entertainment, service or gratuity which is not specified in this subsection as a sale to be included in the portion of sales that can be attributed to the sales of prepared and/or packaged food in a ready-to-consume state.

(c) A membership, cover or minimum charge for admittance or service shall not be included in either the total gross receipts for the establishment or in the portion of sales that can be attributed to the sale of prepared and/or packaged food in a ready-to-consume state.

(d) For purposes of determining compliance under this subsection, the Zoning Enforcement Officer may utilize and rely upon any routine or special audit report prepared by a department, division of a department, or agency of the State of North Carolina.

(10) Records related to the sale of prepared and/or packaged food in a ready-to-consume state and the sale of all other products and services shall be maintained on premises for not less than one year and shall be open for inspection or audit at all

reasonable hours during any period of establishment operation by the Zoning Enforcement Officer. The Zoning Enforcement Officer may view the records on the premises of the establishment or may request copies of the written records be delivered to the city. Records of sales of prepared and/or packaged food in a ready-to-consume state and the sale of all other products and services shall be filed separate and apart from all other records maintained on the premises. The requirements of this subsection shall be for the purpose of determining compliance with subsection (F)1.(9) above. Failure to provide all records required by this subsection in a timely manner, to be determined by the city, upon written request of the Zoning Enforcement Officer shall constitute a violation of the zoning regulations.

(11) A lighting plan shall be submitted to the Director of 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](#).

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

(13) No dining and entertainment establishment located in a CN (Neighborhood Commercial) District shall contain more than 7,000 total square feet of mechanically conditioned floor area, including but not limited to any activity area, kitchen, restroom, interior walk-in storage room, hallway, foyer, bar and serving station, seating area, dance floor and sound stage.

(14) No dining and entertainment establishment located in a CN (Neighborhood Commercial) District shall be located within a 200-foot radius of an existing or approved dining and entertainment establishment located within any CN (Neighborhood Commercial) District as measured from the nearest lot line.

(15) When a dining and entertainment establishment both: is located within a 500-foot radius, including street rights-of-way, of a residential zoning district as measured from the building or structure containing a dining and entertainment establishment to the nearest residential zoning district boundary; and the establishment provides or utilizes amplified audio entertainment as defined herein after 11:00 p.m. on any day, the establishment shall be subject to a security requirement during and after such period of amplified audio entertainment as follows:

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

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

(c) For purposes of this section, the term “residential zoning district” shall include the following districts: RA-20, R-6MH, R-6, R-6A, R-6A-RU, R-6N, R-6S, R9, R9S, R-15S, PUD, MR and MRS.

(Ord. No. 09-27, § 8, passed 4-9-2009; Ord. No. 10-83, § 1, passed 10-14-2010; Ord. No. 11-078, § 1, passed 12-8-2011)

Special Standards for Certain Specific Uses (9-4-103)

(U) *Dining and entertainment establishments not subject to Article E.* Shall comply with all of the following:

(1) When a dining and entertainment establishment both: is located within a 500-foot radius, including street rights-of-way, of a residential zoning district as measured from the building or structure containing a dining and entertainment establishment to the nearest residential zoning district boundary; and the establishment provides or utilizes amplified audio entertainment as defined herein after 11:00 p.m. on any day, the establishment shall be subject to a security requirement during and after the period of amplified audio entertainment as follows:

(a) Establishments that have an approved occupancy above 50 but less than 200 total persons as determined by the Building Inspector shall employ not less than one uniformed off-duty law enforcement officer, or not less than one uniformed security guard provided by a security guard and control profession licensed in accordance with

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

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

(c) For purposes of this section, the term “residential zoning district” shall include the following districts: RA-20, R-6MH, R-6, R-6A, R-6A-RU, R-6N, R-6S, R9, R9S, R-15S, PUD, MR and MRS.

(2) The owner(s) and operator(s) of a dining and entertainment establishment shall collect and properly dispose of all litter and debris generated by their establishment or patrons immediately following the closure of business or not later than 7:00 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 dining and entertainment establishment shall comply with the provisions of [Title 11, Chapter 9](#), of the City Code entitled “Litter Control in Parking Lots.”

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

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

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

(6) Provisions for extended hours of operation for amplified audio entertainment.

(a) The allowable period for amplified audio entertainment for any dining and entertainment establishment in any zoning district may be extended, at the option of the owner/operator, from the times specified under subsections (U)(4) and (5) above to not later than 2:00 a.m. the following day on December 31 (New Year’s Eve).

(b) The allowable period for amplified audio entertainment for any dining and entertainment establishment that meets the separation requirements as specified under subsection (U)(6)(d) below may be extended, at the option of the owner/operator, from the times specified under subsections (U)(4) and (5) above on each Thursday night to no later than 2:00 a.m. the following day.

(c) The allowable period for amplified audio entertainment for any dining and entertainment establishment that meets the separation requirements as specified under subsection (U)(6)(d) below may be extended, at the option of the owner/operator, from the times specified under subsections (U)(4) and (5) above to no later than 2:00 a.m. the following day on March 17 (St. Patrick’s Day), May 5 (Cinco de Mayo); July 4 (Independence Day) and October 31 (Halloween).

(d) To qualify for extended hours of operation for amplified audio entertainment as provided in subsections (U)(6)(b) and (U)(6)(c) above, the dining and entertainment establishment shall not be located within a 500-foot radius, including street rights-of-way, of (i) a conforming use single-family dwelling located in any district, or (ii) any single-family residential zoning district. The required measurement shall be from the building or structure containing the dining and entertainment establishment to the nearest single-family dwelling lot line or single-family residential zoning district boundary line. For purpose of this subsection, the term “single-family residential zoning district” shall include any RA20; R15S; R9S; R6S; and MRS district.

(e) 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.

(7) Shall have sales of prepared and/or packaged foods, in a ready-to-consume state, in excess of 30% of the total gross receipts for the establishment during any month.

(a) In determining the portion of sales that can be attributed to the sale of prepared and/or packaged food in a ready-to-consume state, the following sales shall be included: food prepared in the establishment's kitchen and served as a meal to be consumed on the premises or as a take-out order; packaged food sold to accompany the meal; and non-alcoholic beverages sold to accompany the meal.

(b) The following shall not be included in the portion of sales that can be attributed to the sales of prepared and/or packaged food in a ready-to-consume state: mixed alcoholic beverages, including the mixer; any other alcoholic beverage; grocery items not ordered and purchased with meals; and any other product, item, entertainment, service, or gratuity which is not specified in this subsection as a sale to be included in the portion of sales that can be attributed to the sales of prepared and/or packaged food in a ready-to-consume state.

(c) A membership, cover or minimum charge for admittance or service shall not be included in either the total gross receipts for the establishment or in the portion of sales that can be attributed to the sale of prepared and/or packaged food in a ready-to-consume state.

(d) For purposes of determining compliance under this subsection, the Zoning Enforcement Officer may utilize and rely upon any routine or special audit report prepared by a department, subsection of a department, or agency of the State of North Carolina;

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

(9) A lighting plan shall be submitted to the Director of 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](#); and

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

Dining and Entertainment Establishments as of December 13, 2022		
Establishment	Address	Status
Angus Grill Jarvis St	201 S Jarvis St	open
Christy's Europub	301 S Jarvis St	open
Calcutta Street Pub	113 E 5 th St	open
Blackened Kraken	123 E 5 th St	open
Nash Hot Chicken	114 E 5 th St	open
Dickinson Avenue Public House	703 Dickinson Ave	open
Japan Inn	739 Red Banks Rd	open
AJ McMurphy's	1914 Turnbury Dr	open
<i>Former Crave</i>	<i>409 S Evans St</i>	<i>Over the Top Sweet Shop</i>

Red line for Accessory use and Accessory use, Alcohol Sales

Accessory use. A use which meets the following conditions:

(1) A use located on the same lot as the principal use, whether located in the same building, in an accessory building or as an accessory use of land;

(2) Is incidental to and subordinate to the principal use;

~~(3) Is dependent to the principal use;~~

~~(4) Is customarily associated with the principal use; and~~

~~(5) Will not be constructed, maintained and conducted to avoid creation of a create nuisance or hazard to the principal use or area uses to a greater degree than that which can be expected by the principal use prior to creation of the accessory use;~~

~~(4) In no case shall storage space and the operation of an accessory use exceed 20% of the total square footage of the building(s) or 20% if the total land area used where the principal use is located;~~

~~(5) Does not enlarge, expand, or change the nature of the use of an otherwise nonconforming principal use;~~

~~(6) Shall not be established until approval of all required permits for the principal and the accessory use or activity; and~~

~~(7) Meeting all standards for the use, as required by the Chapter, as though it were a principal use, except parking~~

Accessory use; Alcohol Sales. Allows the on-premise sale and consumption of malt beverages, unfortified and fortified wine, and spirituous liquor. A use which meets the following conditions:

(1) A use located on the same lot as the principal use, whether located in the same building, in an accessory building or as an accessory use of land;

(2) Is incidental to and subordinate to the principal use;

(3) Will be constructed, maintained and conducted to avoid creation of a nuisance or hazard to the principal use or area uses to a greater degree than that which can be expected by the principal use prior to creation of the accessory use;

(4) In no case shall storage space and the operation of an accessory use exceed 20% of the total square footage of the building(s) or 20% if the total land area used where the principal use is located;

(5) Does not enlarge, expand, or change the nature of the use of an otherwise nonconforming principal use;

(6) Shall not be established until approval of all required permits, including but not limited to special use permits, ABC permits and local beer and wine licenses, for the principal and the accessory use or activity;

Red line for Accessory use and Accessory use, Alcohol Sales

(7) Shall only be permitted in the zoning districts as shown in Title 9, Chapter 4, Article U, Appendix A, *Table of Uses*.

(8) Shall only be permitted as an accessory to the following uses as listed in Title 9, Chapter 4, Article U, Appendix A Table of Uses:

(10) Retail Sales

- a. Miscellaneous retail sales; nondurable goods; not otherwise listed
- p. Furniture and home furnishing sales not otherwise listed
- r. Antique sales, excluding vehicles
- s. Book or card store; news stand
- t. Hobby or craft shop
- v. Video or music store; record, tape, compact disc and the like sales
- x. Sporting goods sales and rental shop

(9) Meeting all standards for the use, as required by the Chapter, as though it were a principal use, except parking.

Red line for Microbrewery and Microdistillery as an Accessory Use to a Bar

9-4-22 Definition:

Microbrewery. A facility for the brewing of malt beverages that is limited in its location, size and operation in accordance with the provisions of section 9-4-86.QQ. (See also section 9-4-86.QQ).

9-4-86 Standards

(QQ) *Microbrewery* (see also section [9-4-22](#)).

(1) Microbreweries are allowed within the CD (Downtown Commercial) zoning district, subject to an approved special use permit.

(2) The principal use is the production of malt beverages for retail sales for on-premises and off-premises consumption in accordance with ABC permit requirements set forth in G.S. 18B-1001 as amended and issuance of on-premises malt beverage permit for breweries as authorized by G.S. 18B-1104 as amended and all other laws pursuant to G.S. 18B, as amended.

(3) Accessory uses may include and be limited only to: retail sales, food and beverage consumption, entertainment, games, a tasting room, event room, and loading area.

(4) The portion of the building devoted to operating brewing equipment shall not exceed 5,000 square feet.

(5) A minimum of 30% of the microbrewery's floor area shall have operating brewing equipment that produces beer for retail sales. This percentage shall be satisfied at the time a Certificate of Occupancy inspection is conducted and shall be maintained thereafter.

(6) In addition to compliance with the noise control standards in Title 5, Chapter 5 of the City Code, exterior guest areas shall not have amplified **sound** equipment within 150 feet from any residential use as measured from the property line of the residential use to the exterior area where the speaker equipment is located.

~~-(7) A microbrewery shall not require a membership, cover or minimum charge for admittance or service.~~

(7) (a) *Annual Review.* A special use permit for a microbrewery is subject to **annual review revocation** in accordance with the provisions of ~~section 9-4-83~~ **this subsection (QQ)(7)**. Nothing herein shall prohibit or restrict the authority of the Board of Adjustment to **modify**, rescind or revoke a special use permit for a microbrewery in accordance with the provisions of section [9-4-83](#).

(b) *Reporting.* ~~At the regular January meeting of the Board of Adjustment, An annual review shall be conducted by~~ the Director of Planning and Development Services or their authorized representative **shall present to the Board of Adjustment a written staff report of a microbrewery—any infraction that has been issued for which the annual review shall include a finding of one or more instances of has received a special use permit for the purpose of determining and ensuring 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 findings of the Director of Planning and Development Services or his or her authorized representative as a result of this annual review shall be compiled in a written staff report.** If the Board of Adjustment votes

Red line for Microbrewery and Microdistillery as an Accessory Use to a Bar

to hold a modification or revocation of the special use permit, the property owner, as specified under subsection (QQ)(11) below, shall be provided notice of the meeting and a copy of the staff report.

~~-(c) At a meeting of the Board of Adjustment, the Director of Planning and Development Services or his or her authorized representative shall present to the Board of Adjustment the staff report of a microbrewery for which the annual review includes 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 shall be provided notice of the meeting and a copy of the staff report.~~

(cd) *Noncompliance; and Modification or Revocation.* Staff may request for the Board of Adjustment to hold a hearing for a modification or revocation of a special use permit for any establishment that has enforcement actions for numerous infractions of one or more instances of noncompliance with applicable laws, codes and ordinances including Notices of Violation and/or numerous calls for service from City departments such as Police, Fire, Public Works, or Planning & Development Services, 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 property owner, as specified under subsection (QQ)(11) below, shall be provided notice of the meeting and a copy of the staff report.

~~Based on the staff report, the Board of Adjustment, by a majority vote, may either determine that a rehearing is not required for the special use permit or order a rehearing on the special use permit.~~

~~1. An order for a rehearing shall be based upon a determination by the Board of Adjustment that either:~~

~~a. The use of the property is inconsistent with the approved application;~~

~~b. The use is not in full compliance with all specific requirements set out in this chapter;~~

~~c. The use is not compliant with the specific criteria established for the issuance of a special use permit including conditions and specifications, health and safety, detriment to public welfare, existing uses detrimental, injury to properties or improvements, and nuisance or hazard;~~
~~or~~

~~d. The use is not compliant with any additional conditions of approval established by the Board and set out in the order granting the permit.~~

(d) *Quasi-Judicial Hearing.* Any hearing for a modification or revocation of a special use permit ~~The rehearing~~ shall be in the nature of and in accordance with the requirements for a hearing upon a special use permit application. After the ~~rehearing~~ and in accordance with the provisions of section 9-4-81, the Board of Adjustment may ~~grant a special use permit modify with~~ or ~~revoke imposed pursuant to this subsection (QQ) and section 9-4-82 or deny~~ the special use permit pursuant to this subsection (QQ) and section 9-4-82. The modification or revocation 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 microbrewery.

Red line for Microbrewery and Microdistillery as an Accessory Use to a Bar

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

~~(9) Existing conforming use conventional restaurants may add, subject to an approved special use permit, a microbrewery operation as an accessory use provided they comply with the following:~~

~~(a) The restaurant must be located within the CD (Downtown Commercial) zoning district, subject to an approved special use permit.~~

~~(b) The area of the restaurant devoted to operating brewing equipment shall not exceed 30% of the area of the restaurant including the area devoted to operating brewing equipment.~~

(8)(e) Malt beverages produced for retail sales for on-premises and off-premises consumption shall comply with ABC permit requirements set forth in G.S. 18B-1001 as amended and issuance of on-premises malt beverage permit for breweries as authorized by G.S. 18B-1104 as amended and all other laws pursuant to G.S. 18B as amended.

~~(d) The restaurant and the microbrewery accessory use shall not require a membership, cover or minimum charge for admittance or service.~~

~~(c) A special use permit for a microbrewery accessory use shall be subject to revocation in accordance with the provisions of this subsection 9. Nothing herein shall prohibit or restrict the authority of the Board of Adjustment to rescind or revoke a special use permit for a microbrewery ancillary use in accordance with the provisions of section 9-4-83.~~

~~(e) An annual review of the microbrewery accessory use and all subsequent procedures to address review findings shall be in accordance with the provisions with subsection QQ.8(b) through (e).~~

(29) *Litter/Debris.* The owner(s) and operator(s) of a microbrewery bar 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 microbrewery shall comply with the provisions of Title 11, Chapter 9 of the City Code.

(10) In addition to subsection (QQ)(9) above, the Board of Adjustment may establish specific and reasonable litter and trash mitigation standards or requirements.

(11) *Ownership.* 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 microbrewery is transferred to a new owner by sale or other means, the new owner shall sign and file with the office of the Director of 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.

Red line for Microbrewery and Microdistillery as an Accessory Use to a Bar

(12) Any microbrewery that has been issued a special use permit by the Board of Adjustment shall continue under the terms and conditions of the issued special use permit unless there is a modification or a revocation.

(13) A bar may add, subject to an approved special use permit, a state ABC permit and a local beer and wine license, if required, a microbrewery operation as an accessory use provided it complies with the following:

(a) The area of the bar devoted to operating the brewing equipment shall not exceed 49% of the area of the bar including the area devoted to the operating the brewing equipment.

Red line for Microbrewery and Microdistillery as an Accessory Use to a Bar

9-4-22 Definition:

Microdistillery. A facility for the distillation of spirituous liquors that is limited in its location, size and operation in accordance with the provisions of section 9-4-86(UU) (See also section 9-4-86(UU)).

9-4-86 Standards

(UU) *Microdistillery* (see also section [9-4-22](#)).

(1) Microdistilleries are allowed within the CD (Downtown Commercial) zoning district, subject to an approved special use permit.

(2) The principal use is the production of spirituous liquor for retail sales for on-premises and off-premises consumption in accordance with ABC permit requirements set forth in G.S. 18B-1001 as amended and issuance of on-premises spirituous liquor permit for distilleries as authorized by G.S. 18B-1105 as amended and all other laws pursuant to G.S. 18B as amended.

(3) Accessory uses may include and be limited only to: retail sales; food and beverage consumption; entertainment; games; a tasting room; event room; and loading area.

(4) The portion of the building devoted to operating distilling equipment shall not exceed 5,000 square feet.

(5) A minimum of 30% of the microdistillery's floor area shall have operating distilling equipment that produces spirituous liquor for retail sales. This percentage shall be satisfied at the time a Certificate of Occupancy inspection is conducted and shall be maintained thereafter.

(6) In addition to compliance with the noise control standards in Title 5, Chapter 5 of the City Code, exterior guest areas shall not have amplified sound equipment within 150 feet from any residential use as measured from the property line of the residential use to the exterior area where the speaker equipment is located.

~~(7) A microdistillery shall not require a membership, cover or minimum charge for admittance or service.~~

(7) (a) *Annual Review.* A special use permit for a microdistillery is subject to **annual review revocation** in accordance with the provisions of ~~section 9-4-83~~ **this subsection (UU)(7)**. Nothing herein shall prohibit or restrict the authority of the Board of Adjustment to **modify**, rescind or revoke a special use permit for a microbrewery in accordance with the provisions of section [9-4-83](#).

(b) *Reporting.* ~~At the regular January meeting of the Board of Adjustment, An annual review shall be conducted by~~ the Director of Planning and Development Services or their authorized representative ~~shall present to the Board of Adjustment a written staff report of a microbrewery—any infraction that has been issued for which the annual review shall include a finding of one or more instances of has received a special use permit for the purpose of determining and ensuring noncompliance~~ with applicable laws, codes and ordinances, including

Red line for Microbrewery and Microdistillery as an Accessory Use to a Bar

but not limited to noise regulations, litter control regulations, fire codes, building codes, nuisance and public safety regulations, and special use permit conditions of approval. ~~The findings of the Director of Planning and Development Services or his or her authorized representative as a result of this annual review shall be compiled in a written staff report.~~ If the Board of Adjustment votes to hold a modification or revocation of the special use permit, the property owner, as specified under subsection (UU)(11) below, shall be provided notice of the meeting and a copy of the staff report.

~~-(c) At a meeting of the Board of Adjustment, the Director of Planning and Development Services or his or her authorized representative shall present to the Board of Adjustment the staff report of a microbrewery for which the annual review includes 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 shall be provided notice of the meeting and a copy of the staff report.~~

~~(c) Noncompliance; and Modification or Revocation.~~ Staff may request for the Board of Adjustment to hold a hearing for a modification or revocation of a special use permit for any establishment that has enforcement actions for numerous infractions of one or more instances of noncompliance with applicable laws, codes and ordinances including Notices of Violation and/or numerous calls for service from City departments such as Police, Fire, Public Works, or Planning & Development Services, 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 property owner, as specified under subsection (UU)(11) below, shall be provided notice of the meeting and a copy of the staff report.

~~Based on the staff report, the Board of Adjustment, by a majority vote, may either determine that a rehearing is not required for the special use permit or order a rehearing on the special use permit.~~

~~1. An order for a rehearing shall be based upon a determination by the Board of Adjustment that either:~~

~~a. The use of the property is inconsistent with the approved application;~~

~~b. The use is not in full compliance with all specific requirements set out in this chapter;~~

~~c. The use is not compliant with the specific criteria established for the issuance of a special use permit including conditions and specifications, health and safety, detriment to public welfare, existing uses detrimental, injury to properties or improvements, and nuisance or hazard; or~~

~~d. The use is not compliant with any additional conditions of approval established by the Board and set out in the order granting the permit.~~

~~(d) Quasi-Judicial Hearing.~~ Any hearing for a modification or revocation of a special use permit ~~The rehearing~~ shall be in the nature of and in accordance with the requirements for a hearing upon a special use permit application. After the ~~rehearing~~ and in accordance with the provisions of section 9-4-81, the Board of Adjustment may ~~grant a special use permit modify with~~ or ~~revoke imposed pursuant to this subsection (QQ) and section 9-4-82 or deny~~ the special use permit pursuant to this subsection (QQ) and section 9-4-82. The modification or revocation of the special

Red line for Microbrewery and Microdistillery as an Accessory Use to a Bar

use permit by the Board of Adjustment after the ~~re~~hearing shall constitute a revocation of the previously granted special use permit for a microdistillery.

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

~~(9) Existing conforming use conventional restaurants may add, subject to an approved special use permit, a microbrewery operation as an accessory use provided they comply with the following:~~

~~(a) The restaurant must be located within the CD (Downtown Commercial) zoning district, subject to an approved special use permit.~~

~~(b) The area of the restaurant devoted to operating brewing equipment shall not exceed 30% of the area of the restaurant including the area devoted to operating brewing equipment.~~

(8)(e) Spirituous liquor produced for retail sales for on-premises and off-premises consumption shall comply with ABC permit requirements set forth in G.S. 18B-1001 as amended and issuance of on-premises spirituous liquor permit for distilleries as authorized by G.S. 18B-1105 as amended and all other laws pursuant to G.S.18B as amended.

~~(d) The restaurant and the microbrewery accessory use shall not require a membership, cover or minimum charge for admittance or service.~~

~~(e) A special use permit for a microbrewery accessory use shall be subject to revocation in accordance with the provisions of this subsection 9. Nothing herein shall prohibit or restrict the authority of the Board of Adjustment to rescind or revoke a special use permit for a microbrewery ancillary use in accordance with the provisions of section 9-4-83.~~

~~(e) An annual review of the microbrewery accessory use and all subsequent procedures to address review findings shall be in accordance with the provisions with subsection QQ.8(b) through (e).~~

(29) *Litter/Debris.* The owner(s) and operator(s) of a microbrewery bar 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 microbrewery shall comply with the provisions of Title 11, Chapter 9 of the City Code.

(10) In addition to subsection (UU)(9) above, the Board of Adjustment may establish specific and reasonable litter and trash mitigation standards or requirements.

(11) *Ownership.* 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 microdistillery is transferred to a new owner by sale or other means, the new owner shall sign and file with the office of the Director of 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.

Red line for Microbrewery and Microdistillery as an Accessory Use to a Bar

(12) Any microdistillery that has been issued a special use permit by the Board of Adjustment shall continue under the terms and conditions of the issued special use permit unless there is a modification or a revocation.

(13) A bar may add, subject to an approved special use permit, a state ABC permit, and a local beer and wine license, if required, a microdistillery operation as an accessory use provided it complies with the following:

(a) The area of the bar devoted to operating the distilling equipment shall not exceed 49% of the area of the bar including the area devoted to the operating the brewing equipment.