



Agenda

Greenville City Council

May 11, 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 Robinson**
- III. Pledge of Allegiance**
- IV. Roll Call**
- V. Approval of Agenda**
- VI. Public Comment Period**

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

VII. Appointments

- 1. Appointments to Boards and Commissions

VIII. New Business

Public Hearings

2. Ordinance to annex Barrington Fields, Section 3 property involving a total of 5.6063 acres located along the western right-of-way of Frog Level Road at the current terminus of Barrington Drive
3. Ordinance to annex Joseph and Lily Bland's property involving a total of 9.0716 acres located along the southern right-of-way of Darrell Drive and 280+/- feet east of Len Drive
4. Ordinance requested by the Planning and Development Services Department to amend the regulations for tobacco shops in that no tobacco shop (class 2) shall be located within a one-half mile (2,640 foot) radius of a tobacco shop (class 1) or tobacco shop (class 2)
5. Second reading and consideration of an ordinance requested by the Engineering Department to amend various chapters of the City Code to reflect recent changes in the City's operating structure and development standards
6. Renewal of West Greenville Neighborhood Revitalization Strategy Area
7. Resolution Approving An Economic Development Expenditure and Appropriation and Agreement with Pitt County Committee of 100 D/B/A Greenville Eastern North Carolina Alliance and Greenville Utilities Commission for Development of A Shell Building
8. Resolution and Lease Agreement Between the City of Greenville and Capitol Broadcasting, Inc. for the Use of Guy Smith Stadium to Host a Coastal Plain League Baseball Franchise
9. Public Finance Authority Retirement Facility Revenue Anticipation Bonds (SpringShire Pre-Development Project) Series 2015 (the "Bonds")
10. Public Finance Authority Senior Living Facilities Revenue Bonds (Rising Phoenix Project), in one or more series (the "Bonds"), to finance a senior living facility to be located in the City of Greenville (the "City")

Other Items of Business

11. Update on the Integrated Mobility & Enhancement Plan (IMEP) for the Transit Division of Public Works
12. Presentation of the Proposed Fiscal Year 2023-24 Operating Budgets for the Pitt-Greenville Convention & Visitors Authority, Sheppard Memorial Library, and Greenville Utilities Commission
13. Review of Historic Signage in the College View Neighborhood and Consideration of Historic District Signage Policy

14. Consideration of Additional One-Stop Voting Sites

IX. City Manager's Report

X. Comments from Mayor and City Council

XI. Adjournment



City of Greenville, North Carolina

Meeting Date: 05/11/2023

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, Housing Authority, Human Relations Council, Multimodal Transportation Commission, Police Community Relations Committee, Recreation & Parks Commission, and the Youth Council.

One member of the Housing Authority Board must be a member that is directly assisted by the Housing Authority. The Residents' Council has nominated Ms. Ebony Harris. The Housing Authority has approved the nomination and forwarded it to the City Council for consideration and appointment. The appointment can be made any member of the City Council by a majority vote.

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, Housing Authority, Human Relations Council, Multimodal Transportation Commission, Police Community Relations Committee, Recreation & Parks Commission, and the Youth Council.

ATTACHMENTS

 [COG-_1180537-v1-Boards_and_Commission_Appointments_May_2023.docx](#)

Appointments to Boards and Commissions

May 2023

Affordable Housing Loan Committee

Council Liaison: Council Member Marion Blackburn

Name	District #	Current Term	Reappointment Status	Expiration Date
Anne Fisher	1	Second term	Ineligible	February 2023

Environmental Advisory Commission

Council Liaison: Council Member Marion Blackburn

Name	District #	Current Term	Reappointment Status	Expiration Date
Ann Maxwell	3	Second term	Ineligible	April 2023
Diego Llerna	3	First term	Resigned	April 2025

Housing Authority

Council Liaison: Council Member Monica Daniels

Name	District #	Current Term	Reappointment	Expiration
Jumail Blount (Resident Commissioner)	1	Second term	Resigned	May 2025

Human Relations Council

Council Liaison: Mayor Pro-Tem Rose Glover

Name	District #	Current Term	Reappointment Status	Expiration Date
Rod Debs	3	Second term	Ineligible	September 2025
Heena Shah	1	Filling unexpired term	Resigned	September 2025

Multimodal Transportation Commission

Council Liaison: Council Member Les Robinson

Name	District #	Current Term	Reappointment Status	Expiration Date
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
Carol Naipaul (<i>Mayor Pro-Tem Glover</i>)	2	First term	Eligible	October 2024

Recreation & Parks Commission

Council Liaison: Council Member Monica Daniels

Name	District #	Current Term	Reappointment Status	Expiration Date
Kevon Gainer (<i>Council Member Monica Daniels</i>)	1	Unexpired term	Eligible	May 31, 2023
Najiyah Lewis (<i>Council Member Monica Daniels</i>)	2	First term	Eligible	May 31, 2023

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

Sydney McLeod
22 Upton Ct
Greenville, NC 27858

Application 10/15/2022

Home Phone: (910) 635-8702

Business Phone:

Email: sydneyhmcleod@gmail.com

District #: 4

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

Tim Ferruzzi
305 Wesley Rd
Greenville, NC 27858
District #: 5

Application 1/16/2023
Home Phone:
Business Phone:
Email: theferruzzi@gmail.com

Applicants for Housing Authority

Resident Commissioner info

Applicants for Human Relations Council

Reginald Watson
211 Pin Oak Court
Greenville, NC 27834

Application 7/27/2020

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

District #: 5

Applicants for Multimodal Transportation Commission

None.

Applicants for Police Community Relations Committee

None.

Applicants for Recreation & Parks Commission

None.

Applicants for Youth Council

None.



City of Greenville, North Carolina

Meeting Date: 05/11/2023

Title of Item: Ordinance to annex Barrington Fields, Section 3 property involving a total of 5.6063 acres located along the western right-of-way of Frog Level Road at the current terminus of Barrington Drive

Explanation: A. SCHEDULE

1. Advertising date: April 29, 2023
2. City Council public hearing date: May 11, 2023
3. Effective date: May 11, 2023

B. CHARACTERISTICS

1. Relation to primary city limits: Contiguous
2. Relation to recognized industrial area: Outside
3. Acres: 5.6063
4. Voting District: 2
5. Township: Arthur
6. Zoning: R9S (Residential-Single-Family)
7. Existing land use: Vacant
8. Anticipated land use: 12 single-family lots
9. Population estimate

	Formula	Number of people
Total current:	0	0
Estimated at full development	12 X 2.18	26
Current minority	0	0
Estimated minority at full development	26 X 43.4%	11
Current white	0	0
Estimated white at full development	26 - 11	15

* Source: Census.gov

10. Rural fire tax district: Red Oak
11. Greenville fire district: Station 5
12. Present tax value: \$70,099
13. Estimated tax value: \$3,168,000

Fiscal Note: Estimated tax value at full development is \$3,168,000

Recommendation: Approve the attached ordinance to annex Barrington Fields, Section 3 property

ATTACHMENTS

-  [Ordinance Barrington Fields, Section 3 Annexation.pdf](#)
-  [Barrington Fields, Section 3 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 11th day of May, 2023, after due notice by publication in The Daily Reflector on the 29th day of April, 2023; 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 “Barrington Fields, Section 3”, involving 5.6063 acres prepared by Stroud Engineering.

LOCATION: Situate in Arthur Township, Pitt County, North Carolina, located along the western right-of-way of Frog Level Road at the current terminus of Barrington Drive.

GENERAL DESCRIPTION:

Lying and being in Arthur and Winterville Townships, Pitt County, North Carolina, lying southeast of US Highway 13 Dickinson Avenue, north of Davenport Farm Road, and west of NCSR 1127 Frog Level Road and beginning at a point on the eastern right-of-way of Barrington Drive, the southeast corner of Lot 3, Barrington Fields, Section 1 (Map Book 65, Page 134), the “True Point of Beginning”.

Thence from the “True Point of Beginning”, leaving the eastern right-of-way of Barrington Drive and following the southern line of Lot 3 S85-25-41E – 216.04’ to a point on the western right-of-way of NCSR 1127 Frog Level Road, thence along the right-of-way of Frog Level Road S09-31-20E – 36.72’, thence S11-36-54E – 85.07’ to the northeast corner of the Maria Navarro property (Deed Book U-50, Page 435), thence leaving the right-of-way of Frog Level Road and following

the line of Navarro N82-20-24W – 214.32’, thence S11-33-53E – 113.24’, thence leaving the Navarro property and following the Karl Wesley McLawhorn, Jr. boundary N82-12-56W – 184.57’, thence S07-47-04W – 73.98’, thence leaving the McLawhorn boundary and running with a new city limit line through the lands of Rocky Russell Development, LLC (Deed Book 3627, Page 35) the following calls: N82-12-56W – 329.99’, thence S07-47-04W – 30.03’, thence N82-12-54W – 270.00’, thence N07-47-04E – 139.97’, thence N06-01-26E – 50.02’, thence N07-46-38E – 140.00’ to a point in the southern line of Barrington Fields, Section 1 as recorded in Map Book 65, Page 134, thence along the boundary of Barrington Fields, Section 1 S82-13-22E – 659.81’ to a point on the western right-of-way of Barrington Drive, thence crossing Barrington Drive S64-21-27E – 50.67’ to the True Point of Beginning, containing 5.6063 Acres and being a portion of Parcel Number 68998, Parcel Number 22728, and Parcel Number 32631 as filed with the Pitt County Tax Assessor’s Office.

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 11th day of May, 2023.

ADOPTED this 11th day of May, 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.

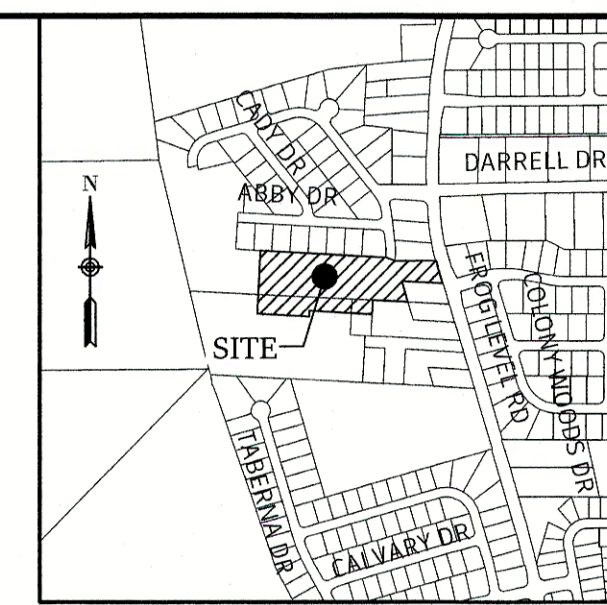
WITNESS my hand and official seal this ____th day of _____, 2023.

Notary Public

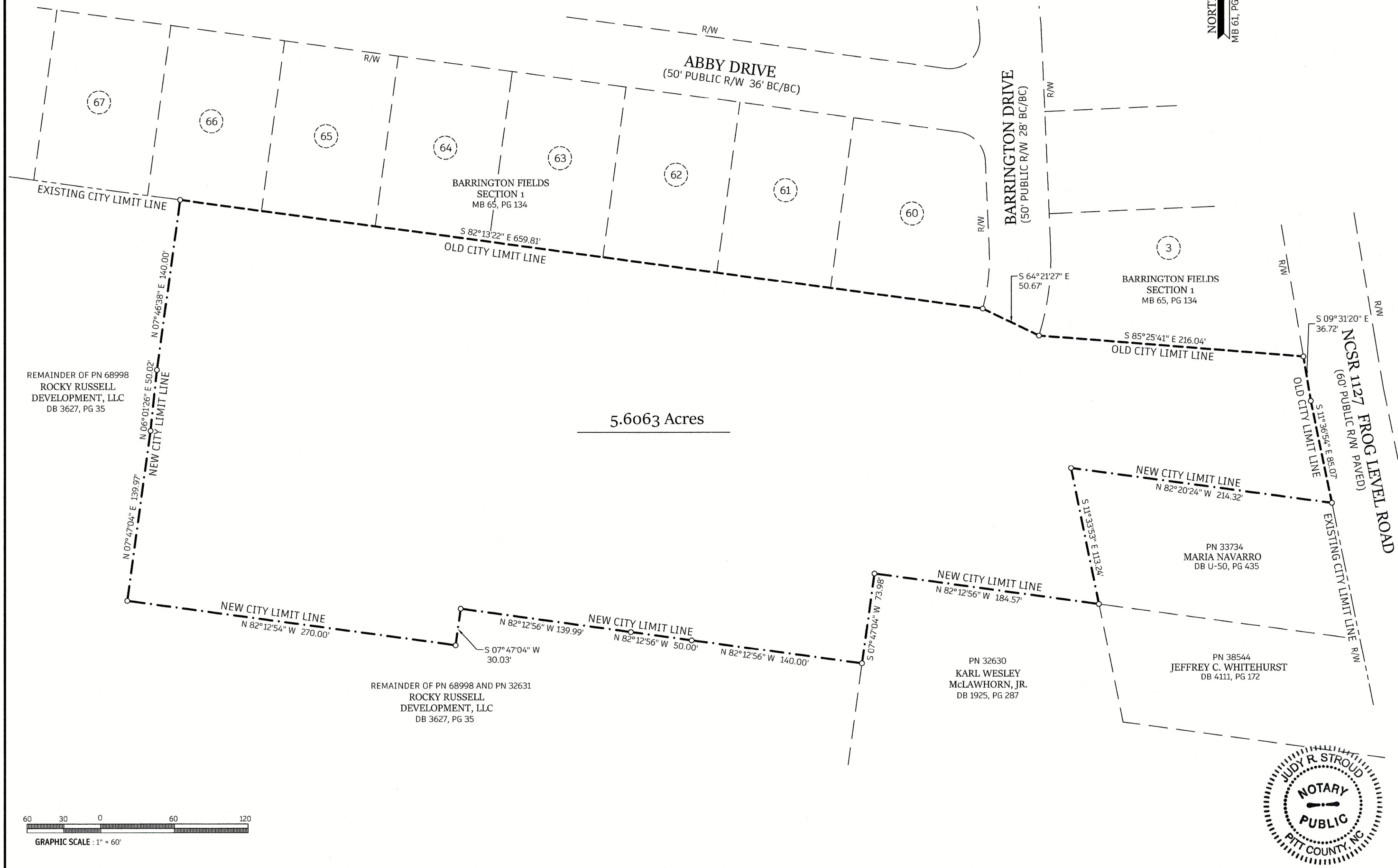
My Commission Expires: _____
1180190

LEGEND

- OLD CITY LIMIT LINE
- - - EXISTING CITY LIMIT LINE
- · - · - NEW CITY LIMIT LINE



VICINITY MAP
SCALE: 1" = 100'



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".

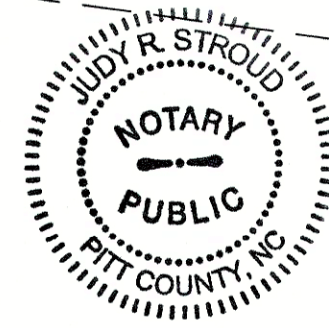


CERTIFICATION

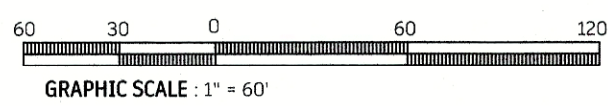
I, DEBORAH T. BOYETTE, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY OR FROM REFERENCES HEREON; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES AND ARE PLOTTED FROM INFORMATION FOUND IN DEEDS AND MAPS REFERENCED HEREON.

WITNESS MY HAND AND SEAL THIS 31st DAY OF MARCH, 2023.

Deborah T. Boyette
PROFESSIONAL LAND SURVEYOR L-4146



NORTH CAROLINA, PITT COUNTY
I, Judy R. Stroud NOTARY PUBLIC OF THE COUNTY AND STATE AFORESAID, CERTIFY THAT DEBORAH T. BOYETTE, 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 31st DAY OF March, 2023
NOTARY PUBLIC Judy R. Stroud
MY COMMISSION EXPIRES 2/27/2025



PORTION OF PN 22728, PN 68998, PN 32631

BARRINGTON FIELDS, SECTION 3	
WINTERVILLE AND ARTHUR TOWNSHIPS PITT COUNTY NORTH CAROLINA	
CLIENT: ROCKY RUSSELL DEVELOPMENT, LLC 106 REGENCY BOULEVARD GREENVILLE, NC 27834	
SURVEYED: N/A	APPROVED: DTB
DRAWN: DTB	DATE: MARCH 30, 2023
CHECKED: DTB	SCALE: 1" = 60'

MAP NO.	MAPS RECORDED	BOOK	PAGE

MAP SHOWING AREA ANNEXED BY		
THE CITY OF GREENVILLE		
DATE	ORDINANCE NO.	5.6063 Acres AREA



City of Greenville, North Carolina

Meeting Date: 05/11/2023

Title of Item: Ordinance to annex Joseph and Lily Bland's property involving a total of 9.0716 acres located along the southern right-of-way of Darrell Drive and 280+/- feet east of Len Drive

Explanation: A. SCHEDULE

1. Advertising date: April 29, 2023
2. City Council public hearing date: May 11, 2023
3. Effective date: May 11, 2023

B. CHARACTERISTICS

1. Relation to primary city limits: Contiguous
2. Relation to recognized industrial area: Outside
3. Acres: 9.0716
4. Voting District: 5
5. Township: Winterville
6. Zoning: RA20 (Residential-Agricultural)
7. Existing land use: Vacant
8. Anticipated land use: 1 single-family lot
9. Population estimate

	Formula	Number of people
Total current:	0	0
Estimated at full development	1 X 2.18	2
Current minority	0	0
Estimated minority at full development	2 X 43.4%	1
Current white	0	0
Estimated white at full development	2 - 1	1

* Source: Census.gov

10. Rural fire tax district: Red Oak
11. Greenville fire district: Station 5
12. Present tax value: \$122,100
13. Estimated tax value: \$250,000

Fiscal Note: Estimated tax value at full development is \$250,000

Recommendation: Approve the attached ordinance to annex Joseph and Lily Bland's property

ATTACHMENTS

-  [Ordinance Joseph and Lily Bland Annexation.pdf](#)
-  [Joseph and Lily Bland 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 11th day of May, 2023, after due notice by publication in The Daily Reflector on the 29th day of April, 2023; 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 “Joseph and Lily Bland property”, involving 9.0716 acres prepared by Spruill and Associates.

LOCATION: Situate in Winterville Township, Pitt County, North Carolina, located along the southern right-of-way of Darrell Drive and 300+/- feet east of Len Drive.

GENERAL DESCRIPTION:

Being that certain tract or parcel of land lying and being situate in Winterville Township, Pitt County, North Carolina and being bounded on the north by Lot 18-22 of Forest Pines Subdivision; on the east by the properties of H. Robert Allen and Bill Clark Homes of Greenville, LLC; on the south by Lots 107-109 of Savannah Place, Section 4, Phase 1 and by the properties of Homes On The Ange, Inc. and Thomas W. Benson, Trustee of the Frank W. Benson Marital Trust and on the west by a portion of Lot 24A of “Forest Pines, Lots 23 & 24A,” and being more particularly described as follows.

Commencing at a existing P.K. nail at the centerline intersection of Len Drive and Darrell Drive; thence S 87°26’14” E 302.61 feet to an existing iron bar on the south right of way line of Darrell Drive at the northwest corner of Lot 24A of “Forest Pines, Lots 23 & 24A” as recorded at a Map

Book 60, Page 101; and being the POINT OF BEGINNING; thence from said beginning point so established N 02°57'50" W 60.03 feet to a point on the north right of way of Darrell Drive: thence with said north right of way of Darrell Drive the following courses and distances: N 85°17'01" E 478.35 feet to a point; with the arc of a curve to the left having radius of 25.00 feet, a central angle of 42°49'22", an arc length of 18.68 feet and a chord of N 63°52'20" E 18.25 feet to a point; with the arc of a curve to the right having a radius of 50.00 feet, a central angle of 95°55'57", an arc length of 83.72 feet and a chord of S 89°34'22" E 74.28 feet to a point; and N 85°19'17" E 98.14 feet to a point in the center of a canal on the west line of the property of H. Robert Allen as described in Deed Book I-34, Page 604; thence with the center of said canal and the west property line of said H. Robert Allen and the property of Bill Clark Homes of Greenville, LLC as described in Deed Book 3898, Page 587 the following courses and distances: S 45°23'35" E 53.76 feet, S 54°19'54" E 29.57 feet, S 54°19'54" E 11.50 feet, S 42°05'50" E 152.32 feet, S 56°58'00" E 113.93 feet, S 53°18'46" E 87.69 feet, S 56°42'46" E 87.92 feet, S 72°37'04" E 34.73 feet, and N 75°47'32" E 73.72 feet to a point on the northwest line of lot 109 of Savannah Place, Section 4, Phase 1 as recorded in Map Book 84, Page 140; thence along and with the north lines of lots 107-109 of said Savannah Place, Section 4, Phase 1 S 47°03'57" W 198.63 feet to an existing iron pipe and S 89°36'58" W 98.98 feet to an existing iron pipe at the northeast corner of the property of Homes on the Ange, Inc. as described in Deed Book 1586, Page 455; thence S 89°36'58" W 14.97 feet to an iron pipe set, N 89°06'39" W 358.98 feet to an iron pipe set, N 89°16'51" W 100.45 feet to an iron pipe set, S 87°52'22" W 54.00 feet to an iron pipe set; thence continuing along the same bearing S 87°52'22" W 46.10 feet to an iron pipe set, N 88°28'27" W 100.60 feet to iron pipe set, S 88°33'30" W 100.16 feet to an iron pipe set, S 88°21'18" W 100.14 feet to an iron pipe set, S 88°24'00" W 42.02 feet to an iron pipe set, the southeast corner of "Lot 24A , Forest Pines", thence along the eastern line of Lot 24A N 02°57'50" W 352.29 feet to the POINT OF BEGINNING, including that City of Greenville pump station lot described in Deed Book 745, Page 335 and shown as an out lot on that map recorded at Map Book 60, Page 101 (which contains 0.2296 acre) and Lot 23 of "Forest Pines, Lots 23 & 24A" as shown in Map Book 60, Page 101 and the adjacent right of way of Darrel Drive containing 9.0716 acres. The deeds and maps referred to in this description are found at the Pitt County Registry and this description is based in part on an actual field survey and in part on information shown in Map Book 60, Page 101.

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

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

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

Section 5. This annexation shall take effect from and after the 11th day of May, 2023.

ADOPTED this 11th day of May, 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.

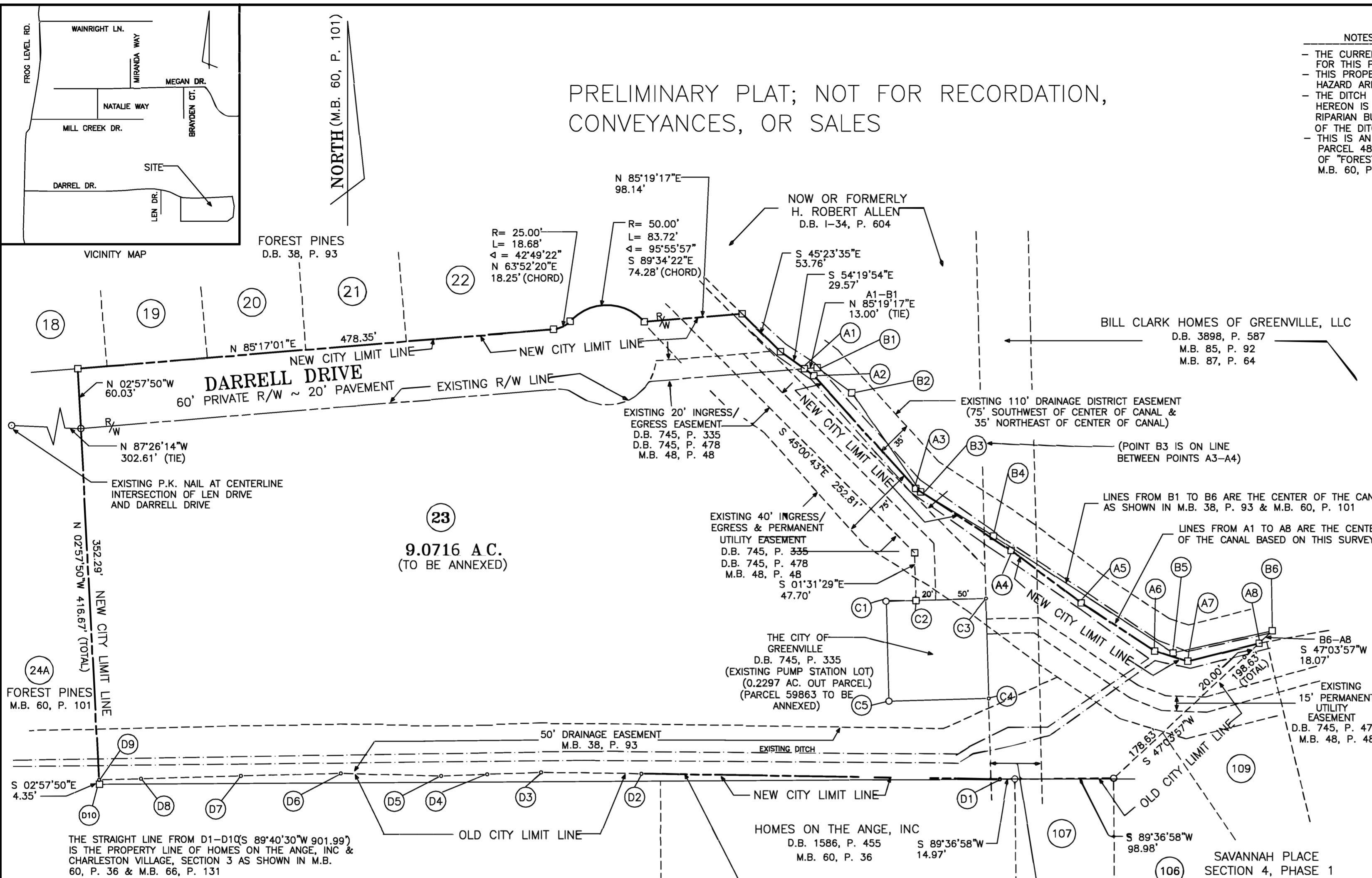
WITNESS my hand and official seal this ____th day of _____, 2023.

Notary Public

My Commission Expires: _____
1180194

PRELIMINARY PLAT; NOT FOR RECORDATION,
CONVEYANCES, OR SALES

NOTES
 - THE CURRENT CITY OF GREENVILLE ZONING DESIGNATION FOR THIS PROPERTY IS RA-20
 - THIS PROPERTY IS NOT LOCATED WITHIN A 100 YEAR SPECIAL FLOOD HAZARD AREA AS PER FEMA FIRM NO. 3720466600J, DATED JULY 7, 2014
 - THE DITCH FORMING THE EASTERN PROPERTY LINE OF THE PROPERTY SHOWN HEREON IS SUBJECT TO THE TAR-PAMLICO RIPARIAN BUFFER RULES; RIPARIAN BUFFER LIMITS EXTEND FROM CENTER OF DITCH TO 50' OFF OF THE DITCH BANK
 - THIS IS AN ANNEXATION PLAT FOR PARCEL 59863 AND PARCEL 48870 WHICH IS ALSO A PORTION OF LOT 23 OF "FOREST PINES, LOTS 23 & 24A" AS RECORDED AT M.B. 60, P. 101



CALL TABLE
(A1-AB) COURSES & DISTANCES

A1-A2	S 54°19'54"E	11.50'
A2-A3	S 42°05'50"E	152.32'
A3-A4	S 56°58'00"E	113.93'
A4-A5	S 53°18'46"E	87.69'
A5-A6	S 56°42'46"E	87.92'
A6-A7	S 72°37'04"E	34.73'
A7-A8	N 75°47'32"E	73.72'

CALL TABLE
(B1-B6) COURSES & DISTANCES

B1-B2	S 54°11'29"E	42.50'
B2-B3	S 34°51'51"E	120.95'
B3-B4	S 58°45'45"E	85.53'
B4-B5	S 56°57'51"E	214.50'
B5-B6	N 77°32'45"E	101.50'

PUMP STATION LOT CALL TABLE
(C1-C5) COURSES & DISTANCES

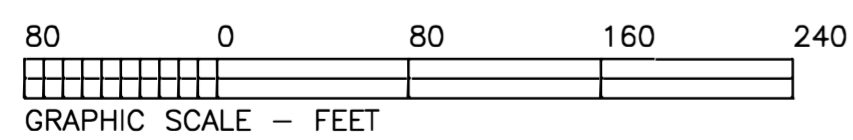
C1-C2	N 88°28'31"E	30.00'
C2-C3	N 88°28'31"E	70.00'
C3-C4	S 01°31'29"E	100.04'
C4-C5	S 88°28'31"W	100.00'
C5-C1	N 01°31'29"W	100.04'

CALL TABLE
(D1-D4) COURSES & DISTANCES

D1-D2	N 89°06'39"W	358.98'
D2-D3	N 89°16'51"W	100.45'
D3-D4	S 87°52'22"W	54.00'
D4-D5	S 87°52'22"W	46.10'
D5-D6	N 88°28'27"W	100.60'
D6-D7	S 88°33'30"W	100.16'
D7-D8	S 88°21'18"W	100.14'
D8-D9	S 88°24'00"W	42.02'

- LEGEND
- EXISTING IRON PIPE
 - IRON PIPE SET
 - ⊕ EXISTING IRON BAR
 - NO POINT SET
 - R/W RIGHT OF WAY
 - GUC GREENVILLE UTILITIES COMMISSION
 - NEW CITY LIMIT LINE
 - - - EXISTING CITY LIMIT LINE
 - OLD CITY LIMIT LINE

PRELIMINARY PLAT; NOT FOR RECORDATION,
CONVEYANCES, OR SALES



THOMAS W. BENSON, TRUSTEE OF THE
FRANK W. BENSON MARITAL TRUST
D.B. 4251, P. 394
CHARLESTON VILLAGE
SECTION 3
M.B. 66, P. 131
(WET DETENTION POND/BMP AREA)

LINES FROM D1-D9 ARE THE SUBJECT PROPERTY DEED LINES THAT WERE ALONG THE CENTER OF A DITCH (DITCH HAS BEEN FILLED/RELOCATED) AS SHOWN IN M.B. 38, P. 93 & M.B. 60, P. 101

ANNEXATION MAP FOR
JOSEPH E. BLAND
AND WIFE
LILY HYMAN BLAND
BEING A PORTION OF
DEED BOOK 4393 PAGE 792
WINTERVILLE TOWNSHIP ~ PITT COUNTY ~ NORTH CAROLINA

MAP NO.	PLATS RECORDED	BOOK	PAGE
	FOREST PINES, LOTS 23 & 24A	60	101

MAP SHOWING AREA ANNEXED BY
THE CITY OF GREENVILLE, NC

EFFECTIVE DATE: _____ ORDINANCE NO.: _____ AREA: **9.0716**

WINTERVILLE TOWNSHIP, PITT COUNTY, N.C.

I, STEPHEN N. SPRUILL, CERTIFY THAT THIS MAP WAS MADE FROM AN ACTUAL FIELD SURVEY MADE BY ME AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND IS EXEMPT FROM G.S. 47-10 AS SET FORTH IN SECTION (j) THEREOF.

N.C. REG. NO. L-2723

PITT COUNTY, NORTH CAROLINA

I, NOTARY PUBLIC OF THE COUNTY AND STATE AFORESAID, CERTIFY THAT STEPHEN N. SPRUILL, 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 _____ DAY OF _____, 2023

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____



City of Greenville, North Carolina

Meeting Date: 05/11/2023

Title of Item:

Ordinance requested by the Planning and Development Services Department to amend the regulations for tobacco shops in that no tobacco shop (class 2) shall be located within a one-half mile (2,640 foot) radius of a tobacco shop (class 1) or tobacco shop (class 2)

Explanation:

In 2013, the City established regulations for tobacco shops. Tobacco shops were classified as either a Class 1 or a Class 2. The main difference between these uses is a Class 1 could only sell tobacco and similar products. A Class 2 can sell the same items as a Class 1 and also a smoking apparatus. Class 1s are considered to be less intensive than a Class 2. Class 2s have more stringent standards than a Class 1. At the adoption of the standards, the intent was to not allow a Class 2 to be located within a one-half mile (2,640 foot) radius of a Class 1 or a Class 2. Staff is initiating this text amendment to clean up the existing language to meet the intent of the standards. Below are the existing definitions and standards; the text in red indicates the intended changes.

Section 9-4-22 Definition:

Tobacco Shop (Class 1). An establishment that, as a substantial portion of the use, entails the retail sales of tobacco products including, but not limited to, cigarettes, cigars, chewing tobacco, shisha, unformed or loose tobacco, and/or similar products. For the purpose of this definition, a substantial portion of the use is established if:

(1) At least 20% of the establishment's floor area open and accessible to customers is used for the display and/or stocking of tobacco products as provided herein; or

(2) At least 40% of the sign area of the establishment's on-site signage that is visible from public rights-of-way advertises tobacco products as provided herein.

Tobacco Shop (Class 2). An establishment that entails the retail sales of any of the following tobacco smoking apparatus: water pipes; hookah pipes; bowls; water bongs; or similar products.

9-4-103 Standards

(BB) *Tobacco Shop (Class 1)* (see also section [9-4-22](#)).

(1) No tobacco shop (class 1) shall be located within a 500-foot radius of an existing or approved school. This measurement shall be made from the exterior wall of the proposed tobacco shop (class 1) to the nearest exterior wall of any existing or approved school.

(2) No tobacco shop (class 1) shall be located within any certified redevelopment area.

(3) No tobacco shop (class 1) shall be located within a one-half mile (2,640 foot) radius of a tobacco shop (class 2).

(CC) *Tobacco Shop (Class 2) (see also section 9-4-22).*

(1) No tobacco shop (class 2) shall be located within a one-half mile (2,640 foot) radius of an ~~existing or approved~~ tobacco shop (class 1) or tobacco shop (class 2).

(2) No tobacco shop (class 2) shall be located within a 500-foot radius of the following:

(a) An existing conforming use single-family dwelling located in any district;

(b) Any single-family residential zoning district; and

(c) An existing or approved school, church, park or multi-family use.

(3) The measurements associated with divisions (BB)(1) and (2) above shall be made from the exterior wall of the proposed tobacco shop (class 2) to the nearest exterior wall of any existing or approved tobacco shop (class 1 or 2), existing conforming use single-family dwelling located in any district, or existing or approved school, church or multi-family use. The measurement shall be made from the exterior wall of the proposed tobacco shop (class 2) to the nearest property line of any single-family residential zoning district or park.

(4) No tobacco shop (class 2) shall be located within any certified

redevelopment area.

Fiscal Note: No direct cost

Recommendation: In staff's opinion, the proposed Zoning Ordinance Text Amendment is in compliance with the Horizons 2026: Greenville's Community Plan, Chapter 4, Growing the Economic Hub, *Goal 4.3 A Stable & Resilient Economy. Policy 4.3.1 Modernize and Diversify Local Economy. Support the growth of a variety of employment opportunities and businesses that diversify Greenville's economy and provide workers with a range of skill sets and training. Encourage business growth within incorporated areas to expand and diversify Greenville's tax base.*

Therefore, staff recommends approval.

The Planning and Zoning Commission voted unanimously to approve the request at its April 18, 2023 meeting.

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

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

"Motion to deny the requested text amendment, to make a finding and determination that the required text amendment is inconsistent with the comprehensive plan or other applicable plans, including but not limited to Horizons 2026: Greenville's Community Plan, Chapter 4, Growing the Economic Hub, *Goal 4.3 A Stable & Resilient Economy. Policy 4.3.1 Modernize and Diversify Local Economy. Support the growth of a variety of employment opportunities and businesses that diversify Greenville's economy and provide workers with a range of skill sets and training. Encourage business growth within incorporated areas to expand and diversify Greenville's tax base.*

ATTACHMENTS

 [Ordinance_for_Tobacco_Shops.pdf](#)

 [Minute Excerpt.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 11th day of May, 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.*

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

Section 1. That Title 9, Chapter 4, Section 103(BB), is hereby amended by adding the following:

(3) No tobacco shop (class 1) shall be located within a one-half mile (2,640 foot) radius of a tobacco shop (class 2).

Section 2. That Title 9, Chapter 4, Section 103(CC)(1) is hereby amended by deleting and replacing with the following:

(1) No tobacco shop (class 2) shall be located within a one-half mile (2,640 foot) radius of a tobacco shop (class 1) or tobacco shop (class 2).

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

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

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

ADOPTED this 11th day of May, 2023.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

Doc. # 1179624

Excerpt from the draft Planning & Zoning Commission Minutes (4/18/2023)

5. REQUEST BY THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT TO AMEND THE REGULATIONS FOR TOBACCO SHOPS IN THAT NO TOBACCO SHOP (CLASS 2) SHALL BE LOCATED WITHIN A ONE-HALF MILE (2,640 FOOT) RADIUS OF A TOBACCO SHOP (CLASS 1) OR TOBACCO SHOP (CLASS 2)

Chantae Gooby, Chief Planner, presented for staff. This is for housekeeping purposes. Before 2013, there were stores opening that only sold tobacco and similar products along with water bong, pipes, etc. These uses were considered convenience stores but were not a typical convenience store type of use. In 2013, the City Council adopted the tobacco shop uses and standards for a tobacco shop class 1 and a tobacco shop class 2. A class 1 was only allowed to sell tobacco/similar products. A Class 2 could sell the same items but also water bong, pipes etc. Class 1s are considered to be less intensive than a Class 2 - Class 2s have more stringent standards than a Class 1. At the adoption of the standards, the intent was to not allow a Class 2 to be located within a one-half mile radius of a Class 1 or a Class 2. For a Class 1 the new language is, No tobacco shop (class 1) shall be located within a one-half mile (2,640 foot) radius of a tobacco shop (class 2). For a Class 2, the amendment is to delete an existing or approved. The intent was to have complete separation between a Class 1 and a Class 2. Altogether, we have 27 existing tobacco shops in the City.

Chair Evans asked does this include vape shops.

Ms. Gooby stated yes.

Mr. Collins asked is this going to negatively affect current tobacco shops.

Ms. Gooby stated no.

In staff's opinion, the request is in compliance with the Horizons 2026: Greenville's Community Plan. Therefore, staff recommends approval of the request.

Chair Faison opened the public meeting.

No one spoke in favor of the request.

No one spoke in opposition of the request.

Chair Faison closed public hearing.

Motion made by Mr. Peyton, 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.



City of Greenville, North Carolina

Meeting Date: 05/11/2023

Title of Item:

Second reading and consideration of an ordinance requested by the Engineering Department to amend various chapters of the City Code to reflect recent changes in the City's operating structure and development standards

Explanation:

On October 1, 2019 the City Manager created the Department of Engineering and named Lisa Kirby as City Engineer and Director. The Engineering Department was formerly organized as a division under the Public Works Department.

Updates to the City Code are necessary to codify a stand-alone Department of Engineering to meet the priorities and initiatives set by City Council. In addition, the Engineering Department has facilitated an extensive stakeholder process resulting in revisions to the Manual of Standard Designs and Details as well as corresponding ordinances. Staff has grouped revisions into the following categories:

A. Establishment of the Engineering Department and delineation of responsibilities for the Engineering Department and its Director.

B. Revisions to the City's Manual of Standard Designs and Details (MSDD) - The MSDD contains the standards adopted by the City for building infrastructure within the city limits and extra-territorial jurisdiction. The MSDD was recently revised and the revised version will become effective on September 1, 2023. Several ordinance revisions were necessitated by the MSDD revisions, including but not limited to sections pertaining to driveways, streets, and storm drainage.

C. Revisions to the Soil Erosion and Sedimentation Control Ordinance - This ordinance is based on the NC Sedimentation Commission's Soil Erosion and Sedimentation Control Model Ordinance. The State's model ordinance has been updated and local ordinance is required to mirror those changes.

D. Updated references to governmental agencies and documents.

The category for each ordinance revision is identified below in parentheses adjacent to each Title, Chapter, and Section number.

The proposed ordinance and text amendments (redlined) are attached.

Summary of Proposed Text Amendments (See attachment for full redlined

revisions)

That Title 2, Chapter 3, of the City Code be amended as follows:

Remove all the strikethrough text and add the **BOLD** text as shown in the attached for the following sections:

- 2-3-73 (A)

That Title 6, Chapter 1, of the City Code be amended as follows:

Remove all the strikethrough text and add the **BOLD** text as shown in the attached for the following sections:

- 6-1-1 (A)
- 6-1-5 (A)

That Title 6, Chapter 2, of the City Code be amended as follows:

Remove all the strikethrough text and add the **BOLD** text as shown in the attached for the following sections:

- 6-2-12 (B)
- 6-2-33 (D)
- 6-2-36 (A)
- 6-2-37 (A)
- 6-2-40 (B)
- 6-2-40.1 (D)
- 6-2-50 (A)
- 6-2-62 (D)
- 6-2-77 (D)
- 6-2-91 (A)
- 6-2-93 (A)

That Title 8, Chapter 3, of the City Code be amended as follows:

Remove all the strikethrough text and add the **BOLD** text as shown in the attached for the following sections:

- 8-3-7 (A)
- 8-3-9 (D)

That Title 9, Chapter 4, of the City Code be amended as follows:

Remove all the strikethrough text and add the **BOLD** text as shown in the attached for the following sections:

- 9-4-22 (B)
- 9-4-95 (D)
- 9-4-100 (D)
- 9-4-103 (A)
- 9-4-104 (D)

- 9-4-120 (D)
- 9-4-133 (B)
- 9-4-150 (B)
- 9-4-162 (D)
- 9-4-167 (D)
- 9-4-168 (B)
- 9-4-183 (B)
- 9-4-201 (B)
- 9-4-202 (B)
- 9-4-281 (A)

That Title 9, Chapter 5, of the City Code be amended as follows:

Remove all the strikethrough text and add the **BOLD** text as shown in the attached for the following sections:

- 9-5-2 (D)
- 9-5-5 (B/D)
- 9-5-11 (A)
- 9-5-45 (D)
- 9-5-80 (D)
- 9-5-81 (B/D)
- 9-5-82 (B)
- 9-5-120 (D)
- 9-5-123 (B/D)
- 9-5-143 (D)

That Title 9, Chapter 8, of the City Code be amended as follows:

Remove all the strikethrough text and add the **BOLD** text as shown in the attached for the following sections:

- 9-8-3 (C/D)
- 9-8-4 (C)
- 9-8-5 (B)
- 9-8-6 (C)
- 9-8-7 (C)
- 9-8-8 (C)
- 9-8-9 (C)
- 9-8-10 (D)
- 9-8-15 (C)
- 9-8-16 (B)
- 9-8-17 (C)
- 9-8-18 (C)
- 9-8-19 (C)
- 9-8-20 (C)

That Title 9, Chapter 9, of the City Code be amended as follows:

Remove all the strikethrough text and add the **BOLD** text as shown in the

attached for the following sections:

- 9-9-3 (A/B/D)
- 9-9-6 (D)
- 9-9-8 (D)
- 9-9-12 (B)
- 9-9-13 (A)
- 9-9-16 (D)

That Title 11, Chapter 1, of the City Code be amended as follows:

Remove all the strikethrough text and add the **BOLD** text as shown in the attached for the following sections:

- 11-1-1 (A)
- 11-1-6 (A)

That Title 12, Chapter 1, of the City Code be amended as follows:

Remove all the strikethrough text and add the **BOLD** text as shown in the attached for the following sections:

- 12-1-11 (A)

That Title 12, Chapter 3, of the City Code be amended as follows:

Remove all the strikethrough text and add the **BOLD** text as shown in the attached for the following sections:

- 12-3-3 (A)

That Title 12, Chapter 5, of the City Code be amended as follows:

Add the **BOLD** text as shown in the attached for the following sections:

- 12-5-8 (A)

Fiscal Note:

No fiscal impact is anticipated with this action.

Recommendation:

Per N.C.G.S. § 160A-175 two readings of this request must be held. The first reading was held at the May 8, 2023 City Council meeting. Tonight's public hearing is the second and final reading of the requested revisions.

The proposed Zoning Ordinance Text Amendment is in compliance with the following adopted goals and policies Horizons 2026: Greenville's Community Plan, Vision Framework #8: Growing Together Greenville will be a place where people and organizations work together to achieve a vitality and character that cannot be accomplished without purposeful coordination and collaboration. This is a community rich with resources and leadership. Multiple governmental jurisdictions, institutions, organizations and business have worked over the years to contribute to the success and unique character of the City of Greenville.

Relationships and partnerships will continue to evolve in a way that moves the community forward, Growing Together.

Additionally, the Planning and Zoning Commission voted unanimously to recommend approval at its April 18, 2023 meeting.

Therefore, staff recommends approval.

ATTACHMENTS

-  [**Ordinance - Engineering Dept Text Amendments.pdf**](#)
-  [**Proposed Engineering Redlined Text Amendments.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 11th day of May, 2023, at 6:00 p.m., in the City Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance amending the City Code; and

WHEREAS, on May 11, 2023, the City Council of the City of Greenville held a public hearing, and 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 amendments is consistent with the adopted comprehensive plan and is reasonable and in the public interest;

WHEREAS, a further description on why the action taken is consistent with the comprehensive plan and other officially adopted plans that are applicable in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance is consistent with provisions of the comprehensive plan including, but not limited to, Horizons 2026: Greenville's Community Plan, *Vision Framework #8: Growing Together Greenville will be a place where people and organizations work together to achieve a vitality and character that cannot be accomplished without purposeful coordination and collaboration. This is a community rich with resources and leadership. Multiple governmental jurisdictions, institutions, organizations and business have worked over the years to contribute to the success and unique character of the City of Greenville. Relationships and partnerships will continue to evolve in a way that moves the community forward, Growing Together.*

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

Section 1: Titles 2, 6, 8, 9, 11, and 12 of the Code of Ordinances of the City of Greenville, as shown in the attached, are hereby amended by removing all strikethrough text and inserting all red bold text. Revisions to the following Chapters and Sections are included:

TITLE 2 CHAPTER 3 SECTION 73

TITLE 6 CHAPTER 1 SECTION 1
TITLE 6 CHAPTER 1 SECTION 5

TITLE 6 CHAPTER 2 SECTION 12
TITLE 6 CHAPTER 2 SECTION 33

TITLE 6 CHAPTER 2 SECTION 36
TITLE 6 CHAPTER 2 SECTION 37
TITLE 6 CHAPTER 2 SECTION 40
TITLE 6 CHAPTER 2 SECTION 40.1
TITLE 6 CHAPTER 2 SECTION 50
TITLE 6 CHAPTER 2 SECTION 62
TITLE 6 CHAPTER 2 SECTION 77
TITLE 6 CHAPTER 2 SECTION 91
TITLE 6 CHAPTER 2 SECTION 93

TITLE 8 CHAPTER 3 SECTION 7
TITLE 8 CHAPTER 3 SECTION 9

TITLE 9 CHAPTER 4 SECTION 22
TITLE 9 CHAPTER 4 SECTION 95
TITLE 9 CHAPTER 4 SECTION 100
TITLE 9 CHAPTER 4 SECTION 103
TITLE 9 CHAPTER 4 SECTION 104
TITLE 9 CHAPTER 4 SECTION 120
TITLE 9 CHAPTER 4 SECTION 133
TITLE 9 CHAPTER 4 SECTION 150
TITLE 9 CHAPTER 4 SECTION 162
TITLE 9 CHAPTER 4 SECTION 167
TITLE 9 CHAPTER 4 SECTION 168
TITLE 9 CHAPTER 4 SECTION 183
TITLE 9 CHAPTER 4 SECTION 201
TITLE 9 CHAPTER 4 SECTION 202
TITLE 9 CHAPTER 4 SECTION 281

TITLE 9 CHAPTER 5 SECTION 2
TITLE 9 CHAPTER 5 SECTION 5
TITLE 9 CHAPTER 5 SECTION 11
TITLE 9 CHAPTER 5 SECTION 45
TITLE 9 CHAPTER 5 SECTION 80
TITLE 9 CHAPTER 5 SECTION 81
TITLE 9 CHAPTER 5 SECTION 82
TITLE 9 CHAPTER 5 SECTION 120
TITLE 9 CHAPTER 5 SECTION 123
TITLE 9 CHAPTER 5 SECTION 143

TITLE 9 CHAPTER 8 SECTIONS 3 THROUGH 10
TITLE 9 CHAPTER 8 SECTIONS 15 THROUGH 20

TITLE 9 CHAPTER 9 SECTION 3
TITLE 9 CHAPTER 9 SECTION 6
TITLE 9 CHAPTER 9 SECTION 8
TITLE 9 CHAPTER 9 SECTION 12
TITLE 9 CHAPTER 9 SECTION 13
TITLE 9 CHAPTER 9 SECTION 16

TITLE 11 CHAPTER 1 SECTION 1
TITLE 11 CHAPTER 1 SECTION 6

TITLE 12 CHAPTER 1 SECTION 11

TITLE 12 CHAPTER 3 SECTION 3

TITLE 12 CHAPTER 5 SECTION 8

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

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

Section 4: This ordinance shall become effective on September 1, 2023.

ADOPTED this 11th day of May, 2023.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

TITLE 2 GOVERNMENT AND ADMINISTRATION

CHAPTER 3: BOARDS AND COMMISSIONS

SEC. 2-3-73 ORGANIZATION.

(A) The Environmental Advisory Commission shall adopt bylaws and elect officers from its membership.

(B) The Director of ~~Public Works~~ **Engineering** or designee shall serve as Executive Secretary of the Commission and shall provide technical assistance as necessary.

(Ord. No. 08-27, § 1, passed 3-13-2008)

TITLE 6 PUBLIC WORKS **AND ENGINEERING**

CHAPTER 1: GENERAL PROVISIONS

Section

6-1-5 Engineering Director; powers and duties

SEC. 6-1-1 PUBLIC WORKS DIRECTOR; POWERS AND DUTIES.

The Public Works Director, under the supervision of the City Manager, shall be responsible for the following functions:

- (A) **Supervision and maintenance of all city streets and sidewalks;** ~~including supervision of maintenance crews;~~
- (B) ~~Placement and maintenance of all traffic signs, markings, and painting of all city equipment;~~ **Supervision and maintenance of municipal stormwater system;**
- (C) Maintenance and upkeep of city cemeteries;
- (D) Operation of the city garage and maintenance of all city-owned vehicles, tools and equipment;
- (E) Supervision of the collection, handling and disposal of garbage and refuse;
- (F) Management and maintenance of the Greenville Transit Division;
- (G) Performance of other duties as directed by the City Manager; and
- (H) Enforcement of the provisions **as enumerated in** ~~of~~ this title.

(Ord. No. 1059, passed 1-8-1981)

SEC. 6-1-5 ENGINEERING DIRECTOR; POWERS AND DUTIES.

The Engineering Director, under the supervision of the City Manager, shall be responsible for the following functions:

- (A) **Management and maintenance of the Stormwater Management Enterprise Fund;**
- (B) **Management of the Municipal Separate Storm Sewer System (MS4);**
- (C) **Supervision and management of the Soil Erosion and Sedimentation Control Program;**
- (D) **Management of the Capital Improvement Program related to City rights-of-way and stormwater utility;**
- (E) **Management and enforcement of the Manual of Standard Designs and Details;**

- (F) Placement and maintenance of all traffic signs, pavement markings, and signals;**
- (G) Performance of other duties as directed by the City Manager; and**
- (H) Responsibilities and enforcement of the provisions as enumerated in Titles 6, 8, 9, 10, 11 and 12.**

CHAPTER 2: STREETS AND SIDEWALKS

SEC. 6-2-12 REQUIREMENTS FOR CONCRETE SIDEWALK LAID BY PROPERTY OWNER.

(A) Any person desiring to lay a concrete sidewalk abutting his or her property shall have it ~~laid with the inside of the sidewalk touching his or her property line. The sidewalk shall be~~ constructed in accordance with ~~uniform standards~~ **the Manual of Standard Designs and Details** and specifications prescribed by the City Engineer.

(B) It shall be unlawful for any person to violate this section.

SEC. 6-2-33 DEFINITIONS.

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

Access point. A point of ingress and egress which may be a private street, driveway or public street.

Apron. The paved area between the gutter flow line of the intersecting roadway and its dedicated right-of-way.

Commercial driveway. A driveway providing vehicular ingress and egress for property used for commercial purposes.

Curb return. The section of curb which deviates, by radius, from the gutter flow line to the abutting property or sidewalk.

Driveway. An area on private property providing ingress and egress for motor vehicles to a public or private right-of-way.

Driveway angle. The angle between the centerline of the driveway and the centerline of the intersecting roadway. "Driveway angles" shall be no less than 60 degrees.

Driveway approach. The improved area between the intersecting roadway and its right-of-way, intended to provide ingress and egress of vehicular traffic to a definite area on private property.

Driveway width. The width of driveway, measured parallel to the edge of the intersecting roadway at its right-of-way line (or at the end of approved radius on street type entrances), from face of curb to face of curb if curb section is installed or edge of pavement for noncurb and gutter section.

Frontage. The length of property adjoining the street right-of-way of a single property, track or development area between the side property lines.

Industrial driveway. A driveway serving as an ingress and egress for property used for industrial purposes.

Island. A raised curb area which serves as a physical barrier preventing left turn movements.

Median. A raised curb area which serves as a physical barrier for separating the flow of traffic into and out of private property.

Multi-family residential driveway. A driveway serving as ingress and egress to property used for residential purposes other than single-family or duplex residential.

Named access. A private driveway assigned a name by the City Engineer.

Private streets. Streets that have been publicly dedicated by easement and as such constitute public vehicular areas as provided and regulated by the Greenville Subdivision Ordinance. These streets are constructed in accordance with Manual of Standard Designs and Details, but are maintained by the property owner or pursuant to recorded agreements. No new private streets are allowed after August 14, 2014.

Public streets. Streets that have been accepted or are in the process of being accepted for permanent maintenance by either the State of North Carolina or the city. This includes roadways defined as “approved streets” in section 9-5-5 of the subdivision regulations.

Ramp-type driveway approach. A driveway characterized by a tapered curb cut and a continuous sidewalk, if present, that is incorporated as part of the driveway.

Residential driveway. A driveway providing vehicular ingress or egress for individual residential property used for single-family or duplex residential purposes.

Right-of-way. The area within legally defined property boundaries where title, easement, dedication or other property right rests with the city or state and is designated or intended for use as a public street or roadway.

Sidewalk. An improved area on public or private property, generally parallel to edge of street roadway or curb, where pedestrians walk or stand.

Sight distance.

(1) An imaginary line drawn across the corner of a parcel of property that is located at the intersection of two streets. The end points of the line are located by beginning at the intersection of the right-of-way lines and proceeding along the right-of-way lines a distance indicated below.

(a) Two nonthoroughfare streets intersecting: 25 feet;

(b) Nonthoroughfare street intersecting a thoroughfare street: ten feet along the nonthoroughfare and 70 feet along the thoroughfare; and

(c) Two thoroughfare streets intersecting: 40 feet.

(2) The sight distance line is created by connecting these two points with a straight line. On median divided streets, the sight distance shall include the portion of the median within ten feet of the right-of-way of the intersected street (ultimate thoroughfare right-of-way if the intersected street is a thoroughfare). No above-grade structures or vegetation in excess of 30 inches in height above adjacent edge of pavement shall be allowed within the sight distance.

Special commercial driveway. This classification is primarily for high volume traffic generators. Examples of this classification are: large shopping centers (generally in excess of 75,000 square feet), major recreational facilities, large office buildings and/or complexes containing more than 200 parking spaces, hospitals, large industrial developments, airports and civic centers.

Street-type driveway entrance. A driveway approach characterized by a large radius and vertical curbs with the appropriate wheel chair ramps.

Thoroughfare, major. Roads which are the principal traffic carriers of the urban area. Their function is to move intra-urban and inter-urban traffic. Refer to the **Highway Map of the Comprehensive Transportation Plan** ~~city thoroughfare plan~~ as amended for streets classified as “major thoroughfares.”

Thoroughfare, minor. Roads which serve the function of collecting traffic from local streets, such as residential, commercial or industrial, and carrying it to the major thoroughfare system. Refer to the **Highway Map of the Comprehensive Transportation Plan** ~~city thoroughfare plan~~ as amended for streets classified as “minor thoroughfares.”

(Ord. No. 2371, § 1, passed 9-23-1991; Ord. No. 2566, § 1, passed 1-14-1993; Ord. No. 14-049, § 1, passed 8-14-2014)

SEC. 6-2-36 SUBMISSION OF PLANS; INFORMATION REQUIRED.

(A) No permit shall be issued until there is filed with the City Engineer for approval: a city driveway permit application, ~~two copies of the~~ site plans showing information as described in section 6-2-36(C) below and payment of appropriate fees as shown in the city Manual of Fees.

(B) In the case of driveways on roadways that are a part of the North Carolina Department of Transportation street system, inside the corporate limits of the city, no permit shall be issued until there is filed with the City Engineer for approval five copies of the N.C. D.O.T.’s “Street and Driveway Access Permit Application,” site plans showing location and dimensions of all proposed and existing driveways and payment of appropriate fees as shown in the city Manual of Fees.

(C) Information that must be shown on plans submitted shall include:

- (1) Location of property and property owners;
- (2) The nature of the present and proposed property use;
- (3) The location of all existing and proposed buildings;
- (4) Street pavement and right-of-way width;
- (5) Location and dimensions of existing and proposed driveway approaches on both sides of the affected roadway;
- (6) For commercial and/or industrial buildings, the proposed location of off-street loading and unloading facilities;

(7) Interior parking arrangements and traffic circulation patterns;

(8) The location of the property must be identified by street, street address, map block, lot number and subdivision name, so that it may be located in the field;

(9) Complete names and addresses of the property owners and the applicants must be given on the application;

(10) The planned use of the property must be indicated as one of the following:

(a) Residential, single-family or duplex;

(b) Residential, multi-family;

(c) Commercial;

(d) Industrial;

(e) Institutional;

(f) Governmental; and

(g) Automobile fuel/gasoline sales.

(11) Plans shall show retaining walls, drainage, utility poles, water, sanitary sewer, electric, gas and other physical features which may affect the driveway location; and

(12) Location of sight distance line(s).

(Ord. No. 2371, § 1, passed 9-23-1991)

SEC. 6-2-37 PERMIT INSPECTIONS.

(A) Once the permit is duly issued, the supervisor on the driveway construction site shall keep the permit available for on-the-job inspection by authorized personnel of the city. In the event of failure to comply with the terms of the permit, faulty workmanship and/or materials, the City Engineer or his or her authorized agent shall have the right to stop the work until such time as the objectionable conditions are corrected. All cost incurred in the removal and/or correction of noncompliance with design, defective workmanship or materials shall be borne by the applicant.

(B) The owner/applicant shall notify the Engineering ~~and Inspections~~ Department after the driveway is formed for inspection.

(C) All driveways are to be inspected by the City Engineer or designee prior to the placement of concrete.

(Ord. No. 2371, § 1, passed 9-23-1991)

SEC. 6-2-40 WIDTH OF DRIVEWAY APPROACH STANDARDS.

(A) The width of the driveway approach shall be within the minimum and maximum limits as specified below:

Location	Minimum F/F Curb Section	Maximum F/F Curb Section
Residential (single-family/duplex)	10 ft.	22 ft.
Residential (duplex – shared driveway)	10 ft.	26 ft.
Residential (multi-family)	12 ft. (one-way)	16 ft. (one-way)
	24 ft. (two-way)	36 ft. (two-way)
Commercial, industrial, governmental or institutional	12 ft. (one-way)	18 ft. (one-way)
	24 ft. (two-way)	36 ft. (two-way)
Street type driveway	24 ft.	36 ft.
Special commercial	24 ft.	48 ft.

(B) The width of the driveway approach shall be measured at the right-of-way line or at the end of approved radius on street type entrances when the radius extends beyond the right-of-way line. For driveways with an approach angle other than 90 degrees, the width will be measured at either of the above described points perpendicular to the driveway curb line.

(C) The radius of curvature of the back of curb of the return radius for street-type entrances shall be within the minimum and maximum limits as specified below:

Location	Minimum Radius	Maximum Radius
Residential (single-family/duplex)	5 ft.	10 ft.
Residential (multi-family)	5 ft.	25 ft.
Commercial, industrial, governmental or institutional	5 ft.	50 ft.

(D) The minimum angle of the driveway with respect to pavement edge shall be 60 degrees.

(E) Private street entrances shall conform to the Manual of Standard Designs and Details.

(F) Medians may be permitted for street type driveways and private street entrances only upon approval of the City Engineer and subject to the following conditions:

(1) The “nose” of an approved median, used on private drives intersecting streets with curb and gutter, shall be flush with the face of curb of the intersected street. If the intersected street does not have curb and gutter, then the median “nose” shall be no closer than six feet and no more than 12 feet from the edge of pavement of the street. Note that these requirements allow construction of medians within public right-of-way, but this does not allow the construction of any other permanent features such as trees, utility poles, fire hydrants, entrance signs and the like

within the public right-of-way. No shrubs will be allowed on medians in the public right-of-way that are in excess of 30 inches in height. If and when the street that the median encroaches upon is widened, the owner/applicant shall be responsible for the removal of the median and appurtenances. Maintenance of the median shall be the responsibility of the owner/applicant;

(2) The minimum width of the median as measured nearest the right-of-way line (excluding the nose) shall be five feet; the minimum length measured from the right-of-way line shall be 25 feet; the maximum width of median shall be 20 feet;

(3) The combined width of pavement of the separated driveway segments shall not exceed 48 feet; and

(4) Medians shall not be permitted for ramp-type driveways.

(G) Island size(s) shall be reviewed and approved on a case-by-case basis by the City Engineer as deemed appropriate for the control of traffic movements in areas of vehicular congestion.

(Ord. No. 2371, § 1, passed 9-23-1991)

SEC. 6-2-40.1 NUMBER OF DRIVEWAYS.

(A) Tracts, lots of record and preliminary plats existing prior to the effective date of this article.

(1) (a) Along major thoroughfares the number of driveways allowed shall be as follows and subject to subsequent spacing requirements.

Property Frontage (F) (in feet)	No. of Driveways Allowed
F less than or equal to 300	1
F greater than 300, but less than or equal to 800	2
F greater than 800	Possibly 3

(b) Two driveways is the maximum number of driveways allowed per street frontage for any one lot. The City Engineer may approve the use of three driveways on one lot, provided the property has more than 800 feet of frontage and the development plan for the complete tract of land is submitted.

(2) (a) Along minor thoroughfares the number of driveways allowed shall be as follows and subject to subsequent spacing requirements.

Property Frontage (F) (in feet)	No. of Driveways Allowed
F less than or equal to 250	1
F greater than 250, but less than or equal to 600	2
F greater than 600	Possibly 3

(b) Two driveways is the maximum number of driveways allowed per street frontage for any one lot. The City Engineer may approve the use of three driveways on one lot, provided the property has more than 600 feet of frontage and the development plan for the complete tract of land is submitted.

(3) Along nonthoroughfare streets a maximum of two driveways will be allowed for any one lot subject to subsequent spacing requirements. A lot with frontage in excess of 400 feet can apply for three driveways, subject to review of the development plan for the complete tract of land.

(4) When a single-family residence is located along a major or minor thoroughfare, a loop driveway can be allowed, provided the lot has a minimum of 70 feet of frontage along the thoroughfare and there is a minimum of 30 feet separation between adjacent edges of pavement.

(B) Subdivision, redivision or recombination of tracts occurring after the effective date of this article.

(1) Where the division or development of land is subject to the adopted **Highway Map of the Comprehensive Transportation Plan** ~~thoroughfare plan~~ and policies as amended, all driveways for all subsequent or resulting tracts, lots or parcels shall not exceed the total number of driveways allowed pursuant to sections 6-2-40.1(A)(1) and (2) of this section.

(2) Where the division or development of land is not subject to the adopted **Highway Map of the Comprehensive Transportation Plan** ~~thoroughfare plan~~ and policies as amended, all driveways for all subsequent or resulting tracts, lots or parcels shall be subject to section 6-2-40.1(A)(3) above, unless otherwise provided.

(Ord. No. 96-92, § 1, passed 9-12-1996)

SEC. 6-2-50 APPLICABILITY; ASSIGNMENT AND DISPLAY OF ADDRESS NUMBERS GENERALLY.

(A) Applicability of article. This article shall apply to the area within the “address boundary” as established in an interlocal agreement between the City of Greenville and the County of Pitt dated October 13, 1994.

(B) Duty of owner to display number. It shall be the duty of each owner of a residential, institutional, industrial or commercial building to clearly display the proper street address number of the assigned building so as to be visible from the nearest public vehicular area, as defined in G.S. 20-4.01.

(C) City Engineer to assign numbers. The City Engineer shall be responsible for assigning proper street address numbers. Property owners shall be responsible for applying by mail, or in person, to the ~~engineering division of the Public Works~~ **Engineering** Department for the assignment of proper address.

(Ord. No. 1786, § 1, passed 11-12-1987; Ord. No. 94-137, § 1, passed 10-13-1994)

SEC. 6-2-62 MINIMUM SUBMISSION STANDARDS.

All applications for an outdoor dining permit shall be submitted on a form provided by the city and contain the following information:

(A) Five (5) copies of a scaled sketch plan showing the proposed outdoor dining area boundary and surrounding streetscape details including property lines, sidewalks, lighting, trees, tree grates, planters, parking meters, benches, street signs, bus stops, and fire hydrants. The plan shall also include location, number and arrangement of tables, chairs and other appurtenances. The plan will be reviewed for compliance with applicable rules, regulations, ordinances, law, and statutes by the following departments/divisions: Police, Fire/Rescue, Engineering, and **Planning and Development Services Inspections**;

(B) Valid privilege license from the City of Greenville;

(C) State ABC license to serve alcoholic beverages in the outdoor dining area (if alcoholic beverages are served);

(D) City beer/wine license to serve alcoholic beverages in the outdoor dining area (if alcoholic beverages are served);

(E) Proof of valid insurance policy that provides a minimum liability of \$ 1,000,000, and has the City of Greenville designated as an additional insured under the policy; and

(F) Written permission of abutting property owner (if outdoor dining area includes an area adjacent to the abutting property beyond the property upon which the restaurant or dining and entertainment establishment is located).

(G) The applicant agrees to maintain no less than four feet (48 inches) minimum pedestrian clearance at all times and demarcated by a City of Greenville outdoor dining emblem.

(Ord. 13-022, § 1, passed 5-9-2013; Ord. No. § 2, passed 4-8-2019)

SEC. 6-2-77 MINIMUM SUBMISSION STANDARDS.

All applications for an outdoor dining permit in the uptown parking deck plaza shall be submitted on a form provided by the city and contain the following information:

(A) Five copies of a scaled sketch plan showing the proposed outdoor dining area boundary and surrounding streetscape details including property lines, sidewalks, lighting, trees, tree grates, planters, parking meters, benches, street signs, bus stops, and fire hydrants. The plan shall

also include location, number and arrangement of tables, chairs and other appurtenances. The plan will be reviewed for compliance with applicable rules, regulations, ordinances, law, and statutes by the following departments/divisions: Police, Fire/Rescue, Engineering, and **Planning and Development Services Inspections**.

(B) State ABC license to serve alcoholic beverages in the outdoor dining area (if alcoholic beverages are served);

(C) City beer/wine license to serve alcoholic beverages in the outdoor dining area (if alcoholic beverages are served);

(D) Proof of valid insurance policy that provides a minimum liability of \$1,000,000, and has the city designated as an additional insured under the policy; and

(E) Written permission of abutting property owner (if outdoor dining area includes an area adjacent to the abutting property beyond the property upon which the restaurant or dining and entertainment establishment is located).

(F) The applicant agrees to maintain no less than four feet (48 inches) minimum pedestrian clearance at all times.

(Ord. 15-045, § 1, passed 8-13-2015; Ord. No. 19-020, § 4, passed 4-8-2019)

SEC. 6-2-91 DEFINITIONS.

For the purposes of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Applicant means a person who applies to use city right-of-way to install distributed antenna system (DAS) equipment.

City right-of-way means areas dedicated for public use as streets that have been accepted for permanent maintenance by the City of Greenville.

Distributed antenna system (DAS) equipment means antenna and supporting equipment connected to a common source that provides wireless service within a geographic area or structure, including the pole or similar structure upon which the antenna and supporting equipment is attached.

Distributed antenna system (DAS) equipment permit means the permit for a person to install or maintain distributed antenna system (DAS) equipment on or in city right-of-way pursuant to a permit issued under this article.

Director means the Director of the Greenville **Public Works Engineering** Department or, unless the context indicates otherwise, the Director's designee.

User means a person who has been granted the right to install or maintain distributed antenna system (DAS) equipment under this article.

(Ord. No. 16-067, § 1, passed 12-8-2016)

SEC. 6-2-93 APPLICATION TO USE CITY RIGHT-OF-WAY.

(A) Authorized user. Unless otherwise required by law, only a person who holds a valid permit, franchise, license, or other authority, to use a city right-of-way will be granted a distributed antenna system (DAS) equipment permit. An applicant's use of city right-of-way is limited to the purposes specified in the applicant's franchise, permit, license, or other authority. Distributed antenna system (DAS) equipment used for a purpose not authorized by an applicant's permit, franchise, license, or other authority, is unauthorized distributed antenna system (DAS) equipment. A person who applies to use city right-of-way for a private purpose will not be granted a distributed antenna System (DAS) equipment permit.

(B) Application process. An applicant must file an application with the city to use city right-of-way on a form as prescribed by the Director. The Director shall consider each application on a first come, first served basis. If an application cannot be approved as presented, the Director may approve a conditional application.

(C) Denial of an application.

(1) The Director may deny an application for a distributed antenna system (DAS) equipment permit if:

- a. The applicant fails to submit a complete application;
- b. The applicant fails to supplement its application with additional information or otherwise cooperate with the city as requested in the evaluation of the application;
- c. The applicant fails to submit a structural engineering analysis by a North Carolina registered professional engineer certifying that the pole or other structure that is proposed to support the distributed antenna system (DAS) equipment can reasonably support the proposed distributed antenna system (DAS) equipment considering the conditions of the street and the anticipated hazards from traffic to be encountered at the location;
- d. The Director determines, in the Director's judgment, that the proposed distributed antenna system (DAS) equipment would present a safety hazard;
- e. The Director determines, in the Director's judgment, that the proposed distributed antenna system (DAS) equipment is not adequately shrouded or camouflaged and, as a result, would, in the opinion of the Director, create adverse visual impact;
- f. The Director determines, in the Director's judgment, that the proposed distributed antenna system (DAS) equipment is located in a location which would, in the opinion of the Director, have a substantial adverse impact on a single property;
- g. The Director determines, in the Director's judgment, that the proposed distributed antenna system (DAS) equipment is located too near other structures within the city right-of-way which would, in the opinion of the Director, create adverse visual impact;

h. The Director determines, in the Director's judgment, that the proposed distributed antenna system (DAS) equipment would impair the city's ability to operate or maintain the city right-of-way in a reasonable manner;

i. The Director determines, in the Director's judgment, that the proposed distributed antenna system (DAS) equipment and its placement would violate the city's standard design criteria;

j. The Director determines, in the Director's judgment, that the proposed distributed antenna system (DAS) equipment would violate the provisions of the Zoning Ordinance;

k. The applicant is not in compliance with any provision of this article; or

l. The applicant fails or refuses to sign a written agreement presented by the Director to the applicant intended to assist with the implementation of the provisions of this article or intended to assist with the implementation of the policies and regulations developed by the Director that are intended to preserve the city's right to control of the city right-of-way.

(2) If an application is denied, the Director shall notify the applicant in writing of the reason for the denial. If an application is denied, an applicant may file a new application that corrects the reason for the denial. If an application is denied, the applicant may appeal the denial to the Director of ~~Public Works~~ **Engineering** for reconsideration no later than the thirtieth day after the date of the denial.

(D) Additional costs. The applicant or user is responsible for all costs as determined by the city to replace, enlarge, or upgrade city right-of-way to accommodate the applicant's proposed distributed antenna system (DAS) equipment.

(E) Permit requirements. A user may not change the number, kind, or location of distributed antenna system (DAS) equipment, the method of construction or installation, or the use of the distributed antenna system (DAS) equipment authorized under a distributed antenna system (DAS) equipment permit without the prior written consent of the Director.

(Ord. No. 16-067, § 1, passed 12-8-2016)

TITLE 8 PUBLIC UTILITIES

CHAPTER 3: STORMWATER MANAGEMENT UTILITY

SEC. 8-3-7 BILLING AND COLLECTION.

(A) Method of billing. Billing and collection of the stormwater service charge and any other rents, rates, fees, charges and penalties for stormwater management services and facilities may be accomplished in any manner deemed appropriate by the City Manager.

(B) Delinquencies. A stormwater utility service charge billing or other billing for rents, rates, fees, charges and penalties associated with the stormwater utility shall be declared delinquent if not paid within 60 days of the date of billing. A delinquent billing shall accumulate an additional penalty at the rate as established for delinquent, unpaid property taxes and shall run from the date of the original billing. This penalty shall be termed a delinquency penalty charge.

(C) Appeal of disputed bills, adjustments. If any customer disputes the stormwater utility service charge or any other rents, rates, fees, charges, or penalties adopted pursuant to this chapter, that customer must appeal the billing within 60 days of the charge, stating the reasons for the appeal, and providing information pertinent to the calculation of the bill. An appeal of a disputed bill shall be filed with the ~~Public Works~~ Director **of Engineering**, who may direct that the appeal be reviewed and resolved by the stormwater utility staff. If the customer is not satisfied with the disposition of the appeal, the customer may further appeal the disputed charge to the City Manager or his or her designee who shall make the final ruling on the validity of the appeal. The administrative remedies provided in this chapter shall be exhausted before recourse to a court of competent jurisdiction.

(Ord. No. 02-133, § 2, passed 12-12-2002)

SEC. 8-3-9 CREDITS AND EXEMPTIONS.

(A) Credit for mitigation measures. Credits against stormwater management utility service charges are an appropriate means of adjusting fees, rates, rentals, charges, fines and penalties in certain cases. Crediting mechanisms may be established by City Council and, when established, a credit manual shall be issued that will set forth the appropriate process and documentation to obtain such credits. No exception, credit, offset or other reduction in stormwater service charges shall be granted based on age, race, tax status, economic status or religion of the customer, or other condition unrelated to the stormwater utility's cost of providing stormwater services and facilities.

(B) Exemptions. Except as provided in this section, no public or private property shall be exempt from stormwater service charges or receive a credit against such service charges. The following exemptions shall be allowed:

(1) Improved public road rights-of-way which have been conveyed to and accepted for maintenance by the North Carolina Department of Transportation and are available for use in

common for vehicular transportation by the general public shall be exempt from the stormwater service charge;

(2) Improved public road rights-of-way which have been conveyed to and accepted for maintenance by the city and are available for use in common for vehicular transportation by the general public shall be exempt from the stormwater service charge; and

(3) Railroad rights-of-way used exclusively for trackage and related safety appurtenances shall be exempted from the stormwater service charge.

(4) Airport runways and taxiways subject to NCGS 160A-314(a1)(6).

(Ord. No. 02-133, § 2, passed 12-12-2002)

TITLE 9 NEW (NCGS 160D-Update) BUILDING, PLANNING AND DEVELOPMENT REGULATIONS

CHAPTER 4: ZONING

SEC. 9-4-22 WORDS AND TERMS DEFINED.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory building. A subordinate building or structure located on the same lot as, and detached from, the principal building, the use of which is an accessory use to that of the principal building.

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

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.

Administrative decision. A decision made in the implementation, administration, or enforcement of development regulations that involves the determination of facts and the application of objective standards set forth in this Ordinance.

Administrative hearing. A proceeding to gather facts needed to make an administrative decision.

Adult use. Any principal or accessory use which excludes minors by reason of age. This definition shall not apply to any exclusion due to applicable alcoholic beverage control laws or voluntary restrictions of the motion picture industry.

Airport zoning ordinance terms and definitions. See Title 9, Chapter 3, Greenville City Code.

Alley. A public vehicular or pedestrian way which affords only a secondary means of access to abutting property.

Animal boarding; outside facility. Any facility for the purpose of boarding domesticated animals on a commercial basis or as an accessory use to district uses. This definition does not include

livestock sales pavilions, auditoriums, yards, distribution facilities, transshipment facilities or slaughterhouses.

Article. As used herein, shall refer to those articles found within this chapter, unless otherwise referenced.

Athletic club. A commercial establishment engaged in providing a variety of apparatus and facilities, to individuals and/or groups of persons, for purposes of physical exercise, athletic competition, and related recreational, educational and personal development activities. An “athletic club” may include the following accessory activities: racquetball courts, basketball courts, volleyball courts, tennis courts and the like; swimming pools, lap pools, diving pools, water slides and the like; roller skating, roller blading, ice skating, skate boarding and the like, soccer fields, baseball/softball fields and the like; track and field event facilities; exercise programs including aerobic and strength training; personal training, fitness evaluation, massage therapy treatment by members in the American Massage Therapy Association or equivalent per Title 11, Chapter 10, Article B, section 11-10-11 of the City Code, as amended, wellness and health education programs; ancillary food services such as an employee and/or patron cafeteria or eating area.

Automobile graveyard. An establishment or place of business which is maintained, used or operated for storing, keeping, buying or selling wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts. Any establishment or place of business upon which six or more unlicensed, used motor vehicles which cannot be operated under their own power are kept or stored for a period of 15 days or more shall be deemed to be an “automobile graveyard.” See also definition of junkyard.

Automobile, truck, recreational vehicle, motorcycle and boat sales. Establishments engaged in the retail and/or wholesale of new and/or used automobiles, trucks, recreational vehicles and campers, motorcycles and motor boats including other watercraft, trailers, marine supplies and outboard motors, collectively referred to as vehicles for purposes of this definition. These establishments frequently maintain repair departments (see also major and minor repair) and carry stocks of replacement parts and accessories. For purposes of interpretation, the concurrent display for sale of not more than any five such vehicles upon a lot containing a legal nonresidential principal use may be considered an accessory use in accordance with applicable conditions set forth by definition. Specifically, the concurrent display for sale of not more than any five such vehicles upon any lot containing a legal vehicle-related major or minor repair establishment, or a bank, savings and loan or other lending institution engaged in the repossession of vehicles shall be considered an accessory use to the principal use.

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.

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.”

Bed and breakfast inn home occupation. A single-family dwelling within which the resident owner offers temporary overnight accommodations to visitors for compensation. The use may be allowed as an accessory use home occupation to a single-family dwelling upon special use permit approval of the Board of Adjustment and in accordance with the additional conditions and requirements of section 9-4-86(U).

Beekeeping; major use. Use of any lot or building for the keeping of more than six hives.

Beekeeping; minor use. Use of any lot or building for the keeping of not more than six hives.

Best management practices (BMPs). See Article L.

Billiard parlor; pool room. Any establishment that has more than four billiard/pool tables or whose principal purpose is the operation of a billiard parlor or pool room regardless of the total number of billiard/pool tables.

Board of Adjustment. See Article S.

Boarding or rooming house. Any single-family dwelling, in which space is let by the owner occupant to not more than four persons who are not related by blood, adoption or marriage to the owner occupant. See also definition of family.

Bona fide farm. A farm used for purposes including the production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture as defined in G.S. 106.581.1. Activities incidental to the farm include existing or new residences occupied by the owner, lessee, or operator of the farm and other buildings or structures supporting the farm use and operation (see G.S. 160D-903).

Buffer; water supply watershed. An area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the top of bank of each side of streams or rivers.

Bufferyard. See Article G.

Building. A structure with a roof which is designed or intended for the shelter, support, protection or enclosure of persons, animals, or property of any kind.

Building inspector. The person, officer or official or his or her authorized representative, whom the City Council has designated as its agent for the enforcement of the provisions of Title 9, Chapter 1, Inspections and Code Enforcement, of the City Code and the administration of duties as further provided under this chapter.

Built-upon area. Includes that portion of a development project that is covered by impervious or partially impervious cover, including buildings, pavement, gravel roads, recreation facilities (e.g., tennis courts) and the like (note: wooden slatted decks and the water area of a swimming pool are considered pervious).

Campus. The grounds of a school, college, university, hospital, church, or other institution that consists of several buildings developed and operated under a unified concept on a single tract of land or on multiple tracts of land which are in close proximity.

Catalogue processing center. An establishment engaged in the processing of mail/phone orders from merchandise catalogue(s) for on-site and/or remote transshipment of goods. All other principal and/or accessory use activities, including but not limited to retail/wholesale sales, manufacturing, storage, warehousing and the like, conducted in conjunction with any "catalogue processing center" shall be subject to independent approval in accordance with district regulations.

Catering service. An establishment engaged in the preparation and retail sale of food in a ready-to-consume state, for delivery and/or carry-out service, for off-site consumption at remote locations. The use shall not offer drive-through or drive-in services. See also definitions of restaurant, conventional and restaurant, fast food.

Certificate of compliance. A document that is required to represent that the work, as described in the permit documents, has been completed.

Chapter. As used herein shall refer to this chapter, Chapter 4, Zoning Ordinance for Greenville, North Carolina, unless otherwise referenced.

Church or place of worship. A building in which persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship and holding a certificate of nonprofit organization from the Secretary of State.

City Council. The governing body of the city as provided by the Charter of the City of Greenville, North Carolina. The Mayor and Council on behalf of the city, and in conformity with applicable laws, provide for the exercise of all municipal powers and are charged with the general government of the city.

Civic organization. A community-oriented humanitarian and social organization holding a certificate of nonprofit organization from the Secretary of State.

Close familial relationship. A spouse, parent, child, brother, sister, grandparent or grandchild. Includes the step, half, and in-law relationships.

Commercial agricultural facility. A commercial establishment designed to accommodate a variety of commercial uses adjacent to a farm.

(Ord. No. 20-059, § 1, passed 10-19-2020)

Convenience store. Any food-personal merchandise store which sells at retail only prepackaged food and beverage products, personal toiletries, sundries, over-the-counter medications, household supplies, magazines, and the like in combination from a limited inventory and does not stock poultry or meats.

County government operation center. A planned and unified development owned and operated by the county for the purpose of governmental service delivery to county residents. The development shall contain not less than 100 contiguous gross acres exclusive to itself and its various subparts contained therein. The term shall include offices, fire station, Sheriff Department, county jail, court, library, museum, recreation and craft facilities, park, auditorium, gymnasium, vehicle and equipment minor and major repair, indoor and outdoor storage, warehouse, health and/or social service clinic, adult education, adult and child day care, cooking and dining facilities, group care facilities and social and civic meeting rooms. Uses not specifically listed above shall only be allowed in accordance with the table of permitted and special uses for the particular district, as set forth in section 9-4-78 and Appendix A to this chapter.

County, state or federal government building or use. Any building, structure or use of the county, state or federal government or their various subparts. The term shall include offices, libraries, fire stations, sheriff department, court, recreation facilities and parks. Uses not listed above shall only be allowed in accordance with the table of permitted and special uses for the particular district.

Data processing center. A building or dedicated space within a building used to house a large group of computer systems and associated components, such as telecommunications and data processing systems, to be used for the remote storage, processing, or distribution of large amounts of data. Such facilities may also include air handlers, power generators, water cooling

and storage facilities, utility substations, and other associated utility infrastructure to support operations.

Day care; adult. An establishment which provides for the care and supervision of six or more aged, handicapped or disabled adults away from their homes by persons other than their family members, custodians or guardians for periods not to exceed 18 hours within any 24-hour period.

Day care; child. An establishment which provides for the care and supervision of six or more children away from their homes by persons other than their family members, custodians or guardians for periods not to exceed 18 hours within any 24-hour period.

Determination. A written, final, and binding order or requirement regarding an administrative decision.

Developer. A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.

Development. Any change to improved or unimproved real estate requiring a permit from the City of Greenville, including but not limited to, the building, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure: excavation, grading, filling, clearing, or alteration of land; the subdivision of land as defined in G.S. 160D-802: or initiation or a substantial change in the use of land or the intensity of the use of land, (see 160D-102(12)).

Development approval. An administrative or quasi-judicial approval made in accordance with G.S. Chapter 160D that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, variances, and certificates of appropriateness. The term also includes all other regulatory approvals required by regulations adopted pursuant to Title 9 of the Code of Ordinances, including plat approvals, permits issued, development agreements entered into, and building permits issued.

Development regulation. A zoning regulation, subdivision regulation, erosion and sedimentation control regulation, floodplain or flood damage prevention regulation, stormwater control regulation, wireless telecommunication facility regulation, historic preservation or landmark regulation, housing code, State Building Code enforcement, or any other regulation adopted in accordance with G.S. Chapter 160D, or a local act or charter that regulates land use or development.

Digital broadcast studio. An establishment containing one or more studios for the staging and recording, as well as digital distribution, of video or audio productions. Such productions include, but are not limited to, music, web streaming and non-feature length film.

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

Director of Planning and Development Services. The person, officer or official, or his or her authorized representative, whom the City Council has designated as its agent for the acceptance, coordination and approval of all plans and permits required by this chapter, unless otherwise specifically provided in the particular case. The "Director of Planning and Development

Services” shall, excepting City Manager authority, have final administrative interpretation concerning the meaning, requirement or extent of any section, graphic or description set forth by this chapter, unless otherwise specifically provided in the particular case.

Distributed antenna system (DAS) equipment. A network of spatially separated antenna sites and supporting equipment connected to a common source that provides wireless service within a geographic area or structure. DAS and DAS equipment are not considered a public utility or use and as such, are not exempt from placement preference regulations when DAS equipment is proposed on city-owned property, within public rights-of-way and on or adjacent to existing or planned sidewalks as set forth in section 9-4-103(Q). The equipment and structures to support DAS are free-standing telecommunication towers even if they are intended to replace existing light poles, utility poles, or similar structures.

District; zoning. A section of the city or its extraterritorial area within which the zoning regulations are uniform.

Domestic Violence Center. A home for adults and children seeking relief and refuge from family violence and abuse.

Dormitory. A building or group of buildings where group sleeping accommodations are provided with or without meals for persons not members of the same family group, in one room or in a series of closely associated rooms under joint occupancy and single management, such as a college dormitory or privately owned dormitory intended for use by college students.

Down-zoning. A zoning ordinance that affects an area of land by either a) decreasing the development density of the land to be less dense than was allowed under its previous usage or b) reducing the permitted uses of land that are specified in a zoning ordinance to fewer uses than were allowed under its previous zoning classification.

Drive-through facilities. Facilities which are accessory to a principal use whereby goods or services may be offered directly to customers in motor vehicles by means which eliminate the need for customers to leave their motor vehicles. Each pickup point and associated order point(s) shall constitute a single facility.

(Ord. No. 19-057, § 1, passed 12-12-2019)

Driveway and related terms. See Title 6, Chapter 2, Article B of the City Code.

Durable goods. Any commodity whose useful life is expected to exceed three or more years.

Dwelling. Any building, structure, manufactured home, or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. For the purposes of G.S. 160D Article 12, the term does not include any manufactured home, mobile home, or recreational vehicle, if used solely for a seasonal vacation purpose.

Dwelling unit. A single independent housekeeping unit with sanitation, living, dining, sleeping, and permanently installed kitchen facilities for use by one family.

Dwelling; single-family. A separate and detached structure containing one dwelling unit designed for occupancy by one family on an individual lot exclusive to the unit and its accessory use.

Dwelling; two-family attached (duplex). A separate and detached structure containing two attached dwelling units, each designed for occupancy by one family on an individual lot exclusive to the units and their accessory uses.

Dwelling; multi-family. A separate and detached structure or group of structures containing three or more total dwelling units on a common lot and sharing common facilities; or two or more single-family or two-family attached dwellings located on a common lot; or one or more attached dwelling units on a common lot and sharing common facilities with a nonresidential use. Excluded from this definition are mobile home parks and residential quarters for resident manager, supervisor or caretaker, as defined in this section.

Evidentiary hearing. A hearing to gather competent, material, and substantial evidence to make findings for a quasi-judicial decision as required by this ordinance.

Extraterritorial jurisdiction. The area beyond the corporate limits within which the planning, zoning and building regulations of the city apply in accordance with state law. The area is delineated on the official zoning map for the city.

Family. An individual living alone, or two or more persons related by blood, adoption or marriage, or a group of not more than three unrelated persons living together as a single housekeeping unit in a shared dwelling unit. See also definition of room renting.

(1) For purposes of this definition the term “persons related by blood, adoption or marriage” shall constitute the following:

(a) Blood relations.

1. Parents (including grandparents);
2. Sons and daughters;
3. Siblings;
4. Uncles and aunts (including great uncles and aunts);
5. Nephews and nieces (children of a brother or sister); and
6. First cousins (children of brothers and/or sisters).

(b) Marriage relations.

1. Spouse;
2. Step relations (mother/father, son/daughter, brother/sister);
3. Half relations (brother/sister); and
4. In-laws (mother/father, son/daughter, brother/sister).

(c) Adoption.

1. As provided by law; and
2. Foster parent/child, custody consent order, or other legally recognized form of guardianship.

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

- (a) One individual living alone;
- (b) Up to three unrelated individuals;
- (c) Two or more individuals related by blood, adoption or marriage (i.e., family);
- (d) One family (subsection (c) above) and up to two unrelated individuals (i.e., room renting); or
- (e) One family (subsection (c) above) and up to two related individuals (i.e., room renting).

Family care home. An establishment defined under G.S. 160D-907 as amended, with support and supervisory personnel that provides room and board, personal care and rehabilitation services in a family environment for not more than six resident “persons with disabilities.” “Person with disabilities” means a person with a temporary or permanent physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbance and orthopedic impairments but not including mentally ill persons who are dangerous to others as defined under G.S. 122-3(11)b. “Dangerous to others” means that within the relevant past, the individual has inflicted or attempted to inflict or threatened to inflict serious bodily harm on another, or has acted in such a way as to create a substantial risk of serious bodily harm to another, or has engaged in extreme destruction of property: and that there is a reasonable probability that this conduct will be repeated. Previous episodes of dangerousness to others, when applicable, may be considered when determining reasonable probability of future dangerous conduct. Clear, cogent, and convincing evidence that an individual has committed a homicide in the relevant past is prima facie evidence of dangerousness to others.

(1) The following shall be considered a “person with disabilities” for the purpose of this definition:

- (a) An elderly and disabled person suffering from Alzheimer’s, senile dementia, organic brain syndrome;
- (b) A recovering alcoholic or drug addict who is not currently using an illegal controlled substance; and/or
- (c) A person with human immunodeficiency virus (HIV) and/or acquired immune deficiency syndrome (AIDS), who is in ambulatory condition.

(2) Professionals or paraprofessionals providing assistance to the occupants shall be allowed in addition to the maximum occupancy.

Farmers market. A structure or location wherein space is provided to multiple independent operators for the purpose of retail and/or wholesale trade of raw agricultural products; provided, however, the use shall not include the processing of any product or the sale of poultry, fish, shellfish, pork, beef or other wildlife or domesticated meat products.

Farming.

(1) Establishments (farms, ranches, dairies, nurseries, orchards, hatcheries and the like) primarily engaged in the production of crops, plants, vines or trees (excluding saw mills); and the keeping, grazing, or feeding of livestock for the sale of livestock or livestock products, for livestock increase, or for value increase. "Livestock" as used here includes cattle, sheep, goats, hogs and poultry. Also included are animal specialties such as horses, rabbits and fish in captivity. Agricultural production also includes establishments primarily engaged in the operation of sod farms, mushroom cellars, poultry hatcheries, and in the production of bulbs, flower seeds and vegetable seeds.

(2) A farm may consist of a single tract of land, or a number of separate tracts which may be held under different tenures. It may be operated by the operator alone or with the assistance of members of his or her household or hired employees, or it may be operated by a partnership, corporation, or other type of organization.

Fence. An artificially constructed barrier of wood, masonry, stone, wire, metal, or other manufactured material or combination of materials, not to include any portion of a building, enclosing an area of ground to mark a boundary, control access, enclose, screen, or separate areas.

(Ord. No. 21-010, § 1, passed 2-15-2021)

Flood damage prevention ordinance. An ordinance adopted by the City of Greenville found in Title 9, Chapter 6 of the City Code regulating development within flood hazard areas as designated by the Federal Emergency Management Agency.

Fraternity or sorority house. A dwelling and associated grounds occupied by and maintained for college or university students who are affiliated with a social, honorary or professional organization recognized by a college or university or within which the functions of such an organization are conducted.

Game center. Any establishment that has more than five coin/token operated or other amusement devices or whose principal purpose is the operation of a "game center" regardless of the total number of amusement devices. For purposes of this definition, the term "amusement devices" shall include electronic games and similar machines, and any other game table or device. Bingo parlors shall be considered as "game centers" regardless of the number of participants. See also definition of billiard parlor; pool room.

Golf course; nine-hole regulation length. A golf course which contains a minimum of nine, but less than 18, United States Golf Association (USGA) and National Golf Foundation (NGF) regulation length golf holes. The "golf course" may contain optional accessory use facilities

including a member-guest only dining facility, snack bar, pro-shop, member-guest only social club, tennis courts, swimming facilities and/or other customarily associated golf course activity, which is open to members, guests and/or the general public. The “golf course” may be limited to member-guests only or may be open to the general public at the option of the golf course owner/management. A “nine-hole regulation length golf course” shall not contain an accessory public restaurant. For purposes of regulation under this chapter, an “executive length golf course” containing nine or more golf holes, shall be construed as a “golf course; nine-hole regulation length.” See also section 9-4-103(T).

Golf course; 18-hole regulation length. A golf course containing 18 or more United States Golf Association (USGA) and National Golf Foundation (NGF) regulation length golf holes, and optional accessory use facilities including a member-guest only dining facility and/or a public restaurant, snack bar, pro-shop, member-guest only social club, tennis courts, swimming facilities and/or other customarily associated golf course activity, which is open to members, guests and/or the general public. The “golf course” may be limited to member-guests only or may be open to the general public at the option of the golf course owner/management. For purposes of regulation under this chapter, an “executive length golf course,” containing 18 or more golf holes shall be construed as a “golf course; nine-hole regulation length.” See also section 9-4-103(T).

Group care facility. An establishment qualified for a license by the State of North Carolina for provision of resident services to more than six but not more than 25 residents who are physically disabled, mentally retarded, developmentally disabled, persons recuperating from alcohol or drug related problems, persons adjusting to society as an alternative to imprisonment and persons recuperating from mental or emotional illness. This definition shall not include mentally ill persons who are dangerous to others. “Dangerous to others” means that within the recent past, the individual has inflicted or attempted to inflict or threatened to inflict serious bodily harm on another, or has acted in such a way as to create a substantial risk of serious bodily harm to another, or has engaged in extreme destruction of property; and that there is a reasonable probability that his or her conduct will be repeated. Previous episodes of dangerousness to others, when applicable, may be considered when determining reasonable probability of future dangerous conduct. Professionals or paraprofessionals providing assistance to the occupants shall be allowed in addition to the maximum occupancy.

Guest house for a college or other institution of higher learning. A building and accessory structure(s) designed for residential occupancy and containing rooms, suites, separate or connecting units, where without compensation lodging is provided on a short-term basis to guests of the associated institution. For purposes of this definition, the words “short-term basis” shall include only daily or weekly periods. No persons shall utilize, consider or reference any room, suite or unit within any “guest house” as a secondary or primary place of residence. This definition shall not include hotel or motel and/or bed and breakfast inns.

Hazardous. Any use, product, operation, material, compound or reaction which by its known or reasonably expected nature creates excessive noise, odor, smoke, dust, danger of fire or explosion, emission of gas, particles, solids or other objectionable or toxic characteristics which may adversely impact the public’s health, safety and general welfare. Nonhazardous shall include those attributes which by their nature do not qualify under the above definition.

Hazardous material. Any substance listed as such in SARA Section 302, Extremely Hazardous Substances, CERCLA Hazardous Substances, or Section 311 of CWA (oil and hazardous substances) as amended. See also definition of toxic substance.

Height of structure. The vertical distance from grade to the highest finished roof surface in the case of flat roofs or to a point at the average height of the highest roof having a pitch. For purposes of this definition the term “grade” shall be construed as the average street side ground elevation at the base of a structure. Any decorative roof structure or parapet wall extending above an exterior wall line shall be included in and count toward the calculation of allowable height. The average height of a pitch roof shall be the midpoint of a vertical line extending from the top of the exterior wall to the highest point of the finished roof surface.

Historic Preservation Commission terms and definitions. See Title 9, Chapter 7, Greenville City Code.

Home occupation. An activity conducted for financial gain as an accessory use to a detached single-family dwelling unit by a member of the family residing in the dwelling unit.

(1) “Home occupation” shall meet all of the following characteristics:

- (a) Shall only be permitted within detached single-family dwelling units;
- (b) Shall not be permitted within any accessory building;
- (c) Shall constitute an accessory use to the principal use;
- (d) Shall not occupy more than 20% of the mechanically conditioned enclosed floor space of the dwelling unit;
- (e) Shall not employ more than one person other than those persons legally residing within the principal use dwelling;
- (f) Shall not be visible from any public right-of-way or adjacent property line;
- (g) Shall not involve the on-site sales of products;
- (h) Shall not involve any outside storage of related materials, parts or supplies;
- (i) Shall have signage in accordance with Article N; and
- (j) Shall not create any hazard or nuisance to the occupants residing or working within the principal use dwelling or to area residents or properties.

(2) The following permitted limited in-home services and/or business activities shall not constitute a “home occupation” and shall be construed as an incidental accessory residential use within any dwelling, for purposes of regulation under this chapter, provided that: 1. not more than one person is engaged in the conduct of the listed activity; 2. the person that is engaged in the conduct of the activity shall be a permanent resident within the subject dwelling; 3. not more than two customer/clients shall be allowed on the premises at any one time; 4. no on-site signage shall be displayed in connection with the limited in-home service and/or business activity; and 5. the activity is compliant with characteristics (1)(b), (c), (d), (f), (g), (h), and (j) above:

(a) Music or dance instructor, provided all associated amplified and/or non-amplified sound is not plainly audible, within any adjacent area dwelling unit or beyond the adjacent property line;

(b) Educational tutoring;

(c) Accountant, tax and/or financial advisor, stockbroker;

(d) Attorney at law;

(e) Counseling, including psychologist, marriage and similar professional counselor;

(f) Doctor, physical therapist or other similar health care professional;

(g) Consultant, including public relations, advertising, computer science, engineering, architect and other similar professional consultant;

(h) Clothes alteration seamstress; excluding garment manufacturing, shoe repair and sales of clothing items;

(i) Catalogue ordering sales consultant business wherein retail products are ordered by the end customer from a catalogue and/or by reference to limited samples displayed at off-site locations remote to the business address;

(j) Artist, photographer/videographer, graphic designer, writer;

(k) Real estate broker/realtor;

(l) Real estate/personal property appraiser;

(m) General contractor, including building, painting, electrical, plumbing, mechanical, landscape, and cleaning/janitorial service, excluding any of the following activities on-site:

1. Physical display and/or storage of products and materials;

2. Manufacture or assembly;

3. Storage of construction or service delivery equipment including trucks, trailers, excavators, tractors, and mowers of a type and number uncommon to typical domestic residential use; provided, however, a personal transportation vehicle customarily associated with residential use shall be permitted.

(n) The incidental use of any dwelling by the occupant(s) for the purpose of receiving or transmitting messages or mail, record or bookkeeping, filing, address listing for applicable privilege license or tax identification and other similar activities, which do not involve the on-site sale, delivery, distribution, reception, storage or manufacture of goods, products or services.

Hookah Café. An establishment that, as a primary or accessory use, provides for the on-site consumption of shisha or similar flavored tobacco products.

Hotel, motel, bed and breakfast inn; extended stay lodging. A building or group of buildings containing guest rooms, suites, separate or connecting units where for compensation lodging is provided on an extended stay basis. For purposes of this definition, the words “extended stay

basis” shall include daily, weekly or monthly periods not to exceed 90 continuous days. See also definition of hotel, motel, bed and breakfast inn; limited stay lodging.

Hotel, motel, bed and breakfast inn; limited stay lodging. A building or group of buildings containing guest rooms, suites, separate or connecting units where for compensation lodging is provided on a limited stay basis. For purposes of this definition, the words “limited stay basis” shall include only daily or weekly periods not to exceed 30 continuous days. See also definition of hotel, motel, bed and breakfast inn; extended stay lodging.

Incidental assembly; accessory. The process of blending or assembling previously manufactured components or parts into finished products, for wholesale and/or retail trade from the point of assembly.

Internal service facility. Facilities incidental to the permitted nonresidential principal use(s), including cafeterias, snack bars and similar retail activities conducted solely for the convenience of employees, patients, patrons, or occasional visitors, provided that the facilities are housed within the principal or related buildings and provided that neither the facility itself nor any advertising display is visible beyond the premises.

Internet sweepstakes business. Any business enterprise, whether as a principal or an accessory use, where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games, including but not limited to sweepstakes and video poker, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. This use does not include any lottery approved by the State of North Carolina.

Junk yard. Use of land or buildings or other structures for indoor and outdoor storage, collection, demolition, dismantling, processing, abandonment, sale or resale of junk including scrap metal, rags, paper, other scrap materials, used lumber, used building materials, salvaged house wrecking, salvaged structural steel, salvaged materials, salvaged equipment, automobiles, and boats or other vehicles or machinery or parts thereof. This definition shall also include automobile graveyards.

Kennel. A use of land or buildings for the keeping of four or more dogs.

Landfill. A facility for the disposal of solid waste on land in a sanitary manner in accordance with G.S. Chapter 130A, Article 9, as amended. For the purpose of this chapter, this term does not include composting facilities.

Land development administrative manual. An administrative manual which specifies the procedures and application requirements necessary to ensure compliance with the minimum ordinance standards established by City Council for various land use and development activities. The Manual is incorporated herein by reference.

Land use intensity (LUI). See Article K.

Laundries; commercial. Establishments engaged in the dry cleaning or power machine washing of bed linens, table covers, hand towels, uniforms, diapers, furs or other personal use items on a contract or fee basis.

Laundries; industrial. Establishments engaged in the dry cleaning or power machine washing of rugs, mats, carpets, upholstery, drapery or other nonpersonal use items on a contract or fee basis.

Legislative decision. The adoption, amendment, or repeal of a regulation under this ordinance and others authorized by G.S. Chapter 160D.

Legislative hearing. A hearing to solicit public comment on a proposed legislative decision.

Lot. A parcel of land or a division or combination of a parcel or parcels of land either existing on the effective date of this chapter as provided by section 9-4-15 or as created by and in accordance with applicable subdivision regulations of the appropriate authority.

Lot coverage. The ground area of a lot which is encompassed by the exterior foundation limits, including any supports, of a building or other covered or enclosed structure. Parking areas, drives, exterior storage areas, stormwater detention structures and the like shall not be included under this definition.

Lot depth. The horizontal distance between front and rear lot lines.

Lot, corner. A lot which has frontage on at least two intersecting streets, provided that the interior angle of the intersection is less than 135 degrees.

Lot, double frontage. A lot which fronts on two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.

Lot, frontage. The distance between side lot lines measured along the street right-of-way or easement.

Lot line. A line that marks the boundary of a lot.

Lot line, front. The common boundary line between a street right-of-way or easement line and the lot line.

Lot width. The distance between side lot lines measured along the minimum public or private street setback line unless otherwise provided.

Lot of record. A lot which is a part of a subdivision or plat which has been recorded in the office of the Register of Deeds of Pitt County, or a lot described by metes and bounds, the description of which has been recorded in the office of the Register of Deeds in accordance with the subdivision regulations in effect at the time of recordation.

Live performance theater. A facility for holding live performances, motion pictures, plays, and live music through the sale of tickets and allows banquets as an accessory use. Such use is limited in its location, size and operation in accordance with the provisions of section 9-4-86(RR). (See also section 9-4-86).

Manual of Standard Designs and Details. The Manual of Standard Designs and Details is a supplement to the subdivision regulations. Such supplement contains engineering designs and details relative to plat layout; storm drainage design; sedimentation control; basins; pipes and manholes; ending walls and retaining walls; street standards; pavement design; ground cover; driveways; parking; stormwater detention and other uniform design standards.

Manual for the Design and Construction of Water and Waste Water System Extensions for Greenville Utilities Commission. The Manual for the Design and Construction of Water and Waste Water System Extensions for Greenville Utilities Commission is a supplement to the subdivision regulations. This supplement contains design considerations, submittal requirements, material specifications and project guidelines for water and sanitary sewer system extensions.

Manufactured building. A structure consisting of one or more transportable sections built and labeled within a manufacturing plant facility in accordance with the appropriate state or federal construction code which governs the structure's intended usage when erected on a building site.

Manufacturing. Establishments engaged in the mechanical or chemical transformation of materials or substances into new products. These establishments are usually described as plants, factories, or mills and characteristically use power driven machines and materials handling equipment. Establishments engaged in assembling component parts of manufactured products are also considered manufacturing if the new product is neither a structure nor other fixed improvement. Also included is the blending of materials such as lubricating oils, plastics, resins or liquors.

(1) The materials processed by manufacturing establishments include products of agriculture, forestry, fishing, mining and quarrying as well as products of other manufacturing establishments. The new product of a manufacturing establishment may be "finished" in the sense that it is ready for utilization or consumption, or it may be "semifinished" to become a raw material for an establishment engaged in further "manufacturing."

(2) The materials used by manufacturing establishments may be purchased directly from producers, obtained through customary trade channels, or secured without recourse to the market by transferring the product from one establishment to another which is under the same ownership. "Manufacturing" production is usually carried on for the wholesale market, for interplant transfer or to order for industrial users, rather than for direct sale to the domestic consumer.

Massage parlors. An establishment wherein the manipulation of body muscle or tissue is performed by rubbing, stroking, kneading or tapping by hand or mechanical device and as further defined and regulated pursuant to Title 11, Chapter 10, Article B of the City Code.

Master Planned Community (MPC). See Article J.

Mental health, emotional or physical rehabilitation center.

(1) An establishment qualified for a license by the State of North Carolina which provides resident services to more than 25 persons who reside at the establishment and who are physically disabled, mentally retarded, developmentally disabled, persons recuperating from alcohol or drug related problems and persons recuperating from mental or emotional illness, but not including mentally ill persons who are dangerous to others. State licensed family care homes and group care facilities are not included under this definition.

(2) "Dangerous to others" means that within the recent past, the individual has inflicted or attempted to inflict or threatened to inflict serious bodily harm on another, or has acted in such a way as to create a substantial risk of serious bodily harm to another, or has engaged in extreme destruction of property; and that there is a reasonable probability that his conduct will be

repeated. Previous episodes of dangerousness to others, when applicable, may be considered when determining reasonable probability of future dangerous conduct. Professionals or paraprofessionals providing assistance to the occupants shall be allowed in addition to the maximum occupancy.

(Ord. No. 09-75, § 1, passed 9-10-2009)

Mental health, emotional or physical rehabilitation day program facility.

(1) An establishment qualified for a license by the State of North Carolina which provides a day treatment, day activity or other extended counseling service to persons who do not reside at the establishment and who are physically disabled, mentally retarded, developmentally disabled, persons recuperating from alcohol or drug related problems, persons adjusting to society as an alternative to imprisonment, children or adolescents who are emotionally disturbed and need special educational services, and persons recuperating from mental or emotional illness, but not including mentally ill persons who are dangerous to others. Persons receiving service at the establishment may be at the facility for no longer than 18 hours within any 24-hour period.

(2) “Dangerous to others” means that within the recent past, the individual has inflicted or attempted to inflict or threatened to inflict serious bodily harm on another, or has acted in such a way as to create a substantial risk of serious bodily harm to another, or has engaged in extreme destruction of property; and that there is a reasonable probability that his conduct will be repeated. Previous episodes of dangerousness to others, when applicable, may be considered when determining reasonable probability of future dangerous conduct. Professionals or paraprofessionals providing assistance to the occupants shall be allowed in addition to the maximum occupancy.

(Ord. No. 09-75, § 1, passed 9-10-2009)

Microblading. A personal service in which one or more licensed provider(s) places pigment into the skin by the aid of needles or any other instrument used to puncture the skin, for cosmetic enhancement or cosmetic restoration. Permanent makeup, microstroking, and micropigmentation are terms sometimes used to describe microblading.

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).

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)).

(Ord. No. 20-064, § 1, passed 11-16-2020)

Mining. The extraction of minerals occurring naturally: solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gas. The term “mining” is also used in the broad sense to include quarrying, well operation, milling (crushing, screening, washing, flotation and the like), and other preparation customarily done at the mine site or as a part of mining activity.

Mobile home. A manufactured building designed to be used as a single-family dwelling unit which has been constructed and labeled indicating compliance with the HUD-administered National Manufactured Housing Construction and Safety Standards Act of 1974.

Mobile home park; conforming. See Article H.

Mobile home park; nonconforming. A parcel of land containing two or more mobile home dwelling units where the placement or improvements do not conform to the minimum requirements of this chapter.

Mobile home site or lot. A parcel of land in a mobile home park designed to accommodate one mobile home and its accessory building or uses for the exclusive use of the occupants.

Mobile home stand. That area of a mobile home site or lot which has been reserved for the placement of a mobile home.

Modular building. A manufactured building constructed in accordance with the North Carolina State Building Code.

Modular building (nonresidential and multi-family). A manufactured building designed to be used as a multi-family dwelling (three or more units) or as a nonresidential structure which has been constructed and labeled indicating compliance with the North Carolina State Building Code.

Modular component. Any sub-system, sub-assembly, or other system designed for use in or as part of a structure, which may include structural, electrical, mechanical, plumbing and fire protection systems and other systems affecting health and safety and is usually of closed construction.

Modular data processing facility. A building, dedicated space within a building, or group of modular structures used to house a large group of computer systems and associated components, such as telecommunications and data processing systems, to be used for the remote storage, processing, or distribution of large amounts of data. Such facilities may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support operations. This definition shall not apply to data processing centers or where such facilities are accessory or incidental to another primary use.

Modular home. A manufactured building designed to be used as a detached single-family dwelling or two-family attached dwelling (duplex) which has been constructed and labeled indicating compliance with the North Carolina State Building Code, as amended.

Multi-purpose center. A facility owned and operated, by a governmental unit and/or private association holding a certificate of nonprofit organization from the Secretary of State, for the purpose of providing community support activities including health screening (excluding treatment), library and museum extensions, adult education, child and adult day care, cooking and dining facilities, recreation and crafts, social and civic meeting rooms, and other closely related community support activities which are found to be compatible with surrounding and area properties.

(1) Due to the general/multiple use nature of the facility each and every activity, including the method and extent of operation, proposed for inclusion at each separate location shall be specifically considered by the Board of Adjustment. Activities not specifically approved by the Board of Adjustment shall be prohibited.

(2) Specifically prohibited under this definition are: Shelters for homeless or abused, family care facilities, group care facilities, college and other institutions of higher learning, business or trade schools, vocational rehabilitation center, auditorium, theater, and commercial activities including but not limited to retail sales.

Municipal government building or use. Any building, structure or use of the City of Greenville or its various subparts. This term shall include fire stations, police stations, municipal offices, libraries, recreation facilities and parks, civic centers or auditoriums. Uses not listed above shall only be allowed in accordance with the table of permitted and special uses for the particular district. Where municipally operated facilities to be used for athletic events and/or night programs are to be located in residential areas, a legislative hearing shall be properly advertised and conducted before City Council for the purpose of hearing and considering any comments by the public as to the location under consideration.

Noncommercial park or recreational facility. An accessory use recreation area and related improvements commonly associated with a residential subdivision or development which has been reserved for the private use of members of a common property owners and/or tenants association and their guests. Such use may include clubhouse facilities, swimming pools, ball courts and/or fields, play lots and equipment, walking or fitness trails, picnic shelters and/or tables and the like. All such facilities shall be owned and operated by the aforesaid association on a not-for-profit basis, provided however, dues or other fees may be collected for maintenance and related expenses from the membership and/or their guests.

Nonconformity. Any dimensional, area, use or other situation, which does not comply with the requirements, standards or conditions set forth by the Zoning Ordinance, whether existing on the effective date of this chapter or following any amendment thereto.

Nonprofit; use. Any use holding a certificate of nonprofit organization from the Secretary of State for social, literary, political, civic, religious, fraternal, recreational or charitable purposes, which is not operated for profit or to render a service which is customarily conducted as a business.

Nursing, convalescent or maternity home; major care facility. A health care establishment licensed by the state for care, supervision and provision of resident services to seven or more individuals on a temporary or permanent basis. The establishment may contain the following onsite activities and/or facilities for the exclusive use of resident occupants: health care; food preparation and eating; recreation and exercise; counseling, social work and education; and living quarters for resident manager(s). Maximum occupancy shall be regulated by the North Carolina State Building Code and/or applicable license. The following uses shall not be considered under this definition: family care home; group care facility; retirement center; and shelter for homeless or abused.

Nursing, convalescent or maternity home; minor care facility. A health care establishment licensed by the state for care, supervision and provision of resident services to six or fewer

individuals on a temporary or permanent basis. The establishment may contain the following on-site activities and/or facilities for the exclusive use of resident occupants: health care; food preparation and eating; recreation and exercise; counseling, social work and education; and living quarters for resident manager(s). Maximum occupancy shall be regulated by the North Carolina State Building Code and/or applicable license; provided, however, not more than eight persons, including both resident individuals receiving care and any resident manager(s), shall occupy any “minor care facility.” The following uses shall not be considered under this definition: family care home; group care facility; retirement center; and shelter for homeless or abused.

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.

Open space. The natural, vegetated or landscaped portions of a lot. Open drainage ditches, ponds and the like may count toward any “open space” requirement. Except as specifically provided, portions of a lot covered by buildings, structures, parking areas, drives, exterior storage areas, swimming pools, ball courts, decks, patios, porches and the like shall not be construed as “open space.”

Operation/processing center. An office facility engaged in providing operation and data processing services to other remote office, commercial or industrial uses including parent, subsidiary or independent operations. Activities may consist of providing specialized services such as bank transaction and coupon processing or making data processing equipment available to others. All other principal and/or accessory use activities, including but not limited to professional/business/ medical offices, retail/wholesale sales, manufacturing, storage, warehousing and the like, conducted in conjunction with any “operation/processing center” shall be subject to independent approval in accordance with district regulations.

Pawnbroker. Any person who loans money on the security of personal property pledged in his or her keeping.

Pet grooming facility. Any premises containing four or more domesticated animals, which are five months or older, where these domestic animals are dropped off and picked up for temporary care on site related to grooming. Grooming activities include both the hygienic care and cleaning of a dog, as well as a process by which a dog's physical appearance is enhanced for showing or other types of competition.

Pet shop. An establishment which sells domesticated animals to be kept for pleasure rather than for utility. “Pet shops” are completely enclosed operations which utilize outside storage of animals only pursuant to further approval under the animal boarding; outside facility definition contained herein.

Planned center. A development which meets any of the following conditions:

- (1) A lot of record held in singular or joint ownership which contains two or more principal uses;
- (2) Any two or more units held pursuant to the North Carolina Condominium Act;

(3) Any two or more lots which have been platted pursuant to the subdivision regulations as a townhouse division. For purposes of this section, the term “townhouse division” shall constitute the division of land containing attached units within one or several structures and may include the reservation of common area and which are restricted to internal access through the original lot, common area(s) or easements; or

(4) A development platted pursuant to the subdivision regulations involving any outparcel which is dependent on the original development tract or other outparcel for compliance under Article G and/or Article P contained herein. Mutually dependent lots or outparcels shall be construed as a “planned center.”

Planned unit development (PUD). See Article J.

Planning and Zoning Commission. The body created by City Council in section 9-2-1 of the City Code, pursuant to G.S. 160D-301 and 160D-604, to act as a planning agency for the City Council on planning and zoning matters within the city’s planning and zoning jurisdiction.

Portable temporary storage unit. Any temporary and portable accessory use container, trailer, cart, sled or other portable structure that exceeds ten square feet in floor surface storage area, that is owned, leased or rented for the purpose of temporary storage and/or transport of personal property, items and materials and which is located on any lot, other than the unit owner’s commercial storage lot or facility, for more than 336 continuous hours. This definition shall include motorized and nonmotorized units, enclosed and unenclosed units, and wheeled and non-wheeled units. Exempt from this definition are licensed motor vehicles and trailers customarily associated with the on-site principal use and approved garbage and waste containers located on nonresidential or multi-family sites.

Porch. An attached, open, unenclosed (including screening and the like) roofed entrance to a building, including necessary supports.

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.

Principal use. The primary purpose for which a building structure or lot is designed, arranged or intended and for which it is or may be used under these regulations.

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 a violation occur within a 6-month period.”

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 a 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 a violation occur within a 6-month period.

Public utility building or use. Any above-ground building or use necessary for the delivery of electric, water, sanitary sewer, storm drainage, gas, telephone, cable TV or other utility service system which meets any one of the following conditions. Distributed Antenna Systems (DAS) and supporting DAS equipment are not considered a public utility or use.

- (1) Utilizes structures in excess of 100 total square feet;
- (2) Utilizes any structure in excess of 15 feet in height;
- (3) Requires any on-site permanent maintenance or service attendant;
- (4) Requires or utilizes three or more parking spaces; and

(5) Creates noise, smoke, dust, odor, glare or any other condition which may have an adverse impact on area properties or uses.

Quasi-judicial decision. A decision involving the findings of fact regarding a specific application of this ordinance and requiring the exercise of discretion when applying the standards of this ordinance. Quasi-judicial decisions include, but are not limited to, decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative decisions.

Recreational vehicle or travel trailer (camper). Any vehicle equipped with some or all facilities normally found in a dwelling unit and designed to serve temporarily as a substitute dwelling for short periods of time.

Repair; major. The following activities shall be considered “major repair:”

- (1) Engine overhaul or dismantling of subparts;
- (2) Body or frame repair;
- (3) Windshield or glass replacement;
- (4) Transmission, starter, alternator or other subpart rework service;
- (5) Welding or metal cutting; and
- (6) Any other repair other than minor repair.

Repair; minor. The following activities shall be considered “minor repair:”

- (1) Engine tune-up; changing of plugs, filters, oil, lubricants, belts, adjustments;

- (2) Change and rotate tires;
- (3) Brake services;
- (4) Electrical system services;
- (5) Radiator services;
- (6) Muffler services; and
- (7) Battery service.

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

(Ord. 20-020, § 1, passed 5-18-2020)

Residential cluster development (RCD). See Article M.

Residential use. The use of land and buildings for domestic occupancy within dwelling units, including single-family, two-family attached, multi-family, boarding house, rooming house, family care home and land use intensity (rating 50) development, by the persons authorized to occupy the units. Uses not listed above shall be considered as nonresidential uses for purposes of Article D, Part 3.

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.

Restaurant and/or dining and entertainment establishment; outdoor activities.

(1) A principal and/or accessory use associated with or utilized in conjunction with a conventional or fast food restaurant or a dining and entertainment establishment which is intended for the temporary or permanent conduct of activities relative to the sale, transfer or enjoyment of products and/or services to persons located on the business premises and which is open and unenclosed on one or more sides or which is without a complete roof structure. For purposes of this section, all areas not constituting “mechanically conditioned area” as determined by the Building Inspector shall be considered open and unenclosed. Additionally, fences and/or wire or plastic mesh screens shall be considered open and unenclosed for purposes of this section.

(2) Use of any amplified outdoor audio sound system including loud speakers, audio speakers or other electronic or mechanical sound transmission devices shall be considered as an “outdoor activity” for purposes of this definition.

(Ord. No. 09-27, § 5, passed 4-9-2009)

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

(Ord. No. 09-27, § 6, passed 4-9-2009)

Retail sales. Establishments engaged in selling merchandise for personal or household consumption, and rendering services incidental to the sale of goods. Establishments are classified by kind of business according to the principal lines of commodities sold (apparel), or the usual trade designation (shoe store). Characteristics of retail trade establishment are: the establishment is usually a place of business and is engaged in activities to attract the general public to buy; the establishment buys or receives merchandise as well as sells; the establishment may process its products, but the processing is incidental or subordinate to selling; the establishment is considered as retail in the trade; and the establishment sells to customers for personal or household use.

Retail sales; incidental. Retail sales accessory and incidental to the permitted nonresidential principal use including sales of: manufactured products; goods distributed at wholesale; repair and/or replacement parts; products and/or goods resulting from, utilized in and related to commercial, medical, professional or personal services and recreational activities. Such “incidental retail sales” shall meet all of the following requirements:

- (1) Shall be an accessory use to the principal use;
- (2) Shall be housed completely within the principal or related accessory structure;
- (3) Shall not occupy more than 10% of the floor area of the principal or related accessory structure;
- (4) Shall not constitute more than 20% of the gross income produced by the associated principal use during any month; and
- (5) Neither the activity itself nor any advertising display shall be visible beyond the premises.

Retirement center. A facility which provides housing, meals, recreational and educational activities, and medical care for retired people. This term shall include the following uses within a retirement facility: dwelling units in accordance with district standards, nursing facilities or infirmaries, food preparation and services for the occupants, administrative offices, recreational facilities, and assembly halls.

Room renting. Accessory residential occupancy within an owner-occupied dwelling unit wherein space is let, by the resident owner, to persons who are not related to the resident family by blood, adoption or marriage; provided that the total dwelling unit occupancy shall be limited to not more than two persons in addition to the resident owner and persons related to the resident owner by blood, adoption or marriage who constitute a family. For purposes of this definition, the term “family” and the term “persons related by blood, adoption, or marriage” shall be as defined in the definition of family contained in this section.

Satellite dish antennae. A structure capable of receiving communications from a transmitter relay located in planetary orbit.

School. A use of land or buildings for academic instruction authorized and administered by the Pitt County School System or other comparable private schools.

School; small, private. A private educational institution providing full time instruction and including accessory facilities traditionally associated with a program of study, which meets the requirements of the laws of the state, that has no more than 500 students.

(Ord. No. 20-052, § 1, passed 9-14-2020)

Section. Those sections found within this chapter, Title 9, Chapter 4 , Zoning Ordinance, for Greenville, North Carolina unless otherwise referenced.

Service; general. A useful labor that does not produce a commodity.

Service; personal. Labor of a physical, communicative, individualized or domestic nature that directly benefits an individual.

Service; professional. Labor of a technical, clerical, administrative or artistic nature that directly benefits an individual or a commercial, institutional or industrial operation.

Setback lines. The lines which parallel any public street right-of-way, private street easement, side and rear property line or peripheral boundary line which delineates the area of a lot upon which a building may be constructed or expanded.

Shelter, fallout. An accessory structure or portion of a structure that provides protection to human life during periods of danger, including nuclear fallout, air raids, storms or other emergencies.

Shelter for homeless or abused. An establishment operated by a governmental or nonprofit organization intended to be used solely for temporary occupancy by homeless or abused persons.

Signs. See Article N of this chapter.

Soil erosion and sedimentation control ordinance terms and definitions. See Title 9, Chapter 8 of the City Code.

Solar collector, accessory. A device or structure for which the primary purpose is to convert solar radiant energy into another source for direct power consumption and interconnection with the power grid to offset energy consumption of a principal use. The device may be roof-mounted or ground-mounted as an accessory use.

Solar energy facility. A solar collection system that generates electricity from sunlight to a wholesale electricity market through a regional transmission organization and an inter-connection with the local utility power grid and/or for direct distribution to more than one property or consumer as a commercial venture located on a parcel containing a minimum of 30 acres. Solar energy facilities shall consist of a minimum of three individual photovoltaic modules (solar panels), which are an assembly of solar cells to generate electricity. Solar facilities constructed only for the production of electricity dedicated to another facility co-located the same site, or a solar facility which is clearly a subordinate accessory land use, shall not be subject to the special use permit requirements.

Special use. A use of land, buildings or structures that requires special and individual control over number, area, location, design, methods of operation, and relationship to surrounding uses in order to promote the public health, safety and general welfare.

Special use permit. A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards, (see G.S.160D-102).

Sports ramp. Any elevated outdoor use, facility or structure which is designed and/or utilized for principal or accessory recreational purposes or activities, including bike ramps, skateboard ramps or any other ramp, tract or slide designed for use by fixed or free-motion vehicle(s), device(s) or apparatus. For the purpose of this definition the terms “vehicle(s), device(s) or apparatus” shall include all motorized, self-propelled, manual or gravity-assisted conveyances. For the purpose of this definition the term “sports ramp” shall include facilities or structures constructed from building materials, pre-fabricated or specialized kits or compacted earth mounds.

Stable. A building or structure designed or used for maintaining livestock or horses or for the storage of manure or soil fertilizer.

Stockyard or livestock sales pavilion. A place, establishment or facility consisting of pens or other enclosures, and their appurtenances, in which live cattle, sheep, swine, horses, mules, goats or fowl are received, held or kept for sale or shipment in commerce. The terms “stockyard” and “livestock sales pavilion” as used in this article shall not be interpreted to mean a place, establishment, facility or farm where livestock is reared by an individual producer such as a farmer, dairy farmer or livestock breeder for agricultural purposes.

Storm drainage ordinance terms and definitions. See Title 9, Chapter 9 of the City Code.

Story. That portion of a building between the upper surface of a floor and upper surface of the floor or roof next above. Attic space which is arranged, built, finished or intended for business occupancy or habitation shall be considered as a floor for purposes of this definition. Where no floors exist (e.g., water towers, observation towers, grandstands, stadiums, belfries), each 12 feet of height shall constitute one story.

Streets. Those areas delineated by dedicated rights-of-way or common property easements upon which improvements have been made for use by and open to the public.

Streets; public. Streets that have been accepted for permanent maintenance by either the State of North Carolina or the City of Greenville.

Streets; private. Streets that have been designated by easement and as such constitute public vehicular areas as provided and regulated by **applicable** law. **Such streets shall be constructed in accordance with the standards specified in the Manual of Standard Designs and Details and ~~The streets~~** shall be maintained by the property owner or pursuant to recorded agreements. No new private streets are allowed **for single-family and two-family attached dwellings located on individual lots or on a common lot** after August 14, 2014.

Subdivision. The division of a parcel or tract of land in accordance with the subdivision regulations, and as prescribed under G.S.160D-802.

Subdivision regulations. See Title 9, Chapter 5, Subdivisions of the City Code.

Tattooing. A personal service in which one or more licensed provider(s) places pigment into the skin by the aid of needles or any other instrument used to puncture the skin, for decorative adornment or artistic purposes.

Temporary use. Any use intended for temporary and limited duration, operated as an accessory or principal use. Except as further provided under Article F, section 9-4-103, the maximum frequency of the temporary use shall not exceed five separate occurrences within any 12-month period and the maximum duration of the temporary use shall not exceed 60 days within any 12-month period. For purposes of this definition the duration of each separate occurrence shall be measured in continuous days. The use shall be subject to applicable location, setback, parking, land use and other standards for the district. Included in this definition are transient merchants, itinerant merchants and vendors, farm produce sales, Christmas tree sales, seafood sales, auto sales, furniture sales and the like, as well as social, religious, political or similar participatory activities. Temporary uses shall be exempt from the vegetation and parking lot surface improvement standards; provided, however, where the Director of Planning and Development Services due to extended duration or frequency of operation finds that the use or reuse no longer qualifies under this definition, all applicable standards and requirements shall apply. No permanent building shall be located on any lot for the exclusive purpose of operating any temporary use.

Temporary sand mining. The extraction by excavation of naturally occurring materials, such as sands and dirt ("borrow materials"), from a specifically designated and limited geographical area (which shall be identified by one or more specifically delineated property parcels) ("borrow site"), to be used in conjunction with a specifically designated government highway construction project, and which shall be for a specifically designated and limited duration in time that coincides with the completion of the government project. (See also section 9-4-86).

Tobacco Shop (Class 1). An establishment that, as a substantial portion of the use, entails the retail sales of tobacco products including, but not limited to, cigarettes, cigars, chewing tobacco, shisha, unformed or loose tobacco, and/or similar products. For the purpose of this definition, a substantial portion of the use is established if:

(1) At least 20% of the establishment's floor area open and accessible to customers is used for the display and/or stocking of tobacco products as provided herein; or

(2) At least 40% of the sign area of the establishment's on-site signage that is visible from public rights-of-way advertises tobacco products as provided herein.

Tobacco Shop (Class 2). An establishment that entails the retail sales of any of the following tobacco smoking apparatus: water pipes; hookah pipes; bowls; water bong; or similar products.

Townhouse type development. The division of land containing attached units within one or several structures and may include the reservation of common area and which may be restricted to internal access through the original lot, common area(s) or shared easements.

Toxic substance. Any substance or combination of substances (including disease causing agents), which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, has the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutations,

physiological malfunctions (including malfunctions or suppression in reproduction or growth) or physical deformities in such organisms or their offspring or other adverse health effects. See also definition of hazardous material.

Trade or business organization. A noncommercial association of employees, owners, participants and/or representatives of a common commercial or industrial interest which provides occupational support services to the various membership. Activities of the use shall not produce a commodity or provide any service to interests outside the organization.

Use. Any purpose for which land, buildings or structures are designed, arranged, intended, occupied or maintained; or any activity, conducted or intended to be conducted, in a building, structure or on a tract of land.

Variance. A relaxation of a specific provision of these regulations granted by the Board of Adjustment.

Vested right. A right to undertake and complete the development and use of property under the terms and conditions of an approval secured as specified in G.S. 160D-108 or under common law.

Vesting plan, site specific. A plan that has been submitted to the city in which the applicant requests vesting pursuant to G.S. 160D-108.1 which plan describes with reasonable certainty the type and intensity of use for a specific parcel or parcels of property, and which establishes vested rights for a specific period of time, in accordance with applicable North Carolina General Statutes. Such plan may be in the form of, but not limited to, any of the following plans or approvals: a subdivision plat a preliminary or general development plan, a special use permit, or any other land-use approval designation as may be utilized by the city.

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.

Water dependent structure. Any structure for which the use requires access to or proximity to or siting within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots and commercial boat storage areas are not "water dependent structures."

Watershed. The entire land area contributing surface drainage to a specific point (e.g., the water supply intake).

Water supply watershed; critical and protected areas. See Article L.

Wayside market. A temporary shelter, stand or location maintained and operated for the purpose of point of production retail sales of raw vegetables. Vegetables produced at a remote location shall not be offered for sale at any wayside market. The use may be operated on a continuous or intermittent basis during the growing and harvest season of the vegetables being offered for sale.

Wellness center. A facility designed to promote health awareness and maintenance through a variety of programs and services tailored to a range of individual needs, including but not limited

to physical fitness and nutrition education. The programs shall be coordinated by a physician consultant, who shall oversee the content and conduct of each program.

Wholesale trade. Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to the persons or companies. In addition to selling, wholesale establishments may maintain inventories of goods (warehouse), physically assemble, sort and grade goods, deliver goods and refrigerate goods.

Wine and craft beer shop. An establishment conducted pursuant to G.S. 18B-1001 as amended, and operated as a principal or accessory use, which is authorized to sell wine and/or craft beer in the manufacturer's original container for consumption off the premises, provided however, the permittee shall be authorized to conduct accessory and incidental wine and/or craft beer tasting on the premises and is further authorized to sell wine and/or craft beer for on-premises consumption, as an accessory and incidental use to the "wine and craft beer shop", provided the establishment and operation is compliant with section 9-4-103(S). Among the two limited types of alcoholic beverages that may be sold, a "wine and craft beer shop" may sell wine exclusively, craft beer exclusively, or both wine and craft beer provided that the "wine and craft beer shop" has the requisite state permit(s) that allows retail sales of wine and/or malt beverages for consumption on the premises. A "wine and craft beer shop" that does not meet the requirements of section 9-4-103(S) shall be deemed a bar for the purpose of zoning and land use classification. For purposes of the wine and craft beer shop use, “

Wireless telecommunications facilities. See G.S. 160D-931.

Yard. A required open space unoccupied and unobstructed by any structure or portion of a structure, from ground to sky, except as may be specifically provided in these regulations.

Yard, front. A yard extending across the full length of a lot from side lot line to side lot line and lying between the abutting street right-of-way or easement line and the building line.

Yard, rear. A yard extending across the full length of a lot from side lot line to side lot line and lying between the rear property line and the building line.

Yard sale. A one- or two-day activity occurring at a residential dwelling no more than two times in any given 12-month period where items which the residents have no further use for are being resold to the general public. “Yard sales” do not include items which were originally obtained to be resold to the general public. “Yard sales” shall be considered an accessory use.

Yard, side. A yard extending from the side of a structure to the side lot line and lying between the front corner and the rear corner of the structure.

Zoning enforcement officer. The person, officer or official or his or her authorized representative, whom the City Council has designated as its agent for the enforcement of the regulations contained within Title 9, Chapter 4 , Zoning, of the Greenville City Code.

Zoning map; official. The official zoning map for the City of Greenville, North Carolina.

(Ord. No. 2337, § 1, passed 6-13-1991; Ord. No. 2355, § 1, passed 8-9-1991; Ord. No. 2357, § 1, passed 8-8-1991; Ord. No. 2368, § 1, passed 9-12-1991; Ord. No. 2383, § 1, passed 11-7-1991; Ord. No. 2384, § 1, passed 11-7-1991; Ord. No. 2389, § 1, passed 12-12-1991; Ord. No. 2390, § 1, passed 12-12-1991; Ord. No. 2434, § 1, passed 3-12-1992; Ord. No. 2435, § 1, passed 3-12-1992; Ord. No. 2436, § 1, passed 3-12-1992; Ord. No. 2451, § 1, passed 4-9-1992; Ord. No. 2468, § 1, passed 6-8-1992; Ord. No. 2488, § 1, passed 7-9-1992; Ord. No. 2489, § 1, passed 7-9-1992; Ord. No. 2544, § 1, passed 11-12-1992; Ord. No. 2640, § 3, passed 6-10-1993; Ord. No. 2725, § 4, passed 10-14-1993; Ord. No. 94-41, § 4, passed 3-10-1994; Ord. No. 94-133, § 1, passed 10-13-1994; Ord. No. 94-135, § 1, passed 10-13-1994; Ord. No. 95-51, § 1, passed 5-11-1995; Ord. No. 95-79, §§ 1–3, passed 8-10-1995; Ord. No. 95-118, § 1, passed 11-9-1995; Ord. No. 96-45, § 1, passed 6-13-1996; Ord. No. 96-80, § 3, passed 8-8-1996; Ord. No. 97-37, §§ 1–3, passed 4-10-1997; Ord. No. 97-38, § 1, passed 4-10-1997; Ord. No. 97-81, § 1, passed 8-14-1997; Ord. No. 97-86, §§ 1, 2, passed 8-14-1997; Ord. No. 97-93, §§ 1, 2, passed 9-11-1997; Ord. No. 98-143, § 1, passed 11-12-1998; Ord. No. 99-75, § 1, passed 6-10-1999; Ord. No. 04-95, § 1, passed 8-12-2004; Ord. No. 04-96, § 1, passed 8-12-2004; Ord. No. 04-122, § 1, passed 10-14-04; Ord. No. 05-65, §§ 1–2, passed 6-9-2005; Ord. No. 05-88, §§ 1–2, passed 8-11-2005; Ord. No. 05-89, § 1, passed 8-11-2005; Ord. No. 06-25, § 1, passed 3-9-2006; Ord. No. 06-75, § 1, passed 8-10-2006; Ord. No. 06-113, § 3, passed 11-9-2006; Ord. No. 07-11, § 1, passed 1-11-2007; Ord. No. 08-04, § 3, passed 1-10-2008; Ord. No. 09-27, §§ 1, 2, 3, 4, 5, 6, passed 4-9-2009; Ord. No. 09-75, § 1, passed 9-10-2009; Ord. No. 09-99, § 6, passed 3-4-2010; Ord. No. 10-106, § 1, passed 12-9-2010; Ord. No. 11-055, § 2, passed 9-8-2011; Ord. No. 12-040, § 1, passed 9-13-2012; Ord. No. 12-069, § 1, passed 12-13-2012; Ord. No. 13-007, § 1, passed 2-14-2013; Ord. No. 13-014, § 1, passed 4-11-2013; Ord. No. 14-048, 1, passed 8-14-2014; Ord. No. 14-049, § 3, passed 8-14-2014; Ord. No. 15-019, § 1, passed 4-9-2015; Ord. No. 15-020, § 1, passed 4-9-2015; Ord. No. 15-051, § 1, passed 9-10-2015; Ord. No. 15-059, § 1, passed 10-8-2015; Ord. No. 16-003, § 1, passed 1-14-2016; Ord. No. 16-066, §§ 1, 2, passed 12-8-2016; Ord. No. 19-045, § 1, passed 9-12-2019; Ord. 19-051, § 1, passed 10-10-2019; Ord. No. 19-052, § 1, passed 10-10-2019; Ord. No. 19-057, § 1, passed 12-12-2019; Ord. No. 20-020, § 1, passed 5-18-2020; Ord. No. 20-052, § 1, passed 9-14-2020; Ord. No. 20-059, § 1, passed 10-19-2020; Ord. No. 20-064, § 1, passed 11-16-2020; Ord. No. 21-010, § 1, passed 2-15-2021; Ord. No. 21-032, § 1, passed 6-21-2021; Ord. No. 22-013, § 1, passed 1-24-2022; Ord. No. 22-014, § 1, passed 1-24-2022)

SEC. 9-4-95 MEASURING SETBACKS.

(A) Public street setbacks state the minimum distance required between the exterior finished wall of all structures and any adjacent public street right-of-way line. Where property is developed adjacent to an existing or future thoroughfare as identified on the ~~city Thoroughfare Plan~~ **Highway Map of the Comprehensive Transportation Plan**, the public street setback shall be measured from the future thoroughfare right-of-way as determined by the plan or policy of the city.

(B) Side and rear setbacks state the minimum distance required between the exterior finished wall of all structures and the adjacent side or rear property line.

(Ord. No. 2337, § 1, passed 6-13-1991)

SEC. 9-4-100 RESIDENTIAL ACCESSORY STRUCTURE AND BUILDING STANDARDS; EXCEPT AS OTHERWISE REGULATED UNDER ARTICLES H, I, J, K AND M.

(A) Residential; detached accessory.

(1) Location.

(a) May be located in the rear yard and shall not be located in any front or side yard, except as provided under subsection (A)(1)(b) below.

(b) Garages and carports may be located in a side yard.

(2) Setbacks.

(a) Side yard.

1. Not less than the principal building setback for the district and use.

2. Public street setbacks for the district shall apply for all corner or double frontage lots.

(b) Rear yard.

1. Not less than the principal building setback for the district and use, except as further provided.

2. a. Structures or buildings not exceeding 15 feet in height shall be set back not less than five feet and per Article G. Public street setbacks for the district shall apply for all corner or double frontage lots except as provided under subsection (A)(2)(b)2.b. below.

b. The rear yard setback of single-family and two-family attached (duplex) double frontage lots shall be not less than 15 feet provided that: the reverse rear frontage public street is a minor or major thoroughfare street as shown on the adopted ~~Thoroughfare Plan~~ **Highway Map of the Comprehensive Transportation Plan**; no driveway access is existing or permitted by regulation, at the time of building permit application, for the subject lot at any point on the reverse rear frontage; and the front orientation of adjacent dwellings, located on all sides of the subject lot, which share common side and/or rear yard boundaries with the subject lot, shall be to a street frontage other than the reverse rear frontage street of the subject lot.

3. For purposes of this section, the term “reverse rear frontage” shall be construed as the street frontage opposite to the front orientation of the subject dwelling.

(c) Building separation.

1. No detached accessory structure shall be located less than five feet from any other structure located on the same lot.

2. Detached accessory structures not qualified under subsection (A)(2)(c)1. above shall not be located less than ten feet from any principal structure.

3. No detached accessory structure shall be located less than five feet from any other detached accessory structure located on the same lot.

(3) Height.

(a) Except as otherwise provided under subsection (A)(3)(b) below, the height of any accessory structure or building shall not exceed the height of the existing principal building or district maximum height, whichever is less.

(b) In cases where the provisions of this subsection will not allow an accessory structure or building of at least 15 feet in height, then the requirements of this subsection shall be waived to allow an accessory structure or building of 15 feet or less in height at the option of the owner. All other provisions of this section shall apply.

(B) Residential; attached accessory. The location, setback and height shall be in accordance with the district standards established for the principal building unless otherwise provided.

(C) Electric service.

(1) Except as further provided, no accessory building located on a lot containing a single-family residential use shall have a separate electric service.

(2) Single-family accessory buildings may, at the option of the owner, have a separate electric service provided compliance with all of the following:

(a) The accessory building shall not be utilized as a temporary or permanent dwelling;

(b) The principal use single-family dwelling shall both: have not less than an existing and installed 400 amperage electric service, and the existing service shall not have available reserve capacity to adequately serve the accessory use, as determined by the Building Inspector;

(c) The accessory building shall not have separate sanitary sewer service;

(d) The accessory building shall not contain all independent housekeeping facilities and/or qualify as a dwelling unit. For purposes of this section, the term “independent housekeeping facilities” shall be construed to include bathroom, sanitation, living, dining, sleeping, and a permanently installed kitchen that includes residential code compliant electric wiring and plumbing; and

(e) No single-family lot shall have more than two electric services as provided herein; provided, however, a bona fide farm may have electric service to nonresidential farm related buildings without restriction to the total number of electric services allowed under this section.

(D) List of accessory structures or buildings. Residential accessory structures and buildings may include, but not be limited to, the following:

(1) Carport;

(2) Garage;

(3) Greenhouse;

- (4) Playhouse;
- (5) Pumphouse;
- (6) Storage shed;
- (7) Swimming pool;
- (8) Tool shed;
- (9) Work shop;
- (10) Dog pen and/or house, keeping of three or fewer dogs; and
- (11) Satellite dish antennas.

(E) Special requirements for certain accessory structures or buildings.

(1) Outdoor swimming pools. An outdoor swimming pool, including an in-ground, above-ground or on-ground pool structure intended for recreational bathing that contains water over two feet in depth or which exceeds 40 square feet in water surface area shall be surrounded by a four-foot or higher barrier consisting of a fence, wall or building wall or combination thereof which obstructs access to the swimming pool, in accordance with the North Carolina State Building Code. No pool structure, including associated decks and concrete aprons, shall be located nearer than five feet from a property line.

(2) Satellite dish antennas. Shall be subject to section 9-4-103(I) of this article.

(3) Stables and/or kennels. Shall be subject to section 9-4-103(J) of this article.

(4) Sports ramps. Sports ramps shall comply with all of the following:

(a) Sports ramps, including all elevated activity surface areas and all associated flat bottom, standing, stopping or seating surfaces which are six or more inches above the adjacent grade shall not exceed 500 square feet in total on-site elevated surface activity area;

(b) No portion of a sports ramp including structural supports, railings, walls and/or barriers shall exceed ten feet in height above the adjacent grade, as measured at 90 degrees;

(c) A sports ramp that is attached to or which contains an accessory building or other enclosed storage area shall be designed and constructed in accordance with the applicable provisions of the N.C. State Building Code; and

(d) No sports ramp or associated structure shall be attached to or supported by a dwelling structure.

(Ord. No. 2337, § 1, passed 6-13-1991; Ord. No. 95-82, § 1, passed 8-10-1995; Ord. No. 96-106, §§ 1, 2, passed 11-14-1996; Ord. No. 97-5, § 1, passed 1-9-1997; Ord. No. 97-39, § 1, passed 4-10-1997; Ord. No. 02-117, §§ 1, 2, passed 11-14-2002; Ord. No. 03-51, § 1, passed 6-12-2003; Ord. No. 04-95, § 2, passed 8-12-2004; Ord. No. 05-91, § 1, passed 8-11-2005; Ord. No. 07-145, § 1, passed 11-8-2007; Ord. No. 21-003, § 1, passed 1-19-2021)

SEC. 9-4-103 SPECIAL STANDARDS FOR CERTAIN SPECIFIC USES.

(A) Church or place of worship. Shall be subject to the bufferyard regulations; however, no principal or accessory structure shall be located within 20 feet of any adjoining property zoned R-6, R-6A, R-6MH, R-6S, R-9, R-9S, R-15S, MR, MRS, RA-20 or PUD.

(B) Schools; public and private. Shall be subject to the bufferyard regulations; however, no principal or accessory building shall be located within 50 feet of any adjoining property or public street right-of-way line.

(C) Municipal government building or use. When municipal buildings, parks or other recreational areas to be used for athletic events or night programs are located in a residential zone or adjoining a lot containing a permitted residential use, a legislative hearing shall be properly advertised and conducted before the City Council for the purposes of hearing and considering any comments by the public as to the location under consideration.

(D) Family care home.

(1) For purposes of this section, a family care home shall be as defined herein.

(2) Family care homes shall be deemed a residential use of property and shall be permissible in all residential districts subject to subsection (D)(3) below.

(3) No family care home shall be permitted within a one-fourth-mile (1,320 foot) radius of an existing family care home as measured from the nearest lot line.

(4) The Board of Adjustment may grant a reasonable accommodation to the one-fourth-mile (1,320 foot) separation requirement established by subsection (D)(3) above in accordance with the provisions of this subsection in order to allow for a reasonable accommodation under the Federal Fair Housing Act.

(a) The Board of Adjustment shall grant a reasonable accommodation under the Federal Fair Housing Act to the one-fourth-mile (1,320 foot) separation requirement established by subsection (D)(3) above if the Board finds from the evidence produced that the proposed accommodation is reasonable and necessary.

1. Reasonable. Factors which may be considered to determine whether an accommodation is reasonable include but are not limited to the following:

- a. The legitimate purposes and effects of existing zoning regulations are not undermined by the accommodation;
- b. The benefits that the accommodation provides to individuals with disabilities;
- c. Alternatives to the accommodation do not exist which accomplish the benefits more efficiently; and
- d. A significant financial and administrative burden is not imposed by the accommodation upon the city.

2. Necessary. Factors which may be considered to determine whether an accommodation is necessary include but are not limited to the following:

a. Direct or meaningful amelioration of the effects of the particular disability or handicap is provided by the accommodation; and

b. Individuals with disabilities are afforded by the accommodation equal opportunity to enjoy and use housing in residential neighborhoods.

(b) The procedures governing the consideration of a special use as established by state law and the rules of procedure of the Board of Adjustment shall apply to the consideration of a reasonable accommodation under the Federal Fair Housing Act to the one-fourth-mile (1,320 foot) separation requirement established by subsection (D)(3) above. In determining whether to grant a reasonable accommodation under the Federal Fair Housing Act to the one-fourth-mile (1,320 foot) separation requirement established by subsection (D)(3) above, the general criteria set forth in section 9-4-81 may be considered when determining whether the accommodation is reasonable and necessary in accordance with subsection (D)(4)(a) above.

(c) In granting a reasonable accommodation under the Federal Fair Housing Act to the one-fourth-mile (1,320 foot) separation requirement established by subsection (D)(3) above, the Board of Adjustment may prescribe appropriate conditions and safeguards to ensure the purposes of this chapter.

(E) Bona fide farms.

(1) Buildings and structures shall meet the minimum standards for the applicable district. Bona fide farm buildings and structures located in a residential district shall meet applicable single-family dwelling standards.

(2) Agricultural cultivation shall be exempt from any required setbacks, provided no structures are required or utilized within the setbacks listed under subsection (E)(1) above.

(3) Bufferyard vegetation standards shall not apply to any bona fide farm.

(F) Temporary field office.

(1) Shall be limited to 90 days; however, applicable permits may be renewed as necessary.

(2) No living quarters shall be allowed.

(3) May only be utilized in conjunction with construction activity.

(G) Condominium (unit ownership) and townhouse type development. Attached residential and nonresidential units constructed for individual owner occupancy shall be subject to the following:

(1) Interior units of each structure may be constructed on common property lines (zero lot line setbacks) provided the overall structure meets the side, rear and public or private street setback for the applicable use and district. If there is an offset of the wall from the interior common lot line the offset shall be set back not less than five feet.

(2) No two units shall be considered attached unless the units share a five-foot common party wall.

(3) Common party walls shall be constructed in accordance with the North Carolina State Building Code, G.S. Chapter 47C (the North Carolina Condominium Act) and other applicable requirements.

(4) The overall density of the development shall be no greater than that permitted by applicable district requirements.

(5) The maximum lot coverage for the district shall apply to the development.

(6) Buildings, units or lots separated by a public street right-of-way shall be considered individually for compliance under subsections (G)(4) and (5) above.

(7) In the case of staggered or extended common property line walls, a five-foot maintenance and access easement with a maximum two-foot eave encroachment easement within the maintenance easement shall be established on the adjoining lot and shall assure ready access to the lot line wall for normal maintenance. Designated common area which satisfies such access shall meet the requirements of this section.

(8) The minimum lot width of each townhouse lot shall be no less than 16 feet, provided that when the lot is combined with other contiguous lots within the development the combined lot widths are equal to or exceed the minimum lot width of the prevailing district for the particular use. Townhouse lots having preliminary or final subdivision plat approval prior to April 9, 1981 may have a minimum lot width of 14 feet.

(9) All development regulated in accordance with this section shall be subject to the requirements, conditions and restrictions of the subdivision regulations.

(H) Circus, carnival or fairs; temporary only.

(1) The maximum frequency of such temporary use shall not exceed one occurrence within any 12-month period and the maximum duration of the temporary use shall not exceed ten days per occurrence.

(2) No associated activity or storage area, temporary structure, tent, booth, stand, mechanical ride or apparatus or the like shall be located or operated within 500 feet of any residential zoning district.

(3) No such use shall be operated or conducted between the hours of 11:00 p.m. and 8:00 a.m.

(4) Such use shall be subject to applicable setback, parking space requirements and other standards for the district and use; however, the use shall be exempt from the vegetation and parking lot surface improvement standards.

(5) No permanent building, structure or facility shall be located on any lot for the exclusive purpose of operating any temporary use.

(6) Signage shall be allowed in accordance with Article N.

(7) Prior to any operation, a site plan of sufficient detail to ensure compliance with required standards shall be submitted to the city for review and approval of the temporary use.

(I) Satellite dish antennas.

(1) Purpose. It is the purpose of this section to allow the use of satellite dish antennas in both residential and nonresidential districts in a manner which will best provide and ensure:

(a) The health, safety and welfare of the people by ensuring adequate line of sight clearance of the motoring public and adequate light and air to adjacent properties; and

(b) That the aesthetic quality of the city and environs is maintained by minimizing visual obstruction to streetscapes and vistas to and from adjacent properties.

(2) Satellite dish antenna standards.

(a) Sight distance area observed. No satellite dish antenna regardless of size (diameter) and district shall be located within any street sight distance area as described and defined under Title 6, Chapter 2 of the Greenville City Code, whether or not the area has been dedicated by easement or notation on any plat or plan. For purposes of this section all private streets and/or driveways shall be construed as nonthoroughfare streets.

(b) Satellite dish antenna standards; residential districts specifically. (See also subsections (I)(2)(d) and (e).)

1. Location.

a. Except as otherwise provided, dish antennas may be located in the rear yard and shall not be located in any front or side yard.

b. Dish antennas which exceed 80 inches in diameter shall be prohibited from roof tops.

2. Setbacks.

a. Not less than the principal building setback for the district, except as otherwise provided.

b. Dish antennas which exceed 80 inches in diameter shall be prohibited from roof tops.

3. Height.

a. Except as otherwise provided under subsection (I)(2)(b)3.b. below, the height of any dish antenna shall not exceed the height of the existing principal building or district maximum height, whichever is less.

b. In cases where the provisions of this subsection will not allow a dish antenna of at least 15 feet in height, then the requirements of this subsection shall be waived to allow a dish antenna of 15 feet or less in height at the option of the owner. All other provisions of this section shall apply.

(c) Satellite dish antenna standards; nonresidential districts specifically. (See also subsections (I)(2)(d) and (e).) Except as otherwise provided, the location, setback and height of

any dish antenna shall be in accordance with the district minimum established for the principal use and per Article G.

(d) Exemptions.

1. Residential districts. Except as otherwise provided under subsection (I)(2)(e) below, within any residential district any dish antenna that is 40 inches or less in diameter shall be exempt from the requirements set forth under subsection (I)(2)(b) above.

2. Nonresidential districts. Except as otherwise provided under subsection (I)(2)(e) below, within any nonresidential district any satellite dish antenna that is 80 inches or less in diameter shall be exempt from the requirements set forth under subsection (I)(2)(c) above.

(e) Historic districts and historic property and/or landmark application.

1. a. Within any Historic District (HD) Overlay District and/or for any individually designated historic property and/or landmark, no dish antenna shall be located except in conformance with this section and the applicable requirements set forth under Title 9, Chapter 7, Historic Preservation Commission, of the City Code and associated Design Standards Handbook, City of Greenville Historic Preservation Commission; and

b. No dish antenna regardless of size (diameter) shall be erected in any front yard, side yard or public street setback area unless the owner by competent and accepted engineering analysis certifies and demonstrates to the Historic Preservation Commission that reception will be materially limited due to compliance with this section and that there is no available location at the rear of the principal structure and outside any front yard, side yard or public street setback area where service can be obtained; and

c. Where application of this section imposes additional minimal costs on the erection of any dish antenna, the additional minimal costs shall not be construed as a limit on any alternate available location for obtaining service.

2. The Historic Preservation Commission may seek the advice of any competent authority concerning the accuracy and sufficiency of any engineering analysis submitted for consideration under this section.

(J) Stables and/or kennels.

(1) Shall be located no closer than 100 feet to any existing dwelling or residential district; and

(2) Shall otherwise meet the minimum dimensional standards and setbacks within the applicable district, except as provided under subsection (J)(1) above.

(K) Hotel, motel, bed and breakfast inn.

(1) In addition to the specific requirements listed below under subsections (K)(2) and (3), all hotel, motel, bed and breakfast inns including both limited and extended stay lodging facilities shall be subject to the following requirements:

(a) No lodging unit shall be occupied by more than one family. See also definition of family.

(b) The lodging facility shall contain a registration office or area which is staffed 24 hours per day during all periods of operation. A resident manager, supervisor or caretaker shall qualify for purposes of this section.

(c) Housekeeping services shall be provided. Housekeeping services shall include but not be limited to: changing linen, cleaning bathroom and kitchen areas, removal of trash, dusting and vacuuming.

(d) Shall be designed and marketed in a fashion that reflects the intended use for transient lodgers. No person other than an approved resident manager, supervisor or caretaker shall utilize, consider or reference any lodging unit as a secondary or primary place of residence.

(e) The lodging facility may contain restaurants, meeting rooms, indoor recreation facilities, lounges, outdoor swimming pool, entertainment facilities, retail sales of personal accessories for occupants, maid and bell boy service, laundry services, telephone and secretarial services, as accessory uses.

(f) Lodging units which contain cooking facilities must provide a sink which shall be located in the cooking area and shall be in addition to any sink provided for bathroom or bathing purposes.

(g) No lodging unit shall share kitchen or cooking facilities with any other lodging unit.

(2) Limited stay lodging facilities shall be subject to the following additional requirements:

(a) Lodging shall be limited to daily or weekly periods not to exceed 30 continuous days.

(b) Housekeeping services shall be provided on a daily basis.

(c) Not more than 25% of the units may have kitchen and/or cooking facilities.

(3) Extended stay lodging facilities shall be subject to the following additional requirements.

(a) Lodging shall be limited to daily, weekly or monthly periods, not to exceed 90 continuous days.

(b) Housekeeping services shall be provided on a weekly basis or other more frequent period at the option of the owner/operator.

(c) Each extended stay unit may contain kitchen and/or cooking facilities.

(L) Tents.

(1) For purposes of this section, the term "tent" shall be construed to include any temporary shelter, canopy or enclosure of canvas, fabric, plastic film or other stretch material supported and sustained by a pole(s) and/or guy line(s).

(2) Except as otherwise provided, this section shall apply to any commercial, office, institutional, industrial or public assembly activity which utilizes a tent and is conducted as a principal or accessory use regardless of district.

(3) The following shall be exempt from the provisions of this section, provided the tent structure(s) and use thereof comply with all applicable requirements, including but not limited to zoning, building code, fire code and flood damage prevention regulations.

(a) Awnings attached to and supported by a building.

(b) Temporary funeral tents at grave sites.

(c) Temporary noncommercial private special event tents as an accessory activity to a residential dwelling.

(d) Temporary noncommercial recreational camp tents as an accessory activity to a residential dwelling or within an approved campground.

(4) No tent shall be utilized as a permanent principal or accessory structure. Tents shall only be utilized on a limited duration basis in accordance with the following:

(a) Tents that are utilized for principal use purposes shall be subject to the requirements and conditions of a temporary use in accordance with Article B of this chapter.

(b) Tents that are utilized for accessory use purposes shall be subject to all of the following requirements:

1. Not more than one tent shall be displayed on any lot at any one time.

2. No tent shall be erected for more than 30 consecutive days.

3. No lot or establishment shall utilize any tent(s) for more than four separate events within any calendar year.

(c) For purposes of this subsection (L)(4), the term "lot" shall be construed to include all contiguous parcels occupied by an establishment.

(5) Except as otherwise provided, tents shall be setback not less than the principal building setback applicable for the district and in accordance with the bufferyard setback regulations. Support poles, guy lines and stakes may encroach into the street right-of-way setback, provided the encroachments are set back not less than the applicable bufferyard setback.

(6) No tent shall be located within a street sight distance area as defined per Title 6, Chapter 2 of the Greenville City Code.

(7) No tent shall be located so as to obstruct a fire lane; public sidewalk; fire hydrant; building entrance way or emergency exit; public alley; public utility; active driveway, parking lot drive isle or required parking space; garbage/trash container or other area which in the opinion of the Building Inspector would constitute a hazard or danger to the public.

(8) No tent shall be located within a stormwater detention area or structure except as specifically approved by the City Engineer or designee.

(9) No tent shall be located within a floodway as defined per Chapter 6 of this Title.

(10) No tent shall be located within an area of special flood hazard as defined per Chapter 6 of this Title, except as specifically approved by the City Engineer or designee.

(11) All tents shall display a fire retardant certificate approved by the Chief of Fire Rescue or his or her authorized representative.

(12) The proposed use of each separate tent shall be included on the zoning compliance and building permit application. No new use or change of use, other than as specifically approved under the current permit, shall be allowed except upon reapplication and approval.

(13) No tent shall utilize active or mechanical heat and/or air conditioning, electric service and/or artificial lighting or water/wastewater disposal facilities except as specifically approved by the Building Inspector.

(14) All above-grade tent guy line stakes shall be cushioned in a manner approved by the Building Inspector.

(15) All tent support guy lines shall be of a fluorescent color and/or flagged in a manner approved by the Building Inspector.

(16) Tents shall be exempt from and shall not count towards the maximum lot coverage requirement for the district.

(17) Tents and the use thereof shall comply with all applicable fire and building code requirements.

(18) In addition to other requirements, tents utilized for accessory residential purposes shall comply with section 9-4-100 of this article.

(M) Christmas tree sales lot; temporary only.

(1) Such use must qualify as a temporary use per Article B of this chapter.

(2) Christmas tree sales lots located within an OR (Office-Residential) District shall be subject to the following requirements:

(a) No portion of a sales lot shall be located within 100 feet, including public street rights-of-way, of a residential zoning district.

(b) For purposes of this section, the term “sales lot” shall be constructed as any portion of a parcel which is utilized for Christmas tree sales including display areas and related activities and any accessory sales office.

(N) Mobile home.

(1) No mobile home established (new setup) or relocated within the city planning and zoning jurisdiction shall be occupied until the mobile home has been inspected and approved for compliance with the Minimum Housing Code set forth under Title 9, Chapter 1, Article F of the City Code when the Building Inspector makes a finding of noncompliance with the Minimum Housing Code.

(2) Mobile homes shall, upon installation, have either a permanent, continuous masonry foundation, or a continuous and opaque skirt consisting of vinyl, fiberglass or other similar solid nonmetal material. The skirt for a mobile home shall be attached to weather resistant material when required for support.

(O) Restaurant; fast food and/or restaurant; conventional utilizing drive-through services. Except as further provided, whenever a proposed restaurant is to be located adjacent to a permitted residential use, or a residential zoning district, the following minimum standards shall be required:

(1) The restaurant principal structure shall maintain a public street (front yard) setback not less than the adjoining residential zoning district;

(2) The restaurant principal structure shall maintain a side and rear yard setback not less than 25 feet from any property line which abuts a residential zoning district or a permitted residential use;

(3) The maximum height of the restaurant principal and/or accessory structure(s) shall not exceed 35 feet; and

(4) Any exterior menu reader board or order station which contains an audio speaker(s) shall be set back not less than 50 feet from any side or rear property line which abuts a permitted residential use or residential zoning district, and the speaker shall be oriented and directed away from any adjacent permitted residential use or residential zoning district in a manner approved by the Director of Planning and Development Services or his or her designee, and the requirement shall be indicated upon an approved site plan. Separation of the speaker from an adjacent permitted residential use or residential zoning district by an intervening nonresidential building or structure of sufficient dimension to negate or block the transmission of sound may, upon approval of the Director of Planning and Development Services or his or her designee, substitute for the speaker setback, orientation or direction standards of this section. No exterior menu reader board or order station shall be utilized or operated in a manner which constitutes a nuisance or hazard to the general public.

(Ord. No. 06-75, § 1, passed 8-10-2006)

(P) Restaurant, conditional and/or restaurant, fast food; records retention requirement. 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 section shall be for the purpose of determining the portion of sales attributed to the sale of prepared and/or packaged food in a ready-to-consume state. Failure to provide all records required by this section in a timely manner, to be determined by the city, upon written request of the Zoning Enforcement Officer shall constitute a violation of the zoning regulations.

(Ord. No. 09-27, § 10, passed 4-9-2009)

(Q) Television and radio broadcast, cellular telephone, wireless communication towers and distributed antenna systems (DAS).

(1) Towers located within a CG District shall be subject to all of the following requirements:

(a) Shall not exceed 200 feet in height above the adjacent grade, as measured to the highest point, including the support structure and any communication equipment;

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

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

(2) Towers located within an OR District shall be subject to all of the following requirements:

(a) Shall not exceed 120 feet in height above the adjacent grade, as measured to the highest point, including the support structure and any communication equipment;

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

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

(d) No tower shall be located within a 500-foot radius of any other existing or vested tower located in an OR District as measured from the center of the towers;

(e) Except as provided in subsection (Q)(2)(f) of this section, the tower structure shall be set back from all perimeter property lines of the parent lot either a distance equal to the total tower height, or in accordance with the bufferyard regulations, whichever is greater;

(f) The tower structure shall be setback from any residential zoned lot or tract either a distance equal to twice the total tower height, or 200 feet, whichever is greater;

(g) For purposes of subsections (Q)(2)(e) and (f) above, the required setback shall be measured from the outside edge of the base of the tower structure to the nearest property line or zoning boundary line; and

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

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

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

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

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

(d) No tower shall be located within a 500-foot radius of any other existing or vested tower as measured from the center of the towers;

(e) The tower structure shall be setback from any residential zoned lot or tract a distance equal to 75% of the tower height. The required setback shall be measured from the outside edge of the base of the tower structure to the nearest property line or zoning boundary line; and

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

(4) Digital antenna systems (DAS) located within right-of-way, on city owned infrastructure, on Greenville Utilities Commission owned infrastructure and/or on city property shall be subject to all of the following requirements even if they are intended to replace existing light poles, utility poles or similar structures or are proposed as free-standing towers. Only the minimal use of the public right-of-way and/or city owned and Greenville Utilities Commission owned infrastructure is allowed because the space in the right-of-way should be reserved for public utilities and should be free of safety hazards. In addition, telecommunications facilities located in the right-of-way and mounted on city owned and Greenville Utilities Commission owned infrastructure have the potential of being very visible to pedestrians and the traveling public. In order to locate in a public right-of-way, the size and visibility of DAS equipment and their support structures must use be minimized. Application and permitting of DAS equipment are subject to review procedures in Title 6, Chapter 2:

(a) DAS located within right-of-way, on city owned infrastructure, on Greenville Utility Commission owned infrastructure, replacing existing power or lights poles owned by the City or Greenville Utilities Commission and/or on city owned property within any district and adjacent to a designated major or minor thoroughfare except within the CD District, shall be subject to all of the following requirements:

1. The height of DAS equipment, including support poles, whether they are replacing existing light posts, are mounted to existing light posts or are freestanding poles shall not exceed 35 feet above grade, including the top of an antenna.

2. Where ground-mounted equipment and support poles are proposed on city owned sidewalks, there must be a minimum of five feet of unobstructed sidewalk remaining for pedestrians to pass by the installation or as determined by the Director of ~~Public Works~~ **Engineering**.

3. The location of DAS equipment and support structures must not restrict sight triangles of pedestrians or motorists to roadway intersections and public or private driveways.

(b) DAS located within right-of-way, on city owned infrastructure, on Greenville Utility Commission owned infrastructure, replacing existing power or lights poles owned by the City or Greenville Utilities Commission and/or on city owned property within the CD District, shall be subject to all of the following requirements:

1. The height of DAS equipment, including support poles, whether they are replacing existing light posts, are mounted to existing light posts or are freestanding poles shall not exceed 35 feet above grade, including the antenna, must not have antennas longer than six feet, must be painted to match the color of the poles.

2. Ground-mounted DAS accessory equipment is not allowed in the CD district.

3. Where DAS support poles are proposed on city owned sidewalks, there must be a minimum of five feet of unobstructed sidewalk remaining for pedestrians to pass by the installation or as determined by the Director of ~~Public Works Engineering~~.

4. The location of DAS equipment and support structures must not restrict sight triangles of pedestrians or motorists to roadway intersections and public or private driveways.

5. DAS equipment shall be painted to match the poles to which they are affixed or shall match the color of city-owned and Greenville Utilities Commission owned light poles if they are new or are replacing light poles and shall be designed to minimize the visibility of cables and other appurtenances.

(R) Portable temporary storage unit.

(1) No individual unit shall exceed 320 square feet in floor surface storage area.

(2) No storage unit shall be utilized as a principal use structure.

(3) Except as further provided below under subsection (R)(10), not more than two units totaling 320 square feet in combined total floor surface storage area shall be permitted concurrently on any residential zoned lot and/or on any lot used for residential purposes. Exempt from this requirement are lots containing residential quarters for resident managers, supervisors or caretakers as set forth under section 9-4-78 and Appendix A to this chapter. For purposes of this section, the on-site and/or right-of-way placement of the first unit shall begin the running of time set forth under subsection (R)(7) below. See also subsection (R)(8) below.

(4) Except as further provided below under subsection (R)(10), not more than three units totaling 960 square feet in combined floor surface storage area shall be permitted concurrently on any non-residential zoned lot and/or on any lot used for commercial, office, institutional and/or industrial purposes. For purposes of this section, the on-site and/or right-of-way placement of the first unit shall begin the running of time set forth under subsection (R)(7) below. See also subsection (R)(9) below.

(5) Except as further provided below under subsection (R)(10), all unit(s) subject to this subsection shall be located on an improved parking surface in accordance with Article O. Units located on any site for 336 continuous hours or less may be located on an unimproved surface.

(6) Except as further provided below under subsection (R)(10), no unit on-site parking area, in addition to other improved on-site vehicle parking areas, shall exceed 30% of the front yard area of a single-family dwelling lot or more than 40% of any two-family attached dwelling lot in accordance with Article O.

(7) Except as further provided below under subsection (R)(10), the maximum duration of any temporary unit located on any lot shall not exceed 120 continuous days or more than 120 total days in any 12-month period. The placement of the first unit shall begin the running of time under this subsection.

(8) Except as further provided below under subsection (R)(10), the maximum frequency of any temporary unit located on any residential zoned lot and/or on any lot used for residential purposes shall not exceed three separate occurrences in any 12-month period. Exempt from this requirement are lots containing residential quarters for resident managers, supervisors or caretakers as set forth under section 9-4-78 and Appendix A. Each separate period of one or more concurrently placed units shall count toward the maximum frequency.

(9) Except as further provided below under subsection (R)(10), the maximum frequency of any temporary unit located on any non-residential zoned lot and/or on any lot used for commercial, office, institutional and/or industrial purposes shall not exceed three separate occurrences in any 12-month period. Each separate period of one or more concurrently placed units shall count toward the maximum frequency.

(10) Placement in conjunction with an active construction permit, natural disaster damage repair permit or other building permit may exceed the maximum number, duration and frequency set forth above under subsections (R)(3), (4), (7), (8) and (9) above, and the improved parking surface material and maximum coverage requirements set forth above under subsections (R)(5) and (6), provided the unit(s) shall be removed immediately following completion of the associated permit activity; provided, however, no unit(s) located on a single-family or duplex lot, excepting placement in conjunction with a building permit for the construction of the principal dwelling(s) and/or in conjunction with a natural disaster damage repair permit for any single-family or duplex dwelling(s), shall exceed 180 continuous days. Maximum frequency under this section shall not exceed one occurrence in any 12-month period.

(11) When located on property containing a principal residential use the unit shall only be used for temporary incidental residential accessory use purposes. No unit located on any principal use residential property shall be used for commercial, office, institutional and/or industrial purposes or storage. No unit shall be used in conjunction with any home occupation.

(12) The unit may temporarily displace minimum required parking for the associated principal use dwelling or nonresidential use.

(13) Any unit located on a residential lot may encroach into the minimum public and/or private street (MBL) setback; provided, however, no unit shall be located within any public street right-of-way or private street easement, except as further provided. No such unit shall be located in any minimum side and/or rear yard setback or minimum bufferyard setback applicable to an accessory structure except when located on an existing improved driveway or qualified parking area. A unit may be located within a public street right-of-way upon issuance of an encroachment

agreement from the authority having jurisdiction, provided compliance with all other provisions of this section.

(14) Any unit located on a commercial, office, institutional and/or industrial lot may encroach into the minimum public and/or private street (MBL) setback, provided however no unit shall be located within any minimum perimeter and/or street bufferyard.

(15) No unit shall encroach within the “area of minimum protection (by plant material type)” set forth under section 9-4-265(G)(2) for required vegetation.

(16) No unit shall contain or receive permanent or temporary electric service, water and/or sanitary sewer service.

(17) No unit shall be used for human or animal occupancy.

(18) The unit shall comply with Accessory Structure Building Code placement, tie-down and other applicable standards as determined by the Building Inspector in the particular case.

(19) Except as further provided, no unit shall be stored in any public street right-of-way or private street easement. A licensed motor vehicle unit or wheeled trailer unit attached to a licensed motor vehicle may be stored in the street right-of-way or street easement on a temporary basis in accordance with this section and applicable zoning and traffic regulations. A unit may be located within a public street right-of-way upon issuance of an encroachment agreement from the authority having jurisdiction, provided compliance with all other provisions of this section.

(20) Permanent signage attached to a licensed motor vehicle unit, licensed wheeled trailer unit or other non-wheeled container unit transported to the lot on a removable chassis shall be exempt from the sign regulations; provided, however, any permanent use of any unit shall not be exempt from the sign regulations.

(21) No unit shall be located in any street sight distance area, or in any manner that obstructs vehicle or pedestrian access or lines of sight.

(22) No unit shall be located and/or used in any manner that creates a nuisance, public health or safety hazard. When a nuisance, public health or safety hazard condition is found to exist, the owner of the lot and/or unit shall immediately remove the unit to a location in compliance with this section following personal and/or written notice from any building Inspector, nuisance abatement officer or Zoning Enforcement Officer. Any location or use inconsistent with the provisions of this section shall be construed as both a nuisance and a violation of the zoning regulations.

(23) No unit shall be located in any manner that obstructs any designated fire lane or that otherwise obstructs or blocks access to any fire hydrant, building or structure.

(24) Except as provided above under subsection (R)(18) above, no additional permit shall be required for any unit regulated under this section.

(25) Any storage units to be located and used as permanent accessory structures on a nonresidential zoned lot and/or on any lot used for commercial, office, institutional and/or industrial purposes shall meet the minimum requirements applicable to an accessory building and/or structure for the district and use as well as the following:

(a) The number of units that may be located and utilized as permanent accessory structures will be determined by the size of the lot on which the unit(s) is (are) proposed to be located as follows:

1. If the lot is one acre or less in area, then no more than one unit totaling no more than 320 square feet in total floor surface storage area may be utilized as a permanent accessory structure.

2. If the lot is greater than one acre, but less than three acres in area, then no more than two units totaling no more than 640 square feet in combined total floor surface storage area may be utilized as permanent accessory structures.

3. If the lot is three acres or greater in area, then no more than three units totaling no more than 960 square feet in combined total floor surface storage area may be utilized as permanent accessory structures.

(b) No storage unit shall be used as a permanent accessory structure in the CD or CDF Districts.

(26) No storage unit shall be used as a permanent accessory structure or building on any residential zoned lot and/or on any lot containing a residential use; provided, however, lots containing residential quarters for resident managers, supervisors or caretakers as set forth under section 9-4-78 and Appendix A shall be exempt from this requirement.

(S) Wine and craft beer shop (see also Section 9-4-22).

(1) A wine and craft beer shop may sell wine and/or craft beer for consumption on the premises, provided that the on-premises consumption of wine and/or craft beer constitutes an accessory and incidental use to the wine and craft beer shop.

(2) A wine and craft beer shop that also has the requisite state permit(s) that allows retail sales of malt beverages for on-premises consumption, in accordance with G.S.18B-1001 as amended, may sell both wine and malt beverages for consumption on the premises, provided that the combined on-premises consumption of wine and malt beverages constitute an accessory and incidental use to the primary retail use wine and craft beer shop.

(3) For purposes of this section, on-premises consumption of wine and malt beverages shall be deemed an accessory and incidental use to a wine and craft beer shop, provided the combined sale of wine and malt beverages for consumption on the premises does not exceed 40% of the wine and craft beer shop's total sales of wine and malt beverages including both on-premises and off-premises consumption, for any 30-day period. The term "sale(s)" as used herein shall be the receipt of payment for the wine and malt beverages sold and/or consumed and shall not be a measure of the volume of wine and malt beverages sold and/or consumed.

(4) Records related to the wine and craft beer shop's total sales of wine and malt beverages for both on-premises and off-premises consumption shall be maintained on the premises for not less than one year and shall be open for inspection and audit at all reasonable hours when the establishment is open for business by the Zoning Enforcement Officer. The Zoning Enforcement Officer may view the records on the premises or may request that copies of the written records

be delivered to the city. The requirements of this subsection shall be for the purpose of determining compliance with subsection (S)(3) above.

(5) No wine and craft beer shop that includes the on-premises consumption of wine and malt beverages shall be located within a 200-foot radius, including street rights-of-way, of an existing or approved bar, dining and entertainment establishment, or other wine and craft beer shop that includes the on-premises consumption of wine and malt beverages. The required measurement shall be from the building or structure containing the wine and craft beer shop to the nearest property line of the parcel containing the existing or approved bar, dining and entertainment establishment, or other wine shop that includes the on-premises consumption of wine and malt beverages.

(6) A wine and craft beer shop shall not operate after 11:00 p.m. on Sunday, Monday, Tuesday, Wednesday, and Thursday or after 12:00 a.m. on Friday and Saturday.

(7) A wine and craft beer shop shall not require a membership, cover or minimum charge for admittance or service during regular or special periods of operation.

(8) A wine and craft beer shop that does not meet the requirements of section 9-4-103(S) shall be deemed a bar for the purpose of zoning and land use classification.

(9) The provisions of this section shall apply to all wine and craft beer shops whether operated as a principal or accessory use.

(T) Golf course, 18-hole regulation length and/or golf course, nine-hole regulation length. A golf course; 18-hole regulation length and/or golf course, nine-hole regulation length, or portion thereof, located within a residential district shall be subject to the following requirements:

(1) A golf course, 18-hole regulation length, may include an accessory use member-guest only dining facility and/or a public restaurant, snack bar, pro-shop, member-guest only social club, tennis courts, swimming facilities and/or other customarily associated golf course activity, which is open to members, guests and/or the general public.

(2) A golf course, nine-hole regulation length, may include an accessory use member-guest only dining facility, snack bar, pro-shop, member-guest only social club, tennis courts, swimming facilities and/or other customarily associated golf course activity, which is open to members, guests and/or the general public, unless otherwise provided. A nine-hole regulation length course shall not contain an accessory public restaurant.

(3) Accessory public restaurant facilities must be located within the principal use golf course structure (i.e., golf clubhouse) and shall not be located in a separate and detached single-use stand-alone structure. Outdoor seating and dining areas shall be subject to subsection (T)(5) below. No public restaurant may be located in any detached accessory structure.

(4) Except as further provided under subsection (T)(6) below, accessory public restaurant hours shall be limited to the period 7:00 a.m. to 10:00 p.m. No food or beverage may be sold to the general public prior to 7:00 a.m. or after 10:00 p.m. of any day.

(5) Except as further provided under subsection (T)(6) below, no accessory public “restaurant; outdoor activity” area shall be located within 300 feet, as measured to the closest

point, of any abutting residential lot or parcel located within a residential district which allows single-family dwellings as a permitted use.

(6) An accessory public restaurant associated with a golf course may provide food services for golf course and/or golf club sponsored member-guest only events without regard to the limitations of subsections (T)(4) and (5).

(7) Restaurant drive-through and/or drive-in facilities and services shall be prohibited.

(8) Golf course signage, including accessory use identification signage, shall be in accordance with section 9-4-233(L).

(9) For purposes of this section, the term “public restaurant” shall be construed as an eating establishment as defined herein under the term “restaurant, conventional,” that is open to the general public, and is not restricted to members and their guests, or patrons of the golf course.

(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.

(V) Beekeeping; minor use.

(1) The standards, requirements, conditions and restrictions of section 12-2-27(c) shall apply for locations and uses both within the city limits and within the extraterritorial jurisdiction.

(W) Reserved.

(X) Shelters for the homeless or abused located within the OR District. Shall be located on a parcel of land no less than 0.5 acre in area.

(Y) Internet sweepstakes business (see also section 9-4-22).

(1) No internet sweepstakes business shall be located within a one-half mile (2,640 foot) radius of an existing or approved internet sweepstakes business.

(2) No internet sweepstakes business shall be located within a 500-foot radius of the following:

- (a) An existing conforming use single-family dwelling located in any district;
- (b) Any single-family residential zoning district; and
- (c) An existing or approved school, church, park or multi-family use.

(3) The measurements associated with subsections (1) and (2) above shall be made from the exterior wall of the proposed internet sweepstakes business to the nearest exterior wall of any existing or approved internet sweepstakes business, existing conforming use single-family dwelling located in any district, or existing or approved school, church or multi-family use. The

measurement shall be made from the exterior wall of the proposed internet sweepstakes business to the nearest property line of any single-family residential zoning district or park.

(4) No internet sweepstakes business shall be located within any certified redevelopment area.

(5) The use shall be conducted within a completely enclosed building with no outside congregation of customers permitted for any purpose.

(Z) Major or Minor repair facilities.

(1) All tires displayed outside shall comply with section 9-4-86(B)(7). All tires stored outside shall comply with section 9-4-86(B)(9).

(AA) Hookah Café (see also section 9-4-22).

(1) No hookah café shall be located within a one-fourth mile (1,320 foot) radius of an existing or approved hookah café.

(BB) Tobacco Shop (Class 1) (see also section 9-4-22).

(1) No tobacco shop (class 1) shall be located within a 500-foot radius of an existing or approved school. This measurement shall be made from the exterior wall of the proposed tobacco shop (class 1) to the nearest exterior wall of any existing or approved school.

(2) No tobacco shop (class 1) shall be located within any certified redevelopment area.

(CC) Tobacco Shop (Class 2) (see also section 9-4-22).

(1) No tobacco shop (class 2) shall be located within a one-half mile (2,640 foot) radius of an existing or approved tobacco shop (class 1) or tobacco shop (class 2).

(2) No tobacco shop (class 2) shall be located within a 500-foot radius of the following:

(a) An existing conforming use single-family dwelling located in any district;

(b) Any single-family residential zoning district; and

(c) An existing or approved school, church, park or multi-family use.

(3) The measurements associated with divisions (BB)(1) and (2) above shall be made from the exterior wall of the proposed tobacco shop (class 2) to the nearest exterior wall of any existing or approved tobacco shop (class 1 or 2), existing conforming use single-family dwelling located in any district, or existing or approved school, church or multi-family use. The measurement shall be made from the exterior wall of the proposed tobacco shop (class 2) to the nearest property line of any single-family residential zoning district or park.

(4) No tobacco shop (class 2) shall be located within any certified redevelopment area.

(DD) Domestic Violence Center (see also section 9-4-22).

(1) The minimum lot size shall be 15,000 square feet.

(2) Maximum occupancy shall be in accordance with the North Carolina State Building Code or not more than one person per each 500 square feet of lot area, whichever is less.

(3) On-site supervision shall be maintained during all hours of operation.

(4) Single-building development shall be in accordance with single-family standards.

(5) Multiple-building development shall be in accordance with multi-family development standards.

(6) Parking shall be required at a ratio of one space per every two supervisors and one space per each 500 square feet of habitable floor area.

(EE) Digital broadcast studio.

(1) No living quarters shall be allowed.

(2) No transmission towers and/or monopoles are allowed.

(FF) Pet grooming facility.

(1) Pet grooming and holding will not extend before 7 a.m. or beyond 8 p.m.

(2) Standalone pet grooming facilities are not to include training, exercise, socialization, keeping or boarding, breeding or sale or rental of pets.

(3) In the event of a combined use within a single premise any and all pet grooming activities shall occur exclusively within an enclosed area.

(4) In no event shall pets be kept outside of the structure for purposes of grooming or holding.

(II) School; small, private.

(1) All associated recreational facilities shall be treated as an accessory use.

(2) No musical concerts shall be held at any outdoor recreation field located at the small private school. This prohibition shall in no aspect be interpreted so as to preclude marching or other school bands practicing on any such outdoor recreation field or performing during any sporting or other event, including pep rallies.

(3) May be located on one or more parcels of land.

(4) All new driveways and new perimeter parking areas shall be placed as far from abutting residential properties as is reasonably practical as determined by the Director of Engineering or their designee.

(5) Parking requirements shall either comply with the Article O requirements for School; elementary and junior high, or School; senior high depending on grades served, k-8 and 9-12 respectively. In the event that any outdoor recreation fields are located at a school serving grades k-8 then an additional requirement of one space per 10 seats shall also be enforced.

(6) Loading and unloading of students shall be off-street.

(7) Maximum building coverage shall not exceed the underlying district requirements.

(8) Notwithstanding the Noise Ordinance of the City of Greenville, there shall be no amplified sound not related to ongoing athletic competitions or school events. Operation of the sound and lighting components of the outdoor recreational facilities by entities other than the associated school(s) shall be limited to one occurrence per month. An occurrence means third party usage of either the lights, amplified sound or both at once and will consist of one event on one day. One week will be interpreted as being Monday - Sunday. No amplified sound for said occurrence will be permitted past 9:00 p.m.

(9) On weekends (Friday - Saturday) the hours of operation for outdoor recreation fields for any game, event, or practice shall not exceed one hour after the end of the game, event, or practice and/or 11 p.m., whichever comes first. On Sunday the hours of operation shall not exceed 5:00 p.m. On all other days the hours of operation shall not exceed 9:30 p.m.

(10) No outdoor amplified sound equipment shall be operated prior to 9:30 a.m.

(11) No outdoor amplified sound equipment shall produce a sustained decibel level higher than 75 at an adjacent property line. Sustained shall be taken to mean an average reading observed over the course of 20 seconds.

(12) Notwithstanding the foregoing provisions there shall be no restriction on use of amplified sound equipment that produces 60db or less as measured at any property line between the hours of 9:30 a.m. and 9:30 p.m.

(13) Lighting of outdoor sports fields and performance areas shall be designed to meet the standards found in the document "Lighting Standards for the City of Greenville" as well as in accordance with the following requirements:

(a) All such lighting fixtures shall be equipped with a glare control package (e.g., directional LED lighting, louvers, shields or similar devices), and any fixtures shall be aimed so that their beams are directed within the playing or performance area.

(b) Light levels at adjacent property lines shall not exceed ambient light levels by 0.5 foot candles in any circumstance.

(c) Light measurement technique: Light level measurements shall be made at the property line of the property upon which light to be measured is being generated. Measurements will first be taken with the light off and then with the light on to establish a baseline for ambient light conditions. If measurement on private property is not possible or practical, light level measurements may be made at the boundary of the public street right-of-way that adjoins the property of the complainant or at any other location on the property of the complainant. Measurements shall be made at finished grade (ground level), with the light registering portion of the meter held parallel to the ground pointing up. The meter shall have cosine and color correction and have an accuracy tolerance of no greater than plus or minus five percent. Measurements shall be taken with a light meter that has been calibrated within two years. Light levels are specified, calculated and measured in foot candles.

(d) In the event a dispute between the City and the property owner or lessee over the validity of any light measurements taken by the City arises, then at the expense of the party

disputing the claim, an independent engineer may be hired to conduct new measurements. The engineer shall be licensed by the state and shall take all measurements while accompanied by a representative of the city. Both parties shall certify the readings on the independent engineer's light meter and measurements shall be taken in the same way as described above in section 9-4-103 (II)(7)(d).

(JJ) Modular data processing facility.

(1) Systems, equipment, and structures (excluding electric transmission lines and utility poles) shall not exceed 35 feet in height.

(2) All equipment and structures shall be a minimum of 100 feet from the boundary of the lot. Public street setback shall be in accordance with Section 9-4-94.

(3) Any electric wiring shall be located underground, except where wiring is brought together for interconnection to system components and/or the local utility power grid.

(4) Bufferyard "F" shall apply except where the property abuts public/private streets or railroad rights-of-way in which the bufferyard as set forth in Article G shall apply.

(5) No sound may exceed 65 (dB(A)) as measured from the property line when the adjoining property is a conforming residential use or within the following zoning districts: RA20 (Residential-Agricultural), R15S (Residential-Single-family), R9 (Residential), R9S (Residential-Single-family), R6 (Residential), R6A (Residential), R6N (Residential), R6S (Residential-Single-family), R6MH (Residential-Mobile Home), MR (Medical- Residential), OR (Office-Residential), O (Office), and CDF (Downtown Commercial Fringe), CG (General Commercial) and CH (Heavy Commercial). A sound study shall be required at the discretion of the Planning and Development Services Department Director or when this use is located within 250 feet of any of the above listed zoning districts except when the Planning and Development Services Department Director determines it not necessary. This shall be measured from property line to property line.

(6) No sound may exceed 75 (dB(A)) as measured from the property line when the adjacent property is zoned I (Industry), IU (Unoffensive Industry) PIU (Planned Unoffensive Industry) and PI (Planned Industry).

(7) The business owner shall provide a statement to the Planning and Development Services Director from an acoustical consultant that the use complies with the sound levels as prescribed in this section by January 31 of every calendar year.

(8) Shall not be located within a 2,500-foot radius of an existing or approved school measured from property line to property line.

(9) Shall not be located within a 2,500-foot radius of an existing conforming singlefamily dwelling in any district as measured from property line to property line.

(10) Shall be located on no less than 35 acres.

(11) Signage shall be in accordance with Article N. Signs.

(12) No signage shall be permitted on the perimeter fence, with the exception of one sign not to exceed 32 square feet that shall display the name, address, and emergency contact information of the facility, as well as appropriate warning signs.

(13) No grid-connected data processing system shall be installed until evidence has been provided by the operator that installation of the system has been approved by the electrical utility provider. Off-grid systems shall be exempt from this requirement.

(14) All exterior lighting shall be designed and constructed with cutoff and fully shielded fixtures that direct light downward and into the interior of the property and away from adjacent roads and adjacent properties.

(15) Any structure or equipment associated with the facility that is not operated for a continuous period of 365 days shall be considered abandoned, and the city may require the owner to remove such structures and equipment within 90 days after notice from the city. If the abandoned structure or equipment is not removed within 90 days, the city may remove it and recover its costs from the owner, whether the facility is located within the city limits or not. If the owner of the abandoned structure or equipment cannot be located or is no longer in business, the requirements of this section shall be the responsibility of the landowner on whose property the structure or equipment is located.

(KK) Data processing center.

(1) Systems, equipment, and structures (excluding electric transmission lines and utility poles) shall not exceed 35 feet in height.

(2) Any electric wiring shall be located underground, except where wiring is brought together for interconnection to system components and/or the local utility power grid.

(3) No sound may exceed 65 (dB(A)) as measured from the property line when the adjoining property is a conforming residential use or within the following zoning districts: RA20 (Residential-Agricultural), RI 5S (Residential-Single-family), R9 (Residential), R9S (Residential-Single-family), R6 (Residential), R6A (Residential), R6N (Residential), R6S (Residential-Single-family), R6MH (Residential-Mobile Home), MR (Medical- Residential), OR (Office-Residential), O (Office), and CDF (Downtown Commercial Fringe), CG (General Commercial) and CH (Heavy Commercial). A sound study shall be required at the discretion of the Planning and Development Services Department Director or when this use is located within 250 feet of any of the above listed zoning districts except when the Planning and Development Services Department Director determines it not necessary. This shall be measured from property line to property line.

(4) No sound may exceed 75 (dB(A)) as measured from the property line when the adjacent property is I (Industry), IU (Unoffensive Industry) PIU (Planned Unoffensive Industry) and PI (Planned Industry).

(5) The business owner shall provide a statement to the Planning and Development Services Director from an acoustical consultant that the use complies with the sound levels as prescribed in this section by January 31 of every calendar year.

(6) Shall not be located within a 2,500-foot radius of an existing or approved school measured from property line to property line.

(7) Shall not be located within a 2,500-foot radius of an existing conforming singlefamily dwelling in any district as measured from property line to property line.

(8) Signage shall be in accordance with Article N. Signs.

(9) No grid-connected data processing system shall be installed until evidence has been provided by the operator that installation of the system has been approved by the electrical utility provider. Off-grid systems shall be exempt from this requirement.

(10) All exterior lighting shall be designed and constructed with cutoff and fully shielded fixtures that direct light downward and into the interior of the property and away from adjacent roads and adjacent properties.

(11) Any structure or equipment associated with the facility that is not operated for a continuous period of three hundred sixty-five (365) days shall be considered abandoned, and the City may require the owner to remove such structures and equipment within 90 days after notice from the City. If the abandoned structure or equipment is not removed within 90 days, the City may remove it and recover its costs from the owner, whether the facility is located within the city limits or not. If the owner of the abandoned structure or equipment cannot be located or is no longer in business, the requirements of this section shall be the responsibility of the landowner on whose property the structure or equipment is located.

(Ord. No. 2337, § 1, passed 6-13-1991; Ord. No. 2423, § 1, passed 2-13-1992; Ord. No. 95-116, § 1, passed 11-9-1995; Ord. No. 96-80, § 4, passed 8-8-1996; Ord. No. 97-5, §§ 3, 4, passed 1-9-1997; Ord. No. 97-85, §§ 1, 2, passed 8-14-1997; Ord. No. 97-86, § 5, passed 8-14-1997; Ord. No. 98-21, § 1, passed 2-12-1998; Ord. No. 98-67, § 2, passed 6-11-1998; Ord. No. 98-115, § 1, passed 9-10-1998; Ord. No. 99-5, § 1, passed 1-14-1999; Ord. No. 00-19, § 8, passed 2-10-2000; Ord. No. 03-31, § 4, passed 4-10-2003; Ord. No. 04-43, § 2, passed 5-13-2004; Ord. No. 04-96, § 2, passed 8-12-2004; Ord. No. 04-143, § 2, passed 11-8-2004; Ord. No. 05-64, § 3, passed 6-9-2005; Ord. No. 06-25, § 2, passed 3-9-06; Ord. No. 06-93, § 2, passed 9-14-2006; Ord. No. 06-113, § 4, passed 11-9-2006; Ord. No. 07-11, § 4, passed 1-11-2007; Ord. No. 09-27, § 9, passed 4-9-2009; Ord. No. 10-83, § 2, passed 10-14-2010; Ord. No. 10-106, § 6, passed 12-9-2010; Ord. No. 11-055, § 3, passed 9-8-2011; Ord. No. 11-078, § 2, passed 12-8-2011; Ord. No. 12-004, § 1, passed 1-12-2012; Ord. No. 12-033, § 1, passed 8-9-2012; Ord. No. 12-044, § 2, passed 10-11-2012; Ord. No. 12-045, § 3, passed 10-11-2012; Ord. No. 12-051, § 2, passed 11-8-2012; Ord. No. 12-069, § 2, passed 12-13-2012; Ord. No. 13-007, § 3, passed 2-14-2013; Ord. No. 14-010, passed 2-13-2014; Ord. No. 14-020, passed 4-10-2014; Ord. No. 15-019, § 3, passed 4-9-2015; Ord. No. 16-003, § 3, passed 1-14-2016; Ord. No. 16-066, §§ 5, 6, passed 12-8-2016; Ord. No. 17-036, § 1, passed 5-11-2017; Ord. No. 19-045, § 1, passed 9-12-2019; Ord. No. 19-051, § 3, passed 10-10-2019; Ord. No. 19-052, § 3, passed 10-10-2019; Ord. No. 20-052, § 2, passed 9-14-2020; Ord. No. 20-059, § 2, passed 10-19-2020; Ord. No. 21-032, § 1, passed 6-21-2021; Ord. No. 21-058, § 1, passed 11-8-2021; Ord. No. 22-013, § 6, passed 1-24-2022; Ord. No. 22-014, §§ 4, 5, passed 1-24-2022)

SEC. 9-4-104 LIGHTING STANDARDS; EXTERNAL.

(A) Unless otherwise provided all external site illumination for any use shall be in accordance with this section **and the Lighting Standards for the City of Greenville.**

(B) No lighting shall be directed toward or placed in such a manner as to shine directly into a public right-of-way or residential premises. For purposes of this section, the term “residential premises” shall constitute a structure which is designed and approved for use as a dwelling unit.

(C) No lighting shall illuminate any public right-of-way, street or any adjoining or area property in such a manner as to constitute a nuisance or hazard to the general public.

(D) No lighting shall contain flashing or intermittent lights or lights of changing degrees of intensity.

(E) This section shall not abrogate the City of Greenville or Greenville Utilities Commission authority to erect or maintain any site and/or street lighting in the interest of the public health, safety and welfare.

(Ord. No. 2722, § 1, passed 10-14-1993)

SEC. 9-4-120 STANDARDS.

(A) Measurements; location of bufferyards. Bufferyard setbacks shall be measured from lot boundary lines except as further provided.

(B) Thoroughfares. Where a lot is located in proximity of an existing or future thoroughfare, as shown on the officially adopted **Thoroughfare Plan Highway Map of the Comprehensive Transportation Plan**, all bufferyard setbacks shall be measured from the ultimate future thoroughfare right-of-way line or property line, which yields the greatest setback.

(C) Overlapping bufferyards. Whenever two or more bufferyard requirements are applicable to the same use or combination of uses, then the more stringent of the bufferyard requirements shall apply, except as further provided.

(D) Planned center. In the case of planned centers containing multiple principal uses, such as shopping centers, office/commercial unit ownership type developments and the like, the initial bufferyard requirement shall be based on the anticipated primary occupancy of the center and the requirement shall apply to all subsequent uses absent any change in zoning for the planned center.

(E) Shopping centers, condominium/townhouse, multi-family group and planned center type developments. Bufferyards are required only along exterior property lines of the project.

(F) Easement. No fence, evergreen hedge or berm optioned or required by this article shall be located on property subject to utility or drainage easements without the written consent of the city and easement holder. Site plan approval from the respective easement holder shall be construed as approval of all noted encroachments.

(G) Drainage ditch. No fence, evergreen hedge or berm optioned or required by this article shall be located within five feet of the outer edge of a drainage ditch. Stormwater detention structures having a slope of two feet horizontal for each one foot vertical or steeper shall be considered a drainage ditch for purposes of this section.

(H) Encroachments.

(1) Bufferyards for adjacent public and/or private streets may only be encroached upon by driveways, signage and general (public/customer) pedestrian access walkways, provided the walkways comply with subsection (H)(3) below.

(2) Bufferyards for peripheral lot boundaries shall not be encroached upon by vehicular areas (except common access drives and parking lots), service access walkways, exterior storage, mechanical equipment, principal and/or accessory structures, garbage/trash container pads and the like unless otherwise provided. Encroachments by stormwater detention structures may be allowed subject to the approval of the City Engineer. Exterior lighting may encroach three feet into required bufferyards. General (public/customer) pedestrian access walkways may encroach into required bufferyards provided the walkways comply with subsection (H)(3) below.

(3) General (public/customer) pedestrian access walkways shall be subject to compliance with all of the following requirements:

(a) Such walkways shall be designed to provide direct access to and from adjacent public and/or private streets, designated common property, public access easements and lot lines;

(b) Encroachment zone. Walkways are allowed to cross individual or abutting bufferyards within an area equal in width to the minimum bufferyard as measured perpendicular to the property line;

(c) Maximum width of each individual walkway shall not exceed six feet; and

(d) Within the minimum bufferyard area two or more walkways providing access to a lot along any single property line shall be separated by not less than 50 feet as measured from center of walkway to center of walkway.

(4) Aboveground public utility apparatus, structures or covers including transmission lines, poles and support wires, transformers, meters, pumps, regulators, catch basins, manholes, vents, switching or control boxes and the like may encroach into any bufferyard setback provided the use does not constitute a public utility building or use as defined under Article B of this chapter.

(I) Recreational use of bufferyards. A bufferyard may be used for passive recreation; it may contain pedestrian, bike or equestrian trails, provided that:

(1) The total width of the bufferyard is increased in direct proportion to the width of any encroachment(s) except as further provided;

(2) Public dedicated greenway improvements shall be exempt from subsection (I)(1) above; and

(3) All other regulations of this article and Article P of this chapter are met. In no event, however, shall the following uses be permitted in bufferyards: playground equipment, playfields, stables, swimming pools and ball courts.

(J) Maintenance of on-site fences. To ensure that fencing will be maintained in a safe and aesthetic manner, the following maintenance requirements shall be observed for all fencing required by this article:

(1) No fence shall have more than 20% of its surface area covered with disfigured, cracked or missing materials or peeling paint for a period of more than 30 successive days.

(2) No fence shall be allowed to remain with bent or broken supports, or be allowed to stand more than 15 degrees away from perpendicular for a period of more than 30 successive days.

(Ord. No. 95-111, § 1, passed 11-9-1995; Ord. No. 96-78, § 1, passed 8-8-1996)

SEC. 9-4-133 DEVELOPMENT STANDARDS.

(A) Minimum area. The minimum area of any mobile home park development shall be three net acres.

(B) Site-lot minimum dimensions; stakes.

(1) Single-wide units (site).

(a) Net area: 4,000 square feet.

(2) Double-wide units (site).

(a) Net area: 5,000 square feet.

(b) Width: 50 feet.

(3) Subdivision; for sale of individual lots.

(a) Net area: 6,000 square feet.

(b) Width: 60 feet.

(4) Stakes. The limits of each mobile home site shall be clearly marked on the ground by permanent flush stakes. Location of sites on the ground shall be approximately the same as shown on the approved plans. Precise description of space limits is not required either on the plans or on the ground, except when a mobile home subdivision is proposed.

(C) Setbacks for mobile homes; principal structures.

(1) Public street right-of-way: 25 feet.

(2) Private street easement: Ten feet.

(3) Peripheral boundary: 20 feet.

(4) In mobile home subdivisions, the location of mobile homes and principal structures shall be in accordance with Article F.

(D) Setbacks for detached accessory structures.

(1) Public street right-of-way: 25 feet.

(2) Private street easement: Ten feet.

(3) Peripheral boundary: 20 feet.

(4) No accessory structure to any mobile home shall be located in any front yard.

(5) Accessory structures shall be located on the individual mobile home site as established and stated in accordance with subsection (B)(4) above. Zero stake limit line setbacks shall be allowed.

(6) In mobile home subdivisions, the location of accessory structures shall be in accordance with Article F.

(E) Separation between, mobile homes; stands; other structures.

(1) Mobile homes: 20 feet.

(2) Mobile home stands: 20 feet.

(3) Other structures: Ten feet.

(4) Attached structures such as awnings, storage cabinets, carports, and porches which have a floor area exceeding 25 square feet and are roofed shall for all purposes of the separation requirements be considered to be part of the mobile home.

(F) Mobile home stand requirements.

(1) Each mobile home shall be located on a permanently established stand within the limits of the staked mobile home site or lot.

(2) The mobile home stand and lot shall be graded to provide adequate storm drainage away from the mobile home.

(3) Single-wide stands shall consist of a rectangular plot of ground which at minimum measures 14 feet by 70 feet.

(4) Double-wide stands shall consist of a rectangular plot of ground which at minimum measures 28 feet by 70 feet.

(5) The location of each mobile home stand shall be such that placement and removal of individual units can be achieved without disturbance to other mobile homes, sites, patios, walkways or accessory structures.

(G) Patio requirements. For each mobile home, there shall be constructed a permanent patio, located adjacent to or attached to the mobile home stand and the patio shall be of the following characteristics:

(1) Each patio shall be at least 64 square feet in area.

(2) Each patio shall have sufficient gradient to facilitate adequate drainage away from the mobile home stand.

(3) Each patio shall have a compacted base, and shall be concrete or masonry construction.

(H) Walkway requirements. For each mobile home, there shall be constructed a permanent walkway which connects the parking area, patio and mobile home stand and the walkway shall be of the following characteristics:

(1) The width of the walkway shall be a minimum of three feet; and

(2) The walkway shall have a compacted base, and shall be concrete or masonry construction.

(I) Parking requirement.

(1) Number of spaces: two per mobile home.

(2) Required spaces may be within common parking lots containing three or more spaces which are designed and improved in accordance with Article O.

(3) All required spaces for each mobile home shall be located within 150 feet of the mobile home stand it is intended to serve.

(4) No parking space shall be located closer than five feet to any mobile home stand.

(J) Recreation area requirement (private).

(1) Common recreation area shall be provided at a ratio of 100 square feet per dwelling unit.

(2) The recreation requirement for a mobile home park development shall not apply if the project is within one-half-mile radius of a public recreation facility.

(3) No portion of an active recreation area shall be located within the peripheral boundary setback or less than 20 feet from any mobile home stand.

(4) Passive recreation areas may be located in the peripheral boundary setback in accordance with the bufferyard regulations.

(5) Swimming pools shall be fenced in accordance with Article F.

(K) Access to public streets. **Effective September 1, 2023, new Mobile home stands parks must be located on public streets. Mobile home stands** may be located with direct access to terminal public streets which exclusively serve the mobile home park or on private streets located within the mobile home park. No mobile home stand shall have direct access to public streets which do not exclusively serve the mobile home park.

(L) Addresses. A permanent street address shall be assigned to each mobile home stand in accordance with Title 6, Chapter 2 of the Greenville City Code.

(M) Bufferyard setbacks and vegetation requirements.

(1) Bufferyard setbacks shall be in accordance with Article G of this chapter.

(2) Vegetation requirements shall be in accordance with Article P of this chapter.

(Ord. No. 2337, § 1, passed 6-13-1991; Ord. No. 95-117, § 1, passed 11-9-1995)

(N) Perimeter skirting. Mobile homes shall, upon installation, have either a permanent, continuous masonry foundation; or a continuous and opaque skirt consisting of vinyl, fiberglass or other similar solid nonmetal material. The skirt for a mobile home shall be attached to weather resistant material when required for support.

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

SEC. 9-4-150 PRIVATE STREETS.

No new private streets **for single-family and two-family attached dwellings located on individual lots or on a common lot** are allowed after August 14, 2014. Single-family and two-family dwellings shall only be located on public streets.

(Ord. No. 2337, § 1, passed 6-13-1991; Ord. No. 14-049, § 4, passed 8-14-2014; Ord. No. 15-058, § 2, passed 10-8-2015)

SEC. 9-4-162 AREA; REGULATION OF USES; DENSITY; OPEN SPACE; RECREATION; PARKING; LANDSCAPE; DENSITY BONUS REQUIREMENTS.

(A) Minimum area requirements.

(1) A master plan community shall contain not less than 50 gross acres. Addition to any existing master plan community may be allowed provided such addition meets or exceeds all other applicable requirements. The master plan community shall be included under one land use plan application and each addition to or amendment of such development shall be consider as a revision to the previously approved special use permit. In the case of an addition to or amendment of a previously approved special use permit, the master plan community property owners' association may execute any and all special use permit amendment applications on behalf of the property owners of individual lots subject to such association located within the original master plan community section. No master plan community shall be reduced in area unless the special use permit for such development is amended in accordance with this article provided however, the dedication of public rights-of-way shall not be subject to this requirement.

For purposes of this chapter, the term "gross acres" shall be construed as the total acreage of the master plan community including all lands located within the boundary of the development and any future public street rights-of-way, private street easements, common open spaces, public dedicated and accepted land or land deeded to the city or county per a density bonus option, land acquired by the city for any public purpose, and future building sites located within the boundary of the master plan community. With the exception of future street rights-of-way acquired pursuant to the **Greenville Urban Area Thoroughfare Plan Highway Map of the Comprehensive Transportation Plan**, and/or on-site public street improvements required and

related to the master plan community, existing street rights-of-way that border the peripheral master plan community boundary at the time of original land use plan submission shall not be included in the gross acre calculation.

(2) Master plan communities comprising less than 75 gross acres and/or less than 250 dwelling units shall contain residential uses only as set forth in subsection (B)(5) of this section.

(3) Except as provided under subsection (C)(3) below, master plan communities comprising 75 gross acres or more and 250 or more dwelling units may contain all of the uses permitted by subsections (B)(5), (B)(6), (B)(7), and (B)(8) as appropriate of this section provided that all designated nonresidential area(s) shall meet all of the following design requirements:

(a) Shall be designed and located with the primary intention of serving the immediate needs and convenience of the residents of the master plan community.

(b) Shall be located on thoroughfare streets included on the ~~Greenville Urban Area Thoroughfare Plan~~ **Highway Map of the Comprehensive Transportation Plan** and/or on “minor streets” as defined in section 9-4-168.

(c) Shall not be located within 100 feet of the peripheral boundary of the master plan community. If any portion of such nonresidential area is located within 300 feet of any single-family residential property zoned RA-20, R15S, R9S, R6S, or MRS and located outside the peripheral boundary of the master plan community, the nonresidential area and all nonresidential and residential use therein shall be screened by a bufferyard “E” or equivalent screen per Article P of this chapter. The purpose of the bufferyard “E” or equivalent screen shall be to provide a complete visual barrier between said single-family residential zoning district and the nonresidential area at the time of development of the nonresidential area. Screening required pursuant to this subsection may be phased to coincide with development of the nonresidential area provided compliance with the purpose of this subsection. The Board of Adjustment shall approve by condition the location and phasing of the required screen at the time of special use permit approval. Notwithstanding the foregoing, in agricultural master plan communities this provision shall not apply to farms.

(d) Shall not be developed for any purpose other than as specified under subsection (F) below until (i) a minimum of 50% of the residential lots and/or residential tracts located within the residential designated area(s) have been final platted and (ii) not less than 20% of the total number of dwelling units approved for said lots and/or tracts have been constructed and have been issued temporary and/or final occupancy permits. For purposes of this section units or beds in a congregate care facility shall not be included in or count toward the total number of dwelling units.

(e) Plans for nonresidential development and any associated residential uses located on any designated nonresidential area may be submitted and approved following special use permit approval of the land use plan, however no building or other permit shall be issued for any nonresidential area use, including residential use, until the minimum number of dwelling units have been constructed and permitted for occupancy in designated residential areas per subsection (d) above.

(f) Streets, greenways, sidewalk and bike paths, drainage and utility improvements, public recreation areas and improvements, and public service delivery improvements, buildings or structures shall be permitted within any nonresidential area at any time following special use permit approval of the land use plan, and compliance with applicable subdivision regulations or other required permits for such improvements.

(g) Residential uses located within a nonresidential area shall be subject to the requirements, conditions and restrictions applicable to nonresidential uses.

(B) Regulation of uses. Subject to subsection (a) of this section, a master plan community may contain the permitted uses as listed in subsections (5) and (6) below in accordance with the following:

(1) Such uses shall be subject only to the development standards included in this article unless otherwise noted.

(2) The listed uses contained in subsections (5) and (6) below are permitted uses within a master plan community, provided compliance with all provisions in this article, and no further special use permit is required for such uses following approval of the land use plan special use permit for the planned unit development within which said uses are proposed to be located.

(3) Residential uses shall be permitted in any area designated as either residential and/or nonresidential area if such combined use is indicated upon the approved land use plan, however nonresidential uses shall only be permitted within designated nonresidential areas. Where such combined use is proposed, the number and type of dwelling unit shall be indicated on the land use plan at the time of special use permit application. The location of all farms in an agricultural master plan community must also be shown at the time of special use permit application.

(4) All definitions shall be per Article B of this chapter unless otherwise defined in this article.

(5) Permitted residential uses:

- (a) Single-family dwelling;
- (b) Two-family attached dwelling (duplex);
- (c) Multi-family development (apartment, condominium and/or townhouse);
- (d) Family care home, subject to 9-4-103;
- (e) Accessory building or use;
- (f) Public recreation or park facility;
- (g) Private recreation facility;
- (h) Church or place of worship;
- (i) Golf course; regulation;
- (j) City of Greenville municipal government building or use subject to 9-4-103;

(k) Retirement center or home including accessory nursing care facilities (each separate dwelling unit and/or each five beds in a congregant care facility shall constitute one dwelling unit for residential development density purposes regardless of location);

(l) Room renting.

(6) Permitted nonresidential uses:

(a) School; elementary subject to 9-4-103;

(b) School; kindergarten or nursery subject to 9-4-103;

(c) School; junior and senior high subject to 9-4-103;

(d) Child day care facilities;

(e) Adult day care facilities;

(f) Barber or beauty shop;

(g) Office; professional and business not otherwise listed in Article D;

(h) Medical, dental, ophthalmology or similar clinic not otherwise listed in Article D;

(i) Library;

(j) Art gallery;

(k) Grocery; food or beverage, off-premise consumption;

(l) Convenience store (not including principal or accessory auto fuel sales);

(m) Pharmacy;

(n) Restaurant; conventional;

(o) Restaurant; outdoor activities;

(p) Bank, savings and loan or other savings or investment institutions;

(q) City of Greenville municipal government building or use subject to 9-4-103;

(r) Accessory building or use;

(s) Microbrewery.

(7) Permitted residential uses, in an agricultural master plan community only:

(a) Farming; agriculture, horticulture, forestry;

(b) Greenhouse or plant nursery; including accessory sales;

(c) Wayside market for farm products produced on site;

(d) Beekeeping; minor use.

(8) Permitted nonresidential uses, in agricultural master plan community only:

(a) Commercial agricultural facility;

(b) Farmer's market;

(c) Wellness center, indoor and outdoor facilities;

(d) Convention center; private;

(e) Hotel, motel, bed and breakfast inn; limited stay lodging (not to exceed ten units/rooms).

(C) Maximum base density requirements.

(1) Residential base density shall not exceed four dwelling units per gross acre of the entire master plan community including both residential and nonresidential areas, except as further provided under the density bonus options contained in section 9-4-162(J). Residential density may be allocated to a designated nonresidential area per subsection (K) of this section provided such designation is noted on the approved land use plan and the dwelling unit density of the residential area is reduced proportionally.

(2) Except as further provided under subsection (3) below, nonresidential use designated area(s) shall not exceed 5% of the gross master plan community acreage regardless of the actual amount of developed land area devoted to any nonresidential use or activity. Residential development within a designated nonresidential area shall not increase the land area designated as nonresidential.

(3) Nonresidential use designated areas that are located entirely within a Water Supply Watershed (WS) Overlay District shall not exceed 20% of the gross master plan community acreage regardless of the actual amount of developed land area devoted to any nonresidential use or activity, provided compliance with all of the following:

(a) The master plan community shall contain not less than 100 gross acres.

(b) The total number of approved single-family, two-family attached (duplex) and/or multi-family dwelling units located within the master planned community shall equal or exceed 300 total dwelling units. For purposes of this requirement, units or beds in a congregate care facility shall not be included in or count toward the total number of dwelling units.

(c) The nonresidential area and development therein shall be subject to the Water Supply Watershed (WS) Overlay District standards as set forth under section 9-4-197 of this chapter. This shall not apply to agricultural master plan communities.

(d) If any portion of any nonresidential designated area is located outside the Water Supply Watershed (WS) Overlay District all nonresidential use designated area(s) shall not exceed 5% of the gross master plan community acreage regardless of the actual amount of developed land area devoted to any nonresidential use or activity.

(D) Open space requirements.

(1) A master plan community shall reserve not less than 25% of the gross acreage as common open space.

(2) Except as otherwise provided, such open space area shall not be used as a building site or be utilized for any public street right-of-way or private street easement, private driveway or parking area or other impervious improvement.

(3) A minimum of one-third of the required open space shall be contained in one continuous undivided part, except for the extension of streets. For purposes of this requirement, such open space areas shall not measure less than 30 feet in width at the narrowest point.

(4) Not more than 25% percent of the required open space shall lie within any floodway zone.

(5) If developed in sections, the open space requirements set forth herein shall be coordinated with the construction of dwelling units and other facilities to insure that each development section shall receive benefit of the total common open space. A final subdivision plat shall be recorded in the Pitt County Register of Deeds which clearly describes the open space(s) and conditions thereof, prior to the issuance of any building permit(s).

(6) Such open space area shall be legally and practically accessible to the residents of the development, or to the public if so dedicated.

(7) Such open space area shall be perpetually owned and maintained for the purposes of this article by a property owners' association or, if accepted by the city, dedicated or deeded to the public.

(8) Streets, private drives, off-street parking areas and structures or buildings shall not be utilized in calculating or counting towards the minimum common open space requirement; however, lands occupied by public and/or private recreational buildings or structures, bike paths and similar common facilities may be counted as required open space provided that such impervious surfaces constitute no more than 5% of the total required common open space.

(9) In an agricultural master plan community enclosed farm land that is made accessible through the provision of perimeter and connective trails, regardless of dimension, may be counted towards the 25% open space requirement.

(10) In the designation and approval of common open space, consideration shall be given to the suitability of location, shape, character and accessibility of such space. The location and arrangement of any common open space(s) shall be subject to Board of Adjustment approval.

(E) Recreation space requirement.

(1) A minimum of 25% of the required gross common open space in a master plan community shall be developed for active recreational purposes. For purposes of this section, "active recreation" shall include, but not be limited to, tennis courts, swimming pools, ball fields, fitness courses, and the like.

(2) The Board of Adjustment may rely on the advice of the Director of Recreation and Parks concerning the suitability of proposed "active recreation" facilities.

(F) Dedication of open space, park lands and greenways.

(1) If any portion of the area proposed for a master plan community lies within an area designated in the officially adopted greenway master plan as a greenway corridor, the area so designated shall be included as part of the area set aside to satisfy the open space requirements of this section. The area within such greenway corridor shall be dedicated and/or reserved to the public at the option of the city.

(2) Where land is dedicated to and accepted by the city for open space, park and recreation purposes and/or greenways, such lands may be included as part of the gross acreage, open space and/or recreation space requirement of this article.

(3) Approved master plan community shall not be subject to any recreation and/or open space requirement of the subdivision and/or zoning regulations not otherwise included in this chapter.

(G) Off-street parking requirement.

(1) Parking requirements shall be in accordance with Article O of this chapter.

(H) Bufferyard setbacks and vegetation requirements for site developments, parking lots and drives.

(1) Bufferyard setbacks shall be in accordance with Article G of this chapter.

(2) Vegetation requirements shall be in accordance with Article P of this chapter.

(I) Driveways.

(1) Driveways shall be in accordance with Title 6, Chapter 2, Streets and Sidewalks of the Greenville City Code.

(J) Residential density bonus provisions and standards. A residential density bonus rounded to the nearest whole number and not to exceed a total of 200% - (eight units per gross acre) - over the allowable base density as set forth in section 9-4-162(C) may be approved by the Board of Adjustment in accordance with the standards for allowing density bonuses listed below. The applicable requirements of section 9-4-167(C), preliminary plat-site plan requirements, shall be indicated on the land use plan in sufficient detail to enable the Board of Adjustment to evaluate such density bonus proposals. Regardless of the density bonus provision satisfied or approved, the total residential density of any master plan community shall not exceed 12 dwelling units per gross acre.

(1) Common open space. Increasing the common open space area by 20 or more percent above the required common open space provisions (i.e., to 45% or more) shall allow a bonus of 50% - (two total units per gross acre) - above the base density of a master plan community.

(2) Bike paths/greenway systems. The provision of a constructed system of bike paths/pedestrian greenways that form a logical, safe and convenient system of access to all dwelling units, interior project facilities or principal off-site pedestrian destinations shall qualify for a density bonus. Such facilities shall be appropriately located, designed and constructed with

existing topography, land form, and vegetation in accordance with the Greenway Master Plan requirements and other amenities associated with the master plan community.

(K) Combination of use. Combination of use shall only be permitted in areas designated as “nonresidential” on the approved land use plan. Residential and nonresidential uses may be approved to be located on the same lot and in the same structure provided such combined uses individually comply with all standards applicable to each uses. Where residential and nonresidential uses are located in the same structure the more restrictive requirements and regulations shall apply to all common structures.

(Ord. 09-99, § 7, passed 12-10-2009; Ord. No. 20-059, § 4, passed 10-19-2020; Ord. No. 21-032, § 1, passed 6-21-2021)

SEC. 9-4-167 SITE DESIGN CRITERIA; GENERAL.

(A) Site planning; external relationship. Site planning in the proposed development shall provide protection of the development from potentially adverse surrounding influences and protection of surrounding areas from potentially adverse influences of the development. Consideration will be given to the location of uses, type of uses, open space, recreation areas, street design and arrangement in the evaluation of the development and its relationship with the surrounding areas.

(B) Site planning; internal relationship.

(1) Service and emergency access. Access and circulation shall be adequately provided for firefighting apparatus and equipment, public and private service delivery vehicles, and garbage and refuse collection.

(2) Utilities. Proposed utilities shall be adequate to serve the proposed development and such utilities shall be extended to adjacent property if it is determined to be in the interest of the city.

(3) Pedestrian circulation. A pedestrian circulation system is encouraged in such development. Walkways for pedestrian use shall form a logical, safe and convenient system of access to all dwelling units, project facilities and principal off-site pedestrian destinations. Walkways to be used by substantial numbers of children as routes to schools, play areas or other destinations shall be so located and safeguarded as to minimize contact with normal automobile traffic. Street crossings shall be held to a minimum. Such walkways, where appropriately located, designed and constructed, may be combined with other easements and used by emergency or public service vehicles, but not be used by other automobile traffic. In addition, bike paths may be incorporated into the pedestrian circulation system and are to be encouraged in such developments.

(4) Open spaces. Common open space shall be proportionally distributed throughout the master plan community and shall be accessible to all the residents via a coordinated system of streets, sidewalks, improved greenways and pedestrian and bicycle paths.

(5) Natural areas. Natural vegetated areas and environmentally sensitive areas shall be preserved to the greatest extent possible. Such areas shall be incorporated into common open spaces and shall not be included as part of future building sites.

(6) Thoroughfares. Where an existing or proposed public thoroughfare included on the approved ~~Greenville Urban Area Thoroughfare Plan~~ **Highway Map of the Comprehensive Transportation Plan** is adjacent to or within the proposed master plan community, plans for the master plan community project will reflect said thoroughfares in a manner conducive to good transportation planning.

Existing and future thoroughfares shall be provided for in accordance with current policies for the protection of rights-of-way and construction of thoroughfares within the City of Greenville.

(Ord. No. 09-99, § 7, passed 12-10-2009)

SEC. 9-4-168 STREET DESIGN CRITERIA.

(A) For the purposes of a master plan community, three types of streets shall be utilized to provide internal access to the development. The three types of streets are defined as:

(1) Minor street. Distributors within the master plan community that provide linkage with major streets outside the master plan community; and

(2) Marginal access street. Those streets which connect with minor streets to provide access to individual buildings within the master plan community.

(B) The street design of all master plan communities shall be in conformance with Title 9, Chapter 5, Subdivisions of the Greenville City Code, the Manual of Standards, Designs and Details, and Horizons 2026: Greenville's Community Plan.

(C) Upon approval of the planning and zoning commission, interior roads **that service multi-family dwellings (with the exception of single-family and two-family attached dwellings) or non-residential uses** may be allowed to be constructed as private streets, subject to the requirements of Title 9, Chapter 5, Subdivisions, of the Greenville City Code. Where such private streets are allowed, a property owners' association shall perpetually maintain such private streets in suitable conditions and state of repair for the city to provide normal delivery of services, including but not limited to, garbage pickup, police and fire protection. If at any time such private streets are not maintained by the property owners' association and travel upon them becomes or will be hazardous or inaccessible to city service or emergency vehicles, the city may cause such repairs after a reasonable period of notification to the property owners' association. In order to remove safety hazards and ensure the safety and protection for the development, the city may assess the cost of such repairs to the property owners' association. The city shall have no obligation or responsibility for maintenance or repair of such private streets as a result of the normal delivery of services or otherwise by the city or others using such streets. No private street(s) shall be allowed unless a property owners' association is established for the purpose of providing for and perpetually maintaining such streets. All private streets shall be dedicated to the city as utility **and access** easements. Where a private street serves only one lot under separate

ownership the property owner of such lot shall assume all responsibilities, duties and liabilities of a property owners' association under this section.

(Ord. No. 09-99, § 7, passed 12-10-2009; Ord. No. 14-049, § 7, passed 8-14-2014; Ord. No. 20-059, § 10, passed 10-19-2020; Ord. No. 21-019, § 1, passed 4-12-2021)

SEC. 9-4-183 PRIVATE STREETS.

No new private streets **for single-family and two-family attached dwellings located on individual lots or on a common lot** are allowed after August 14, 2014.

(Ord. No. 14-049, § 8, passed 8-14-2014)

SEC. 9-4-201 PURPOSE AND INTENT; DEFINITION.

(A) The purpose of residential cluster development is to provide an alternative development option that will:

- (1) Promote more efficient use of land resources than is otherwise possible under conventional subdivision regulations;
- (2) Reduce the per unit site development costs of dwellings by concentrating residential units on a portion of the site without increasing the overall net density above that which would normally be allowed pursuant to Article F;
- (3) Preserve the natural character of the site;
- (4) Preserve farm land and scenic views;
- (5) Provide for desirable and usable open space, tree cover, and the preservation of environmentally sensitive areas; and
- (6) Provide variety in residential buildings and properties and provide design flexibility that can relate the location of units to unique site conditions.

(B) For purposes of this section, a “residential cluster development” is defined as:

- (1) A development design wherein conventional zoning standards are relaxed to permit modifications in lot area, lot width, lot frontage, lot coverage, **and** required yards ~~and public street access~~, and to save infrastructure development cost, environmental damage, energy use and land resources by concentrating dwellings in specific areas of the site without increasing the net density above that which would normally be allowed pursuant to Article F;
- (2) Such development shall contain detached single-family dwellings only; and
- (3) Such development shall provide a program for the provision, operation and maintenance of such areas, facilities and improvements as shall be required for the perpetual common use by the occupants of the development.

(Ord. No. 2337, § 1, passed 6-13-1991; Ord. No. 2409, § 1, passed 1-9-1992)

SEC. 9-4-202 AREA; PERMITTED DISTRICTS, EXEMPTION; STREET ACCESS; OPEN SPACE(S); RELATIONSHIP TO GREENWAY PLAN; DENSITY; DIMENSIONAL STANDARDS.

(A) Residential cluster developments shall contain not less than ten net acres. For purposes of this section, “net acres” shall be the total area of all lots and common area(s) exclusive of public street rights-of-way or private street easements. Addition to any existing residential cluster development may be allowed provided the addition meets or exceeds all other applicable requirements.

(B) Subject to subsection (A) above, a residential cluster development may as an option be allowed within any RA-20, R-9S, R-9, R-6S, R-6, R-6A, MRS or MR Zoning District. The development shall be exempt from the conventional zoning standards relative to lot area, lot width, lot frontage, lot coverage, **and** required yards ~~and public street access~~ normally applicable to such districts, provided the development complies with the minimum standards set forth under this section.

(C) Dwelling units within a residential cluster development may **not** be constructed on lots fronting private streets.

(D) A residential cluster development shall provide open space(s) subject to all of the following requirements:

(1) Such open space shall be greater or equal in area to the total amount of area by which each lot was reduced below the minimum lot size requirement of the prevailing zoning district, or as provided under subsection (D)(2) below, whichever is greater;

(2) Residential cluster developments shall reserve not less than 15% of the gross acreage as common open space;

(3) The area shall not be used as a building site. For purposes of this section, picnic areas or shelters, ball fields, walking or jogging trails, boat ramps and docks or other similar recreational facilities may be allowed;

(4) The area shall not be devoted to any public street right-of-way or private street easement, private driveway or parking area;

(5) The area shall be left in its natural or undisturbed state if wooded at the time of development, except for the cutting of trails for walking or jogging or, if not wooded at the time of development, is improved for the uses listed under subsection (D)(3) above, or is properly vegetated and landscaped with the objectives of creating a wooded area or other area that is consistent with the objective set forth in subsection (D)(6) below;

(6) The area shall be capable of being used and enjoyed for purposes of informal and unstructured recreation and relaxation or for horticulture if not devoted to other allowable uses in this subsection;

(7) The area shall be legally and practically accessible to the residents of the development, or to the public if so dedicated;

(8) A minimum of one-half of the required open space shall be contained in one continuous undivided part;

(9) Not more than 25% of the required open space shall lie within any floodway zone;

(10) Not more than 25% of the required open space may be devoted to allowable improvements as set forth in subsection (D)(3) above;

(11) The area shall be perpetually owned and maintained for the purposes of this article by a homeowners' association or, at the option of the city, dedicated or deeded to the public;

(12) The location and arrangement of any open space(s) shall be subject to Planning and Zoning Commission approval; and

(13) The owner shall, pursuant to the subdivision regulations, cause a final subdivision plat to be recorded in the Pitt County Register of Deeds which clearly describes the open space(s) and conditions thereof, prior to the issuance of any building permit(s).

(E) If any portion of the area proposed for a residential cluster development lies within an area designated in the officially adopted Greenway Master Plan as a greenway corridor, the area so designated shall be included as part of the area set aside to satisfy the open space requirements of this section. The area within the greenway corridor shall be dedicated and/or reserved to the public at the option of the city.

(F) Maximum density requirements.

(1) Residential density shall not exceed that which would normally be permitted under single-family standards within the prevailing zoning district on a net area basis.

(2) Public street rights-of-way and private street easements shall not be included or count towards the total net area for purposes of calculating allowable density.

(3) Area dedicated or deeded to the city pursuant to subsection (E) above shall count towards net area for purposes of density calculation.

(G) Minimum dimensional standards.

(1) Lot area: Not less than 60% of the minimum lot area which would normally be required under the single-family standards of the prevailing zoning district.

(2) Lot width: No minimum width requirement at the street setback line (MBL); however, all lots shall contain a building site of like design and area to other lots within the cluster subdivision.

(3) Lot frontage: 40 feet, except on the radius of a cul-de-sac where the distance may be reduced to 20 feet.

(4) Public or private street setback: No principal or accessory structure shall be closer than 15 feet to a public street right-of-way or private street easement or as further provided herein.

(5) Side yard setback: Shall be subject to section 9-4-203 (zero lot line) or not less than 12 feet, provided however, that no structure shall be located on more than one side lot line. Dwellings which do not utilize the provisions of section 9-4-203 (zero lot line) and are not located adjacent to a lot line section subject to section 9-4-203 shall maintain a minimum side setback of not less than six feet.

(6) Rear yard setback: Shall be subject to section 9-4-203 (zero lot line) or not less than 12 feet.

(7) Building separations: No portion of any principal structure shall be located less than 12 feet from any other principal structure or less than ten feet from any accessory structure as measured to the closest point.

(8) Periphery boundary setback: Except as further provided no principal or accessory structure shall be located less than 25 feet from the peripheral boundaries of the residential cluster development.

(9) Transition area setback:

(a) Where a residential cluster development adjoins or borders an existing single-family zoning district or other predominantly single-family development sharing common frontage on the same or opposite side of a public or private street, the minimum right-of-way and/or easement setback requirement of the single-family zone or development shall be utilized for the entire opposite frontage and 300 feet from the common border.

(b) For purposes of this subsection, "other predominantly single-family development" shall be that area within 100 feet of the external boundary of the residential cluster development in which 50% or more of the conforming land uses are detached single-family residential.

(10) Maximum height: 35 feet.

(11) Detached accessory structure requirements:

(a) Shall not be located within any front yard setback;

(b) Shall not be located within ten feet of any other principal structure or within five feet of any other accessory structure;

(c) Shall not cover more than 20% of any side or rear yard; and

(d) The side or rear yard requirement for detached accessory structures shall be subject to the provisions of section 9-4-203 (zero lot line) or not less than five feet.

(12) Satellite dish antennae and swimming pools shall comply with the applicable provisions of Article F.

(Ord. No. 2337, § 1, passed 6-13-1991; Ord. No. 2409, § 1, passed 1-9-1992; Ord. No. 2467, § 1, passed 6-8-1992; Ord. No. 94-59, § 1, passed 4-14-1994; Ord. No. 95-29, § 8, passed 3-9-1995; Ord. No. 95-78, § 1, passed 8-10-1995; Ord. No. 96-122, § 1, passed 12-2-1996; Ord. No. 97-85, §§ 1, 2, passed 8-14-1997)

SEC. 9-4-281 SIDEWALK REQUIREMENTS ALONG MAJOR THOROUGHFARES, MINOR THOROUGHFARES AND BOULEVARDS.

Construction of sidewalks shall be required along major thoroughfares, minor thoroughfares and boulevards in conjunction with the construction of any new development of non-residential developments, mixed-use developments and multifamily residential developments in accordance with the provisions of this section. The sidewalk requirements in this section are in addition to sidewalk requirements set forth under Art. 5: Subdivisions, Sec. 9-5-123.

(A) Sidewalks shall be provided along both sides of major thoroughfares, minor thoroughfares and boulevards as designated on the adopted Highway Map from the Highway Element of the Comprehensive Transportation Plan, as amended, excluding: freeways, expressways, US-264 between NC-11 and NC-33, and Stantonsburg Dr. from B's Barbeque Rd. westward. The developer shall provide the sidewalk on the side of the street where the development is located in conjunction with the new development on existing lots.

(B) Construction of sidewalks required by this section shall be accomplished along the entire length of all property of the development abutting major thoroughfares, minor thoroughfares and boulevards.

(C) Sidewalks shall be constructed in accordance with the Manual of Standard Designs and Details. The specific design and location of all sidewalks shall be reviewed by the Director of **Public Works Engineering**. The Director of **Public Works Engineering** may expand the required width of sidewalks from the Manual of Standard Design and Details in certain locations of the city and in limited cases, reduce the required width of sidewalks to avoid obstructions while remaining in compliance with dimensional standards of the Americans with Disabilities Act.

(D) All required sidewalks shall be installed prior to any occupancy, including temporary occupancy, of new development.

(E) (1) If special conditions make sidewalk construction unnecessary ~~or undesirable~~ and such conditions have been verified by the Director of **Public Works Engineering**, the requirement to construct sidewalks along major thoroughfares, minor thoroughfares and boulevards in conjunction with the construction of any new building on existing lots may be deferred. Such deferment shall be granted upon written application to and approval of the Director of **Public Works Engineering** ~~based on circumstances the Director determines are currently undesirable for sidewalk installation.~~

(2) General standards the Director may use while considering deferment of sidewalk installation shall include, but not be limited to, pending changes to rights-of-way alignments, pending changes to roadway drainage facilities, unsafe contours or unprotected drainage facilities adjacent to the sidewalk route, or pending utility work or other construction scheduled in the area beyond the developer's control that could damage the sidewalk if installed. Special conditions which make the sidewalk construction unnecessary or undesirable shall not include personal circumstances of the developer or the lack of sidewalks on adjacent or nearby properties.

(3) If approved for a circumstance where the sidewalk construction is being delayed, the cost of the installation and construction of the deferred sidewalk, as determined by the ~~Public Works~~ Director **of Engineering**, shall be paid by the developer to the city and the city will construct and install the sidewalk when the circumstances for deferment no longer exist. If approved for a circumstance where the sidewalk construction will not occur, no payment for sidewalk construction will be required by the developer. Appeals of decisions made by the Director of ~~Public Works~~ **Engineering** may be made by the developer to the Board of Adjustment.

(Ord. No. 14-073, § 1, passed 11-13-2014)

CHAPTER 5: SUBDIVISIONS

Article C. Design Standards for Subdivision Plats

9-5-80 Relation to ~~Thoroughfare~~ **Comprehensive Transportation** Plan

SEC. 9-5-2 PURPOSE.

(A) Public health, safety, economy, good order, appearances, convenience and the general welfare require the harmonious, orderly and progressive development of land within the city and its extraterritorial planning jurisdiction. In furtherance of this intent, regulation of land subdivision by the city has the following purposes, among others:

- (1) To encourage economically sound and stable development in the city and its environs;
- (2) To ensure the timely provision of required streets, utilities and other facilities and services to new land developments;
- (3) To ensure adequate provision of safe, convenient vehicular and pedestrian traffic access and circulation in and through new land developments;
- (4) To ensure provision of needed public open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational and other public purposes or the provision of funds in lieu of dedication;
- (5) To ensure, in general, the wise and timely development of new areas in harmony with comprehensive plans as prepared and adopted by the city;
- (6) To ensure accurate public records of land ownership, title transfer, the effective conduct of public and private business and the protection of private property rights; and
- (7) To provide for and protect the option of the consumer to use alternative energy sources by such means as protecting solar access to promote site planning and design which demonstrates a concern for increased energy conservation in residential structures and increased use alternative energy systems to encourage the development of efficient street systems which are compatible with the aforementioned emphases on conservation and resource development and which facilitate development of alternative transportation systems; while not excluding other methods which can be demonstrated to facilitate energy efficient land use.

(B) These regulations are intended to provide for the harmonious development of the city and its environs, and in particular:

- (1) For coordinating streets within new subdivisions with other existing planned streets or official adopted **Highway Map of the Comprehensive Transportation Plan Thoroughfare Plan** street;
- (2) For appropriate shapes and sizes of blocks and lots;
- (3) For providing land for streets, school sites and recreational areas and providing easements for utilities other public facilities and services;

(4) For distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience, prosperity or general welfare; and

(5) For appropriate development of energy standards that lead to energy conservation and use of broad alternative energy resources.

(Ord. No. 1941, § 1, passed 1-12-1989)

SEC. 9-5-5 DEFINITIONS.

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

Approved streets. Public or private streets that have been platted pursuant to this chapter and of which construction has been completed and accepted or guaranteed.

Construction plans. Construction plans are engineering details and specifications for the provision of necessary and/or required facilities and improvements. Such facilities and improvements may include but not be limited to public streets, water, sanitary sewer and storm drainage systems.

Manual for the Design and Construction of Water and Waste Water System Extensions for Greenville Utilities Commission. The Manual for the Design and Construction of Water and Waste Water Systems Extensions for Greenville Utilities Commission is incorporated herein as a supplement to the subdivision regulations. Such supplement contains design considerations, submittal requirements, material specifications and project guidelines for water and sanitary sewer system extensions.

Manual of Standard Designs and Details. The Manual of Standard Designs and Details is incorporated herein as a supplement to the subdivision regulations. Such supplement contains engineering designs and details relative to plat layout; storm drainage design; sedimentation control; basins; pipes and manholes; ending walls and retaining walls; street standards; pavement design; ground cover; driveways; parking; stormwater detention and other uniform design standards.

Minor subdivision plats. A “minor subdivision plat” is classified in the following manner:

(1) Involving lots fronting on an existing and/or approved street(s). In interpretation of this section, the term “lots fronting” shall be construed to include condominium and townhouse developments which share common area;

(2) Not involving the dedication or extension of any public street;

(3) Not involving the extension of public sanitary sewer, storm sewer or water lines; and

(4) Not involving the creation of residual parcels or lots.

Planning and Zoning Commission. The body created by City Council in section 9-2-1 of the City Code, pursuant to G.S. 160D-301 and 160D-604, to act as a planning agency for the City Council on planning and zoning matters within the city’s planning and zoning jurisdiction.

Private streets. Streets that have been designated by easement and as such constitute public vehicular areas as provided and regulated by applicable law. Such streets shall be constructed in accordance with the standards specified in the Manual of Standard Designs and Details and shall be maintained by the property owner or pursuant to recorded agreements. No new private streets are allowed **for single-family and two-family attached dwellings located on individual lots or on a common lot** after August 14, 2014.

Public streets. Streets that have been accepted for permanent maintenance by either the State of North Carolina or the City of Greenville.

Streets. Those areas delineated by dedicated rights-of-way or common property easements designed and constructed as required by this chapter for the purpose of carrying vehicular traffic to and from abutting property.

Subdivision. All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations authorized by this chapter:

(1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the existing standards of the municipality as shown in this chapter. In interpretation of this section, the term “previously subdivided and recorded lots” shall mean approved and recorded pursuant to the subdivision regulations in effect at the time of their creation;

(2) The division of land into parcels greater than ten acres where no street right-of-way dedication is involved. In interpretation of this section, the phrase “where no street right-of-way dedication is involved” shall be construed as meaning that any such parcels shall be served by an approved public street;

(3) The public acquisition by purchase of strips of land for the widening or opening of streets; and

(4) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the municipality as shown in this chapter.

(5) The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under G.S. Chapter 29.

Subdivision Review Board. The membership of the Board is as follows: the Director of Planning and Development Services, the Director of Engineering and Inspections and the General Manager of the Greenville Utilities Commission, or their respective designated representative. The Board has the authority to approve minor and final subdivision plats as well as soil erosion and sedimentation control plans.

Thoroughfares. Public streets designed and intended to carry intra-city and inter-city traffic. Such streets are designated as either major or minor “thoroughfares” as shown on the **Highway Map of the Comprehensive Transportation Plan** ~~city Thoroughfare Plan~~ as amended.

(Ord. No. 1941, § 1, passed 1-12-1989; Ord. No. 2432, § 1, passed 3-12-1992; Ord. No. 2516, § 1, passed 9-14-1992; Ord. No. 06-75, § 1, passed 8-10-2006; Ord. No. 14-049, § 10, passed 8-14-2014; Ord. 19-045, § 1, passed 9-12-2019; Ord. No. 21-032, § 1, passed 6-21-2021)

SEC. 9-5-11 EFFECT OF FINAL PLAT APPROVAL ON STATUS OF DEDICATION; ACCEPTANCE.

(A) The approval of a plat by the Planning and Zoning Commission or the Subdivision Review Board shall not be deemed to constitute or effect an acceptance by the city or the public of the dedication of any public street, facility or ground shown upon the plat. Acceptance of such dedications shall be made only by resolution of the City Council, following approval of the final plat by the Subdivision Review Board.

(B) Dedication of any street right-of-way shall be deemed to constitute and include a general utility easement.

(C) Acceptance of physical improvements will be made by the City Engineer, ~~the Public Works Director~~, and the General Manager of the Greenville Utilities Commission once the required improvements have been installed and are found to be in accordance with approved plans and city and Greenville Utilities Commission standards.

(Ord. No. 1941, § 1, passed 1-12-1989; Ord. No. 1968, § 2, passed 3-9-1989)

SEC. 9-5-45 SAME; FORMAT; GENERAL INFORMATION; SITE INFORMATION.

All applications for preliminary plat approval shall be submitted in accordance with and contain the following information:

(A) Format.

(1) Scale of one inch equal to 200 feet or larger;

(2) Drawn in ink or pencil on Mylar film;

(3) Mylar film size shall be a minimum of 18 inches by 24 inches and a maximum of 30 inches by 42 inches;

(4) Boundary lines shall be distinctly and accurately represented, all bearings and distances shown, with an accuracy of closure of not less than one in 2,500 and in accordance with the Standards of Practice for Land Surveying in North Carolina;

(5) Elevation and benchmarks shall be referenced to National Geodetic Vertical Datum (NGVD);

(6) Prepared by a professional engineer;

(7) Multiple sheets shall be collated and stapled. Match lines shall be clearly indicated;

(8) (a) Fifteen blue-line paper copies at the time of original submission for departmental review;

(b) Two blue-line paper copies shall be submitted for each review department requesting revisions. Following the total number is to be specified by the Director of Planning and Development Services or designee;

(c) Fifteen blue-line paper copies shall be submitted to the Planning and Zoning Commission following the initial review;

(d) Three Mylar film copies for disposition in accordance with section 9-5-48, upon request of the Director of Planning and Development Services or designee.

(9) List of all adjoining property owners within 100 feet, their current mailing addresses. Such list shall be obtained from the Pitt County tax records and shall display the signature of the person preparing the plat;

(10) Shall conform to the applicable provisions of the Manual of Standard Designs and Details. The following certificates shall be required:

(a) Standard title block for preliminary plats; and

(b) Standard approvals information block.

(11) A fee shall be paid to the city for each application for a preliminary plat and the fee shall be set out in the Manual of Fees for the City of Greenville; and

(12) Owner's statement. The owner or agent of the owner shall submit a signed statement requesting Planning and Zoning Commission consideration of the preliminary plat as submitted and acknowledging that such approval is subject to approval of a construction plan as provided herein. The statement shall be on the preliminary plat approval procedure, format, mapping and application requirement sheet as provided by the Planning and Development Services Department.

(B) General information.

(1) Subdivision name;

(2) The name(s) of the city, township, county and state in which the subdivision is located;

(3) Name, address and telephone number of land owner(s);

(4) Name, address and telephone number of the subdivider and/or developer;

(5) Name, address and telephone number of the engineer preparing the plat;

(6) North Carolina registration number and seal as listed per subsection (B)(5) above;

(7) Locational vicinity map, at a scale of one inch equal to 1,000 feet showing the subdivision in relation to major and minor roads or streets, natural features, existing city limit lines and other obvious references;

(8) Date of original survey, plat preparation and/or revision(s);

- (9) Number of sheets; and
 - (10) Scale denoted both graphically and numerically.
- (C) Site information.
- (1) North arrow and delineation as to whether true, grid or magnetic, including date;
 - (2) Existing, platted and proposed streets, their names and numbers (if state marked routes) shown and designated as “public” indicating right-of-way and/or easement widths, pavement widths, centerline curve and corner radius data, including sight distance triangles and typical cross-sections. All streets indicated on the **Highway Map of the Comprehensive Transportation Plan** ~~city Thoroughfare Plan~~ shall indicate future right-of-way widths;
 - (3) Proposed and existing lot lines within the subdivision showing approximate dimensions. Plat references shall be indicated for existing lots;
 - (4) Location of all existing buildings with exterior dimensions including heights, number of stories, distance to existing and proposed lot lines, private drives, public rights-of-way and easements;
 - (5) Existing and proposed property lines, public streets, right-of-way and/or easement widths, pavement widths, easements, utility lines, hydrants, recreation areas or open spaces on adjoining property;
 - (6) Ownership of all contiguous property indicated and referenced by deed book/map book and page number;
 - (7) Existing zoning classification(s) boundaries of the tract to be subdivided and on adjoining property within 100 feet;
 - (8) Political subdivision(s) including city limit lines, township boundaries and county lines;
 - (9) Watercourses, railroads, bridges, culverts, storm drains, wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or stream beds, ditches or other natural or improved features which affect the site;
 - (10) Proposed pedestrian, riding, bicycle trails or easements, their location, width and purpose;
 - (11) Sites proposed to be dedicated or reserved for public or private purposes including location, intended use, size and expected future ownership and maintenance of such spaces;
 - (12) Recreation area(s) as required and pursuant to the City Code and Comprehensive Plan. If such subdivision is for residential purposes, indicate the location of all public parks or recreation areas within one-half-mile radius;
 - (13) Statement of proposed ownership and maintenance or other agreements when private recreation areas are established;

(14) Topography (existing and proposed) at a contour interval of one foot, based on mean sea level datum, with an accuracy of plus or minus 0.5 foot and referenced to the National Geodetic Vertical Datum (NGVD);

(15) Existing and proposed watercourses, their names, direction of flow, centerline elevations, cross-sections, and any other pertinent datum;

(16) Floodway zone and floodway fringe zone shown, indicating base flood elevations for all lots adjoining such zones;

(17) Lot numbers and block numbers in consistent and logical sequence;

(18) Water supply watershed district boundary;

(19) Fire hydrant locations and connections;

(20) Water main locations, connections and anticipated sizes;

(21) Sanitary sewer main locations, connections and anticipated sizes;

(22) Storm sewer main locations, connections, and anticipated sizes;

(23) Street and lot drainage correlated to the city drainage system, including break points and the direction of surface water flow on each lot, street and ditch;

(24) Easements, including but not limited to electric, water, sanitary sewer, storm sewer, drainage, gas or other service delivery easements including their location, width and purpose;

(25) Environmental Health Department approval attached if public water and sanitary sewer systems are not available;

(26) Distance to and location of public water and sanitary sewer systems if such facilities are not available;

(27) The following in tabular form:

(a) Lineal feet in streets;

(b) Number of lots created;

(c) Acreage in total tract; and

(d) Acreage in parks, recreation areas, common areas and the like.

(28) The name and location of any property within the proposed subdivision or within any contiguous property that is listed on the National Register of Historic Places, or that has been designated by ordinance as a local historic property and/or district;

(29) Environmental impact statement pursuant to G.S. Chapter 113A. The Planning and Zoning Commission may require the subdivider to submit an environmental impact statement with the preliminary plat if:

(a) The development exceeds two acres in area; and

(b) The Board deems it necessary due to the nature of the land to be subdivided or peculiarities in the proposed layout.

(30) Statements on the plat that:

(a) Construction plan approval from Greenville Utilities Commission and City of Greenville shall be obtained prior to construction of any street, water and/or sanitary sewer and storm drainage system;

(b) All required improvements shall conform to the city Manual of Standard Designs and Details and the Manual for the Design and Construction of Water and Waste Water System Extensions for Greenville Utilities Commission; and

(c) All lots shall equal or exceed the minimum development standards of the city Zoning Ordinance.

(31) Any other information considered by either the subdivider or the Planning and Zoning Commission to be pertinent to the review of the preliminary plat; and

(32) Written statement addressing the reasons for being unable to meet the minimum requirements as listed above under this section.

(Ord. No. 1941, § 1, passed 1-12-1989; Ord. No. 2379, §§ 1, 2, passed 10-10-1991; Ord. No. 2501, § 1, passed 8-13-1992; Ord. No. 97-80, § 1, passed 8-14-1997; Ord. No. 06-75, § 2, passed 8-10-2006; Ord. No. 14-049, 11, passed 8-14-2014; Ord. 19-045, § 1, passed 9-12-2019)

SEC. 9-5-80 RELATION TO ~~THOROUGHFARE~~ COMPREHENSIVE TRANSPORTATION PLAN.

Arrangement, character, extent, width, grade and location of all streets shall conform to the **Highway Map of the Comprehensive Transportation Plan** ~~Thoroughfare Plan~~ of the city and elements thereof officially adopted.

(Ord. No. 1941, § 1, passed 1-12-1989)

SEC. 9-5-81 STREET DESIGN STANDARDS.

The following design standards shall apply to all streets in proposed subdivisions:

(A) The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing and planned streets, to topographical and soil conditions, to public convenience and safety and in their appropriate relation to the proposed use of the land to be served by such streets.

(B) Where there exists a conflict between city and state street standards, the more restrictive shall apply.

(C) The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas.

(D) Where a new subdivision adjoins unsubdivided land susceptible to being subdivided, then the new streets shall be carried to the boundaries of the tract proposed to be subdivided; and the arrangement shall make provision for the logical and proper projection of such streets.

(E) Where a new subdivision adjoins unsubdivided lands that do not have direct and adequate access to an approved public street, then the new streets shall be carried to the boundaries of the tract proposed to be subdivided to ensure the adjoining lands of direct and adequate access. Private streets shall not constitute direct and adequate access for purposes of this section.

(F) In cases where a subdivider is required to carry a new street to the boundary of the tract to be subdivided and the boundary line is a ditch, canal or other drainage facility, the subdivider shall dedicate the appropriate land to the boundary of the tract to be subdivided and construct or guarantee the required improvements to the boundary or to a further point as provided by private agreement.

(G) Dead end streets in excess of 150 feet shall be provided with a turnaround that is compliant with Section D103 of Appendix D of the North Carolina State Building Code Fire Prevention Code, unless otherwise approved by the Public Works Director. Turn around shall be maintained by the Developer until such time as 80% of the lots in the subdivision have obtained a certificate of occupancy.

(HG) Reserve strips controlling access to public streets shall be prohibited except under conditions approved by the Planning and Zoning Commission.

(IH) The street arrangement within new subdivisions shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it or affect the health, safety and welfare of property owners and residences in the surrounding area. Streets within or adjacent to subdivisions intended for residential purposes shall be so designed that their use by through traffic shall be discouraged except, however, where such streets are existing or proposed thoroughfares.

(JI) Street right-of-way and/or easement and paving widths shall be based upon the volume of traffic generated by the area served by such street and the future traffic circulation pattern of the surrounding area and city as a whole. The traffic generation factors used to determine the required street section are contained in the Manual of Standard Designs and Details in conjunction with the adopted **Highway Map of the Comprehensive Transportation Plan Thoroughfare Plan** for the city.

(KJ) Half-streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations and where the Planning and Zoning Commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half-street is adjacent to a tract to be subdivided, the other half of the street shall be platted and improved within such tract.

(LK) Names of new streets shall not duplicate existing or platted street names unless a new street is a continuation of or in alignment with the existing or platted street. Addresses shall be assigned in accordance with the address numbering system in effect in the city.

~~(ME)~~ The vacation of any street or part of a street dedicated for public use, if such vacation interferes with the uniformity of the existing street pattern or any future street plans prepared for the areas, shall not be permitted.

~~(NM)~~ Where a tract is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow the opening of future streets and logical further resubdivision.

~~(ON)~~ All buildings shall be located within proximity of an approved street in accordance with Title 9, Chapter 4, Article F and within an acceptable distance to a fire hydrant, which has been connected to a public water supply system, approved by the city and the Greenville Utilities Commission. The hydrant shall be installed within the right-of-way or easement of a street or as otherwise approved by the Chief of Fire and Rescue and Greenville Utilities Commission. Hydrant locations and requirements shall be in accordance with the Manual for the Design and Construction of Water and Waste Water System Extensions for Greenville Utilities Commission.

~~(PO)~~ Each lot created within a subdivision shall have direct access to an approved street in accordance with the Zoning Ordinance or as provided by subsection ~~(VU)~~ below.

~~(QP)~~ Street jogs with centerline offsets of less than 150 feet shall not be allowed.

~~(RQ)~~ Street intersections shall not include more than four street approaches.

~~(SR)~~ Streets shall be designed to intersect as nearly as possible at right angles, and no street shall intersect another at less than 60 degrees.

~~(TS)~~ Loop/connecting streets which begin and terminate without intersecting another street providing access to the general street system shall not exceed 2,000 feet as measured along the centerline of the street.

~~(UF)~~ Cul-de-sac/terminal streets shall only be utilized either when the extension of the proposed street is infeasible due to one or more of the following conditions listed under subsection ~~(UF)~~(1) below, or when the street meets all the conditions listed under subsection ~~(UF)~~(2) below.

(1) Such streets shall only be utilized when the extension of the proposed street to adjoining property or to its intersection with an existing or proposed street is infeasible due to one or more of the following conditions:

(a) Intervening environmental and/or geographic features including but not limited to significant drainage systems, ponds/lakes, severe topography and regulatory wetlands;

(b) Intervening existing and/or vested adjacent development or development plans including buildings, parking lots and drives, stormwater structures, approved preliminary platted lots or recorded final platted lots, and approved site plans or other vested condition that prohibits future extension;

(c) The shape and/or dimension of the tract proposed for subdivision, where a significant portion of the subdivision area would otherwise be unusable absent terminal extension; or

(d) Intervening or approved public and/or private streets where such intersection is either prohibited by regulation or found to create a hazardous condition in the opinion of the City

Engineer. Cul-de-sac/terminal streets allowed under this section may not create a public safety hazard.

(2) (a) Limited and reasonable use of cul-de-sac/terminal street(s) not meeting the conditions of subsection (U~~F~~)(1) above may be approved where the specific cul-de-sac/terminal street design, length, location and use both individually, and/or in combination with other cul-de-sac/terminal streets in any common subdivision or development, meets all of the following conditions:

1. Does not negatively impact vehicular and pedestrian traffic circulation inconsistent with the street design standards contained herein, the Manual of Standard Designs and Details incorporated herein by reference, and/or the goals and objectives of the Comprehensive Plan;
2. Does not unduly increase the public cost of or inhibit the provision of public services, including but not limited to garbage and waste collection and public transit;
3. Does not unduly impact the public cost of or inhibit the provision of public safety and life services, including but not limited to fire suppression, emergency rescue and police protection;
4. Does not unduly restrict or inhibit adequate access to adjoining lots and/or tracts within the subject subdivision and/or on adjoining properties; and
5. Does not otherwise create a public safety hazard.

(b) The Planning and Zoning Commission shall determine compliance under this section following review and recommendation of the Director of Planning and Development Services or his or her authorized representative. The Director of Planning and Development Services may seek and rely on the advice of the public service and public safety providers in the formulation of any recommendation concerning the design, length, location and use of such cul-de-sac/terminal street(s).

(3) A cul-de-sac/terminal street shall not exceed 1,000 feet in length as measured along the centerline of such street from the right-of-way as projected from the intersecting street to the furthestmost point. When a cul-de-sac/terminal street intersects only another cul-de-sac/terminal street, the regulatory length of all such streets shall be measured individually from the intersection street that is not a cul-de-sac/terminal street to the furthestmost point of all such streets.

(V~~U~~) No new private streets are allowed **for single-family and two-family attached dwellings located on individual lots or on a common lot** after August 14, 2014.

(W~~V~~) Curve radius, property line radius, tangent distances between reverse curves, right-of-way widths, easement widths, pavement widths, pavement design and storm drainage system design provisions are contained in the Manual of Standard Designs and Details and the adopted **Highway Map of the Comprehensive Transportation Plan** ~~Thoroughfare Plan~~ for the city.

(X~~W~~) Planned Unoffensive Industry (PIU) and Planned Industry (PI) Districts street standards and exemptions are as follows.

(1) PIU and PI Districts shall be exempt from the maximum “loop connecting” and “cul-de-sac terminal” street standards listed above under subsections (TS) and (UF) of this section.

(2) PIU or PI Districts shall comply with all other provisions of this section.

(Ord. No. 1941, § 1, passed 1-12-1989; Ord. No. 2098, § 1, passed 11-16-1989; Ord. No. 2603, § 1, passed 3-18-1993; Ord. No. 94-85, § 1, passed 6-9-1994; Ord. No. 06-13, § 1, passed 2-9-2006; Ord. No. 06-75, § 1, passed 8-10-2006; Ord. No. 14-049, § 12, passed 8-14-2014; Ord. 19-045, § 1, passed 9-12-2019)

SEC. 9-5-82 UTILITY EASEMENTS.

(A) Easements for utilities shall be provided where necessary along front, rear or side lot lines, but shall not be required to center on such lines. Those easements shall be sufficiently wide to provide for installation of the utilities and access for maintenance and operation.

(B) The minimum width of the easements shall be as follows:

(1) Water lines: Ten feet.

(2) Gas lines: Ten feet.

(3) Electrical lines: Ten feet.

(4) Storm sewer: ~~As necessary on determination of the City Engineer.~~ **In accordance with the Manual of Standard Designs and Details.**

(5) Sanitary sewer shall be in accordance with the following table:

	Depth of Cover	Minimum Easement Width (feet)
Force main:	All	10
Gravity sewers:	0–10	20
	10–15	30
	Greater than 15	40

(6) Multipurpose: See section 9-5-85, below.

(7) Hydrant: Five feet as measured on the horizontal in all directions from the center of the hydrant.

(Ord. No. 1941, § 1, passed 1-12-1989)

SEC. 9-5-120 STREET LIGHTS (PUBLIC).

Street lights shall be provided at such locations as approved by the city and shall be installed and maintained by the Greenville Utilities Commission in accordance with current policy.

Street lights shall be installed in conformance with the Lighting Standards for the City of Greenville.

(Ord. No. 1941, § 1, passed 1-12-1989)

SEC. 9-5-123 SIDEWALKS; WHERE TO BE INSTALLED.

Sidewalks shall be provided by the subdivider in accordance with the following:

(A) Sidewalks shall be provided in conjunction with public street extensions pursuant to section 9-5-81 of this chapter.

(B) The location of proposed sidewalks required pursuant to this section shall be in accordance with the Manual of Standard Designs and Details.

(C) Sidewalks shall be provided along both sides of all minor and major thoroughfare streets **and boulevards** as shown on the ~~official Thoroughfare Plan~~ **adopted Highway Map of the Comprehensive Transportation Plan as amended.**

(D) Sidewalks shall be provided along one side of all collector, standard residential and planned industrial streets.

~~—(E) Sidewalks shall be provided along one side of all minor residential streets which are in excess of 500 feet in length in the case of a cul-de-sac/terminal street or 1,000 feet in length in the case of a loop/connecting street.~~

~~(E)~~ (F) The arrangement of sidewalks in new subdivisions shall make provision for the continuation of existing sidewalks in adjoining areas.

(Ord. No. 1941, § 1, passed 1-12-1989; Ord. No. 97-131, § 1, passed 12-11-1997)

SEC. 9-5-143 TYPE OF GUARANTEE.

The performance guarantee may be in the form of a **performance surety** bond **issued by a company authorized to do business in the state of North Carolina**, a certified check, a first deed of trust, an irrevocable letter of credit, or an escrow deposit. All performance guarantees shall not be accepted unless the City Attorney has made a review thereof and provided a written opinion that the interests of the city are fully protected.

(Ord. No. 1941, § 1, passed 1-12-1989)

CHAPTER 8: SOIL EROSION AND SEDIMENTATION CONTROL

Section

9-8-4 ~~Scope; e~~Exclusions

9-8-15 ~~Existing uncovered areas-~~(Reserved)

SEC. 9-8-3 DEFINITIONS.

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

Accelerated erosion. Any increase over the rate of natural erosion as a result of land-disturbing activities.

Act. The North Carolina Sedimentation Pollution Control Act of 1973, being G.S. 113A-50 et seq., and all rules and orders adopted pursuant to it.

Active construction. Activities which contribute directly to the building of facilities including land-disturbing activities for roads, parking lots, footings and the like.

Adequate erosion and control measure, structure or device. One which controls the soil material within the land area under responsible control of the person conducting the land-disturbing activity.

Affiliate. A person who directly, or indirectly through one or more intermediaries' control, is controlled by or is under common control of another person.

Being conducted. A land-disturbing activity has been initiated and permanent stabilization of the site has not been completed.

Borrow. Fill material which is required for on-site construction and is obtained from other locations.

Buffer zone. The strip of land adjacent to a lake or natural watercourse.

City. City of Greenville

Coastal counties. The following counties: Beaufort, Bertie, Brunswick, Camden, Carteret, Chowan, Craven, Currituck, Care, Gates, Hertford, Hyde, New Hanover, Onslow, Pamlico, Pasquotank, Pender, Tyrrell and Washington.

Commission. ~~The City of Greenville Planning and Zoning Commission~~**The North Carolina Sedimentation Control Commission.**

Completion of construction or development. No further land-disturbing activity is required on a phase of a project except that which is necessary for establishing a permanent ground cover.

Denuded. The removal of ground cover from, on or above the soil surface.

Department. The North Carolina Department of ~~Environment, Health, and Natural Resources~~ **Environmental Quality**.

Director. The Director of the ~~Division of Land Resources of the Department of Environment, Health, and Natural Resources~~ **Division of Energy, Mineral, and Land Resources of the Department of Environmental Quality**.

Discharge point. That point at which runoff leaves a tract of land.

~~District. The Pitt County Soil and Water Conservation District created pursuant to G.S. Chapter 139 of the North Carolina General Statutes.~~

Drainage easement. A minimum strip of land reserved for conveyance of stormwater generally located along the rear or side lot lines but may cross lots at such points that will not pose a hazard to persons or property.

Energy dissipator. Any structure or a shaped channel section with mechanical armoring placed at the outlet ~~of~~ **of** pipes or conduits to receive and break down the energy from high velocity flow.

Erosion. The wearing away of the land surface by the action of the wind, water, gravity or any combination thereof.

Extraterritorial jurisdiction. That territory surrounding the corporate limits of the city over which the city exercises its planning and zoning authorities as established by action of the City Council on June 26, 1972 and subsequently amended.

Ground cover. Any natural vegetative growth or other material which renders the soil surface stable against accelerated erosion.

High quality water (HQW) zones. Areas in the Coastal Counties that are within 575 feet of high quality waters and for the remainder of the state areas that are within one mile and drain to HQWs.

High quality waters. Those classified as such in 15A NCAC **02B .0224 2B.0101(e)(5)**, **General Procedures**, which is incorporated herein by reference to include further amendments **and additions** ~~pursuant to G.S. Chapter 150B, Article 2A.~~

High Quality Water (HQW) Zones –means, for the Coastal Counties, areas within 575 feet of High Quality Waters; and for the remainder of the state, areas within one mile and draining to HQW’s.

Lake or natural watercourse. Any stream, river, brook, swamp, sound, bay, creek, run, branch, canal, waterway, estuary and any reservoir, lake or pond, natural or impounded, in which sediment may be moved or carried in suspension and which could be damaged by accumulation of sediment.

Land-disturbing activity. Any use of the land by any person in residential, industrial, educational, institutional or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation.

Land-disturbing permit. The approval document allowing land-disturbing activities to be initiated. A project may be developed in phases with separate permits for each phase.

Local government. Any county, incorporated village, town or city, or any combination of counties, incorporated villages, towns and cities, acting through a joint program pursuant to the provisions of the Act.

Natural erosion. Wearing away of the earth's surface by water, wind or other natural agents under natural environmental conditions undisturbed by mankind.

Parent. An affiliate that directly, or indirectly through one or more intermediaries, controls another person.

Person. Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body or other legal entity.

Person conducting land-disturbing activity. Any person who may be held responsible for a violation unless expressly provided otherwise by this chapter, the Act, or any order adopted pursuant to this chapter or the Act.

Person responsible for the violation. As used in this chapter and G.S. 113A-64, means:

(1) The developer or other person who has or holds himself or herself out as having financial or operational control over the land-disturbing activity; or

(2) The landowner or person in possession or control of the land when he or she has directly or indirectly allowed the land-disturbing activity or has benefitted from it, or he or she has failed to comply with any provision of this chapter, the Act or any order adopted pursuant to this chapter or the Act as imposes a duty upon him or her.

Phase of grading. One of two types of grading, rough or fine.

Plan. Erosion and Sedimentation Control Plan.

Protective cover. Natural or artificial ground cover of grass, trees, shrubs or mulch sufficient to reduce erosion potential.

Receiving watercourse. A lake, natural watercourse, or other natural or man-made area into which stormwater runoff flows from a land-disturbing activity.

Sediment. Solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity or ice from its site of origin.

Sedimentation. The process by which sediment resulting from accelerated erosion has been or is being transported off the site of the land-disturbing activity or into a lake or natural watercourse.

Siltation. Sediment resulting from accelerated erosion which is settleable or removable by properly designed, constricted and maintained control measures; and which has been transported from its point of origin within the site of a land-disturbing activity; and which has been deposited or is in suspension in water.

Special flood hazard area. The land located within the floodplain subject to a 1% or greater chance of flooding in any given year and subject to the conditions of Title 9, Chapter 6 of the City Code, Flood Damage Prevention.

Storm drainage facilities. The system of inlets, conduits, channels, ditches and appurtenances which serve to collect and convey stormwater through and from a given drainage area.

Stormwater runoff. The direct runoff of water resulting from precipitation in any form.

Ten-year storm. The surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in ten years, and of a duration which will produce the maximum peak rate of runoff, for the watershed of interest under average antecedent wetness conditions.

Tract. All contiguous land and bodies of water being disturbed or to be disturbed as a unit, regardless of ownership.

Twenty-five-year storm. The surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in 25 years, and of a duration which will produce the maximum peak rate of runoff, from the watershed of interest under average antecedent wetness conditions.

Uncovered. The removal of ground cover from, on or above the soil surface.

Undertaken. The initiating of any activity or phase of activity which results or will result in a change in the ground cover or topography of a tract of land.

Velocity. The average **speed** "~~velocity~~" of flow through the cross-section of the main channel at the peak flow of the storm of interest. The cross-section of the main channel shall be that area defined by the geometry of the channel plus the area of flow below the flood height defined by vertical lines at the main channel banks. Overload flows are not to be included for the purpose of computing "velocity" of flow.

Wastes. Surplus materials resulting from on-site construction and disposed of at other locations.

Working days. Days exclusive of Saturdays, ~~and~~ Sundays, **State holidays, and Federal holidays** during which weather conditions or soil conditions permit land- disturbing activity to be undertaken.

(Ord. No. 98-7, passed 1-8-1998; Ord. No. 99-119, § 1, passed 9-9-1999)

SEC. 9-8-4 SCOPE; EXCLUSIONS.

This chapter shall not apply to the following land-disturbing activities:

(A) Activities, including the breeding and grazing of livestock, undertaken on agricultural land for the production of plants and animals useful to mankind, including but not limited to:

- (1) Forages and sod crops, grains and feed crops, tobacco, cotton and peanuts;

- (2) Dairy animals and dairy products;
- (3) Poultry and poultry products;
- (4) Livestock, including beef cattle, **llamas**, sheep, swine, horses, ponies, mules and goats;
- (5) Bees and apiary products; ~~and~~
- (6) Fur-producing animals.
- (7) Mulch, ornamental plants, and other horticultural products. For purposes of this section, “mulch” means substances composed primarily of plant remains or mixtures of such substances.**

(B) Activities undertaken on forest land for the production and harvesting of timber and timber products and which are conducted in accordance with best management practices set out in Forest Practice Guidelines Related to Water Quality as adopted by the **North Carolina Department of Agriculture and Consumer Services**. If land-disturbing activity undertaken on forest land for the production and harvesting of timber and timber products is not conducted in accordance with Forest Practice Guidelines Related to Water Quality, the provisions of this chapter shall apply to such activity and any related land-disturbing activity on the tract;~~and~~.

(C) Activities for which a permit is required under the Mining Act of 1971, being G.S. Chapter 74, Article 7 of the General Statutes;

(D) Land-disturbing activity over which the state has exclusive regulatory jurisdiction as provided in G.S. 113A-56(a); and

(E) For the duration of an emergency, activities essential to protect human life.

(F) Activities undertaken to restore the wetland functions of converted wetlands to provide compensatory mitigation to offset impacts permitted under Section 404 of the Clean Water Act.

(G) Activities undertaken pursuant to Natural Resources Conservation Service standards to restore the wetlands functions of converted wetlands as defined in Title 7 Code of Federal Regulations § 12.2

(Ord. No. 98-7, passed 1-8-1998)

SEC. 9-8-5 GENERAL REQUIREMENTS.

(A) Plan and permit required. No person shall initiate any land-disturbing activity which uncovers more than one acre without having an erosion control plan and land-disturbing permit approved by the city. Additionally, no person shall initiate any land-disturbing activity greater than 5,000 square feet without having a land-disturbing permit approved by the city. Furthermore, no person shall initiate land-disturbing activity of any size within the special flood hazard area without first obtaining a land-disturbing permit and an approved sedimentation and erosion control plan meeting the requirements of this chapter and Chapter 6 entitled “Flood Damage Prevention.”

(Ord. No. 99-119, §§ 2-6, passed 9-9-1999)

(B) Protection of property. Persons conducting land-disturbing activity shall take all reasonable measures to protect all public and private property from damage caused by that activity.

(C) More restrictive rules shall apply. Whenever conflicts exist between federal, state or local laws, ordinances or rules, the more restrictive provision shall apply.

(D) All measures shall be designed and constructed in accordance with the NC Erosion and Sediment Control Planning and Design Manual, as amended.

(Ord. No. 98-7, passed 1-8-1998)

SEC. 9-8-6 BASIC CONTROL OBJECTIVES.

(A) An erosion and sedimentation control plan may be disapproved pursuant to section 9-8-17 of this chapter if the plan fails to address the following control objectives:

(1) Identify critical areas. On-site areas which are subject to severe erosion, and off-site areas which are especially vulnerable to damage from erosion and/or sedimentation, are to be identified and receive special attention;

(2) Limit time of exposure. All land-disturbing activity is to be planned and conducted to limit exposure to the shortest feasible time **specified in G.S. 113A-57 or this Chapter**;

(3) Limit exposed areas. All land-disturbing activity is to be planned and conducted to minimize the size of the area to be exposed at any one time;

(4) Control surface water. Surface water runoff originating upgrade of exposed areas should be controlled to reduce erosion and sediment loss during the period of exposure;

(5) Control sedimentation. All land-disturbing activity is to be planned and conducted so as to prevent off-site sedimentation damage; and

(6) Manage stormwater runoff. ~~When the increase in the velocity of stormwater runoff resulting from a land-disturbing activity is sufficient to cause accelerated erosion of the receiving watercourse, plans are to include measures to control the velocity at the point of discharge so as to minimize accelerated erosion of the site and increased sedimentation of the stream.~~ **Plans shall be designed so that any increase in velocity of stormwater runoff resulting from a land-disturbing activity will not result in accelerated erosion of the receiving stormwater conveyance or at the point of discharge. Plans shall include measures to prevent accelerated erosion within the project boundary and at the point of discharge.**

(B) When deemed necessary by the approving authority, a preconstruction conference may be required **and noted on the approved plan.**

(Ord. No. 98-7, passed 1-8-1998; Ord. No. 00-155, §§ 1, 2, passed 12-14-2000)

SEC. 9-8-7 MANDATORY STANDARDS FOR LAND-DISTURBING ACTIVITY.

No land-disturbing activity subject to the control of this chapter shall be undertaken except in accordance with the following mandatory standards:

(A) Buffer zone.

(1) No land-disturbing activity during periods of construction or improvement to land shall be permitted in proximity to a lake or natural watercourse unless a buffer zone is provided along the margin of the watercourse of sufficient width to confine visible siltation within the 25% of the buffer zone nearest the land-disturbing activity, provided that this subsection shall not apply to a land-disturbing activity in connection with the construction of facilities to be located on, over or under a lake or natural watercourse.

(2) Unless otherwise provided, the width of a buffer zone is measured from the edge of the water to the nearest edge of the disturbed area, with the 25% of the strip nearer the land-disturbing activity containing natural or artificial means of confining visible siltation.

(B) Graded slopes and fills. The angle for graded slopes and fills shall be no greater than the angle which can be retained by vegetative cover or other adequate erosion control devices or structures. In any event, slopes left exposed will, within 21 calendar days of completion of any phase of grading, be planted or otherwise provided with ground cover, devices or structures sufficient to restrain erosion.

(Ord. No. 99-119, § 8, passed 9-9-1999; Ord. No. 11-018, § 1, passed 4-11-2011)

(C) **Fill Material. Materials being used as fill shall be consistent with those described in 15A NCAC 13B .0562 unless the site is permitted by the Department's Division of Waste Management to operate as a landfill. Not all materials described in Section .0562 may be suitable to meet geotechnical considerations of the fill activity and should be evaluated accordingly.**

~~(DE)~~ Ground cover. Whenever land-disturbing activity is undertaken on a tract in excess of 5,000 square feet, the person conducting the land-disturbing activity shall install such sedimentation and erosion control devices and practices as are sufficient to retain the sediment generated by the land-disturbing activity within the boundaries of the tract during construction upon and development of the tract, and shall plant or otherwise provide a permanent ground cover sufficient to restrain erosion after completion of construction or development. Except as provided in section 9-8-8(B)(5), provisions for **a permanent** ground cover sufficient to restrain erosion must be accomplished within **21 90** calendar days following completion of **any phase of grading construction or development**.

(Ord. No. 99-119, § 10, passed 9-9-1999; Ord. No. 00-155, §§ 3, 4, passed 12-14-2000; Ord. No. 06-50, § 2, passed 6-8-2006)

~~(ED)~~ Prior plan approval. No person shall initiate any land-disturbing activity on a tract if more than one acre is to be uncovered unless, 30 or more days prior to initiating the activity, an erosion and sedimentation control plan for such activity is filed with and approved by the city.

(Ord. No. 98-7, passed 1-8-1998)

SEC. 9-8-8 DESIGN AND PERFORMANCE STANDARDS.

(A) Except as provided in subsection (B)(2) of this section, erosion and sedimentation control measures, structures and devices shall be so planned, designed and constructed as to provide protection from the calculated maximum peak rate of runoff from the ten-year storm. Runoff rates shall be calculated using the procedures in the USDA, **Soil Natural Resources Conservation Service's National Engineering Field Handbook Manual for Conservation Practices**, or other acceptable calculation procedures.

(B) In high quality water (HQW) zones the following design standards shall apply:

(1) Uncovered areas in HQW zones shall be limited at any time to a maximum total area within the boundaries of the tract of 20 acres. Only the portion of the land-disturbing activity within a HQW zone shall be governed by this section. Larger areas may be uncovered within the boundaries of the tract with the written approval of the Director.

(2) Erosion and sedimentation control measures, structures and devices within HQW zones shall be so planned, designed and constructed to provide protection from the runoff of the 25-year storm which produces the maximum peak rate of runoff as calculated according to procedures in the United States Department of Agriculture **Soil Natural Resources Conservation Service's National Engineering Field Handbook Manual for Conservation Practices**, or according to procedures adopted by any other agency of this state or the United States or any generally recognized organization or association.

(3) Sediment basins within HQW zones shall be designed and constructed **according to the following criteria: such that the basin will have a settling efficiency of at least 70% for the 40 micron (0.04 mm) size soil particle transported into the basin by the runoff of that two year storm which produces the maximum peak rate of runoff as calculated according to procedures in the United States Department of Agriculture Soil Conservation Service's National Engineering field Manual for Conservation Practices or according to procedures adopted by any other agency of this state or the United States or any generally recognized organization or association.**

- (a) **use a surface withdrawal mechanism, except when the basin drainage area is less than 1.0 acre;**
- (b) **have a minimum of 1800 cubic feet of storage area per acre of disturbed area;**
- (c) **have a minimum surface area of 325 square feet per cubic feet per second (cfs) of the Twenty-five Year Storm (Q25) peak flow;**
- (d) **have a minimum dewatering time of 48 hours;**
- (e) **incorporate 3 baffles, unless the basin is less than 20 feet in length, in which case 2 baffles shall be sufficient.**

Upon a written request of the applicant, the City Engineer may allow alternative design and control measures in lieu of meeting the conditions required in subparagraphs (3)(b) through (3)(e) of this subsection if the applicant demonstrates that meeting all of those conditions will result in design or operational hardships and that the alternative measures will provide an equal or more effective level of erosion and sediment control on the site. Alternative measures may include quicker application of ground cover, use of sediment flocculants, and use of enhanced ground cover practices.

(4) Newly constructed open channels in HQW zones shall be designed and constructed with side slopes no steeper than two horizontal to one vertical (2:1) if a vegetative cover is used for stabilization unless soil conditions permit a steeper slope or where the slopes are stabilized by using mechanical devices, structural devices or other acceptable ditch liners. In any event, the angle for side slopes shall be sufficient to restrain accelerated erosion.

(5) Ground cover sufficient to restrain erosion must be provided for any portion of a land-disturbing activity in a HQW zone within ~~15 working days or 60~~ **90** calendar days following completion of construction or development, ~~whichever period is shorter.~~

(Ord. No. 98-7, passed 1-8-1998)

SEC. 9-8-9 STORMWATER OUTLET PROTECTION.

(A) (1) Persons shall conduct land-disturbing activity so that the post construction velocity of the ten-year storm runoff in the receiving watercourse to the discharge point does not exceed the greater of:

(a) The velocity established by the table in subsection (D) of this section; or

(b) The velocity of the ten-year storm runoff in the receiving watercourse prior to development.

(2) If conditions (1)(a) or (b) of this subsection (A) cannot be met, then the receiving watercourse to and including the discharge point shall be designed and constructed to withstand the expected velocity anywhere the velocity exceeds the “prior to development” velocity by 10%.

(B) Acceptable management measures. Measures applied alone or in combination to satisfy the intent of this section are acceptable if there are no objectionable secondary consequences. The Commission recognizes that the management of stormwater runoff to minimize or control downstream channel and bank erosion is a developing technology. Innovative techniques and ideas will be considered and may be used when shown to have the potential to produce successful results. Some alternatives are to:

(1) Avoid increases in surface runoff volume and velocity by including measures to promote infiltration to compensate for increased runoff from areas rendered impervious;

(2) Avoid increases in stormwater discharge velocities by using vegetated or roughened swales and waterways in lieu of closed drains and high velocity paved sections;

(3) Provide energy dissipators at outlets of storm drainage facilities to reduce flow velocities to the point of discharge (these may range from simple rip-rapped sections to complex structures); and

(4) Protect watercourses subject to accelerated erosion by improving cross-sections and/or providing erosion resistant lining.

(5) Upgrade or replace the receiving device structure or watercourse such that it will receive and conduct the flow to a point where it is no longer subject to degradation from the increased rate of flow or increased velocity.

(C) Exceptions. This rule shall not apply where it can be demonstrated that stormwater discharge velocities will not create an erosion problem in the receiving watercourse.

(D) Table. The following is a table for maximum permissible velocity for stormwater discharges **in feet per second (F.P.S.) and meters per second (M.P.S.):**

~~Maximum Permissible Velocities for:~~

<u>Material</u>	<u>F.P.S.</u>	<u>M.P.S.</u>
Fine sand (noncolloidal)	2.5	0.8
Sandy loam (noncolloidal)	2.5	0.8
Silt loam (noncolloidal)	3.0	0.9
Ordinary firm loam	3.5	1.1
Fine gravel	5.0	1.5
Stiff clay (very colloidal)	5.0	1.5
Graded, loam to cobbles (non colloidal)	5.0	1.5
Graded, silt to cobbles (colloidal)	5.5	1.7
Alluvial silts (noncolloidal)	3.5	1.1
Alluvial silts (colloidal)	5.0	1.5
Coarse gravel (noncolloidal)	6.0	1.8
Cobbles and shingles	5.5	1.7
Shales and hard pans	6.0	1.8

(Source: Adapted from recommendations by Special Committee on Irrigation Research, American Society of Civil Engineers, 1926, for channels with straight alignment. For sinuous

channels, multiply allowable velocity by 0.95 for slightly sinuous, by 0.9 for moderately sinuous channels, and by 0.8 for highly sinuous channels.)

(Ord. No. 98-7, passed 1-8-1998)

SEC. 9-8-10 BORROW AND WASTE AREAS.

(A) When the person conducting the land-disturbing activity is also the person conducting the borrow or waste disposal activity, areas from which borrow is obtained and which are not regulated by the provisions of the Mining Act of 1971, and waste areas for surplus materials other than landfills regulated by the Department's Division of ~~Solid~~ Waste Management, shall be considered as part of the land-disturbing activity where the borrow material is being used or from which the waste material originated.

(B) When the person conducting the land-disturbing activity is not the person obtaining the borrow and/or disposing of the waste, these areas shall be considered a separate land-disturbing activity.

(Ord. No. 98-7, passed 1-8-1998)

Statutory reference:

State Mining Act of 1971, see G.S. 74-46 through 74-68

SEC. 9-8-15 ~~EXISTING UNCOVERED AREAS. (RESERVED).~~

~~—(A) All uncovered areas existing on December 11, 1985, which resulted from land-disturbing activity, exceed one acre, are subject to continued accelerated erosion, and are causing off-site damage from sedimentation shall be provided with a ground cover or other protective measures, structures or devices sufficient to restrain accelerated erosion and control off-site sedimentation.~~

~~—(B) The city will serve upon the landowner or other person in possession or control of the land a written notice of violation by registered or certified mail, return receipt requested or other means authorized under G.S. 1A-1, Rule 4. The notice will set forth the measures needed to comply and will state the time within which the measures must be completed. In determining the measures required and time allowed for compliance, the authority serving notice shall take into consideration the economic feasibility, technology, and quantity of work required, and shall set reasonable and attainable time limits for compliance.~~

~~(Ord. No. 06-50, § 4, passed 6-8-2006)~~

~~—(C) The city reserves the right to require preparation and approval of an erosion control plan in any instance wherein extensive control measures are required.~~

~~—(D) This rule shall not require ground cover on cleared land forming the future basin of a planned reservoir.~~

~~(Ord. No. 98-7, passed 1-8-1998)~~

SEC. 9-8-16 PERMITS.

(A) Required; exceptions. No person shall undertake any land-disturbing activity subject to this chapter without first obtaining a permit therefor from the city, office of the City Engineer, except that no permit shall be required for any land- disturbing activity as identified in section 9-8-4.

(Ord. No. 06-50, § 5, passed 6-8-2006)

(B) Fees. A **review** fee established in accordance with the Manual of Fees adopted by the City Council shall be submitted with each ~~application for a land-disturbing permit~~ **erosion control plan**.

(C) Prerequisite to issue of building permit. No building permit shall be issued for a structure until the Building Inspector has obtained evidence that a valid land-disturbing permit has been obtained.

(Ord. No. 98-7, passed 1-8-1998; Ord. No. 99-119, § 11-14, passed 9-9-1999)

SEC. 9-8-17 EROSION AND SEDIMENTATION CONTROL PLANS.

(A) An erosion control plan shall be prepared for all land-disturbing activities subject to this chapter whenever the proposed activity is to be undertaken on a tract comprising more than one acre, if more than one acre is to be uncovered. The plan shall be filed with the city, office of the City Engineer ~~and the Pitt County Soil and Water Conservation District~~ at least 30 days prior to the commencement of the proposed activity. **This does not restrict the initiation of land disturbing activities when the plan is approved and the permit is issued in less than 30 days from initial submission.**

~~(B) Persons conducting land-disturbing activity on a tract which covers one or more acres shall file three copies of the erosion control plan with the office of the City Engineer at least three days prior to beginning the activity and shall keep another copy of the approved plan on file at the job site.~~ After approving the plan, if the office of the City Engineer, either upon review of such plan or on inspection of the job site, determines that a significant risk of accelerated erosion or off-site sedimentation exists, the office of the City Engineer will require a revised plan. Pending the preparation of the revised plan, work shall cease or shall continue under conditions outlined by the appropriate authority.

(C) Erosion control plans ~~may~~ **shall** be disapproved unless accompanied by an authorized statement of financial responsibility and **documentation of property** ownership. This statement shall be signed by the person financially responsible for the land-disturbing activity or his or her attorney in fact. The statement shall include the mailing and street addresses of the principal place of business of the person financially responsible and of the owner of the land or their registered agents. If the person financially responsible is not a resident of North Carolina, a North Carolina agent must be designated in the statement for the purpose of receiving notice of compliance or noncompliance with the plan, the Act, this chapter or rules or orders adopted or

issued pursuant to this chapter. **If the applicant is not the owner of the land to be disturbed, the draft erosion and sedimentation control plan must include the owner's written consent for the applicant to submit a draft erosion and sedimentation control plan and to conduct the anticipated land-disturbing activity.**

~~(D) The Pitt County Soil and Water Conservation District shall review the plan and submit any comments or recommendations to the office of the City Engineer within 20 days after the Soil and Water Conservation District received the erosion control plan, or within any shorter period of time as may be agreed upon by the Soil and Water Conservation District and the office of the City Engineer. Failure of the Soil and Water Conservation District to submit its comments and recommendations within 20 days or within any agreed upon shorter period of time shall not delay final action on the plan.~~ **If the applicant is not the owner of the land to be disturbed and the anticipated land-disturbing activity involves the construction of utility lines for the provision of water, sewer, gas, telecommunications, or electrical service, the draft erosion and sedimentation control plan may be submitted without the written consent of the owner of the land, so long as the owner of the land has been provided prior notice of the project.**

(E) The office of the City Engineer will review each complete plan submitted to it and within 30 days of receipt thereof will notify the person submitting the plan that it has been approved, approved with modifications, ~~approved with performance reservations,~~ or disapproved. The office of the City Engineer shall condition approval of a draft erosion control plan upon the applicant's compliance with federal and state water quality laws, regulations and rules. Failure to approve, or disapprove, ~~approve with performance reservations,~~ or approve with modifications a complete erosion and sedimentation control plan within 30 days of receipt shall be deemed approval. **If the plan is disapproved, the City Engineer shall notify the applicant and, if required, the Director of the Division of Energy, Mineral, and Land Resources of the Department of Environmental Quality of such disapproval within ten days thereof. The City Engineer shall advise the applicant and the Director of the Division of Energy, Mineral, and Land Resources of the Department of Environmental Quality, if required, in writing as to the specific reasons that the plan was disapproved. Disapproval of a plan or a revised erosion control plan must specifically state in writing the reasons for the disapproval.** The office of City Engineer must approve or ~~deny~~ **disapprove** a revised plan within 15 days of receipt, or it is deemed to be approved. If following commencement of a land-disturbing activity pursuant to an approved plan, the office of City Engineer determines that the plan is inadequate to meet the requirements of this chapter, the office of City Engineer may require any revisions as are necessary to comply with this chapter. Failure to approve, approve with modifications or disapprove a revised erosion control plan within 15 days of receipt shall be deemed approval of the plan.

(Ord. No. 00-155, §§ 5-6, passed 12-14-2000)

(F) Any plan submitted for a land-disturbing activity for which an environmental document is required by the North Carolina Environmental Policy Act (G.S. 113A-1 et seq.) shall be deemed incomplete until a complete environmental document is available for review. The city shall promptly notify the person submitting the plan that the 30-day time limit for review of the plan pursuant to subsection (E) of this section shall not begin until a complete environmental document is available for review.

(G) The plan required by this section shall contain architectural ~~and~~ **or** engineering drawings, maps, assumptions, calculations and narrative statements as needed to adequately describe the proposed development of the tract and the measures planned to comply with the requirements of this chapter. Plan content may vary to meet the needs of specific site requirements. Detailed guidelines for plan preparation may be obtained from the office of the City Engineer, on request.

(H) An erosion control plan may be disapproved upon a finding that an applicant, or a parent, subsidiary or other affiliate of the applicant:

(1) Is conducting or has conducted land-disturbing activity without an approved plan, or has received notice of violation of a plan previously approved by the Commission or a local government pursuant to the Act and has not complied with the notice within the time specified in the notice;

(2) Has failed to pay a civil penalty assessed pursuant to the Act or a local ordinance adopted pursuant to the Act by the time the payment is due;

(3) Has been convicted of a misdemeanor pursuant to G.S. 113A-64(b) or any criminal provision of a local ordinance adopted pursuant to the Act;

(4) Has failed to substantially comply with state rules or local ordinances and regulations adopted pursuant to the Act. For purposes of this subsection (H) an applicant's record may be considered for only the two years prior to the application date; or

(5) If implementation would result in a violation of rules adopted by the Environmental Management Commission to protect riparian buffers along surface waters under G.S. 113A-61(b1).

In the event that an erosion and sedimentation control plan or a transfer of a plan is disapproved by the City pursuant to subsection (H) of this section, the City shall so notify the Director of the Division of Energy, Mineral, and Land Resources within 10 days of the disapproval. The City shall advise the applicant or the proposed transferee and the Director in writing as to the specific reasons that the plan was disapproved. Notwithstanding the provisions of Section 9-8-18(A), the applicant may appeal the City's disapproval of the plan directly to the Commission.

(Ord. No. 06-50, §§ 6-8, passed 6-8-2006)

(I) Applications for amendment of an erosion control plan in written and/or graphic form may be made at any time under the same conditions as the original application. Until such time as the amendment is approved by the office of City Engineer, the land-disturbing activity shall not proceed except in accordance with the erosion control plan as originally approved.

(J) Any person engaged in land-disturbing activity who fails to file a sedimentation and erosion control plan and obtain a land-disturbing permit in accordance with this chapter, or who conducts a land-disturbing activity except in accordance with provisions of an approved plan, shall be deemed in violation of this chapter.

(Ord. No. 99-119, § 15, passed 9-9-1999)

(K) An approved land-disturbing permit and/or erosion control plan shall be valid for a period of ~~two~~ **three** years from the date of approval.

(Ord. No. 99-119, § 16, passed 9-9-1999)

(L) A copy of the erosion control plan for any land-disturbing activity that involves the utilization of ditches for the purpose of dewatering or lowering the water table must be forwarded to the Director of the Division of Water **Resources Quality**.

(Ord. No. 00-155, § 7, passed 12-14-2000)

(M) No person may initiate a land-disturbing activity until notifying the office of the City Engineer of the date that the land-disturbing activity will begin.

(Ord. No. 00-155, § 7, passed 12-14-2000)

(N) A plan issued under this article shall be prominently displayed until all construction is complete, all permanent sedimentation and erosion control measures are installed and the site has been stabilized. A copy of the approved plan should be kept on file at the job site.

(Ord. No. 06-50, § 9, passed 6-8-2006)

(O) The City Engineer shall only approve a plan upon determining that it complies with all applicable state and local regulations for erosion and sedimentation control. Approval assumes the applicant's compliance with the federal and state water quality laws, regulations and rules. The City Engineer shall condition approval of plans upon the applicant's compliance with federal and state water quality laws, regulations and rules. The City Engineer may establish an expiration date, not to exceed three years, for plans approved under this chapter.

(P) The City Engineer may transfer an erosion and sedimentation control plan approved pursuant to this section without the consent of the plan holder to a successor-owner of the property on which the permitted activity is occurring or will occur as provided in this subsection.

(1) The City Engineer may transfer a plan if all of the following conditions are met:

(a) The successor-owner of the property submits to the local government a written request for the transfer of the plan and an authorized statement of financial responsibility and documentation of property ownership.

(b) The City Engineer finds all of the following:

1. The plan holder is one of the following:

i. A natural person who is deceased.

ii. A partnership, limited liability corporation, corporation, or any other business association that has been dissolved.

iii. A person who has been lawfully and finally divested of title to the property on which the permitted activity is occurring or will occur.

iv. A person who has sold the property on which the permitted activity is occurring or will occur.

2. The successor-owner holds title to the property on which the permitted activity is occurring or will occur.

3. The successor-owner is the sole claimant of the right to engage in the permitted activity.

4. There will be no substantial change in the permitted activity.

(2) The plan holder shall comply with all terms and conditions of the plan until such time as the plan is transferred.

(3) The successor-owner shall comply with all terms and conditions of the plan once the plan has been transferred.

(4) Notwithstanding changes to law made after the original issuance of the plan, the City Engineer may not impose new or different terms and conditions in the plan without the prior express consent of the successor-owner. Nothing in this subsection shall prevent the City Engineer from requiring a revised plan pursuant to G.S. 113A-54.1(b).

(Ord. No. 98-7, passed 1-8-1998; Ord. No. 06-50, § 9, passed 6-8-2006)

SEC. 9-8-18 APPEALS.

(A) The disapproval or modifications of any proposed plan by the office of City Engineer shall entitle the person submitting the plan to a public hearing, if the person submits written demand to the City Manager for a hearing within 15 days after receipt of written notice of disapproval or modification.

(B) Hearings held pursuant to this section shall be conducted by the ~~Planning and Zoning Commission~~ **Board of Adjustment** ~~within 45 days after the date of the receipt of the written demand for a public hearing. The date of the public hearing shall be advertised once a week for two successive calendar weeks in a newspaper having general circulation. The notice shall be published the first time not less than 15 days nor more than 25 days before the date fixed for the hearing. Appeals requests to the Board of Adjustment shall be made pursuant to Title 9, Article S of the city code. The City Engineer shall transmit to the Board of Adjustment all documents constituting the record on which the decision appealed from was taken.~~

(C) The applicant requesting a public hearing under this section will be charged for the ~~hearing in accordance with the City of Greenville's Manual of Fees~~ **exact cost of the advertising charges plus \$5.**

~~(D) The Planning and Zoning Commission will render its final decision on any erosion control plan upon which a hearing is requested within 45 days of conducting the hearings.~~

(DE) If the ~~Planning and Zoning Commission~~ **Board of Adjustment** upholds the disapproval or modification of a proposed soil erosion and sedimentation control plan following the hearing, the person submitting the plan shall then be entitled to appeal the local government's decision to the North Carolina Sedimentation Control Commission as provided in G.S. 113A-61(c) of the General Statutes of North Carolina and Title 15A, NCAC 4B.0118(~~bd~~).

(EF) In the event that an erosion control plan is disapproved pursuant to section 9-8-17 (H), ~~the city shall notify the Director of Division of Land Resources of such disapproval within ten days. The city shall advise the applicant and the Director in writing as to the specific reasons that the plan was disapproved.~~ The applicant may appeal the city's disapproval of the plan pursuant to section 9-8-17 (H) directly to the Commission.

(Ord. No. 98-7, passed 1-8-1998)

SEC. 9-8-19 INSPECTIONS AND INVESTIGATIONS.

(A) The City Engineer and other appropriate officials of the city will periodically inspect land-disturbing activities to ensure compliance with the Act, this chapter, or rules or orders adopted or issued pursuant to this chapter, and to determine whether the measures required in the plan are effective in controlling erosion and sediment resulting from land-disturbing activity. Notice of the right to inspect shall be included in the notification of plan approval.

(B) No person shall willfully resist, delay or obstruct an authorized representative, employee or agent of the city while that person is inspecting or attempting to inspect a land-disturbing activity under this section.

(C) If it is determined that a person engaged in land-disturbing activity has failed to comply with the Act, this chapter, or rules or orders adopted or issued pursuant to this chapter; a notice of violation shall be served upon that person. The notice may be served by any means authorized under G.S. 1A-1, Rule 4. The notice shall specify a date by which the person must comply with this chapter, or rules or orders adopted pursuant to this chapter, and inform the person of the actions that need to be taken to comply with this chapter, or rules, or orders adopted pursuant to this chapter. However, no time period for compliance need be given for failure to submit an erosion control plan for approval or for obstructing, hampering or interfering with an authorized representative while in the process of carrying out his or her official duties. Any person who fails to comply within the time specified is subject to the civil and criminal penalties provided in this chapter.

(D) The city shall have the power to conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed in this chapter and, **who presents appropriate credentials** for this purpose, to enter at reasonable times upon any property, public or private, for the purpose of investigating and inspecting the sites of any land-disturbing activity.

(E) The city shall also have the power to require written statements or the filing of reports under oath with respect to pertinent questions relating to land-disturbing activity.

(Ord. No. 98-7, passed 1-8-1998)

SEC. 9-8-20 PENALTIES.

(A) Any person who violates any of the provisions of this chapter, or rules or orders adopted or issued pursuant to this chapter, or who initiates or continues a land-disturbing activity for which a plan is required except in accordance with the terms, conditions and provisions of an approved plan, is subject to a civil penalty. The maximum civil penalty for a violation, other than a stop-work order issued under G.S. 113A-65.1, is \$5,000 per day. The maximum civil penalty for a violation of a stop-work order is \$5,000. **A civil penalty may be assessed from the date of the violation. Each day of a continuing violation shall constitute a separate violation. When the person has not been assessed any civil penalty under this subsection for any previous violation, and that person abated continuing environmental damage resulting from the violation within 180 days from the date of the notice of violation, the maximum cumulative total civil penalty assessed under this subsection for all violations associated with the land-disturbing activity for which the erosion and sedimentation control plan is required is twenty-five thousand dollars (\$25,000).** No penalty shall be assessed until the person alleged to be in violation has been notified of the violation as provided in section 9-8-19(C). A civil penalty may be assessed from the date of the violation. Refusal to accept the notice or failure to notify the City Engineer of a change of address shall not relieve the violator's obligation to comply with this chapter or to pay such penalty. ~~Each day of continuing violation shall constitute a separate violation.~~ A person may also be assessed a one-time civil penalty of up to \$5,000 for the day the violation is first detected.

(Ord. No. 00-155, §§ 8–10, passed 12-14-2000)

(B) The person responsible for the violation of this chapter shall be subject to a civil penalty in the amount of \$100 to \$5,000 per day maximum for the first offense, \$250 to \$5,000 per day maximum for the second offense during the life of the project, and \$5,000 per day maximum for the third and subsequent offenses for the life of the project. The offenses shall be considered on a site-by-site basis. The penalty shall be established by the City Engineer, depending on the existence of aggravating and/or mitigating circumstances surrounding the violation. Violations of this type may include but are not limited to the following:

- (1) Grading without a permit issued by the city;
- (2) Grading beyond the limits of an existing grading permit without approval of an amended grading permit;
- (3) Failure to properly install or maintain erosion control measures in accordance with the approved plan so as to prevent off-site sedimentation;
- (4) Failure to retain sediment from leaving a land-disturbing activity, in accordance with the approved plan or other terms, as required by this chapter;
- (5) Failure to restore off-site areas affected by sedimentation during the time limitation established in a notice of violation;
- (6) Any other violation of this chapter which resulted in off-site sedimentation and, in the discretion of the City Engineer, warrants an assessment of a civil penalty;

(7) Failure to provide an angle on graded slopes sufficient to retain vegetative cover or other adequate erosion control devices or structures or failure to plant or otherwise provide with ground cover, devices or structures sufficient to restrain erosion within ~~15-working~~ **21 calendar** days of completion of any phase of grading on slopes left exposed;

(8) Failure to provide a ground cover sufficient to prevent erosion within ~~30-working days~~ **or 120 90** calendar days, following completion of construction or development, ~~whichever period is shorter;~~

(9) Failure to submit to the office of the City Engineer for approval an acceptable revised erosion and sedimentation control plan after being notified by the City Engineer of the need to do so;

(10) Failure to retain a buffer zone of sufficient width along a lake or natural watercourse to confine visible siltation within the 25% of the buffer zone nearest the land-disturbing activity;

(11) Failure to schedule and conduct a preconstruction meeting prior to any land-disturbing activity, as required on the approved plan; and/or

(12) Any other action that constituted a violation of this chapter.

(Ord. No. 00-155, § 11, passed 12-14-2000; Ord. No. 06-50, § 10, passed 6-8-2006)

(C) In determining the amount of the civil penalty, the City Engineer shall consider the following factors: the degree and extent of harm caused by the violation; ~~the risk to receiving watercourses;~~ the cost of rectifying the damage; whether the violator saved money by noncompliance; ~~whether the violator took reasonable measures to comply with the notice of violation;~~ whether the violation was committed willfully after being informed of the potential violation; and the prior record of the violator in complying or failing to comply with this chapter. The City Engineer is authorized to reduce the amount of the per diem penalty set out in subsection (B) above to take into account any relevant mitigating factors.

(Ord. No. 06-50, § 11, passed 6-8-2006)

(D) Notwithstanding any other provision of this chapter, no required time period need be given for compliance for failure to submit an erosion control plan and land-disturbing permit for greater than one acre before a land-disturbing activity occurs and the penalty for the commencement of the land-disturbing activity without submittal of such plan and permit shall be a minimum of \$500 and a maximum of \$5,000, if warranted, for the land-disturbing activity in question.

(Ord. No. 06-50, § 12, passed 6-8-2006)

(E) Any person who fails to protect adjacent properties from pollutants shall be subject to a civil action as provided in section 9-8-21. Civil penalties for pollutants leaving the construction site may be assessed based on those factors listed in subsection (C) of this section.

(Ord. No. 06-50, § 13, passed 6-8-2006)

(F) The City Engineer shall determine the amount of the civil penalty and shall notify the person who is assessed the civil penalty of the amount of the penalty and the reason for assessing

the penalty. The notice of assessment shall be served by any means authorized under G.S. 1A-1, Rule 4 and shall direct the violator to either pay the assessment, **request a remission of the amount of the assessment as specified in subsection (G)**, or contest the assessment as specified in subsection (~~HG~~). If a violator does not pay a civil penalty assessed by the City Engineer within ~~45~~ **30** days after it is due, **request a remission as provided in subsection (G)**, or does not request a hearing as provided in subsection (~~HG~~), the City Engineer shall request the City Attorney to institute a civil action to recover the amount of the assessment. The civil action may be brought in Pitt County Superior Court or in the Superior Court for the county where the violator's residence or principal place of business is located.

(G) A request for remission of a civil penalty imposed under G.S. 113A-64 may be filed with the Director of Engineering within 30 days of receipt of the notice of assessment. A remission request must be accompanied by a waiver of the right to a contested case hearing pursuant to Chapter 150B of the General Statutes and a stipulation of the facts on which the assessment was based. The following factors shall be considered in determining whether a civil penalty remission request will be approved:

- (1) Whether one or more of the civil penalty assessment factors in G.S. 113A-64(a)(3) were wrongly applied to the detriment of the petitioner.**
- (2) Whether the petitioner promptly abated continuing environmental damage resulting from the violation.**
- (3) Whether the violation was inadvertent or a result of an accident.**
- (4) Whether the petitioner had been assessed civil penalties for any previous violations.**
- (5) Whether payment of the civil penalty will prevent payment for necessary remedial actions or would otherwise create a significant financial hardship.**
- (6) The assessed property tax valuation of the petitioner's property upon which the violation occurred, excluding the value of any structures located on the property.**

(HG) A violator may contest the assessment of a civil penalty by submitting a written request for a review of the assessment by the ~~City Engineer Director of Public Works~~ to the ~~City Engineer~~ **Director of Engineering** within 15 days after receipt of the notice of assessment. Upon receipt of the written request, the City Engineer shall confer with the Director of ~~Public Works Engineering~~ concerning the civil penalty; and after the conference, the Director of ~~Public Works Engineering~~ shall notify the violator within ten days after receipt of the written request for a review whether the penalty has been upheld or modified. If the violator is not satisfied with the action of the Director of ~~Public Works Engineering~~, the violator may further contest the assessment by submitting a written demand for a public hearing before the Board of Adjustment to the ~~City Engineer~~ **Director of Engineering** and the Planning and Development Services Director within ~~45~~ **30** days after receipt of the initial notice of assessment from the City Engineer. **Appeals requests to the Board of Adjustment shall be made pursuant to Title 9, Article S of the city code. A hearing on a civil penalty shall be conducted by the Board of Adjustment within 45 days after receipt of the written demand for the hearing. The Board of**

~~Adjustment shall make its decision to uphold or modify the civil penalty within 30 days after the date of the hearing.~~ An appeal from the decision of the Board of Adjustment shall be to the Superior Court of Pitt County.

(~~I~~H) A civil action **to recover the amount of the assessment** must be filed within three years of the date the assessment was due. An assessment that is not contested is due when the violator is served with a notice of assessment. An assessment that is contested is due at the conclusion of the administrative and judicial review of the assessment.

(~~J~~I) Civil penalties collected pursuant to this chapter shall be credited to the Civil Penalty and Forfeiture Fund **in accordance with G.S. 115C-457.2. Penalties collected by the City may be diminished only by the actual costs of collection. The collection cost percentage to be used shall be established and approved by the North Carolina Office of State Budget and Management on an annual basis, based upon the computation of actual collection costs by the City for the prior fiscal year.**

(Ord. No. 06-50, § 14, passed 6-8-2006)

(~~K~~J) Any person who knowingly or willfully violates any provisions of this chapter or who knowingly or willfully initiates or continues a land-disturbing activity for which a plan is required, except in accordance with the terms, conditions, and provisions of an approved plan, shall be guilty of a Class 2 misdemeanor and may be subject to a fine not to exceed \$5,000 **in accordance with G.S. 113A-64.**

(~~L~~K) A violation of this chapter that is not knowing or not willful shall not constitute a misdemeanor or infraction punishable under North Carolina G.S. 14-4, but instead shall be subject to the civil penalties provided in this section.

(Ord. No. 98-7, passed 1-8-1998; Ord. No. 99-119, § 17, passed 9-9-1999; Ord. 19-045, § 1, passed 9-12-2019)

CHAPTER 9: STORMWATER MANAGEMENT AND CONTROL

Section

9-9-8 ~~Best management practices (BMPs)~~ **Stormwater Control Measures (SCMs)** and maintenance

9-9-12 ~~New subdivisions~~ **Drainage System Responsibility**

SEC. 9-9-3 DEFINITIONS.

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

~~Best management practices (BMPs)~~ **Stormwater Control Measures (SCMs)**. Structural and/or non-structural controls that temporarily store or treat stormwater runoff, which act to reduce flooding, remove pollutants, and provide other amenities.

Built-upon area (BUA). That portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel areas (e.g., roads, parking lots, paths), recreation facilities (e.g., tennis courts) and the like. (Note: wooden slatted decks and the water area of a swimming pool are considered pervious.)

City. The City of Greenville, North Carolina.

Detention facility (dry). A facility, constructed for the purpose of detaining stormwater runoff from a developed site to control the peak discharge rates, that is normally maintained as a dry basin.

Detention facility (wet). A facility, constructed for the purpose of detaining stormwater runoff from a developed site to control the peak discharge rates, that is normally maintained with a permanent pool of water.

Development approval. An administrative or quasi-judicial approval made pursuant to G.S. 160D-102 that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, variances, and certificates of appropriateness. The term also includes all other regulatory approvals required by regulations adopted pursuant to G.S. 160D-102, including plat approvals, permits issued, development agreements entered into, and building permits issued.

Ditch. An open channel constructed to transfer stormwater from one area to another. This does not include any open channel that is classified as a perennial or intermittent stream **or a swale**.

Drainage easement. The land required for the installation of stormwater drainage facilities and/or along a natural stream or watercourse for preserving the channel and providing access for maintenance and operation.

Drainage facilities. All ditches, channels, conduits, retention-detention systems, tiles, swales, sewers, and other natural or artificial means of draining stormwater from land.

Drainage requirements.

- (1) Minimum drainage standards as established by this chapter;
- (2) Regulations promulgated by the ~~Public Works~~ **Engineering** Department of the city;
- (3) Obligations and requirements relating to drainage established under the Subdivision Control Ordinance of the city, as set forth in Title 9, Chapter 5;
- (4) Requirements stated under the Zoning Ordinance of the city as set forth in Title 9, Chapter 4, including floodway zoning requirements; and
- (5) Conditions relating to drainage attached to a grant of variance by the Board of Adjustment of the city.

Drainage (subsurface). A system of pipes, tile, conduit or tubing installed beneath the ground surface used to collect underground water from individual parcels, lots, building footings or pavements.

Drainage (surface). A system by which the stormwater runoff is conducted to an outlet. This would include the proper grading of parking lots, streets, driveways and yards so that stormwater runoff is removed without ponding and flows to a drainage swale, open ditch or a storm sewer.

Drainage (swale). A natural or constructed waterway, usually broad and shallow, covered with erosion-resistant grasses, used to conduct surface water from a field, diversion or other site feature.

Drainage system. Any combination of surface and/or subsurface drainage components fulfilling the drainage requirements of this chapter.

Easement. A grant by the property owner of the use of a strip of land by the public, a corporation, or persons, for specified purposes.

Engineer. The City Engineer of the City of Greenville, North Carolina.

Extraterritorial jurisdiction. The area beyond the city limits within which the planning, zoning and building regulations of the city apply in accordance with state law. The area is delineated on the official zoning map for the city.

Impervious surfaces. Those areas within developed land that prevent or significantly impede the infiltration of stormwater into the soil. Common “impervious surfaces” include but are not limited to roof tops, sidewalks, walkways, patio areas, roads, driveways, parking lots, storage areas, brick or concrete pavers, compacted gravel surfaces (roads, driveways, parking and storage areas), and other surfaces which prevent or significantly impede the natural infiltration of stormwater into the soil.

Illicit connection. Any unlawful connection that allows the discharge of non-stormwater to the stormwater conveyance system or waters of the state in violation of this chapter.

Illicit discharge. Any unlawful disposal, placement, emptying, dumping, spillage, leakage, pumping, pouring, emission or other discharge of any substance other than stormwater, unless associated with permitted activity as identified in section 9-9-16(A), into a stormwater

conveyance, the waters of the state, or upon the land in such proximity to the same, such that the substance is likely to reach a stormwater conveyance or the waters of the state.

Jurisdictional stream. A stream that has been determined to be either permanent or intermittent by North Carolina ~~Division of Environment and Natural Resources~~ **Department of Environmental Quality**. These features have flora and fauna that are characteristic of streams in undeveloped areas.

Land-disturbing activity. Any use of the land by any person in residential, industrial, educational, institutional or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation.

Land preservation. The permanent dedication of development rights for conservation purposes to a third party on currently undeveloped property contained wholly within one parcel as registered with Pitt County or a portion of a developed parcel that is permanently dedication to a third party for conservation purposes.

Maintenance. Cleaning, spraying, removing obstructions from and making minor repairs to a drainage facility so that it will perform the function for which it was designed and constructed.

Manual of Standard Designs and Details (MSDD). The most current published version of the City's Manual of Standard Designs and Details approved by the City Engineer.

Municipal separate storm sewer system (MS4). A stormwater conveyance or unified stormwater conveyance system (including without limitation: roads with drainage systems, municipal streets, catch basins, stormwater detention facilities, curbs, gutters, ditches, natural or man-made channels, or storm drains), that:

- (1) Is located within the corporate limits of Greenville, North Carolina;
- (2) Is owned or operated by the state, county, the city or other public body; and
- (3) Discharges to waters of the state, excluding publicly owned treatment works, and lawful connections thereto, which in turn discharge into the waters of the state.

New development. The following:

- (1) Any activity including grubbing, stump removal and/or grading that disturbs greater than one acre of land to establish, expand or replace a single-family or duplex residential development or recreational facility. For individual single-family residential lots of record that are not part of a larger common plan of development or sale, the activity must also result in greater than 10% built-upon area.
- (2) Any activity including grubbing, stump removal and/or grading that disturbs greater than one-half an acre of land to establish, expand or replace a multi-family residential development or a commercial, industrial or institutional facility.
- (3) Projects meeting subsection (1) or (2) above that replace or expand existing structures or improvements and that do not result in a net increase in built-upon area shall not be required to meet the basinwide average non-urban loading levels.

(4) Projects meeting subsection (1) or (2) above that replace or expand existing structures or improvements and that result in a net increase in built-upon area shall achieve a 30% reduction in nitrogen loading and no increase in phosphorus loading relative to the previous development. Such projects may achieve these loads through onsite or offsite measures or some combination thereof.

(5) New development shall not include agriculture, mining, or forestry activities.

Non-jurisdictional stream. A stream that has been determined to be neither permanent nor intermittent by North Carolina ~~Division of Environment and Natural Resources~~ **Department of Environmental Quality**. These features do not have the flora and fauna that are characteristic of streams in undeveloped areas.

NPDES or National Pollutant Discharge Elimination System. A Federal Environmental Protection Agency program initiated to reduce and eliminate pollutants reaching water bodies of all types.

Open channel. A drainage channel, which may or may not have a continuous water flow. Intended to convey surface, subsurface and stormwater runoff.

Pollution. A man-made or man-induced alteration of the chemical, physical, biological, thermal, and/or radiological integrity of water.

Public Drainage. Any portion of the stormwater drainage system that conveys “public runoff” as defined in this section, excluding stormwater control measures and detention facilities not owned or operated by the city.

Public runoff. Stormwater runoff wholly or partially from publicly owned rights-of-way, owned or operated by the city or North Carolina Department of Transportation (NCDOT), and from city-owned property.

Qualified professional. An individual who both: has received a baccalaureate or postgraduate degree in the natural sciences or engineering; and is trained and experienced in stormwater treatment techniques and related fields as may be demonstrated by state registration, professional certification, or completion of coursework that enable the individual to make sound, professional judgments regarding stormwater control/treatment and drainage planning.

Redevelopment. Any rebuilding activity other than a rebuilding activity that:

- (1) Results in no net increase in built-upon area; and
- (2) Provides equal or greater stormwater control than the previous development.

Registered professional. An individual who is registered in the State of North Carolina as a professional engineer.

Riparian buffer. The 50-foot wide area directly adjacent to surface waters in the Tar-Pamlico and Neuse River Basins (intermittent streams, perennial streams, lakes, ponds and estuaries), excluding wetlands. For the purpose of this definition, a surface water shall be present if the feature is approximately shown on either the most recent version of the soil survey map by the Natural Resources Conservation Service of the United States Department of Agriculture or the

most recent version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS).

Stormwater. The runoff from precipitation that travels over natural or developed surfaces to the nearest stream, other conduit, or impoundment and appears in lakes, rivers, ponds, or other bodies of water.

Stormwater and drainage systems. Natural and structural channels, swales, ditches, swamps, rivers, streams, creeks, branches, reservoirs, ponds, drainage ways, inlets, catch basins, pipes, head walls, storm sewers, lakes, and other physical works, properties, and improvements which transfer, control, convey or otherwise influence the movement of stormwater runoff.

Stormwater management programs. Programs designed to protect water quality by controlling the level of pollutants in, and the quantity and flow of, stormwater.

Swale. A natural or constructed waterway, usually broad and shallow, covered with erosion-resistant grasses, used to convey surface water from a field, diversion or other site feature.

(1) A swale for the sole purpose of conveyance shall have characteristics as identified in the MSDD.

(2) A treatment swale for the purpose of water quality treatment shall be classified as a Stormwater Control Measure and shall meet the minimum design criteria as established in 15A NCAC 2H .1061.

Vegetated conveyance. Has the same meaning as in 15A NCAC 02H .1002(52)

Waters of the state. Any stream, river, brook, swamp, lake, sound, tidal estuary, bay, creek, reservoir, waterway, or other body or accumulation of water, whether surface or underground, public or private, or natural or artificial, that is contained in, flows through, or borders upon any portion of this state, including any portion of the Atlantic Ocean over which the state has jurisdiction. Treatment systems, consisting of man-made bodies of water, which were not originally created in waters of the state and which are not the result of impoundment of waters of the state, are not “waters of the state.”

(Ord. No. 04-112, passed 9-9-2004; Ord. No. 11-006, § 2, passed 1-13-2011; Ord. No. 21-032, § 1, passed 6-21-2021)

SEC. 9-9-6 PROTECTION OF RIPARIAN AREAS.

(A) The Tar-Pamlico riparian buffer protection rule, 15A NCAC 2B .0259 requires that 50-foot riparian buffers be maintained on all sides of intermittent and perennial streams, ponds, lakes and estuarine waters in the basin. The buffer rule provides for certain “allowable” uses within the buffer with Division of Water **Quality Resources** approval, such as road and utility crossings.

(B) The city shall disapprove any new development activity proposed within the first 50 feet adjacent to a waterbody that is shown on either the USGS 7.5 minute topographic map or the

NRCS soil survey map unless the owner can show that the activity has been approved by Division of Water **Quality Resources**. Division of Water **Quality Resources** approval may consist of the following:

- (1) An on-site determination that surface waters are not present;
 - (2) An authorization certificate from Division of Water **Quality Resources** for an “allowable” use such as a road crossing or utility line, or for a use that is “allowable with mitigation” along with a Division-approved mitigation plan. A table delineating such uses is included in the buffer rule;
 - (3) An opinion from Division of Water **Quality Resources** that vested rights have been established for the proposed development activity; and/or
 - (4) A letter from Division of Water **Quality Resources** documenting that a variance has been approved for the proposed development activity.
- (C) After site development, it shall be the responsibility of the landowner or person in possession or control of the land to properly maintain all necessary permanent erosion and sediment control measures installed for the protection of the riparian buffers.

(Ord. No. 04-112, passed 9-9-2004)

SEC. 9-9-8 ~~BEST MANAGEMENT PRACTICES (BMPS) STORMWATER CONTROL MEASURES (SCMS) AND MAINTENANCE.~~

(A) ~~Best management practices~~ **Stormwater Control Measures** in any new development shall be the entire and sole responsibility of the landowner except those natural streams, channels, ditches, branches and drainage outfall lines for which the city has accepted the responsibility for continuous maintenance.

(B) For residential (or commercial or industrial) development:

(1) If the computed nitrogen export is greater than 6.0 (or 10.0) lbs/ac/yr, then the landowner must either use on-site **BMPs SCMs** or take part in an approved regional or jurisdiction-wide stormwater strategy or some combination of these to lower the nitrogen export to at least 6.0 (or 10.0) lbs/ac/yr. The owner may then use one of the following two options to reduce nitrogen from 6.0 (or 10.0) to 4.0 lbs/ac/yr.

(2) If the computed nitrogen export is greater than 4.0 lbs/ac/yr but less than 6.0 (or 10.0) lbs/ac/yr, then the owner may either:

(a) Install **BMPs SCMs** on-site or take part in an approved regional or jurisdiction-wide stormwater strategy or some combination of these to remove nitrogen down to 4.0 lbs/ac/yr; or

(b) Provide treatment of an off-site developed area that drains to the same stream to achieve the same nitrogen mass loading reduction that would have occurred on-site.

(3) The landowner must install **BMPs SCM**s that also achieve a phosphorus export of less than or equal to 0.4 lbs/ac/yr, but may do so through any combination of on-site and off-site measures.

(C) Each **BMP SCM** shall be constructed to meet the requirements of the city's Stormwater Management Program and shall have a maintenance plan.

(D) Each maintenance plan shall be on file in the office of the City Engineer. Maintenance plans must be on file prior to construction and shall contain the following information:

(1) Owner's name or names;

(2) Owner's mailing address;

(3) Deed book, page number or other recording information for the land containing the **BMP(s)-SCM(s)**;

(4) Any easements for maintenance, ingress, egress and regress to the **BMP(s) SCM(s)**;

(5) A description of the **BMP(s)-SCM(s)**;

(6) Maintenance recommended for the **BMP(s) SCM(s)** to achieve the maximum effect; and

(7) Notarized signature of the owner of the **BMP(s) SCM(s)** and statement that the owner understands the requirements of the rules and regulations for the **BMP(s)-SCM(s)**.

(E) Each **BMP SCM** shall be maintained as required in the maintenance plan as to allow the **BMP SCM** to achieve its maximum effect. Maintenance is to be performed as needed.

(F) Maintenance of the **BMP SCM** includes maintaining access for the stormwater to reach and leave the **BMP-SCM**, maintenance of the **BMP SCM** structure itself, and maintaining access to the **BMP SCM** for the purpose of inspections, maintenance and repairs.

(G) An annual maintenance and inspection report completed by a qualified professional shall be maintained by the owner for each **BMP SCM** in accordance with the operation and maintenance agreement submitted in the initial plan submittal. The annual report will describe the maintenance and repair activities of the subject year, including copies of inspection and repair logs, and note any needed modifications to the repair plan for the following year. Annual reports shall be kept on record for a minimum of five years and shall be made available to the city upon request.

(H) All **BMP(s) SCM(s)** shall be inspected annually by the city. If repairs or maintenance to the **BMP SCM** is required, the city will notify the property owner in writing that maintenance is required. The owner will have 90 days from the receipt of such written notice to bring the **BMP SCM** into proper working order.

(I) If any person, having been ordered to perform such maintenance, fails, neglects or refuses to perform the maintenance within 90 days from receipt of the order, the **Public Works Director of Engineering** shall, at his or her own discretion, have employees of the city or other designated persons go upon said premises and perform the necessary maintenance.

(J) The cost of repairs and work completed by the city shall be the responsibility of the owner. The city will submit a statement of charges to be reimbursed by the owner. The owner shall have 30 days to remit payment.

(Ord. No. 04-112, passed 9-9-2004)

SEC. 9-9-12 ~~NEW SUBDIVISIONS. DRAINAGE SYSTEM RESPONSIBILITY.~~

~~—Storm drainage systems in any new subdivision shall be the entire and sole responsibility of the developer except those natural streams, channels, ditches, branches and drainage outfall lines for which the city has accepted the responsibility for continuous maintenance. All new subdivisions shall have drainage systems installed by the developer in accordance with Title 9, Chapter 5 of this Code. Any drainage ditch in a new subdivision that will require a 48-inch diameter or smaller pipe must be piped. Larger ditches may be left open. The required pipe size shall be as determined by the engineer for the developer and approved by the City Engineering Division.~~

(A) Storm drainage systems shall be the entire and sole responsibility of the property owner except those natural streams, channels, ditches, branches and drainage outfall lines that carry public runoff for which the city has accepted the responsibility for continuous maintenance. All new subdivisions shall have drainage systems installed by the developer in accordance with Title 9, Chapter 5 of this Code.

(B) Any drainage ditch in a new development that conveys public runoff and will require a 48-inch diameter or smaller pipe must either be piped or designed and constructed to the standards as established in 15A NCAC 2H .1003(2)(c) for vegetated conveyances as part of a low-density development or 15A NCAC 2H .1061 for treatment swales. The required pipe size shall be as determined by the engineer for the developer and approved by the Stormwater Administrator.

(C) Vegetated conveyances subject to 15A NCAC 2H .1003(2) shall be the entire and sole responsibility of the property owner and shall have a maintenance plan and agreement on file in the office of the Stormwater Administrator per Section 9-9-8.

(Ord. No. 04-112, passed 9-9-2004; Ord. No. 11-006, § 3, passed 1-13-2011)

SEC. 9-9-13 DRAINAGE PROJECTS LOCATED OUTSIDE OF CITY-OWNED RIGHTS-OF-WAY.

(A) Drainage projects on ditches or non-jurisdictional streams; piping. The city will participate with property owners in the installation of storm drains crossing private property in other than new subdivisions within the city's corporate limits under the following conditions:

(1) The storm drain to be installed will carry stormwater discharged from an existing city or state street or streets dedicated for public street purposes, including alleys, and accepted for maintenance by the city or state. Storm drainage systems not meeting this requirement are the responsibility of the property owner(s) and the city will not participate in the installation of such storm drains.

(2) An application for the installation of storm drains must be signed by 100% of the owners of the affected property within the limits of the proposed project and submitted to the City Engineering ~~Division~~ **Department**.

(3) The property owners must dedicate a drainage easement of a width, length, and type as specified by the Director of ~~Public Works Engineering~~. The dedication of such easement will be at no cost to the city.

(4) The shortest distance in which the city will participate in the installation of storm drainage will be 300 linear feet; any shorter distances than 300 linear feet must be deemed feasible by the City Engineering ~~Division~~ **Department** before city participation.

(5) All pipe sizes, structural accessories, discharge points and other specifications shall be as determined by the City Engineering ~~Division~~ **Department**.

(6) The city will furnish all labor and equipment and the adjoining property owners will pay for all materials for construction. These materials shall be as determined necessary by the City Engineering ~~Division~~ **Department** and shall include headwalls, manholes, catch basins and all other structures normal to a complete storm drainage system. All monies for materials must be deposited by property owners before construction is started.

(7) All authorized work shall be performed by the city, its agents and/or contractors. The city will direct all necessary activities including but not limited to design, engineering, contracting, and construction.

(8) Nothing in this subsection (A) shall be construed, interpreted or applied in a manner to mean that the city will participate in any way in the construction of any box culvert or other structure to be built or constructed in place. The piping of streams shall be restricted in all instances to that drainage where pre-cast or preassembled pipe will be of sufficient capacity, as calculated by the City Engineering Department, for the piping and enclosing herein mentioned and contemplated.

(9) Cost for each property owner shall be determined by dividing the total cost of materials by the total footage of property owners adjoining the proposed pipe locations directly and multiplying the result by the footage of each individual owner to determine his share of the cost.

(10) All storm drainage construction on private property shall be done on a scheduled basis so as not to interfere with other city projects and then only as budgeted funds of the city are available.

(11) The city will not participate in the construction of any storm drainage systems which will require a pipe size larger than 48 inches due to the greatly increased cost of labor, equipment and engineering required due to the use of box culverts, paved channels and other types of solutions.

(B) Drainage projects on ditches or non-jurisdictional streams; erosion. The city will stabilize banks on ditches or non-jurisdictional streams crossing private property in other than new subdivisions within the city's corporate limits under the following conditions:

(1) The ditch or non-jurisdictional stream carries stormwater discharged from an existing city or state street or streets dedicated for public street purposes, including alleys, and accepted for maintenance by the city or state. Storm drainage systems not meeting this requirement are the responsibility of the property owner(s) and the city will not participate in such drainage projects.

(2) An application for bank stabilization must be signed by 100% of the owners of the affected property within the limits of the proposed project and submitted to the City Engineering ~~Division~~ **Department**.

(3) The property owners must dedicate a drainage easement of a width, length, and type as specified by the Director of ~~Public Works-Engineering~~. The dedication of such easement will be at no cost to the city.

(4) Materials and construction methods shall be as determined necessary by the City Engineering ~~Division~~ **Department**. All authorized work shall be performed by the city, its agents and/or contractors. The city will direct all necessary activities including but not limited to design, engineering, contracting, and construction.

(5) All drainage projects on private property shall be done on a scheduled basis so as not to interfere with other city projects and then only as budgeted funds of the city are available.

(C) Drainage projects on jurisdictional streams; piping. The city will not participate in the piping of jurisdictional streams.

(D) Drainage projects on jurisdictional streams; erosion. The city will stabilize or restore banks crossing private property in other than new subdivisions within the city's corporate limits under the following conditions:

(1) The jurisdictional stream carries stormwater discharged from an existing city or state street or streets dedicated for public street purposes, including alleys, and accepted for maintenance by the city or state. Storm drainage systems not meeting this requirement are the responsibility of the property owner(s) and the city will not participate in such drainage projects.

(2) An application for bank stabilization or stream restoration must be signed by 100% of the owners of the affected property within the limits of the proposed project.

(3) The property owners must dedicate a drainage easement of a width, length, and type as specified by the Director of ~~Public Works-Engineering~~. The dedication of such easement will be at no cost to the city.

(4) Materials and construction methods shall be as determined necessary by the City Engineering ~~Division~~ **Department**. All authorized work shall be performed by the city, its agents and/or contractors. The city will direct all necessary activities including but not limited to design, engineering, contracting, and construction.

(5) All drainage projects on private property shall be done on a scheduled basis so as not to interfere with other city projects and then only as budgeted funds of the city are available.

(E) Drainage assistance projects listed in subsections (A), (B) and (D) above may be funded with stormwater utility funds or other funds provided that all of the following eligibility criteria are met:

(1) The drainage system is not part of a water quality treatment facility or water quantity control device that was required to be constructed and maintained as part of an approved development.

(2) The drainage system is not located on property which is undergoing development or redevelopment unless the development/redevelopment project is funded in part by other city funds.

(3) The project shall be the most cost effective, reasonable and practical alternative to correct the existing problem, as determined by the Director of ~~Public Works Engineering~~. Any excess costs above the determined most cost effective, reasonable and practical alternative shall be borne entirely by the property owner. Design criteria shall meet, but are not limited to, the following criteria:

(a) The proposed project shall meet current city stormwater design standards to the maximum extent practical;

(b) Existing ditches or non-jurisdictional streams shall not be piped unless engineering reasons require such work or significant cost savings would be realized; and

(c) Jurisdictional streams and their associated buffers shall be protected to the maximum extent practical.

(4) The application of the above factors and the determination as to eligibility for stormwater utility funding or other funding shall be made by the Director of ~~Public Works Engineering~~. Property owners may appeal any decision by the Director of ~~Public Works Engineering~~ to the City Manager. If property owners are not satisfied with the decision of the City Manager, property owners may appeal any decision by the City Manager to City Council.

(F) Storm drainage crossing private property, which does not carry storm drainage from existing city or state system streets, dedicated for public street purposes and accepted for maintenance by the city or state, is the responsibility of the property owners and the city will not participate in the installation of storm drains therefore.

(G) No action or inaction of the city pursuant to the policy established by this section shall impose upon the city, its agents, officers or employees any responsibility of liability of any kind, past or future, relating to any person or property. The petitioners shall agree to covenant to and hold the city harmless from any death, personal injury or property damage resulting from the work. No such action by the city shall be considered as a taking or appropriation of any stream, drain or ditch as a part of the city's drainage system.

(H) The conditions set forth in this section shall be binding on the heirs, successors, assigns and grantees of the property owners.

(I) Nothing in this section shall be construed, interpreted or applied in such manner as to aid or assist in the subdivision or development of property in the city. The policy set out herein shall be applicable only to those properties for which no new subdivision or development is anticipated or planned.

(J) The intent of this section is not to transfer responsibility or liability to the city for drainage system components on property not owned by the city that carry stormwater. Rather, it is to establish criteria and priorities to be used when making available funds for work on drainage system components located outside of city-owned rights-of-way.

(K) City participation in work on drainage system components outside of the right-of-way is limited to the extent to which funds are available for such purpose and no entitlement to receive funds for such work arises from this section.

(Ord. No. 11-006, § 4, passed 1-13-2011)

SEC. 9-9-16 ILLICIT DISCHARGES AND CONNECTIONS.

(A) Illicit discharges.

(1) No person shall cause or allow the discharge, emission, disposal, pouring or pumping directly or indirectly to any stormwater conveyance, the waters of the state, or upon the land in such proximity to the same (such that the substance is likely to reach a stormwater conveyance or the waters of the state), of any fluid, solid, gas or other substance, other than stormwater; provided that non-stormwater discharges associated with the following activities are allowed and provided that they do not significantly impact water quality:

- (a) Filter backwash and draining associated with swimming pools;
- (b) Filter backwash and draining associated with raw water intake screening and filtering devices;
- (c) Condensate from residential or commercial air conditioning;
- (d) Residential vehicle washing;
- (e) Flushing and hydrostatic testing water associated with utility distribution systems;
- (f) Discharges associated with emergency removal and treatment activities, for hazardous materials, authorized by the federal, state or local government on-scene coordinator;
- (g) Uncontaminated ground water (including the collection or pumping of springs, wells, or rising ground water and ground water generated by well construction or other construction activities);
- (h) Collected infiltrated stormwater from foundation or footing drains;
- (i) Collected ground water and infiltrated stormwater from basement or crawl space pumps;
- (j) Irrigation water;
- (k) Street wash water;
- (l) Flows from fire fighting;

- (m) Discharges from the pumping or draining of natural watercourses or waterbodies;
- (n) Flushing and cleaning of stormwater conveyances with unmodified potable water;
- (o) Wash water from the cleaning of the exterior of buildings, including gutters, provided that the discharge does not pose an environmental or health threat; and
- (p) Other non-stormwater discharges for which a valid NPDES discharge permit has been approved and issued by Department of Environmental **Management Quality**, and provided that any such discharges to the Municipal Separate Storm Sewer System shall be authorized by the city.

(2) Prohibited substances include but are not limited to: oil, anti-freeze, chemicals, animal waste, paints, garbage and litter.

(B) Illicit connections.

(1) Connections to a stormwater conveyance or stormwater conveyance system that allow the discharge of non-stormwater, other than the exclusions described in subsection (A) above, are unlawful. Prohibited connections include but are not limited to: floor drains, waste water from washing machines or sanitary sewers, wash water from commercial vehicle washing or steam cleaning, and waste water from septic systems.

(2) Where such connections exist in violation of this section and the connections were made prior to the adoption of this provision or any other ordinance prohibiting such connections, the property owner or the person using the connection shall remove the connection within one year following application of this regulation; provided that this grace period shall not apply to connections which may result in the discharge of hazardous materials or other discharges which pose an immediate threat to health and safety, or are likely to result in immediate injury and harm to real or personal property, natural resources, wildlife or habitat.

(3) Where it is determined that the connection:

(a) May result in the discharge of hazardous materials or may pose an immediate threat to health and safety, or is likely to result in immediate injury and harm to real or personal property, natural resources, wildlife or habitat; or

(b) Was made in violation of any applicable regulation or ordinance, the City Engineer or his or her designee shall designate the time within which the connection shall be removed. In setting the time limit for compliance, the city shall take into consideration:

1. The quantity and complexity of the work;
2. The consequences of delay;
3. The potential harm to the environment, to the public health, and to public and private property; and
4. The cost of remedying the damage.

(C) Spills.

(1) Spills or leaks of polluting substances discharged to, or having the potential to be indirectly transported to the stormwater conveyance system, shall be contained, controlled, collected and removed promptly. All affected areas shall be restored to their preexisting condition.

(2) Persons associated with the spill or leak shall immediately notify the City Fire Chief or his or her designee of all spills or leaks of polluting substances. Notification shall not relieve any person of any expenses related to the restoration, loss, damage or any other liability which may be incurred as a result of the spill or leak, nor shall such notification relieve any person from other liability which may be imposed by state or other law.

(D) Nuisance. Illicit discharges and illicit connections which exist within the city limits or within one mile thereof are hereby found, deemed and declared to be dangerous or prejudiced to the public health or public safety and are found, deemed and declared to be public nuisances. Such public nuisances shall be abated in accordance with the procedures set forth in section 12-3-4.

(Ord. No. 04-112, passed 9-9-2004)

TITLE 11 LICENSING AND REGULATORY

CHAPTER 1: VEHICLES FOR HIRE

SEC. 11-1-1 DEFINITIONS.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Call or demand. transportation arrangements made indiscriminately and instantaneously with a request for service which shall include, but not limited to, the hailing of a taxicab or pedicab made from a public street location, airport terminal roadway, or public vehicular area as the pickup. No vehicle for hire other than a taxicab or pedicab shall engage in cruising or be operated on “call or demand”.

Certificate. A certificate of public convenience and necessity which has been issued to a holder in accordance with the provisions of this chapter, unless otherwise defined herein.

Chief of Police. Chief of police or designee.

Contract vehicle. Any passenger vehicle for hire that provides contract transportation to passengers for compensation by written prearrangement with a business, facility, institution or group. The “contract vehicle” for hire does not accept other passengers indiscriminately between points along streets, roads and highways and does not accept compensation from any passenger. No “contract vehicle” shall engage in cruising or be operated on call or demand.

Cruising. The operation of a vehicle on the streets of the city in search of or soliciting prospective passengers for hire. No passenger vehicle for hire, other than a taxicab or pedi-cab, shall engage in cruising or be operated on call or demand.

Driver’s permit. The license issued to any person to enable that person to operate a taxicab vehicle upon the streets of the City of Greenville.

Exclusive-ride service. The operation of a taxicab by transporting one passenger, or a group of passengers, from one trip origin to one destination and not allowing additional passengers to board until the prescribed destination is reached.

For-hire vehicle. Any motor vehicle or non-motorized vehicle including, but not limited to, full sized station wagon, transport vehicle, handicap accessible transport vehicle or van style vehicle, used for the purpose of transporting passengers for a set charge or fee, based upon the origin or destination requested. For-hire vehicle services shall be prearranged and not on demand. For purposes of this chapter, “for-hire vehicles” also shall include such vehicles that accept donations and do not have a set rate charge. For the purpose of this chapter, the term “for-hire vehicle” shall not include “medical transport” or “private ambulance” as herein defined. For the purposes of this chapter, all “for-hire vehicles” shall be required to possess a privilege license.

Holder. An individual(s), trustee, fiduciary, corporation, partnership, or other entity to whom a certificate of public convenience and necessity has been issued in accordance with the provisions of this chapter, unless otherwise defined herein.

Limousine. Any motor vehicle that meets the manufacturer’s specifications for a luxury limousine and that provides limousine service as defined in this section. Every “limousine” shall have a minimum of four seats or one continuous sofa-styled seating area located behind the operator of the vehicle. No “limousine” shall engage in cruising or be operated on call or demand.

Limousine company. Any passenger vehicle for hire company issued a company operating certificate that engages in the business of operating limousines or providing limousine service as an owner or franchisor.

Limousine sedan. Those vehicles that provide executive transportation services and are necessarily limited to full-sized luxury sedans.

Limousine service. The service regularly rendered to the public, not over fixed routes, which furnishes transportation by limousines for hire, based on a fee determined by increments of time and contracted for by telephone or other prearrangement with a limousine company.

Low-speed vehicle taxicab. A four-wheeled electric vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour that transports persons for compensation. Unless a specific ordinance applies herein, a low-speed vehicle shall follow all provisions of this chapter related to taxicabs.

Low-speed vehicle taxicab company. A person who applies for and is issued a public certificate of convenience and necessity issued in accordance with this chapter that engages in the business of operating a low-speed vehicle taxicab service as an owner or franchisor.

Manifest. A daily record, prepared by the owner, of all trips made by the taxicab(s) which the owner operates, showing time and place of origin and destination of each trip and the amount of fare.

Medical transport or private ambulance. Those vehicles designed to carry medical patients requiring special medical equipment including but not limited to oxygen, intravenous systems or ventilators, stretcher or bed bound patients, using trained emergency medical technicians or paramedics to transport and care for those in their care and licensed by the North Carolina Department of Health and Human Services pursuant to G.S. Ch. 131E, Art. 7.

Owner/holder. Any person, firm or corporation to whom a certificate of public convenience and necessity has been issued under this chapter.

Pedi-cab. Any business or individual who operates a small-scale local means of transport that is human powered but also may be powered in whole or part by an electric or small gasoline motor.

Privilege license. The business license required and issued to all businesses that operate within the City of Greenville.

Shared-ride service. The operation of a taxicab by transporting passengers from one or several different origins to one or several different destinations, not necessarily using the most direct route, but using a route that will allow the driver to deviate in order to pick up or discharge passengers other than, and in addition to, the first or original passenger.

Shuttle van. Any passenger vehicle for hire that provides shuttle transportation to passengers to or from prescribed locations such as hotels, motels, shopping centers, schools to after school daycare, business or commercial buildings, stadiums, convention center or theaters by prearrangement for a fee, pursuant to a contract or agreement, and that does not accept or discharge passengers indiscriminately between prescribed locations. No “shuttle van” shall engage in cruising or be operated on call or demand. Shuttle service charges may not be collected from the passenger.

Taxicab. Includes any motor driven vehicle, seating nine or fewer passengers, for which public patronage is solicited and which calculates the fare by means of the schedule of fares as approved by the City Council. For the purposes of this chapter, the term “taxicab” shall not include “limousine” or “for-hire vehicle” but shall include pedi-cab and low-speed vehicle taxicab as herein separately defined.

Taxicab inspector. The person designated by the Chief of Police or designee who is charged with the duties required under this chapter, including the inspection and licensing of taxicabs and the drivers thereof.

Taxi stand. Such places and locations as designated by the City Manager, Director of **Public Works Engineering** and Chief of Police or their designees as locations where only taxicabs or pedi-cabs may stand or park awaiting passengers on demand for pickup or discharge.

Taxi Fare Service Zones. The map used to reflect the zones in which the corporate limits of the City of Greenville is divided and shall designate the applicable rate for each zone and as set out in the Manual of Fees for the City of Greenville.

Taxi service or limousine service. The holder of one of the certificates of public convenience and necessity issued under this chapter.

Tobacco, tobacco products. Cigarettes, pipes, cigars, smokeless tobacco, snuff, and chewing tobacco.

Transport services. Contract vehicles for hire, vehicles for hire that carry 15 passengers or less, or for-hire vehicles that carry persons with disabilities exclusively. “Transport services” do not accept passengers indiscriminately between points along streets, roads and highways and do not accept compensation directly from any passenger. Unless under written contract or agreement with a restaurant, club or other business, no “transport service” may wait outside a business to pick up passengers on a for-hire basis or donation basis. No contract vehicle shall engage in cruising or be operated on call or demand.

Wait or waiting time. The period of time consumed when a taxicab is not in motion at the direction of a passenger from the time of acceptance of a passenger to the time of discharge and also the time consumed while a driver is waiting for a passenger after having responded to a call; however, “wait” or “waiting time” shall not include and may not be charged for:

- (1) The time consumed by a premature response;
- (2) The first three minutes following the timely arrival in response to a call;
- (3) The delay caused by traffic interruption, traffic lights, accidents, railroad train crossing;

(4) The inefficiency of the driver; and/or

(5) Any other cause other than at the request, act, or fault of the passenger.

(Ord. No. 11-069, § 1, passed 11-17-2011; Ord. No. 21-060, § 1, passed 10-14-2021)

SEC. 11-1-6 TAXI STANDS.

(A) The City Manager, Director of ~~Public Works Engineering~~ and Chief of Police or their designees may elect to establish taxi stands. If such taxi stands are established, they shall be established jointly by these individuals or their designees.

(B) Taxis including pedi-cabs shall enter the designated taxi stands from the rear only, and each taxi must be headed in the direction of the exit. No taxi shall stop at a taxi stand unless there is a vacancy therein. Taxis shall exit taxi stands in the order in which they enter. Drivers shall remain in their taxis or within the taxi stand so that normal operations of the taxi stand are maintained. Taxi drivers may leave the taxi stand only in an emergency or to assist passengers.

(C) No vehicle for hire may use a taxi stand except taxicabs and pedi-cabs.

(D) If taxi stands are established, a list shall be maintained by the taxi inspector, placed on the city website or at such other places as determined by the Chief of Police or designee. Such lists shall be open for inspection.

(Ord. No. 11-069, § 1, passed 11-17-2011)

TITLE 12 OFFENSES AND PUBLIC NUISANCES

CHAPTER 1: SPECIFIC OFFENSES

SEC. 12-1-11 UNLAWFUL ASSEMBLY IN CITY-OWNED PARKING LOT AND TRESPASS UPON PRIVATELY OWNED PARKING LOT.

(A) City-owned parking lot. It shall be unlawful for any person to assemble with one or more other persons on a city-owned or controlled parking lot except for the purpose of lawfully parking a vehicle in the lot. It shall not be a violation of this section to lawfully park a vehicle in a city parking lot and leave the lot without delay, or go upon a city parking lot and without delay proceed to a lawfully parked vehicle and then leave.

(B) Constitutional exception. The prohibition in subsection (A) above shall not apply to a congregation of persons pursuant to any lawfully issued permit for a parade, demonstration, picketing or other event or congregation protected under the Constitution of the United States or this state.

(C) City parking lot defined. The term “city parking lot,” as used in this section, shall mean any parking lot owned or controlled by the city and maintained for public or public and leased space parking.

(D) Privately owned parking lot. It shall be unlawful for any person to enter or remain upon any privately owned parking lot or publicly owned lot owned by a governmental entity other than the city after normal working hours and on weekends when the owner, lessee or authorized agent has posted a sign or signs clearly stating the prohibition. The sign(s) shall be placed in a position where it is clearly visible and shall contain the following language:

NO PARKING OR TRESPASSING BETWEEN

_____ P.M. and _____ A.M.

VIOLATORS WILL BE PROSECUTED

Signs may be obtained from the ~~Public Works Engineering~~ Department of the city or shall meet the specifications for those signs as directed by the Director of ~~Public Works Engineering~~ for the city.

- (E) Exceptions. The prohibitions in subsections (A) and (D) shall not apply to:
- (1) Temporary entrance to the parking lot in an emergency or to avoid an accident;
 - (2) Entrance by police officers or city officials in the course of duty;
 - (3) Entrance by fire, ambulance and other emergency personnel and equipment, in the course of duty;
 - (4) Turning around to travel on the same street in the opposite direction;

(5) Entrance by the owner, occupant or the employees and agents of the owners or occupant; or

(6) The congregation of persons to observe a parade or publicly sponsored or sanctioned event (such as a festival, celebration, fireworks display or other similar event).

(F) Special events. The owner or person in charge of any privately owned parking lot may grant temporary permission to use the lot during any specified hours, when parking or trespassing is normally prohibited, by posting temporary signs or posters to that effect. The owner or person in charge shall notify the Police Department of any such temporary permission.

(G) Penalty for violation. Violation of subsection (A) shall be a misdemeanor as provided by G.S. 14-4. Violation of subsection (D) shall be a misdemeanor as provided by G.S. 14-159.13.

(Ord. No. 2050, § 1, passed - -)

CHAPTER 3: WEEDS, VEGETATION AND OTHER PUBLIC HEALTH NUISANCES

SEC. 12-3-3 NUISANCES PROHIBITED; ENUMERATION.

The following enumerated and described conditions are hereby found, deemed and declared to constitute a detriment, danger and hazard to the public health and the public safety of the inhabitants of the city and are found, deemed and declared to be public nuisances wherever the same may exist, and the creation, maintenance or failure to abate any nuisances is hereby declared unlawful:

- (A) Any condition which is a breeding ground or harbor for mosquitoes or a breeding ground or harbor for rats or other pests;
- (B) A place of heavy growth of weeds, grasses, vines or other vegetation over ten inches in height;
- (C) A place of growth of vines, shrubs or other vegetation when such condition is causing a breeding ground for rodents or is a focal point for any other nuisance enumerated in this section;
- (D) A place of growth of poison sumac, poison ivy, poison oak or other noxious vegetation;
- (E) An open place of collection of stagnant water where insects tend to breed;
- (F) Any concentration of combustible items such as mattresses, boxes, paper, automobile tires and tubes, garbage, trash, refuse, brush, old clothes, rags or any other combustible materials or objects of a like nature;
- (G) Any concentration of building materials including concrete, steel or masonry which are not suitable for building construction, alterations or repairs, and which are in open places;
- (H) An open place of collection of garbage, food waste, animal waste or any other rotten or putrescible matter of any kind; however, nothing in this subsection shall be construed to prevent the generally accepted use of a properly maintained compost pile or storage of animal manure being used as fertilizer for lawns and gardens and for other agricultural or horticultural purposes;
- (I) Any household or office furniture, appliances or other metal products of any kind kept in open places or any indoor upholstered furniture kept outside in a location exposed to the weather;
- (J) Any products which have jagged edges of metal or glass or areas of confinement kept in open places;
- (K) Any open place of concentration of trash, refuse, discarded bottles, cans or medical supplies;
- (L) Any condition whereby any fence, sign, billboard, shrubbery, bush, tree, mailbox or other object or combination of objects which obstructs the view of motorists using any street, private driveway or approach to any street intersection adjacent to and abutting such and so as to constitute a traffic hazard as a condition dangerous to public safety upon any such street, private driveway or at any such street intersection;

(M) Any fence or wall, as determined by the Director of Planning and Development Services, which through neglect, lack of repair, type or manner of construction, method of placement or otherwise, becomes undesirable or constitutes a hazard or endangers any person, animal or property;

(N) Any improper or inadequate drainage, as determined by the ~~Director of Public Works~~ **City Engineer**, on private property which causes flooding, interferes with the use of or endangers in any way the streets, sidewalks, parks or other city-owned property of any kind;

(O) Any condition, as determined by the ~~Director of Public Works~~ **City Engineer**, which blocks, hinders or obstructs in any way the natural flow of branches, streams, creeks, surface waters, ditches or drains;

(P) Any stormwater retention or impoundment device which is operating improperly, as determined by the ~~Director of Public Works~~ **City Engineer**;

(Q) Any unlawful disposal, placement, emptying, dumping, spillage, leakage, pumping, pouring, emission or other discharge of any substance other than stormwater, unless associated with permitted activity as identified in section 9-9-16(A), into a stormwater conveyance, the waters of the state or upon the land in such proximity to the same, such that the substance is likely to reach a stormwater conveyance or the waters of the state or any unlawful connection that allows the discharge of non-stormwater to the stormwater conveyance system or waters of the state in violation of Chapter 9 of Title 9 of the Greenville City Code;

(R) A condition which occurs when a tenant leaves leased property either voluntarily or involuntarily (including but not limited to ejectment or other landlord removal action) and leaves or abandons trash, debris and property and the owner or property manager fails to remove the trash, debris or property from the leased property within 24 hours after the voluntary or involuntary removal of the tenant;

(S) Any place of growth of shrubs, trees or other vegetation that impedes public safety vehicle and firefighting equipment ingress and egress in the following locations that are utilized as public safety vehicle and firefighting equipment access routes and areas: private street easements, private drives, parking lots and/or drive isles, fire hydrant easements, designated fire lanes or other public vehicular areas;

(T) A condition which exists as the result of garbage, debris, refuse matter and recyclables located upon property which pose a public health nuisance or safety hazard; and

(U) Any other condition declared to be dangerous or prejudicial to the public health or public safety and a public nuisance by the City Council.

(Ord. No. 06-127, §§ 2, 3, passed 12-14-2006; Ord. No. 09-03, § 1, 2, passed 1-8-2009; Ord. No. 09-39, § 4, 5, passed 5-14-2009; Ord. No. 21-010, § 3, passed 2-15-2021)

CHAPTER 5: NOISE CONTROL

SEC. 12-5-8 PERMITS.

(A) Who may apply. A person or group of persons may produce or cause to be produced sound in excess of the limits set in section 12-5-4, Table 1 only if a “permit to exceed” has been obtained. With a permit granted pursuant to this section, maximum sound levels shall be as set out in section 12-5-4, Table 2.

(B) Application for permit. Any person or group of persons desiring an “outdoor amplified sound permit” or a “permit to exceed” shall apply as provided in this section, and shall provide all information required. All applications for a “permit to exceed” shall be submitted to the Chief of Police or his or her designee at least 72 hours prior to the scheduled event; failure to comply with this requirement shall be grounds for denying the permit.

(C) Action by Chief of Police. The Chief of Police or designee shall act upon all requests for permits.

(1) In considering and acting on all requests for permits pursuant to this chapter, the Chief of Police or designee shall consider but shall not be limited to the following in issuing or denying the permit: the timeliness of the application; the nature of the requested activity; previous experience with the applicant; the time of the event; other activities in the vicinity of the location proposed; the frequency of the application; the cultural or social benefits of the proposed activity; the effect of the activity on any residential area of the city, and previous violations, if any, of the applicant.

(2) In assessing "other activities in the vicinity" and the frequency of applications in the vicinity, the Chief of Police or designee shall not issue more than two permits per month within a 1,000-foot radius of each other, or issue permits for events on consecutive weekends (Friday and Saturday) within a 1,000-foot radius of each other. However, the limitation on the issuance of permits in this subsection (2) shall not apply to events at the Town Common conducted, sponsored, or sanctioned by the city.

(3) In considering or acting upon a request for a "permit to exceed" requested by a group other than a fraternity or sorority, the Chief of Police or designee shall limit permits granted at any specific location to no more than two "permits to exceed" per year.

(D) Fee for permit. Every application for a permit or permits shall require a fee, and such fee shall be set out in the Manual of Fees for the city.

(E) Conditions on permits. “Permits to exceed” and “outdoor amplified sound permits” shall specify the duration for which noncompliance shall be permitted and shall prescribe the conditions or requirements necessary to minimize adverse effects upon the community or surrounding neighborhood. The Chief of Police or designee may require but shall not be limited to the following:

(1) No sound speakers may be set up more than ten feet off the ground;

(2) Permit holder(s) change the arrangement of amplifying equipment or sound instruments upon the request of any Greenville police officer so as to minimize the disturbance to others resulting from the position or orientation of the amplifying equipment or from atmospherically or geographically caused dispersal of sound beyond the property lines;

(3) Adjoining property owners surrounding the location proposed as the site of the permitted event be notified by the applicant at least 72 hours prior to the scheduled event, and also advised of the time by which cleanup of the area will be accomplished. Notice to the adjoining property owners shall include a statement indicating that comments or concerns regarding the issuance of a permit at the proposed location may be made to the Chief of Police prior to the event. These conditions are mandatory on all “permit to exceed” applicants, except that neither this subsection nor subsection (E)(6) below shall apply to university-sponsored events approved by the Chancellor on university-owned property. For the purposes of the provision of notice to adjoining property owners as required by this subsection, when the location proposed as the site of the permitted event is at or within an apartment complex or other multi-family dwelling development, adjoining property shall include all units within the development which are wholly or partially within 100 feet of the site of the permitted event and all properties which either abut directly on the external boundary of the development or are only separated from the external boundary of the development by a street or the right-of-way of a street, railroad or other public service corporation;

(4) No permitted event may last longer than four hours except that an event may be permitted for longer than four hours if the event is held at Guy Smith Stadium between Memorial Day and Labor Day;

(5) No event may extend beyond 11:00 p.m.;

(6) Permit holders hire off-duty Greenville police officers, equipped with noise meters, to monitor compliance of the applicant with the conditions on the permit. The applicant will be required to employ the following number of off-duty Greenville police officers based on the estimated number of persons attending the event:

1–50 1 off-duty officer

51–100 2 off-duty officers

101 or more 4 or more off-duty officers as determined at the sole discretion of the Chief of Police

It is the responsibility of the permit holder to ensure that the number of persons actually attending the event do not exceed the estimated numbers specified in the application for determining the number of off-duty officers required at the event.

(7) The site of the event, and the area surrounding the site of the event, will be cleaned, by the applicant, of all the trash, litter and debris by 10:00 a.m. the following day, or by sunset of the day of the event if the event ends at least four hours before sunset;

(8) Misrepresentations, false, misleading or inaccurate information provided in the application for an outdoor amplified sound permit will result in the immediate revocation of the permit and may result in the denial of future permits; and

(9) Applicants and others that may be responsible, according to the terms of the permit application, are responsible for all costs, salaries and expenses incurred by the city for violations of the permit to exceed the outdoor amplified sound permit.

(F) Cooperation with police. Permit holder(s) shall agree to cooperate with the Police Department in enforcing this chapter by having the signer(s) of the permit available at the site of the event during the entire time for which a permit has been issued and capable of assisting the police in enforcing the noise control ordinance. Failure of such signer(s) of a permit to be present or to assist the police in complying with the terms of the permit will be cause for immediate revocation of the permit.

(G) Additional expenses. The applicant is responsible for the conduct of those in attendance. If as a result of conduct of those in attendance additional resources from the Greenville Police Department are required, resources from the Fire Rescue Department and/or Public Works Department **and/or Engineering Department** to address the problems caused or created by those in attendance, the applicant and/or sponsoring organization shall reimburse the city for the additional expenses incurred including but not limited to salary, overtime, fuel, travel and other expenses directly related to the event.

(Ord. No. 05-108, passed 9-8-2005; Ord. No. 14-045, 1, passed 8-14-2014; Ord. No. 18-014, § 2, passed 3-8-2018)



City of Greenville, North Carolina

Meeting Date: 05/11/2023

Title of Item: Renewal of West Greenville Neighborhood Revitalization Strategy Area

Explanation: Renewal of the West Greenville Neighborhood Revitalization Strategy Area (NRSA) allows for continued flexibility in the use of CDBG funds. To qualify an area under the NRSA program, information from the US Census is used to determine if an area meets the program requirements. The area includes and focuses on the existing emphasis within Census Tracts 7.01, 7.02, and 1 as the foundation for establishment of an NRSA.

The benefits have allowed CDBG funds to be leveraged for area-wide benefits to revitalize the neighborhood and now require strict adherence to low-to-moderate benefit rules typically enforced. The top priorities and goals include:

1. Revitalization of West Greenville neighborhoods through:

- Rehabilitation of owner occupied units
- Acquisition and demolition of dilapidated housing
- Acquisition of vacant parcels to assemble land for suitable building sites
- Construction of affordable housing in West Greenville
- Support of homeownership through down payment assistance
- Identification of infrastructure improvements
- Landscape/streetscape improvements

2. Supporting nonprofits that provide housing assistance, provide youth services, and encourage entrepreneurship

3. Provide homebuyer assistance

Potential resources available to support housing activities include CDBG, HOME, GUC energy efficiency support, and general revenues.

Fiscal Note: No direct cost

Recommendation: Staff recommends approving the application to renew the Neighborhood Revitalization Strategy Area.



City of Greenville, North Carolina

Meeting Date: 05/11/2023

Title of Item: Resolution Approving An Economic Development Expenditure and Appropriation and Agreement with Pitt County Committee of 100 D/B/A Greenville Eastern North Carolina Alliance and Greenville Utilities Commission for Development of A Shell Building

Explanation: Research shows that the greatest challenge facing economic development is the lack of buildings which are ready for occupancy. The Alliance owns land in the Indigreen Industrial Park within the City's extraterritorial jurisdiction and desires to construct a shell building that will help attract business and industry to the region and meet the needs of potential customers.

The City, Alliance and Commission desire to enter into an agreement that will allow the City to expend up to a total of \$1 million dollars over a period of 7 years to assist in covering the costs of carry once the shell building is constructed and the City issues a Certificate of Compliance. The Commission will also expend up to a total of \$1 million dollars over a 7 year period to assist equally with covering the costs of carry for the shell building. Pursuant to the agreement, the exact amount will be invoiced annually by the Alliance. If the building sells prior to the passing of 7 years, the remaining portion of unused funds will not be spent and the agreement will automatically terminate.

The Alliance and its developer will seek permits, provide periodic reporting of activities, and be responsible for marketing the shell building, including identification of key target industries, promoting and publicizing the availability of the shell building. The City and Commission can recapture funds not used as permissible by the Alliance.

Fiscal Note: The City will appropriate and expend up to a total of \$1 million dollars over a 7 year period. Payments will be made annually upon receipt of an invoice from the Alliance to solely cover half the costs (split with the Commission) of carry for the shell building.

Recommendation: City Council hold a public hearing on the appropriation and expenditure to the Alliance, and approve the attached resolution and agreement.

ATTACHMENTS

 [RESOLUTION FOR SHELL BUILDING FUNDING..pdf](#)

 [Joint Development Agreement for shell building.pdf](#)

RESOLUTION OF THE GREENVILLE CITY COUNCIL APPROVING AN ECONOMIC DEVELOPMENT EXPENDITURE AND APPROPRIATION AND AGREEMENT WITH PITT COUNTY COMMITTEE OF 100 D/B/A GREENVILLE EASTERN NORTH CAROLINA ALLIANCE AND GREENVILLE UTILITIES COMMISSION FOR DEVELOPMENT OF A SHELL BUILDING

WITNESSETH:

WHEREAS, the City of Greenville (City) is a municipal corporation organized pursuant to the laws of the State of North Carolina with express authorization to participate in economic development efforts;

WHEREAS, the City and the Greenville Utilities Commission (Commission) in an effort to promote economic development actively sponsored the creation of the Greenville Eastern North Carolina Alliance (Alliance), formerly known as the Pitt County Committee of 100, Inc., and are sustaining members of the Alliance to show their support for economic development in the City, its Extraterritorial Jurisdiction (ETJ) and Pitt County;

WHEREAS, the Alliance is a non-profit corporation, and its mission is to market the region, to support new and existing businesses, and to maximize opportunities for investment, job creation, and economic growth;

WHEREAS, the greatest challenge currently facing economic development is the lack of buildings which are ready for expeditious occupancy. Said buildings are commonly referred to as shell buildings. Because speed to the market is imperative to companies making a decision to relocate a business, the availability of shell buildings is critical to successful economic development efforts;

WHEREAS, it is of paramount importance to have one or more shell buildings to attract business and industry. From time to time, approximately eighty percent of the companies considering locations for new facilities require the availability of an existing building as one of their initial site selection criteria; therefore, any city which does not have an inventory of existing buildings will not be considered by approximately eighty percent of the companies considering locations for new facilities;

WHEREAS, pursuant to N.C. Gen. Stat. § 158-7.1(b)(4), the City has the authority to “acquire, construct, convey or lease a building suitable for industrial or commercial use”, as a part of its public purpose efforts to promote economic development within the City;

WHEREAS, pursuant to N.C. Gen. Stat. § 160A-20.1 the City “may contract with and appropriate money to any person, association or corporation in order to carry out any public purpose that the city is authorized by law to engage in”;

WHEREAS, the Alliance owns land in the Indigreen Industrial Park within the City's ETJ, and needs to construct a shell building that will meet the needs of potential customers and the needs of the City, Commission and Alliance to have a shell building to support their economic development efforts;

WHEREAS, the Alliance is willing to project manage and sell its Property to an identified developer for the design, construction and sale or lease of a shell building based on the Terms and Conditions, subject to change, provided to it by an identified developer;

WHEREAS, it is advantageous for the City and Commission to work cooperatively with the Alliance in the construction of and marketing of this shell building, and those advantages include but are not limited to limiting liability exposure for the City and the public funds managed by the City, being able to have Alliance to raise funds, in addition to the City and Commission's appropriation to construct and market the shell building, and being able to construct and market the shell building more effectively;

WHEREAS, the Alliance desires to obtain from the City and Commission annual amounts equally split, and not to exceed approximately Two Million Dollars and 00/100 Cents (\$2,000,000) to be used as a source of funds for the costs of carry of the shell building, including loan administration, interest carry, construction/project management, marketing, insurance, maintenance, and utilities for a shell building on the property currently owned by the Alliance and to be sold for this project in Indigreen Industrial Park for marketing to various business and industrial prospects;

WHEREAS, the Commission will allocate an amount up to One Million Dollars and 00/100 Cents (\$1,000,000);

WHEREAS, the City will allocate an amount up to One Million Dollars and 00/100 Cents (\$1,000,000) to fund the costs of carry for the Alliance;

WHEREAS, it is understood an agreement will be executed among the Alliance, City, and Commission that specifies the terms associated with the funding from the Commission and the City to the Alliance to provide for the costs of carry, if any, of the shell building, and such funds are not to be considered as a guaranty of any loan the Alliance might receive from a bank to construct the Building, and no loan documents executed between the Alliance and any bank(s) shall refer to the funds provided by the City as being a guaranty of such loan(s);

WHEREAS, the City has provided timely public notice and the Greenville City Council has held a public hearing to consider whether to participate in this economic development project by authorizing the expenditure and appropriation to cover the costs of carry for the shell building to be paid to the Alliance;

WHEREAS, the annual expenditure totaling the amount annually invoiced by the Alliance will begin upon the Alliance and its developer's completion of construction for the shell building and obtaining a Certificate of Compliance, which is expected to take approximately 24 months; and

WHEREAS, the City Council does hereby find and determine that the proposed economic development project will tend to increase the taxable property base of the City, increase the business and industry prospects of the City, and create high-paying jobs, and that it is in the public interest to provide assistance, as authorized by N.C. Gen. Stat. § 158-7.1, in order to encourage a company to purchase and develop the shell building.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville, after duly advertised public hearing held, that:

1. The City Council approves an appropriation and expenditure not to exceed \$1,000,000 to fund the costs of carry over a period not to exceed seven years for a shell building that will be constructed by the Greenville Eastern North Carolina Alliance on land it owns in the Indigreen Industrial Park.

2. Amounts totaling the costs of carry will be eligible for payment upon the completion of the shell building, issuance of a Certificate of Compliance, and the Alliance's submission to the City of an annual invoice reflecting the actual annual costs of carry for the shell building.

3. The Mayor or City Manager is authorized, empowered and directed to do any and all acts and to execute any and all documents, which they, in their discretion, deem necessary and appropriate in order to consummate the transactions contemplated by this Resolution, except that none of the above shall be authorized or empowered to do anything or execute any document which is in contravention, in any way, of the specific provisions of this Resolution.

4. All acts and doings of officers, employees and agents of the City, whether taken prior to, on, or after the date of this Resolution, that are in conformity with and in the furtherance of the purposes and intents of this Resolution as described above shall be, and the same hereby are, in all respects ratified, approved and confirmed.

5. Any prior resolutions or parts thereof of the Council in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

6. This resolution shall take effect immediately upon its adoption.

Adopted this the 11th day of May, 2023.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

JOINT DEVELOPMENT AND FUNDING AGREEMENT

BY AND AMONG

**CITY OF GREENVILLE, NORTH CAROLINA,
GREENVILLE UTILITIES COMMISSION**

AND

GREENVILLE – ENC ALLIANCE

ENTERED INTO THIS _____ DAY OF _____, 2023

THIS JOINT DEVELOPMENT AND FUNDING AGREEMENT (the “Agreement”) is made and entered into this the ____ day of _____, 2023, effective at 12:01 a.m. on the ____ day of _____, 2023 (the “Effective Date”), by and among the **CITY OF GREENVILLE**, North Carolina, a North Carolina municipal corporation organized and existing under the laws of the State of North Carolina (the “City”), 200 West Fifth Street, Greenville, North Carolina 27858, **GREENVILLE UTILITIES COMMISSION** of the City of Greenville, Pitt County, North Carolina (the “Commission”), a body politic duly chartered by the State of North Carolina, 401 South Greene Street, P.O. Box 1847, Greenville, North Carolina 27835-1847, and **PITT COUNTY COMMITTEE OF 100, INC., dba GREENVILLE – ENC ALLIANCE**, a North Carolina non-profit corporation, P.O. Box 1714, Greenville, North Carolina 27835 (“Alliance”), with the City, Commission and Alliance being referred to from time to time herein singularly as a “Party” or cumulatively as the “Parties”.

WITNESSETH:

WHEREAS, the Commission is duly chartered by the State of North Carolina for the management, operation, maintenance, improvement, and extension of the public utilities (including water, sewer, natural gas, and electricity) both inside and outside the corporate limits of the City;

WHEREAS, the City is a municipal corporation organized pursuant to the laws of the State of North Carolina with express authorization to participate in economic development efforts;

WHEREAS, to support investment, job creation and to grow the tax base of the City and to grow the customer base of the Commission, it is necessary for economic development to be encouraged and promoted;

WHEREAS, the City and the Commission in an effort to promote economic development have actively sponsored the creation of the Alliance (formerly known as the Pitt County Committee of 100, Inc.) and are sustaining members of the Alliance;

WHEREAS, the Alliance is a non-profit corporation, and its mission is to market the region, to support new and existing businesses, and to maximize opportunities for investment, job creation, and economic growth;

WHEREAS, the greatest challenge currently facing economic development is the lack of buildings which are ready for expeditious occupancy. Said buildings are commonly referred to as shell buildings. Because speed to the market is imperative to companies making a decision to relocate a business, the availability of shell buildings is critical to successful economic development efforts;

WHEREAS, it is of paramount importance to have one or more shell buildings to attract business and industry. From time to time, approximately eighty percent of the companies considering locations for new facilities require the availability of an existing building as one of their initial site selection criteria; therefore, any city which does not have an inventory of existing buildings will not be considered by approximately eighty percent of the companies considering locations for new facilities;

WHEREAS, pursuant to N.C. Gen. Stat. § 158-7.1(b)(4), the City has the authority to “acquire, construct, convey or lease a building suitable for industrial or commercial use”, as a part of its public purpose efforts to promote economic development within the City, and the City has provided public notice and conducted a public hearing for the appropriation and expenditure of funding authorized under this Agreement;

WHEREAS, pursuant to N.C. Gen. Stat. § 160A-20.1 the City “may contract with and appropriate money to any person, association or corporation in order to carry out any public purpose that the city is authorized by law to engage in”;

WHEREAS, the Alliance owns land in the Indigreen Industrial Park within the City’s extra territorial jurisdiction, and needs to construct a shell building that will meet the needs of potential customers and the needs of the Parties to have a shell building to support their economic development efforts;

WHEREAS, the Alliance is willing to project manage and sell Property to an identified developer for the design, construction and sale or lease of a shell building based on the Terms and Conditions, subject to change, provided by the identified developer, as more fully described in **Exhibit A** and herein;

WHEREAS, the Alliance desires to obtain from the City and Commission annual amounts equally split, and not to exceed approximately Two Million Dollars and 00/100 Cents (\$2,000,000) to be used as a source of funds for the Costs of Carry of the shell building, including loan administration, interest carry, construction/project management, marketing, insurance, maintenance, and utilities for a shell building on the property currently owned by the Alliance and to be sold for this Project in Indigreen Industrial Park for marketing to various business and industrial prospects;

WHEREAS, the Commission will allocate an amount up to One Million Dollars and 00/100 Cents (\$1,000,000);

WHEREAS, the City will allocate an amount up to One Million Dollars and 00/100 Cents (\$1,000,000) to fund the Project to the Alliance;

WHEREAS, it is understood an agreement will be executed among the Alliance, City, and Commission that specifies the terms associated with the funding from the Commission and the City to the Alliance to provide for the costs of carry, if any, of the shell building, and such funds are not to be considered as a guaranty of any loan the Alliance might receive from a bank to construct the Building, and no loan documents executed between the Alliance and any bank(s) shall refer to the funds provided by the City as being a guaranty of such loan(s);

WHEREAS, it is advantageous for the City and Commission to work cooperatively with the Alliance in the construction of and marketing of this shell building, and those advantages include but are not limited to limiting liability exposure for the City and the public funds managed by the City, being able to have Alliance to raise funds, in addition to the City and Commission’s

appropriation to construct and market the shell building, and being able to construct and market the shell building more effectively; and

WHEREAS, the Parties desire to reduce to writing their agreements with respect thereto.

NOW, THEREFORE, for and in consideration of the mutual promises and covenants set forth herein, the Parties enter into this Joint Development Agreement and agree to the following.

ARTICLE I

DEFINITIONS

1.1 Applicable Law. Applicable Law means the laws, ordinances, and regulations as promulgated by the United States, the State of North Carolina, Pitt County, or the City.

1.2 Applicable Permits. Applicable Permits means permits required by Applicable Law for development of the Project.

1.3 Building. Building means the shell building with the features described on **Exhibit B**, and permitted as provided in Section 2.2.

1.4 Business Day. Business Day shall mean any day other than a Saturday, Sunday or other day on which commercial banks are authorized or required to close under the laws of the State of North Carolina.

1.5 Certificate of Compliance. Certificate of Compliance means the document issued by the City certifying that the Building is in compliance with Applicable State of North Carolina Law, indicating the shell of the Building to be in a condition suitable for the issuance of a building permit related to completion of the Building interior and final up-fit.

1.6 Council. Council means the Greenville City Council.

1.7 County. County means Pitt County, North Carolina.

1.8 Project. Project means the design, construction and financing of the Building including installation of driveways, parking lots, stormwater control devices, and landscaping on the Property, and marketing of the completed Building as more particularly set forth in this Agreement.

1.9 Property. Property means the real property owned by the Alliance to be sold to an identified developer, as more particularly set forth on **Exhibit B**.

1.10 Person. Person means an individual, trust, estate, corporation, partnership, limited liability company, unincorporated association, or other entity.

1.11 Costs of Carry. Includes loan administration, interest carry, construction/project management, marketing, insurance, maintenance, and utilities.

ARTICLE II

PROJECT

2.1 Undertaking. This economic development effort shall be a Project undertaken for the purpose of bringing more capital investment, jobs, and/or indirect and induced tax revenues that the City might realize as the result of a company locating operations in the building. Also the Commission and its electric, gas, water and wastewater customers will benefit from increased energy usage. The Alliance shall oversee the management of the identified developer throughout the Project, which shall be designed and constructed in accordance with the approved Design and Construction Drawings, the Project schedule and the budget, and Applicable Law.

2.2 Permits and Regulatory Compliance. The Alliance or identified developer shall submit applications for and acquire all permits and regulatory approvals required for the Project from all agencies or governmental entities, including but not limited to, City of Greenville, Pitt County, Greenville Utilities Commission, and the North Carolina Department of Transportation, including approvals of rights-of-way and temporary construction easements for construction of the Project. Alliance shall comply with any permitting, bidding, contracting, inspection, and bonding requirements imposed on the Project by Applicable Law. To the extent necessary, the City and Commission shall work with Alliance to “fast-track” any Permits required for the Project, in accordance with Applicable Law.

2.3 Reporting. From the date the identified developer is chosen through the date on which the identified developer receives a Certificate of Compliance for the Building, Alliance shall send regularly scheduled updates regarding the status of the Project, including but not limited to the construction schedule, any material correspondence to or from the identified developer and its agents and same type of detailed information ordinarily provided to the Alliance’s Executive Committee. If requested in writing by the City and/or the Commission with reasonable notice to the Alliance, the Alliance shall in addition make all of that information available for inspection and audit by the City and/or the Commission at any time during workdays of the City and/or the Commission.

ARTICLE III

FINANCING

3.1 Financing. The Alliance shall have the responsibility for identifying a developer to fund and manage the design, procurement, and construction of the proposed shell building. In identifying this developer, the Alliance is permitted to represent/indicate that the City and Commission will provide partial funding to cover the Costs of Carry, up to seven (7) years, for the shell building once a Certificate of Compliance is obtained, but this shall not be represented as being or shown in any loan documents as being a guaranty of the total construction loan or permanent financing of the Project.

3.2 Payment. Upon issuance of the Certificate of Compliance for the shell building, the City and the Commission will do the following: The City and Commission will provide equal

amounts not to exceed \$1 million dollars from each entity and not to exceed \$2 million dollars total. Payments by the City and Commission for the Costs of Carry will be made separately and, consist of equal amounts of funding from the City and the Commission, to be made annually, up to seven (7) years, upon the submission of separate invoices by the Alliance to each, the City and Commission for payment within thirty (30) days.

3.3 Use of Funding. The funding under this Agreement shall be expended and appropriated exclusively for the Alliance to fund the Costs of Carry for the shell building once a Certificate of Compliance is obtained and shall not be used for any other purpose. After all of the funds appropriated and expended under this Agreement have been exhausted, the Commission and/or the City shall have no further responsibility to provide any funding for this project.

3.4 Repayment. Pursuant to its Articles of Incorporation and Bylaws, the Alliance has full power to receive payments, investments, donations, bequests, devises and gifts of money and property; to purchase, lease and otherwise acquire and hold, sell, donate, and otherwise dispose of all kinds of property, real, personal, and mixed, which may be deemed necessary in order to carry out the objectives and purposes for which the Alliance is created. Additionally, the Alliance shall only use public funds for public purposes without first seeking consent of the public members for a use that is not a public purpose, including organizational, administrative, program and operational purposes set forth in the Alliance's annual budget. The Alliance shall repay to the City and the Commission the full amount of any City and Commission Funds lost, misapplied, unaccounted for, or inadequately accounted for in violation of this Agreement. This amount is due and payable to the City within sixty (60) days of written notice.

ARTICLE IV

MARKETING

Alliance shall have the sole responsibility to market the Building, including identifying specific industry sectors to target, promoting the Building, and publicizing the prospective building in Alliance economic development marketing materials. The Parties shall work collaboratively to determine which prospective companies should be considered to take up occupancy at the Building, and the sale terms that will be offered to such prospective companies, all subject to the concurrence of the City.

ARTICLE V

INDEMNIFICATION

Alliance hereby agrees to indemnify, protect and save the City, the Commission, and their officers, council members, directors, employees, and agents (each, an "Indemnified Party," and collectively, the "Indemnified Parties"), harmless from all liability, obligations, losses, claims, damages, actions, suits, proceedings, costs and expenses, including reasonable attorneys' fees (collectively, "Indemnified Losses"), arising out of, connected with, or resulting directly or

indirectly from the Project or the transactions contemplated by or relating to this Agreement, including without limitation, the possession, condition, construction or use of the Project, provided that no indemnification is provided by Alliance for Indemnified Losses to the extent they are caused by the intentional act or negligence of any Indemnified Party. The indemnification arising under this Article shall survive the Agreement's termination.

ARTICLE VI

FORCE MAJEURE

If by reason of acts of God, fires, floods, storms, states of emergency, insurrection, riots, acts of the public enemy, national catastrophe, public health emergencies such as pandemics or contagious viruses or pathogens (including labor shortages resulting therefrom), unforeseen and unavoidable supply chain disruption, labor disputes of any nature, regulatory changes, raw-material shortages, lack of public services, lack of public transport facilities, war (whether or not declared), terrorism, riot, rebellion, insurrections, government acts, sufferance of voluntary compliance with acts of government or governmental regulation whether or not valid, including any delays in Alliance or identified developer obtaining regulatory approvals or certifications necessary for Certificate of Compliance for a period of time not in excess of five (5) years, or other causes beyond the reasonable control and without the fault of Alliance, its agents or subcontractors, or similar unexpected events, Alliance is unable to complete the Project and related undertakings called for herein, or if same is delayed as a result of such event or events, then the Parties hereto agree to extend this Agreement, to a date to be mutually agreed upon by the Parties hereto based upon the gravity and duration of such unexpected event.

ARTICLE VII

TERMINATION OF AGREEMENT AND TERM

7.1 Events Causing Termination. Upon the occurrence of any of the following events, this Agreement shall immediately be terminated:

- (a) The failure of the Alliance to obtain financing as specified in Article III of this Agreement.
- (b) If Alliance and its identified developer, if any, fails to build the shell building within 24 months following the Effective Date, then this Agreement shall immediately terminate.
- (c) Non-Appropriation of funding by the Council.

(d) The sale or lease of the shell building.

7.2 Term. This Agreement shall remain in place until the earliest of the following:

7.2.1 Seven (7) years from the issuance of a Certificate of Compliance for the shell building contemplated herein; or

7.2.2 Termination by an event included herein.

7.3 Obligations Upon Termination. Upon the termination of this Agreement, the Parties shall have no further obligations to each other, except for such obligations which, as stated herein, will survive the termination of this Agreement. Each Party shall be solely responsible for its expenses incurred in the performance of this Agreement.

ARTICLE VIII

ASSIGNMENTS

The Parties shall not assign any interest in or delegate any obligation under this Agreement without the prior express written consent of all the Parties.

ARTICLE IX

NON-APPROPRIATION CLAUSE

NO PROVISION OF THIS AGREEMENT SHALL BE CONSTRUED OR INTERPRETED AS CREATING A PLEDGE OF THE FAITH AND CREDIT OF THE CITY WITHIN THE MEANING OF ANY CONSTITUTIONAL DEBT LIMITATION. NO PROVISION OF THIS AGREEMENT SHALL BE CONSTRUED OR INTERPRETED AS DELEGATING GOVERNMENTAL POWERS NOR AS A DONATION OR A LENDING OF THE CREDIT OF THE CITY WITHIN THE MEANING OF THE STATE CONSTITUTION. THIS AGREEMENT SHALL NOT DIRECTLY OR INDIRECTLY OR CONTINGENTLY OBLIGATE THE CITY TO MAKE ANY PAYMENTS BEYOND THOSE APPROPRIATED IN THE CITY'S SOLE DISCRETION FOR ANY FISCAL YEAR IN WHICH THIS AGREEMENT SHALL BE IN EFFECT. NO PROVISION OF THIS AGREEMENT SHALL BE CONSTRUED TO PLEDGE OR TO CREATE A LIEN ON ANY CLASS OR SOURCE OF THE CITY'S MONEYS, NOR SHALL ANY PROVISION OF THE AGREEMENT RESTRICT TO ANY EXTENT PROHIBITED BY LAW, ANY ACTION OR RIGHT OF ACTION ON THE PART OF ANY FUTURE CITY GOVERNING BODY. TO THE EXTENT OF ANY CONFLICT BETWEEN THIS ARTICLE AND ANY OTHER PROVISION OF THIS AGREEMENT, THIS ARTICLE SHALL TAKE PRIORITY.

ARTICLE X

MISCELLANEOUS

10.1 Governing Law. The Parties intend that this Agreement shall be governed by the law of the State of North Carolina.

10.2 Notices. Any communication required or permitted by this Agreement must be in writing except as expressly provided otherwise in this Agreement

Any communication shall be sufficiently given and deemed given when delivered by hand the next Business Day after deposit with a nationally recognized overnight delivery service (e.g., Federal Express, UPS, or DHL) or five days after being mailed by first-class mail, postage prepaid, and addressed as follows or by email to the addresses shown below:

- (1) If to City, to:

City Manager
PO Box 7207
Greenville, NC 27835

Copy to: City Attorney
- (2) If to Alliance, to:

ENC Alliance President
PO Box 1714
Greenville, NC 27835
- (3) If to Commission, to:

General Manager/CEO
401 South Greene Street
Greenville, NC 27834

Copy to: Phil Dixon

Any addressee may designate additional or different addresses for communications by notice given under this Section to each of the others.

10.3 Non-Business Days. If the date for making any payment or the last day for performance of any act or the exercising of any right shall not be a Business Day, such payment shall be made or act performed or right exercised on or before the next preceding Business Day.

10.4 Severability. If any provision of this Agreement shall be determined to be unenforceable, that shall not affect any other provision of this Agreement.

10.5 Entire Agreement; Amendments. This Agreement, including Exhibits A through C Attached, which are incorporated herein and made a part hereof, constitutes the entire contract between the Parties, and this Agreement shall not be changed except in writing signed by all the Parties.

10.6 Binding Effect. Subject to the specific provisions of this Agreement, this Agreement shall be binding upon, inure to the benefit of, and be enforceable by the Parties and their respective successors and assigns.

10.7 Time. Time is of the essence in this Agreement, each, and all of its provisions.

10.8 Liability of Officers and Agents. No officer, agent, employee or official (elected or appointed) of the City, Alliance or Commission shall be subject to any personal liability or accountability by reason of the execution of this Agreement or any other documents related to the transactions contemplated hereby. Such officers, agents, or employees shall be deemed to execute such documents in their official capacities only, and not in their individual capacities. This Section shall not relieve any such officer, agent or employee from the performance of any official duty provided by law.

10.9 Counterparts. This Agreement may be executed in several counterparts, including separate counterparts. Each shall be an original, but all of them together constitute the same instrument.

10.10 No Presumption Against Drafter. Notwithstanding the presumption of law whereby an ambiguity or conflict in provisions shall be construed against the drafter, the Parties hereby agree that although one Party may have generated this Agreement, the Parties have been afforded the opportunity to consult with counsel of its own choosing and each has participated in the drafting of this Agreement. Therefore, such presumption shall not be applied if any provision or term of this Agreement requires judicial interpretation.

10.11 Dispute Resolution. Notwithstanding anything to the contrary contained herein, in the event of any controversy or claim arising out of or relating in any way to the terms or scope of this Agreement, the Parties hereto will attempt in good faith to resolve such controversy or claim. Claims, disputes, or other matters in controversy arising out of or related to this Agreement shall be subject to mediation as a condition precedent to binding dispute resolution. Requests for mediation shall be filed in writing with the other Party along with a description of the proposed method for such mediation. In the event the Party receiving such demand is in agreement with the proposed method for mediation, the Parties shall proceed with mediation in accordance therewith. However, if the Parties are unable to agree upon the method for such mediation within ten (10) days following the delivery of such demand for mediation, either Party may petition any Pitt County, North Carolina Superior Court judge to appoint a mediator to conduct a mediated settlement conference in the same manner and under the same rules required for cases to be heard by the North Carolina Superior Courts. If the matter has not been resolved within sixty (60) days of the commencement of such discussions (which period may be extended by mutual agreement), then the Parties hereto hereby agree to immediately submit the controversy to binding arbitration. The arbitration shall be in accordance with the operative Sections of Article 45C of

Chapter 1 of the North Carolina General Statutes. A demand for arbitration shall be made in writing, delivered to the other Parties to the Agreement, and filed with the person or entity administering the arbitration. The Party filing a notice of demand for arbitration must assert in the demand all claims then known to that Party on which arbitration is permitted to be demanded. The arbitration shall be conducted by a single arbitrator. If the Parties to the arbitration have not mutually selected a single arbitrator within fifteen (15) days of the receipt of written notice of demand, any party may petition any Pitt County, North Carolina Superior Court judge to appoint a single arbitrator to conduct the arbitration, and the third arbitrator so appointed shall serve with the two arbitrators selected by the parties. All arbitrators selected for the arbitration shall be duly licensed attorneys in the State of North Carolina with substantial experience in construction law matters. Any court having jurisdiction thereof may enter judgment upon the award rendered by the arbitrator. Each Party hereto shall bear its share of the expenses and attorneys' fees incurred in the arbitration and any action to enforce the arbitration award as determined by the arbitrator. The Parties hereto shall share the costs associated with the arbitrator. The place of arbitration shall be Greenville, North Carolina. The terms of this section shall survive expiration or termination of this Agreement.

10.12 Performance of Government Functions. Nothing contained in this Agreement shall be deemed or construed so as to in any way estop, limit, or impair the City from exercising or performing any regulatory, policing, legislative, governmental, or other powers or functions.

10.13 City Manager's Authority. To the extent, if any, the City has the power to suspend or terminate this Agreement, that power may be exercised by the City Manager or their designee.

[Signature Page Follows]

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed in their names by their duly authorized officers, all as of the date first above written.

[SEAL]

CITY OF GREENVILLE, NORTH CAROLINA

ATTEST:

City Clerk

Print Name

By: _____
Name: _____
Title: _____

This instrument has been preaudited in
The manner required by The Local Government
Budget and Fiscal Control Act.

Name: _____
Finance Officer, City of Greenville,
North Carolina

[SEAL]

GREENVILLE UTILITIES COMMISSION

ATTEST:

Secretary

Print Name

By: _____
Name: _____
Title: _____

[SEAL]

**PITT COUNTY COMMITTEE OF 100, INC.
d/b/a GREENVILLE-ENC ALLIANCE**

ATTEST:

Secretary

Print Name

By: _____
Name: _____
Title: _____

List of Exhibits

- A –Proposed Developer’s Terms
- B- Building and Real Property

EXHIBIT A
PROPOSED DEVELOPER'S TERMS

Outline of Terms/Responsibilities (by party)

Marlboro Development Team (MDT) –

- MDT will fund and manage the design (with input from GENCA), procurement, and construction of the proposed speculative building. As a component of the procurement process, MDT will competitively procure the construction based on mutually agreed upon design specifications.
- MDT will be responsible for all associated maintenance of the building and property post completion.
- MDT will provide GENCA with regularly scheduled project updates that can be utilized to update their constituents.
- MDT, at their cost, will install an onsite job camera providing all parties with real time visual accountability during the construction phase.
- MDT in partnership with the GENCA team will develop marketing collateral to facilitate the recruitment of new industry.
- MDT in partnership with the GENCA team will be present for any/all prospect visits as necessary and feasible and will be responsible for providing proposals to prospective tenants/owners.
- MDT's preferred objective is to secure a long-term tenant for the building and will be responsible for providing a turnkey lease proposal inclusive of funding all required tenant upfit improvements.
- MDT will be responsible for paying any brokerage fees attributable to a lease of the facility, if applicable.

Greenville Eastern North Carolina Alliance (GENCA) –

- GENCA will provide the necessary off-site road and utility infrastructure to the agreed upon site within the Indigreen Corporate Park.
- GENCA will sell the +/-18-acre site (to be formally defined via ALTA survey) to MDT at \$20,000 per acre.
- Upon building completion (estimated 12-15 months from formalizing an agreement), GENCA will contribute \$360,000 annually to MDT that will be applied to off-set associated carry costs of the project. Carry costs are inclusive of loan administration, interest carry, construction/project management, marketing, insurance, maintenance, utilities, etc.
- The term of commitment by GENCA will be seven (7) years with mutual options to extend the term beyond the original commitment if desired.
- Upon the sale or lease of the building at any point during the term, the annual cost off-set contribution by GENCA will terminate.
- Greenville and Pitt County will not levy ad valorem property taxes on the improved site until a Certificate of Compliance is secured and the building is sold or leased. MDT will be responsible for paying ad valorem property taxes on the raw land on which the building is constructed.

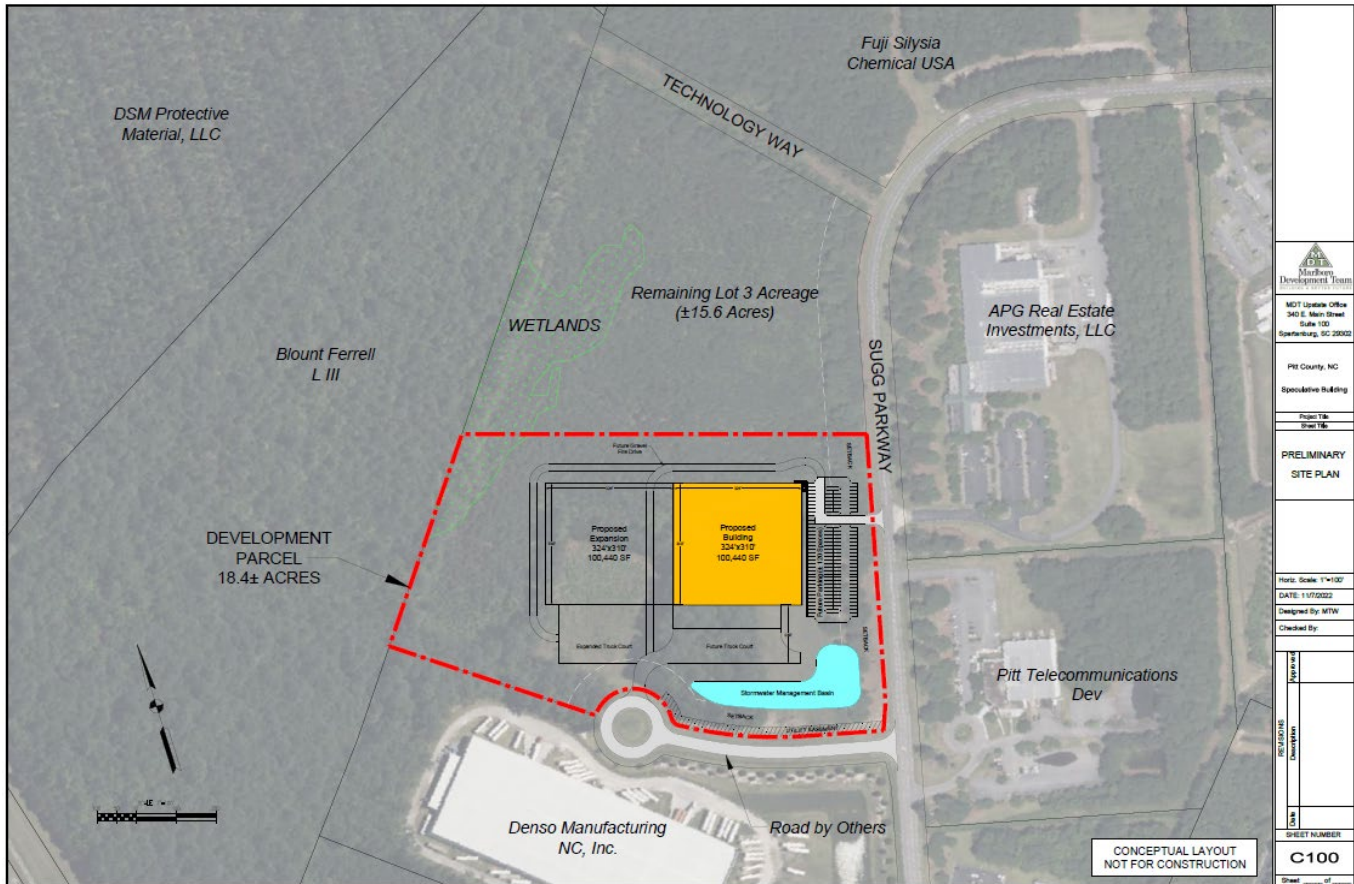
For clarity, GENCA will **NOT** be responsible for:

- Pre-negotiating any local ad valorem tax incentives (FILOT/SSRC/etc.) on the building with MDT.
- Participating in any design/due diligence/construction related costs (i.e.: construction cost overruns) incurred in developing the speculative facility in shell condition.
- Any obligation to purchase the building from MDT.

EXHIBIT B BUILDING AND REAL PROPERTY

The Building shall include, but not be limited to, all of the following:

- +/-100,000 square feet; expandable
- 6" 4000 psi concrete floor
- Concrete construction (either Insulated Pre-cast Concrete or Tilt Wall Concrete)
- 60 mil TPO Membrane roof
- 32'6" ceiling height at first column
- 4 dock doors with additional knock-out panels
- 1 drive-in door
- 50' X 54' interior bays column spacing
- 60' X 54' loading bay column spacing
- 1,000-1,500 amp electrical service with LED lighting (shell condition)
- Paved parking access (shell condition) with expansion capability to accommodate future tenant
- Ability to accommodate up to 200' truck court depth





City of Greenville, North Carolina

Meeting Date: 05/11/2023

Title of Item: Resolution and Lease Agreement Between the City of Greenville and Capitol Broadcasting, Inc. for the Use of Guy Smith Stadium to Host a Coastal Plain League Baseball Franchise

Explanation: At the April 24, 2023 City Council meeting, City Council approved a Letter of Intent (LOI) between the City of Greenville (City) and Capitol Broadcasting, Inc. (Capitol) for the use of Guy Smith Stadium, located at 2113 Myrtle Avenue (Pitt County Tax Parcel 28991), to host a Coastal Plain League (CPL) baseball franchise. Approval of the LOI allowed staff to move forward with further discussions with Capitol for the development of a formal Lease Agreement (Lease) that would create a binding, contractual obligation between the City and Capitol for use of Guy Smith Stadium to host a CPL franchise. At the May 11, 2023 City Council meeting, City staff will present a formal Lease for Council consideration and approval. The proposed Lease is included with this Council agenda item.

The CPL is a collegiate summer baseball league that features top-tier college baseball players from across the country. The CPL is nationally known not only for its baseball, but also for family-friendly fun that surrounds each of its events. CPL's strategic brand is built around providing a gathering place for the whole community to come and enjoy a few hours of entertaining baseball. The CPL is owned by Capitol, which is an American media company based in Raleigh, North Carolina, that operates television stations and radio stations in the Raleigh-Durham and Wilmington areas of North Carolina. Capitol is also the owner of the Durham Bulls minor league baseball team.

The CPL is currently comprised of 14 baseball franchises playing in Georgia, North Carolina, South Carolina, and Virginia. In 2022 the CPL had a total attendance (across all teams) of approximately 528,000 with each team averaging approximately 38,000 for the summer season (approximately 1,250 per game). CPL players come from various levels with many playing at D1 schools such as East Carolina University, North Carolina State University, the University of North Carolina, and Duke University. To date, the CPL has had nearly 1,750 alumni drafted with 159 alums making it into the Major Leagues. Most notable alumni include Justin Verlander, Ryan Zimmerman, Kevin Youkilis, Chris Taylor, Mark Reynolds, Alec Bohm, and NFL Super Bowl champion Russell Wilson.

Capitol has proposed to locate a CPL franchise in Greenville that will be directly

owned by Capitol. It is also proposed that the Greenville franchise will play approximately 30-32 summer games at Guy Smith Stadium, starting at the end of May through the early part of August each year. The first season of baseball at Guy Smith Stadium would be the Summer of 2024.

The following is a summary of the terms of the Lease as presented to Council for consideration:

- The City shall lease to Capitol the use of Guy Smith Stadium between May 15 and September 30 of each year for a period of ten years beginning April 15, 2024 for the shared use of the stadium with the City and the Pitt County Babe Ruth League (Babe Ruth). The Lease includes an option to extend the Lease for an additional five years at the end of the ten-year period at mutually agreeable terms.
- Capitol shall lease Guy Smith Stadium from the City at an initial annual rent rate of \$30,000, payable in full on May 15 of each year during the term of the Lease. After the initial year, the lease rate shall increase two percent (2%) each year for the remaining term of the Lease.
- Capitol shall have the exclusive rights to set ticket, food and beverage, retail, and parking prices, as it deems appropriate, for all of its events, including Capitol home games and shall be entitled to receive and retain all revenues from ticket, food and beverage, retail, and parking sales.
- Capitol shall have the exclusive right to sell sponsorships and shall be entitled to receive and retain all revenues from such sales.
- Capitol shall have the right to make future, minor alterations to Guy Smith Stadium at its own expense with the written preapproval of the City. All alterations and improvements made by Capitol shall become the property of the City upon termination or expiration of the Lease.
- The City shall be responsible for the ongoing, routine maintenance and upkeep of Guy Smith Stadium.
- Capitol shall be responsible for full financial restitution of damages to Guy Smith Stadium caused by intentional or negligent acts by Capitol.
- Capitol shall provide security at Guy Smith Stadium for all events and activities held or promoted by Capitol including Capitol home games.
- Capitol shall be responsible for the operation of the scoreboard and public address system for all games, events or activities held or promoted by CBC at Guy Smith.
- The City shall be responsible for the payment of all utilities furnished to Guy Smith and used by Capitol for all games, events or activities held at the stadium.

- Capitol shall be responsible for clean-up of concession stands, merchandise sale areas, locker rooms, public address booth and any other areas of Guy Smith utilized by Capitol during games, events or activities.
- The City shall be responsible for the clean-up of the fan-facing areas of Guy Smith after Capitol games, events or activities held or promoted by Capitol at the stadium.
- Capitol, or its assigns, shall have the right to sell concessions for Capitol games, events or activities held or promoted by Capitol at Guy Smith.
- Capitol shall obtain an alcoholic beverage license from the State of North Carolina ABC Commissioner in order to sell and consume malt beverages, wine, fortified wine or alcohol at Guy Smith during games, non-youth events or non-youth activities held or promoted by Capitol at the stadium.
 - Alcoholic beverages shall not be allowed to be sold or consumed at youth events or activities held or promoted by Capitol at Guy Smith. Youth events and youth activities shall be defined as events or activities intended for youth ages seventeen (17) and under.
- Capitol understands and recognizes the importance of teaching the love of baseball to youth, specifically the youth that live in the community that surrounds Guy Smith. Therefore, the Lease states that Capitol, in partnership with the City, shall strive to provide one baseball day camp per year, operated with coaches and players of the Greenville League franchise, for the benefit of youth within the West Greenville community. The baseball camp will be structured around skill development, character building and the love of baseball.
- Capitol also understands and recognizes the importance of the Babe Ruth program and that Guy Smith has historically been, and will continue to be, Babe Ruth's primary playing field. In recognition of this, Capitol has committed to working in partnership with Babe Ruth to coordinate the schedules of baseball games of both Capitol and Babe Ruth so as to provide for the shared use of Guy Smith.
 - The Lease states that Capitol shall make all necessary efforts to work with and around Babe Ruth's schedule, as feasibly possible, to ensure Babe Ruth's continued use of Guy Smith as its primary playing field.
 - During each year of the term of the Lease, Capitol shall officially offer at least two (2) current collegiate baseball players that previously participated in the Pitt County Babe Ruth program a spot on the Greenville CPL franchise's official roster for the summer season.
 - Each year Capitol and Babe Ruth shall work together to carry out at least one fundraiser for the Babe Ruth program.

The Lease presented for Council consideration specifies that the City and Capitol are entering into the proposed agreement for the economic development purpose of enhancing the Greenville-Pitt County travel and tourism economy. A key decision factor in a prospective business's or industry's economic development decision to locate and invest in a community is the vibrancy and attractiveness of the community's arts, entertainment and recreation programs and opportunities. The vibrancy of a community's arts, entertainment and recreation programs and opportunities also acts as a stimulus to economic development activity through the enhancement of travel and tourism opportunities within the community. A robust travel and tourism economy will have the impact of enhancing backyard tourism, destination exposure for the community, increasing occupancy tax revenues and increasing sales tax revenues.

Therefore, for the purpose of enhancing economic development through travel and tourism, the City will hold a public hearing on May 11, 2023 in relation to the Lease agreement and pursuant to N.C. General Statute §158-7.1. The calculated fair market value of the annual Lease of Guy Smith is \$25,921. The resolution documenting the fair market value is attached for Council consideration.

Upon Council adoption of the Lease, the City and Capitol will begin moving forward with improvements to Guy Smith in preparation for a first season opening day of June, 2024.

Fiscal Note:

Capitol shall lease Guy Smith Stadium from the City at an initial annual rent rate of \$30,000, payable in full on May 15 of each year during the term of the Lease. After the initial year, the lease rate shall increase two percent (2%) each year for the remaining term of the Lease.

Capitol shall initially commit to fund \$500,000 in improvements and renovations to Guy Smith. As a match to Capitol's contribution, the City shall fund an additional \$500,000 in improvements and renovations to the stadium. The City's contribution of \$500,000 shall be funded through the CVA Capital Fund. The initial improvements and renovations funded in partnership between the City and Capitol shall be completed prior to April 1, 2024.

The City and Capitol shall work in partnership to determine the actual improvements and renovations to be initially made to Guy Smith, including but not limited to increasing the capacity of the stadium to a minimum of 1,500. The current capacity of the stadium stands at approximately 1,000.

Recommendation:

Approval of the attached Resolution and Lease Agreement between the City of Greenville and Capitol Broadcasting, Inc. for the use of Guy Smith Stadium to host a Coastal Plain League Baseball Franchise.

ATTACHMENTS

- 📄 [COG-Resolution_Approving_Lease_Agreement_with_Capitol_Broadcasting_Company.pdf](#)
- 📄 [CBC_Guy_Smith_Stadium_Lease.pdf](#)

RESOLUTION NO. - 23

RESOLUTION MAKING WAGE DETERMINATION AND FAIR MARKET VALUE OF PROPERTY AND APPROVING LEASE AGREEMENT WITH CAPITOL BROADCASTING COMPANY, INC. FOR AN ECONOMIC DEVELOPMENT PROJECT

WHEREAS, pursuant to the statutory authority under N.C. General Statute § 158-7.1, the City of Greenville (“City”) has negotiated with Capitol Broadcasting Company, Inc. (“Tenant”) to lease City property (Guy Smith Stadium or “Stadium”) to the Tenant for the Tenant’s use to host a summer collegiate baseball league franchise as an economic development project which will increase the property tax base values of the City, enhance backyard tourism and destination exposure for the community, increase occupancy tax revenues for the City and increase sales tax revenues for the City; and

WHEREAS, the City has presented a lease agreement between the City and the Tenant which provides that consideration for the lease to be paid annually by the Tenant to the City is not less than \$30,000.00 and that the consideration to be paid annually by the Tenant to the City is greater than the fair market value of the lease, which is estimated to be no less than \$25,921.00; and

WHEREAS, during the public hearing, evidence in the form of data or testimony was given regarding the probable average hourly wage to be paid to workers of the Tenant to be located at the Stadium.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville that:

- 1) The consideration to be paid annually by the Tenant to the City in exchange for the lease of the Stadium is not less than \$30,000.00; and
- 2) The consideration to be paid annually by the Tenant to the City in exchange for the lease of the Stadium will be greater than the fair market value of the lease, which is estimated to be no less than \$25,921.00; and
- 3) The tenant shall make \$500,000.00 worth of improvements to the Stadium for the purpose of enhancing each attendee’s game day experience; and
- 4) Based on materials provided by the Tenant or otherwise, the probable average hourly wage to be paid to workers of the Tenant to be located at the Stadium is estimated to be \$31.25 per hour; and
- 5) The project will provide economic development benefits to include enhancing backyard tourism, enhancing destination exposure for the community, increasing property tax base values for the City, increasing occupancy tax revenues for the City and increasing sales tax revenues for the City, which the highly direct, indirect and included economic and fiscal impacts for the City exceed the investments to be made in this project by the City.

Based upon the above, the City Council approves the negotiated lease of the subject property at fair market value to the tenant.

This the 11th day of May, 2023.

P.J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

THIS LEASE AGREEMENT (the "Lease") is made and entered into this the ____ day of May, 2023, by and between the CITY OF GREENVILLE, a municipal corporation organized and existing under the laws of the State of North Carolina (the "City"), whose principal office address is 200 W. Fifth Street, Greenville, NC 27858, and CAPITOL BROADCASTING COMPANY, INC., a North Carolina corporation (the "Tenant"), whose principal address is 2619 Western Boulevard, Raleigh, NC 27606.

WITNESSETH:

WHEREAS, the City is a municipal corporation organized pursuant to the laws of the State of North Carolina with express authorization to participate in economic development efforts; and

WHEREAS, to support investment of private business and industry, job creation and growth of the tax base of the City, it is necessary for economic development to be encouraged and promoted; and

WHEREAS, a key decision factor in a prospective business's or industry's economic development decision to locate and invest in a community is the vibrancy and attractiveness of the community's arts, entertainment and recreation programs and opportunities; and

WHEREAS, the vibrancy of a community's arts, entertainment and recreation programs and opportunities also acts as a stimulus to economic development activity through the enhancement of travel and tourism opportunities within the community; and

WHEREAS, a robust travel and tourism economy will have the impact of enhancing backyard tourism, destination exposure for the community, increased occupancy tax revenues and increased sales tax revenues; and

WHEREAS, the Tenant is the owner of the Coastal Plain League collegiate baseball summer league (the "League") with franchises throughout the Southeastern United States; and

WHEREAS, the Tenant's focus is not only the love of baseball and the development of young collegiate baseball players, but also the provision of family-friendly, entertaining and exciting baseball experiences for patrons from both within the local community and those traveling from outside the community; and

WHEREAS, the Tenant recognizes the attractiveness of the Greenville, North Carolina market and desires to locate a League franchise within the Greenville market; and

WHEREAS, the City is the owner of real property (the "Property") situated within the City of Greenville, Pitt County, North Carolina, known as Guy Smith Stadium, located at 2113 Myrtle Avenue (tax parcel number 28991) and being fully described in that certain deed recorded in Deed Book M22, Pages 186-187 of the Pitt County registry; and

WHEREAS, the City and Tenant desire to enter into this Lease for the Tenant's use of a portion of the Property defined below as "Leased Premises," and more accurately described in Exhibit A, to host baseball games, activities and events and non-baseball games, activities and events per the specified terms and conditions of this Lease; and

WHEREAS, on the ____ day of May, 2023, the Greenville City Council, acting pursuant to G.S. §158-7.1, adopted Resolution No. _____ providing for the lease of the Leased Premises to the Tenant upon the specified terms and conditions herein.

NOW, THEREFORE, in consideration of the promises and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

I. Special Terms and Conditions

1. Leased Premises: The City leases unto the Tenant, and the Tenant hereby leases and takes upon the terms and conditions contained herein, the Leased Premises described as follows:

Being a portion of the property known as Guy Smith Stadium (the "Stadium"), located at 2113 Myrtle Avenue and with said leased portions being shown and labeled in Exhibit A, inclusive of the following:

- Stadium playing field
- Stadium seating
- Stadium concessions areas
- Stadium outfield fencing
- Stadium permanent and portable bathrooms
- Stadium press box and scoreboard
- Stadium dug out areas
- Stadium lighting
- All other common use areas within the campus of the Stadium

2. Term: Subject to the terms and conditions of this Lease, the term of this Lease shall commence on April 15, 2024 (the “Effective Date”) for a period of ten years (the “Term”), with the option to renew this Lease at mutually agreeable terms for an additional five years at the end of the Term. Tenant’s use of the Leased Premises for League games and related activities will be between May 15 and September 30 each year during the Term with the right to access the Leased Premises at other times during the Term for purposes of selling and activating sponsorships, as well as other League promotion activities.
3. Rent: The Tenant shall lease the Leased Premises from the City at an initial annual rent rate of \$30,000 with each annual rent payment being payable in full in one annual installment on May 15 of each year during the term of this Lease.

At the end of the initial year of this Lease, the annual rent rate shall increase two percent (2.0%) each year for the remaining term of this Lease.

4. Right of Use: During the term of this Lease, the Tenant shall have the right to the following:
 - a. To set ticket, food and beverage, retail, sponsorship, and parking prices, as it deems appropriate, for all of the Tenant’s events held on the Leased Premises.
 - b. To receive and retain all revenues from ticket, food and beverage, retail, and parking sales collected at the Tenant’s events held on the Leased Premises.
 - c. To sell, receive and retain revenues from sponsorships of the Tenant’s events held on the Leased Premises as well as other advertising in the Leased Premises.
 - d. The Tenant shall have priority access to the City owned parking areas in and around the Leased Premises at no cost to provide parking for patrons of the Tenant’s events held on the Leased Premises.
 - i. The Tenant shall not charge a parking fee, nor deny access to parking, to patrons of Pitt County Babe Ruth League (the “Babe Ruth”) games and activities that are held on the “prep” baseball field that is contiguous with the Leased Premises during such times when Tenant games, activities and events and Babe Ruth games and activities are being held simultaneously or on the same day. The Tenant shall implement a parking system that ensures that Babe Ruth patrons are not charged a parking fee, nor denied access to parking, in such instances.

5. Contribution for Initial Leased Premises Improvements and Renovations: For the purpose of enhancing each attendee's game day experience at the Leased Premises, the Tenant hereby commits to provide \$500,000 (Five Hundred Thousand Dollars and Zero Cents) to fund improvements and renovations to the Leased Premises. As a match to the Tenant's contribution, the City hereby commits to provide an additional \$500,000 to fund improvements and renovations to the Leased Premises.
- a. The City and the Tenant shall work in partnership to determine the actual improvements and renovations to be made to the Leased Premises, including but not limited to increasing the seating capacity of the Stadium to a minimum of 1,500 (collectively, the "Improvements"). In the event the Tenant and the City do not reach mutual agreement on the Improvements, Tenant shall have the right to terminate this Lease with no further obligation upon written notice to the City.
 - b. The City and Tenant shall mutually agree as to all of the Improvements to be made to the Leased Premises with the combined contributions of both the City and the Tenant prior to any of the Improvements being initiated. In the event that the City and the Tenant cannot mutually agree as to all of the Improvements to be made to the Leased Premises, this Lease shall terminate, effective immediately, and the parties shall be released and have no further rights, duties, liability, or obligations at law or in equity of any kind or nature arising out of or relating to the Lease, except for those obligations which are specified under the Lease to survive termination.
 - c. The City and the Tenant shall work collectively to seek out and apply for applicable State, Federal or private funding to supplement the City's and Tenant's financial commitment for the Improvements to the Leased Premises.
 - i. The Improvements to the Leased Premises funded with any supplemental State, Federal or private funding shall be mutually agreed to by the City and the Tenant as long as such agreement is allowable per any State, Federal or private restrictions required for the use of such funding.
 - d. Regardless of funding source, the City shall be responsible for the contracted design, construction and installation of all Improvements to the Leased Premises, unless otherwise agreed to by the City and the Tenant during the initial capital improvements period.
 - e. The Improvements shall be completed no later than April 1, 2024.
 - f. Unless otherwise agreed to by the City and the Tenant during the initial capital improvements period, the Tenant shall make payment of its contribution to the Improvements to the Leased Premises (the "Tenant's Contribution") as follows:

- i. The Tenant shall pay 50% (\$250,000 or Two Hundred, Fifty Thousand Dollars and Zero Cents) of the Tenant's Contribution to the City within thirty (30) days of the issuance of the building permit for the mutually agreed to Improvements.
 - ii. The Tenant shall pay the remaining 50% (\$250,000 or Two Hundred, Fifty Thousand Dollars and Zero Cents) of the Tenant's Contribution to the City within thirty (30) days of the issuance of the Certificate of Occupancy for the completion of the mutually agreed to Improvements.
 - g. The Improvements shall be solely owned by the City.
6. Future Improvements and Renovations to the Leased Premises: Excluding the Improvements, the following shall apply to future improvements and renovations to the Leased Premises ("Future Improvements"):
- a. The Tenant shall have the right to make Future Improvements to the Leased Premises at its own expense with the written preapproval of the City. All Future Improvements made by the Tenant shall become the property of the City upon completion.
 - b. The City shall have the right to make Future Improvements to the Leased Premises, at its own expense, without the consent of the Tenant, so long as such Future Improvements (including the construction thereof) do not negatively affect the Tenant's operations.
7. West Greenville Youth Baseball Camp: The Tenant understands and recognizes the importance of teaching the love of baseball to youth, specifically the youth that live in the community that surrounds the Leased Premises. Therefore, the League, in partnership with the City, and at the City's cost, shall strive to provide one baseball day camp per year, operated with coaches and players of the Greenville League franchise, for the benefit of youth within the West Greenville community. The baseball camp shall be structured around skill development, character building and the love of baseball.
8. Partnership with Babe Ruth: The Tenant understands and recognizes the importance of the Babe Ruth program to the Greenville community and the overwhelming impact the program has had on lives of local youth. The Tenant also understands that the Leased Premises have historically been the Babe Ruth program's primary playing field and that the Leased Premises shall continue during the term of this Lease to be Babe Ruth's primary playing field. Therefore, during the term of this Lease, the Tenant shall be a community partner of the Babe Ruth program and support the continued growth

and importance of youth baseball in the Greenville community. In recognition of this partnership, the Tenant shall commit to the following during the term of this Lease:

- a. The Tenant shall work in partnership with Babe Ruth to coordinate the schedules of baseball games of both the Tenant and Babe Ruth so as to provide for the shared use of the Leased Premises.
 - i. The Tenant shall submit a draft schedule for each upcoming baseball season to the City and Babe Ruth for review no later than October 1st of each year. The City and Babe Ruth shall review the draft schedule and submit comments back to the Tenant no later than 15 days after receipt of the draft schedule.
 - ii. Based on the Tenant's draft schedule and the City's and Babe Ruth's review of the schedule, the Tenant shall make all necessary efforts to work with and around Babe Ruth's schedule, as feasibly possible, to ensure Babe Ruth's continued use of the Leased Premises as its primary playing field.
- b. During each year of the term of this Lease, the League shall work in partnership with Babe Ruth to coordinate and carry out at least one fundraiser event or program for the benefit of Babe Ruth:
 - i. The Tenant and Babe Ruth shall coordinate the planning and development of the fundraiser event or program.
 - ii. The net proceeds from the fundraiser event or program shall be deposited with Babe Ruth and the proceeds shall be used for the direct benefit of the Babe Ruth program and its athletes.
- c. The Tenant will provide up to five (5) free spots for Babe Ruth players to participate in any baseball camps sanctioned by the Tenant and will make reasonable efforts to have players and/or coaches attend some Babe Ruth games to offer coaching and/or mentorship.
- d. During each year of the term of this Lease, the Tenant shall officially offer at least two (2) current collegiate baseball players that previously participated in the Babe Ruth program a spot on the Greenville League team's official roster for the summer season.
 - i. For each year of this Lease, this term shall only apply if there are two (2) or more collegiate baseball players that previously participated in the Babe Ruth program from which to offer a spot on the Greenville League team's official roster for the summer season.

- ii. Each year, the City shall be responsible for submitting to the Tenant a list of all baseball players known by the City that are actively listed on the official roster of a collegiate baseball team and that previously participated in the Babe Ruth program. Each year, the City shall submit the list to the Tenant no later than the date specified by the Tenant.
9. Other Tenant Use of the Leased Premises: Outside the May 15 to September 30 timeframes during the term of this Lease, the Tenant shall work in partnership with the City to reserve the use of the Leased Premises for Tenant sponsored events or activities to be held on the Leased Premises. The Tenant shall have first right to reserve use of the Leased Premises for Tenant sponsored events or activities on dates and times that the Leased Premises have not been previously reserved by the City or Babe Ruth for City sponsored events or activities.

II. Other Terms and Conditions Use of Leased Premises

10. Damages to Leased Premises: The Tenant shall be responsible for full financial restitution of damages to the Leased Premises caused by intentional or negligent acts by the Tenant.
 - a. Damages shall include, but not be limited to, structural and/or operational damage to the Leased Premises or to any fixtures, appliances, furniture, lockers, or other appurtenances thereto caused by intentional or negligent acts by the Tenant or its agents, employees, contractors, home/visiting teams or other invitees of the Tenant.
 - b. The City shall provide for the repair of such damages caused by intentional or negligent acts by the Tenant. The City reserves the right to provide for such repair with the use of City staff or contracted repair services.
 - c. The Tenant shall reimburse the City the full cost incurred by the City to repair such damages caused by intentional or negligent acts by the Tenant. The Tenant shall reimburse the City the full cost within thirty days (30) of receipt of the invoice from the City detailing the full cost incurred by the City for such repair.
11. Security and Traffic Control: The Tenant shall provide security, at its own cost, at the Leased Premises for all events and activities held or promoted by the Tenant including the Tenant's home games.
 - a. The Tenant shall provide a level of staffed security that is consistent with other League franchisees' best practices and League requirements.

- b. The Tenant shall provide traffic control, at its own cost, for all games, events or activities held or promoted by the Tenant at the Leased Premises as necessary.
- c. The City will cooperate with the Tenant to properly secure all buildings and the remainder of the Leased Premises during the term of the Lease.

12. Routine Maintenance: The City shall be responsible for the ongoing, routine maintenance and upkeep of the Leased Premises.

- a. Ongoing, routine maintenance shall include, but not be limited to, maintenance of electrical, HVAC, audio and video systems, plumbing, stadium fencing, railing, seating, and netting.
- b. The City shall make such repairs and provide such maintenance within a reasonable time so as to minimize any operational impact on the Tenant's use of the Leased Premises.
- c. The City shall provide the staff, supplies and equipment (including appropriate field tarp(s) adequately sized to cover infield and bullpen areas) required to maintain the playing field for the Tenant's home games in accordance with League standards at no additional cost to the Tenant.
 - i. The City shall be responsible for maintaining and preparing the field immediately prior to the Tenant's home games including lining the basepaths, preparing the pitching and hitting areas and preparing the batting cages.
 - ii. The Tenant shall have no obligations to assist the City with game day preparations or post game routine field maintenance.

13. Other Extraordinary Field Improvements: Other specific, extraordinary field improvements requested by the Tenant shall be approved by the City in advance and funded at the sole expense of the Tenant. Such specific, extraordinary field improvements shall include a new mound, replacement of sod, and other such improvements which would be deemed outside of ordinary maintenance.

- a. The City shall be responsible for the repair of damages caused by non-Tenant use of the Leased Premises that are deemed necessary by the Tenant for the Tenant's continued use of the Leased Premises for games, events or activities.

14. Utilities: The City shall be responsible, at its own cost, for furnishing all utilities (including, without limitation, electricity, water, sewer, internet and telephone) to the Leased Premises which will be used by the Tenant for all games, events or activities held at the Leased Premises.

15. Equipment: The City shall provide an operational scoreboard, public address system, and field lighting for the Tenant's use. The Tenant shall be responsible for the operation of the scoreboard, public address system and field lighting for all games, events or activities held or promoted by the Tenant at the Leased Premises. The Tenant shall be responsible for the cost of repairing damage to the scoreboard, public address system and field lighting resulting from intentional or negligent acts by the Tenant or its agents or employees.
16. Custodial Services for the Leased Premises: The following shall apply to the custodial-related services for Tenant games, events and activities at the Leased Premises:
- a. The City shall be responsible for the custodial services in the fan-facing areas of the Leased Premises before and after Tenant games, events or activities held or promoted by the Tenant at the Leased Premises. Fan-facing areas is defined as all areas where attendees are allowed to stand, sit or park in order to view or participate in a Tenant game, event or activity.
 - b. The Tenant shall be responsible for custodial services in the concession stands, merchandise sale areas, locker rooms, public address booth and any other areas of the Leased Premises utilized by the Tenant during the Tenant's games, events or activities.
 - c. The City agrees to make available to the Tenant the City's cleaning equipment including blowers, mops, scrubbers and any other equipment needed for cleaning. However, the City shall in no way be obligated to purchase such equipment for use by the Tenant for cleaning purposes. The Tenant shall be responsible for any repairs or damage to the City's cleaning equipment caused by intentional or negligent acts by the Tenant.
 - d. The City shall provide sufficient receptacles for the disposal of solid waste which shall be utilized by the Tenant and the City to discard garbage collected from operations of the Leased Premises.
 - i. All refuse generated at any game, event or activity promoted by the Tenant at the Leased Premises shall be placed in the receptacles no later than 4:00 a.m. the following day. The Tenant and the City shall separately be responsible for placement of refuse within the receptacles for each of their respective areas of responsibility.
 - ii. The City shall assure solid waste is removed as often as may be necessary to prevent excessive accumulation of trash or sanitation hazards.

- e. The City shall maintain the public restrooms in a clean and attractive condition at all times. The City shall provide all sanitation and janitorial supplies necessary to stock the restrooms at all times.

17. Concession Sales: The following shall apply to concession sales at Tenant games, events and activities at the Leased Premises:

- a. The Tenant, or its assigns, shall have the right to sell concessions for all Tenant games, events or activities held or promoted by the Tenant at the Leased Premises. The Tenant shall also have the right of first refusal to sell concessions for all other events, excluding Babe Ruth and J.H. Rose High School sponsored and/or organized games and events, held at the Leased Premises and shall be entitled to receive and retain all revenues from such sales.
- b. Concession sales shall include, but may not be limited to, food, drinks, alcoholic beverages, souvenirs and merchandise, including t-shirts and ball caps.
- c. Concessions may be sold or distributed from fixed locations, such as a gift booth or concession stand or mobile locations. The Tenant shall have the right to utilize the existing concession stand(s) located at the Leased Premises for the provision of concession sales.
 - i. The existing concession stand(s) shall be shared between the Tenant, the City and Babe Ruth. The City, the Tenant and Babe Ruth will work together to develop a plan to effectively share the existing concession stand(s), including storage areas.
 - ii. The Tenant shall be responsible for stocking the existing concession stand(s) with concessions to be sold during Tenant games, events or activities.
 - iii. The City or Babe Ruth shall be responsible for stocking the existing concession stand(s) with concessions to be sold during City or Babe Ruth games, events or activities.
- d. The Tenant may obtain an alcoholic beverage license from the State of North Carolina ABC Commissioner in order to sell malt beverages, wine, fortified wine or alcohol at the Leased Premises for consumption during games, non-youth events or non-youth activities held or promoted by the Tenant at the Stadium.
 - i. The sale and consumption of alcoholic beverages shall be governed and regulated by the City's Code of Ordinances and the laws of North Carolina.

- ii. Alcoholic beverages shall not be allowed to be sold or consumed at youth events or activities held or promoted by the Tenant at the Leased Premises. Youth events and youth activities shall be defined as events or activities intended for youth ages seventeen (17) and under.

18. Insurance: The City shall maintain insurance on the Leased Premises against loss due to fire or other casualty, except for such losses as may be caused by Tenant. During the duration of this Lease, and any renewal thereof, the Tenant shall maintain, at its own expense, insurance, as specified below, for the protection of the Tenant, the City, its officers and employees, on a primary basis, from any claim, damage, liability, loss or expense to person(s) or property caused by, resulting from, arising out of or in conjunction with the duties and obligations of the Tenant pursuant to this Lease.

- a. Commercial General Liability insurance with limits not less than \$1,000,000 per each occurrence and \$3,000,000 in the aggregate. Such insurance shall include coverage for the contractual liability (applying to the terms and conditions of this Lease), products-completed operations liability, personal injury liability, advertising injury liability, contingent liquor liability, property damage liability and bodily injury liability (including death).
- b. Workers' Compensation insurance with statutory limits as required by the State of North Carolina covering all of the Tenant's personnel engaged in performing the duties and obligations of the Tenant pursuant to this Lease. Such insurance shall also include Employer's Liability coverage with limits not less than \$1,000,000 each occurrence or statutory limits, whichever is higher.
- c. Property insurance covering loss or damage to the personal property of the City located at the Leased Premises. Said insurance shall provide coverage in the amount of the full replacement cost thereof and shall insure against perils on an "all risk basis."
- d. Commercial Automobile Liability shall not be less than \$1,000,000 combined single limit.
- e. Liquor Liability insurance coverage with not less than \$1,000,000 of liability coverage.

All insurance policies or endorsements thereto required of the Tenant covering the Leased Premises including, but not limited to, contents, fire and casualty insurance, shall include provisions expressly waiving any right of subrogation on the part of the insurer against the City, its agents and employees.

The City shall be named as an additional insured on the insurance policies obtained by the Tenant.

All insurances shall be primary and non-contributory, written by insurance companies qualified to do business in the State of North Carolina with an A.M. Best rating acceptable to the City. Such insurance policies shall provide that coverage thereunder may not be materially changed, reduced, or cancelled during the term of this Lease.

The Tenant shall bear all costs of all deductibles and shall remain solely and fully liable for the full amount of any claim, damage, loss or expense caused by, resulting from, arising out of or in conjunction with the duties and obligations of the Tenant pursuant to this Lease that are not compensated by insurance.

Upon execution of this Lease, the Tenant shall furnish the City with certificate(s) of insurance naming the City as an additional insured and certifying that the appropriate insurance coverages are in place and that the policies have been properly endorsed to meet the insurance requirements as set forth above. The Tenant agrees to furnish to the City renewal insurance certificates throughout the term of this Lease as requested by the City.

19. Indemnity: To the maximum extent allowed by law, the Tenant hereby agrees to indemnify, protect and save the City and its officers, council members, directors, employees, and agents (each, an "Indemnified Party," and collectively, the "Indemnified Parties"), harmless from all liability, obligations, losses, claims, damages, actions, suits, proceedings, costs and expenses, including reasonable attorneys' fees (collectively, "Indemnified Losses"), arising out of, connected with, or resulting directly or indirectly from this Lease or the transactions contemplated by or relating to this Lease, without limitation, provided that no indemnification is provided by the Tenant for Indemnified Losses to the extent they are caused by the intentional act or negligence of any Indemnified Party. The indemnification arising under this Section shall survive the Lease's termination.

20. Title VI Nondiscrimination: The Tenant for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree that Tenant will maintain and operate the Leased Premises and associated services in compliance with all requirements imposed by the Title VI of the Civil Rights Act of 1964, and other nondiscrimination authorities, as may be amended, such that no person on the grounds of race, color, national origin, sex, age, disability, income-level, or Limited English Proficiency will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said Leased Premises. With respect to this Lease, in the event of breach of any of the above Non-discrimination covenants, City will have the

right to terminate the Lease, and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the Lease was never made or issued.

21. Rights of Termination: The following shall apply to rights of termination for both the Tenant and the City, respectively:

- a. The Tenant shall have the right to terminate this Lease by giving the City six (6) months written notice that the Tenant has disbanded or suspended operations or that the Tenant will not field a team at the Leased Premises during the coming season. Upon the Tenant’s termination of this Lease, any and all Leased Premises improvements funded in whole or in part by the Tenant shall become the property of the City. In addition, the Tenant shall not be entitled to reimbursement of any Tenant funds previously utilized to fund, in whole or in part, any improvements to the Leased Premises.
- b. The City shall have the right to terminate this Lease by giving the Tenant twenty-four (24) months written notice of its intent to terminate this Lease.
 - i. If the City terminates this Lease prior to the date that is seven (7) years from the Effective Date of this Lease, the City shall reimburse the Tenant a pro rata amount of the Tenant’s Contribution as follows:

Year(s) From Effective Date	Amount Reimbursed
1	\$428,571
2	357,143
3	285,714
4	217,286
5	142,857
6	71,429
7	0

- ii. If the City terminates this Lease after the date that is seven (7) years from the Effective Date of this Lease, the Tenant shall not be entitled to reimbursement from the City of a pro rata amount of the Tenant’s Contribution.

22. Warranty: The City covenants to and with Tenant that upon timely payment of annual rent and any other charges due and payable and observing and performing all of the terms, covenants and conditions, on Tenant’s part to be observed and performed, Tenant shall have the right to quiet possession of the Leased Premises, free from any adverse claims whatsoever from any persons whomsoever upon the terms and conditions of this Lease.

23. Eminent Domain:

- a. If the entire Leased Premises shall be appropriated or taken under the power of eminent domain by any governmental or quasi-governmental authority or under threat of and in lieu of condemnation (hereinafter, "taken" or "taking"), this Lease shall terminate as of the date of such taking, and the City and Tenant shall have no further liability or obligation arising under this Lease after such date, except as otherwise provided for in this Lease.
- b. If more than twenty-five percent (25%) of the Leased Premises is taken, or if by reason of any taking, regardless of the amount so taken, the remainder of the Leased Premises is rendered unusable for the permitted use, either the City or Tenant shall have the right to terminate this Lease as of the date Tenant is required to vacate the portion of the Leased Premises taken, upon giving notice of such election within thirty (30) days after receipt by Tenant from the City of written notice that said Leased Premises have been or will be so taken. In the event of such termination, both the City and Tenant shall be released from any liability or obligation under this Lease arising after the date of termination, except as otherwise provided for in this Lease.
- c. If this Lease is not terminated on account of a taking as provided herein above, then Tenant shall continue to occupy that portion of the Leased Premises not taken and the annual rent provided for herein and other sums due under the Lease shall be reduced on an equitable basis, taking into account the relative values of the portion taken as compared to the portion remaining. Tenant waives any statutory rights of termination that may arise because of any partial taking of the Leased Premises.
- d. The City shall be entitled to the entire condemnation award for any taking of the Leased Premises or any part thereof. Tenant's right to receive any amounts separately awarded to Tenant directly from the condemning authority for the taking of its merchandise, personal property, relocation expenses and/or interests in other than the real property taken shall not be affected in any manner by the provisions of this paragraph, provided Tenant's award does not reduce or affect the City's award and provided further, Tenant shall have no claim for the loss of its leasehold estate.

24. Liens/Use as Security: Tenant agrees that it will not permit the claim of any contractor, subcontractor, mechanic, laborer or materialmen to become and remain a lien on the Leased Premises or upon the right, title or interest of the Tenant created by this Lease after the indebtedness secured by such lien shall become due unless the same is in the process of actually being contested in good faith on the part of the Tenant and in

any event the Tenant will protect, indemnify and save harmless the City from and in respect of any and all such claims.

25. Access: Tenant shall be able to secure and restrict access to the Leased Premises when not in use for Tenant games, events or activities or when not in use for City sponsored events or activities. The City and its agents shall be permitted to enter the Leased Premises at all reasonable times to examine the condition of the Leased Premises or to make repairs, additions or alterations as may be necessary for the safety, preservation or improvement of the Leased Premises. Except in an event of an emergency, the City shall work in partnership with the Tenant to schedule such activities at times whereby the Leased Premises are not in active use by the Tenant.
26. Surrender of Leased Premises: At the end of the term of this Lease, the Tenant shall peaceably yield up the Leased Premises to the City in as good repair and condition as when delivered to Tenant, excepting ordinary wear and tear, damage by fire, elements or casualty.
27. Exercise of Rights and Notice: All notices, demands or other communications of any type given by a party to the other, whether required by this Lease or in any way related to this Lease, shall be made effective by the personal delivery or by the mailing of a written notice of such exercise to the other party unless a specific provision of this Lease Agreement provides otherwise. Notice shall be effective upon any actual delivery or three days after mailing by first class, United States mail, return receipt requested, postage prepaid, addressed to the other party at the address set forth below:

<u>City of Greenville:</u> City Manager P.O. Box 7207 Greenville, NC 27835 <u>Copy to: City Attorney</u>	<u>Capitol Broadcasting Company, Inc.:</u> c/o Mr. Michael J. Goodman, Executive Vice President 2619 Western Boulevard, Raleigh, NC 27606
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28. Payment of Taxes:

- a. The City and Tenant acknowledge that the Leased Premises is owned by the City and that no City or County property taxes shall be due and payable thereon.

- b. The Tenant shall be solely responsible for the payment of all personal property taxes lawfully levied against personal property of the Tenant of any kind upon or about the premises.
- c. Tenant shall be solely responsible for any collection and/or payment of Federal, State or Local sales or use tax, or similar fees or taxes and /or licensing fees resulting from operations when the Tenant is holding games, events or activities at the Leased Premises.
- d. Tenant shall be solely responsible for the compensation, benefits, contributions and taxes, if any, of its employees and agents.

29. Assignment and Subletting: The Tenant shall not assign or transfer this Lease or sublet the Leased Premises or any part of the Leased Premises without the prior written consent of the City except for an assignment to a wholly owned subsidiary that operates the team if and when such entity is formed. Notwithstanding the foregoing, it is understood and agreed that the Tenant may enter a license or use agreement (“Use Agreement”) with a third party (“licensee”) to use the Leased Premises.

30. Tenant’s Right to Enter License or Use Agreements: It is understood and agreed that the Tenant may enter into a Use Agreement with a licensee to use the Leased Premises for any activity or use Tenant is allowed to do in this lease agreement.

Notwithstanding any provision of said Use Agreement, as between the City and Tenant, the Tenant shall be responsible for any obligation or responsibility of the Tenant as set forth in this Lease Agreement. In no event shall said Use Agreement provide for a charge to licensee for any fee, charge, or rental which exceeds an equitable sharing of an expense to be borne by Tenant pursuant to this Lease. In no event shall said Use Agreement allow any use of the Leased Premises or extend any rights or privileges in addition to those allowed or conferred upon Tenant pursuant to this Lease. Additionally, said Use Agreement shall require licensee to:

- a. Comply with the Tenant’s use limitations set forth herein;
- b. Provide information to the City Manager or City Manager’s designee of the programs, activities and services being provided by licensee on the Leased Premises;
- c. Insure and keep in effect, at all times during the term of this Lease, at its own cost and expense, insurance on the Leased Premises against claims for personal injury or property damage under a policy of general liability insurance with a combined single limit of not less than \$1,000,000 with the City named as an additional named insured, written by an insurance company or companies authorized to do business

in the State of North Carolina and to provide the City with a certificate of insurance evidencing said coverage;

- d. Agree to indemnify and hold harmless, to the extent permitted and limited by the laws of North Carolina, the City and its officers and employees and Tenant and its officers and employees from and against any and all claims and demands whether from injury to person, loss of life, or property damage, associated with the programs and activities conducted by licensee on or within the demised premises;
- e. Observe all applicable local, state, and federal laws and regulations as they pertain to licensee's use and occupation of the Leased Premises.

31. Governing Law: This Agreement shall be governed by and construed in accordance with the internal laws of the State of North Carolina, without reference to any conflict or choice of laws provision which would operate to make the internal laws of any jurisdiction applicable.

32. Venue: The exclusive forum and venue for all actions, suits or proceedings arising out of or related to this Agreement shall be the North Carolina General Courts of Justice, in Pitt County, or if in federal court, in the Eastern District of North Carolina.

33. Force Majeure: Neither party hereto shall be required to perform any term, condition, or covenant of this Lease during such time performance, after the exercise of due diligence to perform is delayed or prevented by acts of God, civil riots, organized labor disputes, pandemic, epidemic, or governmental restrictions.

34. Survival and Binding Effect: This Lease shall be binding upon and shall inure to the benefit of the parties hereto and their respective heirs, beneficiaries, legal representatives, successors and assigns.

35. Amendment and Waiver: Neither this Lease nor any provision hereof may be amended, except by written instrument signed by both parties (City and Tenant). Failure by the City to insist on strict compliance with any term or condition shall not be deemed a waiver of said compliance.

36. Unenforceability: If any provision of this Lease is held to be illegal, invalid or unenforceable under any present or future laws, such provision shall be severable and the remainder of this Lease shall continue in full force and effect.

37. Entire Agreement: This Lease is only the agreement between the parties hereto with respect to the subject matter hereof and contains all of the terms agreed upon, and there are no other agreements, oral or written, between the parties hereto with respect to the subject matter hereof.

38. Execution of Counterparts: This Lease may be executed in one or more counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument.
39. Recording: Within ten days following full execution of this Lease, Tenant shall, at Tenant's expense, record the Lease in the Office of the Register of Deeds of Pitt County. In lieu of recording the Lease, Tenant may record a Memorandum of Lease, the form of which shall be subject to the approval of the City Attorney. An original of this Lease shall be committed to the Greenville City Clerk for safekeeping.
40. Dispute Resolution: In the event of any dispute arising out of or relating to this Lease, the affected party shall notify the other party, and the parties shall attempt in good faith to resolve the matter within thirty (30) days after the date such notice is received by the other party prior to exercising their rights under law.
41. Performance of Government Functions: Nothing contained in this Lease shall be deemed or construed so as to in any way estop, limit, or impair the City from exercising or performing any regulatory, policing, legislative, governmental, or other powers or functions.
42. E-Verify Requirements: (a) If this Lease is awarded pursuant to North Carolina General Statutes (NCGS) 143-129 – (i) Tenant represents and covenants that its contractors and subcontractors comply with the requirements of Article 2 of Chapter 64 of the NCGS; (ii) the words "contractor," "contractor's subcontractors," and "comply" as used in this subsection (a) shall have the meanings intended by NCGS 143-129(j); and (iii) the City is relying on this subsection (a) in entering into this Lease. (b) If this Lease is subject to NCGS 143-133.3, the Tenant and its contractors and subcontractors shall comply with the requirements of Article 2, Chapter 64 of the NCGS.
43. Iran Divestment: The Tenant hereby certifies that, it is not on the Iran Final Divestment List created by the North Carolina State Treasurer pursuant to N.C.G.S. § 147-86.58. The Tenant shall not utilize in the performance of the Lease any contractor that is identified on the Iran Final Divestment List.
44. Entire Agreement: This Lease is only the agreement between the parties hereto with respect to the subject matter hereof and contains all of the terms agreed upon, and there are no other agreements, oral or written, between the parties hereto with respect to the subject matter hereof.

[SIGNATURE PAGE(S) FOLLOW]

IN WITNESS WHEREOF, the parties have hereto have set their hands and seals on the dates written below and the undersigned hereby warrants and certifies that they have read the Agreement in its entirety, understand it and agree to be bound by all the terms and conditions stated herein. Further, they warrant and certify they are authorized to enter into this Agreement and to execute same on behalf of the parties as the act of the said parties.

The City:
CITY OF GREENVILLE

By: _____
P.J. Connelly, Mayor

ATTEST:

By: _____
_____, City Clerk

[Seal]

**NORTH CAROLINA
PITT COUNTY**

I, _____, a Notary Public in and for the aforesaid County and State, do hereby certify that _____ personally appeared before me this day and acknowledged that she is Clerk of the CITY OF GREENVILLE, a North Carolina municipal corporation, and that by authority duly given and as the act of the CITY OF GREENVILLE, the foregoing instrument was signed in its corporate name by its Mayor, sealed with its corporate seal, and attested by herself as Clerk.

Witness my hand and Notarial Seal, this the ___ day of _____, 20__.

Notary Public

(Official Seal)

My Commission expires: _____

(Continued on following page)

The Tenant:
Capitol Broadcasting Company, Inc.

By: _____
Michael J. Goodman, Executive
Vice President

STATE OF NORTH CAROLINA
COUNTY OF _____

I, _____, a Notary Public in and for the aforesaid County and State, do hereby certify that _____ personally appeared before me this day and acknowledged execution of the foregoing document.

Witness my hand and Notarial Seal, this the ____ day of _____, 20____.

Notary Public

(Official Seal)

My Commission expires: _____

(Continued on following page)

APPROVED AS TO FORM:

By: _____
Emanuel D. McGirt, City Attorney

PRE-AUDIT CERTIFICATION:

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act

By: _____
Byron Hayes, Director of Financial Services

Account Number: _____ Project Code: _____

EXHIBIT A

LEASED PREMISES





City of Greenville, North Carolina

Meeting Date: 05/11/2023

Title of Item: Public Finance Authority Retirement Facility Revenue Anticipation Bonds (SpringShire Pre-Development Project) Series 2015 (the "Bonds")

Explanation: Federal tax law (Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code")) requires that tax-exempt bonds issued to finance certain facilities be approved by, among others, the elected legislative body of the governmental unit that has jurisdiction over the area in which the facilities are located after holding a public hearing.

Section 66.0304(11)(a) of the Wisconsin Statutes and Section 4 of the Amended and Restated Joint Exercise of Powers Agreement Relating to the Public Finance Authority, dated as of September 28, 2010 (the "Joint Powers Agreement") require that before the Public Finance Authority, a commission organized under Wisconsin law (the "Authority"), issues bonds to finance a capital improvement project, the financing of such project must be approved by the governing body or highest ranking executive or administrator of the political jurisdiction within whose boundaries such project is located.

Under certain circumstances, previously issued tax-exempt bonds that are modified will be treated as a new issuance of bonds for the purpose of federal tax law.

The Authority has previously issued its Retirement Facility Revenue Anticipation Bonds (SpringShire Pre-Development Project) Series 2015 (the "2015 Bonds"). The proceeds of the 2015 Bonds have been loaned to SpringShire Retirement, LLC, a North Carolina limited liability company (the "Company"), and used to (1) finance and refinance the Project (as defined below) and (2) pay certain expenses incurred in connection with the issuance of the 2015 Bonds by the Authority (collectively, the "Bond Project").

The "Project" consisted of (1) pre-construction and development expenses for the acquisition, construction and equipping of a new senior living facility (the "Senior Living Facility") to be located on an approximately 144 acre site (the "Site") located in the City of Greenville (the "City") and (2) pre-construction and development expenses for the subdivision of the Site in anticipation of ground leasing a portion of the Site in the future to a related entity for the acquisition, construction and equipping of a new charter school which is expected to conduct programs and activities with the Senior Living Facility that are intergenerational and benefit seniors and students.

The Company and the Authority are modifying the documents relating to the 2015 Bonds to change the maturity and interest rate provisions of the 2015 Bonds, which for federal income tax purposes will be treated as the issuance of the Bonds. The proceeds of the Bonds will be deemed to currently refund \$14,825,000 of the 2015 Bonds.

On April 11, 2022, the City Council approved the deemed issuance of the Bonds for the purposes of Section 147(f) of the Code and approved the refinancing of the Project for the purposes of Section 4 of the Joint Powers Agreement and Section 66.0304(11)(a) of the Wisconsin Statutes. Such approval was valid for a period of one year; however, due to unexpected delays, the Bonds were not issued within one year of the April 11, 2022 approval. The Company has requested the City Council reapprove the deemed issuance of the Bonds for the purposes of Section 147(f) of the Code and reapprove the refinancing of the Project for the purposes of Section 4 of the Joint Powers Agreement and Section 66.0304(11)(a) of the Wisconsin Statutes.

The Company will be obligated to repay the principal, premium, if any, and interest on the Bonds. **The City will not have any liability whatsoever for the payment of principal or interest on the Bonds, and the Bonds will not affect the City's debt ratios or legal debt limit. The attached approval resolution explicitly states that its adoption "shall in no event constitute an endorsement of the Bonds or the Bond Project, including the Project, or the creditworthiness of the Company."**

The notice of public hearing was published in *The Daily Reflector* as required by law. The form of the resolution to be adopted by the City Council is attached.

Fiscal Note:

The City will have no legal responsibility or liability whatsoever for the payment of principal or interest on the Bonds, and the Bonds will not affect the City's debt ratios or legal debt limits.

Recommendation:

That the City Council, at the conclusion of a public hearing regarding the same, adopt a resolution (1) approving in principle the deemed issuance of not to exceed \$14,825,000 of Public Finance Authority Retirement Facility Revenue Anticipation Bonds (SpringShire Pre-Development Project) Series 2015 (the "Bonds"), which will be deemed to refund the 2015 Bonds that were used to, among other things, finance and refinance the Project to be located in the City of Greenville, North Carolina, for the purpose of meeting the requirements of Section 147(f) of the Code and (2) approving the refinancing of the Bond Project, including the Project, for the purposes of Section 4 of the Joint Powers Agreement and Section 66.0304(11)(a) of the Wisconsin Statutes.

ATTACHMENTS

 [City of Greenville TEFRA Approval Resolutions \(2015 Reissuance\)\(14845707.3\).pdf](#)

RESOLUTION APPROVING IN PRINCIPLE THE DEEMED
ISSUANCE OF NOT TO EXCEED \$14,825,000 OF RETIREMENT
FACILITY REVENUE ANTICIPATION BONDS BY THE PUBLIC
FINANCE AUTHORITY

WHEREAS, the City Council (the “City Council”) of the City of Greenville, North Carolina (the “City”) met in the City Hall Council Chambers, 200 West 5th Street, Greenville, North Carolina 27858 at 6:00 pm on the 11th day of May, 2023; and

WHEREAS, the Public Finance Authority, a commission organized under and pursuant to the provisions of Sections 66.0301, 66.0303 and 66.0304 of the Wisconsin Statutes (the “Authority”) has previously issued its Retirement Facility Revenue Anticipation Bonds (SpringShire Pre-Development Project) Series 2015 (the “2015 Bonds”). The proceeds of the 2015 Bonds have been loaned to SpringShire Retirement, LLC, a North Carolina limited liability company (the “Company”), and used to (1) finance and refinance the Project (as defined below) and (2) pay certain expenses incurred in connection with the issuance of the 2015 Bonds by the Authority (collectively, the “Bond Project”).

WHEREAS, the “Project” consisted of (1) pre-construction and development expenses (e.g., land acquisition costs, feasibility studies and reports, marketing activities, and design and engineering costs) for the acquisition, construction and equipping of a new senior living facility (the “Senior Living Facility”) to be located on an approximately 144 acre site (the “Site”) located northwest of the intersection of Highway 43 and Highway 264 (primarily at 3404 NC 43, Greenville, North Carolina 27834) and (2) pre-construction and development expenses for the subdivision of the Site in anticipation of ground leasing a portion of the Site in the future to a related entity for the acquisition, construction and equipping of a new charter school which is expected to conduct programs and activities with the Senior Living Facility that are intergenerational and benefit seniors and students.

WHEREAS, the Company and the Authority are modifying the documents relating to the 2015 Bonds to change the maturity and interest rate provisions of the 2015 Bonds, which for federal income tax purposes will be treated as the issuance of new Public Finance Authority Retirement Facility Revenue Anticipation Bonds (SpringShire Pre-Development Project) Series 2015 Bonds (the “Bonds”). The proceeds of the Bonds will be deemed to currently refund \$14,825,000 of the 2015 Bonds.

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), requires that any tax-exempt bonds issued by the Authority for the Project may only be issued after such issuance is approved by the City Council following a public hearing with respect to such issuance; and

WHEREAS, pursuant to Section 66.0304(11)(a) of the Wisconsin Statutes and Section 4 of the Amended and Restated Joint Exercise of Powers Agreement Relating to the Public Finance Authority, dated as of September 28, 2010 (the “Joint Powers Agreement”), before the Authority issues bonds to finance a capital improvement project, such project must be approved by the governing body or highest ranking executive or administrator of the political jurisdiction within

whose boundaries such project is located, which with respect to the Project is the City Council; and

WHEREAS, the City Council has today held a public hearing with respect to the deemed issuance of the Bonds and the refinancing of the Bond Project, including the Project, as evidenced by the Certificate and Summary of Public Hearing attached hereto as Exhibit A; and

WHEREAS, the City Council has determined that approval of the deemed issuance of the Bonds and the refinancing of the Bond Project, including the Project, is solely to satisfy the requirements of Section 147(f) of the Code, Section 66.0304(11)(a) of the Wisconsin Statutes and Section 4 of the Joint Powers Agreement. The City Council's approval herein shall in no event constitute an endorsement of the Bonds or the Bond Project, including the Project, or the creditworthiness of the Company, nor shall such approval in any event be construed to obligate the City for the payment of the principal of or premium or interest on the Bonds or for the performance of any pledge, mortgage or obligation or agreement of any kind whatsoever which may be undertaken by the Authority, or to constitute the Bonds or any of the agreements or obligations of the Authority an indebtedness of the City, within the meaning of any constitutional or statutory provision whatsoever;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENVILLE, NORTH CAROLINA:

1. The deemed issuance of the Bonds by the Authority in an amount not to exceed \$14,825,000, which will be deemed to refund the 2015 Bonds, a portion of which was used to finance and refinance costs of the Project to be located within the jurisdiction of the City, is hereby approved for the purposes of Section 147(f) of the Code. Additionally, it is the purpose and intent of the City Council that this resolution also constitute approval by the City Council of the refinancing of the Bond Project, including the Project, through the deemed issuance of the Bonds by the Authority in accordance with Section 66.0304(11)(a) of the Wisconsin Statutes and Section 4 of the Joint Powers Agreement. The City Council is the governing body of the political jurisdiction within whose boundaries the Project is located.

2. This resolution shall take effect immediately.

Adopted this the 11th day of May, 2023.

ATTEST:

(SEAL)

P.J. Connelly, Mayor

Valerie Shiuwegar, City Clerk

Council member _____ moved the passage of the foregoing resolution and Council member _____ seconded the motion, and the resolution was passed by the following vote:

Ayes: _____

Nays: _____

Not voting: _____

* * * * *

CERTIFICATION

I, Valerie Shiuwegar, City Clerk to the City of Greenville, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and complete copy of so much of the proceedings of the City Council for the City of Greenville, North Carolina, at a regular meeting duly called and held on May 11, 2023, as it relates in any way to the resolution hereinabove set forth, and that such proceedings are recorded in the minutes of the City Council.

WITNESS my hand and the seal of the City Council of the City of Greenville, North Carolina, this 11th day of May, 2023.

Valerie Shiuwegar, City Clerk
City of Greenville, North Carolina

(SEAL)

Exhibit A

Certificate and Summary of Public Hearing

The undersigned City Clerk of the City of Greenville, North Carolina, hereby certifies:

1. Notice of a public hearing (the “Hearing”) to be held on May 11, 2023, with respect to the deemed issuance of Retirement Facility Revenue Anticipation Bonds (SpringShire Pre-Development Project) Series 2015 (the “Bonds”), by the Public Finance Authority, a commission organized under and pursuant to the provisions of Sections 66.0301, 66.0303 and 66.0304 of the Wisconsin Statutes, for the benefit of SpringShire Retirement, LLC, a North Carolina limited liability company, was published on April 29, 2023, in *The Daily Reflector*.

2. The presiding officer of the Hearing was Mayor P.J. Connelly.

3. The following is a list of the names and addresses of all persons who spoke at the Hearing:

[None]

4. The following is a summary of the oral comments made at the Hearing:

[None]

IN WITNESS WHEREOF, my hand and the seal of the City of Greenville, North Carolina, this 11th day of May, 2023.

Valerie Shiuwegar, City Clerk
City of Greenville, North Carolina

(SEAL)



City of Greenville, North Carolina

Meeting Date: 05/11/2023

Title of Item: Public Finance Authority Senior Living Facilities Revenue Bonds (Rising Phoenix Project), in one or more series (the "Bonds"), to finance a senior living facility to be located in the City of Greenville (the "City")

Explanation: Federal tax law (Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code")) requires that tax-exempt bonds issued to finance senior living facilities be approved by, among others, the elected legislative body of the governmental unit that has jurisdiction over the area in which the facilities are located after holding a public hearing.

Section 66.0304(11)(a) of the Wisconsin Statutes and Section 4 of the Amended and Restated Joint Exercise of Powers Agreement Relating to the Public Finance Authority, dated as of September 28, 2010 (the "Joint Powers Agreement") require that before the Public Finance Authority, a commission organized under Wisconsin law (the "Authority"), issues bonds to finance a capital improvement project, the financing of such project must be approved by the governing body or highest ranking executive or administrator of the political jurisdiction within whose boundaries such project is located.

SpringShire Retirement, LLC, a North Carolina limited liability company (the "Company"), intends to use a portion of the proceeds of the Bonds to finance and refinance the costs of acquiring, constructing and equipping a new senior living facility to be located in the City (the "Project") and the City Council of the City (the "City Council") is the elected governing body of the City. The Authority is expected to issue the Bonds in a principal amount not to exceed \$50,000,000 and loan the proceeds of the Bonds to (1) pay costs of the Project, (2) pay a portion of the interest accruing on the Bonds, (3) fund one or more debt service reserve funds for the Bonds and (4) pay certain expenses incurred in connection with the issuance of the Bonds by the Authority (collectively, the "Bond Project").

On April 11, 2022, the City Council approved the issuance of the Bonds for the purposes of Section 147(f) of the Code and approved the financing of the Project for the purposes of Section 4 of the Joint Powers Agreement and Section 66.0304(11)(a) of the Wisconsin Statutes. Such approval was valid for a period of one year; however, due to unexpected increases in the cost of construction materials and construction delays, the Bonds were not issued within one year of the April 11, 2022 approval. The Company has requested the City Council re-approve the issuance of the Bonds for the purposes of Section 147(f) of the Code

and reapprove the financing of the Project for the purposes of Section 4 of the Joint Powers Agreement and Section 66.0304(11)(a) of the Wisconsin Statutes.

The Bonds are expected to be issued in or around the summer of 2023 and sold in the public market. The Company will agree to repay the principal, premium, if any, and interest on the Bonds. **The City will not have any liability whatsoever for the payment of principal or interest on the Bonds, and the Bonds will not affect the City's debt ratios or legal debt limit. The attached approval resolution explicitly states that its adoption "shall in no event constitute an endorsement of the Bonds or the Bond Project, including the Project, or the creditworthiness of the Company."**

The notice of public hearing was published in *The Daily Reflector* as required by law. The form of the resolution to be adopted by the City Council is attached.

Fiscal Note:

The City will have no legal responsibility or liability whatsoever for the payment of principal or interest on the proposed Bonds, and the Bonds will not affect the City's debt ratios or legal debt limits.

Recommendation:

That the City Council, at the conclusion of a public hearing regarding the same, adopt a resolution (1) approving in principle the issuance of not to exceed \$50,000,000 of Public Finance Authority Senior Living Facilities Revenue Bonds (Rising Phoenix Project), in one or more series (the "Bonds"), to, among other things, finance and refinance the costs of acquiring, constructing and equipping a new senior living facility to be located in the City of Greenville, North Carolina (the "Project"), for the purpose of meeting the requirements of Section 147(f) of the Code and (2) approving the financing of the Bond Project, including the Project, for the purposes of Section 4 of the Joint Powers Agreement and Section 66.0304(11)(a) of the Wisconsin Statutes.

ATTACHMENTS

 [City of Greenville TEFRA Approval Resolutions\(14810612.5\) \(002\).pdf](#)

RESOLUTION APPROVING IN PRINCIPLE THE ISSUANCE OF NOT TO EXCEED \$50,000,000 OF SENIOR LIVING FACILITIES REVENUE BONDS BY THE PUBLIC FINANCE AUTHORITY TO FINANCE A SENIOR LIVING FACILITY TO BE LOCATED IN THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council (the “City Council”) of the City of Greenville, North Carolina (the “City”) met in the City Hall Council Chambers, 200 West 5th Street, Greenville, North Carolina 27858 at 6:00 pm on the 11th day of May, 2023; and

WHEREAS, SpringShire Retirement, LLC, a North Carolina limited liability company (the “Company”), has requested the Public Finance Authority, a commission organized under and pursuant to the provisions of Sections 66.0301, 66.0303 and 66.0304 of the Wisconsin Statutes (the “Authority”), assist in financing and refinancing the costs of acquiring, constructing and equipping a new senior living facility to be located within the jurisdiction of the City on approximately 144 acres of land located northwest of the intersection of Highway 43 and Highway 264 (primarily at 3404 NC 43, Greenville, North Carolina 27834), such facility to include independent living, assisted living and memory care units and common area amenities (collectively, the “Project”); and

WHEREAS, the Authority is expected to issue its Senior Living Facilities Revenue Bonds (Rising Phoenix Project), in one or more series, in an amount not to exceed \$50,000,000 (the “Bonds”), and lend the proceeds to the Company to (1) pay costs of the Project, (2) pay a portion of the interest accruing on the Bonds, (3) fund one or more debt service reserve funds for the Bonds and (4) pay certain expenses incurred in connection with the issuance of the Bonds by the Authority (collectively, the “Bond Project”); and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), requires that any tax-exempt bonds issued by the Authority for the Project may only be issued after such issuance is approved by the City Council following a public hearing with respect to such issuance; and

WHEREAS, pursuant to Section 66.0304(11)(a) of the Wisconsin Statutes and Section 4 of the Amended and Restated Joint Exercise of Powers Agreement Relating to the Public Finance Authority, dated as of September 28, 2010 (the “Joint Powers Agreement”), before the Authority issues bonds to finance a capital improvement project, such project must be approved by the governing body or highest ranking executive or administrator of the political jurisdiction within whose boundaries such project is located, which with respect to the Project is the City Council; and

WHEREAS, the City Council has today held a public hearing with respect to the issuance of the Bonds and the financing of the Bond Project, including the Project, as evidenced by the Certificate and Summary of Public Hearing attached hereto as Exhibit A; and

WHEREAS, the City Council has determined that approval of the issuance of the Bonds and the financing and refinancing of the Bond Project, including the Project, is solely to satisfy the requirements of Section 147(f) of the Code, Section 66.0304(11)(a) of the Wisconsin Statutes and

Section 4 of the Joint Powers Agreement. The City Council’s approval herein shall in no event constitute an endorsement of the Bonds or the Bond Project, including the Project, or the creditworthiness of the Company, nor shall such approval in any event be construed to obligate the City for the payment of the principal of or premium or interest on the Bonds or for the performance of any pledge, mortgage or obligation or agreement of any kind whatsoever which may be undertaken by the Authority, or to constitute the Bonds or any of the agreements or obligations of the Authority an indebtedness of the City, within the meaning of any constitutional or statutory provision whatsoever;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENVILLE, NORTH CAROLINA:

1. The proposed issuance of the Bonds by the Authority in an amount not to exceed \$50,000,000, a portion of which will be used to finance and refinance costs of the Project to be located within the jurisdiction of the City, is hereby approved for the purposes of Section 147(f) of the Code. Additionally, it is the purpose and intent of the City Council that this resolution also constitute approval by the City Council of the financing of the Bond Project, including the Project, through the issuance of the Bonds by the Authority in accordance with Section 66.0304(11)(a) of the Wisconsin Statutes and Section 4 of the Joint Powers Agreement. The City Council is the governing body of the political jurisdiction within whose boundaries the Project is located.

2. This resolution shall take effect immediately.

Adopted this the 11th day of May, 2023.

ATTEST:

(SEAL)

P.J. Connelly, Mayor

Valerie Shiuwegar, City Clerk

Council member _____ moved the passage of the foregoing resolution and Council member _____ seconded the motion, and the resolution was passed by the following vote:

Ayes: _____

Nays: _____

Not voting: _____

* * * * *

CERTIFICATION

I, Valerie Shiuwegar, City Clerk to the City of Greenville, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and complete copy of so much of the proceedings of the City Council for the City of Greenville, North Carolina, at a regular meeting duly called and held on May 11, 2023, as it relates in any way to the resolution hereinabove set forth, and that such proceedings are recorded in the minutes of the City Council.

WITNESS my hand and the seal of the City Council of the City of Greenville, North Carolina, this 11th day of May, 2023.

Valerie Shiuwegar, City Clerk
City of Greenville, North Carolina

(SEAL)

Exhibit A

Certificate and Summary of Public Hearing

The undersigned City Clerk of the City of Greenville, North Carolina, hereby certifies:

1. Notice of a public hearing (the “Hearing”) to be held on May 11, 2023, with respect to the issuance of Senior Living Facilities Revenue Bonds (Rising Phoenix Project), in one or more series (the “Bonds”), by the Public Finance Authority, a commission organized under and pursuant to the provisions of Sections 66.0301, 66.0303 and 66.0304 of the Wisconsin Statutes, for the benefit of SpringShire Retirement, LLC, a North Carolina limited liability company, was published on April 29, 2023, in *The Daily Reflector*.

2. The presiding officer of the Hearing was Mayor P.J. Connelly.

3. The following is a list of the names and addresses of all persons who spoke at the Hearing:

[None]

4. The following is a summary of the oral comments made at the Hearing:

[None]

IN WITNESS WHEREOF, my hand and the seal of the City of Greenville, North Carolina, this 11th day of May, 2023.

Valerie Shiuwegar, City Clerk
City of Greenville, North Carolina

(SEAL)



City of Greenville, North Carolina

Meeting Date: 05/11/2023

Title of Item: Update on the Integrated Mobility & Enhancement Plan (IMEP) for the Transit Division of Public Works

Explanation: Greenville Area Transit (GREAT) of the Public Works Department has been working with AECOM Technical Services of North Carolina to develop an Integrated Mobility and Enhancement Plan (IMEP). The planning process has included evaluating the current GREAT bus system and identifying areas for improvement and expansion of public transit in the City of Greenville.

The IMEP highlights the opportunity for GREAT to provide more efficient public transit with expanded access to passengers. The new system plan will enhance public transit service throughout the city with the following updates:

- Streamline the fixed bus route system for more efficient service and shorter lead times;
- Create new on-demand zones to supplement the fixed route system with scheduled pickups;
- Reduce wait times for passengers on buses and on-demand vehicles; and
- Introduce mobility hubs with waiting spaces (shelter/bench) and other amenities (bike racks, ticket vending, etc.).

This project update will build on the information presented at the City Council Workshop on October 10, 2022, and provide details about the pilot project options for implementation of the on-demand service.

Fiscal Note: The estimated annual cost for the revised fixed-route and on-demand service is cost neutral, meaning that the cost of the revised system is estimated to be equivalent to the FY 2022-23 operating budget for the current fixed-route-only system. Additional services, such as extended operating hours, weekend service, and regional service areas (Winterville, Ayden, and Bethel) would, if implemented, each incur an additional annual cost.

Recommendation: City Council to consider the pilot options for on-demand service and the Integrated Mobility Enhancement Plan for the City of Greenville's GREAT System.



City of Greenville, North Carolina

Meeting Date: 05/11/2023

Title of Item: Presentation of the Proposed Fiscal Year 2023-24 Operating Budgets for the Pitt-Greenville Convention & Visitors Authority, Sheppard Memorial Library, and Greenville Utilities Commission

Explanation: During the May 11, 2023 City Council meeting, representatives from the following agencies will present their Proposed Operating Budgets for the 2023-24 Fiscal Year:

- Pitt-Greenville Convention & Visitors Authority
- Sheppard Memorial Library
- Greenville Utilities Commission

A breakdown of each agency's Proposed Operating Budget is included as an attachment with this agenda item.

In compliance with Section 160A-148(5) of the North Carolina General Statutes, the City Council will hold a public hearing on Monday, June 5, and consider adopting the annual budget ordinance on Thursday, June 8.

Fiscal Note: The final amount of each of the budgets presented will be determined by City Council action at the June 8, 2023, City Council meeting.

Recommendation: Receive presentations on the Proposed Fiscal Year 2023-24 Operating Budgets and provide feedback and direction.

ATTACHMENTS

- 📎 [CVA Budget 2024.pdf](#)
- 📎 [CVA FY 23-24 proposed budget.XLS](#)
- 📎 [SML Budget Request To City Of Greenville 2023-2024.pdf](#)
- 📎 [GUC Budget Package Budget Message Ordinance REs Budget Exp by Dept and reimbursement resolutions for cp and heavy equip.xlsx.pdf](#)



GREENVILLE-PITT COUNTY
CONVENTION & VISITORS BUREAU

March 28, 2023

Dear Greenville City Council:

The Convention & Visitors Authority, in conjunction with its hospitality partners, is continuing to push towards the goal of making Greenville a sought after destination for meeting, event, tournament, and leisure planners. During the 2023-2024 fiscal year, the Convention & Visitors Bureau will continue to work hard to compete against the larger cities across North Carolina to bring additional tourism dollars to our community.

The cornerstone of the 2023-2024 CVA budget is centered on achieving our established goals and objectives as set forth by the CVA Board of Directors and CVB staff. Since revenues have rebounded to pre-pandemic levels, our main focus will be to increase the amount of marketing opportunities to promote Greenville. The CVB will concentrate on all of its traditional markets with a special emphasis on outdoor adventure. 2023 is the Year of the Trail in North Carolina, and we feel that we are well positioned with our outdoor assets to take advantage of this designation. In addition, we plan to add new content and stops to the Greenville-Pitt County African American Cultural Trail and offer a new type of tourism grant designed to help our hospitality businesses compete and bring additional business to our city.

The Convention and Visitors Bureau's 2023-2024 budget is based on projected revenue from the hotel-motel occupancy tax collections which also include Airbnb's. Currently, we are projecting an 11% increase in collections for the fiscal year. We have also been awarded ARPA funds which we will use to increase our marketing reach.

For the first time in four years, our budget does not include the use of fund balance. The Greenville-Pitt County Sports Commission will receive its annual payment from the capital reserve account as we continue to strive to make Greenville an excellent sports tourism destination and support the Little League Softball World Series.

This proposed budget has been approved by our CVA Executive Committee, our full CVA Board of Directors, and is ready for consideration by the Greenville City Council. The CVA appreciates your support and looks forward to working with each City Council member to make Greenville a preferred destination for conventions, meetings, reunions, events, and leisure travel.

Sincerely,

A handwritten signature in black ink that reads 'Andrew D. Schmidt'.

Andrew D. Schmidt, CDME, CHME, MPA
Executive Director

2023-2024 Budget Highlights

The proposed 2023-2024 fiscal year budget is based on an 11% increase in occupancy tax revenue from the past year. As a result of the continued recovery from the pandemic and an influx of ARPA funds, the 2023-2024 fiscal year budget is 5% higher than our last pre-pandemic budget. (2018-2019) This increase in funding will allow us to capitalize on additional marketing opportunities within the leisure, meetings, and sports tourism markets. We will also be starting a tourism grant program.

Revenues have rebounded for a variety of reasons. Despite double digit levels of inflation, leisure travel along with sports tourism travel has remained very strong. Convention and meeting business has also increased along with corporate travel. High demand has allowed our hotels to increase occupancy and average daily rates resulting in higher occupancy tax collections. According to the United States Travel Association, these trends are expected to continue with an even higher rise in the amount of corporate travel during the 2023 calendar year.

1. The CVA and Sports Commission's budgets will continue to be combined for the 2023-2024 fiscal year. Budget expenditures will still be separated and reported utilizing the city's Power BI software. All expenditures spent with APRA funds will be placed in separate line items to insure proper tracking.
2. The 2023-2024 budget reflects the investment of \$300,000 from the CVA's Capital Reserve Account to support the Greenville-Pitt County Sports Commission's efforts to increase sports related travel to the area and support the Little League Softball World Series.
3. The 2023-2024 budget includes \$240,000 of American Rescue Plan Act funds provided from the county. The CVB is receiving \$150,000 each fiscal year, starting with the 2022-2023 fiscal year. As the initial payment will be received in March of 2023, there will be not time to expend all funds on approved projects, thus \$90,000 will be carried over to the 2023-2024 fiscal year.

4. The CVA does not plan to utilize any of its fund balance during the 2023-2024 fiscal year.
5. Salary line item. The salary line item is \$40,000 higher than the current fiscal year. The adjustment leaves an option to potentially expand the CVB staff during the middle of the fiscal year (entry level) and a COLA for current employees. Benefit calculations have been adjusted to account for the change in salary levels and the possibility of an additional staff member if the need arises. This line item also supports two title changes. Rachel Whitten to be promoted to VP of Sales and Services and Ce'Nedra Dillard to be promoted to Sports Sales Manager.

2022-2023 proposed CVA budget-\$1,894,316.64

2022-2023 proposed convention center marketing fund-\$451,244.26

2022-2023 CVA Net budget-\$1,443,072.28

6. There will be an additional hotel operating during the 2023-2024 fiscal year. The Homewood Suites is scheduled to open in April of 2023, adding 122 rooms to Greenville-Pitt County's hotel inventory. The Hilton Garden Inn (101 rooms) located on S. Evans Street in the downtown district is scheduled to be open during the last quarter of the 2023-2024 fiscal year. Other hotel projects in the planning process include the Springhill Suites and the Ficklen Hotel. The Springhill Suites has just broken ground. There is not a date confirmed in which the Ficklen is expected to do so. There are currently 379 Air Bnb's listed in Pitt County. Air Bnb's are required to pay occupancy tax.

<u>ACCOUNT DESCRIPTION</u>	FY 2023 FINAL	FY 2024 MGR REQ
2% OCCUPANCY TAX	\$ 800,238.28	\$ 902,488.49
1% OCCUPANCY TAX	\$ 400,119.13	\$ 451,244.26
CAPITAL RESERVE/SC	\$ 325,000.00	\$ 300,000.00
INT/INVEST EARNINGS	\$ 583.89	\$ 583.89
APPROPRIATED FUND BAL	\$ 98,416.91	\$ -
CAPITAL RESERVE/CVB	\$ 50,000.00	\$ -
COUNTY ARPA FUNDS		\$ 240,000.00
TOTAL CVB REVENUES	\$ 1,674,358.21	\$ 1,894,316.64
NET		\$ 1,443,072.38

ACCOUNT DESCRIPTION

SALARIES-PERMANENT	\$ 448,050.00	\$ 488,050.00
SALARIES-PART TIME	\$ 48,000.00	\$ 50,000.00
FICA EXPENSE	\$ 40,882.35	\$ 42,002.00
GROUP LIFE	\$ 2,000.00	\$ 2,500.00
RETIREMENT	\$ 24,533.00	\$ 41,863.50
HEALTH/DENTAL INSURANCE	\$ 115,065.00	\$ 121,993.25
WORKERS COMP	\$ 1,000.00	\$ 1,000.00
UNEMPLOYMENT COMP	\$ -	
401K REGULAR EMP	\$ 5,640.00	\$ 5,640.00
WELLNESS INCENTIVE	\$ 1,800.00	\$ 2,100.00

*PERSONNEL	\$	686,970.35	\$	755,148.75
PRINTING	\$	41,027.11	\$	44,682.01
TRAVEL/TRAINING	\$	100,000.00	\$	110,000.00
MAINTENANCE & REPAIR	\$	3,000.00	\$	3,000.00
SUPPLIES & MATERIALS	\$	5,000.00	\$	5,000.00
CONTRACTED SERVICES	\$	105,000.00	\$	118,000.00
COST OF COLLECTION	\$	17,806.62	\$	20,806.62
DUES/SUBSCRIPTIONS	\$	18,000.00	\$	18,000.00
ADVERTISING	\$	190,000.00	\$	230,000.00
POSTAGE	\$	7,000.00	\$	7,000.00
TELEPHONE/CELL ALLOWANCE	\$	3,500.00	\$	3,500.00
RENT	\$	41,735.00	\$	42,735.00
UTILITIES	\$	2,500.00	\$	2,500.00
GENERAL INSURANCE LIAB.	\$	1,200.00	\$	1,200.00
DIR./OFFICERS LIAB. INS.	\$	1,500.00	\$	1,500.00
CONTINGENCY	\$	5,000.00	\$	5,000.00
CONVENTION CTR MARKETING	\$	400,119.13	\$	451,244.26
CONVENTION INCENTIVES	\$	15,000.00	\$	15,000.00
TOURISM PROJECTS/SPONSOR	\$	30,000.00	\$	60,000.00
*OPERATING	\$	987,387.86	\$	1,139,167.89
GCC MARKETING RESERVE				
YTD Variance				
TOTAL CVB EXPENSES	\$	1,674,358.21	\$	1,894,316.64

SHEPPARD MEMORIAL LIBRARY FY 2023-2024 Budget



BOARD OF TRUSTEES

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To: Ann Wall, City Manager
 Michael Cowin, Assistant City Manager
 Byron Hayes, Director of Financial Services
 Shelley Z. Leach, Financial Analyst

From: Greg Needham, Director of Libraries

A handwritten signature in blue ink, appearing to read 'Greg Needham', is written over the printed name.

RE: 2023-2024 Budget

Attached is the 2023-2024 Sheppard Memorial Library budget request to the City of Greenville. Sheppard Memorial Library requests \$1,436,706 for the FY 2023-2024 general operating budget, and \$53,333 in capital funds needed to complete phase three of the main library HVAC upgrades.

The total amount of funding requested from Pitt County is \$659,545 and we are asking the County to provide \$26,667 in capital funds to share the cost to complete phase three of the main library HVAC upgrades. State Aid is projected at \$202,972 from the State Library of North Carolina.

I appreciate the opportunity to submit this budget request to the City of Greenville, and I will be glad to answer any related questions you may have.

Thank you for your consideration.

THE SHEPPARD MEMORIAL LIBRARY SYSTEM

The Sheppard Memorial Library system consists of the main library, the Pitt County Bookmobile, and four branch facilities. The main library and two of the branches are located in the City of Greenville, one branch is located in the Town of Winterville, and another branch is located in the Town of Bethel. Operating funds for the libraries in Greenville and the Pitt County Bookmobile are funded by the City of Greenville and Pitt County. Operating costs for libraries in Winterville and Bethel are paid for by those towns, as well as support from Pitt County, and by revenues generated from the operation of these facilities. The Sheppard Memorial Library system receives the Pitt County appropriation of State public library funding because it is recognized as the county library system.

MISSION STATEMENT FOR 2021 – 2026

VISION

Sheppard Memorial Library is a reliable gateway to materials, services, and resources that serve the informational, recreational, intellectual, and creative pursuits of the individual and the community. It provides a welcoming community space (both virtual and real) for the free flow of ideas and for the preservation of the community's heritage. It is recognized throughout eastern North Carolina as significantly enhancing the economic vitality and the quality of life in the area.

MISSION STATEMENT

Sheppard Memorial Library promotes the joys of reading, life-long learning, creativity, and economic growth. It collects and maintains diverse, comprehensive knowledge resources which nourish enlightenment, critical thinking, literacy, and understanding throughout the region.

In an era of consistent change, Sheppard Memorial Library offers stability and reliability to its community.

The library's primary mission is to provide high-interest material in a variety of formats and locations thereby allowing access and use of its collections and resources by as many individuals as possible.

The library supports both formal and informal educational endeavors of persons in the community. It particularly supports reading and learning for children and assisting students in meeting objectives established during formal courses of study.

The library aggressively seeks to add to the knowledge infrastructure of Pitt County in order to support the vitality of our knowledge-based economy. In this way it contributes to the economic development and sustainability of the community.

The library's staff is composed of highly effective information specialists who assist library users in locating authoritative, timely, non-biased information among the myriad of possible sources. They aid persons in finding answers to everyday problems as well as issues that move beyond facts and data to knowledge and enlightenment.

***NOTE ON LIBRARY OPERATIONS DURING COVID19**

The library's operations have been significantly impacted by the pandemic, which caused temporary closure to the public in March of 2020, followed by reopening and expanding service as safety protocols were developed and service adaptations were implemented. Preparations and adaptations are in place to enable the library to continue to expand (or if necessary to contract) service going forward depending upon the progress of the fight against the virus. Unavoidably, elements of the five-year plan have been impacted by our adaptations during COVID19. Silver linings of the pandemic exist, and service enhancements have been implemented, as for example the addition of virtual children's programming and curbside service. This five-year plan, as ever, constantly evolves!

GOALS

The library system will provide welcoming physical public spaces that foster a sense of community, encourage the free flow of ideas, increase the availability of resources, and add to the information infrastructure of Greenville and Pitt County.

The library system will provide welcoming virtual public spaces that foster a sense of community and enrich the information base of the service area.

The library system will offer its service community a rich array of programs that foster intellectual activity, promote the joys of reading, and encourage life-long learning and creativity.

The library offers comprehensive knowledge resources which nourish enlightenment, critical thinking, literacy, and understanding throughout the region. The library's collections provide a variety of high interest material in a variety of formats and locations thereby allowing access and use of its collections and resources by as many individuals as possible.

The library's staff is composed of well-trained, service-oriented, employees who effectively assist library users in locating authoritative, timely, non-biased information among a myriad of possible sources. They aid persons in finding answers to everyday problems as well as issues that move beyond facts and data to knowledge and enlightenment.

Quality library service is not free; the Library will actively seek sources of revenue to fulfill its mission. These sources of revenue will include public and private sources.

Sheppard Memorial Library will reach out to the other public and institutional libraries in the community to enhance the service for all library users in Greenville and Pitt County.

Recognizing the vital role of technology in today's library world, Sheppard Memorial Library will provide current state-of-the art means of information delivery.

Recognizing the vital role of communications in alerting the public to services and resources, the Library will reach out through the media and other means to inform the public about its offerings.

Sheppard Memorial Library General Fund 2023-2024 Budget

REVENUES	FY 22-23 March 2023 Approved Budget	FY 23-24 March 2023 Approved Budget
City of Greenville	\$1,408,535	\$1,436,706
County of Pitt	\$640,335	\$659,545
County of Pitt B/W	\$12,000	\$12,000
Town of Bethel	\$21,108	\$21,108
Town of Winterville	\$168,400	\$171,768
State Aid	\$202,972	\$202,972
State Aid One Time Funds	\$114,356	\$0
Desk Receipts	\$53,800	\$53,800
Interest Income	\$11,500	\$12,000
Miscellaneous Income	\$11,000	\$11,000
G'ville Housing Authority	\$12,618	\$13,261
Capital \$-HVAC-County	\$26,667	\$26,667
Capital \$ - HVAC-City	\$53,333	\$53,333
Reserved Capital-HVAC	\$86,750	\$72,772
Reserved Capital-Van	\$0	\$53,375
SML Fund Balance	\$0	\$9,989
TOTAL REVENUES	\$2,823,374	\$2,810,296
PERSONNEL EXPENDITURES	\$1,672,223	\$1,670,456
OPERATING EXPENDITURES	\$928,073	\$920,432
OTHER EXPENDITURES		
G'ville Housing Authority	\$12,618	\$13,261
Capital-HVAC + Controls	\$166,750	\$152,772
Capital - Van	\$0	\$53,375
Capital - IT Equipment	\$43,710	\$0
TOTAL ALL EXP'S	\$2,823,374	\$2,810,296



Greenville Utilities Commission Board of Commissioners
Greenville City Council
Customers of Greenville Utilities

Ladies and Gentlemen:

Greenville Utilities Commission (GUC) is pleased to present the FY 2023-24 Budget that was developed using the values and objectives identified in our “Blueprint – GUC’s Strategic Plan.” Our mission is to enhance the quality of life for those we serve by safely providing reliable utility solutions at the lowest reasonable cost, with exceptional customer service in an environmentally responsible manner. Our mission has been put to the test in recent years in response to the global pandemic. Sustaining our resiliency through infrastructure maintenance and growth, rate stability, and the services and products we provide have been a top priority for the Commission to remain a catalyst for economic growth in our region.

GUC provides retail electric, water, sewer, and natural gas services, and also provides wholesale water and sewer services to some surrounding communities. Providing these utility services differentiates GUC from many other utilities around the country.

Executive Summary

The Commission’s budget maintains several key financial metrics including debt-service coverage ratios, fund balance (as defined by the NC Local Government Commission), and days cash on hand. These metrics are reviewed for each fund and at the enterprise level. Maintaining these metrics at the fund level ensures the long-term sustainability of GUC to continue meeting its mission and future financial objectives.

Guiding all budgetary decisions is GUC’s Strategic Plan, which emphasizes our commitment to provide exceptional service while maintaining a viable financial position. The Commission utilizes Key Performance Indicators at the corporate level on a consistent basis to monitor our effectiveness in implementing the objectives identified in the Strategic Plan. Therefore, GUC’s budget goals are designed to achieve the following:

- Safely provide reliable utility solutions at the lowest reasonable cost
- Provide exceptional customer service in an environmentally responsible manner
- Position GUC to achieve greater efficiencies
- Continue to meet regulatory requirements
- Minimize rate increases
- Avoid future rate shock
- Maintain Key Performance Indicators for each fund
- Be operationally and financially prepared for emergency situations
- Be prepared for growth and expansion opportunities

- Preserve and/or improve bond ratings
- Support economic development in our community

The balancing process for the budget addressed several areas, including the review and analysis of the following:

- All four funds ability to be self-supporting on a sustained basis
- Continued investment in infrastructure
- Appropriate timing of expenditures for capital projects
- Revenues
- Personnel and staffing
- Cost-saving opportunities
- The updated financial models, with a focus on keeping rates as affordable as possible, while maintaining financial stability

Highlights of the FY 2023-24 proposed budget are listed below:

- Expenditures budgeted for FY 2023-24 have increased by 2.3%, or \$6.6M, when compared to the FY 2022-23 budget. Key points are:
 - \$4.8M increase in operations
 - \$2.8M increase in purchased power
 - \$2.3M increase in capital outlay
 - \$2.9M decrease in purchased gas
 - \$2.2M increase in debt service
 - \$2.8M decrease in transfers to capital projects
- No rate adjustment for the Electric Fund, the same as last year's forecast
- 4.0% rate increase for the Water Fund, a 0.1% reduction from last year's forecast
- No rate adjustment for the Sewer Fund, a 1.1% reduction from last year's forecast
- 5.5% rate increase for the Gas Fund, a 1.8% increase from last year's forecast
- Funding for a 2.0% employee merit/market adjustment
- Continuation of a self-insured health insurance plan which includes a high deductible Health Savings Account option
- Continuation of self-insured dental insurance plan
- Funding to hire replacements prior to the retirement of key personnel to facilitate succession planning, leverage the knowledge and experience of long-term employees for training on critical issues and ensure smooth transitions
- Continuation of investment in the Greenville ENC Alliance to promote economic development in our region
- Transfer to Other Post-Employment Benefits (OPEB) of \$500K
- Transfer of \$150K to City's housing energy conservation program
- Investment of \$16.9M for capital outlay to maintain system reliability and comply with regulatory requirements

- Annual turnover or transfer of \$7.1M to the City of Greenville in accordance with the Charter issued by the North Carolina General Assembly

Highlights of the FY 2023-24 capital budget are listed below:

- GUC continues to make investments in capital projects to maintain reliability, meet ongoing regulatory requirements, and remain strategically positioned to facilitate growth. To that end, in FY 2023-24, GUC will be establishing capital projects totaling \$6.5M.

Key Factors Affecting the FY 2023-24 Budget

As the Commission begins its 118th year of providing utility services, many challenges and opportunities present themselves regarding the development of the budget.

Commodity Costs

The largest expenditures in the 2023-24 budget are for the purchased commodities of electricity and natural gas. Ensuring a constant, steady, and reasonably priced supply of power and natural gas is one of the most important challenges.

The supply of electricity is influenced by many factors including the cost of fuel for generation, the availability of that supply, and other economic and international events. Power supply can often be impacted by outages at nuclear plants, unplanned maintenance and repairs for reactors and generators, and price fluctuations in fossil fuels. The delivery of electricity to the Commission through long transmission lines can be impacted by damages caused by weather or other factors.

The supply of natural gas for the Commission, which is primarily dependent on sources located in the Gulf of Mexico, offers challenges as well. Weather is always a factor in the delivery of utility services. Events, such as hurricanes and winter storms, can impact the flow of natural gas to our area and can result in higher purchase prices and delivery costs for the commodity. Interruptions or price spikes impact costs, and can also impact revenues as consumers often use less gas as prices rise.

To address these issues, the Commission has entered into contracts to receive and provide a constant and steady supply of electricity. Additionally, at several customer sites, there are peak-shaving generators the utility uses to offset periods of heavy load. Mutual aid contracts are in place with other utilities to offer assistance when major weather events cause disruptions.

The Gas Fund operates a liquefied natural gas plant to inject natural gas into the system during periods of high usage. This fuel is shipped to the plant by truck and may provide an alternative for a portion of customer demand, as needed.

Change in Rates

To support GUC's effort to continue to provide exceptional customer service while maintaining key financial performance metrics, several rate increases are necessary for FY 2023-24 implementation. The water rate plan approved in FY 2018 to support funding of the water treatment plant upgrade and distribution system improvements projects will be resumed with the implementation of the fourth of four rate increases included in the plan. Monthly bills for residential customers using 6 kGal will increase 4.0%. The typical residential gas customer bill will increase 5.5%. No rate increases are proposed for electric or sewer customers.

Capital Investment

The Commission serves more than 168,000 customer connections across all four operating funds. With local economic development on the rise in our service areas, the utility is preparing for increased customer growth within the operating systems. Continuous customer growth places new demands on the capacities of the systems and requires infrastructure extensions and capacity expansions, and increased investments in capital spending. Capital spending, and the associated debt required to finance the strategic investment in infrastructure, is a major driver of the budgeting process and impacts rates for all funds.

The Commission's capital improvements planning and project prioritization program supports department level project planning and enables the assessment of each project's alignment with the Commission's long-term vision and strategic plan. Strategic alignment considerations include the enhancement of safety and customer service, promoting the lowest reasonable cost of service, and supporting growth as a regional utility. Functional considerations include asset criticality, reliability, and capacity, and financial evaluations are utilized to determine project impact on revenues, operations and maintenance costs. As part of the annual budget process, five-year financial, capital spending, and capital funding plans are prepared to identify spending needs, planned sources and scheduling of funding.

Efforts continue in the Electric department to replace wood poles structures and peak shaving generators. Existing 115 kilovolt (kV) wood pole structures reaching end of design life are being replaced with steel pole structures to harden the transmission system and increase system reliability. Existing diesel peak shaving generators are being replaced due to age in an effort to maintain fleet readiness. Proctor and Gamble, Mayne Pharma, and ECU School of Medicine are included in the replacement project which is expected to be completed in 2025.

The Commission now has three 230 kV point of delivery (POD) substations that supply power to all of the distribution substations on the system. If a transmission line is damaged and the flow of power to one of the distribution substations is lost, power can be re-routed from the other POD substations through the transmission loop. This enables our customers to continue to receive power until the problem is resolved. Construction continues on the 115 kV transmission line for POD #3 to Simpson substation which will complete the transmission loop, making each substation along the loop more reliable. This transmission line will also feed the new

Hudson's Crossroads Substation that will support future growth anticipated from the southeast sewer system expansion and will also provide redundancy and load support to the existing Simpson and Hollywood Substations.

The WTP Upgrade is on schedule to be completed in July of this year. The project is expanding the water treatment plant from its current capacity of 22.5 million gallons per day (mgd) to 32 mgd to provide sufficient capacity for future economic expansion in the Greenville region. Significant amounts of erosion continue to occur along the river bank at the WTP raw water intake and is in need of immediate repair. Repair and stabilization of the river bank is important to prevent any further erosion from impacting the raw water intake screens.

The Southeast Service Area Sewer Improvements Project establishes a backbone collection system for approximately 1,500 acres and includes a sewer pumping station and 8,000 feet of gravity collection piping. GUC is partnering with five developers to fund the project. This development activity will spur future partnerships to develop additional land tracts. Construction began in December 2022 and is currently scheduled for completion by the end of 2023.

Expansion has begun on the Liquefied Natural Gas (LNG) Plant. This project will be completed in three phases. This first phase will include two 70,000-gallon cryogenic storage tanks and spill containment. The expansion will allow the Commission to reduce its reliance on trucked LNG during peak period demands.

COVID Impact

In response to the 2020 global pandemic, GUC completed renovations to both customer facing facilities to accommodate four new drive-thru windows at each location. A new payment vendor was contracted and an overhaul of the online account management website was completed in an effort to make online and over-the-phone payments faster, easier, and with lower or eliminated convenience fees. The Commission also worked closely with State and local officials to ensure that COVID-relief funding was properly distributed and applied to customers' bills.

With the continuous supply chain issues and supply prices on the rise, the Commission has been planning even further ahead than usual to ensure enough supplies are on hand to continue to provide exceptional customer service at the lowest reasonable cost. Consistent price negotiations and the addition of two mobile warehouse units set up at substations have assisted in being able to keep extra stock accessible.

Personnel Funding

The Commission recognizes that employees are the most valuable asset available to the utility. As employees complete their working careers and retire, it is imperative that a new generation is available to continue the high standards of service that define the utility. The Commission began an initiative to identify and train personnel replacements to promote an orderly transition into the future. In addition, the utility

has adopted an iLead program to identify and educate employees that are likely to be ready to move into supervisory and management positions within the next 10 years.

In an effort to develop a pipeline of diverse, talented, and prepared employees eligible to earn a North Carolina Certification as a water treatment plant or wastewater treatment plant operator, GUC created the iGrow program, which provides on-the-job training and North Carolina Rural Water Association (NCRWA) Certification classes for current employees.

Operational Excellence

Federal, State and local regulations continue to impact all of the Commission's operating funds. Regulations concerning the siting and construction of new generation plants, reliability standards, homeland security, employee safety, renewable resource mandates, and quality standards are all contributing to costs and will continue to impact rate strategies.

To address emerging cybersecurity threats, the Commission's Information Technology department performs continuous review and tuning of training, processes, and technology. All employees are required to participate in robust and comprehensive cybersecurity training. Advanced technologies have been implemented to detect, defend, and mitigate the effects of cybersecurity threats. Quarterly exercises are also performed to evaluate and test the Commission's ability to defend against and react to both physical and cybersecurity threats.

Awards

The Commission received recognition from Electricities of North Carolina for the outstanding job that is performed day in and day out to support the mission of delivering better service and more value to the Greenville region despite the challenges in recent years. The five awards of excellence include Grid Modernization, Value of Public Power, Wholesale Power Cost, Workforce Planning and Development, and Continuous Improvement. This is the 17th year in a row that GUC has won Awards of Excellence.

In 2021, GUC's Electric Department once again received the American Public Power Association's (APPA) highest award, the Reliable Public Power Provider (RP3) Diamond Designation, for providing customers with the highest degree of safe and reliable electric service. Public power utilities must demonstrate proficiency in reliability, safety, workforce development, and system improvement. The Commission's overall system reliability is at 99.5%, which is a testament to the quality work our employees do every day. The designation is good for three years.

The Commission once again earned the Smart Energy Provider (SEP) designation from the APPA in 2022 for demonstrating commitment to and proficiency in energy efficiency, distributed generation, and environmental initiatives that support a goal of providing low-cost, quality, safe, and reliable electric service. The SEP designation, which lasts for two years, recognizes public power utilities for demonstrating leading

practices in four key disciplines: smart energy program structure, energy efficiency and distributed energy programs, environmental and sustainability initiatives, and the customer experience. In total, 90 public power utilities nationwide hold the SEP designation.

For the 7th year in a row, our WTP has received the prestigious North Carolina Area Wide Optimization Award (AWOP). The NC Division of Water Resources has included the Commission among the 66 out of 149 water treatment plants in the State honored for surpassing federal and state drinking water standards in 2021. The award recognition is a state effort to enhance the performance of existing surface water treatment facilities.

The Wastewater Treatment Plant (WWTP) “Smooth Operators” team competed at the 21st annual Operations Challenge and came in first overall along with first, second, and third place finishes in all five of the events. These events are designed to test the diverse skills required for the operation and maintenance of wastewater facilities, collection systems, and laboratories.

GUC’s Public Information Office received two Excellence in Public Power Communications awards from the APPA for work done in 2021. The awards were in the Video and Social Media categories. This was the 6th time the Commission has won an award for website and/or social media efforts, and the 4th award for video. GUC was one of 49 utilities that took home an award from this year’s APPA Customer Connections Conference. Awards were given to those who showed ingenuity and creativity in telling their stories through outstanding copy, design, graphics, social media engagement, and video.

The Commission places a high value on employee safety, prioritizing working safely and keeping their customers safe. For the 8th time in its 118-year history, Greenville Utilities achieved an important milestone in 2022: one million consecutive man hours without a lost workday due to injury. Considering the challenges of delivering electric, water, sewer, and natural gas services in recent years, it is a remarkable feat to work a million hours without a major injury. Each year, staff from various departments attend the NC Department of Labor (NCDOL) and Greenville-Pitt County Chamber of Commerce’s annual Safety Banquet to recognize the Commission’s safety record, along with other local businesses. For some departments, this was the 15th consecutive year earning awards. In all, the Commission was honored with 10 safety awards in 2022. Gold Level Awards were presented to companies with days away from work, job transfers, or restricted time rates at least 50% below industry average. Awards at this level went to Human Resources and the WWTP (15th year for both), Red Banks (8th year), Express Office (2nd year), Finance (1st year), Information Technology (1st year), Meter (1st year), Administration (1st year), and Administration Building (1st year). It was the 5th year that the Commission, company-wide, received the Gold Level. NCDOL’s Safety Awards Program was established in 1946 and recognizes private and public firms throughout the state that maintain good safety records.

The Commission's Gas Department was one of 31 gas systems from across the country awarded the American Public Gas Association (APGA) Safety Award for an outstanding safety record in 2021. This marks the 12th year (and 5th consecutive year) that the Gas Department staff has exemplified worker safety at the national level.

The Government Finance Officers Association of the United States and Canada (GFOA) presented the Distinguished Budget Presentation Award to GUC for its annual budget for the fiscal year beginning July 1, 2022. In order to receive this award, a governmental unit must publish a budget document that meets program criteria as a policy document, an operations guide, a financial plan, and a communications device. GUC has received this award for the past seven years. The Commission also earned the GFOA Certificate of Achievement for Excellence in Financial Reporting for the 13th consecutive year. The purpose of the Annual Comprehensive Financial Report is to prepare financial reports of the highest quality for the benefit of its citizens and other parties with a vital interest in the Commission's finances.

For the 12th year in a row, the Commission's Purchasing division received the Sustained Professional Purchasing Award (SPPA), presented by the Carolinas Association of Governmental Purchasing (CAGP). GUC is one of 15 member agencies throughout North Carolina and South Carolina to receive this designation for fiscal year 2022.

Economic Development & Community Involvement

GUC maintains its commitment to supporting growth and economic development initiatives throughout the City of Greenville and Pitt County. The Commission continues to be a sustaining member of the public-private partnership Greenville ENC Alliance to promote economic development in our community.

The Commission continues to be a leader in the community by participating in community sponsored events such as PirateFest, Freeboot Friday, and job fairs at our local Pitt County high schools. The Electric Department participates in the local Tradesformers program, which is a youth apprenticeship program designed to connect high school students with growing industry trades in our area. GUC also participates in the STEM Outreach Program which focuses on educating schools and colleges about the diverse set of science, technology, engineering, and math (STEM) careers that the Commission offers. For the fourth year in a row, the Commission donated 100 blankets to the Pitt County Council on Aging in an effort to provide relief during the winter months for local residents. During the summer, GUC's fan donation program provided 100 fans to the Pitt County Department of Social Services and Council on Aging to be distributed to customers in need. Last Fall, the GUC American Heart Association (AHA) Heart Walk teams raised over \$2,000 for the AHA. Through the participation of GUC teams and other community teams, the Greenville AHA Heart Walk raised over \$52,000. The Commission is also a member

of the Greenville-Pitt County Chamber of Commerce and actively participates in chamber-related events.

SUMMARY

The FY 2023-24 balanced budget was developed with the staff's best effort to control costs, while continuing to provide a high level of service to GUC's customers. Not only is the budget balanced for the near term, it also includes key components to position GUC for long-term sustainability. This budget supports GUC's vision to provide safe, innovative, and sustainable utility solutions that serve as the foundation of growth for the Greenville region.

On behalf of the entire staff at GUC, I am pleased to present this budget for FY 2023-24.

A handwritten signature in black ink, appearing to read "Anthony C. Cannon". The signature is fluid and cursive, with a long horizontal stroke at the end.

Anthony C. Cannon
General Manager/CEO

ORDINANCE NO. 23-_____

CITY OF GREENVILLE, NORTH CAROLINA

2023-24 GREENVILLE UTILITIES COMMISSION BUDGET ORDINANCE

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

Section I. Estimated Net Revenues and Fund Balances. It is estimated that the following non-tax revenues and fund balances will be available during the fiscal year beginning July 1, 2023 and ending June 30, 2024 to meet the subsequent expenditures, according to the following schedules:

	<u>Revenues</u>		<u>Budget</u>
A.	<u>Electric Fund</u>		
	Rates & Charges	\$182,903,800	
	Fees & Charges	1,730,000	
	Miscellaneous	2,007,564	
	Interest on Investments	530,000	
	Transfer from Rate Stabilization	7,800,000	
	Total Electric Fund Revenue		\$194,971,364
B.	<u>Water Fund</u>		
	Rates & Charges	\$26,171,128	
	Fees & Charges	450,000	
	Miscellaneous	239,000	
	Interest on Investments	100,000	
	Total Water Fund Revenue		\$26,960,128
C.	<u>Sewer Fund</u>		
	Rates & Charges	\$24,729,081	
	Fees & Charges	420,250	
	Miscellaneous	92,250	
	Interest on Investments	85,000	
	Total Sewer Fund Revenue		\$25,326,581
D.	<u>Gas Fund</u>		
	Rates & Charges	\$44,517,551	
	Fees & Charges	182,000	
	Miscellaneous	75,046	
	Interest on Investments	100,000	
	Transfer from Rate Stabilization	2,400,000	
	Total Gas Fund Revenue		\$47,274,597
	Total Revenues		\$294,532,670

Section II. Expenditures. The following amounts are hereby estimated for the Greenville Utilities Commission to be expended for managing, operating, improving, maintaining, and extending electric, water, sewer and gas utilities during the fiscal year beginning July 1, 2023 and ending on June 30, 2024, according to the following schedules:

<u>Expenditures</u>		<u>Budget</u>
Electric Fund	\$194,971,364	
Water Fund	26,960,128	
Sewer Fund	25,326,581	
Gas Fund	47,274,597	
Total Expenditures		\$294,532,670

Section III. Capital Improvements. The following Capital Improvements anticipated revenues and project appropriations as listed below in this section are hereby adopted in the fiscal year beginning July 1, 2023.

(a) It is estimated that the following non-tax revenues and long term debt proceeds will be available to fund capital project expenditures that will begin in the fiscal year beginning July 1, 2023.

<u>Capital Projects Revenues</u>		<u>Budget</u>
Electric Fund - Long Term Debt Proceeds	\$4,000,000	
Water Fund - Long Term Debt Proceeds	1,000,000	
Gas Fund - Capital Projects Fund Balance	1,500,000	
Total Revenues		<u>\$6,500,000</u>

(b) The following amounts are hereby appropriated for capital projects that will begin during the fiscal year beginning July 1, 2023.

<u>Capital Projects Expenditures</u>		<u>Budget</u>
ECP10244 Hudson's Crossroads Substation	\$4,000,000	
WCP10040 WTP Lab Upgrades	1,000,000	
GCP10124 Gas System Improvements for Industry and Commercial	<u>1,500,000</u>	
Total Capital Projects Expenditures		<u>\$6,500,000</u>

Section IV: Amendments.

(a) Pursuant to General Statutes 159-15, this budget may be amended by submission of proposed changes to the City Council.

(b) Notwithstanding Subsection (a) above, the General Manager/CEO of Greenville Utilities Commission is authorized to transfer funds from one appropriation to another in an amount not to exceed \$100,000. Any such transfers shall be reported to the Greenville Utilities Commission and the City Council at their next regular meeting and shall be entered in the minutes.

(c) In case of emergency which threatens the lives, health, or safety of the public, the General Manager/CEO may authorize expenditures in an amount necessary to meet the emergency so long as such amount does not exceed the amount in contingency accounts and the expenditure is reported to the Greenville Utilities Commission as soon as possible, and appropriate budget amendments are submitted to the City Council, if necessary, at its next regular meeting.

(d) Capital Projects listed in section III may be amended on an individual project basis.

Section V: Appropriation. The capital project revenue and expenditure authorizations shall extend from year to year until each project is completed.

Section VI: Distribution. Copies of this ordinance shall be furnished to the General Manager/CEO and the Chief Financial Officer of the Greenville Utilities Commission, and the Director of Financial Services of the City of Greenville to be kept on file by them for their direction in the disbursement of funds.

Adopted this the 8th day of June, 2023.

Attest:

P. J. Connelly, Mayor

Valerie Shiuwegar, City Clerk

ALL FUNDS

	2021-2022 Actual	2022-2023 Budget	2022-2023 Projected	2023-2024 Budget
REVENUE:				
Rates & Charges	\$ 264,062,409	\$ 274,761,943	\$ 271,755,503	\$ 278,321,560
Fees & Charges	2,487,592	2,518,247	2,300,225	2,342,250
U. G. & Temp. Ser. Chgs.	447,050	434,348	415,000	440,000
Miscellaneous	4,434,856	2,880,665	2,638,766	2,413,860
Interest on Investments	632,210	408,000	1,090,000	815,000
FEMA/Insurance Reimbursement	130,808	-	-	-
Contributed Capital	-	-	-	-
Bond Proceeds	-	274,800	-	-
Installment Purchases	-	-	-	-
Transfer from Capital Projects	-	-	-	-
Transfer from Rate Stabilization	275,000	6,520,500	4,000,000	10,200,000
Transfer from Capital Reserves	-	-	-	-
	\$ 272,469,925	\$ 287,798,503	\$ 282,199,494	\$ 294,532,670

EXPENDITURES:

Operations	\$ 74,855,588	\$ 82,568,039	\$ 83,205,877	\$ 87,406,176
Purchased Power	127,950,613	134,080,724	128,423,369	136,930,058
Purchased Gas	24,824,773	30,925,416	28,789,334	28,070,700
Capital Outlay	14,409,567	14,598,261	15,446,765	16,873,680
Debt Service	13,000,138	12,674,956	12,162,413	14,853,005
Retirement of Bethel Debt	-	-	-	-
Repayment of Capacity Fees	-	-	-	-
City Turnover - General	5,690,643	6,059,364	6,059,364	6,180,555
Street Light Reimbursement	1,038,708	979,944	979,944	959,977
Transfer to OPEB Trust	500,000	500,000	500,000	500,000
Transfer to Rate Stabilization	-	-	750,000	-
Transfer to Capital Projects	8,400,000	5,000,000	5,400,000	2,200,000
Transfer to Designated Reserve	-	-	-	-
Operating Contingencies	-	411,799	482,428	558,519
	\$ 270,670,030	\$ 287,798,503	\$ 282,199,494	\$ 294,532,670

ELECTRIC FUND

	2021-2022 Actual	2022-2023 Budget	2022-2023 Projected	2023-2024 Budget
REVENUE:				
Rates & Charges	\$ 175,816,560	\$ 179,718,246	\$ 174,920,151	\$ 182,903,800
Fees & Charges	1,402,118	1,346,990	1,270,500	1,310,000
U. G. & Temp. Ser. Chgs.	427,850	414,348	395,000	420,000
Miscellaneous	3,607,391	2,293,039	2,031,019	2,007,564
Interest on Investments	362,551	240,000	680,000	530,000
FEMA/Insurance Reimbursement	70,637	-	-	-
Bond Proceeds	-	217,683	-	-
Transfer from Capital Projects	-	-	-	-
Transfer from Rate Stabilization	-	5,000,000	4,000,000	7,800,000
Appropriated Fund Balance	-	-	-	-
	\$ 181,687,107	\$ 189,230,306	\$ 183,296,670	\$ 194,971,364

EXPENDITURES:

Operations	\$ 31,702,142	\$ 34,884,562	\$ 34,185,750	\$ 36,393,624
Purchased Power	127,950,613	134,080,724	128,423,369	136,930,058
Capital Outlay	9,963,801	9,722,316	10,064,399	10,926,900
Debt Service	4,348,201	4,669,709	4,311,049	4,782,256
City Turnover - General	4,020,920	4,356,852	4,356,852	4,443,989
Street Light Reimbursement	1,038,708	979,944	979,944	959,977
Transfer to OPEB Trust	275,000	275,000	275,000	275,000
Transfer to Rate Stabilization	-	-	-	-
Transfer to Capital Projects	1,150,000	-	500,000	-
Transfer to Designated Reserve	-	-	-	-
Operating Contingencies	-	261,199	200,307	259,560
	\$ 180,449,385	\$ 189,230,306	\$ 183,296,670	\$ 194,971,364

WATER FUND

	2021-2022 Actual	2022-2023 Budget	2022-2023 Projected	2023-2024 Budget
REVENUE:				
Rates & Charges	\$ 23,775,785	\$ 24,399,360	\$ 24,802,087	\$ 26,171,128
Fees & Charges	499,344	500,538	402,500	430,000
U. G. & Temp. Ser. Chgs.	19,200	20,000	20,000	20,000
Miscellaneous	368,007	265,823	256,237	239,000
Interest on Investments	86,237	53,000	125,000	100,000
FEMA/Insurance Reimbursement	20,929	-	-	-
Bond Proceeds	-	19,039	-	-
Appropriated Fund Balance	-	-	-	-
	\$ 24,769,502	\$ 25,257,760	\$ 25,605,824	\$ 26,960,128

EXPENDITURES:

Operations	\$ 15,766,561	\$ 16,919,891	\$ 18,165,648	\$ 18,779,372
Purchased Power	-	-	-	-
Purchased Gas	-	-	-	-
Capital Outlay	1,350,296	1,502,110	2,056,599	1,966,250
Debt Service	2,385,598	2,183,442	2,191,564	4,405,043
Retirement of Bethel Debt	-	-	-	-
Repayment of Capacity Fees	-	-	-	-
City Turnover - General	-	-	-	-
Street Light Reimbursement	-	-	-	-
Transfer to OPEB Trust	75,000	75,000	75,000	75,000
Transfer to Rate Stabilization	-	-	-	-
Transfer to Capital Projects	4,900,000	4,500,000	3,000,000	1,600,000
Transfer to Designated Reserve	-	-	-	-
Operating Contingencies	-	77,317	117,013	134,463
	\$ 24,477,455	\$ 25,257,760	\$ 25,605,824	\$ 26,960,128

SEWER FUND

	2021-2022 Actual	2022-2023 Budget	2022-2023 Projected	2023-2024 Budget
REVENUE:				
Rates & Charges	\$ 24,202,207	\$ 24,135,503	\$ 24,678,017	\$ 24,729,081
Fees & Charges	409,118	485,732	450,225	420,250
U. G. & Temp. Ser. Chgs.	-	-	-	-
Miscellaneous	181,063	148,207	125,998	92,250
Interest on Investments	68,527	45,000	110,000	85,000
FEMA/Insurance Reimbursement	20,929	-	-	-
Contributed Capital	-	-	-	-
Bond Proceeds	-	38,078	-	-
Installment Purchases	-	-	-	-
Transfer from Cap Projects	-	-	-	-
Transfer from Rate Stabilization	-	-	-	-
Transfer from Capital Reserves	-	-	-	-
Appropriated Fund Balance	-	-	-	-
	\$ 24,881,844	\$ 24,852,520	\$ 25,364,240	\$ 25,326,581

EXPENDITURES:

Operations	\$ 15,943,677	\$ 17,780,941	\$ 17,708,111	\$ 18,645,956
Purchased Power	-	-	-	-
Purchased Gas	-	-	-	-
Capital Outlay	1,557,975	1,767,235	1,816,519	1,434,130
Debt Service	4,733,763	4,657,173	4,488,052	4,492,110
Retirement of Bethel Debt	-	-	-	-
Repayment of Capacity Fees	-	-	-	-
City Turnover - General	-	-	-	-
Street Light Reimbursement	-	-	-	-
Transfer to OPEB Trust	75,000	75,000	75,000	75,000
Transfer to Rate Stabilization	-	-	-	-
Transfer to Capital Projects	2,350,000	500,000	1,150,000	600,000
Transfer to Designated Reserve	-	-	-	-
Operating Contingencies	-	72,171	126,558	79,385
	\$ 24,660,415	\$ 24,852,520	\$ 25,364,240	\$ 25,326,581

GAS FUND

	2021-2022 Actual	2022-2023 Budget	2022-2023 Projected	2023-2024 Budget
REVENUE:				
Rates & Charges	\$ 40,267,857	\$ 46,508,834	\$ 47,355,248	\$ 44,517,551
Fees & Charges	177,012	184,987	177,000	182,000
U. G. & Temp. Ser. Chgs.	-	-	-	-
Miscellaneous	278,395	173,596	225,512	75,046
Interest on Investments	114,895	70,000	175,000	100,000
FEMA/Insurance Reimbursement	18,313	-	-	-
Contributed Capital	-	-	-	-
Bond Proceeds	-	-	-	-
Installment Purchases	-	-	-	-
Transfer from Capital Projects	-	-	-	-
Transfer from Rate Stabilization	275,000	1,520,500	-	2,400,000
Transfer from Capital Reserves	-	-	-	-
	\$ 41,131,472	\$ 48,457,917	\$ 47,932,760	\$ 47,274,597

EXPENDITURES:

Operations	\$ 11,443,208	\$ 12,982,645	\$ 13,146,368	\$ 13,587,224
Purchased Power				
Purchased Gas	24,824,773	30,925,416	28,789,334	28,070,700
Capital Outlay	1,537,495	1,606,600	1,509,248	2,546,400
Debt Service	1,532,576	1,164,632	1,171,748	1,173,596
Retirement of Bethel Debt				
City Turnover - General	1,669,723	1,702,512	1,702,512	1,736,566
Street Light Reimbursement	-	-	-	-
Transfer to OPEB Trust	75,000	75,000	75,000	75,000
Transfer to Rate Stabilization	-	-	750,000	-
Transfer to Capital Projects	-	-	750,000	-
Transfer to Designated Reserve	-	-	-	-
Operating Contingencies	-	1,112	38,550	85,111
	\$ 41,082,775	\$ 48,457,917	\$ 47,932,760	\$ 47,274,597

GREENVILLE UTILITIES COMMISSION
BUDGET BY DEPARTMENT
2023-2024

Department	Electric	Water	Sewer	Gas	Total
Governing Body and Administration	1,382,760	862,760	862,760	862,760	3,971,040
Finance	9,386,013	2,591,960	2,501,324	2,825,044	17,304,341
Human Resources	1,831,958	983,002	938,320	714,910	4,468,190
Information Technology	4,109,550	1,237,547	1,237,547	1,409,910	7,994,554
Customer Relations	4,070,614	295,663	300,663	501,327	5,168,267
Developmental Activities	791,465	-	-	-	791,465
Electric Department	23,143,828	-	-	-	23,143,828
Shared Resources	184,750	80,250	72,000	83,000	420,000
Meter	1,989,793	542,671	542,671	542,671	3,617,806
Water Department	-	13,721,131	-	-	13,721,131
Sewer Department	-	-	13,193,033	-	13,193,033
Gas Department	-	-	-	8,763,028	8,763,028
Utility Locating Service	433,023	433,023	433,023	433,023	1,732,092
Ancillary	147,647,610	6,212,121	5,245,240	31,138,924	190,243,895
Grand Total	194,971,364	26,960,128	25,326,581	47,274,597	294,532,670

2022-2023

Department	Electric	Water	Sewer	Gas	Total
Governing Body and Administration	1,348,759	848,759	848,759	848,759	3,895,036
Finance	8,146,286	2,683,509	2,618,002	2,500,142	15,947,939
Human Resources	1,708,751	916,891	875,214	666,830	4,167,686
Information Technology	4,161,069	1,229,233	1,229,233	1,400,624	8,020,159
Customer Relations	3,734,101	249,475	249,475	451,450	4,684,501
Developmental Activities	971,852	-	-	-	971,852
Electric Department	21,800,469	-	-	-	21,800,469
Shared Resources	327,150	104,850	87,300	110,700	630,000
Meter	1,947,233	531,064	531,064	531,064	3,540,425
Water Department	-	11,397,012	-	-	11,397,012
Sewer Department	-	-	12,647,921	-	12,647,921
Gas Department	-	-	-	7,618,468	7,618,468
Utility Locating Service	461,209	461,209	461,209	461,209	1,844,836
Ancillary	144,623,427	6,835,758	5,304,343	33,868,671	190,632,199
Grand Total	189,230,306	25,257,760	24,852,520	48,457,917	287,798,503

**GREENVILLE UTILITIES COMMISSION
EXPENDITURES BY DEPARTMENT**

Department	2021-2022 Actual	2022-2023 Budget	2022-2023 Projected	2023-2024 Budget
Governing Body and Administration	3,348,133	3,895,036	3,854,341	3,971,040
Finance	12,932,317	15,947,939	14,314,512	17,304,341
Human Resources	3,850,239	4,167,686	4,361,717	4,468,190
Information Technology	6,461,008	8,020,159	7,780,375	7,994,554
Customer Relations	4,178,564	4,684,501	4,782,231	5,168,267
Development Activities	775,576	971,852	839,827	791,465
Electric Department	22,641,316	21,800,469	22,321,249	23,143,828
Shared Resources	254,597	630,000	415,000	420,000
Meter	2,970,218	3,540,425	3,614,110	3,617,806
Water Department	11,430,915	11,397,012	13,549,808	13,721,131
Sewer Department	11,909,596	12,647,921	12,912,485	13,193,033
Gas Department	7,341,929	7,618,468	7,956,314	8,763,028
Utility Locating Service	1,329,772	1,844,836	2,031,943	1,732,092
Ancillary	181,245,850	190,632,199	183,465,582	190,243,895
Total	270,670,030	287,798,503	282,199,494	294,532,670

RESOLUTION NO. 23-__
RESOLUTION DECLARING THE INTENTION OF THE
CITY COUNCIL OF THE CITY OF GREENVILLE TO REIMBURSE THE
GREENVILLE UTILITIES COMMISSION, OF THE CITY OF GREENVILLE, NORTH
CAROLINA, A BODY POLITIC DULY CHARTERED BY THE STATE OF NORTH
CAROLINA, FROM THE PROCEEDS OF ONE OR MORE FINANCING(S) FOR
CERTAIN EXPENDITURES MADE AND TO BE MADE IN CONNECTION WITH THE
ACQUISITION AND CONSTRUCTION OF CERTAIN IMPROVEMENTS

WHEREAS, in accordance with Chapter 861 of the 1991 Session Laws of North Carolina, the Greenville Utilities Commission (the "Commission") has been created for the proper management of the public utilities of the City of Greenville, North Carolina (the "City"), comprising an electric system, a natural gas system, a sanitary sewer system and a water system within and without the corporate limits of the City, (collectively the "Combined Enterprise System") with responsibility for the entire supervision and control of the management, operation, maintenance, improvement and extension of the Combined Enterprise System; and

WHEREAS, Section 1.150-2 of the Treasury Regulations (the "Regulations") prescribes specific procedures which will be applicable to certain bonds, notes or other indebtedness ("Debt") issued by or on behalf of the Commission and the City including, without limitation, a requirement that the City declare official intent to reimburse certain expenditures with proceeds of Debt to be incurred prior to, or within sixty (60) days of, payment of the expenditures to be reimbursed;

WHEREAS, the Commission has determined to pay certain expenditures (the "Expenditures") incurred no more than 60 days prior to the date hereof and thereafter relating to the acquisition and construction of certain improvements (collectively, the "Additional Improvements") more fully described below;

WHEREAS, the Additional Improvements consist of a substation, water treatment plant upgrades, and gas system improvements for industry and commercial; and

WHEREAS, the City Council of the City has determined that those moneys previously advanced by the Commission no more than 60 days prior to the date hereof to pay such Expenditures are available only on a temporary period and that it is necessary to reimburse the Commission for the Expenditures from the proceeds of one or more issues of Debt;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL as follows:

Section 1. The City hereby declares concurrence with the Commission's intent to reimburse the Commission from the proceeds of the Debt for the Expenditures made with respect to the Additional Improvements no more than 60 days prior to the date hereof and thereafter.

Section 2. Each Expenditure was or will be either (a) of a type chargeable to capital account under general federal income tax principles (determined as of the date of the Expenditures), (b) the cost of issuance with respect to the Debt, (c) a non-recurring item that is not customarily payable from current revenues of the Combined Enterprise System, or (d) a grant to a party that is not related to or an agent of the Commission or City so long as such grant does not

impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Commission or City.

Section 3. The principal amount of the Debt estimated to be issued to reimburse the Commission for Expenditures for the Additional Improvements is estimated to be not more than \$6,500,000.

Section 4. The Commission and the City will make a reimbursement allocation, which is a written allocation by the Commission and the City that evidences the Commission's use of proceeds of the Debt to reimburse an Expenditure no later than 18 months after the later of the date on which such Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The City recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, (expenditures by "small issuers" based on the year of issuance and not the year of expenditure), and expenditures for construction projects of at least 5 years.

Section 5. This declaration of official intent is made pursuant to Section 1.150-2 of the Treasury Regulations.

Section 6. The resolution shall take effect immediately upon its passage.

Adopted this the 8th day of June, 2023.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar

City Clerk

Upon motion of Council member _____, seconded by Council member _____, the foregoing resolution was adopted by the following vote:

Ayes: _____

Noes: _____

* * * * *

I, Valerie Shiuwegar, City Clerk of the City of Greenville, North Carolina DO HEREBY CERTIFY that the foregoing is a true copy of such much of the proceedings of the City Council of said City at a regular meeting held on June 8, 2023 as it relates in any way to the passage of the foregoing resolution and that said proceedings are recorded in the minutes of said Council.

I DO HEREBY FURTHER CERTIFY that proper notice of such regular meeting was given as required by North Carolina law.

WITNESS my hand and the official seal of said City, this 8th day of June, 2023.

City Clerk

[SEAL]

RESOLUTION NO. 23-__
RESOLUTION DECLARING THE INTENTION OF THE
CITY COUNCIL OF THE CITY OF GREENVILLE TO REIMBURSE THE
GREENVILLE UTILITIES COMMISSION, OF THE CITY OF GREENVILLE, NORTH
CAROLINA, A BODY POLITIC DULY CHARTERED BY THE STATE OF NORTH
CAROLINA, FROM THE PROCEEDS OF ONE OR MORE FINANCING(S) FOR
CERTAIN EXPENDITURES MADE AND TO BE MADE IN CONNECTION WITH THE
ACQUISITION AND CONSTRUCTION OF CERTAIN IMPROVEMENTS

WHEREAS, in accordance with Chapter 861 of the 1991 Session Laws of North Carolina, the Greenville Utilities Commission (the "Commission") has been created for the proper management of the public utilities of the City of Greenville, North Carolina (the "City"), comprising an electric system, a natural gas system, a sanitary sewer system and a water system within and without the corporate limits of the City, (collectively the "Combined Enterprise System") with responsibility for the entire supervision and control of the management, operation, maintenance, improvement and extension of the Combined Enterprise System; and

WHEREAS, Section 1.150-2 of the Treasury Regulations (the "Regulations") prescribes specific procedures which will be applicable to certain bonds, notes or other indebtedness ("Debt") issued by or on behalf of the Commission and the City including, without limitation, a requirement that the City declare official intent to reimburse certain expenditures with proceeds of Debt to be incurred prior to, or within sixty (60) days of, payment of the expenditures to be reimbursed;

WHEREAS, the Commission has determined to pay certain expenditures (the "Expenditures") incurred no more than 60 days prior to the date hereof and thereafter relating to the acquisition and construction of certain improvements (collectively, the "Additional Improvements") more fully described below;

WHEREAS, the Additional Improvements consist of light and heavy vehicles (including certain bucket and utility trucks, trailers, and forklift) and other related equipment; and

WHEREAS, the City Council of the City has determined that those moneys previously advanced by the Commission no more than 60 days prior to the date hereof to pay such Expenditures are available only on a temporary period and that it is necessary to reimburse the Commission for the Expenditures from the proceeds of one or more issues of Debt;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL as follows:

Section 1. The City hereby declares concurrence with the Commission's intent to reimburse the Commission from the proceeds of the Debt for the Expenditures made with respect to the Additional Improvements no more than 60 days prior to the date hereof and thereafter.

Section 2. Each Expenditure was or will be either (a) of a type chargeable to capital account under general federal income tax principles (determined as of the date of the Expenditures), (b) the cost of issuance with respect to the Debt, (c) a non-recurring item that is not customarily payable from current revenues of the Combined Enterprise System, or (d) a grant to a party that is not related to or an agent of the Commission or City so long as such grant does not

impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Commission or City.

Section 3. The principal amount of the Debt estimated to be issued to reimburse the Commission for Expenditures for the Additional Improvements is estimated to be not more than \$3,283,000.

Section 4. The Commission and the City will make a reimbursement allocation, which is a written allocation by the Commission and the City that evidences the Commission's use of proceeds of the Debt to reimburse an Expenditure no later than 18 months after the later of the date on which such Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The City recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, (expenditures by "small issuers" based on the year of issuance and not the year of expenditure), and expenditures for construction projects of at least 5 years.

Section 5. This declaration of official intent is made pursuant to Section 1.150-2 of the Treasury Regulations.

Section 6. The resolution shall take effect immediately upon its passage.

Adopted this the 8th day of June, 2023.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar

City Clerk

Upon motion of Council member _____, seconded by Council member _____, the foregoing resolution was adopted by the following vote:

Ayes: _____

Noes: _____

* * * * *

I, Valerie Shiuwegar, City Clerk of the City of Greenville, North Carolina DO HEREBY CERTIFY that the foregoing is a true copy of such much of the proceedings of the City Council of said City at a regular meeting held on June 8, 2023 as it relates in any way to the passage of the foregoing resolution and that said proceedings are recorded in the minutes of said Council.

I DO HEREBY FURTHER CERTIFY that proper notice of such regular meeting was given as required by North Carolina law.

WITNESS my hand and the official seal of said City, this 8th day of June, 2023.

City Clerk

[SEAL]



City of Greenville, North Carolina

Meeting Date: 05/11/2023

Title of Item:

Review of Historic Signage in the College View Neighborhood and Consideration of Historic District Signage Policy

Explanation:

The Historic Preservation Commission (HPC) requested via resolution (Attachment A) the City review historic signage throughout the College View neighborhood. Staff reviewed the current condition and assessment of upgrading signs and presented to City Council on December 5, 2022. As a result, Council requested staff work with HPC to refine their request.

The HPC originally requested the City consider a new design for historic designation signage (Attachment B, Picture 1) to be placed on all street name signs located throughout the College View neighborhood (38 locations). The goal of the project was to identify when someone was entering or leaving a district. After review, staff recommends installing the proposed historic district toppers only at intersections around the perimeter of the neighborhood (20 locations). Marking the perimeter is in keeping with markings of other boundaries such as the social district. Final design would be approved by the City to ensure that it can be mounted to the top of our street name sign assembly. As a result, City staff would no longer supply and apply the yellow "Historic District" emblem on the green street sign blades. As signs are stolen or damaged, the yellow emblem will not be replaced.

The estimated cost of the topper is \$110. The total cost for the College View neighborhood to add the historic toppers around the perimeter of the district would be approximately \$2,200 (20 toppers). Recommended locations of proposed signage are shown in Attachment C.

The HPC has also requested the installation of Neighborhood Entrance signs (Attachment B, Picture 2). These signs are estimated to cost around \$1,000 each, which includes installation (estimated to be around \$160). City staff will determine the location of these signs based on available right-of-way. Total costs for the Historic College View neighborhood to upgrade to the stand-alone entrance sign would be approximately \$2,000 (2 locations). The recommended locations are shown in Attachment C.

Staff has prepared a Historic District Signage Policy (Attachment D) for Council consideration. This policy would apply to local historic districts that fall under

the purview of the Historic Preservation Commission.

Fiscal Note:

The total cost for both the historic toppers around the perimeter of the district and the two entrance signs is \$4,200. The funds associated with the new signs as well as their replacements are not available in the Engineering signs budget and will be covered through the Historic Preservation Commission budget where funds are available.

Recommendation:

City Council consider and approve the installation of the historic toppers and entrance signs as recommended as well as the attached Historic District Signage Policy

ATTACHMENTS

- 📄 [HPC Resolution ATTACHMENT A.pdf](#)
- 📄 [HPC_Examples_ATTACHMENT_B.pdf](#)
- 📄 [HPC_Map_ATTACHMENT_C.pdf](#)
- 📄 [HPC_Signage_Policy_ATTACHMENT_D.pdf](#)

ATTACHMENT A

RESOLUTION OF THE HISTORIC PRESERVATION COMMISSION OF THE CITY OF GREENVILLE REQUESTING THE CITY COUNCIL FACILITATE THE REPAIR, MAINTENANCE, AND ADDITION OF STREET AND NEIGHBORHOOD SIGNAGE IN THE COLLEGE VIEW DISTRICT.

WHEREAS, the Historic Preservation Commission of the City of Greenville ("the Commission") is committed to safeguarding the heritage of the city of Greenville ("City") by preserving character and integrity in historic districts and local landmarks that embody important elements of its culture, history, architectural history, or prehistory while also promoting the use and conservation of such historic district or historic landmarks for the education, pleasure, and enrichments of the residents of the City and the State of North Carolina as a whole.

WHEREAS, the College View Historic Overlay District was created by Council in 1994 to identify and preserve the character of that neighborhood.

WHEREAS, the City of Greenville Manager recently had a meeting with residents of the College View Historic District and residents and members of the Tar River Neighborhood Association, and what is sometimes inaccurately called the "GRID" or the University Neighborhoods, and expressed confusion with the nomenclature and signage.

WHEREAS, street signs have been stolen, or are otherwise missing, causing confusion with the USPS, FedEx, UPS, and general way finding by citizens.

WHEREAS, the Historic Preservation Commission has surveyed the College View Historic District and has identified two desired locations on 5th Street to install permanent "College View Historic District" signage that identifies the neighborhood and provides Greenville citizens and visitors with important way finder information.

WHEREAS, the Historic Preservation Commission has surveyed the College View Historic District and researched street signage attachments to be added to existing street signs, which enhance the visibility and identification of the blocks of the College View Historic Overlay District and brings historic identification and awareness to Greenville citizens and visitors.

NOW, THEREFORE, BE IT RESOLVED that the Historic Preservation of the City of Greenville respectfully requests the City Council of the City of Greenville to authorize, facilitate, and provide funding through the Public Works Department to add, repair, replace, and restore as needed those street signs and attachments in that Community.

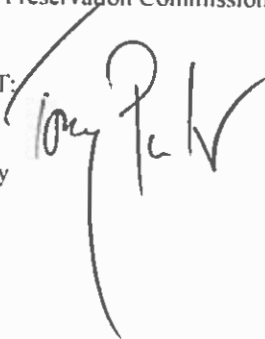
This the 23rd day of August, 2022.



Andrew Morehead, Chair
Historic Preservation Commission

ATTEST:

Secretary



ATTACHMENT B

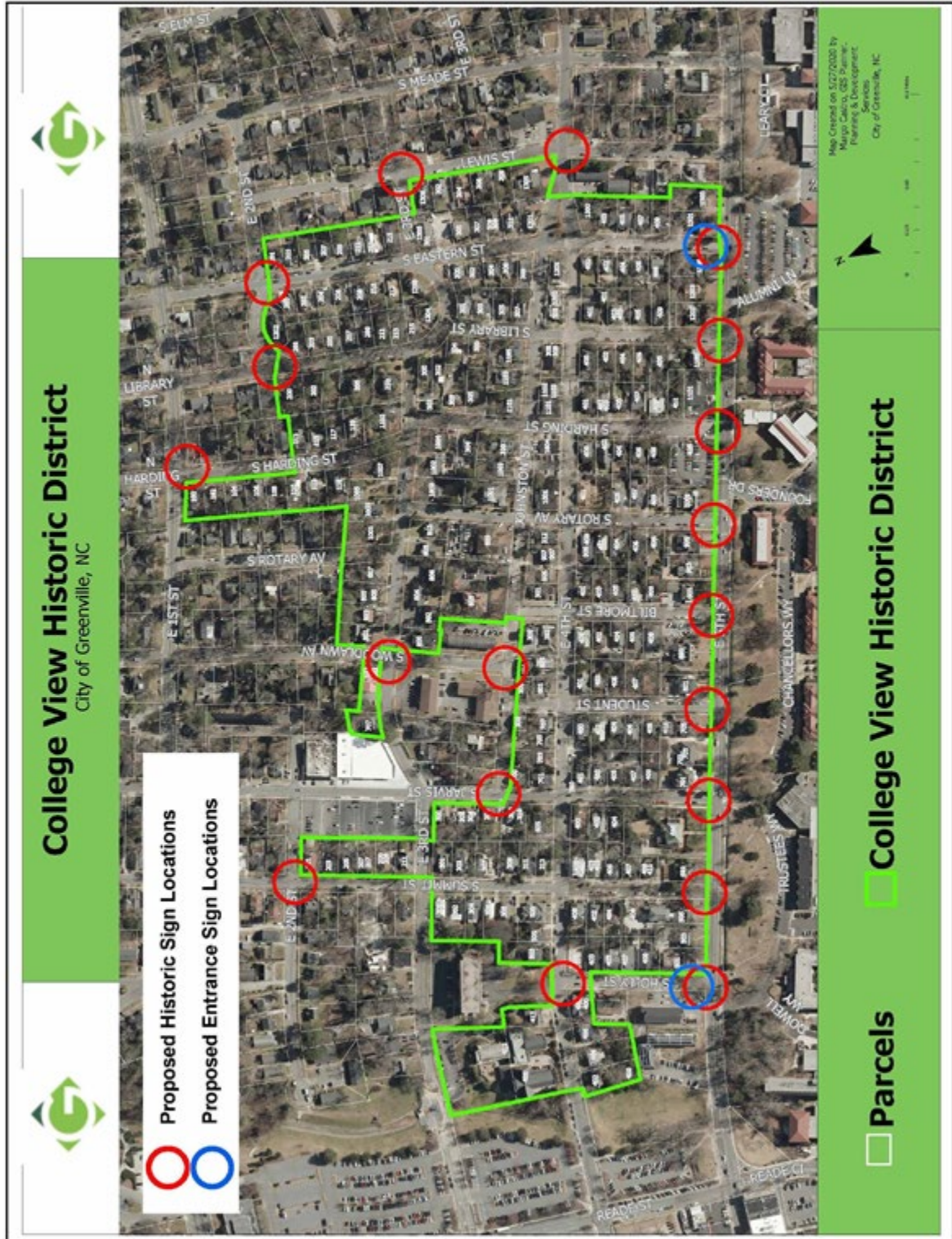


PICTURE #1



PICTURE #2

ATTACHMENT C



ATTACHMENT D

City of Greenville Historic District Signage Policy

PURPOSE

To establish the policy for the installation and maintenance of historic district signage. This policy only applies to local historic districts that fall under the purview of the Historic Preservation Commission.

POLICY

A. Historic District Street Signs

- (1) Provide historic district toppers at all intersections around the perimeter of the district. Final design of the topper would be approved by the Engineering Department to ensure that it can be mounted to the top of our street name sign assembly.
- (2) Funds to cover the cost of the signs as well as the replacement of lost or damaged signs will be covered by the Historic Preservation Commission budget.

B. Historic District Neighborhood Entrance Signs

- (1) A maximum of 2 entrance signs per district, locations to be determined by the Engineering Department.
- (2) Funds to cover the cost of the signs as well as the replacement of lost or damaged signs will be covered by the Historic Preservation Commission budget.



City of Greenville, North Carolina

Meeting Date: 05/11/2023

Title of Item: Consideration of Additional One-Stop Voting Sites

Explanation: In accordance with the 2009 agreement between the City of Greenville and Pitt County Board of Elections (BOE), two One-Stop voting sites will be in operation. During past elections, the sites have been located at the Pitt County Agricultural Center at 403 Government Circle and the Community Schools Building located at 4561 County Home Road. On June 24, 2020, the State Board of Elections issued Memo 2020-13 providing directives for "in lieu of" sites. "In lieu of" sites are One-Stop voting sites for county board of elections offices that hold elections at sites other than its office. "In lieu of" sites must be located in the same city/town as the elections office and either be within 4 miles of the elections office or a 10-minute drive from the office. The two One-Stop voting sites will be confirmed by the BOE.

A municipality may request the BOE provide additional One-Stop sites located within their jurisdiction. If approved by the BOE, said municipality shall be responsible for all expenses related to the operation of additional One-Stop sites. Requests must be submitted to the BOE by June 1, 2023. The BOE will review requests and determine One-Stop voting sites.

Fiscal Note: The Pitt County Board of Elections has estimated the City of Greenville's costs for the 2023 Municipal Election to be \$124,577.66. If the City of Greenville wishes to host additional One-Stop sites, the cost for each site is estimated to be \$11,529.37.

- One additional site brings the estimated total to \$136,107.03
- Two additional sites brings the estimated total to \$147,636.40

Recommendation: Determine whether the City will request additional One-Stop voting sites for the 2023 Municipal Election and submit requests by June 1, 2023 to the BOE.
