

MITCHELLTOWN AREA REVITALIZATION PLAN



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City of Kinston Certified Urban Redevelopment Area Plan

Prepared by the Kinston Planning Department

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Mitchelltown Area Revitalization Plan

CITY OF KINSTON CERTIFIED URBAN REDEVELOPMENT AREA PLAN

This Redevelopment Plan has been prepared for a redevelopment project known as the Mitchelltown Area Revitalization Plan located in the City of Kinston, North Carolina. The proposed activities described in this plan are to be undertaken by the City of Kinston in accordance with and in furtherance of the North Carolina Urban Redevelopment Law, Chapter 160A, Article 22, Section 160A-500 through 160A-526, as amended. This plan provides for all necessary provision, building requirement and other regulations, controls and restrictions, required under the State's Urban Redevelopment Law to carry out this redevelopment of the Mitchelltown area. The boundaries of this redevelopment project are delineated on all maps, which comprise the remainder of this Redevelopment Plan.

Table of Contents

INTRODUCTION	4
URBAN REDEVELOPMENT AREA PLANNING PROCESS.....	6
COMMUNITY INVOLVEMENT	7
AREA DESCRIPTION	9
Plan Area	9
Boundary Description	9
EXISTING CONDITIONS	10
Overall Maintenance	10
Physical Condition of Properties.....	10
Vacant Properties	12
Ownership Type and Property Use	14
Code Enforcement Issues.....	15
Tax Assessed Value.....	16
VISION FOR THE MITCHELLTOWN AREA	17
URA GOALS & STRATEGIES.....	17
Goal #1: Remove blighting influences.	17
Goal #2: Improve the quality & appearance of neighborhood infrastructure..	17
Goal #3: Preserve the URA's historical and architectural assets.	18
Goal #4: Improve the quality of life for residents.	18
Goal #5: Increase access to financial resources and human capital.....	18
Goal #6: Increase neighborhood cohesion among residents.	19
LAND USE	20
Arts and Cultural District Overlay	20
Proposed Changes in Zoning.....	21
Proposed Land Use Changes.....	22
PRELIMINARY SITE PLAN.....	23
Site Components	23
ESTIMATED COST & METHOD OF FINANCING	24
IMPLEMENTATION	25
Authority for the Plan.....	25
Responsible Parties	25
Relocation Plan.....	25
REDEVELOPMENT CONTROLS	26
PROCEDURE FOR CHANGES TO APPROVED PLAN	27

APPENDIX	28
City of Kinston Minimum Housing Code	28
Arts and Cultural District Overlay (ACDO)	35
Map 10: Proposed Zoning Changes	36

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INTRODUCTION

Over the years, the City of Kinston has focused redevelopment in the Mitchelltown area of Kinston. This area is historic in character, being comprised in part by the Mitchelltown Historic District. The greater Mitchelltown Area, which is the focus of this plan, extends beyond the historic district and encompasses other areas that have been deemed important to the redevelopment process and will tie-in well to the redevelopment effort.

Mitchelltown has had its share of highs and lows over the years, going from periods of investment and private home ownership to periods of crime and rent controlled housing. In recent years, there has been an upwelling of support from the citizens of the area to take back the neighborhood and push to see real change in the area where they live. This grassroots push has come on the heels of some neighborhood events that have focused the community in a new direction.

Following this push for a new direction, the City of Kinston came forward with several long term solutions to help address issues concerning the neighborhood. The primary focus from the City Planning Department was to establish an Urban Redevelopment Area, pursuant to Article 22 under NCGS 160A. The City has initiated several local planning meetings to get buy-in and citizen input before undertaking this endeavor. The support for the designation is clear and the area is suitable for the designation as the law defines the area should be.

In order to qualify for the Urban Redevelopment Area designation, the area must be certified to either be blighted or at risk of becoming blighted. Through an extensive research effort by graduate students from the University of North Carolina, it has been determined the Mitchelltown Redevelopment Area is indeed at risk of becoming blighted. Each parcel within the area has been documented and logged into a comprehensive document, which outlines the status of each property in the area. This study is discussed and referenced in more detail throughout this plan. In short, the work that went into preparing this document was invaluable to both determining the need for the designation and identifying the parcels that directly contribute to the blight of the area.

As explained to the citizens living in this area, this designation is important in many respects. The primary benefit to the community will be the direction for redevelopment established in the form of a living planning document. This plan for redevelopment is a clear statement to the community, namely private developers, that the City and the citizenry of the area are focused on encouraging investment and redeveloping on a broad scale.

The City hopes this designation will put the community in a better position to acquire grants, specifically targeted at redevelopment of then neighborhood. This plan and the designation should send a clear message to granting agencies that Mitchelltown has been on the City's radar for redevelopment. The combination of new grant sources and newfound private development interest in the area stand to help revitalize and regenerate this once vibrant residential community.

This plan is designed to give direction to the Mitchelltown community's redevelopment by incorporating the goals and objectives they have identified as part of their grassroots input process. This plan will outline goals and objectives for the area; identify and discuss the study that was used to define the area; and it will make recommendations for policies, programs, and potential actions that might be taken to achieve the results indicated by the citizens of Mitchelltown. This plan was prepared by the City of Kinston Planning Staff, with research, assistance, and input from graduate students and faculty at the UNC School of Government.

URBAN REDEVELOPMENT AREA PLANNING PROCESS

In 2012, the City of Kinston Planning Department identified the Urban Redevelopment Area designation as the most appropriate tool for the revitalization of the Mitchelltown area. An Urban Redevelopment Area, or URA for short, is a state designation used by local governments to support economic development and neighborhood revitalization. In other words, a URA allows a municipality to improve the **uses** and the **state** of properties within a particular distressed area or neighborhood. The process of establishing a URA and creating a URA plan involves several steps that require broad-based commitment on the part of elected officials, local government staff, residents, and other stakeholders.

1. Form a Redevelopment Commission. The commission is charged with drafting and implementing the URA plan. The Kinston City Council serves the role of the Redevelopment Commission, per a resolution passed on January 7th, 2013 and filed with the North Carolina Department of the Secretary of State on September 16th of 2013.

2. The Planning Commission finds that a neighborhood is qualified to be a URA. The defined area must meet certain conditions, such as being a “rehabilitation, conservation, and reconditioning area” (G.S. § 160A-503). On March 25th of 2013, the City of Kinston Planning Board certified the boundaries of the URA and found that the designated area met the conditions outlined in the statute.

3. Create a URA plan. The City of Kinston Planning Department led two neighborhood meetings, described in the Community Involvement section of this plan, to seek input on the goals and objectives of the redevelopment plan. The redevelopment plan must include some specific elements per NC statute, such as proposed land use changes, a preliminary site plan, as well as a statement of the estimated cost and the proposed method of financing redevelopment under the plan. This document serves as the URA plan.

4. Receive public input and URA plan approval. Hold a public hearing to incorporate community input into the final plan. This hearing will be held on June 2nd of 2014. The URA plan is then approved, rejected, or amended by the City Council.

5. Implement the URA plan. Establish a timeline and update the plan as needed.

Establishing a URA may open up a number of possible economic development tools, including capital to support redevelopment programs using city-owned property as collateral, the acquisition of blighted properties via eminent domain, and grant opportunities related to redevelopment such as façade improvement funds. The creation of a URA, however, does not guarantee any external funding sources, and it may be necessary for towns to offer incentives to private investors who wish to redevelop in the URA. At the same time, the creation of the URA sends a strong signal to the private market (and to grant funders) that a municipality is committed to redeveloping a distressed area. Implementing a URA plan takes dedication, time, and requires a significant financial investment.

COMMUNITY INVOLVEMENT

The City of Kinston Planning Department has led efforts to solicit feedback from community members in order to determine the goals and objectives of this URA plan. Input from neighborhood residents, property owners, local leadership, and other stakeholders was essential to the development of this plan and allowed the Redevelopment Commission to identify challenges facing the Mitchelltown area, as well as untapped opportunities.

The Planning Department hosted two community meetings regarding the URA plan on November 1st, 2012, and February 7th, 2013. Both meetings were held in the Mitchelltown area at a neighborhood church and were well attended by stakeholders. The meetings were advertised in the local paper, through social media, and by letter to all neighborhood residents. During the meetings participants learned about the URA planning process and discussed areas for improvement, neighborhood assets, and objectives for neighborhood redevelopment. Open-ended written surveys were also distributed at the end of each meeting and later reviewed by staff. The meetings were also an important first step in addressing a major concern identified by participants – a lack of community involvement and organization around neighborhood issues.



November 2012 Community Meeting

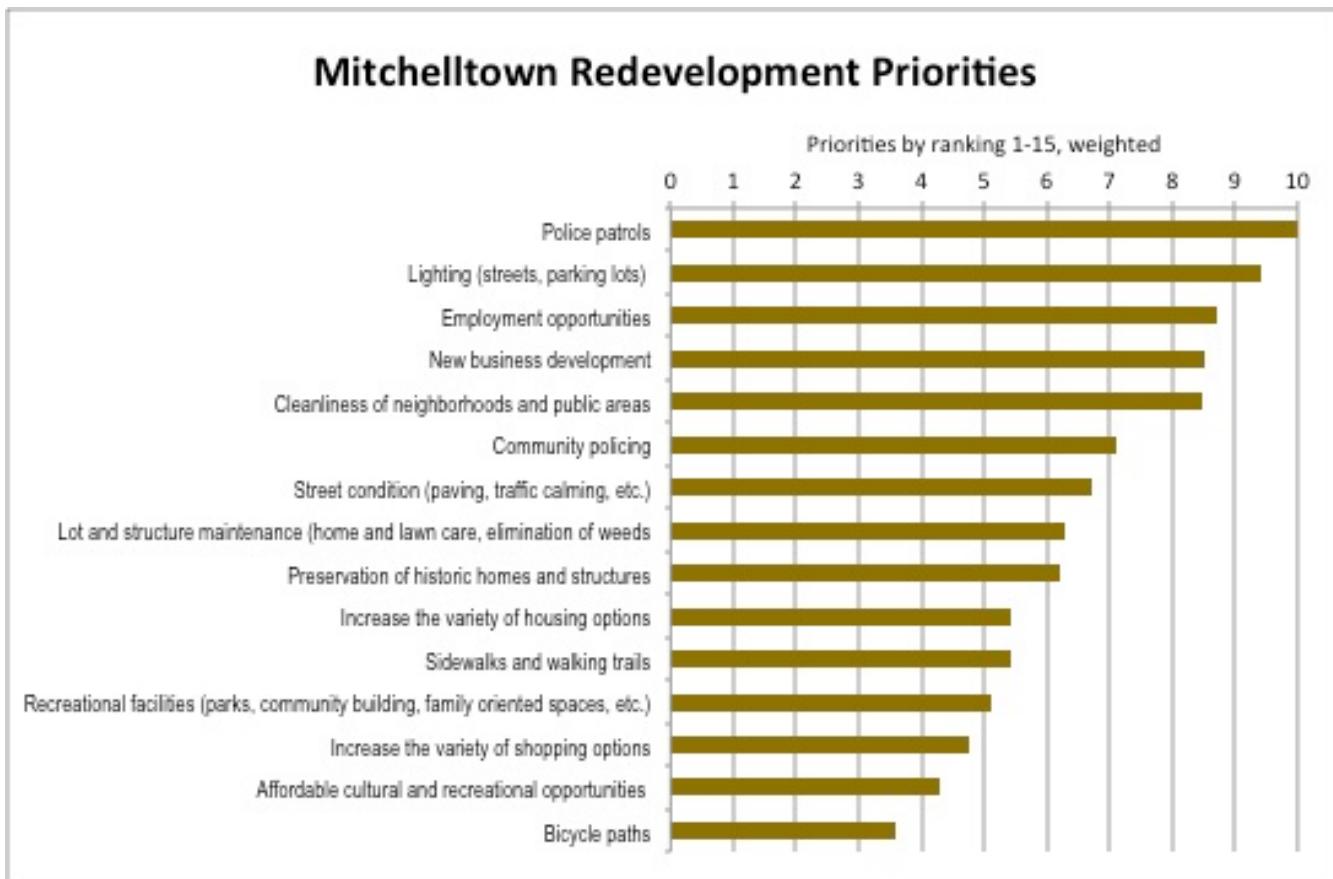
“We don’t have clear, constant communication that is positive and uplifting. There is not enough participation in neighborhood planning.”

- URA Resident

In February of 2013, the Planning Department distributed a written survey by mail to neighborhood residents and property owners in order to solicit additional information from stakeholders, especially those who were unable to attend the community meetings. The survey sought to identify residents' most pressing concerns, perceived obstacles to neighborhood improvement, and respondents' long-term vision for the future of the Mitchelltown area. Graph 1

shows which issues residents ranked as most important to the redevelopment of their neighborhood. Increased police patrols, improved lighting, and employment opportunities were the top concerns identified by residents.

Graph 1: Citizen Survey of Priority Areas for Redevelopment



The goals, objectives, and strategies herein expressed in this URA plan are a result of the feedback solicited during these public meetings and the written survey. Quotes from neighborhood residents presented throughout this plan are written responses from surveys collected at the public meetings or by mail.

AREA DESCRIPTION

Plan Area

This redevelopment plan comprises approximately 12 acres and 276 parcels, with parcels ranging in size from 0.07 acres to 16 acres.

Map 1: Urban Redevelopment Area Boundary



Legend



Boundary Description

The Mitchelltown Urban Redevelopment Area is bound by Lenoir Street to the north, Mitchell Street to the east (with the exception of Peyton Avenue, which is bounded by Herritage Street to the east), French's Lane and the Neuse River to the south, and the old Kinston Power Plant (GIS Record Number 26759) and Dewey Street to the west. All tax parcels on the northern side of Lenoir Street, on the eastern side of Dewey Street, and on both sides of Mitchell Street fall within the URA boundaries.

EXISTING CONDITIONS

The purpose of this comprehensive inventory of all properties in the proposed Urban Redevelopment Area (URA) is to establish a baseline of existing conditions in the neighborhood and to measure future progress as the revitalization plan is implemented.

The data was primarily obtained in two ways: from public records of Lenoir County and the City of Kinston (tax records, deeds, etc.), and from fieldwork. Fieldwork took place over two days in the summer and fall of 2012 at which time existing conditions were recorded, both for street segments and for each individual parcel. Building conditions were assessed visually by walking through the neighborhood on foot and standing on an adjacent sidewalk while recording conditions.

After all data was collected, it was formatted into individual parcel pages containing information for each page of the report. Data was also examined collectively, in order to get a more accurate view of each street section and the neighborhood in general.

Overall Maintenance

Many of the 229 tax parcels with structures in the URA appeared to be inhabited and well-kept at the time of the field survey. Just over 50% of the properties were deemed as having consistent upkeep with regard to general maintenance (lawns trimmed, no litter on the porch or yard, no broken windows, home appears to be cared for regardless of physical condition, etc.) with an additional 29% having a neutral general maintenance. More than 58% of the properties had evidence of external beautification; 26% had attractive yards. At the time of the field survey, there appeared to be a concentration of properties in need of maintenance along Mitchell, College, and Manning Streets, south of Atlantic Avenue. The survey found that properties on the block north of Atlantic Avenue tended to be better maintained. Community meeting participants identified property maintenance as a major issue in the Mitchelltown area, and emphasized a need for more proactive code enforcement, especially in the case of renter-occupied properties.

“We have a neighborhood with so much potential – at present, we have dilapidated homes.” – *URA Resident*

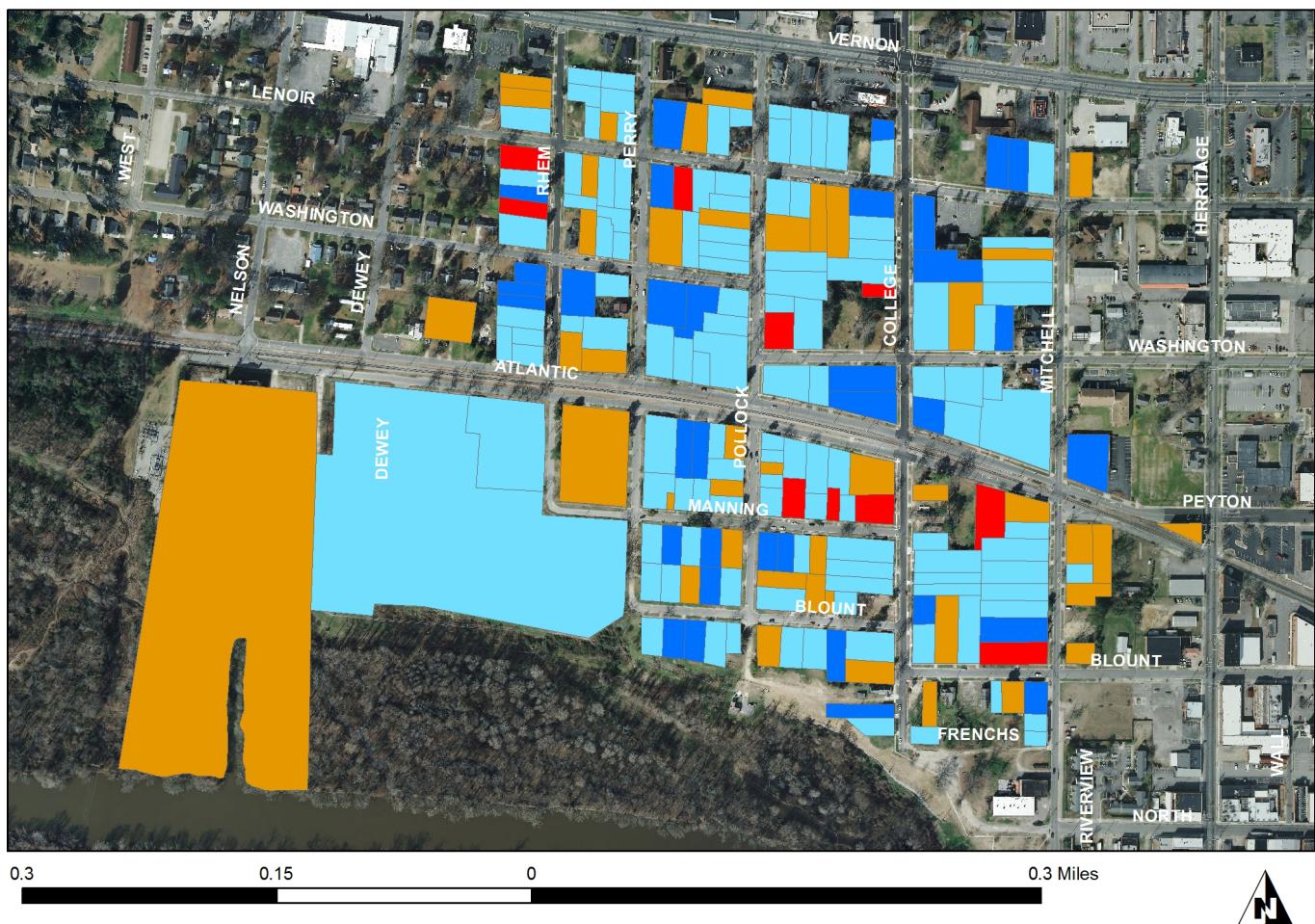
Physical Condition of Properties

The field survey also noted the physical condition of properties in the URA, based on an external visual assessment of each property. Many properties were identified as being in moderate or better condition, as shown in Map 2 on the following page -- 17% of the properties in the URA were found to be in excellent physical condition at the time of the survey; 57% were observed as being in moderate or good physical condition.

Properties that were considered to be in deteriorated physical condition at the time of the survey constituted a significant minority of the area. 1 in 4 homes in the URA appeared to be experiencing some type of physical distress: 21% of properties were considered deteriorated; 5% were in very poor condition. Signs of physical distress were observed through an external, visual “sidewalk” examination of any obvious structural issues such as a collapsing porch, a sagging roof, rotting or missing wood on exterior walls, or signs of foundation damage. These evaluations are subjective and were made at the time of the field survey.

Over 10% of the properties in the area had visibly broken windows. Fifteen of the properties were boarded up and 9 were under renovation.

Map 2: Observed Physical Condition of URA Properties



Vacant Properties

20% of properties within the URA were found to be vacant, a figure verified by utility account information. This means that 1 in 5 homes in the URA are vacant, a major concern among neighborhood residents. Vacant homes depress property values, contribute to blight, pose safety issues, and become havens for criminal activity and vandalism. Not surprisingly, the field survey found that vacant properties were much more likely to be in poor physical condition and in need of maintenance – nearly 40% of vacant properties appeared to be in distressed physical condition and 60% were in dire need of maintenance.

“My neighborhood does have nice homes. However, on my block there are three vacant homes, one of which has already been broken into.”

- URA Resident

Map 3 below shows the location of vacant properties (both buildings and lots) within the Mitchelltown area URA. Vacant properties are fairly evenly dispersed throughout the area, although there is a significant concentration of vacancy along Mitchell Street. Mitchell Street is a well-traveled thoroughfare and a key entranceway into the URA.

Map 3: Vacant buildings and lots in the URA

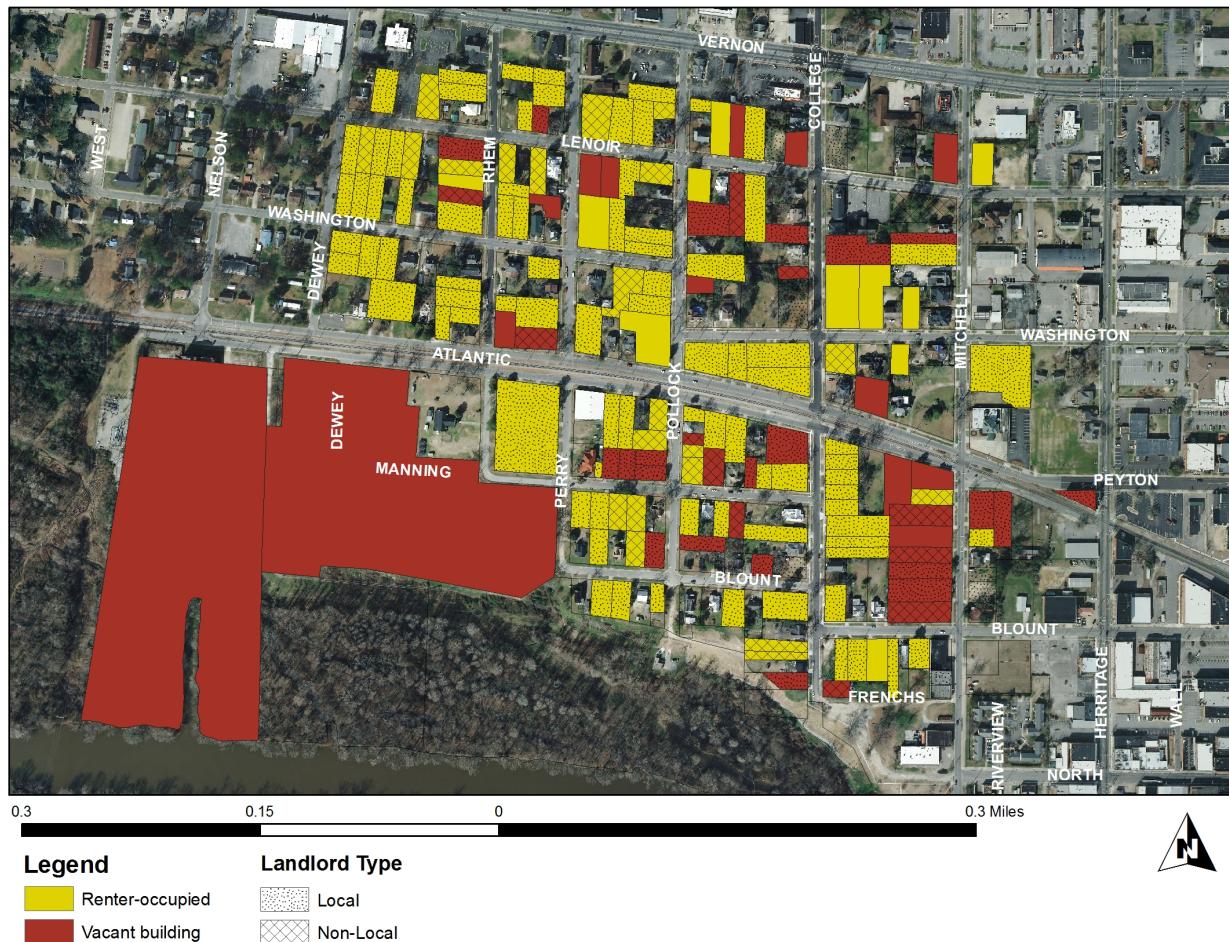


A little over 70% of the vacant properties in the URA were single-family detached homes. The vast majority of vacant homes (84%) appeared to be former rental properties, as indicated by tax records and utility account information. Contrary to neighborhood perceptions that the owners of vacant properties live out of state, research of tax records found that most URA rental property owners live in or close to Kinston -- 42% of the landlords live in Kinston and close to 90% live within North Carolina.

“Next to my house is an abandoned unkempt house. Across the street is another empty house.” – URA Resident

Nearly 70% of vacant properties are owned by a local owner, defined as an individual who lives within the City of Kinston or Lenoir County, according to Lenoir County tax records. Map 4 shows the locations of renter-occupied and vacant properties by owner type. Local landlords are defined as those property owners living within Lenoir County, while non-local landlords live outside of Lenoir County.

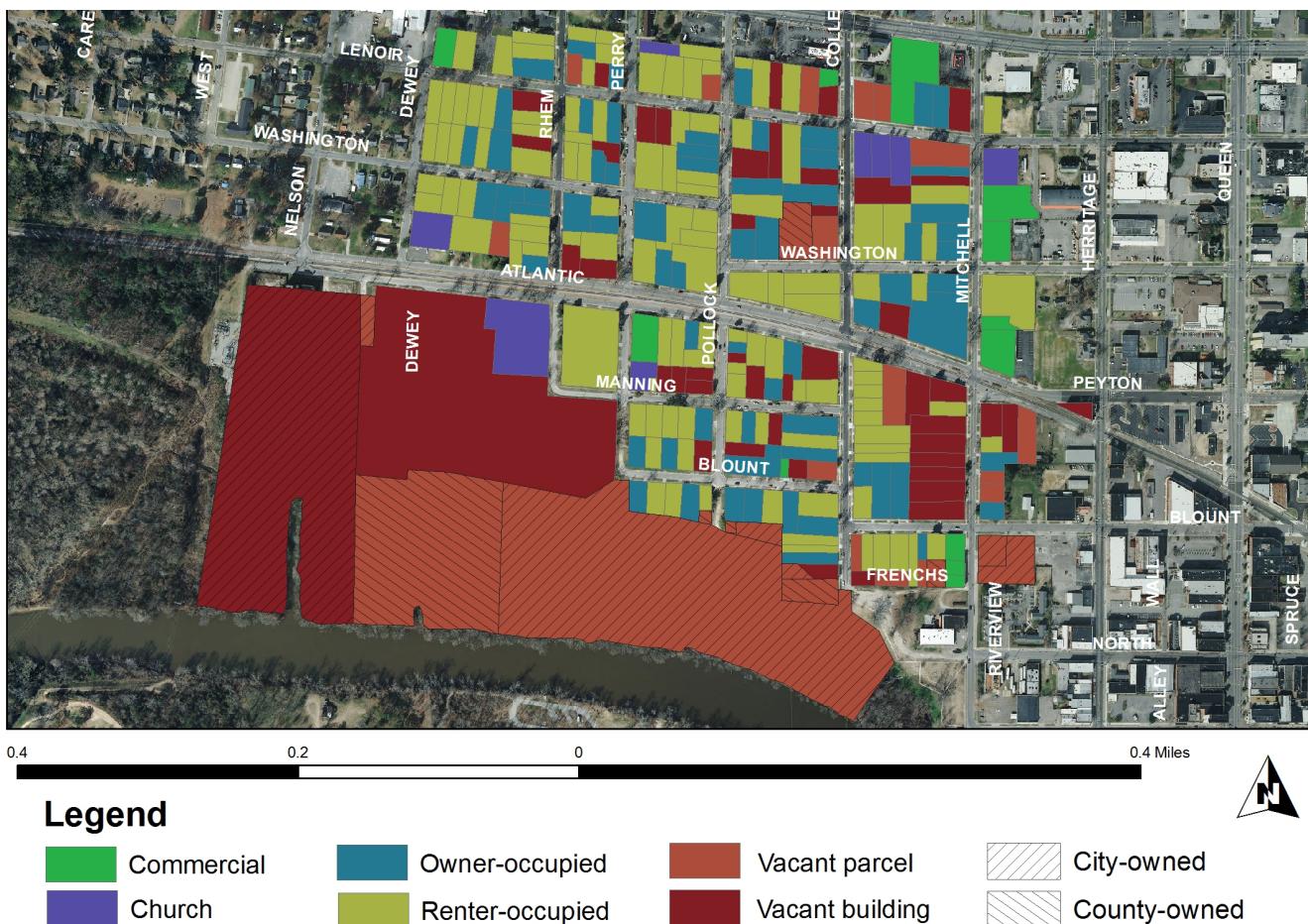
Map 4: Renter-occupied and Vacant properties by Landlord Type



Ownership Type and Property Use

Mitchelltown is almost entirely residential, with little commercial activity. Non-residential land uses include two churches, a pool hall, a mental health and substance abuse treatment center, a convenience store, and an auto shop.

Map 5: Types of Properties in the URA



Almost 70% of the residential properties are renter-occupied and the field survey found that nearly 30% of these rental properties were in deteriorated or poor physical condition. This speaks to concerns expressed by residents over code enforcement issues related to absentee landlords, as demonstrated by the quote below. The majority of rental properties are single family homes (68%), while the remainder are a mix of multifamily housing units, duplexes, and mobile homes.

“Landlords that rent our houses or apartments need to be held accountable to fix up their places inside and out.” – URA Resident

Code Enforcement Issues

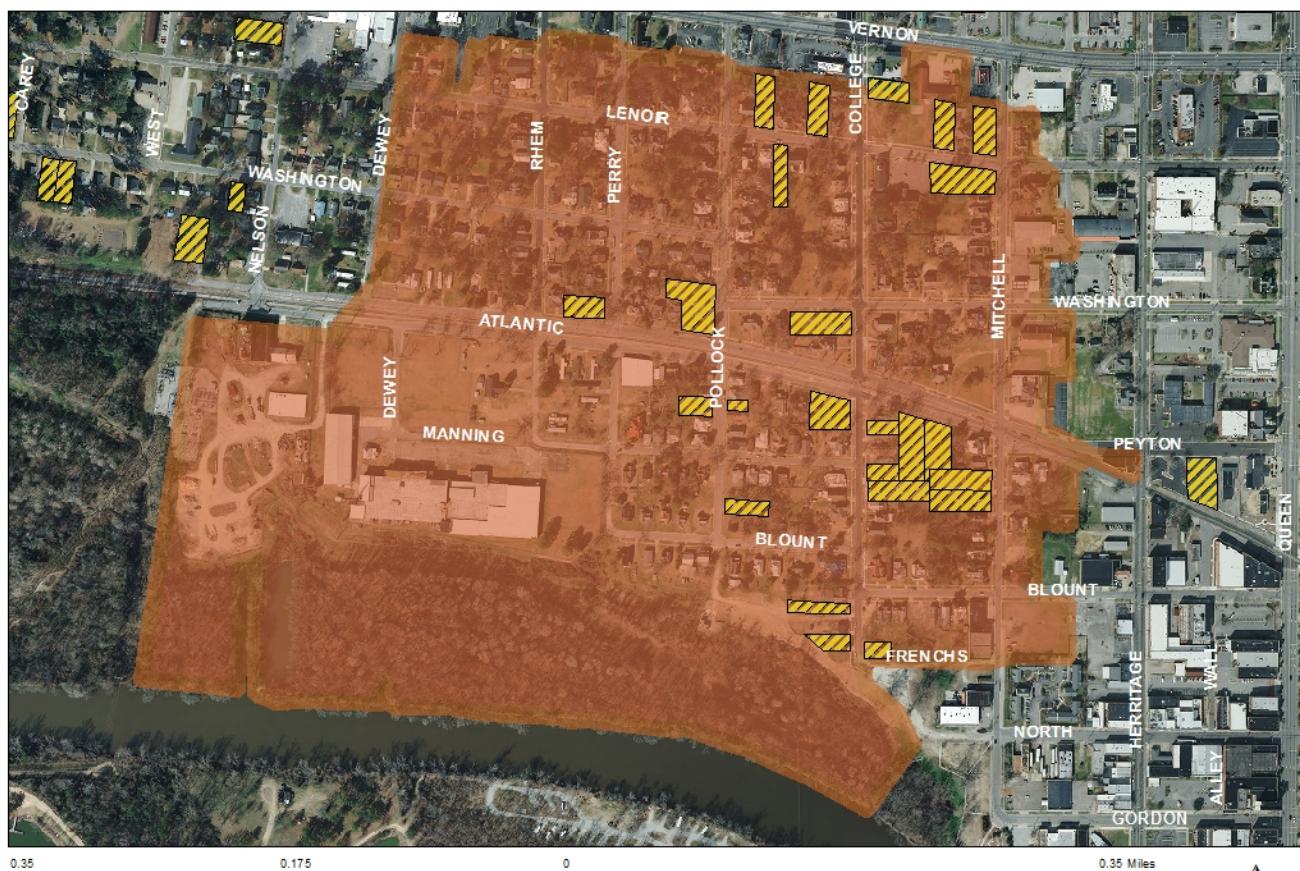
Issues related to code enforcement came up as a significant concern for residents throughout the community meetings and in the stakeholder survey. As shown in Map 6 below, the Mitchelltown area, particularly the blocks surrounding College and Mitchell Streets, had a concentration of citations for weed/grass violations in 2013.

“25 years ago when we move in to Kinston, [my neighborhood] was excellent. Because of lack of enforcement of codes, it is now poor.”

- URA Resident

Although these housing code violations occur in all parcel types within the URA, vacant homes generally account for the greatest number of weed abatement violations. The City of Kinston's Minimum Housing Code Ordinance is included in the Appendix of this plan.

Map 6: 2013 Weed Abatement Violations in the URA



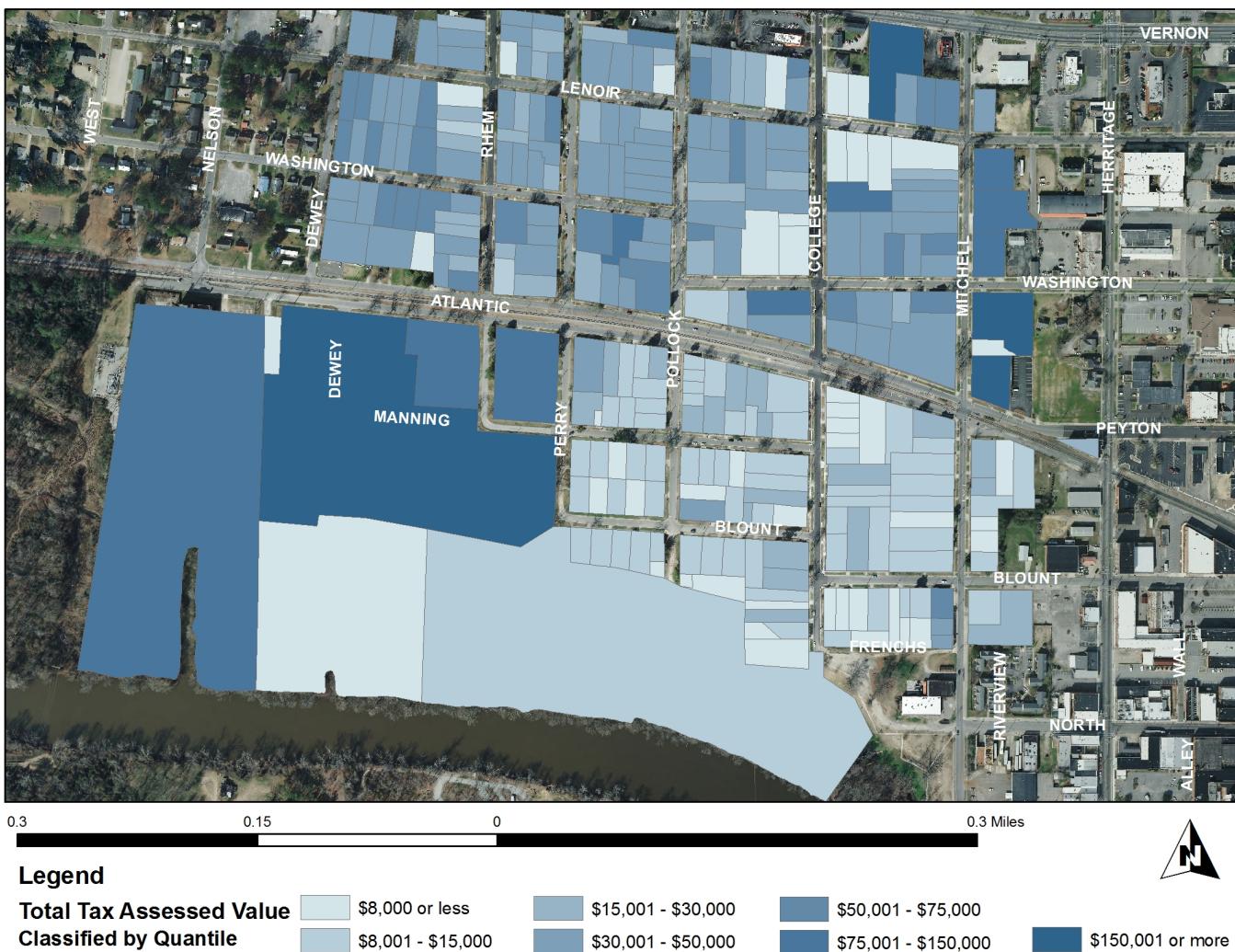
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Tax Assessed Value

The tax assessed value of properties in the URA helps us to better understand current market conditions. It also provides us with a baseline to evaluate the impact of interventions undertaken to support neighborhood improvement. The tax assessed value of parcels varies greatly throughout the URA. Higher value residential parcels tend to be concentrated in the area north of Atlantic Avenue, while the five blocks between College and Mitchell Streets appear to have among the lowest valued parcels. Commercial properties along the eastern side of Mitchell Street have higher tax assessed values in comparison to the rest of the URA.

Map 7: Tax Assessed Value of Parcels in the URA



VISION FOR THE MITCHELLTOWN AREA

Residents expressed a clear vision for the Mitchelltown area during community meetings – stakeholders spoke of a desire to regain pride in their neighborhood. The vision for the Mitchelltown area is a neighborhood with historic, preserved homes, well-kept green spaces, and strong camaraderie among neighbors. Residents identified several goals for the neighborhood's Urban Redevelopment Area (URA) plan, which are outlined below, and reached some consensus on strategies to achieve these goals. Some of the strategies outlined in this redevelopment plan were based on staff research on effective approaches implemented in other areas to tackle similar issues found in the Mitchelltown area and to reach goals prioritized by URA residents.

“Neighborhood improvement means higher standards, committed neighbors, code enforcement, access to financing, housing restoration, community activities, better education, vocational educations, and businesses that are more conducive.” – *URA Resident*

URA GOALS & STRATEGIES

Goal #1: Remove blighting influences.

- Identify and build relationships with private sector and nonprofit partners to decrease the number of vacant and/or blighted properties. Decrease the number of vacant properties in the URA through homeownership initiatives, incentives for private investment, and partnerships with the private sector and nonprofit organizations.
- Acquire land parcels and rehabilitate (or demolish, if beyond repair) dilapidated, crime-plagued housing.
- Convey properties to redevelopment partners with deed restrictions to ensure future use is in line with URA goals.
- Work with the Department of Inspections and Code Enforcement to identify major violators of housing code and identify most critical areas of code enforcement violations in the URA. Encourage property owners to increase property maintenance through targeted code enforcement. Modify and refine housing code and code enforcement policies to address major issues.

Goal #2: Improve the quality and appearance of neighborhood infrastructure.

- Identify areas for strategic beautification improvements such as landscaping and public art, particularly blighted parcels and high-traffic areas.
- Identify and build relationships with private and nonprofit partners to support beautification efforts. Encourage civic organizations and corporate sponsors to participate in regular beautification activities.

- Make the URA more pedestrian and bike friendly (improved sidewalks, bike lanes, crosswalks, enforcement of speed limits, functional and abundant streetlights, etc.)
- Beautify the URA through landscaping and beautification projects (street trees, community gardens, public art, etc.). Encourage private planting programs.
- Turn acquired vacant lots into pocket parks, passive recreation areas, and community gardens or encourage infill development that aligns with neighborhood character. Seek funding sources and partners (grants, private donations, institutional sponsors) for implementation and long-term maintenance.
- Encourage and facilitate public art throughout the URA.
- Enhance pedestrian connectivity between the Neuse River, the URA, and other points throughout Kinston.

Goal #3: Preserve the URA's historical and architectural assets.

- Disseminate and promote information related to grant and loan programs that can support the redevelopment of historic properties.
- Purchase and restore key buildings and sites to ensure 'period authenticity'.
- Increase understanding of the importance of historic guidelines in neighborhood redevelopment and the role of the Historic District Commission in the URA.
- Consider establishing and seek funds and partners for a "paint program" and/or "tool loan program" that provides assistance to qualified households, with stipulations for continued maintenance.

Goal #4: Improve the quality of life for residents.

- Work with the Department of Public Safety to address issues related to crime and safety through programs such as block captains, neighborhood watch, and community policing.
- Provide more recreation opportunities for residents, particularly along the Neuse River and in and around downtown.
- Disseminate and promote information related to recreation and educational activities for youth, community events, and employment opportunities to neighborhood residents.
- Develop a market-based strategy and consider offering incentives to support the creation and expansion of businesses in and within walking distance to the URA that provide goods, services, and employment opportunities to residents.

Goal #5: Increase access to financial resources and human capital.

- Consider creating a revolving loan fund for the rehabilitation and beautification of area homes and businesses.
- Consider policies, such as property tax circuit breakers, to mitigate the impact of market appreciation on lower-income homeowners.
- Disseminate and promote information related to grant and loan programs that can assist with home improvements, rehabilitation, historic preservation, and energy efficiency

upgrades. Hold quarterly learning sessions in the neighborhood so that residents can learn about these resources.

- Consider offering financial incentives to rental property owners to upgrade and reserve buildings as affordable housing for long-term neighborhood residents.
- Explore offering free or low-cost preliminary architectural services to businesses and individuals interested in redeveloping their properties.
- Create an incentive package in order to attract new residents to vacant homes in the URA and to encourage home-based businesses in the URA that align with the Arts and Cultural District Overlay ordinance.

Goal #6: Increase neighborhood cohesion among residents.

- Enhance collective efficacy and social capital by creating a Mitchelltown area neighborhood association, or other formal group, in order to build the capacity of resident leaders, increase communication among neighbors, and provide oversight for the implementation of the URA plan.
- Encourage civic organizations and institutional partners to sponsor, lead, and participate in neighborhood beautification activities by adopting streets for clean-up and plantings.
- Consider adopting an annual neighborhood event, such as a block party or street fair.

“Improving your neighborhood means not only improving the structures...it also means improving the camaraderie among the people who live in the neighborhood.” - Resident

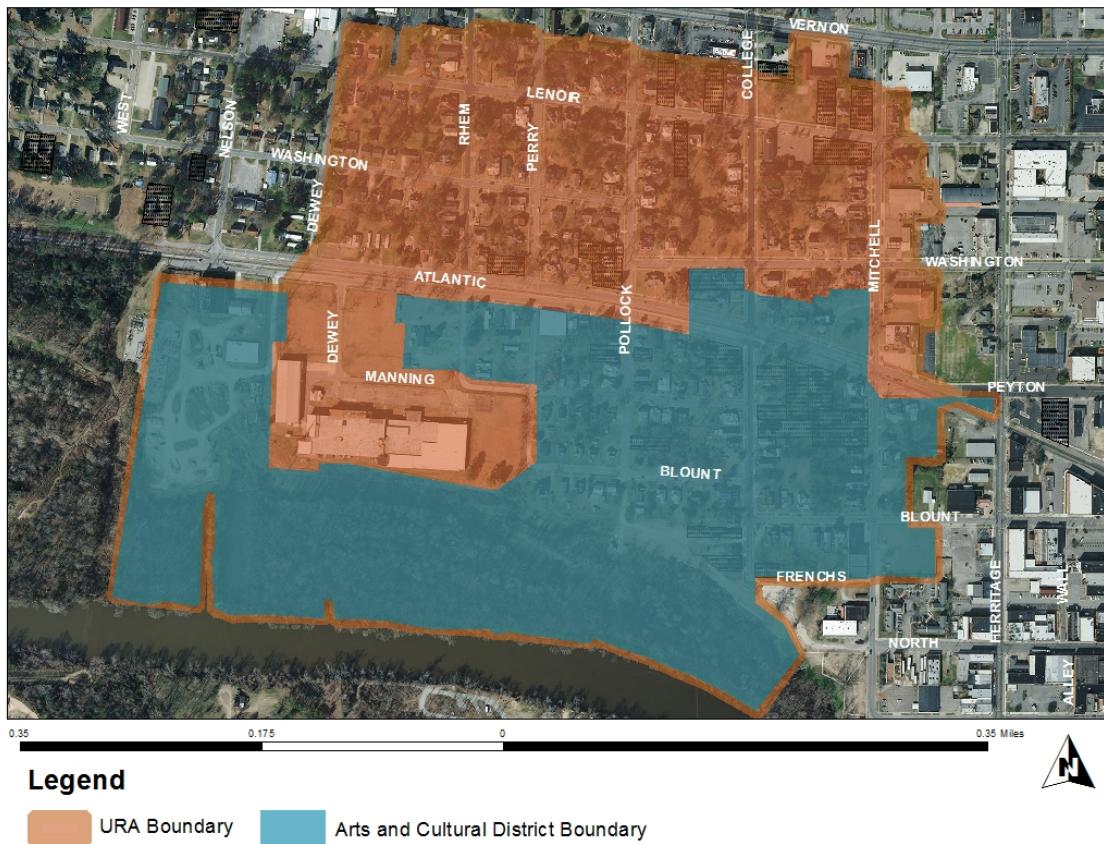
LAND USE

Arts and Cultural District Overlay

A portion of the Mitchelltown Revitalization Area (roughly 100 parcels) falls within the newly formed Arts and Cultural District Overlay (ACDO). This new overlay zoning district, which was created during the recent Unified Development Ordinance update, was established as a complement to this Urban Redevelopment Area plan and in order to bolster existing city-wide efforts to promote local economic development based on the City's cultural and natural assets. The ACDO, which was approved by City Council following a public hearing in November of 2013, allows for more mixed uses in this area, such as home occupations, art galleries, small cafes, music halls, and other arts centered uses. The primary focus of this area, however, will remain residential.

The intent of this new zoning overlay is to encourage new ownership in this district by creating a stronger link between the downtown central business district and the historic district. By promoting new uses, the ACDO may help to generate a redeveloped area with new homeowners, new businesses, and a new local tourism driver to attract new residents into Kinston. The entire text of the ACDO ordinance is included in the appendix of this plan.

Map 8: Arts and Cultural District Overlay



Proposed Changes in Zoning

As described above, the entire City of Kinston recently went through a process to update its Unified Development Ordinance (UDO) which resulted in significant changes to zoning in specific portions of the Mitchelltown area. The upcoming update to the Comprehensive Land Use Plan, set to start in June of 2014, will address incompatible land uses in the URA, such as properties zoned commercial that have converted to residential uses over time. Map 10, in the Appendix of this Redevelopment Plan, outlines potential changes in zoning within the URA, pending the completion of the Comprehensive Land Use Plan for the City of Kinston.

Map 9: Current URA Zoning



Proposed Land Use Changes

Map 11 provides an overview of proposed future land uses within the Mitchelltown Revitalization Area. Given that the City of Kinston is just now beginning an update of its Comprehensive Land Use Plan (scheduled for completion by February 2015), these proposed land uses are subject to change. The land use districts shown here correspond to the districts established in the City's Unified Development Ordinance, which was updated in December 2013.

Commercial uses are currently concentrated on the eastern side of Mitchell Street (north of Atlantic Avenue and south of Blount Street) and in those properties along Lenoir Street whose boundaries abut Vernon Avenue, one of the primary commercial thoroughfares in the City of Kinston. This redevelopment plan does not propose any changes in land use for those existing commercial areas.

Map 11: Proposed Future Land Use in the URA



Legend

	URA Boundary		Greenspace or Infill Redevelopment
	Mixed-Use		Medium to High Density Residential (RA-6)
	Business (B-1)		Arts and Cultural District
	Floodplain		

PRELIMINARY SITE PLAN

The proposed future land uses changes shown in Map 11 on the previous page are in line with the Goals and Strategies of this redevelopment plan and reflect desires put forth by community members. These land use changes also align with the vision of the Arts and Cultural District Overlay, outlined in the City of Kinston's Unified Development Ordinance and included in the appendix of this plan.

These proposed changes would strengthen connections between the Mitchelltown area and downtown, the Neuse River, and Pearson Park while also maintaining and preserving the current residential character of this community. This site plan also proposes the adaptive reuse of two large, blighted, vacant parcels within (Power Plant) and adjacent to the URA (Glen Raven Mill).

There are no proposed changes in street layouts, street levels, population densities, land coverage, or building intensities at this time. All proposed redevelopment activities are in line with the current footprint and character of the Mitchelltown area URA.

The components of desired redevelopment changes are as follows:

Site Components

1. Adaptive reuse of Glen Raven Mill into possible mixed-use (commercial and residential) or commercial use.
2. Adaptive reuse of old Power Plant into possible mixed-use (commercial and residential) or commercial use.
3. Small-scale mixed-use redevelopment in accordance with the Arts and Cultural District Overlay.
4. Activate smaller green spaces into community gardens, locations for public art, pocket parks, and/or passive recreation areas.

ESTIMATED COST & METHOD OF FINANCING

The City will primarily finance the cost of the proposed redevelopment activities with private contributions, City of Kinston funds, and private capital. No specific activities have been scheduled at the time of writing this redevelopment plan.

IMPLEMENTATION

The revitalization of the Mitchelltown area will take place in phases over a number of years. It is expected that implementation will take place over a minimum of five years and no more than ten years.

Authority for the Plan

According to North Carolina general statute, the City of Kinston Redevelopment Commission has the authority to prepare and carry out redevelopment plans for specifically designated areas within the City. The Planning Department has prepared this Urban Redevelopment Area (URA) plan for the Mitchelltown area for approval by the Redevelopment Commission pursuant to North Carolina Urban Redevelopment Law. The Redevelopment Commission has the authority “to procure from the planning commission the designation of areas in need of redevelopment and its recommendation for its redevelopment; (and) to prepare...redevelopment plans...and to undertake and carry out ‘redevelopment projects’ within its area of operation.” (NCGS 160-A-512 (1§4). Implementation actions are to be carried out by the Redevelopment Commission.

Responsible Parties

The City of Kinston Redevelopment Commission is responsible for preparing and adopting the Redevelopment Plan and any amendments to the Plan, purchasing properties, and offering sites to private developers through a competitive bidding process. The City Council must approve all property sales. The City of Kinston Planning Department (or its assignee) will provide the primary staff support for implementation activities. Improvements or upgrades to public infrastructure will be coordinated by the Planning Department through the City of Kinston’s Public Works and Inspections Departments. Depending on negotiations with selected developers, some infrastructure and site preparation activities may be assigned as a responsibility of a private developer.

Relocation Plan

The City of Kinston Planning Department (or its assignee) will be responsible for all relocation activities that result from implementation of this Urban Redevelopment Area (URA) plan. The Planning Department (or its assignee) will take steps to locate suitable standard housing available in the immediate area, look after application for public housing, and maintain contact with those families and individuals post-relocation.

All residents within the redevelopment area that are eligible for relocation assistance will be provided with assistance in locating suitable replacement dwellings. Financial and other assistance will be provided in accordance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and Section 104(d) of the Housing and Community Development Act of 1974, as amended. The City of Kinston Planning Department staff (or its assignee) will provide relocation services to displaced residents.

REDEVELOPMENT CONTROLS

The City of Kinston Redevelopment Commission will comply with all municipal, state, and federal rules and regulations applicable to the conduct and administration of the Redevelopment Plan. All acquisition, clearance, and relocation activities will be conducted in accordance with the Department of Housing and Urban Development requirements contained in the Uniform Relocation Assistance and Real Property Acquisition Handbook, and local policies authorized by Section 570.606 of the Community Development Act of 1974, as amended.

All developers and owners of property purchased and sold by the Redevelopment Commission as part of this Redevelopment Plan shall abide by the land use, development controls, and restrictions put in place to ensure conformance to the Plan, including:

- Ensuring purchased land is developed in a manner consistent with the land use and zoning recommendations in the Plan.
- Engaging in construction of agreed upon improvements in a timely manner.
- Making no changes in improvements after completion of construction that is not in conformity with this Plan without the approval of the Redevelopment Commission.
- Not assigning a contract right, resell, or otherwise transfer the land prior to completion of the improvements without the approval of the Redevelopment Commission.

Conformity to the Redevelopment Plan will be enforced through the provisions of development agreements, deeds, covenants, and restrictions.

Minimum housing code, nuisance abatement, crime prevention and control, zoning enforcement, and other measure will be utilized as appropriate to implement the purposes and intent of the Certified Redevelopment Plan.

PROCEDURE FOR CHANGES TO APPROVED PLAN

The Redevelopment Commission may modify the Redevelopment Plan at any time. In instances when the proposed modification will substantially change the Redevelopment Plan, the modification will be acted on by the redevelopment Commission, reviewed by the Planning Board, and approved by the City Council, following the same process and time frames as for the original plan approval. If the plan is modified after the sale or lease of property affected by the change, the modification must be consented to in writing by the owner of such property.

APPENDIX

City of Kinston Minimum Housing Code

Kinston, North Carolina, Code of Ordinances: Part II, Chapter 5, Article II

Sec. 5-31. Findings; purpose.

(a) Pursuant to section 160A-441 of the General Statutes, it is hereby found and declared that there exists in the city:

(1) Dwellings which are unsafe and unfit for human habitation due to dilapidation; defects increasing the hazards of fire, accidents and other calamities; lack of ventilation, light and sanitary facilities; and other conditions rendering such dwellings unsafe or unsanitary, dangerous and detrimental to health, safety and morals, and otherwise inimical to the welfare of the residents of the city;

(2) Certain abandoned structures which due to the attraction of insects or rodents, conditions creating a fire hazard, dangerous conditions contributing a threat to children, or frequent use by vagrants as living quarters in the absence of sanitary facilities are a health and safety hazard and are otherwise inimical to the welfare of the residents of the city.

(b) In order to protect the health, safety and welfare of the residents of the city, it is the purpose of this article to establish minimum standards of fitness for the initial and continued occupancy of all buildings used for human habitation, and in addition to provide for the regulation of abandoned structures, as expressly authorized by section 160A-441 of the General Statutes.

(Code 1961, § 6-26; Ord. No. 55-86, § 2, 9-8-86; Ord. No. 45-90, 10-1-90; Ord. No. 44-98, § 1, 9-21-98; Ord. No. 48-98, § 1, 11-2-98; Ord. No. 60-98, § 1, 12-7-98)

Sec. 5-32. Conflict with other provisions.

In the event any provision, standard, or requirement of this article is found to be in conflict with any provision of any other ordinance or code of the city, the provisions which establish the higher standard or more stringent requirement for the promotion and protection of the health and safety of the residents of the city shall prevail.

(Code 1961, § 6-76; Ord. No. 55-86, § 21, 9-8-86)

Sec. 5-33. Definitions.

The following definitions shall apply in the interpretation and enforcement of this article:

Whenever the words "dwelling," "dwelling unit," "roominghouse," "rooming unit," "premises," or "abandoned structure" are used in this article, they shall be construed as though they were followed by the words "or any part thereof."

Abandoned structure means any structure, other than a dwelling, dwelling unit, habitable room, multiple dwelling, rooming unit, or roominghouse, which is a health or safety hazard as a result of the attraction of insects or rodents, conditions creating a fire hazard, dangerous conditions constituting a threat to children, or frequent use by vagrants as living quarters in the absence of sanitary facilities, and which cannot be repaired, altered, or improved so as to no longer constitute such health or safety hazard at a cost of less than fifty (50) percent of its value, as determined by finding of the inspector.

Basement means a portion of a building which is located partly underground, having direct access to light and air from windows located above the level of the adjoining ground.

Cellar means a portion of the building located partly or wholly underground having an inadequate access to light and air from windows located partly or wholly below the level of the adjoining ground.

Deteriorated means that a dwelling is unsafe for human habitation and can be repaired, altered or improved to comply with all of the minimum standards established by this article at a cost equal to or less than seventy-five (75) percent of its value, as determined by finding of the inspector.

Dilapidated means that a dwelling is unfit for human habitation and cannot be repaired, altered or improved to comply with all of the minimum standards established by this article at a cost less than seventy-five (75) percent of its value, as determined by finding of the inspector.

Dwelling means 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.

Dwelling unit means any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

Extermination means the control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping or by other recognized and legal pest elimination methods approved by the inspector.

Garbage means the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Governing body means the city council.

Habitable room means a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, heater rooms, foyers or communicating corridors, closets and storage spaces.

Infestation means the presence, within or around a dwelling, of any insects, rodents or other pests in such a number as to constitute a menace to the health, safety or welfare of the occupants or to the public.

Inspector means the inspector of the city appointed as such to administer this article and shall include any agent of the inspector who is authorized by the inspector.

Manufactured home or mobile home means a structure as defined in section 143-145(7) of the General Statutes.

Multiple dwelling means any dwelling containing more than two (2) dwelling units.

Occupant means any person living, sleeping, cooking or eating in, or having actual possession of a dwelling unit or rooming unit.

Operator means any person who has charge, care or control of a building, or part thereof, in which dwelling unit or rooming units are let.

Owner means any person, firm, corporation, partnership or unincorporated association who or which alone, or jointly or severally with others:

- (1) Shall have title to any dwelling, dwelling unit, or abandoned structure, with or without accompanying actual possession thereof; or
- (2) Shall have charge, care or control of any dwelling, dwelling unit, or abandoned structure, as owner or agent of the owner, or as executor, executrix, administratrix, trustee or guardian of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions, rules and regulations of this article, and of rules and regulations adopted pursuant thereto to the same extent as if he were the owner.

Parties in interest means all individuals, firms, partnerships, unincorporated associations and corporations who have any legal or equitable interests of record in a dwelling and any who are in possession thereof.

Plumbing means and includes all of the following supplied facilities and equipment; gas pipes, gas burning equipment, water pipes, mechanical garbage disposal units (mechanical sink grinder), waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents and any other similar supplied fixtures, together with all connections to water, sewer and gas lines.

Public authority means any officer who is in charge of any department or branch of the government of the city, county or of the state relating to health, fire, building regulations or other activities concerning dwellings or abandoned structures in the city.

Rooming unit means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

Roominghouse means any dwelling, or that part of any dwelling containing one (1) or more rooming units, in which space is let by the owner or operator to three (3) or more persons who are not husband and wife, son or daughter, mother or father, or sister or brother of the owner or operator.

Rubbish means combustible and noncombustible waste materials, except garbage and ashes, and the term shall include paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metal, mineral matter, glass crockery, and dust.

Substandard dwelling or structure means a dwelling, dwelling units, multiple dwellings, apartment house or any other space used or intended to be used as a habitable living space in any building or structure which does not meet the basic minimum requirements of this code for such use.

Supplied means paid for, furnished, or provided by, or under the control of, the owner or operator.

Temporary housing means any tent, trailer or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than thirty (30) consecutive days.

Unfit for human habitation means that conditions exist in a dwelling which violate or do not comply with one (1) or more of the requirements established by this article.

(Code 1961, § 6-27; Ord. No. 55-86, § 3, 9-8-86; Ord. No. 62-90, § 1, 12-17-90)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 5-34. Minimum standards for dwellings and apartments fit for human habitation.

(a) All dwellings and apartments shall provide for a healthful environment with living facilities arranged and equipped to ensure such a condition.

(b) This article sets forth the fundamental ordinance requirements which shall be observed in determining the fitness of a dwelling for human habitation. This article is supplemental to the state's uniform residential building code and shall not be construed to limit the application thereof.

(c) No person shall occupy as owner-occupant or let to another for occupancy any dwelling for the purpose of living, sleeping, cooking, or eating therein, which does not comply with the requirements of this article.

(Code 1961, § 6-28; Ord. No. 55-86, § 4, 9-8-86)

Sec. 5-35. Minimum standards for structural condition.

- (a) Walls or partitions or supporting members, sills, joists, rafters or other structural members shall not list, lean or buckle; shall not be rotted, deteriorated, or damaged; and shall not have holes or cracks which might admit rodents.
- (b) Floors or roofs shall have adequate supporting members of sufficient strength to be reasonably safe for the purpose used.
- (c) Foundations, foundation walls, piers or other foundation supports shall not be deteriorated or damaged.
- (d) Steps, stairs, landings, porches, or other parts or appurtenances shall be maintained in such condition that they will not fail or collapse.
- (e) Adequate facilities for egress in case of fire, natural calamity or panic shall be provided.
- (f) Interior walls and ceilings of all rooms, closets and hall ways shall be furnished of suitable materials, which will by use of reasonable household methods promote sanitation and cleanliness and shall be maintained in such a manner so as to enable the occupants to maintain reasonable privacy between various spaces.
- (g) The roof, flashings, exterior walls, basement walls, floors, and all doors and windows exposed to the weather shall be constructed and maintained so as to be weathertight and watertight.
- (h) There shall be no chimneys or parts thereof which are defective, deteriorated or in danger of falling, or in such condition or location as to constitute a fire hazard.
- (i) There shall be no use of the ground for floors, or wood floors on the ground.

(Code 1961, § 6-45; Ord. No. 55-86, § 14, 9-8-86)

Sec. 5-36. Rubbish and garbage.

Every dwelling unit shall have adequate garbage or rubbish disposal facilities or storage containers with tight-fitting covers.

(Code 1961, § 6-58; Ord. No. 55-86, § 20, 9-8-86; Ord. No. 44-98, § 1, 9-21-98; Ord. No. 48-98, § 1, 11-2-98; Ord. No. 60-98, § 1, 12-7-98)

Cross reference— *Garbage, trash and weeds, Ch. 12.*

Secs. 5-37—5-50. Reserved.

Kinston, North Carolina, Code of Ordinances: Part II, Chapter 5, Article IV

Sec. 12-66. Uncontrolled growth prohibited.

- (a) It shall be unlawful for any person owning, occupying or having in his possession or under his control any undeveloped lot or parcel of land in the city to permit to exist on such undeveloped

lot or parcel of land any uncut or uncontrolled growth of noxious weeds, vegetation, grasses or bushes to a height in excess of twelve (12) inches which may cause or threaten to cause infestation by rats, mice, snakes or vermin of any kind, which constitutes a fire hazard or which in any other way is noxious, dangerous, detrimental or prejudicial to the public health or safety.

(b) It shall be unlawful for any person owning, occupying or having in his possession or under his control any developed lot or parcel of land in the city to permit to exist on such property any uncut or uncontrolled growth of noxious weeds, vegetation, grasses or bushes to a height in excess of six (6) inches.

(c) Responsibility for maintaining any lot or parcel of land extends to and includes that portion of the property adjacent to the street and any area between a sidewalk or the curb line of the street.

(d) This section shall not apply to planted and cultivated flowers, shrubbery, vegetables, crops, or to public areas maintained as natural habitats or environs such as parks, nature trails, greenways or wooded lots which are maintained in an undeveloped state.

(Code 1961, § 12-61(a); Ord. No. 09-86, § 1, 2-3-86; Ord. No. 47-89, § 1, 8-21-89; Ord. No. 38-90, § 1, 9-4-90)

Sec. 12-67. Complaint by adjoining property owner.

Upon written complaint of an adjoining property owner, this article shall apply to that portion of such wooded lot bordering on a public right-of-way and adjoining developed properties to a depth of twenty-five (25) feet from the public right-of-way and adjoining property line of developed properties.

(Code 1961, § 12-61(a); Ord. No. 09-86, § 1, 2-3-86)

Sec. 12-68. Notice of violation.

Whenever the county health or sanitation officer or his duly authorized representative, the city public services director or his duly authorized agent, or the city or county building inspector shall determine or verify that there exist on any lot or parcel of land in the city any of the conditions as enumerated in section 12-66, such officer or inspector shall give the owner, occupant, or person having such lot under his control written notice thereof. Notice shall be deemed sufficient if given by personal service of written notice or service by registered or certified mail or written notice by first class mail to such person at his last known address. If the address of the owner cannot be determined or if service is refused, a copy of the notice shall be posted on the property. Upon the expiration of ten (10) days from the date of posting or otherwise giving notice, service of notice shall be deemed complete. The person so served shall have ten (10) days from the date of such service in which to effect remedial action or the city shall cause such remedial action to be effected as enumerated in section 12-69.

(Code 1961, § 12-61(b); Ord. No. 09-86, § 1, 2-3-86; Ord. No. 43-98, § 2, 9-8-98; Ord. No. 56-2005, § 1, 11-21-05)

Sec. 12-69. Remedies.

If, after ten (10) days' notice of the existence of any condition described in this section, the owner, occupant or person having the lot under his control has failed to cause the removal or abatement of such condition, the city may impose an assessment of twenty-five dollars (\$25.00) per day until such time as the condition has been removed, abated or remedied. This assessment may be reduced by the city council for a first time offender to ten dollars (\$10.00) per day under extenuating circumstances. If, after ten (10) days, the owner, occupant or person having the lot under his control has failed to cause the removal or abatement of such condition, the city shall forthwith cause such condition to be removed, abated or remedied, and all costs and expenses thereof may be the subject of a civil action by the city against the owner, lessee, occupant or agent of the property involved.

(Code 1961, § 12-61(c); Ord. No. 09-86, § 1, 2-3-86; Ord. No. 42-96, § 1, 7-15-96; Ord. No. 43-98, § 1, 9-8-98)

Sec. 12-70. Lien.

If the expense of removing, abating or remedying the condition, including court costs and assessments, described in section 12-69 is not paid within thirty (30) days of demand, the costs and expenses, including inspection and administrative costs, of the abatement, removal or remedy of the condition under the provisions of this article shall become a lien upon the affected property. The amount of such lien shall be added to the tax roll and collected as unpaid taxes.

(Code 1961, § 12-61(d); Ord. No. 09-86, § 1, 2-3-86)

Arts and Cultural District Overlay (ACDO)

City of Kinston Unified Development Ordinance, Article 6: Zoning Districts

SECTION 6.4 OVERLAY DISTRICTS ESTABLISHED.

6.4.1. Four (4) special control overlay districts are hereby established: Flood Hazard Overlay, Historic Overlay, Arts and Cultural Overlay, and Rowhouse Overlay. These special control overlay districts are intended to be superimposed over the underlying general zoning district and the land so encumbered may be used in a manner permitted in the underlying zoning district only if and to the extent such use is also permitted in the applicable overlay district. The specific objectives of each of these overlay districts are explained in the remainder of this section.

6.4.4. The arts and cultural overlay district is an overlay intended to promote low-intensity home occupations and arts-based mixed-use development in the traditional residential neighborhood setting, specifically in areas that are linked geographically to the Central Business District (B-2). Home occupations in this area might include, but are not necessarily limited to, small art galleries, cafes (not exceeding 1,000 square feet), glass-blowers, musicians, craft makers, furniture makers, sculptors, etc. The arts and cultural overlay promotes artistic-based development that does not detract from the residential character of the neighborhood. Outdoor display of art, wares, crafts, or other items created on-site is encouraged during normal business hours and weekends. Arts- based developments in the arts and cultural overlay shall remain primarily residential. As specified by Section 7.17.7, manufactured home are not allowed in the arts and cultural overlay district.

City of Kinston Unified Development Ordinance, Article 7: Supplemental Regulations

7.17.7. Manufactured homes are not permitted in the arts and cultural overlay district.

SECTION 7.43 HOME OCCUPATIONS IN THE ARTS AND CULTURAL OVERLAY DISTRICT.

Home occupations in the arts and cultural overlay district shall be an enterprise that is primarily music or arts-based, involving the creation, display, or sale of artistic wares, crafts, pieces, sculptures, or other creations during normal business hours and weekends. A café not exceeding 1,000 square feet may also be permitted. Signs in the arts and cultural overlay are limited to wall signs no larger than eight (8) square feet, except for sandwich board signs in accordance with Section 9.31.1.6. Signs shall not be illuminated.

Map 10: Proposed Zoning Changes

Pending completion of the Comprehensive Land Use Plan.

