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## 6.0 SUPPLEMENTAL REGULATIONS

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**ARTICLE I. 6.1 OFF-STREET PARKING, LOADING AND STACKING STANDARDS**

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**6.1.1 APPLICABILITY**

The provisions of this Section shall apply to any application for a building permit, certificate of occupancy, zoning, special/conditional use permits, zoning compliance certificates, vested rights certificates and subdivision and site plan approvals.

The off-street parking, loading and stacking requirements of this Section shall apply when an existing structure or use is expanded, enlarged or changed.

1. If the expansion is less than fifty percent of the gross floor area of the exiting structure, additional off-street parking and loading spaces shall be required to serve only the enlarged or expanded area, provided that in all cases the number of off-street parking and loading spaces provided for the entire use (pre-existing plus expansion) must equal at least seventy-five percent of the required minimum spaces established in the Parking and Loading Requirements Table (Table 6-1).
2. If the expansion is greater than fifty percent of the gross floor area of the existing structure, additional off-street parking and loading must meet one hundred percent of the required minimum number of spaces for the entire use (pre-existing plus expansion) established in the Parking and Loading Requirements Table (Table 6-1).
3. Off-street parking and loading spaces must be provided for any change in uses or manner of operation that would, based on the Parking and Loading Requirements Table (Table 6-1), result in a requirement for more parking or loading spaces than the existing use.

The standards of this Section shall not apply in the Central Business District within an area bounded by the south side of Ash Street, the east side of George Street, the north side of Chestnut Street and the west side of William Street.

Also, off-site parking areas that constitute the principle use of the site shall comply with all the design standards of this Section.

**6.1.2 OFF-STREET PARKING REQUIREMENTS**

Table 6-1, Off-Street Parking Requirements, establishes the minimum and maximum number of parking spaces permitted for the uses indicated. The following rules shall apply to the calculation of the required parking.

1. Unless otherwise approved, lots containing more than one use must provide parking and loading equal to the total amount required by all uses.
2. When measurements of the number of required spaces result in a fractional number, any fraction .5 or greater shall be rounded to the nearest whole number.
3. Unless otherwise noted, all square footage based parking shall be computed based on gross floor area.
4. For computing parking requirements based on employees, calculations shall be based on the largest number of persons working on any single shift or the maximum fire rated capacity, whichever is greater.
5. Requirements based on the number of seats shall be calculated on the design capacity of the space where seating is located.
6. The Planning Director may waive the maximum parking space requirement when it is demonstrated that a particular land use requires parking exceeding the maximum number of spaces as listed in Table 6-1. The Planning Director may require any information as necessary to evaluate if a modification to the maximum number of parking spaces should be granted.

### 6.1.3 OFF-STREET PARKING DESIGN STANDARDS

1. Location – Required off-street parking shall be provided on the same parcel as the principle structure or use, unless shared parking is provided as set forth in this Section. Except for residential uses, additional required space may be provided on another lot, if said lot is not separated by more than three hundred feet from the principle structure or use, provided such space is in the same ownership as the principle use. or a long-term lease is secured for the satellite parking area as defined in Section 6.1.6.
2. Use of off-street parking – Required off-street parking areas are to be used solely for the parking of licensed vehicles in operating condition. Required spaces may not be used for the display of goods for sale, except for approved vehicle sales and rental, or for the long-term storage of vehicles, boats, motor homes, campers, manufactured homes or building materials provided adequate parking is provided.
3. Division of large parking areas – Any parking areas containing more than fifty spaces shall be visually subdivided into smaller parking lots, a maximum of ten thousand square feet in area or a total of twenty-five spaces (whichever is less). The subdivision may be accomplished using buildings, planting areas, plazas, courtyards or landscaped islands. Rows of parking spaces exceeding 15 shall be visually divided by a parking lot landscaped island.
4. Landscaping – Landscaping shall be required in accordance with Section 6.3 (Landscaping, Screening, and Buffering Standards).
5. Lighting – Lighting sources shall be designed and installed in accordance with Section 6.2 (Commercial Lighting Design Standards).
6. Paving - All required parking in excess of three spaces, loading areas and vehicular traffic surface areas shall be graded for drainage in accordance with City standards and shall be surfaced with concrete or bituminous asphalt except as allowed below (Overflow parking and paving exemptions for assembly uses). The City Engineer may approve alternative materials. Alternative materials shall only be considered if such materials exhibit equivalent load bearing and wear characteristics as concrete or bituminous asphalt. All parking surfaces shall be maintained in sound condition free of weeds, dust, trash and debris, potholes and other hazards.
7. Paving exemption for assembly uses – Paving and striping of parking areas for assembly uses (churches, sport facilities, fairgrounds etc.) may be waived for a period of up to two years if evidence is presented to the Administrator that these spaces will not be used regularly on a daily basis or less than five times per week. Parking areas for which paving is waived shall maintain a turf surface. All drive aisles serving the principle church building shall be paved to provide a dust-free access to the road. All parking areas for which paving is waived shall meet the minimum requirements of Volumes I-C and V of the North Carolina State Building Code for Accessibility and Fire Prevention. All parking areas shall be constructed with proper drainage. Sports facilities and fairgrounds are exempt from the two-year paving requirements.
8. Overflow parking – Overflow parking areas and event-parking areas may use turf or other pervious surfaces. Overflow parking shall be defined as off-street parking in

excess of the minimum required by this Ordinance, not used more than ten times a year.

9. Overhang protection – Wheel guards, bumper guards or curbing shall be provided, located and arranged so that no part of any parked vehicle will extend beyond the boundaries of the parking space into a landscape buffer, pedestrian crossing or way. Except where a wall is constructed, a minimum six-inch high vertical concrete curb shall be constructed or installed so that no part of a parked vehicle extends beyond the property line.
10. Striping required – All paved off-street parking areas shall be striped in accordance with the dimensions set forth in the City of Goldsboro Technical Design and Details Manual and must be visible at all times.
11. Backing movements prohibited – Except for single and two family dwellings on individual lots, parking spaces and driveways shall be arranged to require ingress and egress from the lot to the public street by forward motion of the vehicle.
12. Right of way use prohibited - No portion of any street right of way shall be considered as fulfilling any area requirements for any off-street parking space.
13. Permanent space required – All required off-street parking spaces shall be permanent.
14. Handicapped parking spaces required – All land uses required by the North Carolina State Building Code to provide handicapped parking spaces shall meet the requirements of Section 4.2.1 of the North Carolina Accessibility Code.
15. Interconnectivity Required – All parking lots shall dedicate access easements and provide interconnectivity to adjoining properties where such connections are practical. The Administrator may waive this requirement when it is demonstrated that topographical incompatibility of land uses or other factors make such connections impractical.

#### **6.1.4 OFF-STREET PARKING DIMENSIONAL STANDARDS**

Each parking stall, drive aisle or parking area shall be designed or arranged to meet or exceed the dimensional standards provided in the City of Goldsboro Technical Design and Details Manual.

#### **6.1.5 USES NOT LISTED IN THE OFF-STREET PARKING REQUIREMENTS TABLE**

The Administrator shall determine the parking requirements for uses that are not listed in Table 6-1. In such instances, the applicant shall provide adequate information by which the proposal can be reviewed, which shall include, but may not be limited to, the following:

1. Type of use(s);
2. Number of employees;
3. Occupant load (per building code) of the building;
4. Square feet of sales, service and storage areas;
5. Parking spaces proposed on site; and
6. Hours of operation.

**6.1.6 SHARED PARKING**

Off-street parking requirements of a given use may be shared with off-street parking facilities of another use when all of the following conditions are met:

1. If this use is in a non-residential zoning district, the off-site parking may be up to three hundred feet from the principle structure;
2. The parking demands of the individual uses, as determined by the Administrator, based upon the minimum off-street parking requirements, are such that the total parking demand of all the uses at any one time is less than the total parking spaces required;
3. A written agreement between the owners and lessees is executed for a minimum of five years, approved by the City Attorney, recorded in the Register of Deeds and a copy maintained in the project file; should the lease expire or otherwise terminate, the use for which the off-site parking was provided shall be considered to contain nonconforming site improvements; future expansion of the use shall be prohibited unless the use is brought into compliance with the parking regulations of this Ordinance; and
4. Developments which contain a mix of uses on the same parcel, as set forth in Table 6-2 below,
  - may reduce the amount of required parking in accordance with the following methodology:
  - Determine the minimum parking requirements in accordance with Table 6-1 for each land use as if it were a separate use
  - Multiply each amount by the corresponding percentages for each of the five time periods set forth in each column
  - Calculate the total for each time period (columns)
  - Select the column with the highest total
  - Use this number as the required minimum number of parking spaces

**Table 6-2  
Shared Parking Allowances by Land Use**

Section 1.01	Land Use	Weekday		Weekend		Nighttime
		Daytime	Evening	Daytime	Evening	
	Office/Industrial/Civic	100%	10%	10%	5%	5%
	Retail	60%	90%	100%	5%	5%
	Hotel/motel	75%	100%	75%	100%	75%
	Restaurant/Bar	50%	100%	100%	100%	10%
	Entertainment/Commercial	40%	100%	80%	100%	10%

Notes: Daytime=(6am - 5pm), Evening=(5pm - midnight), Nighttime=(midnight - 6am)

**6.1.7 OFF-STREET LOADING REQUIREMENTS**

Off street loading spaces shall be required for any commercial, industrial or institutional use that can be expected to regularly receive or deliver goods.

A loading space requirement may be modified or waived by the Planning and Community Development Director during the approval process for a church, place of assembly, office use or any other use that can demonstrate a limited need for loading space.

**6.1.8 OFF-STREET LOADING DESIGN STANDARDS**

1. Dimensions – Required loading spaces shall be a minimum of fifteen feet wide by thirty feet long with a vertical clearance of fifteen feet. Land uses that require deliveries by tractor trailers shall provide loading spaces that are a minimum of 18 ft. by 60 ft.
2. Location – All loading spaces shall be located on private property, in as much as possible to the rear or side of the lot. No off-street loading area shall be located in the required front setback. In no case shall a loading space be arranged or located in any way so that it is necessary to use the public right of way for maneuvering space for any purpose that may restrict the free movement of vehicles or persons in such right of way.
3. Screening – Loading areas visible from the public right of way shall be screened as determined by the Planning and Community Development Department.
4. Access – An occupied loading space shall not prevent access to a required off-street parking space or parking aisle.
5. Use of off-street loading – Required off-street loading areas are to be used solely for the loading and unloading of goods. Required spaces may not be used for the display of goods for sale or for the long-term storage of vehicles, boats, motor homes, campers, manufactured homes or building materials.
6. If a loading space is required, the Administrator will determine the appropriate location during the site plan review process.

**6.1.9 OFF-STREET VEHICLE STACKING REQUIREMENTS**

Off street vehicle stacking spaces shall be required for any commercial use that has drive up, pick up or drive through service. Table 6-4 establishes the minimum off-street vehicle stacking requirements for common uses.

A vehicle stacking space requirement may be modified or required by the Planning and Community Development Director in the site plan approval process for uses that have not been listed below or where the use can demonstrate a limited need for vehicle stacking space.

**Table 6-4  
Vehicle Stacking Area Requirements**

Land Use	Minimum Stacking Spaces	Measured From
Bank teller lane/ATM	4	Teller window
Restaurant drive through	6	Order box
Restaurant drive through	4	Order box to pick up window
Car wash – full service	6	Entrance
Car wash - automatic	6	Entrance
Car wash - self service	3	Entrance
Dry cleaners	3	Pick up window
Gasoline pump island	2	Pump island
Pharmacy	4	Pick up window

**6.1.10 OFF-STREET STACKING DESIGN STANDARDS**

1. Dimensions – Required stacking spaces shall be a minimum of eight feet wide by twenty feet long with a vertical clearance of ten feet.
2. Location – All stacking spaces shall be located on private property, in as much as possible to the rear or side of the lot. In no case shall a stacking space be arranged or located in any way that impedes on- or off-site traffic movements or movements into or out of off street parking spaces.
3. Design – Stacking spaces shall be separated from the other internal driveways by raised medians if deemed necessary for traffic movement and safety.

**6.1.11 SECTION RESERVED**

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## ARTICLE II. 6.2 COMMERCIAL LIGHTING DESIGN STANDARDS

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### 6.2.1 PURPOSE

The standards established in this Section are intended to:

1. Secure the provision of light in public places where safety and security is a concern;
2. Prevent disabling glare from non vehicular light sources shining into driver's and pedestrians' eyes consequently impeding safe movements; and
3. Protect neighbors and the night sky from nuisance glare and stray light coming from poorly aimed, placed, shielded or applied light sources.

### 6.2.2 APPLICABILITY

The provisions of this Section shall apply to any application for any non-residential building permit, certificate of occupancy, zoning, special/conditional use permits, zoning compliance certificates, vested rights certificates and subdivision or site plan approvals. A lighting plan shall only be required for projects adjacent to residentially zoned or developed properties, commercial or residential projects exceeding four acres in size or as required by the City Council. Projects not required to submit a lighting plan may voluntarily submit a lighting plan or certify compliance of this section on the submitted site plan. Projects that are not required to submit a lighting plan are still subject to the requirements of Section 6.2 and may be required to submit a lighting plan or make other alterations to demonstrate compliance if problems arise. The lighting requirements of this Section shall apply when an existing structure or use is expanded, enlarged or changed as stated below.

1. If the expansion is less than fifty percent of the original building or parking area, collectively or separately, only the expansion need comply with the requirements of this Section.
2. If the expansion is greater than or equal to fifty percent of the original building or parking area, collectively or separately, the entire lot shall comply with the requirements of this Section.
3. Repairs and renovations, not resulting in an expansion of the parking or building area, but collectively costing more than fifty percent of the tax value recorded in the Wayne County Tax Record at the date of application, shall be required to fully comply with the lighting requirements of this Ordinance.
4. If there is a change of use in a principle building, resulting in an intensification or expansion of use, the entire lot shall fully comply with all the lighting requirements of this Ordinance.
5. In addition to the above sections, no replacement, extension or modification of outdoor lighting fixtures shall be made unless it conforms to the provisions of this Section.

### 6.2.3 PLAN AND APPLICATION REQUIREMENTS

Lighting plans for commercial and residential developments submitted for review and approval to the Planning and Community Development Department shall include:

1. A site plan showing landscaping, parking areas and the proposed fixture locations, heights and mounting information for each light;
2. A photometric report (point-by-point or isolux diagram) showing light levels in footcandles produced on the ground at points located on a ten foot by ten-foot illuminance grid. The photometric report will indicate the minimum and maximum footcandle levels within the lighted area of the site. The minimum is usually located at the outer edges of the illuminated area or between two fixtures. Adding the footcandle value of all the points in the grid and dividing by the total number of points determine the average light level. This type of report is normally available



- from the manufacturer of the specified fixture, the electric utility, a professional engineer or lighting designer;
3. A fixture schedule listing descriptions of the equipment, including fixture catalog specifications, photometrics, glare reduction devices, and lamps.

**6.2.4 ILLUMINATION LEVELS**

Illumination levels shall be measured in footcandles and not exceed the recommended intensities and uniformity ratios established by the Illuminating Engineering Society of North America (IESNA) 8<sup>th</sup> edition handbook with some modifications.

For lighted parking lots the minimum light level shall be no less than 0.2 footcandles. All light levels are measured at ground level. The minimum light level requirements vary depending on the activity classification. The specified minimum FC value above 0.2 FC as outlined in the following table means that the lowest light level point or location in the parking lot must not exceed the minimum stated FC value in the table (i.e. 0.9 FC for medium vehicular/pedestrian activity). An average to minimum uniformity ratio of 4:1 means that the average FC to minimum FC ratio cannot be worse (higher) than 4:1. See the following table:

**Table 6-5  
IESNA Illumination Intensity and Uniformity Ratios**

Use/ Activity	Maintained Footcandles	Uniformity Avg. : Min.
Streets, local residential	0.4 avg.	6:1
Streets, local commercial	0.9 avg.	6:1
Parking - residential, multifamily		
Low vehicular/pedestrian activity	0.5 min.	4:1
Medium vehicular/pedestrian activity	0.9 min.	4:1
Parking - industrial, commercial, institutional		
Low activity – neighborhood shopping, employee parking, schools etc.	0.5 min.	4:1
Medium activity – office parks, hospitals, community shopping centers etc.	0.9 min.	4:1
High activity - Malls, fast food, convenience stores, events etc.	1.1 min	4:1
Walkway, paths and bikeways	0.5 avg.	5:1
Building entrances	5.0 avg.	n/a

**Notes:** Illumination levels are maintained horizontal footcandles on the task/activity, i.e. pavement or surface area. Uniformity ratios dictate average illuminance values shall not exceed minimum values by more than the product of the minimum value and the specified ratio, i.e. for medium activity commercial parking, the average footcandles shall not exceed 3.6 (0.9 x 4).

The Planning Director or his/her designee shall be responsible for determining the activity level for a development. Any project that requests a light level that exceeds the footcandle values outlined above must demonstrate a need for a higher light level, be approved by City Council and meet lighting trespass limits described herein. Criteria that can justify a need for a higher light level or other changes that may be required when higher levels are used include:

**1. Safety and Security** – The Illuminating Engineering Society of North America (IESNA) provides guidance in its 9<sup>th</sup> edition of the Lighting Handbook in chapter 22. Footnote number 2 reads: “If

personal security or vandalism is likely and/or severe problem, a significant increase of the Basic level (.2 FC horizontal) may be appropriate. Many retailers prefer even higher light levels, with a specification of 10 lux (1 fc) minimum value.” This means that with the 4:1 average to minimum uniformity ratio requirement in this table, the maximum average FC value could increase from 3.6 to 4.0 FC. This is only a guideline. The Goldsboro city council can allow up to a 5.0 FC maximum average (or 1.25 FC minimum with a 4:1 avg to min ratio) for shopping centers, retail strip malls, and other similar applications based on the project conditions.

**2. Adjacent Uses** – An adjacent use that is non-residential with a higher light level (light surround) level may required more light to provide the same visibility than an adjacent property with less light (dark surround).

**3. Full Cutoff Fixtures** - In cases where a higher light level is approved, full cutoff fixtures may also be justified to better focus the lighting downward on the property to be lighted and reduce the amount of glare coming out of the fixtures.

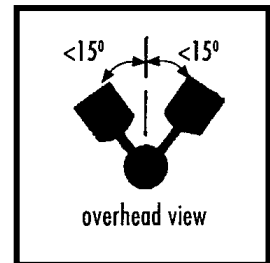
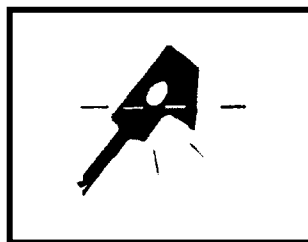
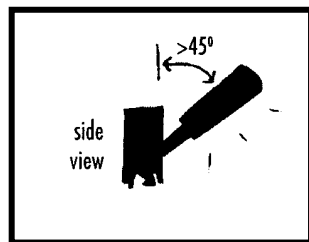
**6.2.5 GENERAL LIGHTING REQUIREMENTS**

**6.2.5.1 LIGHT MEASUREMENT TECHNIQUE**

Light level measurements shall be made at the property line of the property upon which the light to be measured is being generated. 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 (5) percent. Measurements shall be taken with a light meter that has been calibrated within two years. Light levels are specified, calculated and measured in footcandles (FC). All FC values below are maintained footcandles.

**6.2.5.2 LIGHTING DESIGN STANDARDS**

- (1) The lighting plan shall demonstrate a consideration for reduced energy consumption through the selection of energy efficient fixtures.
- (2) Unless otherwise specified in the following subsections, the maximum light level shall be 0.4 maintained footcandle at any property line to include but not be limited to multi-family, retail, office and church properties in a residential district, or on a lot occupied by a dwelling, congregate care or congregate living structure.
- (3) All floodlights shall be installed such that the fixture shall be aimed down at least forty-five (45) degrees from vertical. These lights shall be positioned such that any such fixture located within fifty feet (50) of a public street right-of-way is mounted and aimed perpendicular to the right-of-way, with a side-to-side horizontal aiming tolerance not to exceed fifteen (15) degrees from perpendicular to the right-of-way. Floods shall not be aimed at residential property.



- (4) All flood lamps emitting 1,000 or more lumens shall be aimed at least sixty (60) degrees down from horizontal or shielded such that the main beam from the light source is not visible from adjacent properties or the public street right-of-way.
- (5) All wall pack fixtures shall be full cutoff fixtures.
- (6) All fixtures installed, owned, or leased by governmental or public agencies, or their agents, for the purpose of illuminating public streets are otherwise exempt from this regulation unless otherwise specified in these lighting standards. Fixtures installed through private development are not exempt.

**6.2.5.3 FIXTURE DESIGN**

- 1. Other than flood lights and flood lamps, all outdoor area and parking lot lighting fixtures of more than 2,000 lumens shall be cutoff or full cutoff fixtures.
- 2. All fixtures shall be equipped with or be capable of being back fitted with light directing devices such as shields, visors or hoods when necessary to control offending light distribution as determined by the Planning Director.
- 3. Lights that flash, move, revolve, rotate, scintillate, blink, flicker or vary in intensity or color shall not be permitted.
- 4. Civil defense style search lights and other fixtures that project an intense beam of light skyward, shall not be permitted for use as advertising devices. Such devices shall be discontinued immediately upon the adoption of this ordinance.

**6.2.5.4 EXEMPTIONS TO THE LIGHTING DESIGN STANDARDS**

- 1. Individual single family residential lighting that is not part of a site or subdivision plan.
- 2. Seasonal lighting that is part of customary holiday decorations and annual civic events.
- 3. Lighting which is not subject to this Ordinance by state or federal law.
- 4. Lighting of the United States Flag or North Carolina State Flag.
- 5. Temporary circus, fair, carnival, public recreation or civic uses.
- 6. Historic/Architectural areas as designated by the Planning Director.
- 7. Non-cutoff decorative post-mounted fixtures may be used for mounting heights of 18 feet or less above ground and are allowed when the maximum initial lumens generated by each fixture does not exceed 9500 initial lamp lumens.
- 8. All white light sources such as metal halide and mercury vapor with 9500 lamp lumens and less used in non-cutoff fixtures shall be coated with an internal white frosting inside the outer lamp envelope.
- 9. All metal halide decorative post fixtures equipped with a medium base (household size) lamp socket must use an internal refractive lens, a diffuse outer lens or a wide-body refractive globe as described in the Definitions section.
- 10. All existing lighting that is in place at the time of enactment of this ordinance unless otherwise specified in this lighting code document.

**6.2.6 CONTROL OF NUISANCE AND DISABLING GLARE**

- 1. All outdoor lighting, whether or not required by this Ordinance, shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse (disabling glare) and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property (nuisance glare). See section 6.2.5.2 for specific requirements.
- 2. Vegetative screens shall not be employed as the primary means of controlling glare. Rather, glare control shall be achieved with cut off fixtures, shields, baffles and appropriate application of mounting height, wattage, aiming angle and fixture placement etc.

## 6.2.7 INSTALLATION

### Pole mounted lighting

1. All poles are to be flush mounted to the existing grade. Proper pole offsets from parking areas, curbing and wheel stops shall be used to prevent automobile and pole conflicts. If the poles cannot adequately be protected using these methods, it may be mounted on a structure no taller than thirty-six inches from the average surrounding grade. Bollards shall not be permitted.
2. All pole mounted lighting shall be located a minimum of two feet from a property or right of way line and any required buffer or tree preservation area.
3. All lighting fixtures and poles shall be decorative in design and shall primarily complement the architecture and design themes of the site.
4. Luminaire heights shall not exceed 18 feet for decorative post-top fixtures and 37 ft. for pole-top fixtures from the average surrounding grade. Raised bases may be used as outlined in 1 above.

### Ground-mounted lighting

All ground-mounted fixtures shall be shielded as determined by the Planning Director so as not to project their output beyond the objects intended to be illuminated, such as buildings, landscaping features etc. Lighting shall not exceed five maintained footcandles when measured against the building, sign or feature.

### Building mounted lighting

1. Lighting intended to illuminate the roof of a structure is not permitted.
2. The use of IESNA full cutoff rated fixtures is required for all lighting placed on a building that is not specifically utilized for service or loading areas.
3. Wall mounted fixtures that provide asymmetric light distribution; often referred to as “wallpack” fixtures are allowed in service loading areas of properties zoned I-1 and I-2. The wallpacks shall be full cutoff as designated by the IESNA or be fully shielded.
4. All other lighting placed on the building shall be decorative in design and shall compliment the architecture and design themes of the site.

### Canopies (Service/Gas station, drive through or other overhead canopies)

Light fixtures must be:

- (1) For NEW Canopies - Recessed fixture incorporating a lens cover that is either recessed or flush with the bottom surface (ceiling) of the canopy



- (2) and for EXISTING canopies, surface mounted or recessed fixtures incorporating a flat glass that provides cutoff design or shielded light distribution.



- (3) Lights shall not be mounted on the top or sides (facia) of the canopy and the sides of the canopy shall not be illuminated.

- (4) Areas under a canopy shall not exceed a maximum horizontal illuminance of thirty (30) maintained footcandles (FC). Areas outside the vehicular canopy shall be regulated by the standards of subsection 6.2.4 above. Lighting under canopies shall be designed so as not to create glare off-site.

#### **6.2.8 OUTDOOR SALES AREAS**

- (1) Parking lot outdoor areas shall be illuminated in accordance with the requirements for subsection 6.2.4 above. Outdoor sales areas (car lots, etc.) shall have a maximum horizontal illuminance of forty (40) maintained footcandles.
- (2) All light fixtures shall meet the IESNA definition of full cutoff fixtures. Forward throw fixtures (type IV light distribution, as defined by the IESNA) are required within twenty-five (25) feet of any public street right-of-way. Alternatively, directional fixtures (such as floodlights) may be used provided they are aimed away from all residential properties and are installed in accordance with subsection 6.2.5.2 of this ordinance.
- (3) The mounting height of outdoor display area fixtures shall not exceed thirty-two (32) feet above finished grade, unless approved by the Planning Director as having no adverse effect.

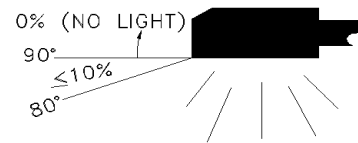
#### **6.2.9 OUTDOOR SPORTS FIELDS**

- (1) The mounting height of outdoor sports field and outdoor performance area lighting fixtures shall not exceed eighty (80) feet from finished grade unless approved by the Goldsboro City Council as having no adverse effect or approved by the County Commissioners as part of a Special Use Permit.
- (2) All outdoor sports field and outdoor performance area lighting fixtures shall be equipped with a glare control package (louvers, shields, or similar devices).
- (3) The fixtures must be aimed so that their beams are directed and fall within the primary playing or performance area.
- (4) Non-conforming fixtures lighting sports fields may be replaced or otherwise changed on an individual/small cluster basis with new non-conforming fixtures, however when all the fixtures are upgraded or otherwise changed, the fixtures must be brought into compliance with the requirements of this ordinance.
- (5) The hours of operation for the lighting system for any game or event shall not exceed one hour after the end of the event.

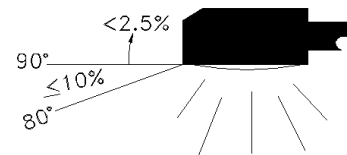
## 6.2.10 IESNA CUTOFF CLASSIFICATIONS (Text and Graphic format)

Source: IESNA RP-33-99

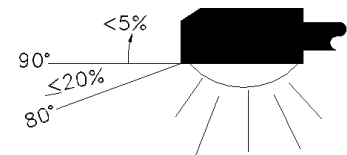
**Full Cutoff**—A fixture light distribution where no light intensity is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than 10% of the lamp's light intensity is emitted at or above an angle 10 degrees below that horizontal plane, at all lateral angles around the fixture.



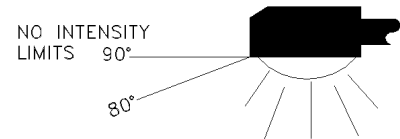
**Cutoff**—A fixture light distribution where no more than 2.5% of a lamp's light intensity is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than 10% of the lamp's light intensity is emitted at or above an angle 10 degrees below that horizontal plane, at all lateral angles around the fixture.



**Semi-Cutoff**—A fixture light distribution where no more than 5% of a lamp's light intensity is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than 20% of the lamp's light intensity is emitted at or above an angle 10 degrees below that horizontal plane, at all lateral angles around the fixture.



**Noncutoff**—A fixture light distribution where there is no light intensity limitation in the zone above the maximum distribution of light intensity.



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## 6.2.11 DEFINITIONS

**Candela**— A measure of luminous or light intensity in a certain direction. Useful in determining how much light is shining out of a fixture and in what direction.

**Fixture**— An assembly that holds the lamp (bulb) in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.

**Flood Lamp**— A form of lighting designed to direct its output in a specific direction with a reflector formed from the glass envelope of the lamp itself. Such lamps are so designated by the manufacturers and are typically used in residential outdoor area lighting.

**Flood Light**— A form of lighting designed to direct its output in a diffuse, more or less specific direction, with reflecting or refracting elements located external to the lamp.

**Footcandle (FC)**— A quantitative unit measuring the amount of light (illumination) falling onto a given point. One footcandle equals one lumen per square foot.

**Glare**— The effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, to cause annoyance, discomfort, or loss of visual performance and ability.

**HID**— High intensity discharge lighting is a bulb type including mercury vapor, metal halide, high pressure or low-pressure sodium, which glow when an electric current is passed through a gas mixture inside the bulb.

**IESNA**—The Illuminating Engineering Society of North America, a non-profit professional organization of lighting specialists that has established recommended design standards for various lighting applications.

**Illuminance**— The amount of light falling on a surface-measured in lux or footcandles.

**Internal Refractive Lens**— A glass or plastic lens installed between the lamp and the sections of the outer fixture globe or enclosure. Refractive refers to the redirection (bending) of the light as it goes through the lens, softening and spreading the light being distributed from the light source thereby reducing direct glare.

**Iso-Footcandle Curve** – a demonstration of topographic of light levels over a given area.

**Light Source**— The element of a lighting fixture that is the point of origin of the lumens emitted by the fixture.

**Light Trespass**— Light emitted by a lighting installation that falls outside the boundaries of the property on which the installation is sited. This has adverse effects on residents, vehicle operators and pedestrians, the natural environment.

**Lumen**— A quantitative unit used to identify the amount of light emitted by a light source. A lamp is generally rated in lumens.

**Maintained Footcandles**— Illuminance of lighting fixtures adjusted for a maintenance factor accounting for dirt build-up and lamp output depreciation. The maintenance factor used in the design process to account for this depreciation cannot be lower than 0.72 for high-pressure sodium and 0.64 for metal halide and mercury vapor.

**Medium Base**— The size of lamp socket designed to accept a medium or Edison base lamp.

**Outdoor Performance Area**— An area permanently dedicated to the public presentation of music, dance, theater, media arts, storytelling, oratory, or other performing arts, whether publicly or privately owned, including but not limited to amphitheaters and similar open or semi-enclosed structures.

**Outdoor Sports Field**— An area designed for recreation (public or privately owned). These areas include, but are not limited to baseball/softball diamonds, soccer fields, football fields, golf courses, golf driving ranges, tennis courts, racetracks, firearm shooting ranges, and swimming pools.

**Point-by-point Layout** – a demonstration of lighting design expressed in points on a grid (most often 10' x 10' or larger) layout where each point represents a light level.

**Right-of-Way**— An interest in land to the town which provides for the perpetual right and privilege of the town, its agents, franchise holders, successors, and assigns to construct, install, improve, reconstruct, remove, replace, inspect, repair, maintain, and use a public *street*, including related and customary uses of street rights-of-way such as sidewalks, bike paths, landscaping, mass transit facilities, traffic control, traffic control devices and signage, sanitary sewer, storm water drainage, water supply, cable television, electric power, gas, and telephone transmission and related purposes in, upon, over, below, and across the rights-of-way.

**Temporary Lighting**— Lighting used for a limited duration, but in no case longer than thirty (30) days.

**Vehicular Canopy**— A roofed, open, drive-through structure designed to provide temporary shelter for vehicles and their occupants while making use of a business' services.

**Wall Pack**— A type of light fixture typically flush-mounted on a vertical wall surface.

**Wide-body Refractive Globe**— A translucent lamp enclosure used with some outdoor fixtures to provide a decorative look (including but not limited to acorn- and carriage light-style fixtures). “Wide-body” refers to a wider than average size globe (greater than 15.75” in diameter). “Refractive” refers to the redirection (bending) of the light as it goes through the lens, rendering the light fixture more effective. Wide-body refractive globes are intended to soften and spread the light being distributed from the light source thereby reducing direct glare.



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**ARTICLE III. 6.3 LANDSCAPING, SCREENING AND BUFFERING  
STANDARDS**

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**6.3.1 Purpose**

The standards established in this Section are intended to:

1. Encourage the preservation of existing trees and vegetation;
2. Maintain the visual character of the community;
3. Aid in stabilizing the ecological balance by contributing to the process of air purification, oxygen regeneration, groundwater recharge, storm water retardation, erosion and flood control, protecting wildlife shelters and food supply, while at the same time aiding in noise, glare, dust and heat abatement;
4. Influence wind patterns and their effects upon proposed uses;
5. Control noise and provide acoustical modification into and from a site;
6. Screen objectionable uses within and between uses;
7. Contain odors and minimize their passage into and from the site;
8. Safeguard and enhance property values;
9. Preserve, protect and/or restore the unique identity and environment of the City of Goldsboro; and
10. Protect the public health, safety and general welfare.

**6.3.2 Applicability**

The provisions of this Section shall apply to any application for any building permit, certificate of occupancy, zoning, special/conditional use permits, zoning compliance certificates, vested rights certificates and subdivision and site plan approvals. The landscaping, screening and buffering requirements of this Section shall apply when an existing structure or use is expanded, enlarged or changed. The screening requirements of Section 6.3.13 shall apply to all dumpsters and outdoor storage areas that are required to be retrofitted.

1. If the expansion is less than fifty percent of the original building or parking area, collectively or separately, only the expansion need comply with the requirements of this Section. Any expansion, regardless of percentage of expansion, shall be required to install the required street trees and vehicular surface area buffer.
2. If the expansion is greater than or equal to fifty percent of the original building or parking area, collectively or separately, the entire lot shall comply with the requirements of Section.
3. Repairs and renovations, not resulting in an expansion of the parking or building area, but collectively costing more than fifty percent of the tax value as recorded in the Wayne County Tax Record at the date of application, shall be required to fully comply with the landscaping requirements of this Ordinance.
4. If there is a change in use of a principle building resulting in an intensification of use, the entire lot shall fully comply with all the landscaping requirements of this Ordinance.
5. Sites that have ceased operation for more than one hundred eighty (180) days shall install the required street yard and vehicular surface area buffer in addition to any other landscaping requirements prior to continuing operation.

6. Street yard and vehicular surface area buffer installation shall be required upon any change of land use associated with a commercial, office, industrial or multi-family project.
7. Any landscaping retrofit as required by this Code shall require landscaping to be installed to the greatest extent possible including the removal of asphalt or parking areas to install the required landscaping and, if necessary, opaque buffers. Privacy fencing may substitute for an opaque buffer if inadequate room to plant a vegetative buffer is available. The City Council may grant a modification of the planting of landscaping if it creates a site design hardship that would negatively impact the property.

The following land uses, occupancies and buildings are exempt from the requirements of this Section:

1. Detached single family dwelling on its own lot;
2. Two-family dwelling;
3. Multi-family residences with no more than 4 dwelling units per lot provided parking is set back at least 8 ft. from all property lines.
4. Bona fide farm uses;
5. Existing developed lots in the Central Business District that do not provide off-street parking; and
6. Temporary uses.

### **6.3.3 PLAN AND APPLICATION REQUIREMENTS**

A landscaping plan shall be required that meets the requirements of this Ordinance and shall be submitted simultaneously with the other required subdivision or site plans or preliminary plats.

### **6.3.4 TREE PRESERVATION REQUIREMENTS**

Tree preservation— Existing vegetation shall be retained and incorporated into the landscape/development plan to the greatest extent possible. Credits for tree preservation toward landscaping requirements are offered when a tree preservation plan or site plan illustrating trees to be saved is submitted prior to grading the site.

Properties that are cleared within two years prior to site plan approval by the City will be required to replant removed landscaping with double the required number of trees and shrubs. Replacement trees shall be a minimum of four (4) inches in caliper at the time of planting.

Tree preservation landscape plan requirements shall include the following:

1. A site specific illustration of the trees to be retained and removed, indicating the species, size, location, and height;
2. A statement on the landscape plan that there will be no disturbance in the Critical Root Zone (CRZ); a disturbance is considered trenching, placing backfill, driving or parking equipment in the CRZ and/or the dumping of trash, oil, paint or other materials detrimental to plant health; and
3. An illustration of the protected CRZ(s) and proposed method for protection on the landscape plan; acceptable methods of protection include protective fencing or other equally effective measures used during all construction activity.

CRZ protection requirements:

1. Protective fencing shall be made of highly visible mesh material, have a minimum height of four feet and be supported with posts spaced a maximum distance of ten feet. Signs identifying the CRZ protection area shall be placed on the protective fence.
2. All protective fencing shall be installed prior to any site clearing or grubbing has begun. In cases where fencing would create an unusual burden, the clearing limits (CRZ) may be

- temporarily flagged with highly visible continuous marking tape. Flagging shall be replaced with protective fencing immediately after the area has been cleared.
3. Protective fencing or flagging shall be located and erected along the outer perimeter of the CRZ. No land disturbing activity, storage of materials, equipment or debris shall take place within the protected area.
  4. Limited grading within the CRZ of preserved trees is permitted. The grading activity may disturb a maximum of twenty percent of the CRZ area.
  5. No more than twenty percent of the CRZ of a preserved tree may be paved with an impervious material.
  6. No nails, ropes, cables, signs or fencing shall be attached to any part of any tree that is listed for preservation.
  7. Any landscaping retrofit as required by this Code shall require landscaping to be installed to the greatest extent possible including the removal of asphalt or parking areas, if necessary, to install the required landscaping and opaque buffers. Privacy fencing may substitute for an opaque buffer if there is inadequate room to plant a vegetative buffer. The City Council may grant modifications of planting if landscaping creates a site design hardship that would negatively impact the property.

Credits for preserved trees and landscaping – If all of the above requirements have been met, the preserved tree is not damaged during construction, it meets the minimum size requirements of this Section and fulfills the design standards for the landscaped area in which it is located (Buffer yard, street yard, parking yard or residential yard), the tree shall be credited toward fulfilling the landscaping requirements of this Section. The Planning Department may decide what credits to grant for existing trees and landscaping depending on species, height, caliper and health.

### **6.3.5 GENERAL LANDSCAPING STANDARDS**

1. Minimum plant and tree sizes – New plant material shall have the minimum required plant size at installation and be of a species type that will be expected to reach the minimum mature height and size depending on the type of required planting area. (See Table 6-7, Minimum Plant Size at Installation). All screening plant materials shall meet the minimum plant width and spread standards as defined by the American Association of Nurserymen, Inc.
2. View obstruction – No landscaping, tree or otherwise, shall be planted in the sight triangles, as illustrated in Appendix B, without the prior approval of the City Engineering Division. Grass, ground covers and low growing shrubs may be permitted.
3. Drainage ditches – When a drainage ditch separates property lines, or is otherwise contained within a lot or tract, all vegetation required by this Section shall still be provided. However, in no case shall the required vegetation be located within five feet of the outer edge of the drainage ditch.
4. Stormwater detention structures – All structures having a slope of greater than two horizontal feet for every vertical foot or steeper shall not have any of the required vegetation within five feet of the outer edge of the structure. Stormwater detention structures, excluding swales that do not prevent the installation of landscaping, shall be prohibited in buffer areas. Stormwater detention ponds shall be located at least 20 feet from the road right of way and shall be screened with evergreen shrubs.

5. Easements – No landscaping materials required by this Section shall be located or planted on property subject to utility or drainage easements without written consent of the City and/or the easement holder.
6. Non-landscaped and non-constructed areas – All open space areas that are not landscaped shall be at a minimum seeded with grass or other appropriate ground cover.
7. Foundation Plantings - Foundation plantings are encouraged adjacent to commercial, office and industrial buildings and shall be incorporated into landscaping plans where appropriate.

**6.3.6 INSTALLATION STANDARDS**

All landscaping, including mulching and seeding, shall be completed in accordance with approved landscape plans before the issuance of a certificate of occupancy.

A written request to defer the installation of landscaping due to one of the following reasons may be approved for no longer than six months if submitted to the Department of Planning and Community development prior to a request for a certificate of occupancy or final plat approval.

1. Unavailability of plant materials;
2. Installation of the plant material at the time of the request would jeopardize the health of the plants (Planting May 15<sup>th</sup> through September 15<sup>th</sup> is not encouraged);
3. Weather conditions prohibit the completion of the planting.

Whenever a certificate of occupancy is requested prior to the required landscaping being installed, an improvement guarantee fulfilling the requirements of Section 2.12 (Improvement guarantees) must be requested and executed.

All new plant material shall be of good quality, disease free and shall be properly installed and organically mulched (3-4" layer) in accordance with accepted practices in the landscape industry.

**Table 6-6  
Tree Installation Minimum Separation Distance Requirements**

Tree Type	Right of Way Lines	Sidewalks, Paved Ped. Surfaces	Buildings	Utility Wires, Poles, Streetlights	Underground Utilities	Utility Structures, Vaults
<b>Large Trees &gt;40' at Maturity</b>	4.5'	4.5'	10'	15'	10'	10'
<b>Small Trees &lt; 40' at Maturity</b>	4.5'	4.5'	5'	10'	8'	5'

Note: All measurements shall be made horizontally from the center of the trunk at the base of the subject vegetation.

**Table 6-7  
Minimum Plant Sizes at Installation**

Material Type	Minimum Size at Installation	Minimum Mature Size
<b>Large tree</b>	10' in height, 2" caliper	40' in height, 40' crown diameter
<b>Small tree, multi stem</b>	8' in height	20' in height, 20' crown diameter
<b>Small tree, single stem</b>	8' in height, 2" caliper	20' in height, 20' crown diameter
<b>Large shrub</b>	36" in height, 3 gallon container, 18" spread	6' in height
<b>Medium shrub</b>	18" in height, 1 gallon container, 12" spread	3' in height
<b>Small shrub</b>	12" in height, 1 gallon container	18" in height
<b>Screening shrubbery</b>	36" in height, 5 gallon container	6' in height

Note: Caliper measurements for all trees shall be taken at six inches above the ground. For the purposes of this Section, the minimum plant sizes shall be approximate, provided the intent of these requirements is not compromised. Shrubbery used for screening purposes (type B, C and D Buffers) must be at least three (3) feet in height at time of planting.

**6.3.7 SELECTION STANDARDS**

Due to a specific physical property, disease susceptibility or other conditions, the following species are restricted in selection as approved plant materials in the following situations:

Not permitted within 25 feet of any above ground utility lines – due to the brittleness of the wood.

<u>Botanical Name</u>	<u>Common Name</u>
Acer saccharinum .....	Silver Maple
Betula spp. ....	Birches
Catalpa speciosa.....	Northern Catalpa
Cladrastis kentukea.....	Yellowwood
Fraxinus spp. ....	Ashes
Juniper virginiana.....	Red Cedar
Liliodendron tulipifera.....	Tulip Poplar
Populus alba.....	White Poplar
Paulownia tomentosa.....	Royal Pawlonia
Pinus spp.....	Pines
Ulmus pumila.....	Siberian Elm

Not permitted within 25 feet of any water or sewer line – due to invasive root growth.

<u>Botanical Name</u>	<u>Common Name</u>
Salix spp. ....	Willows
Ulmus spp.....	Elms
Pinus spp.....	Pines

The following species are restricted in use to no more than the specified percentage for any tree or shrub category per parcel or project – due to disease susceptibility:

<u>Category</u>	<u>Botanical Name</u>	<u>Common Name</u>
No more than 25% of large trees	Betula nigra	River Birch
No more than 25% of small trees	Cornus spp.	Dogwoods
	Lagerstroemia indica	Crepe Myrtle
No more than 10% of small trees	Pryus spp.	Bradford Pears
Not permitted as an evergreen shrub	Photina glabra	Red Tip Photina

Approved plant materials - The list of approved plant materials can be found in Appendix B, Landscaping Technical Design Manual. Additional useful information is provided in the plant list including expected mature size, growth rate, site conditions, special characteristics, possible problems and additional comments.

**6.3.8 MAINTENANCE STANDARDS**

1. The owners of the property, their agents, heirs and assigns shall be responsible for the installation, preservation, mulching, weeding and maintenance of all landscaping and physical features required under this Section.
2. All dead, substandard and unhealthy plant materials shall be removed and replaced in conformance with the standards of this Section and the approved landscape or site plan. In the event that any vegetation required by this Section is damaged due to weather or a natural

- catastrophe, the owner shall have one hundred eighty (180) days to replace the affected plant materials.
3. Pruning shall consist of removal of dead, dying, diseased, interfering, obstructing and weak branches as well as selective thinning to lessen wind resistance and improve appearance.
    - All cuts shall be made close to the trunk or parent limb without leaving a protruding stem and without cutting into the branch collar or the branch bark ridge.
    - Directional pruning and drop crotch pruning shall be used to prune live branches.
    - Tree limbs too heavy to handle by hand shall be precut above the final cut to prevent splitting or peeling of the bark. Where necessary to prevent tree or property damage, branches shall be lowered to the ground by ropes or equipment.
    - Treatment of cuts and wounds with tree wound dressing is discouraged. If such treatment is necessary, materials should be non-toxic to the cambium layer.
    - Tree topping shall be prohibited on all public property and designated rights-of-way and for all trees falling under the jurisdiction of this Ordinance, including both newly installed and preserved trees.
  4. Fertilizer shall not be applied to any vegetation within any riparian buffer required by this Ordinance, and as required by 15A NC AC 2B.0233. Application of fertilizer should conform to standards as established by the North Carolina Cooperative Extension Service. No fertilizer shall be allowed to remain on sidewalks or driveways after application.
  5. All landscaped planting areas shall be stabilized from soil erosion immediately upon planting and shall be maintained for the duration of the use.

### **6.3.9 BUFFER YARD DESIGN STANDARDS**

The purpose of a buffer yard is to provide a physical transition between uses that may differ in development use, intensity and/or density. The buffer yard reduces the objectionable impact of one use upon another caused by lighting, noise, visual character, or other site- or use-related effects. These landscaped planting yards are intended to insure that a natural or landscaped area of appropriate size and density of plantings is planted or preserved between zoning districts or uses. Buffer yards shall be of different types, based upon the relationship between the two adjacent uses.

1. Prohibited uses – The construction of any building, parking or drive area, outdoor storage or display or the placement of any mechanical equipment within the landscaped buffer yard is not permitted except as provided in Section 6.3.9.9. To allow utility connections to adjoining properties, utilities may cross a buffer at a perpendicular angle and shall not be allowed to pass parallel through a buffer. Signs may be placed within the buffer yard consistent with the regulations of Section 6.4 (Signage Standards). Active recreational uses, such as play fields, swimming pools, tennis courts etc. or circulation drives, loading areas and parking lots shall not be permitted in the buffer yard.
2. Permitted uses – The following uses may be permitted in a buffer yard provided that none of the required plant material is eliminated, the intended screening is accomplished, the total width of the buffer yard is not reduced and all other requirements of this Section are met:
  - Passive recreation
  - Sculpture, outdoor furniture, picnic areas
  - Pedestrian or bike trails
  - Golf courses
3. Reduction in the required buffer yard – Where a dedicated buffer yard exists on an abutting property, a reduction or elimination of a buffer yard for a property to be developed may be permitted subject to the following:

- The adjacent property owners have provided a written, legally-binding agreement, such as a recorded easement or deed restriction, restricting the use of the dedicated buffer yard to uses provided for in this Section; and
  - The “net” buffer yard satisfies the minimum buffer yard requirements of this Section. The net buffer yard shall include the cumulative total for both the required buffer yards.
4. Existing vegetation – Existing healthy vegetation may be counted toward the required landscaping if it fulfills all the requirements of Section 6.3.4 (Tree preservation requirements). To do so, the landscape plan shall indicate the type, number and size of the existing plants that are sufficient to comply with the requirements of the respective yard type. It is not necessary to indicate the total inventory of existing plants, only those intended to meet the requirements of this Ordinance shall be required to be listed.
  5. Application toward setback requirements – Buffer yard areas may be counted toward the required building setbacks. However, the required buffer width may not be a simple setback, but is to be planted to meet the requirements of this Section. The plants comprising the buffer shall be arrayed across the entire width of the buffer in a manner designed to achieve a suitable buffering effect, and not just planted in a row or rows.
  6. Designation of buffer yard as landscaped area for non-residential property – Buffer yards shall be designated as landscape buffer yard easements on the application for development approval and on the subdivision plat. The buffer yard shall be recorded with the title of the property as a landscape buffer yard easement.
  7. Ownership of buffer yards in residential subdivisions – The required buffer yards in a residential subdivision shall not be wholly owned (in fee simple absolute) by the owner of an individual lot. But rather that the buffers be owned by a property or home owner’s association, third party or shall otherwise be divided so that the buffer is not removed, modified or damaged. However, buffer yards may be left under the control of the lot owner provided that the width of the buffer yard is doubled and each lot contain a deed restriction that the buffer yard be left undisturbed. Any required buffer (including those required as a zoning condition) for residential developments shall not be credited toward meeting the lot size requirements – whatever its ownership status, but may be credited toward meeting the open space requirements.
  8. Buffer yard on a property line – when platting abutting lots, the applicant may dedicate a buffer yard that straddles the property line, provided the cumulative buffer width is maintained for both yards.
  9. Common Access Drives: A shared ingress-egress easement driveway may relocate a non-visual separation bufferyard to provide efficient access between properties provided the required bufferyard is planted adjacent to the proposed access easement and all landscaping is installed pursuant to this section.
  10. Walls, fences or berms – A wall, earthen berm, or fence, a minimum of six feet high to a maximum of eight feet high (constructed of vinyl masonry, cedar, redwood or pressure treated lumber) may be used to reduce the minimum width of an opaque buffer by 50 percent. All fences shall be constructed with two identical sides/faces or so that the non-structural “good” side/face is directed toward the adjacent property or the public right of way. Fences/ located on both sides of the fence/wall. Earthen berms may vary in height

from four to six feet, shall not have a slope greater than three to one and must be covered with turf grasses or other appropriate planting material. Berms must be at least 6 feet tall in order to reduce a screening buffer yard by 50 percent.

Yard types: There shall be four different buffer yard types – A, B, C, D. The type to be used will be determined by the relationship between the adjacent land use classes. There shall be five land use classes based upon the *specific land use* to be developed, which is permitted by right or conditionally, in the following groupings of zoning district or land use groupings as listed in the Table of Permitted Uses (Section 5.4) of this Ordinance.

**Class 1**

Residential Uses – single family detached only  
AG Agricultural  
R-40 Single Family – rural density  
R-20/20A Single Family – very low density  
R-16H Single-Family - low density  
R-16 Single family – low density  
R-12SF Single Family – low density  
R-9SF Single Family – medium density  
RM-9 Single family – medium density  
R-6SF Single Family – high density

**Class 2**

Residential Uses - other than class one  
R-12 Multi-Family – low density  
R-9 Multi-Family – medium density  
R-6 Multi-Family – high density  
RM-8 Manufactured Home Park  
PUD Planned Unit Developments  
(Residential)  
Townhomes and Multi-family

**Class 3**

Civic, Business and Personal Service Uses  
TO – Transitional Office  
O&I-1 Office and Institutional  
O&I-2 Office and Institutional – Public  
NB Neighborhood Business  
CBD Central Business District  
PUD Planned Unit Developments (mixed use)

**Class 4**

Retail Trade (including retail & office use in I-2)  
Recreation, Entertainment, Food Service, Lodging  
AB Airport Business  
GB General Business  
HB Highway Business  
SC Shopping Center

**Class 5**

Industrial, Warehouse, Distribution and Wholesaling Uses  
Utility, Public Service, Communication uses  
Transportation uses  
I-1 Light industry  
I-2 General Industry (excluding retail and office uses)  
I&BP-1 Industrial and Business Park  
I&BP-2 Industrial and Business Park

The Buffer Yard Type (Table 6-8) identifies the type required for a given development, based on the relationship between adjacent land uses. If an adjacent parcel is undeveloped, the minimum buffer shall be determined solely based on the zoning of the adjacent parcel. Otherwise, the required buffer yard type will be based on the specific land use of the proposed development. The Buffer Yard Landscaping Requirements (Table 6-9) contains the required plantings and dimensions for the respective buffer yards. The width of the buffer yard and the density of plantings increase as the difference in the nature and intensity of development in the respective adjacent land uses increase.



**Table 6-8**

**Buffer Yard Type for Abutting Land Use Classes**

<b>Land Use Class</b>	<b>Existing Class 1</b>	<b>Existing Class 2</b>	<b>Existing Class 3</b>	<b>Existing Class 4</b>	<b>Existing Class 5</b>
<b>Proposed Class 1</b>	n/a	B <sup>3</sup>	B <sup>2</sup>	C <sup>1/2</sup>	D <sup>1/2</sup>
<b>Proposed Class 2</b>	B <sup>3</sup>	A	B <sup>3</sup>	C <sup>1</sup>	D <sup>1</sup>
<b>Proposed Class 3</b>	C <sup>1</sup>	B <sup>3</sup>	A	A	C <sup>1</sup>
<b>Proposed Class 4</b>	C <sup>1</sup>	C <sup>1</sup>	A	A	B <sup>3</sup>
<b>Proposed Class 5</b>	D <sup>1</sup>	D <sup>1</sup>	C <sup>1</sup>	B <sup>3</sup>	A

Notes:

1. Complete visual separation is required using densely planted, evergreen landscaping that will provide complete visual separation within three years of planting.
2. New single-family subdivisions shall provide the required buffer yard if they abut existing non-residential developments which were constructed before the adoption of this Ordinance and lack the required buffer yard. If the adjacent non-residential development includes the required buffer yard, none shall be required of the residential subdivisions.
3. Semi-opaque visual separation is required using densely planted evergreen landscaping that will provide visual separation within 3 years of planting.

**Table 6-9**

**Buffer Yard Landscaping Requirements**

<b>Buffer Yard Type</b>	<b>Minimum Width</b>	<b>Minimum Large Trees</b>	<b>Minimum Small Trees</b>	<b>Minimum Large Shrubs</b>	<b>Minimum Small Shrubs</b>
<b>A</b>	10'	1 per 100'	2 per 100'	5 per 100'	5 per 100'
<b>B</b>	15'	2 per 100'	3 per 100'	10 per 100'	10 per 100'
<b>C</b>	20'	3 per 100'	4 per 100'	20 per 100'	10 per 100'
<b>D</b>	50'	4 per 100'	5 per 100'	25 per 100'	15 per 100'

Notes: When calculating quantities of plants, fractions shall be rounded upward to the higher whole number for decimals of .5 or greater and downward to the lower whole number for decimals less than .5.

1. Complete visual separation is required using densely planted, evergreen landscaping that will provide complete visual separation within three years of planting, or a six foot fence (constructed of masonry or pressure treated lumber).
2. New single-family subdivisions shall provide the required buffer yard if they abut existing non-residential developments which were constructed before the adoption of this Ordinance and lack the required buffer yard. If the adjacent non-residential development includes the required buffer yard, none shall be required of the residential subdivisions.
3. When visual separation is required, the Administrator may, during inspection, require additional landscaping if the existing or proposed landscaping does not provide complete visual separation.
4. A Type A bufferyard may be reduced to five (5) feet for properties less than four (4) acres in size.
5. Type A landscaping materials may be relocated outside required buffer areas with the approval of the Planning Director when overall appearance of the site would be improved by relocation of the landscaping material.

### **6.3.10 STREET YARD DESIGN STANDARDS**

1. Protected street yards - A protected street yard is required along each property frontage that abuts a public or private street. The yard shall be a minimum eight feet in depth, measured perpendicular from the right of way/property line and extend the length of the linear frontage of the property line.
2. Impervious surface restrictions - No more than fifteen percent of the protected street yard may contain impervious material. Access drives to the property are excluded from this requirement.
3. Plantings in the protected street yard - The area is to contain, at a minimum, grass or ground cover. Parking lot buffers and street trees may be planted in the protected street yard.
4. Prohibited uses - Parking, off street loading and merchandise display and storage are prohibited in the protected street yard.
5. Street tree landscaping required - Street trees shall be required along each property frontage that abuts a private or public street. It is not the intent of this Section to form a continual landscaped planting area; however, at a minimum, trees shall be planted and mulched according to acceptable City standards.
6. Street tree location – Required street trees shall be planted in an area from the property line to a maximum distance of twenty-five feet from the property line. No planted or existing tree located more than twenty-five feet from the property line shall count toward the street tree requirement. All required street trees must meet the placement standards of Table 6-6 (Tree installation, minimum separation distances). Required street trees – Street trees shall be planted according to one of the following requirements:
  - Large trees, where feasible, shall be planted at a rate of one tree for every forty feet of linear street frontage, with a minimum of one tree on any street frontage less than forty feet.
  - In the case of conflict with utility lines, overhead or underground, or other prohibiting factors two small trees shall be planted for every required large tree or a combination of large and small trees where at least one half of the large tree requirement is installed and one small tree is installed for every remaining large tree required. (A minimum of at least two large trees is required).
7. Street tree distribution – Trees shall be equally distributed along the street frontage, but they are not required to be at absolute equal intervals. This allows for flexibility in design and for building identification while discouraging long intervals without trees.
8. Sight triangles – No street tree shall be planted within a sight triangle without prior approval from the City Engineering Division.
9. Street tree pruning – For security, accessibility and visual identification, tree limbs shall be pruned up to seven feet in the street yard in the second year after installation.
10. Shrubbery is encouraged to supplement required street trees and is recommended to be incorporated into all submitted landscape plans.

### **6.3.11 VEHICULAR SURFACE AREA (VSA) DESIGN STANDARDS**

Landscaping requirements of this section shall be applicable as required in Section 6.3.2. However, lots that have a proposed impervious surface ratio (ISR) of less than 0.20 (20%) are exempt from the

requirements of this section except all parking spaces shall be located within 60 ft. of a parking lot tree.

The following landscaping standards shall apply to all VSA landscaping:

- (1) Vehicle accommodations shall be shaded by *medium to large trees*, either preserved or planted;
- (2) All planting shall be distributed throughout the VSA; All vehicular surface areas shall be located within 60 ft. of a parking lot tree.
- (3) A minimum of 50% of the required landscaping of this section shall be provided in the interior of the VSA, such as landscaping islands, at the end of parking bays, inside medians, or between parking spaces;
- (4) Trees and shrubs that are required for landscape buffers and are located within 25 ft. of the vehicular surface area may count towards the VSA landscaping requirement. Street trees shall not count towards the VSA landscaping requirement.
- (5) If a vehicular surface buffer is required, the shrubs required to meet the vehicular surface buffer requirement may count toward the VSA landscaping requirement.
- (6) 50% of VSA landscaping shall be of an evergreen species.
- (7) Any shrub or tree planted within ten (10) feet of a building does not qualify for meeting the VSA landscaping requirements.

The amount of landscaping required is determined by the amount and intensity of the proposed impervious surface on the lot. The impervious surface ratio (ISR) is determined by the following formula:

- a. Total amount of impervious surface area on the lot including building area (sq. ft.)..... \_\_\_\_\_
- b. Total lot area (sq. ft.)..... \_\_\_\_\_
- c. ISR (Divide impervious surface area by total lot area)..... \_\_\_\_\_

<u>Impervious Surface Ratio</u>	<u>Impervious Surface Intensity</u>
If ISR is 0.86 to 1.00 .....	ISI is high
If ISR is 0.70 to 0.85 .....	ISI is moderately high
If ISR is 0.40 to 0.69 .....	ISI is moderate
If ISR is 0.20 to 0.39 .....	ISI is low
If ISR is less than 0.20 stop here .....	No landscaping is required
d. Total impervious surface area <b>not including</b> the building area (sq. ft.) _____	

Required Landscaping Calculations: Based on the ISR calculated on line c. above, choose the appropriate Impervious surface intensity (ISI) to determine the amount of required landscaping:

(a) Required Trees Calculation

Total impervious  
surface area not  
Including buildings

<u>ISI Category</u>	<u>(line d. above)</u>	<u>Factor</u>	<u>Trees Required</u>
High.....	_____	x 0.0005 =	_____
Moderately high .....	_____	x 0.0004 =	_____
Moderate .....	_____	x 0.0003 =	_____
Low .....	_____	x 0.0002 =	_____

(b) Required Shrubs Calculation

Category	Total impervious Surface area not Including buildings (line d. above)	Factor	Shrubs Required
High.....	x	0.0045 =	_____
Moderately high .....	x	0.0035 =	_____
Moderate .....	x	0.0025 =	_____
Low .....	x	0.0015 =	_____

If the amount of proposed parking spaces is twenty five percent or more than the minimum required spaces as delineated in Table 6-1 (Off Street Parking Requirements), an increase in the amount of required vehicular surface area landscaping is required. The amount of increase is determined as follows.

The required increase in additional landscaping:

% Increase in parking beyond minimum	Percent Increase in required parking yard landscaping	Required additional Trees	Shrubs
25% - 50%	Required trees and shrubs x 0.05 =	_____	_____
51% - 100%	Required trees and shrubs x 0.10 =	_____	_____
101% or more	Required trees and shrubs x 0.20 =	_____	_____

The total amount of required trees and shrubs equals the amount determined through the Impervious Surface Intensity calculation plus, if necessary, the additional amount required by the Percent Increase calculation.

Exceptions and deductions to required landscaping - As an incentive to create innovative design, the following standards may be applied to reduce the required amount of VSA landscaping for a total reduction not to exceed twenty percent. For each standard incorporated into the VSA design, you may reduce the required number of trees and shrubs by five percent.

1. A minimum of fifty percent of the parking is provided to the side or rear of the building.
2. Shared parking is provided per Section 6.1.7 (Shared parking).
3. A minimum of twenty-five percent of the total parking lot is paved using paving grids or other approved pervious materials.
4. An undisturbed natural area, wholly within the parking area and a minimum size of five percent of the total parking area, is preserved according to Section 6.3.4 (Tree preservation requirements). The preservation of this area will not reduce the required landscaping beyond the five percent credit awarded here. No preserved trees in this natural area will be counted against any of the landscaping required by this Section.

**6.3.12 VEHICULAR SURFACE BUFFER**

If proposed parking or any part of a VSA is within fifteen (15) feet of the right-of-way, as measured perpendicularly from the right-of-way/property line, a vehicular surface buffer (VSB) is required.

Landscaping requirements – Evergreen shrubs shall be planted along the peripheral edge of the parking area that is within fifteen feet of the right of way. The shrubs are expected to have mature

height and width of three and one half feet within three years, except for the display areas of automobile sales lots, which shall have a mature height of two and one half feet.

Screen Location – All shrubbery shall be planted three feet on center and no closer than three feet from the curb or edge of the parking area.

To calculate the amount of shrubbery required, the following formula shall be applied:

Total linear footage of VSA within 15 feet of right-of-way \_\_\_\_\_  
Divide line (a.) by 3 \_\_\_\_\_  
Total Shrubs required is the sum of line (b.) \_\_\_\_\_

Sight distance triangle – No shrubbery shall block or be located within the sight distance triangles established for the respective rights of way.

### **6.3.13 MISCELLANEOUS SCREENING DESIGN STANDARDS**

Service areas, loading and delivery docks, dumpsters, trash/recycling containers, HVAC units and outdoor storage areas shall be screened from off-site views to achieve a complete visual barrier. This opaque screen may consist of fencing, walls, evergreen landscaping, berms, raised roofs (for roof-mounted HVAC) or other methods approved by the Planning and Community Development Director. This shall apply to all nonresidential and multi-family development as well as instances where a change of use takes place. Dumpster screening shall be at least 6 ft. in height and provide opaque gates that also serve to screen the dumpster. Dumpsters exceeding six ft. in height shall be screened by fencing, walls, landscaping and other methods equal to the height of the dumpster. Dumpster lids shall remain closed and not be allowed to be overfilled. All commercial, office and industrial dumpsters not complying with the screening standards of this section that are visible from a public street right-of-way or residentially zoned or developed property shall be brought into compliance with this section within one year of adoption of this Ordinance. The Planning Director may waive or modify this requirement if the dumpster's location, orientation or other factors make screening impractical.

### **6.3.14 RESIDENTIAL YARD DESIGN STANDARDS**

As a requirement of residential subdivision approval, the subdivider shall plant trees in the front setback of each lot and in any side or rear lot abutting an existing or proposed right-of-way in the subdivision.

Residential street yard requirements - Each lot, including open space/recreational areas and storm water retention areas, that abuts a private or public street in a residential subdivision must have one large street tree for every forty feet of street frontage or two small trees for every thirty feet of lot frontage. At a minimum, each lot shall have one large tree or two small trees in fulfillment of this requirement.

Street tree location - The required street trees shall be planted within the area that measures eight feet perpendicularly from the edge of the street right of way and extends the length of the linear frontage of the lot.

### **6.3.15 ALTERNATIVE METHODS OF COMPLIANCE**

Use of alternate plan, material or methods – Alternate landscaping plans, plant materials or planting methods may be used where unreasonable or impractical situations would result from strict application of landscaping requirements or where necessary to protect existing vegetation. Such situations may result from streams, natural rock formations, topography, protected riparian buffer locations, other physical conditions; or from lot configuration, utility easements or unusual site conditions.

Approval of alternate plan – For site plans that are not reviewed by the City Council, the Planning Director may approve alternate landscaping plans that propose different plant materials, methods and locations if the quality, effectiveness, durability and performance are equivalent to that required by this Ordinance. The Planning Director may require that sufficient evidence or proof be submitted to substantiate any claim that may be made regarding its use.

### **6.3.16 SECTION RESERVED**

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## ARTICLE IV. 6.4 SIGNAGE STANDARDS

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### 6.4.1 PURPOSE

The standards established in this Section are intended to:

1. Permit the effective use of signs as a means of communication;
2. Maintain and enhance the aesthetic environment and the ability of the City to attract economic development;
3. Improve pedestrian and vehicular traffic safety and minimize the distractions caused by signs;
4. Minimize the potential negative effects of signs on nearby property; and
5. Enable the fair and consistent enforcement of these sign regulations.

### 6.4.2 APPLICABILITY

Unless otherwise expressly exempted, the sign regulations of this Section shall be applied to every building owner, every lessee and every person responsible for or who causes the construction, repair, relocation or alteration of any sign within the jurisdiction of the City of Goldsboro. Signs may be erected, placed, established, painted, repaired and maintained only in conformance with the provisions of this Section.

### 6.4.3 EXEMPTED SIGNS

The following types of signs are exempted from the application, review and permit process (unless noted) as described below:

1. Official legal notice, identification, informational or traffic directional signs erected or required by governmental bodies.
2. Memorial signs, plaques or grave markers which are non-commercial in nature.
3. Signs unilluminated and bearing only property numbers, post box numbers, names of occupants of premises or other identification of premises not having commercial connotations. Maximum size is one square foot.
4. Signs painted or displayed on the interior of buildings or painted or displayed on the exterior of store windows provided that such signs cover no more than twenty-five percent of the glass area of the entire storefront.
5. Flags and insignia of any government, except when displayed in connection with commercial promotion.
6. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or flashing/moving lights.
7. Directional freestanding entrance/exit and/or parking signs may be erected on any non-residential lot for the purposes of directing the ingress and egress of traffic, provided that they conform to the following criteria:
  - a. One sign per driveway cut per lot; or
  - b. Two signs per 100 feet, or fraction thereof, of lot frontage of all immediately adjacent public streets.
  - c. The message shall be restricted to the business name or logo and information used to direct traffic. The business name or logo shall not exceed 50% of the total sign area.
  - d. Total sign area shall not exceed four square feet; maximum height: 42 inches; unless,
  - e. If common driveway is shared, total sign area shall not exceed eight square feet; maximum height: 42 inches.
  - f. Sign shall not be erected closer than two feet from property line.
8. Incidental signs indicating warnings, hazards and other general information provided that no such signs shall include any commercial message or logos.
9. Governmental signs.

10. One freestanding sign displaying the time and temperature, bearing no advertising matter unless otherwise specified, shall be permitted in addition to other freestanding signs, provided the area requirements for freestanding signs are not exceeded and all sign height and setback requirements have been met.
11. Any sign inside a building which is not visible from off the site on which it is located.

#### **6.4.4 EXEMPTED TEMPORARY SIGNS**

1. Construction/contractor's and subdivision project signs shall be non-illuminated and may be located in any district. Said sign may be used to identify price ranges, future tenants, current owners and participating firms including homebuilders, contractors, architects, engineers and similar information. Maximum size in residential zones is thirty-two square feet. In all other zones, the maximum size of the sign shall be sixty-four square feet and six feet in height. Such sign shall be removed no later than seven days after construction has been completed.
2. Political campaign signs announcing candidates shall not be illuminated, shall not be located within a public right of way or required sight triangle, shall not be attached to trees or utility poles. Such signs shall be displayed no sooner than sixty days prior to an election and must be removed no later than fourteen (14) days after the election. The maximum total size per parcel is thirty-two square feet and six feet in height. Such signs may not be placed on any property owned by the City of Goldsboro or any other governmental entity.
3. Real estate signs advertising a property for sale or lease shall be located on the premises of the subject property that is for sale, shall be non-illuminated, shall not be located within a public right-of- way or required sight triangle. Such signs shall be removed no later the seven days after the sale or lease of the property. Signs are limited to one per street frontage. Maximum size in a residential district is twelve (12) square feet. In a non-residential district, the maximum size is thirty-two square feet and six feet in height. Off-premise signs advertising an open house may be erected no more than three (3) days prior to the open house. Signs shall not be located within any road right-of-way or any sight triangle. Signs must be removed at the end of the open house.
4. Farm product signs advertising produce for sale shall be located on the premises where the product was produced and sold, shall be non-illuminated, shall not be located within a public right of way or required sight triangle. The sign shall be permitted only during the harvest season of the particular product and shall be removed when the season is over. Signs are limited to one per street frontage with a maximum size of thirty-two (32) square feet and a maximum height of six feet.
5. Special event signs and banners for religious, charitable, civic, fraternal or similar non-profit organizations provided that the sign shall be located on the premises of the subject property, shall be non-illuminated, shall not be located less than five feet from any public right of way or required sight triangle. The sign shall be erected no sooner than ten days prior to the event and removed no later than two days after the event. The maximum size of the sign shall be thirty-two square feet and a maximum height of six feet. Signs shall be limited to one per street frontage.
6. Yard sales signs may be placed on or off premises provided they shall be non-illuminated, shall not be located within a public right-of-way or any required sight triangle. Such signs are limited to three per sale, may remain in place for only three days in any thirty-day period and must be removed after the sale is over. The maximum size is four square feet and six feet in height.
7. Temporary signs, banners, lighting and displays as part of a customary holiday decoration or annual civic event provided such signs, lighting and displays are not placed in the public right of way or required sight triangle. Such signs or decorations shall be removed within seven days after the passing of the holiday or event.
8. Governmental message signs.



9. Overhead Banners erected by federal, state, county or municipal government, or for city-sponsored events within a street right-of-way for the purpose of guiding the public. Such signs shall not exceed 90 sq. ft. in area and shall not be displayed for more than 15 consecutive days. Sign shall be double-faced and shall be constructed of vinyl or other weather-resistant material at least 18 ounces in weight.
10. Farm product signs advertising produce for sale shall be located on the premises where the product was produced and sold, shall be non-illuminated, and shall be set back a minimum of ten feet from the public right of way. The sign shall be permitted only during the harvest season of the particular product and shall be removed when the season is over. Signs are limited to one per street frontage with a maximum size of thirty-two square feet and a maximum height of six feet.

#### **6.4.5 PERMIT REQUIRED - BUT NO FEE**

Temporary cloth, plastic or paper - banners, pennants or posters tied, posted or mounted tightly flat against existing buildings shall be allowed for a period of fourteen days to advertise a sale, grand opening or other special event provided that the sign shall be located on the premises of the subject property and shall be non-illuminated. These temporary special event signs shall be permitted for a total of 90 days in any calendar year. The maximum size of such signs is thirty-two square feet. Only one temporary banner, pennant or poster is allowed per business.

Grand Opening: For purposes of this section, the term "grand opening" shall be construed as a singular event of limited (10-day maximum) duration designed and intended to attract public attention to a recently established office, commercial, industrial or multi-family land use. Expansion of an existing principle use shall not be construed as a grand opening event. Addition of an accessory use shall not be construed as a grand opening event. No temporary use shall be construed as a grand opening event.

Such event shall commence not later than sixty (60) days following any occupancy for use to qualify for a grand opening sign. No grand opening sign(s) shall be displayed for more than ten (10) total and continuous days. No maximum sign surface area requirement shall be established for such sign(s). Pennants, streamers, balloons and other advertising devices are acceptable for grand openings. Search lights and flashing lights are prohibited for grand opening events.

Large Inflatable Balloons and Tethered Balloons used as Advertising: Large inflatable balloons, blimps, tethered balloons and similar advertising devices shall be allowed twice a year for a period of seven (7) days per occurrence. Tethered balloons shall be set back from all power lines and road right-of-ways one foot for each foot of height above ground level the balloon is flown.

Special Event Off-Premise Signs for Non-Profit Organizations: Off-premise special events signs for religious, charitable, civic, fraternal or similar non-profit organizations shall be allowed provided no signs shall be located less than five (5) feet from a public right-of-way or required sight triangle. The signs shall be erected no sooner than seven (7) days prior to the event and removed no later than two (2) days after the event. The maximum size of the sign shall be 32 sq. ft. with a maximum height of six (6) feet. The number of off-premise signs shall not exceed ten (10). Signs shall be limited to one (1) per street frontage.

The maximum number of special event off-premise sign permits allowed per year shall be limited to four (4).

#### **6.4.6 PROHIBITED SIGNS**

1. Any sign that copies, imitates an official sign, or purports to have official status;
2. Any sign attached to an accessory structure, except as a private informational or directional traffic sign if such is not visible from off the subject site;
3. Any mobile, temporary or portable sign;
4. Any roof-mounted sign;
5. Any cloth, paper or plastic - banner or pennant beyond the ninety (90) day yearly limit as allowed in Section 6.4.5;
6. Any sign advertising an activity, business, product or service no longer conducted on the premises upon which the sign is located; Such sign shall be removed within a six-month period.
7. Any sign that encroaches upon a required sight distance triangle;
8. Pavement markings for purposes other than traffic control;
9. Signs within public rights of way or on public property except as otherwise expressly permitted;
10. Unless expressly permitted for special events, banners, posters, pennants, ribbons, streamers, strings of lights, spinners or other similar moving devices;
11. Signs with flashing, moving, blinking, rotating, or scintillating lights or parts or lights of varying intensities that may distract drivers;
12. Signs that by their position, illumination, size, shape or color obstruct, impair or interfere with traffic signs signals or devices;
13. Signs that cause nuisance or disabling glare for traffic or on adjacent property;
14. Signs that exhibit images or language of an obscene or sexual nature according to NCGS 14-190.1;
15. Signs that obstruct or substantially interfere with any window, door, fire escape, stairway or opening intended to provide light, air, ingress or egress to any building; and
16. Signs attached to or painted on utility poles, telephone poles, trees, parking meters, bridges and overpasses, rocks, other signs, or refuse containers, unless erected by a public agency.
17. Any permanent sign which is not commercially constructed or manufactured.
18. Civil defense-style searchlights.
19. Off-premise real estate signs except for open houses as permitted in Section 6.4.3.
20. Moving/rotating signs.
21. Any vehicle parked in a location or manner for the purpose of serving as an advertising sign.

#### **6.4.7 PLAN AND APPLICATION REQUIREMENTS**

Unless otherwise expressly exempted, no sign may be erected, placed, replaced, painted, repainted, repaired or structurally altered until after a sign permit application fee has been paid, a sign plan has been reviewed and approved by the Planning and Community Development Department and a sign permit has been obtained from the Building Inspector.

Each application for a sign permit shall be accompanied by plans that meet the requirements of Appendix A.

#### **6.4.8 COMPUTATIONS AND MEASUREMENTS**

Surface area – The surface area of a sign shall be computed as including the entire area within a regular geometric form or combination of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area. Freestanding signs shall be computed on the basis of one surface only, provided the opposite surface is identical in size and shape, not necessarily in copy or advertisement. The allowable sign area computed by

applying the square feet/linear feet multiplier shall cover all signs on the building or structure and freestanding signs, except where high rise signs are specifically added to the allowable signs.

Height - The height of a sign shall be computed as the distance to the highest point of the sign or sign structure, measured from the base of the sign at normal grade. Normal grade shall be considered to be existing grade prior to construction; or newly established grade after construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign. In cases where normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade is equal to the elevation of the nearest point of the crown of a public street.

Number of Signs - For the purposes of determining the number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related and composed to form a cohesive unit. Where matter is displayed in a random manner without an organized relationship of elements or where there is doubt about the organization of elements, each element shall be considered a single sign. A two-sided sign shall be regarded as one sign.

Maximum allowable sign area - The maximum allowable sign area computed by applying the square feet to linear feet multiplier shall cover all signs on the building/structure and ground signs, except where high-rise signs are specifically added to the allowable signs.

Lots with more than one building wall with public street frontage – If a building has frontage on more than one public street, then the total sign surface permitted on that lot shall be the sum of the sign surface area allotments for each public street on which the building wall has frontage.

Building frontage – Building frontage shall mean the horizontal length of a building wall facing a public street or public parking area, whichever is greater. If that side is not a straight wall, being concave, convex or having projections, the building frontage shall be the horizontal distance from the corner at one end of the wall facing the public street to the corner at the opposite end of the wall facing the same public street.

#### **6.4.9 INSTALLATION AND LOCATION STANDARDS**

All signs and sign structures shall be located outside of the public right of way except as expressly permitted by this Ordinance and approved by the NC Department of Transportation if located in a State right of way or the Goldsboro City Engineer if located within a City right of way.

The following signs shall be permitted in any public right of way:

1. Public signs erected on behalf of a governmental body to identify public property, convey public information or to direct pedestrian or vehicular traffic;
2. Bus stop signs erected by the transit authority;
3. Informational signs of a public utility regarding its poles, lines, pipes or facilities;
4. Awning signs projecting over a public right of way in the Central Business District, but not limiting or encroaching on vehicular or pedestrian movements;
5. Signs posted in association with crime prevention, public safety or health by any governmental body;
6. Legal notices posted by a governmental body; and
7. Emergency warning signs or directional signs posted by a governmental agency, public utility or contractor as part of a construction project within the right of way.

No freestanding sign shall be located in a sight distance triangle and no sign may extend above a parapet or canopy or be placed upon a roof surface.

#### **6.4.10 MAINTENANCE STANDARDS**

All signs and components thereof, including without limitation supports, brackets, braces and anchors shall be maintained in a state of good repair. Upon determination that a sign is structurally unsafe, hazardous or endangers the safety of the public or property, the building inspector shall order the sign to be made safe or removed. Such action shall be required by notice delivered by hand or by certified mail to the registered sign owner, occupant or property owner of the premises on which the sign is located or the person or firm that initially received the sign permit. Failure to repair or remove the offending hazardous sign within fourteen days after receipt of written notification shall constitute a zoning violation and be punishable by any remedy set forth in Section 4.0 (Enforcement). If such order is not complied within fourteen days, the building inspector shall remove the offending sign at the expense of the owner or lessee thereof.

If a sign advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned and shall be removed by the sign owner, occupant or property owner where the sign is located or other party having control over the sign. Such removal shall be required by notice delivered by certified mail to the registered sign owner, occupant or property owner of the premises on which the sign is located or the person or firm that initially received the sign permit. Failure to remove the abandoned sign within fourteen days after receipt of written notification shall constitute a zoning violation and be punishable by any remedy set forth in Section 4.0 (Enforcement).

#### **6.4.11 ILLUMINATION STANDARDS**

All electric signs with internal wiring or lighting equipment and external lighting equipment used to direct light on to signs shall bear the seal of approval of an electrical testing laboratory that is nationally recognized and requires proper installation in accordance with the National Electric Code. All wiring to freestanding signs or to lighting equipment erected after the effective date of this Ordinance must be underground.

External lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into or cause glare onto a public right of way or any adjacent properties. In addition, such lighting shall be shielded to prevent the direct view of the light source from any residence, residential district or public right of way.

Internal lighting shall be limited to lighting from behind to silhouette letters and figures or lighted internally with glass or plastic faces bearing the advertising message. Provided, however, that exposed neon tubing not exceeding fifteen watts shall be permitted.

No sign may contain or be illuminated by flashing or intermittent light or lights that change in degree of intensity, except those that provide public information such as time, temperature and date.

#### **6.4.12 OUTDOOR ADVERTISING STRUCTURES (BILLBOARDS)**

Outdoor advertising structures not adjacent to a freeway or expressway as identified by the Highway Map included within the City of Goldsboro's Long-Range Transportation Plan/Comprehensive Transportation Plan shall be limited to the Highway Business and I-2 General Industry zoning districts and on property utilized for a bona fide farm. Billboards are not allowed adjacent to any freeway or expressway as identified by the Highway Map included within the City's Long-Range Transportation Plan/Comprehensive Transportation Plan. A permit shall be required for any new outdoor advertising structure in accordance with this section.

Outdoor advertising structures shall be a minimum of fifty feet from any existing or proposed building, off-street parking area or other building or structure. The distance shall be measured radially from the proposed sign location to the nearest point of the building or off-street parking area. In no case shall an outdoor advertising structure be located closer than five hundred feet to a lot zoned or developed for residential purposes or within one thousand feet of any other outdoor advertising structure.

Outdoor advertising structures shall be subject to the building setback requirements and height limitation of the zoning district in which they are located provided no outdoor advertising structure exceeds fifty feet in height. Such structures located on property being utilized as a bona fide farm shall not be closer than twenty feet to any street or right-of-way.

No outdoor advertising structure shall exceed four hundred (400) square feet in area. There shall be only one face per side of the sign. "Double decker" signs with signs erected one over or above the other and side-by-side signs with signs erected one next to another are prohibited.

Billboards that use automatic changeable face using LED technology shall be permitted in accordance with this section provided such signs comply with the following standards:

1. The sign shall not contain or display flashing, intermittent or moving lights including animated or scrolling advertising.
2. The changeable message shall remain in a fixed position for at least eight (8) seconds.
3. If a message is changed electronically, it must be accomplished within an interval of two (2) seconds or less.
4. The changeable copy sign shall not be placed within one thousand (1,000) feet of another automatic changeable copy sign.
5. Existing billboards, conforming or nonconforming, may be modified or replaced to an automatic changeable copy billboard provided any such change meets the requirements of this section.
6. The sign shall contain a default design that will freeze the sign in one position if a malfunction occurs.
7. All signs shall meet North Carolina Department of Transportation standards.
8. Failure to comply with the provisions of this section shall serve as justification to revoke the permit for the changeable copy LED billboard. Changeable copy billboards that have had their permits revoked shall cease activity upon notice by the City and shall be removed within thirty (30) days of such notification.

#### **6.4.13 GENERAL SIGN STANDARDS**

**Wall signs** - The following standards shall apply to on-premise wall mounted signs:

1. If a building does not have frontage facing a public street, the permitted wall sign shall be placed on the wall containing the main entrance, provided the size of the wall sign was calculated as if it

- faced a public street. Wall signs may be placed on end walls, provided the total sign area does not exceed the total allowable sign area.
2. No wall sign shall extend more than one foot from the exterior of the wall and no portion of a wall sign may extend above the wall on which it is mounted.
  3. Wall signs on historic buildings shall be placed within the sign frieze or distinct place within which a wall sign was intended to be located, if the building was designed for such. If there is no sign frieze, the wall sign shall be placed below the typical second floor windows area. The design and coloring of such signs shall be compatible with the character of the building.

**Canopy/Awning signs** – The following standards shall apply to on premise canopy/awning type signs.

1. One canopy/awning sign may be allowed only in lieu of all other signage permitted on the wall to which the canopy/awning is attached.
2. The valence or apron for any canopy or awning shall in no case exceed twelve inches in height. Individual letters or symbols on these valences shall not exceed nine inches in height. This provision shall apply only to valences to which an advertising message is attached.
3. All canopy or awning type signs shall maintain the minimum clearance above the ground level of any sidewalk or vehicular access area as specified in the most recent edition of the International Building Code.
4. All establishments within combined developments shall use as individual identification either canopy/awning or wall signs.
5. No more than 20% of canopy may be occupied by signage.
6. Canopy signage may not extend above or below the fascia of the canopy.

**Freestanding signs** – The following provisions shall apply to all on premise freestanding signs.

1. All freestanding signs located within parking or vehicular use areas, and not in yard areas, shall stand in a landscaped area at least thirty square feet in area. This area shall contain low growing shrubs, ground covers, perennials etc. and shall be bordered by acceptable curbing as approved by the City Engineer.
2. No proposed freestanding sign shall be placed within fifty feet of an existing ground-mounted sign.
3. All uses within combined developments (includes one or more establishment or business on a common parcel) shall share the permitted freestanding sign(s). These regulations shall not apply to outparcels of the development, as outparcels are separate parcels of land.
4. Lots with more than one street frontage shall be allowed to erect one freestanding sign per frontage, provided that each frontage is at least one hundred feet in length at the street right of way. No two ground signs shall be placed on the same street frontage. The total area of both signs shall not exceed the permitted area for the district in which the signs are located.
5. Lots that do not have frontage along a public street may request an off-premise advertising sign in accordance with this section with the approval of the Planning Commission and City Council.

**Electronic Changeable Copy Readerboards** - Electronic changeable readerboards may be allowed on part of any freestanding or wall sign provided the sign is included in the overall area calculations for that sign and complies with the following

1. The minimum time in between message changes shall be ten (10) seconds.

2. No animation shall be allowed.
3. The sign shall in no way flash, blink, rotate or use scintillating lights or lights of varying intensities that may distract drivers.
4. The light emitted from such signs shall comply with the maximum footcandle requirements, as measured at the property line, of Section 6.2.5.2 of the UDO.

#### **6.4.14 PERMITTED SIGN STANDARDS BY DISTRICT**

##### **6.4.14.1 RESIDENTIAL AND AGRICULTURAL DISTRICTS**

###### Boarding House/Bed and Breakfasts

Boarding house and bed and breakfast signs shall be limited to one unilluminated identification sign located either on the exterior wall of the residence or as a ground sign. If freestanding, the sign shall be no greater than four feet in height. The maximum size of the sign shall be ten square feet.

###### (a) Major Home Occupations

Major home occupation signs shall be limited to one unilluminated sign located on the exterior wall of the residence. No other signage, temporary or otherwise, is permitted. The maximum size of the sign is two square feet. Minor home occupations shall not have any signage.

###### (b) Apartments (Multi-Family)

Apartment signs shall be limited to one sign located on the exterior wall of the building or one freestanding sign, no greater than six feet in height and set back a minimum of ten feet from the street right of way. The maximum size of the sign for complexes of three units or less shall be sixteen square feet. The maximum size of the sign for complexes of more than three units shall be thirty-two square feet. Either sign may be internally illuminated or flood-lit provided such signs do not create glare.

###### (c) Manufactured Home Parks

Manufactured Home Parks shall be limited to one freestanding sign, no greater than six feet in height and set back a minimum of ten feet from the street right of way. The maximum size of the sign shall be thirty-two square feet. Said sign may be internally illuminated or flood-lit provided such signs do not create glare.

###### (d) Subdivisions

Subdivision signs shall be limited to one per entrance. The sign may be illuminated, but shall be ground-mounted, no greater than six feet in height. The sign shall be located to either side of the entrance road, outside of the intersecting street right of way and setback from the entrance road and adjacent private property lines a minimum of ten feet, or the sign may be located in a minimum eight by twenty foot landscaped median in the entry road, setback a minimum of fourteen feet from the intersecting street right of way and bordered by acceptable curbing as approved by the City Engineer. The maximum size of the sign is thirty-two square feet. Subdivision signs must be maintained by a homeowner's association.

#### **6.4.14.2 OFFICE AND INSTITUTIONAL DISTRICTS**

##### Office-Residence

For properties zoned Office-Residence and located on Ash Street, west of Jefferson Avenue, signs shall be limited to one unilluminated sign located on the exterior wall of the building or one unilluminated freestanding sign, no greater than four feet in height and set back a minimum of ten feet from the street right-of-way. The maximum size of the sign shall be ten square feet. This requirement shall apply to all other Office-Residence sites, including those not located on Ash Street, with the exception as indicated below.

For properties zoned Office-Residence and located on Ash Street, east of Jefferson Avenue, signs shall be limited to one unilluminated sign located on the exterior wall of the building or one unilluminated freestanding sign, no greater than five feet in height and set back a minimum of ten feet from the street right-of-way regardless of whether the location has two street frontages. The maximum size of the wall sign shall not exceed ten square feet. The maximum size of the freestanding sign shall not exceed thirty-two square feet. (Ord. No. 2008-91, 10-6-08)

##### Office and Institutional 1 & 2

Signs in these districts shall be limited to wall, canopy/awning and freestanding signs. In addition to wall, canopy or awning signs, one freestanding sign shall be permitted whose size shall be limited to forty square feet or 20 percent of the total allowable area, whichever is more. Any such freestanding signs will be counted in the total allowable area. If the building has two street frontages, one additional freestanding sign, not to exceed thirty-two square feet, will be permitted, provided the total number of freestanding signs does not exceed two and the total allowable area is not exceeded. Neither of these permitted freestanding signs shall exceed eight feet in height.

The total allowable area for all signs, excluding any exempt signage, in this district shall be one and a half square feet of sign area per one linear foot of building frontage on a public street.

#### **6.4.14.3 COMMERCIAL DISTRICTS**

##### (a) Neighborhood Business

Signs in this district shall be limited to wall, canopy/awning and freestanding signs. In addition to wall, canopy or awning signs, one freestanding sign shall be permitted whose size shall be limited to sixty square feet or 20 percent of the total allowable area, whichever is more. Any such freestanding sign will be counted in the total allowable area.

If the building has two street frontages, one additional freestanding sign, not to exceed thirty-two square feet, will be permitted, provided the total number of freestanding signs does not exceed two and the total allowable area is not exceeded. Neither of these permitted freestanding signs shall exceed twenty feet in height.

The total allowable area for all signs, excluding exempt signage, in this district shall be one and a half square feet of sign area per one linear foot of building frontage on the public street.

##### (b) Shopping Center

Signs in this district shall be limited to wall, canopy/marquee and freestanding signs. In addition to wall, canopy or awning signs, one freestanding sign shall be permitted for shopping center identification, whose size shall be limited to two hundred (200) square feet. Height shall not exceed 25 ft. Any such freestanding sign erected for shopping center identification will not be counted in the total allowable sign area.



If the building has two street frontages exceeding five hundred linear feet in length each, one additional freestanding sign not exceeding 100 sq. ft. will be permitted, provided the total number of freestanding identification signs does not exceed two and the total allowable area is not exceeded. Such signs shall be a minimum of five hundred feet apart as measured along the public street. Neither of these freestanding signs shall be located within five hundred feet of any residentially zoned or developed property. Neither of these permitted freestanding signs shall exceed twenty-five feet in height.

In addition, one freestanding directory sign may be permitted. It shall be located near to the principle entrance to the parking area. Such sign shall be located away from any public right of way, so that drivers can conveniently pull up to and read the sign without impeding traffic on any driveway or entrance serving the property. Such sign shall not exceed sixteen square feet in area and six feet in height and shall count against the total allowable signage for the shopping center.

One freestanding sign not exceeding 80 sq. ft. in area and 25 ft. in height shall be permitted for each outparcel or parcel that is zoned Shopping Center but is developed as a single building or group of buildings in one development which is less than 30,000 sq. ft. in area.

The total allowable area for all signs, excluding exempt signage, in this district shall be one and a half square feet of sign area per one linear foot of building frontage on the street.

(c) Central Business District

Signs in this district shall be limited to wall, canopy, marquee and projecting signs. One projecting sign may be permitted per building, which shall not exceed twenty square feet in area, and shall not project more than two feet measured perpendicular to the building surface. Buildings occupied by more than one establishment shall combine any projecting signs into one structural unit installed as a single projecting sign.

Freestanding buildings set back from the road right-of-way or uses providing their own off-street parking may have one (1) freestanding sign erected in the front yard provided the sign is not backlit and does not exceed five (5) ft. in height. The sign area shall not exceed 32 sq. ft. in area. Where applicable, the Historic District Commission shall take care to preserve the character of the area when approving freestanding signs in the Historic District.

In addition to other signs, one directional sign bearing an advertising message for businesses within the block and contiguous to the property on which the sign is located is permitted, provided it can be shown that internal traffic circulation and flow will reduce traffic congestion in the streets and left turn vehicular movements will be reduced. Such signs shall not exceed six feet in height, twelve square feet in area and only one sign is permitted per entrance/exit. If more than one business is advertising ingress or egress, it shall share the same directional sign with others on the block.

The total allowable area for all signs, excluding incidental signage, in this district shall be one and a half square feet of sign area per one linear foot of building frontage on the street. Party walls or property lines shall define individual buildings.

(d) Highway and Airport Business

Signs in these districts shall be limited to wall, canopy/awning and marquee signs. The following types of freestanding signs shall also be permitted:

1. One (1) freestanding sign shall be permitted provided such sign does not exceed 80 square feet in area;
2. If the building has two street frontages, one additional ground-mounted sign will be permitted, provided the total number of ground identification signs does not exceed two and the total allowable area of eighty square feet per sign is not exceeded. Only one ground-mounted sign per street frontage is permitted;

The total allowable area for all signs, excluding exempt signage, in this district shall be two and one-half square feet of sign area per one linear foot of building frontage on the street.

One high-rise sign shall be permitted in addition to other permitted signs within the Highway Business zoning district if the business is contiguous to a controlled access highway as defined by the State Department of Transportation and Highway Safety. Such a sign shall not exceed 250 square feet in area. High-rise signs shall not exceed 100 ft. in height.

(e) General Business

Signs in this district shall be limited to wall, canopy/awning and marquee signs. The following types of freestanding signs shall also be permitted:

1. One (1) freestanding sign shall be permitted provided such sign does not exceed 80 square feet in area.
2. If the building has two street frontages, one additional freestanding sign will be permitted, provided the total number of freestanding identification signs does not exceed two and the total allowable area of eighty square feet per sign is not exceeded. Only one freestanding sign per street frontage is permitted;

The total allowable area for all signs, excluding exempt signage, in this district shall be three square feet of sign area per one linear foot of building frontage on the street.

(f) Industrial and Business Parks – 1 and 2

Building signs in this district shall be limited to wall, canopy/awning and ground signs. In addition to wall, canopy or awning signs, one ground-mounted sign shall be permitted whose size shall be limited to one hundred fifty (150) square feet, and which shall be counted in the total allowable area.

If the building has two street frontages exceeding five hundred linear feet in length each, one additional ground-mounted sign not exceeding 100 sq. ft. will be permitted, provided the total number of ground identification signs does not exceed two and the total allowable sign area is not exceeded. Such signs shall be a minimum of five hundred feet apart as measured along the street frontage. Neither of these ground-mounted signs shall be located within five hundred feet of any residentially zoned or developed property. Neither of these permitted ground-mounted signs shall exceed fifteen (15) feet in height.

Park identification signs shall be permitted at each entrance to the park. The identification sign shall not exceed sixty-four square feet in area and be limited to six feet in height.

In addition, one ground-mounted Park Directory sign may be permitted for each entrance. Such sign shall be located away from any public right of way so that drivers can conveniently pull up to and read the sign without impeding traffic on any driveway or entrance serving the property. Such sign shall not exceed twenty-four square feet in area and six feet in height.

The total allowable area for all building signs, excluding incidental signage, in this district shall be one and a half square feet of sign area per one linear foot of building frontage on the street. Park signs (identification and directory) shall not be counted towards any building sign area limits.

(g) Light and General Industry I-1&2

Industrial signs in the I-1 district shall be limited to wall, canopy/awning and ground signs. In addition to wall, canopy or awning signs, one (1) freestanding sign not exceeding six (8) feet in height shall be permitted whose size shall be limited to forty (40) sq. ft. which will be counted in the total allowable sign area.

The total allowable area for all signs in the I-1 zoning district shall not exceed one (1) sq. ft. for each lineal foot of building wall facing a public street or public parking lot.

Signs in the I-2 zoning district shall be limited to wall, canopy, awning and marquee. One (1) freestanding sign not to exceed eighty (80) sq. ft. shall be permitted. The height of the freestanding sign shall not exceed twenty-five (25) feet.

If the building has two (2) street frontages, one additional sign will be permitted provided the total number of freestanding signs does not exceed two and the total allowable area of eighty (80) sq. ft. is not exceeded. Only one (1) freestanding sign per street is allowed.

The total allowable area for all signs shall be one and a half (1.5) sq. ft. of sign area per one (1) linear sq. ft. of building frontage on the street.

(h) Planned Unit Development

Each use in a PUD shall follow the sign regulations for the most restrictive district in which such use would be normally permitted. (See Table 5-4 - Table of permitted uses). In addition, all signage in a PUD shall be of a coordinated design with respect to type, color, fonts, placement, illumination, materials and construction. The total allowable area for all signs, excluding incidental signage, in this district shall be one and a half square feet of sign area per one linear foot of building frontage on the street.

#### **6.4.14 HISTORIC DISTRICT SIGNAGE**

All signs located within the Historic district are considered Major Works and must receive a Certificate of Appropriateness as defined in Section 5.7 of the Unified Development Ordinance.

All signs shall be constructed of wood, metal, brick or other appropriate material.

Electronic changeable copy readerboard signs are prohibited.

No sign within the Historic District shall be internally illuminated or flashing.

All signs within the Historic District shall also meet the signage requirements of the underlying zoning district.

The Historic District Commission shall take care to preserve the character of the area when approving signage within the Historic District.

#### **6.4.15 SECTION RESERVED**

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**ARTICLE V. 6.5 STORMWATER MANAGEMENT FOR NEW DEVELOPMENT**

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**6.5.1 STATUTORY AUTHORIZATION**

The Legislature of the State of North Carolina has, in Chapter (T15A), Article (02B), Section (.0235), entitled Neuse River Basin - Nutrient Sensitive Waters Management Strategy; Basinwide Stormwater Requirements, designated specific local governments for the development of new stormwater management requirements as part of the Neuse River Nutrient Sensitive Waters stormwater management strategy. The requirements of this Chapter shall apply to property located within the Neuse River Basin.

**6.5.2 ABBREVIATIONS**

For purposes of this chapter, the following abbreviations are utilized and incorporated.

BMP	Best Management Practices
DWQ	North Carolina Division of Water Quality
G. S.	North Carolina General Statute
MD	State of Maryland
NC	State of North Carolina
NCAC	North Carolina Administrative Code
NPDES	National Pollutant Discharge Elimination System
TN	Total Nitrogen
USDA	United States Department of Agriculture

**6.5.3 NUTRIENT REDUCTION REQUIREMENTS**

Definition of new development/land disturbance. For purposes of this chapter, DEVELOPMENT OR LAND DISTURBANCE shall be defined to include the following:

1. Any activity that disturbs greater than one acre of land in order to establish, expand or modify a single-family or duplex residential development or a recreational facility;
2. Any activity that disturbs greater than one-half acre of land in order to establish, expand or modify a multi-family residential development or a commercial, industrial or institutional facility;
3. Any grubbing, stump removal and/or grading activity.
4. Exemptions. Agriculture, mining or forestry activities are not subject to the new development requirements of this chapter.

**6.5.4 VESTED RIGHTS**

1. Property owners who can demonstrate that they have vested rights as of March 1, 2001 will not be subject to the requirements of this Chapter for new development. Vested rights may be based on at least one of the following:
  - Substantial expenditures of resources as determined by the Engineering Department (time, labor, and money) based on a good faith reliance upon having received a valid local government approval to proceed with the project, or
  - Having an outstanding valid building permit in compliance with G. S. 153-344.1 or G. S. 160A-385.1, or
  - Having an approved site specific or phased development plan in compliance with G. S. 153A-344.1 or G. S. 160A-385.1.

2. Projects that require state permits, such as landfills, NPDES wastewater discharges, land application of residuals and road construction activities shall be considered to have vested rights if a state permit was issued prior to November 20, 2000.

### 6.5.5 CALCULATION OF NITROGEN EXPORT

The nitrogen export from each development must be calculated. This export will be calculated in pounds per acre per year (lb/ac/yr). The following methodologies will be used for calculating nitrogen export from new development (refer to the City of Goldsboro Stormwater Management Program for Nitrogen Control in the Neuse River Basin for calculating nitrogen export loading):

1. Method 1 is intended for residential developments where lots are shown, but the actual footprints of buildings are not shown on the plans.
2. Method 2 is for residential, commercial, and industrial developments when the entire footprint of the roads, parking lots, buildings, and any other built-upon area is shown on the site plans.
3. For nonresidential subdivisions where the impervious surfaces are not shown on the plans at the time of submittal, the developer or builder will specify areas of impervious surface, undisturbed open space, and managed open space in their building permit application, assuming the maximum impervious surfaces and minimum open space for the project design. The developer or builder will then use Method 2 for their calculation.
4. For redevelopment projects, the procedure as described in the City of Goldsboro Stormwater Management Program for Nitrogen Control in the Neuse River Basin will be used to determine the total change in nitrogen loading.

### 6.5.6 NITROGEN EXPORT STANDARDS

All new development will be limited to a nitrogen export of 3.6 pounds per acre per year (lbs/ac/yr). Property owners will have the option to partially offset projected nitrogen loads by funding wetland or riparian area restoration through the NC Wetlands Restoration Program. As established by Rule 15A NCAC 2B .0240, the rate shall be \$11/lb/yr, at an amount sufficient to fund 30 years of nitrogen reduction. The result is a one-time offset payment of \$330/lb/ac, which must be paid prior to approval of the development plan. However, no new residential development will be permitted to exceed a total nitrogen loading rate of 6.0 lbs/ac/yr, and no new nonresidential development will be permitted to exceed 10.0 lbs/ac/yr.

If the development contributes greater than 3.6 lbs/ac/yr of nitrogen, then Table 6-10 summarizes the options available, depending upon whether the development is residential or nonresidential. Any changes to the nitrogen export standards approved by the Environmental Management Commission will be adopted by reference.

**Table 6-10**  
**Nitrogen Export Reduction Options**

<i>Residential</i>	<i>Commercial/Industrial</i>
If the computed export is less than 6.0 lbs/ac/yr then the owner may either:	If the computed export is less than 10.0 lbs/ac/yr then the owner may either:
1) Install BMPs to remove enough nitrogen to bring the development down to 3.6 lbs/ac/yr.	1) Install BMPs to remove enough nitrogen to bring the development down to 3.6 lbs/ac/yr.
2) Pay a one-time offset payment of \$330/lb to bring the nitrogen down to the 3.6 lbs/ac/yr.	2) Pay a one-time offset payment of \$330/lb to bring the nitrogen down to the 3.6 lbs/ac/yr.
3) Do a combination of BMPs and offset payment to achieve a 3.6 lbs/ac/yr export.	3) Do a combination of BMPs and offset payment to achieve a 3.6 lbs/ac/yr export.
If the computed export is greater than 6.0 lbs/ac/yr, the owner must use on-site BMPs to bring	If the computed export is greater than 10.0 lbs/ac/yr, the owner must use on-site BMPs to bring the

the development's export down to 6.0 lbs/ac/yr. Then, the owner may use one of the three options above to achieve the reduction between 6.0 and 3.6 lbs/ac/yr.	development's export down to 10.0 lbs/ac/yr. Then, the owner may use one of the three options above to achieve the reduction between 10.0 and 3.6 lbs/ac/yr.
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If an offset payment is being made to the Wetlands Restoration Program, the owner must provide the City with evidence that DWQ has received payment prior to the City's issuance of a building permit.

**6.5.7 PEAK RUN-OFF CONTROL**

There shall be no net increase in peak stormwater runoff flow leaving a new development site from the pre-development conditions for the 1-year, 24-hour storm as determined by calculating the pre- and post-development runoff in accordance with the *City of Goldsboro Stormwater Management Program for Nitrogen Control in The Neuse River Basin*.

The Rational Method is the most common method for computing the peak rate of runoff from small drainage basins (up to 150 acres) and will be used to determine the peak flow from both the pre-development (performed prior to issuance of the building permit) and post-development (performed prior to issuance of the certificate of occupancy) conditions. If peak runoff needs to be calculated for a larger drainage area (more than 150 acres), the peak discharge method as described in the USDA Soil Conservation Service's Technical Release Number 55 (TR-55) will be employed for computing the pre- and post-development conditions.

**6.5.8 PROTECTING RIPARIAN BUFFERS**

**6.5.9 ESTABLISHMENT OF BUFFER**

Riparian areas must be protected on new developments in accordance with the Riparian Buffer Rule (15A NCAC 2B .0233). The rule requires for protecting and maintaining the 50-foot riparian buffers on all sides of intermittent and perennial streams, ponds, lakes, and estuaries in the Neuse River Basin. These waters must be shown on the most recent version of either a Natural Resources Conservation Service (NRCS) soil survey county map or a 1:24,000 scale (7.5 minute quadrangle) topographic map prepared by the U.S. Geological Survey (USGS). The City will refrain from issuing local approvals for any new development activity that is proposed to take place within the first 50 feet adjacent to an affected water body, unless:

1. The person requesting the approval does not propose to impact the riparian buffer of a surface water indicated on the NRCS or USGS maps listed above, or
2. The property owner had received approval by DWQ. DWQ approval could be:
  - a. An on-site determination from DWQ that surface waters are not present;
  - b. An authorization certificate for a use designated as allowable;
  - c. An authorization certificate and approval on a mitigation plan for a use designated as allowable with mitigation; or
  - d. A variance.

**6.5.10 DESCRIPTION OF BUFFERS ON DEVELOPMENT PLANS**

Riparian areas to be protected will be recorded on new or modified plats. If the plat shows an encroachment into a riparian buffer, the appropriate DWQ approval must accompany the preliminary and final plat submissions.

**6.5.11 ALLOWABLE BEST MANAGEMENT PRACTICES**

The following best management practices may be utilized for nitrogen reduction:

1. Wet detention ponds;
2. Constructed wetlands;
3. Open channel practices;

4. Riparian buffers;
5. Bioretention;
6. Vegetated filter strips with level spreader;
7. Sand filters;
8. Proprietary Best Management Practices (BMPs).

The total nitrogen (TN) BMP removal rates to be used in calculating nitrogen reductions are provided in Table 6-11, below. Any state-approved modifications or additions to the list of BMPs available for nitrogen reduction and/or determinations of TN removal rates are adopted by reference.

If more than one BMP is installed in series on a development, then the removal rate shall be determined through serial rather than additive calculations. For example, if a wet detention pond discharges through a riparian buffer, then the removal rate shall be estimated to be 47.5 percent. The pond removes 25 percent of the nitrogen and discharges 75 percent into the buffer. The buffer then removes 30 percent of the nitrogen discharged from the pond, which is 22.5 percent. The sum of 25 and 22.5 is 47.5. The removal rate is not 25 percent plus 30 percent.

**Table 6-11**  
**BMP Types, TN Removal Rates and Design Standards**

BMP Types	TN Removal Rate Based on Current Literature Studies	Design Standards
Wet detention ponds	25%	NC and MD Design Manuals
Dry Detention Ponds	10%	NC and MD Design Manuals
Constructed wetlands	40%	NC and MD Design Manuals
Open channel practices	20%	NC and MD Design Manuals
Riparian buffers	30%	Neuse Riparian Buffer Rule (15A NCAC 2B .0233)
Bioretention	25%	NC and MD Design Manuals
Vegetated filter strips with level spreader	20%	NC and MD Design Manuals and other literature information
Sand filters	35%	NC and MD Design Manuals
Proprietary BMPs	Varies	Per manufacturer subject to DWQ approval

#### **6.5.12 MAINTENANCE OF BEST MANAGEMENT PRACTICES**

All best management practices that are implemented to achieve nitrogen reduction and flow attenuation will require a maintenance plan. For the purposes of this Chapter refer to:

1. Section 96.40, Improperly Operating BMPs (Stormwater Control Facilities) are Prohibited; Responsibility for Maintenance.
2. Section 96.41, Compliance with Provisions.
3. Section 96.42, Inspections and Annual Inspection Fee.

#### **6.5.13 BUILDING PERMIT AND BUILDING PERMIT REVIEW FEES**

As of March 1, 2001, any builder applying for a building permit must submit his calculations for nitrogen loading and peak runoff with both the preliminary and final plats. Application for a building permit constitutes a certification by the developer or builder that all provisions of this Chapter have been fully met and that the calculations for nitrogen loading and peak runoff, as shown on the preliminary and final plats, are correct. Any BMP requiring engineering design will have the engineer's seal and signature affixed to the design drawing, and the engineer's seal will attest that the design for the BMP was completed in accordance with good engineering practices.

The City Council may set a fee structure for the cost of reviewing all building permit applications for compliance with this Chapter, and the fee schedule will be as shown in the *City of Goldsboro Stormwater Management Program for Nitrogen Control in the Neuse River Basin*.

#### **6.5.14 PERMIT REQUIRED**

No property owner or operator shall commence land disturbing activities, as defined in The City of Goldsboro Stormwater Management Program, before receiving a stormwater management permit and meeting the requirements of this ordinance. A stormwater management permit will also be required for construction, alteration, operation, maintenance, removal, or abandonment of any stormwater management structure (also known as a Best Management Practice or BMP) that has been, or is planned to be, put into operation after July 1, 2007. However, all BMPs that have been reviewed under The City of Goldsboro Stormwater Management Program prior to the enactment of this ordinance shall be deemed permitted from the date the site development plan was approved by the City Engineer.

#### **6.5.15 APPLICATION REQUIREMENTS**

Unless specifically excluded by The City of Goldsboro Stormwater Management Program, any property owner or operator desiring a permit for a land disturbance activity shall submit to the City Engineer a permit application for stormwater management on a form provided for that purpose.

Unless otherwise excepted by The City of Goldsboro Stormwater Management Program, a permit application must be accompanied by the following information in order for the permit application to be considered:

- a) Stormwater Management Plan
  - Site plan showing BMP locations, construction details and specifications, drainage areas and directions, outfalls, and related information
  - For detention and retention structures, stage routing and storage
  - Calculations for reduction of peak runoff for the 1-year, 24-hour storm event and reduction in nitrogen loading
  - Operations and maintenance procedures, and periodic maintenance schedules
  - Responsible parties (owner and operator). If a multimember association such as a Homeowner, Property Owner, Condominium or Master Association is proposed, the owner or developer must submit Articles of Incorporation for the Association, and Declaration of Covenants and Restrictions, or such other organizational and operational documents that affirmatively assign authority and responsibility for the operation and maintenance of the stormwater management system.
  
- b) Deed Restrictions and Protective Covenants
  - All stormwater management structures shall be located in recorded drainage easements for the purposes of operation and maintenance and shall have recorded access easements to the nearest public right of way. These easements shall be granted in favor of the party responsible for operating and maintaining the stormwater management structures and shall include access for City Inspectors and Engineering Department Personnel.
  - Maintenance of all stormwater management facilities shall be ensured through the creation of a formal maintenance covenant that must be approved by the City Engineer and recorded in the Wayne County Register of Deeds office.



- c) Maintenance Agreement
- The agreement shall provide for access to the facility at reasonable times for periodic inspection by the City Engineer, a City employee, or agent of the City.
  - The agreement shall provide for regular or special assessments of property owners to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by The City of Goldsboro Stormwater Management Program.
  - The agreement shall require that owner/operators keep records of the installation, maintenance, and repair of BMPs, and retain those records for at least three (3) years. These records shall be made available to the City Engineer during inspection of the facility and at other reasonable times upon request.
- d) Non-refundable permit review fee.

General Engineering Design Criteria shall be in accordance with 15A NCAC 2H.1008(c) as set out below:

General Engineering Design Criteria For All Projects.

- a) The size of the system must take into account the runoff at the ultimate built-out potential from all surfaces draining to the system, including any off-site drainage. The storage volume of the system shall be calculated to provide for the most conservative protection using runoff calculation methods described on pages A.1 and A.2 in “Controlling Urban Runoff: A Practical Manual for Planning and Designing Urban BMPs” which is incorporated herein by reference including all amendments thereto. This document is available through the Metropolitan Washington (D.C.) Council of Governments at a cost of forty dollars (\$40.00). This method is also described in the North Carolina Division of Water Quality document “An Overview of Wet Detention Basin Design.” Other engineering methods may be approved if these methods are shown to provide equivalent protection;
- b) All side slopes being stabilized with vegetative cover shall be no steeper than 3:1 (horizontal to vertical);
- c) Vegetative filters are required for the overflow of all infiltration systems and discharge of all stormwater wet detention ponds. These filters shall be at least 30 feet in length, except where a minimum length of 50 feet is required by the North Carolina Division of Water Quality (NC DWQ);
- d) Stormwater controls shall be designed in accordance with the provisions of this Section. Other designs may be acceptable if these designs are shown by the applicant, to the satisfaction of the City Engineer, to provide equivalent protection;
- e) In accordance with the Antidegradation Policy as defined in 15A NCAC 2B .0201, additional control measures may be required on a case-by-case basis to maintain and protect, for existing and anticipated uses, waters with quality higher than the standards; and
- f) Stormwater control measures used for sedimentation and erosion control during the construction phase must be cleaned out and returned to their designed state.

All BMPs will be designed to have an 85% average annual removal for Total Suspended Solids, as well as meet all requirements in The City of Goldsboro Stormwater Management Program. The stormwater management plan and the maintenance agreement shall be prepared to meet all requirements of The City of Goldsboro Stormwater Management Program, and fees shall be established by the City of Goldsboro.

#### **6.5.16 APPLICATION REVIEW FEES**

The fee for review of any land development application shall be based on the amount of land to be disturbed at the site, and the fee structure shall be established by the City of Goldsboro. All of the monetary contributions shall be credited to a City budgetary fund to support and maintain local plan review, inspection, and program administration; the fee shall be paid prior to the issuance of the stormwater management permit for the development.

#### **6.5.17 APPLICATION PROCEDURE**

- a) Applications for land disturbance activity permits may be filed with the City Engineer on only a regular business day.
- b) Permit applications shall include the following: two copies of the stormwater management concept plan, two copies of the maintenance agreement, and any required review fees.
- c) Within 30 calendar days of the receipt of a complete permit application, including all documents as required by this ordinance, the City Engineer shall inform the applicant in writing whether the application, plan and maintenance agreement are approved or disapproved.
- d) If the permit application, stormwater management plan, or maintenance agreement are disapproved, the applicant may revise the stormwater management plan or agreement. If additional information is submitted, the City Engineer shall have 15 business days from the date the additional information is received to inform the applicant in writing that the plan and maintenance agreement are either approved or disapproved.
- e) If the permit application, final stormwater management plan, and maintenance agreement are approved by the City Engineer, the stormwater management permit shall be issued.

#### **6.5.18 PERMIT DURATION**

Permits issued under this section shall be valid from the date of issuance for five (5) years, except that permits issued for removal or abandonment shall be permanent. Permit renewal applications shall be submitted 30 days prior to the expiration date, or upon any change of the owner/operator, which ever first occurs.

#### **6.5.19 CRIMINAL PENALTIES**

Any person who is found in violation of any provision of this Chapter, rule, regulation or order duly adopted or issued pursuant to this Chapter shall be guilty of a misdemeanor, punishable by a fine not to exceed \$500. Each violation shall be a separate offense.

#### **6.5.20 ORDER TO CORRECT VIOLATION**

Upon a determination that such a violation exists, the Chief Building Inspector or his designee shall notify, in writing, the owner of the premises and shall order the prompt correction thereof. The

owner will be allowed 180 days from the receipt of such written notice to comply with the provisions of this Chapter.

**6.5.21 FAILURE TO CORRECT VIOLATION; CORRECTION BY CITY**

If any person, having been ordered to correct a known violation of this Chapter, fails, neglects, or refuses to correct the condition(s) within 180 days from receipt of the order, the Chief Building Inspector shall cause the condition to be remedied by having employees of the City or other designated persons go upon the premises and perform the necessary corrections under the supervision of an officer or employee designated by the City Manager.

**6.5.22 COSTS OF CORRECTION**

The actual cost incurred by the City to bring the development into compliance with the provisions of this Chapter shall be charged to the owner of the development. They will be mailed a statement of charges with instructions that such charges are due and payable within 30 days from the receipt thereof.

**6.5.23 FAILURE TO PAY CHARGES, LIEN CREATED**

In the event charges for the correction of the violation are not paid within 30 days after the receipt of a statement of charges as provided in 6.5.10 above, such charges shall become a lien upon the land or premises where the violation existed, and shall be collected as unpaid ad valorem taxes, as provided in G.S. §160A-193. In the event the person or persons found in violation of this Chapter have divested themselves of the land or premises where the violation existed, the City may pursue the responsible person or persons for payment of the charges through other legal means.

**6.5.24 PROCEDURE DEEMED ADDITIONAL TO OTHER REMEDIES**

The procedure set forth in this Chapter shall be in addition to any other remedies that may now or hereafter exist under law for the correction of such violations as outlined in this Chapter, and this Chapter shall not prevent the City from proceeding in a criminal action against any person, firm, or corporation violating the provisions of this Chapter as provided in G.S. § 14-4.

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## ARTICLE VI. 6.6 ILLEGAL DISCHARGE CONTROL

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### 6.6.1 STATUTORY AUTHORIZATION

The Legislature of the State has, in Chapter T15A, Article 02B, §.0235, entitled *Neuse River Basin - Nutrient Sensitive Waters Management Strategy: Basinwide Stormwater Requirement* [hereafter referred to as the Neuse Stormwater Rule], designated specific local governments, including the City of Goldsboro, for stormwater management requirements as part of the Neuse River Nutrient Waters stormwater management strategy.

### 6.6.2 DEFINITIONS

For purposes of this chapter, the following abbreviations and definitions are utilized.

1. DENR. North Carolina Department of Environment and Natural Resources.
2. Illicit Connection. Any connection which allows the unlawful discharge of non-stormwater to stormwater conveyance system or waters of the state in violation of this chapter.
3. Illicit Discharge. Any unlawful disposal, placement, emptying, dumping, spillage, leakage, pumping, pouring, emission or other discharge of any substance other than stormwater 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.
4. Municipal Separate Storm Sewer system (MS $\square$ ). 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 and man-made channels, or storm drains), that:
  - a. Is located within the jurisdictional limits of the city; and
  - b. Is owned or operated by the state, county, the city or other public body; and
  - c. 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.
5. National Pollutant Discharge Elimination System. A permitting system established pursuant to § 402 of the Clean Water Act et seq.  
*Federal Law Reference: National Pollutant Discharge Elimination System Permits, 33 USC § 1342*
6. Pollutant. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.
7. Pollution. Man-made or man-induced alteration of the chemical, physical, biological, thermal and/or radiological integrity of water.
8. Stormwater. Any flow resulting from, and occurring during or following, any form of natural precipitation.
9. Waters of the State. Surface waters within or flowing through the boundaries of the state including the following: any intermittent or perennial stream, river, creek, brook, swamp, lake, sound, tidal estuary, bay, reservoir, wetland, or any other surface water or any portion thereof that is mapped as solid or dashed blue lines on United States Department of the Interior Geological Survey 7.5 minute series topographic maps. 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.

### **6.6.2 FINDINGS OF FACT**

1. Water quality has been an issue in the Neuse River Basin for over a century. Despite a number of initiatives between 1950 and 1995, the Neuse River Basin has continued to have water quality problems. Although environmental conditions in the Neuse River are driven by complex interactions between rainfall, flows, temperatures, biological factors, and chemistry, the long history of problems with nutrient pollution and algal blooms provides evidence that immediate control measures are necessary.
2. In August 1998, the final comprehensive Neuse River Nutrient Sensitive Waters Strategy was adopted. The goal of the strategy is to achieve a 30 percent nitrogen reduction from each controllable and quantifiable source of nitrogen in the basin. The City was one of the 15 largest and fastest-growing local governments in the Neuse River basin which was required to comply with the Neuse Stormwater Rule. This rule contains four program elements, one of which pertains to illegal discharges.
3. Illegal discharges are substances deposited in storm sewers (which lead directly to streams) that really should be handled as wastewater discharges. Depending on the source, illegal discharges may contain nitrogen. Local governments that must comply with the Neuse Stormwater Rule, including the City, must identify and remove illegal discharges.

### **6.6.3 STATEMENT OF PURPOSE**

1. The purpose of this Chapter is to:
  - Protect the public health, safety and welfare by controlling the discharge of pollutants into the stormwater conveyance system;
  - Promote activities directed toward the maintenance and improvement of surface and ground water quality;
  - Satisfy the requirements imposed upon the City under its National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS<sup>4</sup>) discharge permit issued by the State; and
  - Establish administration and enforcement procedures through which these purposes can be fulfilled.

The provisions of this Chapter are supplemental to regulations administered by federal and state governments.

### **6.6.4 OBJECTIVES**

The objectives of this Chapter are to:

1. Regulate the discharge of substances which may contaminate or cause pollution of stormwater, stormwater conveyances, or waters of the State;
2. Regulate connections to the stormwater conveyance system;
3. Provide for the proper handling of spills; and
4. Provide for the enforcement of same.

### **6.6.5 APPLICATION OF PROVISIONS**

This Chapter shall apply within the territorial jurisdiction of the City, with the following exclusions:

1. Federal, State, and local governments, including their agencies, unless intergovernmental agreements have been established giving the City enforcement authority.

### **6.6.6 BASIS FOR ESTABLISHING THIS LEGAL AUTHORITY**

The *Neuse River Basin: Model Stormwater Program for Nitrogen Control*, dated August 30, 1999, requires that local governments establish the legal authority to control illegal discharges. By March 2001, each local government is required to show that it has established the legal authority to do the following:

1. Control the contribution of pollutants to the stormwater collection system associated with industrial activity;
2. Prohibit illegal discharges to the stormwater collection system;

3. Prohibit discharge of spills and disposal of materials other than stormwater to the stormwater collection system;
4. Determine compliance and non-compliance; and
5. Require compliance and undertake enforcement measures in cases of non-compliance.

#### **6.6.7 ABROGATION AND GREATER RESTRICTION**

This Chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

#### **6.6.8 INTERPRETATION**

In the interpretation and application of this Chapter all provisions shall be considered as minimum requirements; liberally construed in favor of the governing body; and, deemed neither to limit nor repeal any other powers granted under State statutes.

#### **6.6.9 ILLICIT DISCHARGES**

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), any fluid, solid, gas, or other substance, other than stormwater; provided that non-stormwater discharges associated with the following activities are allowed provided that they do not significantly impact water quality:

1. Filter backwash and draining associated with swimming pools;
2. Filter backwash and draining associated with raw water intake screening and filtering devices;
3. Condensate from residential or commercial air conditioning;
4. Residential vehicle washing;
5. Flushing and hydrostatic testing water associated with utility distribution systems;
6. Discharges associated with emergency removal and treatment activities, for hazardous materials, authorized by the federal, state, or local government on-scene coordinator;
7. 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];
8. Collected infiltrated stormwater from foundation or footing drains;
9. Collected ground water and infiltrated stormwater from basement or crawl space pumps;
10. Irrigation water;
11. Street wash water;
12. Flows from fire fighting;
13. Discharges from the pumping or draining of natural watercourses or waterbodies;
14. Flushing and cleaning the exteriors of buildings, including gutters, provided that the discharge does not pose an environmental or health threat; and
15. Other non-stormwater discharges for which a valid NPDES discharge permit has been approved and issued by DENR and provided that any such discharges to the municipal separate storm sewer system shall be authorized by the City.

Prohibited substances include but are not limited to: oil, anti-freeze, chemicals, animal and human waste, paints, garbage, litter, and other pollutants.

#### **6.6.10 ILLICIT CONNECTIONS**

1. Connections to a stormwater conveyance or stormwater conveyance system which allow the discharge of non-stormwater, other than the exclusions described in §6.6.9, are unlawful. Prohibited connections include, but are not limited to: floor drains, waste water discharge

- from washing machines or sanitary sewers, wash water discharge from commercial vehicle washing or steam cleaning, and waste water discharge from septic systems.
2. Where such connections exist in violation of §6.6.9, that 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 is allowed one year to remove the connection 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:
    - May result in the discharge of hazardous materials or may pose an immediate threat to the health and safety, or is likely to result in immediate injury and harm to real or personal property, natural resources, wildlife, or habitat; or
    - Was made in violation of any applicable regulation or ordinance,
 The City Manager or his 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:
    - The quantity and complexity of the work;
    - The consequences of delay;
    - The potential harm to the environment, to the public health, and to public and private property; and
 The cost of remedying the damage.
  4. In regard to removing illicit connections, the responsible party must consider that permits are required by the Inspections Department for connections to or modification of storm sewers located in City owned rights-of-way. The costs of such permits will be borne by the responsible party.

#### **6.6.11 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 designee of all spills or leaks of polluting substances. Notification shall not relieve any person of any expenses related to the clean up, 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.

#### **6.6.12 INSPECTIONS**

1. The Building Inspector (or other authorized agent of the City) has full power and authority to enter upon a premise for the purpose of investigating an illegal discharge. Should the owner or occupant of any property refuse to permit such reasonable access, the Chief Building Inspector or his designee may obtain an administrative search warrant pursuant to G.S. §15-27.2 or its successor.
2. No person shall obstruct, hamper or interfere with any such representative while carrying out his official duties.

#### **6.6.13 CIVIL PENALTIES**

1. *Illicit discharges.* Any person who allows or assists in a violation of this Chapter shall be subject to civil penalties as follows:
  - For first time offenders, if the discharge consists of domestic or household products in quantities considered ordinary for household purposes, the person shall be assessed a civil penalty not to exceed \$100 per violation or per day for any continuing violation. If the discharge contains non-domestic substances, including but not limited to process waste water, or if the person cannot provide clear and convincing evidence of the volume

and nature of the substance discharged, the person shall be assessed a civil penalty not to exceed \$1,000 per violation or per day for any continuing violation.

- For repeat offenders, the amount of the penalty shall be double the amount assessed for the previous penalty, not to exceed \$10,000 per violation or per day for any continuing violation.
2. *Illicit connections.* Any person found with an illicit connection in violation of this Chapter and any other person who assists in the establishment of an illicit connection in violation of this Chapter, shall be subject to civil penalties as follows:
    - First time offenders shall be subject to a civil penalty not to exceed \$500 per day of continuing violation.
    - Repeat violators shall be subject to a civil penalty not to exceed \$1,000 per day of continuing violation.
  3. *Other violations.* Any person found in violation of other provisions of this Chapter, not specifically enumerated elsewhere, shall be subject to a civil penalty not to exceed \$100 per violation or per day for any continuing violation.
  4. *Payment/collection procedures.* Penalties shall be assessed by the City Manager or his designee. No penalty shall be assessed until the person alleged to be in violation is served written notice of the violation by registered mail, certified mail-return receipt requested, or personal service (such as express mail service or courier). Refusal to accept the notice shall not relieve the violator of the obligation to pay the penalty. The City Manager or his designee shall make written demand for payment upon the person in violation. If the payment is not received or equitable settlement reached within 30 days after demand for payment is made, the matter shall be referred to the City Attorney for institution of a civil action in the name of the City, in the appropriate division of the general court of justice in the county for recovering the penalty.

#### **6.6.14 INJUNCTIVE RELIEF**

1. The City may petition the General Court of Justice in the county seeking injunctive relief, or other relief as deemed appropriate, to require compliance with this Chapter. Cost of such action shall be assessed against the individual who is failing to comply with this Chapter.
2. The institution of an action for injunctive relief under §6.6.14 shall not relieve any party to such proceeding from any further civil or criminal penalty prescribed for violations of this Ordinance.

#### **6.6.15 CRIMINAL PENALTIES**

Any person who knowingly or willfully violates any provision of this Chapter, rule, regulation, order duly adopted or issued pursuant to this Chapter shall be guilty of a misdemeanor, punishable by a fine not to exceed \$500. Each violation shall be a separate offense.