# UNIFIED DEVELOPMENT ORDINANCE

## CITY OF GOLDSBORO

## North Carolina

Adopted by City Council April 4, 2005

**UDO Amendments:**

Major Amendments Adopted July 23, 2007

Updated through September 13, 2012

Updated through March 2014

Updated through April 1, 2019

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# ARTICLE 1. GENERAL PROVISIONS

## 1.1 SHORT TITLE

This Ordinance shall be known as the Goldsboro Unified Development Ordinance and may be referred to as the "UDO" or the "Zoning Ordinance." The Official Zoning Map of Goldsboro, North Carolina may be referred to as the "Zoning Map" and is hereby incorporated into and made part of this Ordinance.

## 1.2 AUTHORIZATION

The ~~Zoning~~ provisions enacted herein are under the authority of North Carolina General Statues (G.S.) specifically principal authorization comes in NC G.S. § 160D and G.S. § 160A, which extends to cities the authority to enact regulations promoting the health, safety, morals, and general welfare of the community. Authority to enact zoning provisions and use regulations comes specifically from the authority granted by NC G.S. § 160D Article 7. These provisions are further authorized to regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures, or land. This Ordinance further authorizes the establishment of overlay districts in which additional regulations may be imposed on properties that lie within the boundaries of the district.

Subdivision provisions enacted herein are under the authority of NC G.S. § 160D-801 ~~160A~~, which provides for the coordination of transportation networks ~~streets and~~ utilities within proposed subdivisions with existing or planned streets and highways and public facilities;~~,~~ ~~the dedication or reservation of recreation areas or for the provision of funds to be used to acquire recreation areas,~~ and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions that substantially promote public health, safety, and general welfare.

Watershed protection provisions enacted herein are under the authority of G.S. § 160A and in NC G.S.§ 143, which delegates and directs local governments to promote the health, safety and welfare of its citizenry by adopting regulations designed to protect public water supplies, as well as Water Supply Watershed Protection Rules (currently 15A-NCAC 02B0620-02B024).

Whenever any provision of this Ordinance refers to or cites a section of the North Carolina General Statutes (NC G.S. or G.S.) or a state or federal department rule or regulation and that section is later amended or superseded, the Ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

## 1.3 JURISDICTION

This Ordinance is effective throughout the City's planning jurisdiction, consisting of the area within the corporate boundaries of the City and the area beyond the City limits within which the extraterritorial jurisdiction of the City has been extended.

## 1.4 EXEMPTION FOR BONA FIDE FARMS (AGRICULTURAL USES)

The building area and setback requirements of this Ordinance shall not apply to any bona fide farm located in any district outside of the corporate limits of the City except as provided in Sections 5.3.3.1, 5.9 and 5.10. In case of conversion to nonagricultural uses, however, a certificate of zoning compliance must be procured as prescribed in this Ordinance and the new use must comply with all of the regulations for the district in which it is located.

## 1.5 RELATIONSHIP TO THE LAND USE PLAN AND OTHER ADOPTED PLANS AND MAPS

It is the intention of the Goldsboro City Council, hereafter referred to as the "Council" or "City Council," that this Ordinance implement the planning policies adopted for the City and its extraterritorial jurisdiction, as reflected in the land use plan and other adopted or referenced planning documents and adopted or referenced regulatory maps. While the Council reaffirms its commitment that this Ordinance and any amendment to it ~~conform to the adopted planning policies~~should be consistent with the above-referenced documents and maps, Council hereby expresses its intent that neither this Ordinance nor any amendment to it may be challenged based on any alleged nonconformity with any planning document.

## 1.6 THE UNIFIED DEVELOPMENT ORDINANCE AFFECTS EVERY BUILDING AND USE

No building or land shall be used or occupied and no building or part thereof shall be erected, moved or altered except in conformity with the regulations herein specified for the district(s) in which it is located, except as provided in this Ordinance. For the purposes of this Section, the "use" or "occupancy" of a building or land relates to anything and everything that is done to, on or in the building or land.

## 1.7 FEES

Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters may be charged to the applicants seeking any permits or approvals over which this Ordinance has authority. The amount of fees charged shall be established by resolution of the Council and filed in the office of the City Clerk.

## 1.8 SEVERABILITY

It is hereby declared the intention of the Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable. If any section, paragraph, sentence, clause or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses or phrases of this Ordinance, since the same would

have been enacted without the incorporation into this Ordinance of such unconstitutional or invalid section, paragraph, sentence, clause or phrase.

## 1.9 INTERPRETATION AND PURPOSE

In adopting this Ordinance, it is the intent and purpose of the City to place the minimum restrictions on the rights of owners of private property in the development and uses thereof, consistent with the protection of the public health, safety, prosperity and welfare of all citizens. It is not intended by this Ordinance to abrogate or annul any easements, covenants or other agreements between parties, provided, however, that when this Ordinance imposes a greater restriction upon the use and development of buildings or property than are imposed or required by other ordinances, rules, regulations or agreements, the provisions of this Ordinance shall govern.

## 1.10 EFFECTIVE DATE

1. The updated NC G.S. § 160D-compliant version of this UDO shall be effective on June 1, 2021 and shall supersede all previous versions of this UDO, subject to the provisions of Transitional Rules (Section 1.11).

2. Record of Previous Amendments

   ~~These regulations shall become~~A previous amendment to this UDO became effective on July 9, 2007. Upon such date, ~~these~~ those regulations (the 2007 UDO) ~~shall~~ superseded, repealed and replaced the Goldsboro Zoning Code, as amended, adopted on April 4, 2005, the Goldsboro Subdivision Regulations, as amended, adopted on April 4, 2005, the Goldsboro Landscape and Tree Preservation Ordinance, as amended, adopted on April 4, 2005, the Goldsboro Stormwater Management for New Development Ordinance, as amended, adopted on November 20, 2000, the Goldsboro Illegal Discharge Control Ordinance, as amended, adopted on February 19, 2001, and the Goldsboro Watershed Protection Ordinance, as amended, adopted on April 1, 2002.

## 1.11 TRANSITIONAL RULES

To the extent that provisions of this Ordinance are the same in substance as the previously adopted provisions, they replace in the City's zoning, subdivision, watershed and other ordinances they shall be considered as continuations thereof and not as new enactments. The following rules shall govern the transition to the new Unified Development Ordinance.

1. Any violation of the previous zoning and subdivision ordinances shall continue to be a violation under this Ordinance and be subject to penalties and enforcement under Section 4.0 (Enforcement), unless the use, development, construction or other activity complies with the provisions of

this Ordinance. ~~Payment shall be required for any civil penalty assessed under the previous Ordinances, even if the original violation is no longer considered a violation under this Ordinance.~~

2. Pursuant to additional transitional provisions of this section, ~~S~~special use permits, conditional use permits, vested rights, subdivision plans, site plan approvals, building permits, sign permits and variances, any of which are valid on April 4, 2005, shall remain valid until their expiration date except as provided below. Projects with valid approvals or permits may be carried out with the development standards in effect at the time of approval, provided the permit or approval is valid and has not lapsed. Site plans, Special Use Permits and subdivision plats that did not have an expiration date prior to the adoption of this code shall remain valid for a period of three years from the original adoption date of the Unified Development Ordinance (April 4, 2005). Site plans, subdivision plats, Conditional Use Permits, and Special Use Permits that were approved prior to the original adoption of the Unified Development Ordinance on April 4, 2005 and the implementation of the stormwater regulations on March 9, 2001 shall expire as listed in this section or when vested rights for stormwater approvals expire, whichever occurs first. No site plan or preliminary subdivision plat approved prior to March 9, 2001 that would be subject to stormwater requirements shall be valid after March 9, 2006 due to the expiration of stormwater vested rights.

3. No provision of this Ordinance shall require any change in the plans, construction or designated use of any structure for which a building permit has been issued prior to April 4, 2005.

4. ~~The~~Upon written request from the applicant, the Planning Director ~~may~~ shall renew or extend the time of a previous approval if the proposed project complies with all the requirements of this Ordinance. Any extension granted shall not exceed one year in length, and no more than one extension shall be granted. Any re-application for an expired project approval shall meet the standards in effect at the time of re-application.

5. All pending projects for which a complete application was submitted and accepted by the City prior to the effective date of this Ordinance shall be exempt from complying with the provisions of this Ordinance and shall comply with the development standards in effect at the time of the acceptance of the completed application.

6. Any legal nonconformity under the previous ordinances will also be a legal nonconformity under this Ordinance, as long as the situation that resulted in the nonconforming status under the previous ordinance continues to exist. If nonconformity under the previous ordinance becomes conforming because of the adoption of this Ordinance, then the situation will no longer be nonconforming.

7. When a lot is used for a purpose that was a lawful use before the effective date of this Ordinance, and this Ordinance no longer classifies such use as either a permitted use or special use in the general use zoning district in which it is located, such use shall be considered nonconforming and shall be controlled by the provisions of Section 5.6 (Nonconforming Situations) of this Ordinance.

8. Where any building, structure or lot that existed on the effective date of this Ordinance does not meet all standards set forth in this Ordinance, such building, structure, or lot shall be considered nonconforming and shall be controlled by the provisions of Section 5.6 (Nonconforming Situations) of this Ordinance.

9. Permit Choice

   Pursuant to G.S. § 160D-108, any complete application or permit submitted or approved before the effective date of an amendment to this UDO may be evaluated and decided, at the applicant's discretion, in conformance with applicable regulations in effect at the time of submission of the application. The applicant may also elect to have their application or permit subject to the most current UDO in effect, in its entirety. This is a one-time election and is irreversible.

10. Conditional Use Permit Conversion

    On June 1, 2021, any existing, valid, and legal Conditional Use Permit that is valid and legal as of the June 1, 2021 is hereby transformed into an identical Special Use Permit on that same date, subject to all established conditions and applicable standards of the original approval and of this UDO.

11. Conditional Use Zoning District Conversion

    On June 1, 2021, any existing, valid, and legal Conditional Use Zoning Districts or Conditional Districts (denoted by a "CD" in previous zoning maps, and established through a combined legislative and quasi-judicial hearing process) that are valid and legal are hereby transitioned into an identical Conditional Zoning district subject to the original approval and all conditions of approval or conditions of operation of the original approval or entitlement.

## 1.12 SECTION <RESERVED>

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# ARTICLE 2. APPROVALS

## 2.1 GENERAL APPROVAL PROCESS

### 2.1.1 COMPLIANCE

~~The proposed development~~Approvals shall comply with all of the applicable standards of the North Carolina Building Code and the regulations of this and other applicable sections of the Goldsboro Code of Ordinances.

### 2.1.2. NO OCCUPANCY, USE, OR SALE OF LOTS UNTIL REQUIREMENTS FULFILLED

~~Issuance of a Watershed Protection Permit authorizes the applicant to commence the activity resulting in a change in use of the land or, with a building permit, to construct, erect, move or alter buildings or other structures or to make necessary improvements to a subdivision. However, except~~Except as provided in Section 2.2.5.~~2.12~~ (Improvement Guarantees), the intended use shall not be commenced, no building shall be occupied and in the case of subdivisions, no lots shall be sold until all of the requirements of this Ordinance, ~~and~~ all additional requirements imposed pursuant to the approval of a site plan or subdivision have been complied with, and all required permits procured.

### ~~2.2.3~~2.1.3. WHO MAY SUBMIT PERMIT APPLICATIONS / SUBMISSION REQUIREMENTS

Applications ~~for rezoning, special use, conditional use or sign permits and subdivision plat approval~~ will be accepted only from persons having the legal authority to take action in accordance with the land use, subdivision, appeal, or development approval request~~permit or subdivision plat approval~~. By way of illustration, this means that applications should be made by the owners, their agents, lessees or persons who have contracted to purchase the property contingent upon permit approval, or by the appropriate City board, body, or agent. The Director of Planning and Community Development may require an applicant to submit evidence of his authority to make the application, whenever there appears to be a reasonable basis for questioning this authority.

### ~~2.6.4~~ 2.1.4. STAFF CONSULTATION BEFORE FORMAL APPLICATION

To minimize development and planning costs, avoid misunderstanding or misinterpretation and ensure compliance with the requirements of this Ordinance, pre-application consultation between the developer and the planning staff may be required as provided by this Section. The applicant is encouraged to arrange a pre-application consultation at least ten days prior to the application deadline.

~~2.6.5 STAFF REPORT~~

~~THE PLANNING STAFF SHALL REVIEW EACH REZONING REQUEST IN LIGHT OF THE APPROVAL CRITERIA LISTED IN THE SECTION BELOW AND PROVIDE TO THE CITY COUNCIL AND/OR PLANNING COMMISSION ITS RECOMMENDATION REGARDING WHETHER TO APPROVE OR DENY THE REZONING.~~

## ~~2.2.4~~2.1.5. APPLICATION DEADLINES

All applications ~~for permits, site plan and subdivision approvals~~and land use or development approval requests shall be submitted to the ~~respective boards and commissions~~Planning Department as follows:

| | |
|---|---|
| Administrator (Planning Director) | Per established application submission schedule or as walk-in / ad hoc |
| Planning Commission | Two weeks prior to next meeting. |
| City Council | Four weeks prior to next public hearing. |
| Board of Adjustment | Four weeks prior to next public hearing. |
| Historic Preservation Commission | Four weeks prior to next public hearing. |

## ~~2.2.5~~2.1.6. APPLICATIONS TO BE COMPLETE

All applications and accompanying plans for permits must be complete before the issuing authority will consider the application. Subject to subsection below, an application is complete when it contains all the information necessary for the issuing authority to decide whether the development, if completed as proposed, will comply with all the requirements of this Ordinance.

Detailed or technical design requirements and construction specifications relating to various types of improvements (streets, sidewalks etc.) are set forth in one or more of the appendices or other sections of this Ordinance. It is not necessary that the application contain the type of detailed construction drawings that would be necessary to determine compliance with theses appendices, so long as the plans provide sufficient information to allow the permit issuing authority to evaluate the application in the light of the substantive requirements set forth in this Ordinance. However, whenever this Ordinance requires a certain element of the development to be constructed in accordance with the detailed requirements set forth in one or more of these appendices, then no construction work on such element shall begin until

detailed construction drawings have been submitted to and been approved by the Department of Planning and Community Development. Failure to observe this requirement may result in permit revocation, denial of final plat approval or other penalty as provided in Section 4.0 (Enforcement).

### ~~2.1.4.~~2.1.7. REVOCATION

Pursuant to G.S. § 160D-403, all revocations shall follow the same process that was used for their respective approvals.

### ~~. APPEALS OF SUBDIVISION DECISIONS~~

## 2.2 ADMINISTRATIVE PROCESSES

### ~~2.2.2~~2.2.1. DETERMINATIONS

The Administrator (Planning Director or their designee) shall be responsible for administrative decisions. The ~~Planning Director or their designee~~Administrator shall provide a written notice of determination to the property owner and the party seeking the determination if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or first class mail.

### ~~3.1.4~~2.2.2. WRITTEN INTERPRETATION

The Administrator is authorized to make interpretations concerning the provisions of this Ordinance and pass judgment upon disputed questions of district boundary lines and similar questions. If such questions arise in the context of an appeal from a decision of the Administrator, they shall be processed in accordance with Section 3.1.1 (Appeals).

An application for a map interpretation shall be submitted to the Board of Adjustment by filing a copy of the application in the office of the Administrator in the Planning Department. The application shall contain sufficient information to enable the Board to make the necessary interpretation.

Where uncertainty exists as to the boundary of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of alleys, streets, highways, streams or railroads shall be construed to follow such centerlines;

2. Boundaries indicated as approximately following platted lot lines, City limits or extraterritorial jurisdiction boundary lines shall be construed as following such lines, limits or boundaries;

3. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as following the new shoreline;

4. Where a district boundary divides a lot or where distances are not specifically indicated on the Official Zoning Map, the boundary shall be determined by measurement, using the scale of the Official Zoning Map; and

5. Where any street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of the vacation or abandonment.

## 2.2.~~2~~3. Building Permits ~~Approval~~

### APPLICABILITY

No building or structure or any part thereof shall be erected, enlarged or structurally altered, nor shall any excavation, soil removal, disturbance of vegetation including trees, filling or grading be commenced (in connection with site development), nor shall any sign be erected, repaired or painted except in conformance with the provisions and standards of this Ordinance. ~~and/or the terms and conditions of any other permits, approvals, or variances granted pursuant to this Ordinance.~~

### APPLICATION

An application for a building permit shall be filed only by the owner of the lot on which the building or structure is located or an agent, lessee or contract purchaser specifically authorized by the owner to file such an application.

An application for a building permit shall be filed with the Inspections Department on a form prescribed by the department. ~~Site plans shall be submitted and approved by the Planning and Engineering Departments prior to the issuance of a building permit. A certificate of zoning compliance is required for any project that has not previously been reviewed by the Planning and Engineering departments as part of any other approval process.~~

No building permit shall be issued for any proposed development until the applicant has filed a statement of its intended use.

Each application for a building permit shall be accompanied by a plat or site plan, drawn to scale, showing accurate dimensions of the lot to be built upon, accurate dimensions of the building to be erected, its location on the lot and such other information as may be necessary to determine the project's compliance with this Ordinance.

### LICENSED CONTRACTORS

Where any ordinance or construction code of the City or any provision of the General Statutes of North Carolina requires that work be done by a licensed specialty contractor of

any kind, no building permit for such work shall be issued unless it is to be performed by such licensed contractor. Before any work begins pursuant to the building permit, the applicant shall furnish the inspections department with the names of all the contractors and subcontractors who will be performing the work.

## PERMIT DISPLAY

The building permit shall be conspicuously displayed by the applicant on the property for which it was obtained in the manner prescribed by the Inspections department. The building permit shall remain so posted until the applicant has obtained a permanent certificate of occupancy.

## BUILDING PERMIT EXPIRATION

Any building permit issued by the Inspections department shall become null and void unless the work approved by the permit is commenced within six months after the date of issuance, as shown on the permit. No work shall be considered to have commenced for the purposes of this paragraph until an inspection has been made and recorded. All building permits shall become null and void after their six month issuance date, unless the specific inspector for that particular trade allows the permit to be extended, which shall be done in six month increments.

## CHANGES TO APPROVED PERMITS

After a building permit has been issued, no substantial changes or deviations from the terms of the permit or the application and accompanying plans and specifications shall be made without specific written approval of such changes by the appropriate city department.

## REVOCATION OF A BUILDING PERMIT

~~The Inspections~~Per Section 2.1.7~~2.3~~., Revocation, the Inspections department may revoke and require the return of any building permit by notifying the permit holder in writing, stating the reasons for such revocation. The department shall revoke building permits for any of the following reasons:

1. Any material departure from the approved application, plans or specification;
2. Refusal or failure to comply with the requirements of this Ordinance or any other applicable state, federal or local laws; or
3. False statements or misrepresentations made in securing such permit.

## 2.2.5 APPEALS

Appeals of building permits shall be taken directly to superior court.

## 2.2.4 Certificates of Occupancy ~~Approval~~

### PURPOSE

The certificate of occupancy is required to ensure the completed development has complied with all of the applicable standards of the current North Carolina Building Code and the regulations of this and other sections of the Goldsboro City Code of Ordinances.

### APPROVAL PROCEDURE

~~A~~ Per G.S. § 160D-403, a new building or part thereof, an addition or enlargement of any existing building or an existing building may be occupied after being moved or altered or a change in the use or occupancy of any building may be made only after the Inspections department has issued a certificate of occupancy, stating that the building, site and/or proposed use complies with the provisions of this Ordinance, including any applicable regulations applying to the proposed use and/or the zoning district in which the use is to be located.

No certificate of occupancy shall be issued until the Planning and/or Engineering Department issues a certificate of zoning compliance that certifies that the site improvements have been completed in accordance with the approved plans and that the proposed use is in conformance with the provisions of this Ordinance.

The Inspections Department shall issue a certificate of occupancy when, after inspection of the building, structure, landscaping and/or changes to the property, the department finds that the building complies with all the applicable provisions of this Ordinance, any other applicable ordinances and the current North Carolina Building Code.

No final Certificate of Occupancy shall be granted for projects that require a site plan or subdivision plat until an as-built utility plan is submitted to the City of Goldsboro Engineering Department. The as-builts shall be submitted on paper and in electronic format.

~~**2.11.3 APPROVAL CRITERIA**~~

~~**THE APPROVAL CRITERIA FOR A CERTIFICATE OF OCCUPANCY SHALL BE ALL THE ZONING STANDARDS AND REGULATIONS, THE CURRENT NORTH CAROLINA BUILDING CODE, ALL OTHER APPLICABLE STATE AND FEDERAL REGULATIONS AND OTHER SECTIONS OF THE GOLDSBORO CODE OF ORDINANCES THAT ARE APPLICABLE TO THE PROPOSED USE, BUILDING, STRUCTURE AND/OR TYPE OF DEVELOPMENT.**~~

## VIOLATIONS

Any person or persons who occupies or uses a building prior to the issuance of a certificate of occupancy shall be in violation of this section and be subject to the penalties and remedies as outlined in Section 4.0 (Enforcement).

## APPEALS

See Section 2.4, Quasi-judicial Processes.~~Any person aggrieved may appeal any order or decision of the Administrator, Inspector or his designee to the Board of Adjustment. An appeal is taken by filing with the Administrator and the Board of Adjustment a written notice of appeal specifying the reasons for the appeal. A notice of appeal shall be considered filed with the Administrator and the Board of Adjustment when delivered to the Planning Department. The date and time of the filing shall be entered on the notice by the planning staff. An appeal must be taken within thirty days after the date of the decision or order appealed from.~~

## ~~2.11.6 SECTION RESERVED~~

## 2.2.5. SIGN PERMITS

See Section 6.4, Signage Standards.

## 2.2.6.~~2.4~~. SITE ~~PLAN APPROVAL~~PLANS

### ~~2.4.1~~ APPROVAL AUTHORITY FOR SITE PLANS

The Planning Director shall have the authority to approve or a deny a site plan request.

~~NONRESIDENTIAL DEVELOPMENTS ON PARCELS THAT DISTURB GREATER THAN ONE ACRE SHALL BE APPROVED BY THE CITY COUNCIL. NONRESIDENTIAL DEVELOPMENTS ON PARCELS THAT DISTURB ONE ACRE OR LESS SHALL BE APPROVED BY THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR.~~

~~RESIDENTIAL DEVELOPMENTS ON PARCELS THAT DISTURB GREATER THAN ONE ACRE, EXCLUDING SINGLE-FAMILY DWELLINGS, SHALL BE APPROVED BY THE CITY COUNCIL. THE CITY COUNCIL SHALL NOT EXERCISE THE AUTHORITY GRANTED IN THIS SECTION, UNTIL THE PLANNING COMMISSION HAS MADE ITS RECOMMENDATIONS. RESIDENTIAL DEVELOPMENTS ON PARCELS THAT DISTURB ONE (1) ACRE OR LESS SHALL BE APPROVED BY THE PLANNING DIRECTOR.~~

~~NOTWITHSTANDING THE ABOVE, THE DIRECTOR SHALL AT ALL TIMES RESERVE THE RIGHT TO REFER A NEW OR REVISED SITE PLAN TO THE CITY COUNCIL FOR ACTION WHERE EITHER OF THE FOLLOWING CONDITIONS IS MET:~~

~~1. THE SITE PLAN SEEKS ALLOWABLE DEVIATIONS FROM THE STANDARDS OF THIS ORDINANCE; OR~~

~~2. DUE TO ITS SIZE AND/OR LOCATION, THE DIRECTOR FEELS THE PROJECT WILL HAVE SIGNIFICANT NEGATIVE IMPACTS ON THE COMMUNITY.THE DIRECTOR MAY ALSO SEEK INPUT FROM OTHER BOARDS AND COMMISSIONS TO ASSIST IN MAKING A DECISION ON WHETHER TO APPROVE OR DENY A SITE PLAN REQUEST.~~

~~THE DIRECTOR SHALL RESERVE THE AUTHORITY TO REFER ANY SITE PLAN TO THE CITY COUNCIL FOR APPROVAL.~~

### DEVELOPMENT REQUIRING SITE PLAN APPROVAL

The following development shall be required to secure site plan approval prior to the issuance of a building permit or the initiation of site improvement:

Nonresidential, manufactured home park and multi-family development not otherwise required to undergo the subdivision review process as defined in ~~Section 2.3 (Subdivision Approval).~~2.2.7. Subdivisions

## SITE PLANS ASSOCIATED WITH ~~CONDITIONAL USE PERMITS~~VARIANCES

Where a use requiring site plan approval also requires the approval of a variance, the variance shall first be sent to Board of Adjustment, if approved, the site plan shall proceed to the City Council for the review of the special use permit.

~~**WHERE A USE REQUIRING SITE PLAN APPROVAL ALSO REQUIRES THE APPROVAL OF A CONDITIONAL USE PERMIT, THE SAME BODY (I.E. CITY COUNCIL) THAT APPROVES THE CONDITIONAL USE PERMIT SHALL ALSO APPROVE THE SITE PLAN. SITE PLAN APPROVAL FOR PROJECTS THAT ARE REQUIRED TO RECEIVE A CONDITIONAL USE PERMIT SHALL FOLLOW THE SAME PROCESS AS THE CONDITIONAL USE PERMIT PROCESS.**~~

### ~~2.4.4~~ ACTION ON SITE PLANS APPROVED BY THE PLANNING DIRECTOR

The Planning Director shall approve the site plan provided that the following standards are met:

1. That it fully complies with all applicable requirements of this Ordinance and any conditions of approval;
2. That it adequately protects other property, or residential uses located on the same or adjacent properties, from the potential adverse effects of a nonresidential use;
3. That it provides harmony and unity with the development of nearby properties
4. That it provides safe conditions for pedestrians or motorists and prevents a dangerous arrangement of pedestrian and vehicular ways
5. That it provides safe ingress and egress for emergency services to site.

~~The Director may defer the decision on the site plan to the City Council when he or she deems that any of the above standards may not be met by the proposed plan. The Director may also choose to seek input from other Boards and Commissions to assist in making a final decision.~~

If the Planning Director rejects the site plan, then the reasons therefore shall be stated in the record of action on the site plan.

~~ACTION ON SITE PLANS APPROVED BY CITY COUNCIL~~

~~SITE PLANS SUBJECT TO CITY COUNCIL APPROVAL SHALL BE REVIEWED BY THE PLANNING COMMISSION PRIOR TO CITY COUNCIL ACTION. AFTER REVIEWING THE RECOMMENDATION OF THE PLANNING COMMISSION AND CITY STAFF, THE CITY COUNCIL SHALL APPROVE OR REJECT THE APPLICATION.~~

~~THE CITY COUNCIL MAY APPROVE A SITE PLAN IF IT MEETS THE STANDARDS AND REQUIREMENTS OF THIS ORDINANCE AND PROVIDES FOR THE DEDICATIONS AND IMPROVEMENTS, OR PAYMENTS AND GUARANTEES IN LIEU THEREOF, REQUIRED BY THIS ORDINANCE.~~

~~THE CITY COUNCIL MAY REJECT THE SITE PLAN ON ANY OF THE FOLLOWING GROUNDS:~~

~~1. THAT IT FAILS TO FULLY COMPLY WITH ALL APPLICABLE REQUIREMENTS OF THIS ORDINANCE;~~

~~2. THAT IT FAILS TO ADEQUATELY PROTECT OTHER PROPERTY, OR RESIDENTIAL USES LOCATED ON THE SAME OR ADJACENT PROPERTY, FROM THE POTENTIAL ADVERSE EFFECTS OF A RESIDENTIAL OR NON-RESIDENTIAL USE;~~

~~3. THAT IT FAILS TO PROVIDE HARMONY AND UNITY WITH THE DEVELOPMENT OF NEARBY PROPERTIES;~~

~~4. THAT IT FAILS TO PROVIDE SAFE CONDITIONS FOR PEDESTRIANS OR MOTORISTS, SUCH AS A DANGEROUS ARRANGEMENT OF PEDESTRIAN AND VEHICULAR WAYS; OR~~

~~5. THAT IT FAILS TO PROVIDE SAFE INGRESS AND EGRESS FOR EMERGENCY SERVICES TO THE SITE.~~

~~THE CITY COUNCIL MAY GRANT MODIFICATIONS TO THE PARKING, SETBACKS, LANDSCAPING AND OTHER PERFORMANCE STANDARDS OF THIS ORDINANCE PROVIDED THE MODIFICATIONS WILL NOT CAUSE ANY ADVERSE IMPACTS ON THE SUBJECT PROPERTY OR ADJACENT PROPERTIES IN THE AREA. ALL MODIFICATIONS TO COMMERCIAL, MULTI-FAMILY, OFFICE OR INDUSTRIAL SITE PLANS SHALL BE REVIEWED BY THE CITY COUNCIL REGARDLESS OF LOT SIZE.~~

~~THE CITY COUNCIL MAY ATTACH, TO THE SITE PLAN APPROVAL, ADDITIONAL REASONABLE REQUIREMENTS BEYOND THE PROVISIONS OF THIS ORDINANCE.~~

~~IF THE CITY COUNCIL REJECTS THE SITE PLAN, THEN THE REASONS THEREFORE SHALL BE STATED IN THE RECORD OF ACTION ON THE SITE PLAN.~~

## CHANGES TO PREVIOUSLY APPROVED SITE PLANS

The Planning Director shall have the authority to approve revisions to a previously approved site plans, ~~including those approved by the City Council,~~ provided the following conditions are met:

1. That all changes conform to the minimum required standards for the zoning district in which the property is located;

2. That off-street parking is not reduced below the minimum required by ~~Section 6.1 of this Ordinance;~~ this Ordinance and any conditions of approval.

3. That all additions, alterations, and expansions shall be compatible with the existing or approved buildings, structures, and parking area, up to a 10% increase or decrease;

4. That any additional required landscaping shall be comparable to the approved site plan and shall follow City specifications and guidelines;

5. That the effect of the landscaping, buffers, or screening on the site, or on the approved site plan, is not diminished;

6. That the number of access points to public streets is neither increased, decreased, nor substantially relocated (50 feet or more in any direction);

7. That the circulation pattern provides for the safe, controlled, and orderly flow of pedestrians and vehicles and is not diminished;

8. That the changes do not otherwise violate any provision of this Ordinance, the City Code, or other applicable laws; and

9. That the use and development of the property is otherwise in full compliance with the requirements of this Ordinance.

~~**THE DIRECTOR SHALL RESERVE THE AUTHORITY TO REFER ANY PROPOSED CHANGES TO A SITE PLAN TO THE CITY COUNCIL IF HE FEELS ANY OF THE ABOVE STANDARDS ARE NOT BEING MET.**~~

~~**FAILURE OF CITY COUNCIL TO ACT**~~

~~**FAILURE OF THE CITY COUNCIL TO ACT ON THE SITE PLAN WITHIN 90 DAYS OF RECEIVING THE SITE PLAN AND RECOMMENDATIONS FROM THE PLANNING COMMISSION SHALL BE DEEMED DENIAL OF THE SITE PLAN.**~~

## FAILURE OF PLANNING DIRECTOR TO ACT

Failure of the Planning Director to act on a completed application for site plan approval within 90 days of receiving the site plan shall be deemed denial of the site plan.

## EFFECT AND DURATION OF SITE PLAN APPROVAL

Site plan approval shall remain valid for ~~one year~~two years from the date of approval.~~, unless the associated conditional use permit expires, in which case, the site plan shall expire also. Site plans approved in connection with a vested right shall be approved for a period not to exceed five (5) years.~~

~~2.2 CONDITIONAL and Special Use Approval~~

~~2.2.1 PERMITS REQUIRED~~

~~THE USE OF A PROPERTY MAY NOT BE CHANGED, CLEARING, GRADING OR EXCAVATION COMMENCED AND BUILDINGS OR OTHER STRUCTURES CONSTRUCTED, ERECTED, MOVED OR ALTERED EXCEPT IN ACCORDANCE WITH AND PURSUANT TO ONE OF THE FOLLOWING APPROVALS:~~

~~1. A SPECIAL USE PERMIT ISSUED BY THE GOLDSBORO BOARD OF ADJUSTMENT~~

~~2. A CONDITIONAL USE PERMIT ISSUED BY THE GOLDSBORO CITY COUNCIL~~

~~3. A SIGN PERMIT ISSUED BY THE INSPECTIONS DEPARTMENT~~

~~4. A SITE PLAN APPROVED BY THE CITY COUNCIL OR PLANNING DEPARTMENT.~~

~~AGRICULTURE, MINING OR FORESTRY ACTIVITIES ARE EXEMPT FROM THE ABOVE PERMIT REQUIREMENTS EXCEPT AS PROVIDED FOR IN THIS CODE.~~

~~SPECIAL USE PERMITS, CONDITIONAL USE PERMITS AND SIGN PERMITS ARE ISSUED UNDER THIS ORDINANCE ONLY WHEN THE APPLICATION AND NECESSARY PLANS HAVE BEEN SUBMITTED AND INDICATE THAT THE DEVELOPMENT WILL COMPLY WITH THE PROVISIONS OF THIS ORDINANCE. SUCH PLANS AND APPLICATIONS AS ARE FINALLY APPROVED ARE INCORPORATED INTO ANY PERMIT ISSUED. ALL DEVELOPMENT SHALL OCCUR STRICTLY IN ACCORDANCE WITH APPROVED PLANS AND APPLICATIONS.~~

~~ALL PERMITS SHALL BE ISSUED IN THE NAME OF THE APPLICANT OR THE PRINCIPAL, IF SUBMITTED BY AN AGENT. THE PERMIT SHALL IDENTIFY THE PROPERTY INVOLVED, THE PROPOSED USE, INCORPORATE BY REFERENCE THE PLANS SUBMITTED AND CONTAIN ANY SPECIAL CONDITIONS OR REQUIREMENTS LAWFULLY IMPOSED BY THE PERMIT ISSUING AUTHORITY.~~

~~2.2.2 NO OCCUPANCY, USE OR SALE OF LOTS UNTIL REQUIREMENTS FULFILLED~~

~~ISSUANCE OF A CONDITIONAL USE OR SPECIAL USE PERMIT AUTHORIZES THE APPLICANT TO COMMENCE THE ACTIVITY RESULTING IN A CHANGE IN USE OF THE LAND OR, WITH A BUILDING PERMIT, TO CONSTRUCT, ERECT, MOVE OR ALTER BUILDINGS OR OTHER STRUCTURES OR TO MAKE NECESSARY IMPROVEMENTS TO A SUBDIVISION. HOWEVER, EXCEPT AS PROVIDED IN SECTION 2.12 (IMPROVEMENT GUARANTEES), THE INTENDED USE SHALL NOT BE COMMENCED, NO BUILDING SHALL BE OCCUPIED AND IN THE CASE OF SUBDIVISIONS, NO LOTS SHALL BE SOLD UNTIL ALL OF THE REQUIREMENTS OF THIS ORDINANCE AND ALL ADDITIONAL REQUIREMENTS IMPOSED PURSUANT TO THE ISSUANCE OF A CONDITIONAL USE OR SPECIAL USE PERMIT HAVE BEEN COMPLIED WITH.~~

~~2.2.6 STAFF CONSULTATION BEFORE FORMAL APPLICATION~~

~~TO MINIMIZE DEVELOPMENT-PLANNING COSTS, AVOID MISUNDERSTANDING OR MISINTERPRETATION AND ENSURE COMPLIANCE WITH THE REQUIREMENTS OF THIS ORDINANCE, PRE-APPLICATION CONSULTATION BETWEEN THE DEVELOPER AND THE PLANNING STAFF MAY BE REQUIRED AS PROVIDED BY THIS SECTION. THE APPLICANT IS ENCOURAGED TO ARRANGE A PRE-APPLICATION CONSULTATION AT LEAST TEN DAYS PRIOR TO THE APPLICATION DEADLINE.~~

~~THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT OR HIS DESIGNEE SHALL MEET WITH THE DEVELOPER AS SOON AS POSSIBLE TO REVIEW THE PROPOSED DEVELOPMENT PLANS. BEFORE SUBMITTING AN APPLICATION FOR ANY OTHER PERMIT, DEVELOPERS ARE STRONGLY ENCOURAGED TO CONSULT WITH THE PLANNING STAFF CONCERNING THE APPLICATION OF THIS ORDINANCE TO THE PROPOSED DEVELOPMENT.~~

## 2.2.7. SUBDIVISIONS ~~APPROVAL~~

## APPLICABILITY

Per G.S. § 160D-802, subdivision regulations shall be applicable to all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development and shall include all divisions of land involving the dedication of a new street or a change in existing streets. The sale, use, or development of lots shall not occur on lots created contrary of the standards of this Ordinance.

## EXEMPTIONS

~~The~~ Pursuant to NC GS § 160D-802, the following activities are not required to undertake or follow the City's subdivision approval process. However, lots created under these exemptions shall fulfill all of the dimensional, size and other zoning requirements of this Ordinance. (Such as minimum lot sizes, road frontage, setbacks etc.) It is highly recommended that all exceptions to the subdivision process be reviewed by the Planning ~~Department~~ Director or their designee for conformity with the City's subdivision regulations. Failure to do so may result in the recordation of non-conforming or illegal lots that may not be suitable for new construction.

1. The division of land to settle an estate where the resultant lots are equal to or exceed the standards of the City as shown in this Ordinance.

2. The combination or recombination of portions of previously subdivided and recorded lots if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the City as shown in this Ordinance.

3. The division of land into parcels greater than 10 acres if no street right-of-way dedication is involved.

4. The public acquisition by purchase of strips of land for widening or opening streets or for public transportation system corridors.

5. The division of a tract in single ownership the entire area of which is no greater than two acres, into not more than three lots, if no street right-of-way dedication is involved and if the resultant lots are equal to or exceed the standards of the City as shown in this Ordinance.

## NO SUBDIVISION WITHOUT FINAL PLAT APPROVAL

As provided in ~~GS 160A-375~~G.S. § 160D-807, no person shall subdivide land except in accordance with all of the provisions of this Ordinance. In particular, no person shall subdivide land unless a final plat of the subdivision has been approved in accordance with the provisions of this Article ~~2.3.(Minor subdivision final plat approval process) or Section 2.3.9 (major subdivision final plat approval process)~~ and recorded in the Wayne County Registry.

Whenever a final plat is approved to authorize development, nothing authorized by the final plat approval shall be done until the owner of the property records the plat in the Wayne County Registry, indexed under the book of maps and page number and returns a copy of the recorded plat to the Planning Department.

As provided in ~~GS 160A-373~~G.S. § 160D-803, the Wayne County Register of Deeds shall not record a plat of any subdivision within the City's planning jurisdiction unless the plat has been approved in accordance with the provisions of this Ordinance.

## MAJOR SUBDIVISION

A major subdivision is defined as a subdivision where any of the following conditions exist:

1. Public right-of-way dedication is necessary;

2. Variances are necessary or requested;

3. The subdivision has four or more lots; and

4. The entire tract to be subdivided is greater than three acres in size.

Major subdivisions are subject to a two-step approval process including:

1. Physical improvements to the land being subdivided are authorized by a preliminary subdivision plat. Preliminary subdivision plats shall follow the approval process as provided in ~~Section 2.3.4 of~~ this Ordinance;

2. Sale of lots is permitted after final plat approval as provided in ~~Section 2.3.9 (Major subdivision final plat approval process).~~this Ordinance.

~~Action on Major Subdivision~~ Preliminary Plats

Major subdivision ~~P~~preliminary ~~subdivision~~ plats ~~subject to City Council approval shall be reviewed by the Planning Commission prior to City Council action~~shall be reviewed by the Planning Director or their designee.~~. After reviewing the recommendation of the Planning Commission and City staff, the City Council shall approve or reject the application.~~

The ~~City Council~~Planning Director or their designee ~~may~~ shall approve a major subdivision preliminary plat if it meets the standards and requirements of this Ordinance and provides for the dedications and improvements, or payments and guarantees in lieu thereof, required by this Ordinance.

The ~~City Council~~Planning Director or their designee ~~may~~ shall reject the preliminary plat on any of the following grounds:

1. That it fails to fully comply with all applicable requirements of this Ordinance;

~~2. That it fails to adequately protect other property, or residential uses located on the same or adjacent property, from the potential adverse effects of a residential or non-residential use;~~

~~3. That it fails to provide harmony and unity with the development of nearby properties;~~

~~4~~2. That it fails to provide safe conditions for pedestrians or motorists, such as a dangerous arrangement of pedestrian and vehicular ways; or

~~5~~3. That it fails to provide safe ingress and egress for emergency services to the site.

~~The City Council may require additional road widening, road construction, traffic signals, restricted driveways, interconnectivity or other improvements if, in the opinion of the City Council, such improvements are necessary to provide safe conditions for pedestrians, motorists or adjoining properties.~~

~~The City Council may grant modifications to the road construction design standards and other requirements of Chapter 7 (Subdivision Regulations) provided the modifications will not cause any adverse impacts on the subject property or adjacent properties in the area.~~

If the ~~City Council~~Planning Department rejects the preliminary plat, then ~~the reasons therefore shall be stated in the record of action on the plat.~~a notice of determination shall be provided to the applicant via personal delivery, electronic mail, or first-class mail.

Changes to Previously Approved Preliminary Plats

The Planning Director or their designee shall have the authority to approve revisions to a previously approved preliminary plat, provided the following conditions are met:

1. That all changes conform to the minimum required standards for the zoning district in which the property is located;

2. That the effect of the landscaping, buffers, or screening on the site, or on the approved preliminary plat, is not diminished;

3. That the number of access points to public streets is neither increased nor substantially relocated;

4. That the circulation pattern provides for the safe, controlled, and orderly flow of pedestrians and vehicles;

5. That the changes do not otherwise violate any provision of this Ordinance, the City Code, or other applicable laws; and

6. That the use and development of the property is otherwise in full compliance with the requirements of this Ordinance and any conditions of approval.

~~The Director shall reserve the authority to refer any proposed changes to a preliminary plat to the City Council if he feels any of the above standards are not being met.~~

~~2.3.6 Failure of City Council to Act~~

~~Failure of the City Council to act on the preliminary plat within 90 days of receiving the preliminary plat and recommendations from the Planning Commission shall be deemed denial of the preliminary plat.~~

Effect and Duration of Preliminary Subdivision Plat Approval

Preliminary plat approval shall remain valid for two years from the date of approval, unless an associated ~~conditional~~ special use permit expires, in which case, the preliminary plat

shall also expire. Preliminary subdivision plans commenced within the two-year period shall have all phases of the subdivision completed within five years of preliminary plat approval.

Minor Subdivision Plats and Final Plats of approved Major Subdivisions ~~Approval Process~~

A minor subdivision is defined as a subdivision where all of the following conditions exist:

1. No public right-of-way dedication is necessary;

2. No variances are necessary or requested;

3. The subdivision has three lots or less; and

4. The entire tract to be subdivided is three acres or less in size.

~~Minor subdivisions require a one-step approval process, final plat approval in accordance with Section 2.3.4 (Minor subdivision final plat approval process).~~

The Planning Director or his designee shall approve or disapprove ~~minor~~ subdivisions and final plats in accordance with the provisions of this Ordinance.

The applicant for ~~minor~~ subdivision plat approval, before complying with the subsection below, shall submit a preliminary plan to the Planning Director for a determination of whether the approval process authorized by this Section may be and should be utilized. The Planning Director may require the applicant to submit whatever information is necessary to make this determination, including, but not limited to, a copy of the tax map showing the land being subdivided and all the lots previously subdivided from that tract within the previous five years.

Applicants for minor subdivision approval shall submit to the Planning Director a ~~copy of a minor subdivision plat~~ final plat conforming to the requirements set forth in Appendix A. The Planning Director shall take expeditious action on an application for a minor subdivision plat approval. However, ~~either the Planning Director or~~ the applicant may at any time refer the application to the major subdivision approval process.

Not more than three (3) lots shall be created out of one tract using the minor subdivision approval process, regardless of whether the lots are created at one time or over an extended period of two (2) years.

If the subdivision fulfills all the requirements of this Ordinance, the Planning Director shall approve it. If the subdivision does not fulfill one or more of the requirements of this Ordinance, the Planning Director shall furnish the applicant with a written ~~statement~~ decision of the reasons for its disapproval.

~~2.3.9 MAJOR SUBDIVISION PLAT FINAL APPROVAL PROCESS~~

~~A MAJOR SUBDIVISION IS DEFINED AS A SUBDIVISION WHERE ANY ONE OR MORE OF THE FOLLOWING EXIST:~~

~~1. DEDICATION OF A PUBLIC RIGHT-OF-WAY OR OTHER PUBLIC TRACTS;~~

~~2. THE ENTIRE TRACT TO BE SUBDIVIDED IS GREATER THAN THREE (3) ACRES; OR~~

~~3. THE RESULTANT SUBDIVISION WILL CREATE FOUR (4) OR MORE LOTS.~~

~~THE PLANNING DIRECTOR OR HIS DESIGNEE SHALL APPROVE THE FINAL PLAT UNLESS HE FINDS THAT THE PLAT OR THE PROPOSED SUBDIVISION FAILS TO COMPLY WITH ONE OR MORE OF THE REQUIREMENTS OF THIS ORDINANCE OR THAT THE FINAL PLAT DIFFERS SUBSTANTIALLY FROM THE PLANS AND SPECIFICATIONS APPROVED IN CONJUNCTION WITH THE PRELIMINARY PLAT THAT AUTHORIZED THE DEVELOPMENT OF THE SUBDIVISION.~~

~~APPLICANTS FOR MAJOR SUBDIVISION APPROVAL SHALL SUBMIT TO THE PLANNING DIRECTOR A COPY OF A MAJOR SUBDIVISION FINAL PLAT CONFORMING TO THE REQUIREMENTS SET FORTH IN APPENDIX A. IF THE PLANNING DIRECTOR DISAPPROVES THE FINAL PLAT, THE APPLICANT SHALL BE FURNISHED A WRITTEN STATEMENT OF THE REASONS FOR DISAPPROVAL.~~

## PLAT APPROVAL NOT ACCEPTANCE OF DEDICATION OFFERS

Approval of a final plat does not constitute acceptance by the City of the offer of dedication of any streets, sidewalks, parks or other public facilities shown on a plat. However, the City may accept any such offer of dedication by resolution of the Council or by actually exercising control over and maintaining such facilities.

## PLACEMENT OF PERMANENT REFERENCE POINTS

Prior to the approval of the final plat, permanent reference points shall have been placed in accordance with the following requirements.

1. Subdivision corner tie - At least one control corner of the subdivision shall be designed by course and distance (tie) from a readily discernible reference marker. If a corner is within 2,000 feet of a U.S. Coast and Geodetic Station or N. C. Grid System coordinated monument or City coordinated system, then this corner shall be marked with a monument so designated by computed X and Y coordinates which shall appear on the map with a statement identifying this station or monument and to an accuracy of 1:10,000. When such a monument or station is not available, the tie shall be made to a pertinent, readily recognizable landmark, identifiable point, physical object or structure.

2. Monuments - Within each block of a subdivision, at least two monuments designed as control corners shall be installed. All monuments shall be constructed of concrete and shall be at least four inches in diameter or square and not less than three feet in length. Each monument shall be imbedded in the ground and flush with its top to serve as the point, a copper or bronze wire at least four inches in length and not less than .3249 (#0) in diameter. Such monument shall be set at least 30 inches in the ground with at least six inches exposed above the ground unless this requirement is impractical because of traffic or other factors. The surveyor shall employ additional monuments when required.

3. Property markers - A steel or wrought iron pipe or the equivalent not less than three-fourths inches in diameter and at least 30 inches in length shall be set at all corners, except those located by monuments. A marker shall be set at a point of curve, point of intersection, property corner, point of tangency, reference point and tangent unless a monument has already been placed at these points. Additional markers shall be placed at other points of importance when required.

4. Accuracy - Land surveys within the City and the extraterritorial jurisdictional limits shall be at an accuracy of at least 1:10,000.

## APPEALS OF SUBDIVISION DECISIONS

Appeals of subdivision decisions shall follow the quasi-judicial process described in Section 2.4.9., Appeals. Decisions may be appealed to the Board of Adjustment or superior court.

## ~~2.12~~2.2.8. IMPROVEMENT GUARANTEES

### ~~2.12.1~~AGREEMENT

In lieu of meeting the requirement for the completion, installation and dedication of any and all improvements (e.g., landscaping, water, sewer, street lights, etc.) prior to final plat approval for subdivisions or certificate of occupancy for zoning, vested rights, zoning compliance, special use ~~and conditional use~~ permits, the City of Goldsboro or its authorized agent may enter into a written agreement with the developer whereby the developer shall agree to complete and warrant all required improvements. Once both parties sign the agreement and the security required herein is provided, the final plat or certificate of occupancy may be approved by the issuing authority, Zoning Administrator or authorized agent, if all other requirements of this Ordinance are met. To secure this agreement, the developer shall provide either one or a combination of the following guarantees equal to the entire cost of the improvements secured.

### ~~2.12.2~~SURETY PERFORMANCE ~~BOND(S)~~GUARANTEE

Pursuant to NC GS § 160D-804, specifically section (g), the~~The~~ developer shall obtain a performance guarantee ~~bond(s) from a surety bonding company authorized to do business in North Carolina, and approved~~ subject to approval by the Planning Director. The bond shall be payable to the City of Goldsboro (or its authorized agent) and shall be in an amount equal to ~~the entire~~125% of the remaining cost, as estimated by the developer and verified by the City, of installing all required improvements. ~~The duration of the bond(s) shall be up to one year after the City accepts the improvements.~~ Any expenses associated with the cost verification by the City shall be paid entirely by the developer.

### ~~2.12.3CASH OR EQUIVALENT SECURITY~~

~~The developer shall deposit cash, an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the City or its authorized agent or in escrow with a financial institution designated as an official depository of the City. The amount of deposit shall be equal to the entire cost, as estimated by the developer, and verified by the City, of installing all required improvements. Any expenses associated with the cost verification by the City shall be paid entirely by the developer. If cash or other instrument is deposited in escrow with a financial institution as provided above, then the developer shall file with the City of Goldsboro (or its authorized agent) an agreement between the financial institution and himself guaranteeing the following:~~

1. ~~That said escrow amount will be held in trust until released by the City of Goldsboro and may not be used or pledged by the developer in any other transaction during the term of the escrow; and~~

2. ~~That in case of a failure on the part of the developer to complete said improvements, the financial institution shall, upon notification of the City to the financial institution of an estimate of the amount needed to complete the improvements, immediately pay to the City the funds estimated to complete~~

~~the improvements, up to the full balance of the escrow account, or deliver to the City any other instruments fully endorsed or otherwise made payable in full to the City.~~

## ~~2.12.4~~ RELEASE OF GUARANTEE SECURITY

The City may release a portion of any security posted as the improvements are completed and recommended for approval by the Planning Director. Within thirty days after receiving the Planning Director's recommendation, the City Engineer shall approve or disapprove said improvements. When the City Engineer approves said improvements, the City shall immediately release the portion of the security posted which covers the cost of the approved improvements. Requests for release of any security shall be equal to at least 51% of the total security or the remainder in whole.

## ~~2.12.5MAINTENANCE WARRANTY~~WARRANTY AGAINST DEFECTS

The applicant shall warrant the improvements against defects in workmanship and materials for a period of one year from the date of acceptance of such improvements. In exceptional situations, where undue hardship would otherwise result and the shorter term would not be inconsistent with the purposes of this Ordinance, the City Engineer may approve a shorter-term ~~maintenance~~ guarantee. The ~~maintenance~~ guarantee shall be secured by a surety bond or cash escrow in an amount reflecting five percent of the cost of the completed improvements.

If necessary, the applicant shall construct and pay for all costs of any temporary improvements required by the City Engineer and shall maintain said temporary improvements for the period specified by the City Engineer.

Thirty days prior to the expiration of the ~~maintenance~~ guarantee instrument, if any defects in workmanship and/or materials are not repaired to the satisfaction of the City Engineer, the applicant/developer shall be required to make all necessary repairs immediately.

## ~~2.12.6~~DEFAULT

Upon default, meaning failure on the part of the developer to complete or warrant the required improvements in the time required by this Ordinance or as spelled out in the performance ~~bond~~ guarantee or an escrow agreement, then the surety, or financial institution holding the escrow account, shall pay all or any portion of the ~~bond or escrow fund to~~guarantee the City of Goldsboro up to 125% of the amount needed to complete the improvements based on an estimate by the City. Upon payment, the City, in its discretion, may expend such portion of said funds, as it deems necessary to complete or repair all or any portion of the required improvements. The City shall return to the developer any funds not spent in completing the improvements.

## ~~2.9~~2.2.9. ZONING COMPLIANCE CERTIFICATES ~~APPROVAL~~

### PURPOSE

A zoning compliance certificate is required to ensure that a proposed development complies with all the applicable standards of this Ordinance.

### APPROVAL PROCEDURE

A certificate of zoning compliance shall be required prior to approval of all residential and non-residential building permits not covered by any other approval process in this Ordinance and before the issuance of the final certificate of occupancy for all projects. A zoning compliance certificate shall also be required for any change in use or change in occupancy that triggers additional off-street parking, landscaping, buffering or other requirements in accordance with this Ordinance.

An application for a certificate of zoning compliance shall be filed with the Planning Department on a form prescribed by the department.

### STAFF REPORT

The planning/inspections/engineering staff shall review zoning compliance requests in light of the approval criteria listed below and the standards of this Ordinance and provide to the Planning Director its recommendation regarding whether to approve or reject the zoning compliance certificate.

### APPROVAL CRITERIA

The approval criteria for a zoning compliance certificate shall be all the zoning standards contained in this Ordinance that are applicable to the proposed use and type of development.

### PLANNING DIRECTOR ACTION ON ZONING COMPLIANCE CERTIFICATE

After reviewing the recommendations of the staff and within thirty days of the receipt of a completed application, the Planning Director shall:

1. Approve the application as made; or
2. Approve the application with modification; or
3. Reject the application.

## REHEARING

If the Planning Director decides to reject the application, the applicant shall have thirty days from the date of rejection to submit a corrected application without paying another application fee. If a corrected application is not resubmitted within thirty days, the application shall be considered withdrawn and a new application fee shall be required for future submissions.

## APPEALS

Appeals of subdivision decisions shall follow the quasi-judicial process described in Section 2.4.9, Appeals. Decisions may be appealed to the Board of Adjustment or superior court.~~Any person aggrieved may appeal any order or decision of the Administrator, Inspector or his designee to the Board of Adjustment. An appeal is taken by filing with the Administrator and the Board of Adjustment a written notice of appeal specifying the reasons for the appeal. A notice of appeal shall be considered filed with the Administrator and the Board of Adjustment when delivered to the Planning Department. The date and time of the filing shall be entered on the notice by the planning staff. An appeal must be taken within thirty days after the date of the decision or order appealed from.~~

2.2.10 Watershed Protection

## PERMITS REQUIRED

Within certain areas of the City designated as Watershed Areas - (Critical Area) or (Protected Area) additional permits are needed for certain types of land disturbing activities. Except where a single family residence is constructed on a lot deeded prior to the effective date of this ordinance, no building or built-upon area shall be erected, moved, enlarged or structurally altered, nor shall any building permit be issued nor shall any change in the use of any building or land be made until a Watershed Protection Permit has been issued by the Watershed Administrator. No Watershed Protection Permit shall be issued except in conformity with the provisions of Section 5.8 (Water Supply Watershed Protection Overlay District).

Where development exceeds either two residential units per acre or 24 percent built upon area, a High Density Development Permit shall be required. High Density Development Standards are outlined in Section 5.8 of this Ordinance.

No permit required under the North Carolina State Building Code shall be issued for any activity for which a Watershed Protection Permit or High-Density Development Permit is required until that permit has been issued.

The Watershed Administrator shall issue a Watershed Protection Occupancy Permit certifying that all requirements of Section 5.8 of this ordinance have been met prior to the occupancy or use of a building hereafter erected, altered or moved and/or prior to the change of use of any building or land.

Watershed Protection Permits are issued under this Ordinance only when the application and necessary plans have been submitted and indicate that the development will comply with the provisions of this Ordinance. Such plans and applications as are finally approved are incorporated into any permit issued. All development shall occur strictly in accordance with approved plans and applications.

All permits shall be issued in the name of the applicant or the principal, if submitted by an agent. The permit shall identify the property involved, the proposed use, incorporate by reference the plans submitted and contain any special conditions or requirements lawfully imposed by the permit issuing authority.

A Watershed Protection Permit shall expire if a Building Permit or Watershed Occupancy Permit for such use is not obtained by the applicant within six (6) months from the date of issuance.

## WHO MAY SUBMIT PERMIT APPLICATIONS/ SUBMISSION REQUIREMENTS

Applications for Watershed Protection Permits and High Density Development Permits will be accepted only from persons having the legal authority to take action in accordance with the permit or subdivision plat approval. By way of illustration, this means that applications should be made by the owners, their agents, lessees or persons who have contracted to purchase the property contingent upon permit approval. The Watershed Administrator may

require an applicant to submit evidence of his authority to make the application, whenever there appears to be a reasonable basis for questioning this authority.

## APPLICATION DEADLINES

All applications for permits requiring Planning Commission, City Council or Watershed Review Board or administrative review shall be submitted to the Watershed Administrator four weeks prior to the date of the meeting at which the application will be reviewed.

## STAFF CONSULTATION BEFORE FORMAL APPLICATION

To minimize development planning costs, avoid misunderstanding or misinterpretation and ensure compliance with the requirements of this Ordinance, pre-application consultation between the developer and the planning staff may be required. The applicant is encouraged to arrange a pre-application consultation at least ten days prior to the application deadline.

The Administrator shall meet with the developer as soon as possible to review the preliminary plan. Before submitting an application for any other permit, developers are strongly encouraged to consult with the planning staff concerning the application of this Ordinance to the proposed development.

## STAFF CONSULTATION AFTER THE APPLICATION HAS BEEN SUBMITTED

Upon receipt of a formal application for a Watershed Protection Permit, the Administrator shall review the application and confer with the applicant to ensure that he understands the planning staff's interpretation of the requirements of this Ordinance, that he has submitted all of the information that he intends to, and that the application and accompanying plans represents precisely and completely what he proposes to do. However, if the Administrator believes that the application is incomplete, he shall reject the application and inform the applicant of its deficiencies.

## GENERAL THRESHOLDS FOR DETERMINING APPROVAL AUTHORITY

The Watershed Administrator shall issue Watershed Protection Permits and Watershed Protection Occupancy Permits as prescribed herein. A record of all permits shall be kept on file and shall be available for public inspection during regular office hours of the Administrator.

The City Council may approve high-density development proposals consistent with the following standards:

(1) WS-IV Watershed Areas- Critical Area (WS-IV-CA). Where new development exceeds either 2 dwelling units per acre or 24% built-upon area, engineered stormwater controls shall be used to control runoff from the first inch of rainfall and development shall not exceed 50% built-upon area.

(2) WS-IV Watershed Areas- Protected Area (WS-IV-PA). Where new development exceeds either 2 dwelling units per acre or 24% built-upon area or 3 dwelling units per area or 36% built-upon area for projects without curb and gutter street systems, engineered stormwater controls shall be used to control runoff from the first inch of rainfall and development shall not exceed 70% built-upon area.

Application for a High Density Development shall be approved by the City Council.

## WATERSHED PROTECTION PERMITS CRITERIA FOR APPROVAL

A completed application form and the accompanying plans for a Watershed Protection Permit shall be submitted by filing a copy of the application with the Watershed Administrator in the Planning Department. A Watershed Protection Occupancy Permit, either for the whole or part of a building shall be applied for coincident with the application for the Watershed Protection Permit, and shall be issued or denied within ten (10) days after the erection or structural alterations of the building have been satisfactorily completed. The Watershed Administrator shall issue the Watershed Protection Permit unless he finds, after reviewing the application and consulting with the applicant that:

1) The permit request is not within his review authority according to the general thresholds for approval; or

2) The application is incomplete; or

3) If completed as proposed in the application the development will not comply with one or more requirements of this Ordinance, with special attention to Section 5.8, Water Supply Watershed Protection Overlay. District

Council Actions on High Density Development Permits

In considering whether to approve an application for a High Density Development Permit, the Council shall proceed according to the following format. The Council vote need only achieve a simple majority to reach a decision.

The Council shall consider whether the application complies with all the applicable requirements of this Ordinance. If a motion to this effect passes, the Council need not make further findings concerning such requirements and may issue the permit. If such a motion fails or is not made, a motion shall be made that the application be found not in compliance with one or more of the requirements of this Ordinance. Such a motion shall specify the requirements that have not been met.

If the Council concludes that the application complies with all other provisions of this Ordinance, it may still deny the permit if it concludes, based upon information submitted, that, if completed as proposed, the development:

1. Will materially endanger the public health or welfare; or

2. Will substantially injure the beneficial use of adjoining or abutting property; or

3. Will not be in harmony with existing development and uses within the area in which it is located; or

4. Will not be in general conformity with the Comprehensive Plan, Thoroughfare Plan or other plan officially adopted by the Council.

Such a motion shall propose specific findings, based upon the evidence submitted, justifying such a conclusion.

Watershed Review board Actions on Watershed Protection Permits

The Watershed Review Board shall hear and decide appeals from any decision or determination made by the Watershed Administrator in the enforcement of this ordinance.

Expiration of Permits

A Watershed Protection Permit shall expire if a Building Permit for such use is not obtained by the applicant within one (1) year from the date of issuance.

Effects of Permit on Successors and Assigns

Watershed Protection Permits authorize the permittee to make use of the land and structures in a particular way. Such permits are transferable. However, so long as the land, structures or any portion thereof covered under a permit continues to be used for the purposes for which the permit was granted, then:

1. No person shall make use of the land or structures covered under the permit except in accordance with all the terms and requirements of that permit; and

2. The terms and requirements of the permit apply to and restrict the use of the land or structures covered under the permit, not only with respect to all persons having any interest in the property at the time the permit was obtained, but also to persons who subsequently obtain an interest in all or part of the covered property and want to use it for a purpose other than that for which the permit was originally issued, so long as the person(s) who subsequently obtained an interest in the property had actual or record notice (as provided for below) of the existence of the permit at the time they acquired their interest.

Hearing

Whenever the Administrator denies a Watershed Protection Permit, on any basis other than a failure of the applicant to submit a completed application, such action may be appealed to the Watershed Review Board by the person aggrieved within thirty days of the notification to deny the permit by following the procedures described in this Ordinance.

Whenever the Administrator denies a Watershed Protection Permit on any basis other than the failure of the applicant to submit a completed application, such action shall not be reconsidered by the respective issuing authority unless the applicant clearly demonstrates that:

1) Circumstances affecting the property have substantially changed; or

2) New information is available that could not, with reasonable diligence, have been presented at the previous meeting. A request to be heard on this basis must be filed within thirty days of the notification of the decision to deny the first application. However, such a request does not extend the period within which an official legal appeal must be filed with the superior court. (See Section 3.2.7 - Judicial review).

Notwithstanding the subsection above, the City Council, Watershed Review Board or Planning Director may at any time consider a new application affecting the same property as an application previously denied. A new application is one that differs in some substantial way from the one previously considered. For the purposes of determining fees, resubmission of an application shall be treated as a new application subject to new fees.

## ~~3.3~~2.3 LEGISLATIVE ~~Hearing PROCEDURES~~PROCESSES

Pursuant to NC GS § 160D Article 6, the procedure for legislative amendments to development regulations (i.e. – this Ordinance) and the official zoning map are herein described.

### 2.3.~~5~~1. STAFF REPORT

The planning staff shall review each request in light of the ~~approval criteria listed in the Sections below~~standards of this Ordinance and provide to the ~~City Council and/or Planning Commission~~reviewing authority its analysis of the consistency of the requested action with these standards and any adopted plans as well as its recommendation regarding whether to approve or deny the request.

### ~~2.6.8~~ 2.3.2.STAFF AND PLANNING COMMISSION REVIEW

~~Following the public hearing, the rezoning~~All legislative requests shall be reviewed by Planning Department and then the Planning Commission. At the Planning Commission's meeting, the staff shall present its recommendation. After taking into account the staff recommendation, and reviewing all other pertinent information, the Planning Commission shall formulate a recommendation for the City Council.

### ~~3.3.1~~ 2.3.3. HEARING REQUIRED ~~ON APPLICATIONS AND APPEALS~~

Before making a decision on ~~a rezoning application, conditional district application or the amendment to or adoption/repeal of any part of this Ordinance~~a legislative process, the City Council ~~and/or Planning Commission~~ shall hold a public hearing on the issue.

The hearing shall be open to the public and all persons shall be given an opportunity to speak. Broad public comment is encouraged. The Council may place reasonable and equitable limitations on speakers so that the matter at issue may be heard and decided without undue delay.

The Council may continue the hearing until a subsequent meeting and may keep the hearing open to take additional information up to the point the final decision is made. No further notice of a continued hearing need be published as long as the date, time and location of the continued hearing is announced prior to the close of the initial hearing.

### ~~3.3.2~~2.3.4 NOTICE OF HEARING

The Administrator shall give notice of any hearing required by ~~Section 3.3.1 (above)~~ NC GS § 160D-602, and, to the extent not inconsistent with, as follows:

1. Notice of the public hearing shall be published once a week for two successive weeks in a newspaper having general circulation in the area. The notice shall be published for the first time not less than ten days or more than twenty-five days before the date of the hearing. In computing this period, the date of publication shall not be counted, but the date of the hearing shall be.

2. Notice of a rezoning or conditional rezoning~~district rezoning~~ public hearing shall be given to neighboring property owners by mailing a written notice not less than ten days but no more than twenty-five days before the hearing to those persons who have listed for taxation real property any portion of which is within 100 feet of the lot that is the subject of the petition.

3. If a rezoning or ~~conditional district rezoning~~conditional zoning directly affects more than fifty properties owned by at least fifty different property owners, notice shall be given through the requirements of ~~GS 160A-384(b)~~G.S. § 160D-602(b).

4. The notice required by this Section shall set the date, time and place of the hearing, reasonably identify the lot that is the subject of the petition and give a brief description of the action requested or proposed.

### ~~3.3.3~~2.3.5. EVIDENCE

No rules of evidence are required for a legislative hearing. Members of the Council are permitted to discuss the case and gather information outside of the hearing. Exhibits including, photographs, documents, maps etc. may be presented at the hearing. Any exhibit presented becomes part of the record and must be retained by the issuing authority.

### ~~3.3.4 PROTEST PETITIONS – REMOVE AND RENUMBER SECTION~~

~~REPEALED N.C.G.S 160A-385(A) BY SESSION LAWS 2015-160 EFFECTIVE AUGUST 1, 2015.~~

### ~~3.3.5~~2.3.6. MODIFICATION OF APPLICATION AT HEARING

In response to questions or comments by persons appearing at the hearing or to suggestions by the City Council, Planning Commission or City Staff, the applicant may agree to modify his application, including the plans and specifications submitted.

Unless such modifications are so substantial or extensive that the Council cannot reasonably be expected to perceive the nature and impact of the changes without revised plan review, the issuing authority may approve the application with the stipulation that the permit will not be issued until plans reflecting the agreed upon changes are submitted to and accepted by the planning staff.

~~THE CITY COUNCIL SHALL NOT PERMIT AN AMENDMENT TO AN APPLICATION THAT WOULD DELETE A PORTION OF LAND SUFFICIENT TO CHANGE THE VOTING REQUIREMENTS FOR APPROVAL OF AN APPLICATION WHEN A VALID PROTEST PETITION HAS BEEN FILED.~~

### ~~3.3.6~~2.3.7. RECORD

A record shall be made of all hearings, such recordings shall be kept as provided by state law. Minutes, identifying speakers and summarizing their testimony, shall also be kept of all such proceedings, but a transcript need not be made. Documentary evidence and exhibits presented at a hearing may be made a part of the record of the proceedings.

### ~~3.3.7~~2.3.8. WRITTEN DECISION

Any decision made by the City Council regarding a rezoning or Ordinance amendment shall become part of the public record.

## ~~3.3.8~~2.3.9. JUDICIAL REVIEW

Every decision of the City Council granting, denying or revoking a legislative ~~rezoning or text amendment~~decision shall be subject to review by the Superior Court of Wayne County by proceedings in the nature of certiorari.

The petition for the writ of certiorari must be filed with the Wayne County Clerk of the Court within thirty days after the following occurs.

1. A written copy of the Council's decision has been filed in the office of the Planning Department; and

2. A written copy of the Council's decision has been delivered by personal service or certified mail, return receipt requested, to the applicant or appellant and every other aggrieved party who has filed a written request for such copy at the hearing of the case.

A copy of the writ of certiorari shall be served upon the City of Goldsboro.

## ~~2.6~~2.3.10. REZONINGS ~~APPROVAL~~

### PURPOSE

The City Council in accordance with the procedures set forth in this Section, may amend/change the classification of a property appearing on the Official Zoning Map, also known as a "rezoning." The purpose is not to relieve particular hardships, nor to confer special privileges, but only to make adjustments to the Zoning Map that are necessary in light of changed conditions or changes in public policy or that are necessary to advance the general welfare of the City.

### CONDITIONAL ZONING DIFFERENTIATED

The following standards specifically apply to conventional rezonings. ~~This Section shall not~~ Applicable parts of this section may also apply to the review of ~~conditional district rezonings~~conditional zoning districts, which are ~~covered~~ further described in Section 2.3.11, Conditional Zoning Districts).~~2.5 (Conditional District Zoning Approval).~~

### APPROVAL PROCEDURE

A rezoning may be initiated by any review or decision-making body, any owner (or legally authorized agent) of a legal or equitable interest in land located in the City or its extraterritorial jurisdiction.

All applications for rezonings shall be submitted four weeks prior to the date of the next regularly scheduled meeting at which public hearings are held and applications reviewed. Such meetings, concerning amendments, rezonings or repeals are held monthly at the second regular meeting of the City Council or at a special meeting or meetings as fixed by the City Council.

An application may be withdrawn if a written request is submitted to the Department of Planning and Community Development at least three (3) business days before the first notice of public hearing publish date. Withdrawal requests received after the abovementioned deadline must be approved or denied by the City Council at the scheduled public hearing. If an application is allowed to be withdrawn a new application may not submitted until the expiration of six months from the date of withdrawal. The Council, however, at its own discretion, may waive or modify the six-month waiting period.

~~The City Council shall not permit an amendment to an application that would delete a portion of land sufficient to change the voting requirements for approval when a valid protest petition, as detailed in Section 3.3.4, has been filed or allow the withdrawal of an application when a valid protest petition has been filed.~~

When considering a rezoning application, neither the City Council nor Planning Commission shall evaluate the application based on any specific proposal for the use or development of the affected property. The applicant shall avoid using any graphic materials or descriptions of the proposed use or development except those that would apply to any use permitted in the requested district.

## APPROVAL CRITERIA

In deciding whether to approve a rezoning, the Planning Commission and the City Council shall consider the following factors:

1. The proposed rezoning corrects an error or meets the challenge of some changing condition, trend or fact.

~~1~~2. The proposed rezoning is compatible with the City of Goldsboro Comprehensive Plan and accompanying Land Use Plan Map.

~~2~~3. The proposed rezoning and the range of uses permitted in the requested zoning district are compatible with the surrounding zoning patterns and land uses.

~~3~~4. The City or other service providers will be able to provide sufficient public safety service, meet transportation and utility demands to the subject property, while maintaining sufficient levels of service to existing developments.

~~4~~5. The proposed rezoning will not impair or injure the health, safety and general welfare of the public.

## PUBLIC HEARING REQUIRED

A public hearing shall be held in accordance with the procedures detailed in Section ~~3.3~~2.3, ~~(Legislative Hearing Procedures).~~ Legislative Processes.

## CITY COUNCIL ACTION ON REZONINGS

After reviewing the reports and recommendations of the City staff and Planning Commission and considering the views discussed at the public hearing, the City Council shall, within ninety days of the public hearing, based on the approval criteria listed in Section 2.6.6 (Approval Criteria), do one of the following:

1. Approve the rezoning or conditional zoning district; or
2. Approve the rezoning or conditional zoning district, but to a more restrictive district, with consent from the applicant (See below); or
3. Approve the rezoning or conditional zoning district, but with a reduction in the area requested; or
4. Approve the rezoning or conditional zoning district with a combination of 2 and 3 above; or
5. Reject the proposed rezoning or conditional zoning district; or

6. Refer the proposed rezoning or conditional zoning district back to the Planning Commission and City staff for further consideration.

7. Approve as a conditional zoning district with conditions agreed to by the applicant.

~~**THE CITY COUNCIL, WITH OR WITHOUT A RECOMMENDATION FROM THE PLANNING COMMISSION, MAY REZONE THE PROPERTY TO ANY ZONING DISTRICT THAT IS CLASSIFIED HIGHER AND MORE RESTRICTIVE THAN THE REQUESTED DISTRICT IN THE APPLICATION, BUT ONLY WITH THE WRITTEN CONSENT OF THE APPLICANT. SEE SECTION 5.1.3 (GENERAL USE DISTRICTS) FOR A LISTING OF DISTRICTS FROM HIGHEST TO LOWEST CLASSIFICATION.**~~

## REHEARING

No reapplication, connected to the same property or any part thereof, for a rezoning shall be filed until the expiration of six months from the date of denial, unless the City Council finds that there has been a substantial change in the conditions or circumstances bearing on the application. The six-month waiting period shall not be applicable or otherwise be involved in the filing of a new application for a change of zone for all or any part of the property previously considered by the City Council where the new application requests a change of zone to a more restrictive zoning district classification.

~~2.6.11 JUDICIAL REVIEW~~

~~EVERY DECISION OF THE CITY COUNCIL GRANTING, DENYING OR REVOKING A LEGISLATIVE REZONING OR TEXT AMENDMENT SHALL BE SUBJECT TO REVIEW BY THE SUPERIOR COURT OF WAYNE COUNTY BY PROCEEDINGS IN THE NATURE OF CERTIORARI.~~

~~THE PETITION FOR THE WRIT OF CERTIORARI MUST BE FILED WITH THE WAYNE COUNTY CLERK OF THE COURT WITHIN THIRTY DAYS AFTER THE FOLLOWING OCCURS:~~

~~1. A WRITTEN COPY OF THE COUNCIL'S DECISION HAS BEEN FILED IN THE OFFICE OF THE PLANNING DEPARTMENT; AND~~

~~2. A WRITTEN COPY OF THE COUNCIL'S DECISION HAS BEEN DELIVERED BY PERSONAL SERVICE OR CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO THE APPLICANT OR APPELLANT AND EVERY OTHER AGGRIEVED PARTY WHO HAS FILED A WRITTEN REQUEST FOR SUCH COPY AT THE HEARING OF THE CASE.~~

~~A COPY OF THE WRIT OF CERTIORARI SHALL BE SERVED UPON THE CITY OF GOLDSBORO.~~

~~2.6.12 SECTION RESERVED~~

## 2.3.11. ~~2.5~~ CONDITIONAL ~~DISTRICT REZONING~~ZONING DISTRICTS~~APPROVAL~~

## PURPOSE

Conditional zoning districts (CZD) are zoning districts in which the development and use of the property is subject to predetermined ordinance standards and the rules, regulations, and conditions imposed as part of the legislative decision creating the district and applying it to the particular property.

A conditional zoning district allows particular uses to be established only in accordance with specific standards and conditions pertaining to each individual development project. Some land uses are of such a nature or scale that they have significant impacts on both the

immediately surrounding area and on the entire community, which cannot be predetermined and controlled by general district standards. There are also circumstances in which a general district designation allowing such a use by right would not be appropriate for a particular property even though the use itself could, if properly planned, be appropriate for the property consistent with the objectives of these regulations and the adopted Comprehensive Land Use Plan. The review process established in this Part provides for the accommodation of such uses by a reclassification of property into a conditional zoning district, subject to specific conditions, which ensure compatibility of the use with the use and enjoyment of neighboring properties.

## CONDITIONAL ZONING DISTRICTS ESTABLISHED

A parallel conditional zoning district is a conditional zoning district in which the potential permitted use or uses are, except as limited by the conditions imposed on the district, of the same character or type as the use or uses permitted in a general district having a parallel designation or name. The following parallel zoning district categories are conditional zoning districts:

**Conditional Zoning Districts (CZDs)**

| | |
|---|---|
| ***Agricultural – AG CZD*** | ***Office-Residence – OR CZD*** |
| ***Residential – R-40 CZD*** | ***Office and Institutional – O&I-1 CZD*** |
| ***Residential – R-20A CZD*** | ***Office and Institutional – O&I-2 CZD*** |
| ***Residential – R-20 CZD*** | ***Neighborhood Business – NB CZD*** |
| ***Residential – R-16 CZD*** | ***Central Business District – CBD CZD*** |
| ***Residential – R-12SF CZD*** | ***Highway Business – HB CZD*** |
| ***Residential – R-12 CZD*** | ***Shopping Center – SC CZD*** |
| ***Residential – R-9SF CZD*** | ***General Business – GB CZD*** |
| ***Residential – R-9 CZD*** | ***Airport Business – AB CZD*** |
| ***Residential – R-6SF CZD*** | ***Light Industry – I-1 CZD*** |
| ***Residential – R-6 CZD*** | ***General Industry – I-2 CZD*** |
| ***Residential – RM-9 CZD*** | |
| ***Residential – RM-8 CZD*** | |

Note: The Planned Industrial and Business Park districts do not have a corresponding CD.

## PROCEDURE

A rezoning to a CD shall be initiated only by an application signed by all the owners of the property or by an agent who has written authorization from all of the owners to file such application for such amendment.

The applicant shall submit an application for a CZD along with a ~~site plan~~concept plan that shall specify the location(s) of use(s) ~~or uses~~ that are intended for the property, major roads and external connections, open spaces, as well as any additional conditions on the use of the property that the applicant proposes. The conditions may include, but shall not be limited to the location of uses on the site; number of dwelling units; location and extent of accessory and support facilities, such as sidewalks, parking, driveways, access streets; the extent and character of buffer areas; the location, character and extent of open space; the height of any structure; or the timing of the development. ~~The City Council may waive the~~

~~site plan requirement at the time of rezoning provided a site plan is approved by the City Council prior to the issuance of any construction approvals.~~ A public hearing is not required for concept ~~site~~ plan approval unless specified as a condition of rezoning approval by the City Council. Any site plan drawing or subdivision plat meeting the standards above and the standards of Sections 2.2.6. or 2.2.7, and with uses clearly designated, and approved by Council as part of a Conditional Rezoning shall not require additional review as a special use, even if identified as such on the Table of Permitted Uses (See table in Section 5.4).

A concept plan shall include the following:

1. The correct number of external, cross-access, and adjacent property stub-out access points, although the exact location may be modified through subsequent review.

2. The uses desired and their general location and intensity or density. Conditional zoning shall include a table of permitted uses for the proposed district. It shall include all uses listed in the table of permitted uses and whether they are included or excluded

~~1.~~3. The appropriate setbacks, dimensional standards, and other regulations for each zoning district, use, or area. Conditional zoning requests shall include a table of dimensional standards based on the general zoning district with any updated or altered dimensions.

All applications for CD's shall be submitted four weeks prior to the date of the next regularly scheduled meeting at which public hearings are held and applications reviewed.

~~2.5.4 STAFF CONSULTATION BEFORE FORMAL APPLICATION~~

~~TO MINIMIZE DEVELOPMENT AND PLANNING COSTS, AVOID MISUNDERSTANDING OR MISINTERPRETATION AND ENSURE COMPLIANCE WITH THE REQUIREMENTS OF THIS ORDINANCE, PRE-APPLICATION CONSULTATION BETWEEN THE DEVELOPER AND THE PLANNING STAFF MAY BE REQUIRED AS PROVIDED BY THIS SECTION. THE APPLICANT IS ENCOURAGED TO ARRANGE A PRE-APPLICATION CONSULTATION AT LEAST TEN DAYS PRIOR TO THE APPLICATION DEADLINE.~~

~~THE PLANNING DIRECTOR OR HIS DESIGNEE SHALL MEET WITH THE DEVELOPER AS SOON AS POSSIBLE TO REVIEW THE CONDITIONAL DISTRICT APPLICATION. BEFORE SUBMITTING AN APPLICATION FOR ANY OTHER PERMIT, DEVELOPERS ARE STRONGLY ENCOURAGED TO CONSULT WITH THE PLANNING STAFF CONCERNING THE APPLICATION OF THIS ORDINANCE TO THE PROPOSED DEVELOPMENT.~~

~~2.5.5 STAFF REPORT~~

~~THE PLANNING STAFF SHALL REVIEW EACH CD REZONING REQUEST IN LIGHT OF THE APPROVAL CRITERIA LISTED IN THE SECTION BELOW AND PROVIDE TO THE CITY COUNCIL AND/OR PLANNING COMMISSION ITS RECOMMENDATION REGARDING WHETHER TO APPROVE OR DENY THE CD REZONING.~~

## STAFF AND PLANNING COMMISSION REVIEW

The CD request shall be reviewed by the Planning Commission. At the Planning Commission's meeting, the staff shall present its recommendation. After taking into account the staff recommendation, and reviewing all other pertinent information, the Planning Commission shall formulate a recommendation for the City Council.

## PUBLIC HEARING REQUIRED

Before the City Council makes a final determination on any ~~CD rezoning~~conditional zoning district, a public hearing shall be held in accordance with the procedures detailed in ~~Section 3.3~~Section 2.3 Legislative Processes. ~~(Legislative Hearing Procedures).~~

## APPROVAL CRITERIA

In deciding whether to approve a ~~Conditional District rezoning~~conditional zoning district, the Planning Commission and the City Council shall consider the factors listed in 2.3.10., Rezoning approval criteria.~~following factors:~~

~~1. THE PROPOSED REZONING CORRECTS AN ERROR OR MEETS THE CHALLENGE OF SOME CHANGING CONDITION, TREND OR FACT;~~

~~2. THE PROPOSED REZONING IS COMPATIBLE WITH THE CITY OF GOLDSBORO COMPREHENSIVE PLAN AND ACCOMPANYING LAND USE PLAN MAP;~~

~~3. THE PROPOSED REZONING AND THE RANGE OF USES PERMITTED IN THE REQUESTED ZONING DISTRICT ARE COMPATIBLE WITH THE SURROUNDING ZONING PATTERNS AND LAND USES;~~

~~4. THE CITY OR OTHER SERVICE PROVIDERS WILL BE ABLE TO PROVIDE ADEQUATE PUBLIC FACILITIES AND SERVICES INTENDED TO SERVE THE SUBJECT PROPERTY, INCLUDING BUT NOT LIMITED TO ROADWAYS, PUBLIC TRANSPORTATION, PARKS AND RECREATIONAL FACILITIES, POLICE AND FIRE PROTECTION, SCHOOLS, STORMWATER DRAINAGE SYSTEMS, WATER SUPPLIES, AND WASTEWATER TREATMENT AND GARBAGE SERVICES;~~

~~5. THE PROPOSED RECLASSIFICATION WILL NOT ADVERSELY AFFECT A KNOWN ARCHAEOLOGICAL, ENVIRONMENTAL, HISTORICAL, OR CULTURAL RESOURCE; AND~~

~~6. THE PROPOSED REZONING WILL NOT IMPAIR OR INJURE THE HEALTH, SAFETY AND GENERAL WELFARE OF THE PUBLIC.2.5.6 APPROVAL OF CONDITIONAL DISTRICT REZONING~~

~~CONDITIONAL ZONING DISTRICT DECISIONS ARE A LEGISLATIVE PROCESS SUBJECT TO JUDICIAL REVIEW USING THE SAME PROCEDURES AND STANDARD OF REVIEW AS APPLY TO GENERAL USE DISTRICT ZONING DECISIONS. CONDITIONAL ZONING DISTRICT DECISIONS SHALL BE MADE IN CONSIDERATION OF IDENTIFIED RELEVANT ADOPTED LAND USE PLANS FOR THE AREA, INCLUDING, BUT NOT LIMITED TO, COMPREHENSIVE PLANS, STRATEGIC PLANS, DISTRICT PLANS, AREA PLANS, NEIGHBORHOOD PLANS, CORRIDOR PLANS, AND OTHER LAND-USE POLICY DOCUMENTS. IN CONSIDERING ANY PETITION FOR A CONDITIONAL ZONING DISTRICT, THE COUNCIL SHALL, AFTER RECEIVING THE REPORT AND RECOMMENDATION OF THE PLANNING COMMISSION, CONSIDER THE REPORTS AND RECOMMENDATIONS OF THE PLANNING COMMISSION, THE PLANNING COMMISSION STAFF, AND OTHER DEPARTMENTS. WITHIN NINETY (90) DAYS OF THE PUBLIC HEARING, THE CITY COUNCIL SHALL EITHER REJECT THE PROPOSED AMENDMENT OR ADOPT AN ORDINANCE ENACTING THE PROPOSED AMENDMENT WITH OR WITHOUT MODIFICATIONS.~~

~~IN APPROVING AN AMENDMENT TO RECLASSIFY PROPERTY TO A CONDITIONAL ZONING DISTRICT, AND WITH THE CONSENT OF THE PETITIONER, THE CITY COUNCIL MAY CHANGE THE EXISTING CLASSIFICATION OF THE PROPERTY, OR ANY PART OF THE PROPERTY COVERED BY THE PETITION, TO THE CLASSIFICATION REQUESTED, TO A CLASSIFICATION OR CLASSIFICATIONS BETWEEN THE EXISTING AND THE REQUESTED CLASSIFICATIONS, OR TO ANY HIGHER CLASSIFICATION IN THE HIERARCHY OF ZONING DISTRICTS ESTABLISHED IN SECTION 5.1. THIS ACTION MAY OCCUR WITHOUT THE WITHDRAWAL OR MODIFICATION OF THE PETITION OR FURTHER PUBLIC HEARINGS.~~

~~IN APPROVING A PETITION FOR THE RECLASSIFICATION OF PROPERTY TO A CONDITIONAL ZONING DISTRICT, THE PLANNING COMMISSION MAY RECOMMEND, AND THE CITY COUNCIL REQUEST, THAT REASONABLE AND APPROPRIATE CONDITIONS BE ATTACHED TO APPROVAL OF THE PETITION. ANY SUCH CONDITIONS SHOULD RELATE TO THE RELATIONSHIP OF THE PROPOSED USE TO SURROUNDING PROPERTY, PROPOSED SUPPORT FACILITIES SUCH AS PARKING AREAS AND DRIVEWAYS, PEDESTRIAN AND VEHICULAR CIRCULATION SYSTEMS, SCREENING AND BUFFER AREAS, THE TIMING OF DEVELOPMENT, STREET AND RIGHT-OF-WAY IMPROVEMENTS, WATER AND SEWER IMPROVEMENTS, STORM WATER DRAINAGE, THE PROVISION OF OPEN SPACE, AND OTHER MATTERS THAT THE CITY COUNCIL MAY FIND APPROPRIATE OR THE PETITIONER MAY PROPOSE. SUCH CONDITIONS TO APPROVAL OF THE PETITION MAY INCLUDE DEDICATION TO THE CITY, COUNTY OR STATE, AS APPROPRIATE, OF ANY RIGHTS-OF-WAY OR EASEMENTS FOR STREETS, WATER, SEWER, OR OTHER PUBLIC UTILITIES NECESSARY TO SERVE THE PROPOSED DEVELOPMENT. A REZONING TO A CD IS SUBJECT TO THE PROTEST PETITION PROVISIONS AS DETAILED IN SECTION 3.3.4 OF THIS CODE.~~

~~CITY COUNCIL ACTION ON CONDITIONAL DISTRICTS~~

~~AFTER REVIEWING THE REPORTS AND RECOMMENDATIONS OF THE CITY STAFF AND PLANNING COMMISSION AND CONSIDERING THE VIEWS DISCUSSED AT THE PUBLIC HEARING, THE CITY COUNCIL SHALL TAKE ONE OF THE FOLLOWING ACTIONS WITHIN NINETY DAYS OF THE PUBLIC HEARING:~~

~~1. APPROVE THE CD, OR~~

~~2. APPROVE THE CD, BUT TO A MORE RESTRICTIVE DISTRICT. (SEE BELOW); OR~~

~~3. APPROVE THE CD, BUT WITH AN ALTERATION IN THE AREA REQUESTED OR WITH ADDITIONAL CONDITIONS; OR~~

~~4. APPROVE THE CD, WITH A COMBINATION OF 2 AND 3 ABOVE; OR~~

~~5. REJECT THE PROPOSED CD; OR~~

~~6. REFER THE PROPOSED CD BACK TO THE PLANNING COMMISSION AND CITY STAFF FOR FURTHER CONSIDERATION.~~

~~THE CITY COUNCIL, WITH OR WITHOUT A RECOMMENDATION FROM THE PLANNING COMMISSION, MAY REZONE THE PROPERTY TO ANY CONDITIONAL USE ZONING DISTRICT THAT IS CLASSIFIED HIGHER THAN THE REQUESTED CONDITIONAL USE ZONING DISTRICT IN THE APPLICATION, BUT ONLY WITH THE WRITTEN CONSENT OF THE APPLICANT. SEE SECTION 5.1 (GENERAL USE ZONING DISTRICTS) FOR A LISTING OF DISTRICTS FROM HIGHEST TO LOWEST CLASSIFICATION. AN APPLICATION FOR REZONING TO A GENERAL USE DISTRICT SHALL NOT BE CONVERTED INTO AN APPLICATION FOR REZONING TO A CONDITIONAL USE DISTRICT AT ANY POINT IN THE APPLICATION REVIEW PROCESS, NOR SHALL AN APPLICATION FOR REZONING TO A CONDITIONAL USE DISTRICT BE CONVERTED INTO AN APPLICATION FOR REZONING TO A GENERAL USE DISTRICT. IF SUCH A CONVERSION IS DESIRED, THE APPLICANT MUST SUBMIT A NEW APPLICATION FOR REZONING TO THE OTHER TYPE OF DISTRICT IN ACCORDANCE WITH THE REQUIREMENTS OF THIS ORDINANCE.~~

## EFFECT OF APPROVAL

(1) If a petition for conditional zoning is approved, the development and use of the property shall be governed by the ordinance requirements of the parallel general zoning district except those superseded by specific conditions, the approved concept ~~site~~ plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to these regulations and to the ~~Zoning Maps~~Official Zoning Map.

(2) If a petition is approved, the petitioner shall comply with all requirements for obtaining a building permit and certificate of occupancy. Only those uses and structures indicated in the approved petition and ~~site~~ concept plan shall be allowed on the subject property. A change of location of the structures may be authorized pursuant to this Ordinance. ~~Section 2.5.13 (Alterations to Approval).~~ The changes to the concept ~~site~~ plan layout shall not increase the number of structures or dwelling units permitted.

(3) Following the approval of the petition for a conditional zoning district, the subject property shall be identified on the Zoning Maps by the appropriate district designation. A parallel conditional zoning shall be identified by the same designation as the underlying general district followed by the letters "CD" (for example "R-12 CD").

(4) Any conditional zoning district approved on or after October 1, 1991, shall have vested rights pursuant to ~~N.C.G.S. Section 160A-385.1~~G.S. § 160D-108 for the period of time established pursuant to this Zoning Ordinance, except as such vested rights may be altered as allowed by ~~N.C.G.S. Section 160A-385.1(e).~~G.S. § 160D-108. Vested rights shall remain effective beyond the end of ~~the period of time established pursuant to Section 2.8 of this Ordinance for any buildings or uses for which a valid building permit had been issued~~

~~during the vested rights period, so long as such building permit is valid.~~ one year. Notwithstanding, the foregoing, property governed by this subsection shall not include as a permitted use an adult establishment or sexually oriented business, unless the approved concept~~site~~ plan explicitly provides that an adult establishment or sexually-oriented business is a permitted use.

~~**(5) PROPERTIES THAT RECEIVE CONDITIONAL DISTRICT APPROVAL SHALL COMMENCE CONSTRUCTION WITHIN TWO YEARS OF REZONING TO A CONDITIONAL DISTRICT. IF NO ACTIVITY IS COMMENCED WITHIN TWO YEARS OF REZONING, THEN THE APPROVALS ASSOCIATED WITH THE CONDITIONAL DISTRICT SHALL BE CONSIDERED NULL AND VOID AND A NEW CONDITIONAL DISTRICT SHALL BE REQUIRED TO BE APPROVED BY THE CITY COUNCIL.**~~

~~**2.5.12 REHEARING**~~

~~**NO REAPPLICATION, CONNECTED TO THE SAME PROPERTY OR ANY PART THEREOF, FOR A REZONING TO A CD SHALL BE FILED FOR A PERIOD OF SIX MONTH UNLESS THE CITY COUNCIL FINDS THAT THERE HAS BEEN A SUBSTANTIAL CHANGE IN THE CONDITIONS OR CIRCUMSTANCES BEARING ON THE APPLICATION.**~~

~~**ALTERATIONS TO APPROVAL**~~**ADMINISTRATIVE MODIFICATIONS**

(1) Except as provided in the subsection two below, ~~changes~~ modifications to an approved petition or to the conditions attached to the approved petition shall be treated the same as ~~amendments~~ modifications to these regulations or to the Zoning Maps and shall be processed in accordance with the procedures in this Chapter.

(2) The Planning Director or designee shall have the delegated authority to approve an administrative ~~amendment~~ modification change to an approved concept~~site~~ plan. The standard for approving or denying such a requested change shall be that the change does not significantly alter the concept~~site~~ plan or its conditions and that the change does not have a significant impact upon abutting properties. ~~as provided for in Section 2.4.6 of this Code. An administrative amendment shall not be subject to a protest petition pursuant to Section 3.3. Any decision must be in writing stating the grounds for approval or denial.~~

(3) The Planning Director or designee, however, shall always have the discretion to decline to exercise the delegated authority either because the designee is uncertain about approval of the change pursuant to the standard or because a rezoning petition for a public hearing and City Council consideration is

deemed appropriate under the circumstances. If the Planning Director or designee declines to exercise this authority, then the applicant can only file a rezoning petition for a public hearing and Council decision.

(4) Any request for an administrative ~~amendment~~ modification shall be pursuant to a written letter, signed by the property owner, to the Planning staff detailing the requested change. Upon request, the applicant must provide any additional information that is requested. Accompanying the letter shall be the applicable fee for administrative review. Upon an approval of an administrative ~~amendment~~modification, the applicant must file a sufficient number of copies of a revised concept~~site~~ plan as deemed necessary by the Planning Director.

(5) If the Planning Director or designee denies approval of the requested ~~amendment~~modification, then the applicant can appeal that decision to the ~~City Council~~Board of Adjustment for its review and decision. An appeal to ~~Council~~ the Board of Adjustment will require filing a revised application and concept ~~site~~ plan, submittal of the required filing fee and another public hearing.

~~(6) CHANGES TO APPROVED SPECIAL USE PERMITS ASSOCIATED WITH A SPECIAL USE DISTRICT APPROVED PRIOR TO THE ADOPTION OF THE UNIFIED DEVELOPMENT ORDINANCE SHALL BE TREATED AS A CONDITIONAL DISTRICT AS DEFINED BY THE UDO AND SUBJECT TO THE CONDITIONS OF THIS CHAPTER.~~

~~ANY CHANGE THAT INCREASES THE INTENSITY OF THE DEVELOPMENT OR THE RESIDENTIAL DENSITY SHALL BE APPROVED BY THE CITY COUNCIL AFTER A NEW PUBLIC HEARING.~~

~~2.5.14 JUDICIAL REVIEW~~

~~EVERY DECISION OF THE CITY COUNCIL GRANTING, DENYING OR REVOKING A CONDITIONAL DISTRICT REZONING SHALL BE SUBJECT TO REVIEW BY THE SUPERIOR COURT OF WAYNE COUNTY BY PROCEEDINGS IN THE NATURE OF CERTIORARI.~~

~~THE PETITION FOR THE WRIT OF CERTIORARI MUST BE FILED WITH THE WAYNE COUNTY CLERK OF THE COURT WITHIN THIRTY DAYS AFTER THE FOLLOWING OCCURS:~~

~~1. A WRITTEN COPY OF THE COUNCIL'S DECISION HAS BEEN FILED IN THE OFFICE OF THE PLANNING DEPARTMENT; AND~~

~~2. A WRITTEN COPY OF THE COUNCIL'S DECISION HAS BEEN DELIVERED BY PERSONAL SERVICE OR CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO THE APPLICANT OR APPELLANT AND EVERY OTHER AGGRIEVED PARTY WHO HAS FILED A WRITTEN REQUEST FOR SUCH COPY AT THE HEARING OF THE CASE.~~

~~A COPY OF THE WRIT OF CERTIORARI SHALL BE SERVED UPON THE CITY OF GOLDSBORO.~~

~~2.5.15 SECTION RESERVED~~

## ~~2.7~~2.3.11. ORDINANCE TEXT AMENDMENT APPROVAL

## PURPOSE

The City Council in accordance with the procedures set forth in this Section, may amend the text of this Ordinance. The purpose is not to relieve particular hardships, nor to confer special privileges, but only to make adjustment to the text of this Ordinance that are necessary in light of changed conditions or changes in public policy or that are necessary to advance the general welfare of the City.

## APPROVAL PROCEDURE

An amendment to the text of this Ordinance may be initiated by any review or decision-making body, city staff, any owner (or legally authorized agent) of a legal or equitable interest in land located in the City or its extraterritorial jurisdiction.

All applications for text amendments shall be submitted four weeks prior to the date of the next regularly scheduled meeting at which public hearings are held and applications reviewed. Such meetings, concerning amendments, rezonings or repeals are held monthly at the second regular meeting of the City Council or at a special meeting or meetings as fixed by the City Council.

All applications for text amendments shall include a reference to the specific section, subsection, paragraph or item proposed to be changed, as well as the exact wording of the proposed change and the reasons therefore.

## STAFF CONSULTATION BEFORE FORMAL APPLICATION

To avoid misunderstanding or misinterpretation and ensure compliance with the requirements of this Ordinance, pre-application consultation between the applicant and the planning staff may be required as provided by this Section. The applicant is encouraged to arrange a preapplication consultation at least ten days prior to the application deadline.

## ~~2.7.4 STAFF REPORT~~

~~THE PLANNING STAFF SHALL REVIEW EACH TEXT AMENDMENT REQUEST IN LIGHT OF THE APPROVAL CRITERIA LISTED IN THE SECTION BELOW AND PROVIDE TO THE CITY COUNCIL AND/OR PLANNING COMMISSION ITS RECOMMENDATION REGARDING WHETHER TO APPROVE OR DENY THE TEXT AMENDMENT AFTER THE PUBLIC HEARING.~~

## APPROVAL CRITERIA

In deciding whether to approve a text amendment, the Planning Commission and the City Council shall consider the following factors:

1. Whether the proposed amendment corrects an ambiguity or error or meets the challenge of some changing condition, trend or fact;

2. Whether the proposed amendment is consistent with the Comprehensive Plan and associated Land Use Plan Map and any other adopted plans; and

3. Whether the proposed amendment will impair or injure the health, safety and general welfare of the public.

## PUBLIC HEARING REQUIRED

A public hearing shall be held in accordance with the procedures detailed in ~~Section 3.3~~Section 2.3 Legislative Processes. ~~(Legislative Hearing Procedures).~~

## STAFF AND PLANNING COMMISSION REVIEW

Following the public hearing, the text amendment request shall be reviewed by the Planning Commission. At the Planning Commission's meeting, the staff shall present its recommendation. After taking into account the staff recommendation, and reviewing all other pertinent information, the Planning Commission shall formulate a recommendation for the City Council.

## CITY COUNCIL ACTION ON TEXT AMENDMENTS

After reviewing the reports and recommendations of the City staff and Planning Commission and considering the views discussed at the public hearing, the City Council shall, within ninety days of the public hearing, based on the approval criteria listed ~~in Section 2.7.5 (Approval Criteria), do one of the following:~~above and do one of the following:

1. Approve the text amendment as written; or

2. Approve the text amendment, with modifications; or

3. Reject the text amendment; or

4. Refer the proposed text amendment back to the Planning Commission and/or City staff for further consideration.

## REHEARING

No reapplication, connected to the same or substantially the same issue, for a text amendment shall be filed until the expiration of six months from the date of denial, unless the City Council finds that there has been a substantial change in the conditions or circumstances bearing on the application.

## ~~2.7.10 JUDICIAL REVIEW~~

~~Every decision of the City Council granting, denying or revoking a legislative rezoning or text amendment shall be subject to review by the Superior Court of Wayne County by proceedings in the nature of certiorari.~~

~~The petition for the writ of certiorari must be filed with the Wayne County Clerk of the Court within thirty days after the following occurs:~~

1. ~~A written copy of the Council's decision has been filed in the office of the Planning Department; and~~

2. ~~A written copy of the Council's decision has been delivered by personal service or certified mail, return receipt requested, to the applicant or appellant and every other aggrieved party who has filed a written request for such copy at the hearing of the case.~~

~~A copy of the writ of certiorari shall be served upon the City of Goldsboro.~~

### ~~2.7.11 SECTION RESERVED~~

## ~~2.13~~2.3.12. ~~WATERSHED PROTECTION APPROVALS~~

### ~~PERMITS REQUIRED~~

~~Within certain areas of the City designated as Watershed Areas – (Critical Area) or (Protected Area) additional permits are needed for certain types of land disturbing activities. Except where a single family residence is constructed on a lot deeded prior to the effective date of this ordinance, no building or built-upon area shall be erected, moved, enlarged or structurally altered, nor shall any building permit be issued nor shall any change in the use of any building or land be made until a Watershed Protection Permit has been issued by the Watershed Administrator. No Watershed Protection Permit shall be issued except in conformity with the provisions of Section 5.8 (Water Supply Watershed Protection Overlay District).~~

~~Where development exceeds either two residential units per acre or 24 percent built upon area, a High Density Development Permit shall be required. High Density Development Standards are outlined in Sections 5.8.6 – 5.8.13~~Section 5.8 ~~of this Ordinance.~~

~~No permit required under the North Carolina State Building Code shall be issued for any activity for which a Watershed Protection Permit or High Density Development Permit is required until that permit has been issued.~~

~~The Watershed Administrator shall issue a Watershed Protection Occupancy Permit certifying that all requirements of Section 5.8 of this ordinance have been met prior to the occupancy or use of a building hereafter erected, altered or moved and/or prior to the change of use of any building or land.~~

~~Watershed Protection Permits are issued under this Ordinance only when the application and necessary plans have been submitted and indicate that the development will comply with the provisions of this Ordinance. Such plans and applications as are finally approved are incorporated into any permit issued. All development shall occur strictly in accordance with approved plans and applications.~~

~~All permits shall be issued in the name of the applicant or the principal, if submitted by an agent. The permit shall identify the property involved, the proposed use, incorporate by reference the plans submitted and contain any special conditions or requirements lawfully imposed by the permit issuing authority.~~

### ~~2.13.2 NO OCCUPANCY, USE OR SALE OF LOTS UNTIL REQUIREMENTS FULFILLED~~

~~**ISSUANCE OF A WATERSHED PROTECTION PERMIT AUTHORIZES THE APPLICANT TO COMMENCE THE ACTIVITY RESULTING IN A CHANGE IN USE OF THE LAND OR, WITH A BUILDING PERMIT, TO CONSTRUCT, ERECT, MOVE OR ALTER BUILDINGS OR OTHER STRUCTURES OR TO MAKE NECESSARY IMPROVEMENTS TO A SUBDIVISION. HOWEVER, EXCEPT AS PROVIDED IN SECTION 2.12 (IMPROVEMENT GUARANTEES), THE INTENDED USE SHALL NOT BE COMMENCED, NO BUILDING SHALL BE OCCUPIED AND IN THE CASE OF SUBDIVISIONS, NO LOTS SHALL BE SOLD UNTIL ALL OF THE REQUIREMENTS OF THIS ORDINANCE AND ALL ADDITIONAL REQUIREMENTS IMPOSED PURSUANT TO THE APPROVAL OF A SITE PLAN OR SUBDIVISION HAVE BEEN COMPLIED WITH.**~~

### ~~WHO MAY SUBMIT PERMIT APPLICATIONS/ SUBMISSION REQUIREMENTS~~

~~Applications for Watershed Protection Permits and High Density Development Permits will be accepted only from persons having the legal authority to take action in accordance with the permit or subdivision plat approval. By way of illustration, this means that applications should be made by the owners, their agents, lessees or persons who have contracted to purchase the property contingent upon permit approval. The Watershed Administrator may require an applicant to submit evidence of his authority to make the application, whenever there appears to be a reasonable basis for questioning this authority.~~

### ~~APPLICATION DEADLINES~~

~~All applications for permits requiring Planning Commission, City Council or Watershed Review Board or administrative review shall be submitted to the Watershed Administrator four weeks prior to the date of the meeting at which the application will be reviewed.~~

### ~~STAFF CONSULTATION BEFORE FORMAL APPLICATION~~

~~To minimize development planning costs, avoid misunderstanding or misinterpretation and ensure compliance with the requirements of this Ordinance, pre-application consultation between the developer and the planning staff may be required. The applicant is encouraged to arrange a pre-application consultation at least ten days prior to the application deadline.~~

~~The Administrator shall meet with the developer as soon as possible to review the preliminary plan. Before submitting an application for any other permit, developers are strongly encouraged to consult with the planning staff concerning the application of this Ordinance to the proposed development.~~

## ~~STAFF CONSULTATION AFTER THE APPLICATION HAS BEEN SUBMITTED~~

~~Upon receipt of a formal application for a Watershed Protection Permit, the Administrator shall review the application and confer with the applicant to ensure that he understands the planning staff's interpretation of the requirements of this Ordinance, that he has submitted all of the information that he intends to, and that the application and accompanying plans represents precisely and completely what he proposes to do. However, if the Administrator believes that the application is incomplete, he shall reject the application and inform the applicant of its deficiencies.~~

## ~~GENERAL THRESHOLDS FOR DETERMINING APPROVAL AUTHORITY~~

~~The Watershed Administrator shall issue Watershed Protection Permits and Watershed Protection Occupancy Permits as prescribed herein. A record of all permits shall be kept on file and shall be available for public inspection during regular office hours of the Administrator.~~

~~The City Council may approve high-density development proposals consistent with the following standards:~~

~~(1) WS-IV Watershed Areas- Critical Area (WS-IV-CA). Where new development exceeds either 2 dwelling units per acre or 24% built-upon area, engineered stormwater controls shall be used to control runoff from the first inch of rainfall and development shall not exceed 50% built-upon area.~~

~~(2) WS-IV Watershed Areas- Protected Area (WS-IV-PA). Where new development exceeds either 2 dwelling units per acre or 24% built-upon area or 3 dwelling units per area or 36% built-upon area for projects without curb and gutter street systems, engineered stormwater controls shall be used to control runoff from the first inch of rainfall and development shall not exceed 70% built-upon area.~~

~~Application for a High Density Development shall be approved by the City Council.~~

## ~~WATERSHED PROTECTION PERMITS CRITERIA FOR APPROVAL~~

~~A completed application form and the accompanying plans for a Watershed Protection Permit shall be submitted by filing a copy of the application with the Watershed Administrator in the Planning Department. A Watershed Protection Occupancy Permit, either for the whole or part of a building shall be applied for coincident with the application for the Watershed Protection Permit, and shall be issued or denied within ten (10) days after the erection or structural alterations of the building have been satisfactorily completed. The Watershed Administrator shall issue the Watershed Protection Permit unless he finds, after reviewing the application and consulting with the applicant that:~~

~~1) The permit request is not within his review authority according to the general thresholds for approval; or~~

~~2) The application is incomplete; or~~

3) ~~If completed as proposed in the application the development will not comply with one or more requirements of this Ordinance, with special attention to Section 5.8~~Section 5.8, Water Supply Watershed Protection Overlay. District ~~of this Ordinance.~~

~~Council Actions on High Density Development Permits~~

~~In considering whether to approve an application for a High Density Development Permit, the Council shall proceed according to the following format. The Council vote need only achieve a simple majority to reach a decision.~~

~~The Council shall consider whether the application complies with all the applicable requirements of this Ordinance. If a motion to this effect passes, the Council need not make further findings concerning such requirements and may issue the permit. If such a motion fails or is not made, a motion shall be made that the application be found not in compliance with one or more of the requirements of this Ordinance. Such a motion shall specify the requirements that have not been met.~~

~~If the Council concludes that the application complies with all other provisions of this Ordinance, it may still deny the permit if it concludes, based upon information submitted, that, if completed as proposed, the development:~~

1. ~~Will materially endanger the public health or welfare; or~~

2. ~~Will substantially injure the beneficial use of adjoining or abutting property; or~~

3. ~~Will not be in harmony with existing development and uses within the area in which it is located; or~~

4. ~~Will not be in general conformity with the Comprehensive Plan, Thoroughfare Plan or other plan officially adopted by the Council.~~

~~Such a motion shall propose specific findings, based upon the evidence submitted, justifying such a conclusion.~~

~~Watershed Review board Actions on Watershed Protection Permits~~

~~The Watershed Review Board shall hear and decide appeals from any decision or determination made by the Watershed Administrator in the enforcement of this ordinance. The Watershed Review Board shall have the power to authorize, in specific cases as set forth in Section 5.8.4.7 of this ordinance, minor variances from the terms of this Ordinance as will not be contrary to the public interests where, owing to special conditions, a literal enforcement of this Ordinance will result in practical difficulties or unnecessary hardship, so that the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done.~~

~~In considering whether to approve an application for a variance to a Watershed Protection Permit, the Watershed Review Board shall proceed in the manner set forth in Section 5.8.4.7 of this Ordinance.~~

~~Expiration of Permits~~

~~A Watershed Protection Permit shall expire if a Building Permit for such use is not obtained by the applicant within one (1) year from the date of issuance.~~

~~Effects of Permit on Successors and Assigns~~

~~Watershed Protection Permits authorize the permittee to make use of the land and structures in a particular way. Such permits are transferable. However, so long as the land, structures or any portion thereof covered under a permit continues to be used for the purposes for which the permit was granted, then:~~

1. ~~No person shall make use of the land or structures covered under the permit except in accordance with all the terms and requirements of that permit; and~~

2. ~~The terms and requirements of the permit apply to and restrict the use of the land or structures covered under the permit, not only with respect to all persons having any interest in the property at the time the permit was obtained, but also to persons who subsequently obtain an interest in all or part of the covered property and want to use it for a purpose other than that for which the permit was originally issued, so long as the person(s) who subsequently obtained an interest in the property had actual or record notice (as provided for below) of the existence of the permit at the time they acquired their interest.~~

~~Hearing~~

~~Whenever the Administrator denies a Watershed Protection Permit, on any basis other than a failure of the applicant to submit a completed application, such action may be appealed to the Watershed Review Board by the person aggrieved within thirty days of the notification to deny the permit by following the procedures described in Section 5.8.4.7~~<u>this Ordinance</u>~~.~~

~~Whenever the Administrator or City Council denies a Watershed Protection Permit on any basis other than the failure of the applicant to submit a completed application, such action shall not be reconsidered by the respective issuing authority unless the applicant clearly demonstrates that:~~

1) ~~Circumstances affecting the property have substantially changed; or~~

2) ~~New information is available that could not, with reasonable diligence, have been presented at the previous meeting. A request to be heard on this basis must be filed within thirty days of the notification of the decision to deny the first application. However, such a request does not extend the period within which an official legal appeal must be filed with the superior court. (See Section 3.2.7 - Judicial review).~~

~~NOTWITHSTANDING THE SUBSECTION ABOVE, THE CITY COUNCIL, WATERSHED REVIEW BOARD OR PLANNING DIRECTOR MAY AT ANY TIME CONSIDER A NEW APPLICATION AFFECTING THE SAME PROPERTY AS AN APPLICATION PREVIOUSLY DENIED. A NEW APPLICATION IS ONE THAT DIFFERS IN SOME SUBSTANTIAL WAY FROM THE ONE PREVIOUSLY CONSIDERED. FOR THE PURPOSES OF DETERMINING FEES, RESUBMISSION OF AN APPLICATION SHALL BE TREATED AS A NEW APPLICATION SUBJECT TO NEW FEES.3.2~~2.4 **QUASI-JUDICIAL** ~~HEARING PROCEDURES~~PROCESSES

### 2.4.1. STAFF REPORT

The planning staff shall review each request in light of the standards of this Ordinance and provide to the reviewing authority a report of how the requested action is (or is not) consistent with these standards and any adopted plans.

### 2.4.2 EVIDENTIARY HEARING REQUIRED ON APPLICATIONS AND APPEALS

Before making a decision on an appeal, or an application for a variance, special use permit, ~~conditional use permit or petition from the planning staff to revoke a special use permit or conditional use permit~~, the Board of Adjustment, Watershed Review Board (for variance from Watershed Protection standards, pursuant to Section 5.8), or City Council, as the case may be, shall hold an ~~quasi-judicial public~~ evidentiary hearing on the application or appeal.

The hearing shall be open to the public and all persons shall be given an opportunity to present evidence, oral or written, offer sworn testimony and direct questions to the issuing authority regarding other evidence or testimony. The ~~Board of Adjustment, Watershed Review Board, or City Council~~reviewing authority may place reasonable and equitable limitations on the presentation of evidence and arguments and the cross examination of witnesses so that the matter at issue may be heard and decided without undue delay.

The issuing authority hearing an appeal or application may continue the hearing until a subsequent meeting and may keep the hearing open to take additional information up to the point the final decision is made. No further notice of a continued hearing needs to be published unless a period of six weeks or more elapses between hearing dates.

### 2.4.3 NOTICE OF EVIDENTIARY HEARING

The Administrator shall give notice of any hearing required as prescribed in 2.3.4, Notice of Hearing. ~~by Section 3.2.1 (above) as follows:~~

~~1. NOTICE OF THE PUBLIC HEARING SHALL BE PUBLISHED ONCE A WEEK FOR TWO SUCCESSIVE WEEKS IN A NEWSPAPER HAVING GENERAL CIRCULATION IN THE AREA. THE NOTICE SHALL BE PUBLISHED FOR THE FIRST TIME NOT LESS THAN TEN DAYS OR MORE THAN TWENTY-FIVE DAYS BEFORE THE DATE OF THE HEARING. IN COMPUTING THIS PERIOD, THE DATE OF PUBLICATION SHALL NOT BE COUNTED, BUT THE DATE OF THE HEARING SHALL BE.~~

~~2. NOTICE SHALL BE GIVEN TO THE APPELLANT OR APPLICANT AND ANY OTHER PERSON WHO MAKES A WRITTEN REQUEST FOR SUCH BY MAILING TO SUCH PERSONS A WRITTEN NOTICE NOT LESS THAN TEN DAYS BEFORE THE HEARING.~~

~~3. NOTICE SHALL BE GIVEN TO NEIGHBORING PROPERTY OWNERS BY MAILING A WRITTEN NOTICE NOT LESS THAN TEN DAYS BEFORE THE HEARING TO THOSE PERSONS WHO HAVE LISTED FOR TAXATION REAL PROPERTY ANY PORTION OF WHICH IS LOCATED WITHIN ONE HUNDRED FEET OF THE LOT THAT IS THE SUBJECT OF THE APPEAL OR APPLICATION.~~

~~4. THE NOTICE REQUIRED BY THIS SECTION SHALL SET THE DATE, TIME AND PLACE OF THE HEARING, REASONABLY IDENTIFY THE LOT THAT IS THE SUBJECT OF THE APPLICATION OR APPEAL AND GIVE A BRIEF DESCRIPTION OF THE ACTION REQUESTED OR PROPOSED.~~

## 2.4.4 EVIDENCE

All findings and conclusions necessary to the issuance or denial of the ~~requested permit, variance or appeal~~quasi-judicial decision shall be based upon sworn testimony and admitted evidence. Competent, substantial and material evidence (evidence admissible in a court of law) shall be required. Findings cannot be based on conjecture, assumptions or hearsay evidence alone. Opinion evidence, unless offered by a properly qualified expert, is generally not allowed and cannot be the basis for critical findings.

Members of the issuing or hearing authority are not allowed to discuss the case or gather evidence outside of the hearing. Only the facts presented to the full body at the hearing may be considered.

Exhibits including, photographs, documents, maps etc. may be presented at the hearing. Any exhibit presented becomes part of the record and must be retained by the issuing authority.

## 2.4.5 MODIFICATIONS OF APPLICATION AT HEARING

In response to questions or comments by persons appearing at the hearing or to suggestions by the City Council, Planning Commission, Board of Adjustment or City Staff, the applicant may agree to modify his application, including the plans and specifications submitted.

Unless such modifications are so substantial or extensive that the issuing authority cannot reasonably be expected to perceive the nature and impact of the changes without revised plan review, the issuing authority may approve the application with the stipulation that the permit will not be issued until plans reflecting the agreed upon changes are submitted to and accepted by the planning staff.

## 2.4.6 RECORD

A record shall be made of all hearings required ~~by Section 3.2.1 (Hearing required on applications and appeals)~~ and such recordings shall be kept as provided by state law. Minutes, identifying witnesses and summarizing their testimony, shall also be kept of all such proceedings, but a transcript need not be made. All documentary evidence and exhibits presented at a hearing shall be made a part of the record of the proceedings.

## 2.4.7 WRITTEN DECISION

Any decision made by the Board of Adjustment, Watershed Review Board, or City Council regarding an appeal, variance, or issuance or revocation of a ~~conditional use permit or~~ special use permit shall be made in writing and served upon the applicant, appellate or other persons who make a written request for a copy. In addition to a statement of the issuing authority's ultimate disposition of the case and any other information deemed appropriate, the written decision shall state the issuing authority's findings and conclusions, as well as supporting facts or reasons, whenever this Ordinance requires the same as a prerequisite to taking action.

## 2.4.8 JUDICIAL REVIEW

Every quasi-judicial decision ~~of the City Council granting, denying or revoking a conditional use permit and every final decision of the Board of Adjustment~~ shall be subject to review by the Superior Court of Wayne County by proceedings in the nature of certiorari.

The petition for the writ of certiorari must be filed with the Wayne County Clerk of the Court within thirty days after the following occurs:

1. Receipt of the written notice of the determination withing which to file an appeal;; and

2. Notice pursuant to G.S. § 160D-403(b) given by first class mail shall be deemed received on the third business day following deposit of the notice for mailing with the United State Postal Service..

A copy of the writ of certiorari shall be served upon the City of Goldsboro.

## 2.4.9 APPEALS

The Board of Adjustment or the Watershed Review Board shall hear and decide appeals from administrative decisions regarding administration and enforcement of the zoning regulation or unified development ordinance and may hear appeals arising out of any other ordinance that regulates land use or development. The provisions of G.S. § 160D-405 and 406 apply to these appeals.

A fee as established by resolution of the City Council shall accompany each Board of Adjustment appeal. No appeal shall be accepted, and no public hearing scheduled until the necessary fees have been paid. No fee pursuant to this paragraph shall be refunded.

## 2.4.10 SPECIAL USE PERMITS

### STAFF CONSULTATION AFTER THE APPLICATION HAS BEEN SUBMITTED

Upon receipt of a formal application for a special use~~, conditional use or sign~~ permit approval, the Director of Planning and Community Development or his designee shall review the application and confer with the applicant to ensure that he understands the planning staff's interpretation of the requirements of this Ordinance, that he has submitted all of the information that he intends to, and that the application and accompanying plans represents precisely and completely what he proposes to do.

If the application is for a special use ~~or conditional use~~ permit, the Director of Planning and Community Development shall place, the application on the agenda of the appropriate Board when the applicant indicates the application is as complete as he intends to make it. However, if the Director of Planning and Community Development believes that the application is incomplete or finds substantial deficiencies in the submitted plans, he shall reject the application and inform the applicant of its deficiencies.

### TYPES OF SPECIAL USE PERMITS

~~2.2.8~~ The Table of Permitted Uses found in Article 5 indicates two types of special use permits. S1 requires review and approval or denial by the Board of Adjustment. S2 requires review and approval or denial by the City Council.

### SPECIAL USE ~~AND CONDITIONAL USE~~ PERMITS CRITERIA FOR APPROVAL

An application and accompanying plans for a special ~~or conditional~~ use permit shall be submitted to the Board of Adjustment or City Council (which may hereafter be referred to as "Board", as applicable based on the body reviewing the application) by filing a copy of the application with the Administrator in the Planning Department.

Subject to subsection below, the Board of Adjustment or the Council shall issue the requested permit unless it concludes, based upon the information submitted at the hearing that;

1. The permit request is not within its review authority according to the table of permitted uses; or

2. The application is incomplete; or

3. If completed as proposed in the application, the development will not comply with one or more requirements of this Ordinance, not including those requirements for which a variance has been granted or those the applicant is not required to comply with under the circumstances specified in Section 5.6 (Nonconforming Situations).

Even if the permit-issuing Board finds that the application complies with all the other provisions of this Ordinance, it may still deny the permit if it concludes, based upon information submitted at the hearing that if completed as proposed the development:

1. Will materially endanger the public health or welfare; or

2. Will substantially injure the beneficial use of adjoining or abutting property; or

3. Will not be in harmony with existing development and uses within the area in which it is located; or

4. Will not be in general conformity with the Comprehensive Plan, Thoroughfare Plan or other plan officially adopted by the Council.

## ~~PUBLIC~~ EVIDENTIARY HEARING REQUIRED

Before the City Council or Board of Adjustment makes a final determination on special ~~or conditional~~ use permits a public hearing shall be held in accordance with the procedures detailed in ~~Section 3.2~~2.4 (~~Quasi-Judicial Hearing Procedures).~~Quasi-judicial Processes.

Where a special use permit and a variance are both required, the Board of Adjustment shall hear the variance case prior to any special use permit evidentiary hearing.

## RECOMMENDATIONS ON SPECIAL USE PERMIT APPLICATIONS

When presented to the Board of Adjustment or City Council at the hearing, the application for a special use permit shall be accompanied by a report setting forth the planning staff's findings concerning the application's compliance with the requirements of this Ordinance as well as any staff recommendations for additional requirements to be imposed by the Board of Adjustment or City Council. The report shall be made part of the evidentiary hearing record.

If the staff proposes a finding or conclusion that the application fails to comply with any of the requirements of this Ordinance, it shall identify the requirement in question and specifically state the reasons supporting such a finding or conclusion.

Per G.S. § 160D-406, objections to inclusion or exclusion of administrative materials may be made before or during the hearing. Rulings on unresolved objections shall be made by the Board at the hearing.

~~2.2.11 RECOMMENDATIONS ON CONDITIONAL USE PERMIT APPLICATIONS~~

~~FOLLOWING A JOINT PUBLIC HEARING OF THE COUNCIL AND PLANNING COMMISSION, AN APPLICATION FOR A CONDITIONAL USE PERMIT SHALL BE REFERRED TO THE PLANNING COMMISSION FOR ACTION IN ACCORDANCE WITH THIS SECTION.~~

~~WHEN PRESENTED TO THE PLANNING COMMISSION, THE APPLICATION FOR A CONDITIONAL USE PERMIT SHALL BE ACCOMPANIED BY A REPORT (VERBAL OR WRITTEN) SETTING FORTH THE PLANNING STAFF'S FINDINGS CONCERNING THE APPLICATION'S COMPLIANCE WITH THE REQUIREMENTS OF THIS ORDINANCE AS WELL AS ANY STAFF RECOMMENDATIONS FOR ADDITIONAL REQUIREMENTS TO BE IMPOSED BY THE COUNCIL. IF THE STAFF REPORT PROPOSES A FINDING OR CONCLUSION THAT THE APPLICATION FAILS TO COMPLY WITH ANY OF THE REQUIREMENTS OF THIS ORDINANCE, IT SHALL IDENTIFY THE REQUIREMENT IN QUESTION AND SPECIFICALLY STATE THE REASONS SUPPORTING SUCH A FINDING OR CONCLUSION.~~

~~THE PLANNING COMMISSION SHALL CONSIDER THE APPLICATION AND SUPPORTING STAFF REPORTS IN A TIMELY FASHION AND MAY, FOR CLARIFICATION PURPOSES, REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT OR MEMBERS OF THE PUBLIC. AFTER REVIEWING THE APPLICATION, THE PLANNING COMMISSION SHALL REPORT TO THE COUNCIL WHETHER IT CONCURS IN WHOLE OR IN PART WITH THE STAFF'S FINDINGS AND PROPOSED CONDITIONS. TO THE EXTENT THAT THERE ARE DIFFERENCES, THE PLANNING COMMISSION SHALL PROPOSE ITS OWN RECOMMENDATIONS AND STATE THE REASONS SUPPORTING SUCH A FINDING OR RECOMMENDATION. IN RESPONSE TO THE PLANNING COMMISSION'S RECOMMENDATIONS, THE APPLICANT MAY MODIFY HIS APPLICATION PRIOR TO SUBMISSION TO THE COUNCIL. THE PLANNING STAFF MAY LIKEWISE REVISE ITS RECOMMENDATIONS.~~

~~2.2.12 CITY COUNCIL ACTION ON CONDITIONAL USE PERMITS~~

~~IN CONSIDERING WHETHER TO APPROVE AN APPLICATION FOR A CONDITIONAL USE PERMIT, THE COUNCIL SHALL PROCEED ACCORDING TO THE FOLLOWING FORMAT:~~

~~**THE COUNCIL SHALL CONSIDER WHETHER THE APPLICATION COMPLIES WITH ALL THE APPLICABLE REQUIREMENTS OF THIS ORDINANCE. IF A MOTION TO THIS EFFECT PASSES, THE COUNCIL NEED NOT MAKE FURTHER FINDINGS CONCERNING SUCH REQUIREMENTS AND MAY ISSUE THE PERMIT. IF SUCH A MOTION FAILS OR IS NOT MADE, A MOTION SHALL BE MADE THAT THE APPLICATION BE FOUND NOT IN COMPLIANCE WITH ONE OR MORE OF THE REQUIREMENTS OF THIS ORDINANCE. SUCH A MOTION SHALL SPECIFY THE REQUIREMENTS THAT HAVE NOT BEEN MET.**~~

~~**IF THE COUNCIL CONCLUDES THAT THE APPLICATION COMPLIES WITH ALL OTHER PROVISIONS OF THIS ORDINANCE, IT MAY STILL DENY THE APPLICATION FOR ONE OR MORE OF THE REASONS SPECIFIED IN SECTION 2.2.8 (SPECIAL USE AND CONDITIONAL USE PERMITS CRITERIA FOR APPROVAL). SUCH A MOTION SHALL PROPOSE SPECIFIC FINDINGS, BASED UPON THE EVIDENCE SUBMITTED, JUSTIFYING SUCH A CONCLUSION.**~~

~~**THE COUNCIL VOTE NEED ONLY ACHIEVE A SIMPLE MAJORITY OF THE MEMBERS PRESENT TO REACH A DECISION.**~~

**BOARD OF ADJUSTMENT OR CITY COUNCIL ACTION ON SPECIAL USE PERMITS**

In considering whether to approve an application for a special use permit, the Board of Adjustment or City Council shall ~~proceed in the same manner as the Council when considering a conditional use permit~~follow the statutory procedures for quasi-judicial decisions, as described in NC GS § 160D-705.~~, except that the format of the Board of Adjustment proceedings will differ as a result of the four-fifths voting requirement set forth in Section 8.2 (Board of Adjustment).~~

1. The Board shall consider whether the application complies with all of the applicable requirements of this Ordinance. If a motion to this effect passes by the necessary ~~four-fifths vote~~simple-majority vote, the Board or Council need not make any further findings and may issue the permit. If such a motion is not made or fails to receive the required ~~four-fifths vote~~simple-majority vote, then a motion shall be made that the application is not in compliance with one or more of the requirements of this Ordinance. Such a motion shall specify the requirements the application failed to meet.

2. If the Board concludes that the application complies with all other provisions of this Ordinance, it may still deny the application for one or more of the reasons specified herein~~in Section 2.2.8 (Special Use and Conditional Use Permits Criteria for Approval)~~. Such a motion shall propose specific findings, based upon the evidence submitted, justifying such a conclusion.

## ADDITIONAL ~~REQUIREMENTS~~ CONDITIONS ON SPECIAL USE PERMITS ~~AND CONDITIONAL USE PERMITS~~

In granting a special use ~~or conditional use~~ permit, the ~~issuing~~ Board may attach to the permit additional reasonable ~~requirements~~ conditions beyond the provisions in this Ordinance, to ensure that the development in its proposed location:

1. Will not materially endanger the public health, safety or welfare; or
2. Will not substantially injure the beneficial use of adjoining or abutting property; or
3. Will be in harmony with existing development and uses within the area in which it is located; or
4. Will be in general conformity with the Comprehensive Plan, Thoroughfare Plan or other plan officially adopted by the Council.

The Board shall not impose conditions on special use permits that the Board does not otherwise have statutory authority to impose.

~~THE PERMIT ISSUING BOARD MAY NOT ATTACH ADDITIONAL CONDITIONS THAT MODIFY OR ALTER THE SPECIFIC REQUIREMENTS SET FORTH IN THIS ORDINANCE, UNLESS THE DEVELOPMENT IN QUESTION PRESENTS EXTRAORDINARY CIRCUMSTANCES. EXTRAORDINARY CIRCUMSTANCES MAY INCLUDE UNEXPECTED CONDITIONS THAT NEGATIVELY AFFECT NEARBY RESIDENTIAL USES OR PREVIOUSLY UNRECOGNIZED EXTERNAL CONSEQUENCES THAT REQUIRE MITIGATION. ALL ADDITIONAL CONDITIONS OR REQUIREMENTS SHALL BE ENTERED ON THE PERMIT AND ARE ENFORCEABLE IN THE SAME MANNER AND SAME EXTENT AS ANY OTHER REQUIREMENT OF THIS ORDINANCE.~~

~~WITHOUT LIMITING THE FOREGOING, THE PERMIT ISSUING BOARD MAY ATTACH TO A PERMIT A CONDITION LIMITING THE PERMIT TO A SPECIFIED DURATION.~~

## MAINTENANCE OF REQUIRED COMMON AREAS, IMPROVEMENTS AND FACILITIES

The recipient of any sign, special use permit, subdivision approval, or site plan approval ~~or conditional use permit~~ or his successor, shall be responsible for maintaining all common areas, improvements and facilities required by this Ordinance or any permit issued in accordance with its provisions, except those areas, improvements and facilities with respect to which an offer of dedication to the public has been accepted by the appropriate public authority.

## ~~COMPLETING DEVELOPMENTS IN PHASES~~MULTI-PHASE DEVELOPMENTS

Multi-phase developments, long-term projects of at least 25 acres

If a development is constructed in phases in accordance with this Section, the provisions of Section ~~2.2.2~~2.1.2. (No Occupancy, Use or Sale of Lots until Requirements Fulfilled) and Section ~~2.12~~2.2.8. (Improvement Guarantees) shall apply to each phase as if it were the entire development.

The developer shall submit plans that clearly show the various phases of the proposed development and that the requirements of this Ordinance will be satisfied by each phase.

If a development that is to be built in phases includes improvements that are designed to be used or benefit the entire development, then, as part of his application for development approval, the developer shall submit a proposed schedule for the completion of such improvements. The schedule shall relate completion of such improvements to completion of one or more phases of the entire development. Once a schedule has been approved and made part of the permit, no land may be used, no building occupied and no subdivision lot sold except in accordance with the schedule approved as part of the permit and/or the requirements imposed by Section ~~2.12~~2.2.8 (Improvement Guarantees).

## Expiration of Permits

Special ~~& conditional~~ use permits ~~and sign permits, not approved as part of the vested right certificate approval process detailed in Section 2.8 (Zoning Vested Rights Certificate Approval), shall expire automatically if, within one year after the issuance of the permit:~~shall comply with the standards for site specific vesting plans.

In either of the following instances, building permits shall expire six (6) months after the issuance of the permit:

1. The use authorized by such permits has not commenced, in circumstances where no substantial (i.e. no building permit is needed) construction, alteration, demolition or similar work is necessary before commencement of such use.~~; or~~

2. Less than ten percent of the total cost stated on the permit application (as determined by the Inspections Department) of all construction, alteration, demolition or similar work on any development authorized by such permits has been completed on the site.~~ With respect to phased development, this requirement shall apply only to the first phase.~~

The Planning Director ~~may~~ shall grant a one-time extension of up to six (6) months from the original expiration date provided the owner or owner's agent submits a written request for an extension at least thirty (30) days prior to the expiration date.

If after some physical alteration to land or structures begins and work is discontinued for a period of ~~six~~ twelve (12) consecutive months, then the ~~special~~

~~use, conditional use or sign~~ permit authorizing such work shall immediately expire, pursuant to the standards for vested rights per NC GS 160D-108~~. However, expiration of the permit shall not affect the provisions of Section 2.2.18 (Effect of Permit on Successors and Assigns).~~

After approval of a site specific ~~development~~ vesting plan and vested rights certificate, if no substantial physical alteration to land or structures has begun or the permitted use has not commenced, ~~conditional use permits~~ and special use permits shall expire at the end of the two-year vesting period established in accordance with Section 2.2.9 Zoning Compliance Certificates. ~~2.8 (Zoning Vested Rights Certificate Approval).~~ "Substantial" shall mean ~~either 1)~~ installation or approval of on-site infrastructure. ~~or 2) lawful continuous grading activity that has not ceased for a period of thirty (30) days or longer.~~

All permits for ~~conditional and~~ special uses shall become invalid if the use for which the permit was issued is discontinued, abandoned or ceases for one hundred and eighty consecutive days.

For purposes of this Section, the special use permit within the jurisdiction of the Board of Adjustment is issued when the Board votes to approve the application and issues the permit. A ~~conditional~~ special use permit within the jurisdiction of the City Council is issued when the Council votes to approve the application and issues the permit. A zoning or sign permit within the jurisdiction of the Administrator is issued when the earlier of the following takes places:

1. A copy of the fully executed permit is delivered to the permit recipient. Delivery is accomplished when the permit is hand delivered or mailed to the applicant; or

2. The Administrator notifies the applicant that the application has been approved and that all that remains for a fully executed permit to be delivered is for the applicant to take certain actions, such as having the permit executed by the property owner so it can be recorded. ~~under Section 2.2.19 (Effect of Permit on Successors and Assigns).~~

Notwithstanding any of the provisions of Section 5.6 (Nonconforming Situations), this Section shall be applicable to permits issued prior to the date this Section becomes effective.

## EFFECTS OF PERMIT ON SUCCESSORS AND ASSIGNS

Special use permits and other zoning permits (including sign permits) ~~, conditional use and sign permits~~ authorize the permittee to make use of the land and structures in a particular way. Such permits are transferable. However, so long as the land, structures or any portion thereof covered under a permit continues to be used for the purposes for which the permit was granted, then:

No person shall make use of the land or structures covered under the permit except in accordance with all the terms and requirements of that permit; and

The terms and requirements of the permit apply to and restrict the use of the land or structures covered under the permit, not only with respect to all persons having any interest in the property at the time the permit was obtained, but also to persons who subsequently obtain an interest in all or part of the covered property and wish to use it for a purpose other than that for which the permit was originally issued, so long as the person(s) who subsequently obtained an interest in the property had actual or record notice (as provided for below) of the existence of the permit at the time they acquired their interest.

~~2.2.19 AMENDMENTS TO AND MODIFICATIONS OF PERMITS~~

~~A DEVELOPER/LANDOWNER REQUESTING MODIFICATIONS TO AN APPROVED PERMIT SHALL SUBMIT A WRITTEN REQUEST, DESCRIBING AND IDENTIFYING THE PROPOSED CHANGES, TO THE ADMINISTRATOR. APPROVAL OF ALL CHANGES MUST BE GIVEN IN WRITING. THE ADMINISTRATOR SHALL DETERMINE INTO WHICH CATEGORY THE PROPOSED MODIFICATIONS FALL:~~

~~INSIGNIFICANT DEVIATION – A DEVIATION IS INSIGNIFICANT IF IT HAS NO DISCERNABLE IMPACT ON NEIGHBORING PROPERTIES, THE PUBLIC OR THOSE INTENDED TO OCCUPY OR USE THE PROPOSED DEVELOPMENT. TYPICAL DEVIATIONS MAY INCLUDE SMALL ADJUSTMENTS IN THE LOCATION OF UTILITIES, ROADWAYS, LANDSCAPING OR STRUCTURES TO ACCOMMODATE PHYSICAL SITE CONDITIONS. NO INSIGNIFICANT DEVIATION SHALL REQUIRE A VARIANCE FROM THE REQUIREMENTS OF THIS ORDINANCE. THE ADMINISTRATOR WITHOUT A FORMAL APPLICATION, PUBLIC HEARING OR PAYMENT OF AN ADDITIONAL FEE MAY APPROVE THIS CATEGORY.~~

~~MINOR DESIGN MODIFICATION – A MODIFICATION THAT HAS NO SUBSTANTIAL IMPACT ON NEIGHBORING PROPERTIES, THE PUBLIC OR THOSE INTENDED TO OCCUPY OR USE THE PROPOSED DEVELOPMENT. TYPICAL DESIGN MODIFICATIONS MAY INCLUDE RELOCATING INTERNAL INTERSECTIONS, ADJUSTING PARKING LOCATIONS, SMALL DESIGN ADJUSTMENTS TO THE BUILDING FOOTPRINT OR ELEVATION, SMALL MODIFICATIONS TO THE STORMWATER CONTROL SYSTEM OR LANDSCAPING PLAN. NO MINOR DESIGN MODIFICATION SHALL REQUIRE A VARIANCE FROM ANY REQUIREMENT OF THIS ORDINANCE. THE ADMINISTRATOR, WITHOUT A FORMAL APPLICATION, PUBLIC HEARING OR PAYMENT OF AN ADDITIONAL FEE MAY APPROVE THIS CATEGORY.~~

~~MAJOR DESIGN MODIFICATION - ALL OTHER REQUESTS FOR MAJOR CHANGES IN APPROVED PLANS WILL BE PROCESSED AS NEW APPLICATIONS. IF SUCH REQUESTS ARE REQUIRED TO BE ACTED UPON BY THE COUNCIL OR BOARD OF ADJUSTMENT, NEW CONDITIONS MAY BE IMPOSED IN ACCORDANCE WITH SECTION 2.2.16 (ADDITIONAL REQUIREMENTS ON SPECIAL AND CONDITIONAL USE PERMITS). THE APPLICANT RETAINS THE RIGHT TO REJECT SUCH ADDITIONAL CONDITIONS BY WITHDRAWING HIS REQUEST FOR AN AMENDMENT AND MAY PROCEED IN ACCORDANCE WITH THE PREVIOUSLY ISSUED PERMIT. THIS CATEGORY WILL BE TREATED AS A NEW APPLICATION AND SHALL REQUIRE A FORMAL APPLICATION, AN ADDITIONAL PUBLIC HEARING AND THE PAYMENT OF ADDITIONAL FEES.~~

~~A VESTED RIGHT ESTABLISHED IN ACCORDANCE WITH SECTION 2.8 (ZONING VESTED RIGHTS CERTIFICATE APPROVAL) SHALL NOT BE EXTENDED BY ANY AMENDMENT OR MODIFICATION TO AN APPROVED SITE-SPECIFIC DEVELOPMENT PLAN UNLESS EXPRESSLY PROVIDED FOR BY THE CITY COUNCIL.~~

~~2.2.20 REHEARING~~

~~WHENEVER THE ADMINISTRATOR DENIES A ZONING OR SIGN PERMIT, ON ANY BASIS OTHER THAN A FAILURE OF THE APPLICANT TO SUBMIT A COMPLETED APPLICATION, SUCH ACTION MAY BE APPEALED TO THE BOARD OF ADJUSTMENT BY THE PERSON AGGRIEVED WITHIN THIRTY DAYS OF THE NOTIFICATION TO DENY THE PERMIT BY FOLLOWING THE PROCEDURES DESCRIBED IN SECTION 3.1 (APPEALS, VARIANCES AND INTERPRETATIONS).~~

~~WHENEVER THE CITY COUNCIL DENIES A CONDITIONAL USE PERMIT OR THE BOARD OF ADJUSTMENT DENIES A SPECIAL USE PERMIT OR VARIANCE, ON ANY BASIS OTHER THAN THE FAILURE OF THE APPLICANT TO SUBMIT A COMPLETED APPLICATION, SUCH ACTION SHALL NOT BE RECONSIDERED BY THE RESPECTIVE ISSUING AUTHORITY FOR A PERIOD OF SIX MONTHS UNLESS THE APPLICANT CLEARLY DEMONSTRATES THAT:~~

~~CIRCUMSTANCES AFFECTING THE PROPERTY HAVE SUBSTANTIALLY CHANGED; OR~~

~~NEW INFORMATION IS AVAILABLE THAT COULD NOT, WITH REASONABLE DILIGENCE, HAVE BEEN PRESENTED AT THE PREVIOUS HEARING. A REQUEST TO BE HEARD ON THIS BASIS MUST BE FILED WITHIN THIRTY DAYS OF THE NOTIFICATION OF THE DECISION TO DENY THE FIRST APPLICATION. HOWEVER, SUCH A REQUEST DOES NOT EXTEND THE PERIOD WITHIN WHICH AN OFFICIAL LEGAL APPEAL MUST BE FILED WITH THE SUPERIOR COURT. (SEE SECTION 3.2.7 - JUDICIAL REVIEW).~~

~~NOTWITHSTANDING SUBSECTION ABOVE, THE COUNCIL, BOARD OF ADJUSTMENT OR ADMINISTRATOR MAY AT ANY TIME CONSIDER A NEW APPLICATION AFFECTING THE SAME PROPERTY AS AN APPLICATION PREVIOUSLY DENIED. A NEW APPLICATION IS ONE THAT THE CITY COUNCIL HAS DETERMINED DIFFERS IN SOME SUBSTANTIAL WAY FROM THE ONE PREVIOUSLY CONSIDERED. FOR THE PURPOSES OF DETERMINING FEES, RESUBMISSION OF AN APPLICATION SHALL BE TREATED AS A NEW APPLICATION SUBJECT TO NEW FEES.~~

~~2.2.21 SECTION RESERVED~~

~~THIS PAGE LEFT INTENTIONALLY BLA~~**2.4.11 VARIANCES**

An application for a variance shall be submitted to the Board of Adjustment by filing a copy of the application with the Administrator in the Planning Department. Applications shall be handled in the same manner as applications for ~~special use permits~~quasi-judicial procedures in conformity with the provisions in ~~Sections 2.2.3 (Who may submit permit applications), 2.2.5 (Applications to be complete), and 2.2.10 (Recommendations on special use permit applications).~~Section 2.1, General Approval Processes and NC GS § 160D-705(d), Variances. Applications for variances from the Watershed Protection Permit requirements shall be filed with the Watershed Review Board in the manner set forth in Section ~~5.8.4.7~~2.4.11. of this Ordinance.

A variance may be granted by the Board of Adjustment if it concludes that strict enforcement of the Ordinance would result in unnecessary hardships for the applicant., It may reach these conclusions if it finds that all of the following have been met:

~~1. If the applicant complies strictly with the provisions of the Ordinance, he can make no reasonable use of his property;~~

~~2. The hardship relates to the applicant's land, rather than personal circumstances;~~

~~3. The hardship is peculiar to the specific property involved;~~

~~4. The hardship is not the result of the applicant's own actions; and~~

~~5. The variance will neither result in the extension of a nonconforming situation in violation of Section 5.6 (Nonconforming situations) nor authorize the initiation of a nonconforming use of the land.~~

1. Unnecessary hardship would result from the strict application of the regulation. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;

2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances; as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship; and

4. The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured, and substantial justice is achieved.

Note that a variance shall be granted administratively when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability. The granted variance shall be the least amount of

deviation from the dimensional standards of this Ordinance necessary to make the necessary accommodation.

No change in permitted uses may be authorized by variance. Variances shall not be granted to lessen the required distances between incompatible uses. Appropriate conditions may be ~~imposted~~imposed on any variance, provided that the conditions are reasonably related to the variance. Any other development ~~reguatlion~~regulation that regulates land use or development may provide for variances from the provisions of this subsection.

## 2.4.12 BURDEN OF PROOF IN APPEALS AND VARIANCES

When an appeal is taken to the Board of Adjustment in accordance with ~~Section 3.1.1 (Appeals)~~Section 2.4.8., the Administrator shall have the initial burden of presenting to the Board sufficient evidence and argument to justify the order or decision appealed from. The burden of presenting evidence and argument to the contrary then shifts to the appellant, who shall also have the burden of persuasion.

The burden of presenting evidence sufficient to allow the Board of Adjustment to reach the conclusions set forth in ~~Section 3.1.2 (Variances),~~above, as well as the burden of persuasion on those issues, remains with the applicant seeking the variance.

## 2.4.13 BOARD ACTION ON APPEALS AND VARIANCES

With respect to appeals, a motion to reverse, affirm or modify the order, requirement, decision or determination appealed from shall include, insofar as practicable, a statement of the specific reasons or findings of facts that support the motion. If a motion to reverse or modify is not made or fails to receive the four-fifths vote necessary for adoption, per G.S. § 160D-406. ~~(See Section 8.2 - Board of Adjustment),~~ then the decision appealed from shall be upheld.

Before granting a variance, the Board must take a separate vote to affirm by a four-fifths majority on each of the ~~five required findings stated in Section 3.1.2 (Variances).~~four findings listed above. Insofar as practicable, a motion to make an affirmative finding on each of the requirements set forth ~~in Section 3.1.2 (Variances)~~ shall include a statement of the specific reasons or findings of fact supporting such a motion.

A motion to deny a variance may be made on the basis that any one or more of the ~~five~~ four criteria ~~set forth in Section 3.1.2 (Variances)~~ are not satisfied or that the application is incomplete. Insofar as practicable, such a motion shall include a statement of the specific reasons or findings of fact that support it. This motion is adopted as the Board's decision if supported by a simple majority of the Board's membership.

## 2.4.14 JUDICIAL REVIEW

Every decision of the Board of Adjustment shall be subject to review by the Superior Court of Wayne County by proceedings in the nature of certiorari, pursuant to G.S. § 160D-1402.

The petition for the writ of certiorari must be filed with the Wayne County Clerk of the Court within thirty days after the following occurs.

1. A written copy of the Board's decision has been filed in the office of the Planning Department; and

2. A written copy of the Board's decision has been delivered by personal service or certified mail, return receipt requested, to the applicant or appellant and every other aggrieved party who has filed a written request for such copy at the hearing of the case.

A copy of the writ of certiorari shall be served upon the City of Goldsboro.

## 2.5 ~~ZONING~~ VESTED RIGHTS ~~CERTIFICATE APPROVAL~~

### 2.5.1 PURPOSE

The purpose of this Section is to provide for the establishment of certain vested rights in order to ensure reasonable certainty, stability and fairness in the land-use planning process and to protect the reasonable expectations of landowners in recognition that City approval typically follows significant investment in the form of site evaluation, consultant fees and planning expenses.

### 2.5.2 ESTABLISHMENT

Pursuant to the provisions of ~~GS 160A-385.1~~G.S. § 160D-102 and -108,~~ a statutory zoning vested right is established upon the approval of a site-specific development plan. A zoning vested right certificate grants the landowner a right to undertake and complete the development and use of property under the terms and conditions of an approved site-specific development plan.~~ a vested right is the right to undertake and complete the development and use of property under the terms and conditions of an approval secured as specified in G.S. § 160D-108 or under common law.

A vested right shall be deemed established upon the valid approval or conditional approval, by the City Council, of a ~~site-specific development plan~~development approval following appropriate ~~notice and a public hearing~~noticing and hearing requirements.

~~The approval of a site-specific development plan with the condition that a variance be obtained shall not establish a zoning vested right unless and until the necessary variance is obtained. The effective date of the establishment of the vested right shall be the date on which the variance was granted.~~

A zoning vested right is not a personal right, but shall attach and run with the land. After approval of a site-specific development plan, all successors to the original owner shall be entitled to exercise such rights while applicable.

The City Council may approve a site-specific ~~development~~ vesting plan upon such terms and conditions as may be reasonably necessary to protect the public health, safety and welfare.

# ARTICLE 4.0 ENFORCEMENT

## 4.1 PURPOSE

In order to ensure compliance with this UDO, and in particular accordance with NC G.S.§ 160D-404, the following procedures describe the enforcement procedures and penalties for noncompliance with the standards of this UDO.

## 4.2 APPLICABILITY

The procedures described herein apply, as appropriate, within the jurisdiction of the City of Goldsboro.

## 4.3~~1~~ ~~COMPLAINTS~~INVESTIGATION

Whenever the Zoning Enforcement Officer receives a complaint alleging a violation of this Ordinance, he shall investigate the complaint and take whatever action is warranted.

## 4.4~~2~~ PERSONS LIABLE

Any landowner or holder of a development approval ~~The owner, tenant or occupant of any building or land or part thereof and any architect, builder, contractor, agent or other person~~ who participates in, assists, directs, creates or maintains any situation that is contrary to the requirements of this Ordinance may be held responsible for the violation, ~~and~~ suffer the penalties, and be subject to the remedies herein provided.

## 4.5~~3~~ PROCEDURES UPON DISCOVERY

If the Zoning Enforcement Officer finds that any provision of this Ordinance is being violated, he may send a written notice of the violation by personal delivery, electronic delivery, or first-class mail ~~–~~to the landowner(s) of the property and the holder of any development approval. A notice by similar means may be provided to the occupant of the property or the person undertaking the work or activity. The notice of violation may be posted on the property. The notice shall describe ~~person responsible for such violation~~, ~~indicating~~ the nature of the violation and ~~ordering~~ the actions necessary to correct it. Additional written notices may be sent at the Planning Director's discretion.

The final written notice (the initial notice may be the final notice) shall state what action the ~~Administrator~~ Planning Director intends to take if the violation is not corrected and shall advise that the ~~Administrator's~~ Planning Director's decision or order may be appealed to the Board of Adjustment in accordance with Section ~~3.1.1~~2.4.9. (Appeals).

Notwithstanding the foregoing, in cases when delay would seriously threaten the effective enforcement of this Ordinance or pose a danger to the public health, safety or welfare, the ~~Administrator~~ Planning Director may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in the following Section.

Prohibited or illegal temporary signs, as defined in Section 6-4, which are located within the road right-of-way or illegally placed on private property may be removed by the Planning Director or his designee.

## 4.64 PENALTIES AND REMEDIES FOR VIOLATIONS

Any work or activity ~~act~~ constituting a violation of a development regulation under the provisions of this Ordinance or a failure to comply with any of its requirements, including violations of ~~any~~ the terms of a development approval ~~conditions and safeguards established in connection with the grants of variances or special and conditional use permits~~, shall also subject the offender to a civil penalty as follows:

(1) In the amount of fifty dollars ($50.00) for each offense on the first day of such offense; and

(2) In the amount of one hundred dollars ($100.00) for each offense either (i) on the second day of such offense or (ii) when the offense is a second offense within a twelve (12) month period; and

(3) In the amount of two hundred and fifty dollars ($250.00) for each offense either (i) on the third day and on each subsequent day of such offense or (ii) when the offense is the third or subsequent offense within a twelve (12) month period.

If the offender fails to pay the penalty within thirty days after being cited for a violation, the City in a civil action in the nature of debt may recover the penalty. A civil penalty may not be appealed to the Board of Adjustment if the offender was sent a final notice of violation, a civil penalty or received a written warning in accordance with the previous Section and did not take an appeal to the Board of Adjustment within thirty days from the date of the final notice, written warning or issuance of the civil penalty. In lieu of a civil action to recover the debt, the City may turn unpaid penalties in to a credit/collection agency for collection. The offender will be responsible for all reasonable monetary damages as required by the collections agency to recover the debt. This section may also be enforced by any appropriate, equitable action.

Each day that any violation continues after notification by the Zoning Enforcement Officer that such a violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this Section. Notwithstanding the foregoing, the zoning enforcement officer may invoke the escalating civil penalties authorized by this section whenever the violation continues and there has been sufficient time for the violation to be corrected after notification that such violation exists or whenever the violation has occurred previously during a twelve (12) month period.

Any one, all or any combination of the forgoing penalties and remedies either cited in this Ordinance or in GS 160A - 175 may be used to enforce this Ordinance.

## 4.75 PERMIT REVOCATION

~~A zoning compliance, Certificate of Occupancy, sign, special use or conditional use permit may be revoked by the issuing authority~~ In accordance with the provisions of this ~~Ordinance,~~ Ordinance, the ~~Administrator~~Planning Director or Building Inspector may revoke any development approval granted under this Ordinance for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of any applicable development regulation or any State law delegated to the City of Goldsboro by the State for enforcement. ~~if the permit recipient fails to develop or~~

~~maintain the property or building in accordance with the submitted plans, the requirements of this Ordinance or any additional requirements lawfully imposed by the permit issuing authority.~~

The ~~Administrator~~Planning Director or Building Inspector shall notify the holder of the development approval of the revocation in writing. All development approval revocations shall follow the same procedures required for the initial issuance of the development approval including any written notices(s) or hearing(s). ~~Before a conditional use or special use permit may be revoked, all of the notice and hearing and other requirements of Section 3.2 (Quasi-Judicial Hearing Procedures) shall be complied with. The notice shall inform the permit recipient of the alleged grounds for revocation.~~

1. ~~The burden of presenting evidence sufficient to authorize the permit issuing authority to conclude that a permit should be revoked for any of the reasons set forth in this Section shall be upon the party advocating that position. The burden of persuasion shall also be upon that party.~~

2. ~~A motion to revoke a permit shall include, insofar as possible, a statement of the specific reasons or findings of fact that support the motion.~~

~~Before a zoning compliance or sign permit, which is issued by the staff, may be revoked, the Administrator shall give the permit recipient ten days' notice of intent to revoke the permit and shall inform the recipient of the alleged reasons for revocation and of his right to obtain a hearing on the allegations. If the permit is revoked, the Administrator shall provide to the permittee a written statement of the decision and the reasons therefore.~~

No person may continue to make use of the land or buildings in the manner authorized by any development approval ~~zoning, sign, special use or conditional use permit~~ after such ~~a~~ permit has been revoked in accordance with this Section.

## 4.8~~6~~ JUDICIAL REVIEW

Every decision of the City Council granting, denying or revoking a special ~~conditional~~ use permit and every final decision of the Board of Adjustment shall be subject to review by the Superior Court of Wayne County by proceedings in the nature of certiorari.

The petition for the writ of certiorari must be filed with the Wayne County Clerk of the Court within thirty days after the following occurs:

1. A written copy of the issuing authority's decision has been filed in the office of the Planning Department; and

2. A written copy of the issuing authority's decision has been delivered by personal service or certified mail, return receipt requested, to the applicant or appellant and every other aggrieved party who has filed a written request for such copy at the hearing of the case.

A copy of the writ of certiorari shall be served upon the City of Goldsboro.

## 4.9~~7~~ SECTION RESERVED

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# ARTICLE 5.0 ZONING

## 5.1 ~~GENERAL USE~~CONVENTIONAL ZONING DISTRICTS

### 5.1.1 PURPOSE AND INTENT

The ~~general use~~conventional districts established and contained in this Section are intended to:

1. Provide appropriately located areas for residential development consistent with the Comprehensive Plan and with standards of public health and safety established by this Ordinance;
2. Protect sensitive environmental and cultural resources;
3. Protect existing neighborhoods and residents from the harmful effects of excessive noise, population density, traffic congestion and other significant environmental impacts;
4. Ensure adequate light, air, privacy and open space for each residential dwelling;
5. Ensure the timely and efficient provision of public facilities and services;
6. Provide sites for public and semi-public uses such as schools, parks, churches and others as needed to complement residential development;
7. Provide appropriately located areas for a full range of office, commercial and industrial uses as needed by the City's residents, businesses and workers;
8. Strengthen the City's economic base and provide employment opportunities close to home for residents of the City and surrounding communities; and
9. Minimize the impact of commercial and industrial development on adjacent residential districts.

### 5.1.2 RELATIONSHIP TO CONDITIONAL ZONING AND OVERLAY DISTRICTS

Lands within the City's jurisdiction may be classified into one of the ~~general use~~conventional districts set forth in Section 5.1.3 (Districts established) of this Ordinance, one or more of the conditional zoning districts set forth in Section ~~2.5.2~~2.3.11., and/or one or more of the overlay districts set forth in Sections 5.7 (Historic Preservation Overlay District), 5.8 (Water Supply Watershed Protection Overlay District), 5.9 (Noise Overlay District), and Accident Potential Zone (APZ). Where the property is located in an overlay district, the regulations governing development in the overlay district shall apply in addition to the regulations of the underlying ~~general~~conventional/Conditional zoning District.

## 5.1.3 DISTRICTS ESTABLISHED

The following districts are ordered from the highest and more restrictive district to the lowest least restrictive district.

### *Agricultural - AG*

The AG district is established to accommodate rural residential densities, to ensure the protection of open space and to allow agricultural operations. The district is intended to provide for limited, dispersed single-family housing when located within the Accident Potential Zone (APZ) of Seymour Johnson Air Force Base or the Noise Overlay District. The minimum lot size is three acres.

### *Residential - R-40*

The R-40 district is established to accommodate rural single-family residential densities, to ensure the protection of open space and to exclude agricultural operations. The district is intended to maintain low densities where the provision of City sewer and water may not be complete and to permit limited housing development when located within the Accident Potential Zone (APZ) of Seymour Johnson Air Force Base or the Noise Overlay District. The minimum lot size is forty thousand square feet.

### *Residential - R-20A*

The R-20A district is established to accommodate rural density, single-family residential uses, to ensure the protection of open space and to allow limited agricultural operations. The district is intended to maintain low densities where the provision of City sewer and water may not be complete and promote a compatible mixture of single-family residential and agricultural uses in areas where urbanization is occurring. The minimum lot size is twenty thousand square feet.

### *Residential - R-20*

The R-20 district is established to accommodate rural density, single-family residential uses and to ensure the protection of open space. This district is intended to maintain low densities where the provision of City sewer and water may not be complete. It discourages any use that would substantially interfere with the development, use and enjoyment of single-family dwellings and that would be detrimental to the quiet residential nature of the district. The minimum lot size is twenty thousand square feet.

### *Residential Holding – R-16H*

The R-16H district allows for low-density single-family residential uses on lot sizes of 16,000 sq. ft. This district also serves as a holding zone until sewer service is available and development for commercial, office, industrial or residential development at higher densities is appropriate.

### *Residential - R-16*

The R-16 district is established to accommodate low density, single-family residential uses and to prohibit all activities of a commercial nature, except certain home occupations. It discourages any use that would substantially interfere with the development, use and enjoyment of single-family dwellings and that would be detrimental to the quiet residential nature of the district. The minimum lot size is sixteen thousand square feet.

### *Residential - R-12SF*

The R-12SF district is established to accommodate low density, single-family residential uses and to prohibit all activities of a commercial nature, except certain home occupations. The minimum lot size is twelve thousand square feet.

### *Residential - R-12*

The R-12 district is established to accommodate both single and multifamily residential uses and to prohibit all activities of a commercial nature, except certain home occupations. The minimum lot size is twelve thousand square feet for a detached single-family dwelling. Multi-family dwellings shall have twelve thousand square feet of land area for the first unit with an additional six thousand square feet of land area required for each additional dwelling unit.

### *Residential - R-9SF*

The R-9SF district is established to accommodate medium density, single-family residential uses and to prohibit all activities of a commercial nature, except certain home occupations. The minimum lot size is nine thousand square feet.

### *Residential - R-9*

The R-9 district is established to accommodate both single and multifamily residential uses and to prohibit all activities of a commercial nature, except certain home occupations. The minimum lot size is nine thousand square feet for a detached single-family dwelling. Multi-family dwellings shall have nine thousand square feet of land area for the first unit with an additional four thousand five hundred square feet of land area required for each additional dwelling unit.

### *Residential - R-6SF*

The R-6SF district is established to accommodate high density, single-family residential uses and to prohibit all activities of a commercial nature, except certain home occupations. The minimum lot size is six thousand square feet.

### *Residential - R-6*

The R-6 district is established to accommodate both single and multifamily residential uses and to prohibit all activities of a commercial nature, except certain home occupations. The minimum lot size is six thousand square feet for a detached single-family dwelling. Multi-family dwellings shall have six thousand square feet of land area for the first unit with an additional two thousand square feet of land area required for each additional dwelling unit.

### *Residential - RM-9*

The RM-9 district is established to provide property owners the opportunity to place manufactured housing on individual lots. Up to two manufactured housing units may be placed on one lot, provided the lot has a minimum area of forty thousand square feet. The minimum lot area for individual units is nine thousand square feet.

### *Residential - RM-8*

The RM-8 district is established to accommodate lower density manufactured home parks. The minimum park size is ten acres. The minimum lot size is eight thousand square feet, but may be increased by the County Health Director based on the results of soil percolation tests for lots not served by City sewers.

### *Office-Residence – O-R*

The Office-Residence district is established to accommodate low intensity office or institutional uses in areas adjacent to existing neighborhoods. The size, height and architectural style of the buildings, as well as the site design, should be more compatible with adjacent residential structures than with typical office or commercial developments. The district is intended to promote a compatible mixture of residential and office uses in areas where a similar pattern of use has occurred or where the transition from residential use to more intense commercial use is occurring.

### *Office and Institutional 1 - O&I-1*

The Office and Institutional 1 district is established to provide for the development of office and community institutions that have similar development characteristics and require locations close to residential and commercial uses. This district discourages commercial uses and forbids industrial uses. It is intended to encourage the development of office and institutional uses that provide a step down in intensity between highly developed commercial districts and nearby neighborhoods.

### *Office and Institutional 2 - O&I-2*

The Office and Institutional 2 district is established to provide for the development of municipal service sites. The intent of this district is to regulate those developments needed to serve the City and surrounding community.

### *Neighborhood Business - NB*

The Neighborhood Business district is established to provide the services and commercial development needed to serve primarily the adjoining neighborhoods. The district is intended to promote the development of small pedestrian oriented establishments whose character and use is compatible with nearby residential neighborhoods. The maximum building gross area is twenty-four thousand square feet.

### *Central Business District - CBD*

The Central Business district is established to maintain and strengthen the concentration of commercial, service, residential and institutional uses that serve the entire community and region. The district encourages a mix of high intensity, pedestrian oriented uses compatibly designed and arranged around the existing compact core. The district is intended to safeguard the unique architectural character, social activity and cultural value of the downtown while promoting its continued success and redevelopment. There is no minimum lot size.

### *Highway Business - HB*

The Highway Business district is established to accommodate highway oriented retail and commercial uses which generally serve the entire City and nonresident traffic. Due to its highly visible location on the major thoroughfares and gateways into the City, the district encourages high quality design, ample parking, controlled traffic movements, suitable landscaping and non-distracting signage. In those developments adjacent to residential areas, the district is intended to protect dwellings from the traffic and visual impacts associated with commercial development.

### *Shopping Center - SC*

The Shopping Center district is established to provide for a mix of office, retail and service establishments in one development. Due to the high visibility, typically large size and single ownership/management of shopping centers, the district encourages the coordinated planning and design of structures, pedestrian ways, parking/loading, landscaping/buffering, signage and lighting. The district is intended to promote high quality, unified and accessible developments serving the needs of the community and surrounding area.

### *General Business - GB*

The General Business district is established to accommodate the widest range of uses providing general goods and services to the community. The district is intended to promote high quality, accessible developments serving the needs of the community and surrounding area. There is no minimum lot size.

### *Airport Business - AB*

The Airport Business district is established as generally equivalent to the Highway Business District except that it is located within the Accident Potential Zone (APZ) of the Seymour Johnson Air Force Base. The district is intended to allow dispersed low intensity

commercial uses and to provide additional review for uses that have the potential to concentrate people within the APZ.

### *Light Industry - I-1*

The Light Industrial district is established to accommodate a limited range of manufacturing, wholesale and distribution uses that operate in a relatively clean and quiet manner, do not produce continual heavy traffic volumes and are compatible with neighboring residential or business districts. The minimum lot size is twenty thousand square feet.

### *General Industry - I-2*

The General Industrial district is established to accommodate the widest range of manufacturing, wholesale and distribution uses, provided the use does not create smoke, dust, noise, vibration or fumes beyond the lot line. The district also prohibits those uses that would interfere with the future development of industrial establishments. There is no minimum lot size.

### *Industrial and Business Park - IBP2*

The Industrial and Business Park 2 district is established to provide for a mixture of commercial uses of various types in a single coordinated development. Development within the district is expected to display a high quality of design in buildings, site arrangements, landscaping, signage and site amenities. There is no minimum park size. The minimum lot size is twenty acres.

### *Industrial and Business Park - IBP1*

The Industrial and Business Park 1 district is established to provide for a mixture of commercial and industrial uses of various types in a single coordinated development. Development within the district is expected to display a high quality of design in buildings, site arrangements, landscaping, signage and site amenities. The minimum size of the park is one hundred acres. The minimum lot size is ten acres.

Updated through March 14, 2017

## 5.1.4 SECTION RESERVED

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# 5.2 GENERAL SETBACK, HEIGHT AND AREA STANDARDS

## 5.2.1 PURPOSE

It is the intent of this Section to provide development standards that ensure adequate access to light, air and open space with the public purpose of maintaining a healthy, safe and aesthetically pleasing environment in which to live, work and play.

## 5.2.2 REQUIRED SETBACKS

A building, structure or lot shall not be developed, used or occupied unless it meets the minimum dimensional requirements set forth in the ~~General Use~~Conventional District Dimensional Tables for the zoning district in which it is located, except as otherwise established in this Ordinance or unless a variance has been granted.

Any setback or open space required by this Ordinance shall not be included as part of a setback or other open space required by this Ordinance for another building, structure or lot.

## 5.2.3 FRONT SETBACK

On lots fronting thoroughfares and collector streets, the setbacks and street yards must be measured from the ultimate right of way as shown on the Master Thoroughfare Plan or the Long-Range Transportation Plan. The City Council or Planning Director may require dedication of these right-of-ways as necessary for project approval.

In areas developed prior to the institution of zoning in the City, the front setback shall be established by taking the average front setback line of buildings comprising twenty five percent of the frontage on the block, or lots within six hundred feet on both sides of the proposed structure, whichever is less. No building shall be erected, moved or altered to project closer to the right of way on which it faces than the average front setback line established by such buildings. Where no front setback line has been established, the regulations of the zoning district shall apply.

The front setback on an unbuilt residential corner lot shall be determined in the following manner:

1. On corner lots where the lot dimensions fronting the streets are not equal, the lot line with the shorter dimension shall be designated as the front.

2. On corner lots where the lot dimensions fronting the streets are equal, there are two options.

    - The homeowner or builder shall orient the front door to the house parallel to the street or the lot line designated as the front or

- The homeowner or builder may orient the house on an angle facing the corner of the lot at the intersection of the streets. In this case, the entire structure shall meet the front setback requirement on both abutting streets. Lot lines that are opposite the designated front lot lines shall be designated as rear lot lines.

The front setback on an existing corner lot with an existing building shall be determined in the following manner:

1. The lot line to which the front door is oriented shall be designated as the front.

2. If the structure of the house is on an angle facing the corner of the lot at the intersection of the abutting streets, the entire structure shall meet the front setback requirement on both abutting streets.

3. Lot lines that are opposite the designated front lot lines shall be designated as rear lot lines

All commercial, office and industrial development shall meet the front setback requirement from all public or private street right-of-ways.

No merchandise shall be displayed, unless expressly provided by this Ordinance, or business conducted in the required front setback.

### 5.2.4 SIDE SETBACK

In the General Business District, Shopping Center District Neighborhood Business District and Central Business District the following side setback regulations shall apply:

1. Where no openings are provided in the walls of non-residential buildings adjacent to interior lot lines, a 10 ft. side setback shall be required except as required in Sections 6.3.9 and 5.3.5.3.

2. Where there are existing openings in non-residential buildings adjacent to the interior lot lines, the side setback on that side (with the openings) of the lot shall be a minimum of five feet, except as required in Section 6.3.9.

### 5.2.5 PROJECTIONS INTO SETBACKS

Every part of a required setback shall be open from its lowest point to the sky, unobstructed except for the ordinary projection of sills, belt courses, cornices, bay windows, buttresses, ornamental features and eaves. None of the above projections shall project into a minimum side, rear or front setback more than thirty-six inches.

Open or enclosed fire escapes, fireproof side or rear outside stairs, HVAC units, open patios, uncovered decks and balconies may project into a minimum side or rear setback or court no more than three and a half feet, except as required in Section 6.3.9. The ordinary

projections of chimneys and flues may be permitted where the Building Inspector finds that they are placed so as not to obstruct light and ventilation.

Ramps for handicapped access may encroach into the front yard setback no more than 3.5 ft.

## 5.2.6 HEIGHT EXCEPTIONS

In all residential districts, the height limits of all structures may be increased by up to ten feet provided the depths of both the required front and side setbacks shall be increased by five feet to the property line except as provided in Section 5.2.7.

In all non-residential zoning districts, all structures exceeding fifty (50) feet in height, excluding high-rise signs, shall be setback from the adjoining property lines a minimum distance of one hundred fifty percent (150%) of the structure's height.

## 5.2.7 SPECIAL SEYMOUR JOHNSON AIR FORCE BASE AND GOLDSBORO-WAYNE MUNICIPAL AIRPORT HEIGHT REGULATIONS AND LIMITATIONS

No structure shall exceed the applicable height limitations established by the Seymour Johnson Air Force Base "AICUZ Update – Air Installation Compatibility Use Zone report. The Air Force AICUZ height restrictions are based on those contained in Federal Aviation Administration (FAA) Regulation Part 77, and are documented in the U.S. Department of Defense document "Unified Facility Criteria 3-260-01, Airfield and Heliport Planning and Design" or the applicable height limitations of the Goldsboro-Wayne Municipal Airport Layout Plan Report on file at the City of Goldsboro Planning Department.

## 5.2.8 ACCESSORY STRUCTURES

No accessory structure shall be located less than five feet from the exterior wall of the ~~principle~~ principal structure. Structures located closer than five feet shall be considered as additions to the ~~principle~~ principal structure and shall conform to all the applicable setbacks.

No accessory structure not otherwise regulated by this Ordinance shall be located within the required or established front or side setback or front or side yard of a single-family or two-family residentially developed property. All accessory buildings associated with single-family and two-family homes shall be located in the rear yard.

No accessory structure on a corner lot shall extend beyond the side building line of the ~~principle~~ principal structure.

No accessory structure shall be located less than five feet from the side or rear lot line or occupy more than thirty percent of the required rear yard.

Accessory structures for non-residential and multi-family uses shall comply with all buffer yard requirements as provided in Section 6.3 of this Ordinance.

Accessory structures on corner lots in non-residential districts may extend closer to the street than the ~~principle~~ principal structure as long as the accessory structure meets the minimum front setbacks.

For the purposes of this Section, detached, open carports shall meet the same setback requirements as any other accessory structure. Open carports attached to the ~~principle~~ principal structure shall comply with the same setbacks as the ~~principle~~ principal structure.

Existing carports as of the effective date of this Ordinance that are located at least six feet from a side property line in an R-6, R-9 or R-12 Residential district or at least eight feet from a side property line in an R-16, R-20, R-20A or AG zoning district may be enclosed provided no expansions are proposed.

The following uses/accessory structures shall be exempted from the setback requirements of this Section:

1. Fencing and walls;
2. Mailboxes;
3. Plant materials – regulated by Section 6.3 (Landscaping, screening, and buffering standards).
4. Signs – regulated by Section 6.4 (Signage standards);
5. Any structure or improvement, once installed, that is at grade or less than one foot above grade at its highest point. (excluding in-ground swimming pools); and
6. Satellite dishes.

Open fences and walls may be erected to any height. Solid fences, walls and landscaped areas shall be limited to three feet six inches in height when projecting into or enclosing a front yard unless otherwise specified in this Ordinance. Solid fences and walls shall be limited to six feet six inches when projecting into or enclosing, a side or rear yard. The height may be increased to eight feet, if required by this ordinance or along a rear yard provided the rear yard is not the side yard of an adjacent lot and the fencing used is not less than twenty-five percent open.

Barbed wire is prohibited below a height of six feet when adjacent to or when enclosing residentially developed property. Razor ribbon, concertina wire, electric fences and similar devices are prohibited adjoining residentially zoned or developed property.

All below-ground swimming pools shall be enclosed by a four (4) foot fence with a latching gate.

Any swimming pool or hot tub that has been determined by the Chief Building Inspector to be abandoned or in disrepair shall be required to be drained and equipped with a solid cover to prevent drowning or injury. Pools or hot tubs that cannot be covered or are not brought into compliance with this section may be ordered to be removed or filled in by the Chief Building Inspector. Failure to comply with an order to remove or fill a pool or hot tub

shall result in fines and removal or fill of the pool or hot tub by the City at the expense of the owner.

## 5.2.9 TRAFFIC IMPACT ANALYSIS

~~The City Council may require that any~~Any project which generates more than 3,000 vehicles per day, shall prepare a Traffic Impact Analysis for the proposed development. The costs associated with the Traffic Impact Analysis shall be paid by the developer.

## 5.2.10 SPECIAL POPULATION STANDARDS

Special population housing residences shall not be located within one-quarter mile (1,320 ft.) of an existing special population housing residence as measured from property line to property line.

(Ord. 2006-95)

## 5.2.11 WATER AND SEWER

Water and sanitary sewer mains shall be installed in accordance with City standards and shall be approved by the Goldsboro City Engineer and the State of North Carolina when such utilities are accessible and available within one thousand (1,000) feet of any proposed development. Should septic systems and wells be utilized, such shall meet the requirements of the State Board of Health and be approved by the Wayne County Health Department.

The City Engineer shall have the authority to waive the connection of water and sewer connection when economic obstacles or practical connection is unavailable to utilities within 1,000 feet.

## 5.2.12 DAY CARE CENTERS – CHILD

1. Day care centers shall comply with all State and Federal laws that pertain to health, safety and welfare including GS 110-91 and the NC Administrative Code.

2. The center shall provide an outdoor play area of at least seventy five (75) square feet for each child. The outdoor play area shall be fenced or walled. The minimum height for the enclosure shall be four (4) feet.

3. The outdoor play area and its associated equipment shall be housed in the rear or side fenced yard. Front yards shall not be used as the required outdoor play area.

Updated through March 14, 2017

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# 5.3 ~~GENERAL USE~~CONVENTIONAL DISTRICT DIMENSIONAL TABLES/STANDARDS

## 5.3.1 GENERAL STANDARDS

All ~~principle~~ principal and accessory uses shall be subject to the intensity and dimensional standards set forth in the following tables. These standards may be further limited or modified by other applicable sections of this Ordinance. Clarifications, referenced by number, are set forth immediately following the tables. Additional standards, applicable to particular districts or uses, follow the clarifications. Rules of measurement, accessory use dimensional restrictions and exceptions are set forth in Section 5.2 (General Setback, Height and Area Standards).

## 5.3.2 RESIDENTIAL DISTRICTS

| Residential Zoning Districts | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| **District** | **Lot** | | | **Setbacks** | | | | **Height** |
| | Area[1] | Width | Cul-de-sac[2] | Front | Rear | Side | Corner | |
| **AG** | 3 acs. | 150 | 35/150 | 50 | 25 | 25 | 45 | 35 |
| **R-40** | 40,000 | 150 | 35/150 | 50 | 25 | 25 | 45 | 35 |
| **R-20A** | 20,000 | 120 | 35/120 | 45 | 25 | 20 | 45 | 35 |
| **R-20** | 20,000 | 120 | 35/120 | 45 | 25 | 20 | 40 | 35 |
| **R-16H** | 16,000 | 100 | 35/100 | 40 | 25 | 16 | 32 | 35 |
| **R-16** | 16,000 | 100 | 35/100 | 40 | 25 | 16 | 32 | 35 |
| **R-12SF** | 12,000 | 90 | 35/90 | 35 | 25 | 12 | 24 | 35 |
| **R-12** | 12,000/6,000 | 90 | 35/90 | 35 | 25 | 12 | 24 | 35 |
| **R-9SF** | 9,000 | 70 | 35/70 | 30 | 25 | 10 | 20 | 35 |
| **R-9** | 9,000/4,500 | 70 | 35/70 | 30 | 25 | 10 | 20 | 35 |
| **R-6SF** | 6,000 | 60 | 35/60 | 25 | 25 | 8 | 16 | 35 |
| **R-6** | 6,000/2,000 | 60 | 35/60 | 25 | 25 | 8 | 16 | 35 |

Area measurements are in square feet, except the AG District as noted; all other figures are in linear feet.

All setbacks are as stated except as required by Section 6.3.9, whichever is greater.

1. The minimum land area requirements in Multi-family Districts, R-6, R-9, R-12, are expressed in what is required for the first unit, followed by the requirement for each additional unit. (Example, In the R-12 District an 18,000

square foot lot is required for two units, 12,000 first unit + 6,000 for an additional unit =18,000 square feet)

2. The minimum lot width on a cul-de-sac is measured at the setback line, but a minimum frontage of thirty-five feet is required at the street right of way.

### 5.3.2.1 RESIDENTIAL DENSITY EXCEPTIONS

In districts permitting two-family or multi-family dwellings, where the area of the property is such that a portion remains after all of the requirements have been met for other dwelling units on the same property, the following rules shall guide the Administrator in determining density. No relaxation of these rules shall be permitted by a variance. If otherwise permitted by the regulations of a district:

1. Two units shall be permitted on a lot containing the area required for one unit and ninety-five percent of the required area for a second;

2. Three units shall be permitted on a lot containing the area required for two units and ninety percent of the required area for a third;

3. Four units shall be permitted on a lot containing the area required for three units and eighty-five percent of the required area for a fourth; and

4. One additional unit shall be permitted on a lot containing the area required for four or more units and eighty percent of the required area for the additional unit.

Apartment complexes located in the R-6 District, consisting of two or more stories, may increase the density stipulated under the ~~General Use~~Conventional District Dimensional Requirements after requisite approval(s) are acquired ~~by the Planning Commission and the City Council~~ provided:

1. A site-specific development plan is submitted showing all of the structures, open spaces, buffers, landscaping, lighting, parking and any other required details ~~requested by the City Council~~.

2. All setback requirements and off-street parking as specified in this Ordinance have been met and not more than seventy percent of the site's land area is utilized for building purposes.

3. The development has met all of the design standards in Section ~~5.3.2.4~~5.3.2.3. (R-6, 9, 12 – Multifamily development design standards) below.

Unless otherwise specified within this Ordinance, all residential uses permitted in Office-Residence, Office and Institutional-1, Neighborhood Business, Central Business District, General Business, Shopping Center and Highway Business shall meet the requirements of the closest, most restrictive zoned or developed residential property except as otherwise provided in this Ordinance.

### 5.3.2.2 MODULAR HOME DESIGN AND INSTALLATION STANDARDS

Modular homes are permitted on any parcel zoned for detached single family residential. The following standards shall apply to modular homes:

1. After installation on the lot, it is the intent of this Section that the modular home shall have the appearance of a site built, single-family dwelling unit permanently located on its lot.

2. All wheels, hitches, axles, lights and other mechanisms designed for transporting the unit shall be removed.

3. The roof shall have a pitch no less than a vertical rise of three feet over a horizontal run of twelve feet, with a projected eave of no less than six inches, which may include the gutter.

4. The exterior siding shall consist predominantly of vinyl or aluminum lap siding, brick, wood or hardboard comparable in composition, appearance and durability to exterior siding commonly used in standard residential construction.

5. All modular homes shall have a permanent foundation, including a continuous brick or masonry curtain wall combined with masonry piers, unpierced except for the required access and ventilation.

6. All modular homes shall meet the requirements of the current North Carolina Building Code.

7. The front door of any modular home shall be located so as to be parallel to the street.

### 5.3.2.3 R-6, 9, 12 - MULTI-FAMILY AND TOWNHOME DEVELOPMENT DESIGN STANDARDS

The following standards shall apply only to multifamily and townhome developments in excess of four dwelling units and to multi-family land uses in the Central Business District in excess of two (2) units. Single-family homes and duplexes on individual lots and any residential developments above the first floor in the Central Business District are exempt from these standards:

1. Open Space – Common area equal to twenty percent of the entire development (excluding rights-of-way) shall be preserved, maintained and improved by the development owner for active recreational use by residents of the development. Details of such improvements shall be accurately shown on all site plans.

2. Open Space - The required open space shall not consist of fragmented pieces of land that serve no useful purpose. It may include both active (parks, ball fields, greenways) and passive (wooded areas, streams, wetlands) open spaces. Retention or detention ponds or areas shall not be included in the calculation of open space unless they are designed for multiple uses and use naturalizing techniques like contouring, berming, landscaping and/or all natural materials. Street rights-of-way, sidewalks, building areas, parking lots and yards held in individual ownership shall not count as open space.

3. Open Space Ownership - The required open space shall be held in common ownership, for the perpetual benefit of residents of the development, by a legally established corporation, association or other legal entity, or be dedicated to the City of Goldsboro as a public park. The terms of such lease or conveyance shall include provisions suitable to the City Council guaranteeing:

    - The continued use of such land for the intended purposes;
    - Continuity of maintenance for those portions of the open space requiring such; and
    - Adequate insurance protection.

4. Building Separation – The minimum spacing between buildings shall be twenty feet, plus one foot for each foot of building height in excess of thirty feet.

5. Landscaping – A landscaping plan shall be submitted that meets all of the requirements of Section 6.3 (Landscaping, Screening, and Buffering Standards). The homeowner's association shall be responsible for maintenance of all on-site landscaping. Multi-family developments located adjacent to single-family developments shall be required to provide a twenty (20) foot opaque Type C buffer as defined in Table 6-9.

6. Pedestrian Facilities – Interior sidewalks, within the boundaries of the development, shall connect the residential buildings to other destinations, such as, but not limited to, parking, adjoining streets, mailboxes, refuse disposal, adjoining sidewalks, greenways, recreational areas or other site amenities. Exterior sidewalks, in rights of way on the perimeter of the development, shall be provided along any adjacent public street or private street.

7. Parking – All parking shall be in accordance with Section 6.1 ~~6.14 (~~Off-street Parking, Loading, and Stacking Standards). In addition, no parking area shall be located closer than ten feet to any residential building wall.

8. Access – No common driveway shall be located closer than fifteen feet to a residential building. For developments in excess of forty dwelling units, a

divided ingress-egress driveway with a landscaped median, twenty feet or greater in length, shall be provided for all entrances on a public street.

9. Utilities – All utility lines shall be underground.

10. Lighting – Outdoor lighting shall be provided for security. Such lighting shall be shielded to direct light downward and not into the dwelling units, on or adjacent to the multifamily development. All lighting shall comply with Section 6.2 of this ordinance.

11. Signage – All signage shall be in accordance with Section 6.4 (Signage standards).

12. Storage – At least twenty-four square feet of individual enclosed storage space shall be provided for each dwelling unit. Such storage shall be located either in the same building as the dwelling unit it serves or in an accessory building that also houses parking, recreational, laundry or other facilities that serve the occupants of the development.

13. Refuse Collection Area – If the development provides a common collection point for refuse, like a dumpster or common garbage can storage area, it shall be screened, by a wall, opaque fence or landscaping, from the view of any dwelling unit on or adjacent to the multifamily development, and from the view of any public street.

14. Multi-family developments shall provide a twenty (20) foot side and rear setback for all buildings.

### 5.3.2.4 CLUSTER DEVELOPMENT OR RESIDENTIAL PUD OPTION

The cluster development or residential PUD option provides an alternative to standard residential development practices. Cluster developments or residential PUD's site homes on lots smaller than permitted under the ~~general use~~conventional district regulations. However, the remaining “saved land” is retained as commonly held open space. The permanent, legally dedicated, open space can be used to protect natural resources, extend stream buffers or provide recreational facilities for the community’s benefit. Other benefits of clustering include the overall density of the project is not increased, just redistributed, the water supply is protected and development costs are reduced.

Cluster developments or residential PUD's, shall be reviewed ~~approved by the City Council~~ as a ~~Conditional~~ Special Use.

### 5.3.2.5 CLUSTER DEVELOPMENT OR RESIDENTIAL PUD DESIGN STANDARDS

1. Development Size - The minimum size of a cluster development shall be five acres.

2. Dimensional Standards – The minimum lot size, width and setbacks may be reduced by up to forty percent from the specifications of the prevailing zoning district. ~~The City Council may require larger lot sizes if, in the opinion of the Council, smaller lot sizes would be incompatible with adjoining developments.~~Where a proposed cluster development abuts developed residential parcels in an adjoining neighborhood, lots that touch the pre-existing neighborhood shall have their minimum lot width specified at the average of the minimum lot width of the two neighborhoods.[1]

3. Density – No cluster development shall exceed the maximum permissible density allowed in its designated ~~general use~~conventional district. Road right-of-ways may be counted to compute density.

4. Required Open Space – At least twenty percent of the total project area shall be reserved as commonly held open space. Not more than twenty-five percent of the land used to fulfill this requirement shall be located in a designated floodway.

5. Open Space - The required open space shall be preserved in a natural or vegetative state. Retention or detention ponds or areas shall not be included in the calculation of open space unless they use naturalizing techniques like berming, contouring, landscaping and/or natural materials. Street rights-of-way, building areas, parking lots and yards held in individual ownership shall not count as open space.

6. Open Space Ownership - The required open space shall be held in common ownership, for the perpetual benefit of residents of the development, by a legally established corporation, association or other legal entity, or be dedicated to the City of Goldsboro as a public park. The terms of such lease or conveyance shall include provisions suitable to the City Council guaranteeing:

    - The continued use of such land for the intended purposes;
    - Continuity of maintenance for those portions of the open space requiring such; and
    - Adequate insurance protection.

7. Open Space Access -All open space shall be accessible to residents by fronting a public street, recorded pedestrian easement or fee simple property.

8. Streets and Paving – All streets, parking and loading areas shall meet City standards.

[1] i.e. – if a cluster subdivision had a min. lot width of 40’ and some of the parcels backed up to a neighboring residential subdivision with a min. lot width of 90’, the lots in the cluster subdivision that abutted the pre-existing subdivision would have a min. lot width of 65’ = (40’ + 90’) / 2 .

9. Pedestrian Facilities – Sidewalks or walkways shall form a logical, safe and convenient system for pedestrian access to all dwelling units, project facilities, open spaces and ~~principle~~ principal off site pedestrian destinations.

10. Storm Drainage – Surface or underground storm drainage facilities shall be provided for all streets, roads, drives and parking/loading areas. All storm drainage shall be directed into established surface or underground storm drainage facilities. Storm water retention basins shall be designed into landscaped areas as natural appearing ponds or as architectural design features. Dry detention ponds shall be designed into landscaped areas.

11. Utilities – All utility lines shall be underground.

12. Lighting – Outdoor lighting shall be provided for security. Such lighting shall be shielded to direct light downward and not into the dwelling units, on or adjacent to the multi-family development.

13. Parking – All parking shall be accordance with Section 6.1 (Off-Street Parking, Loading and Stacking Standards).

14. Signage – All signage shall be in accordance with Section 6.4 (Signage Standards).

15. Landscaping – A landscaping plan shall be submitted that meets all of the requirements of Section 6.3 (Landscaping, screening, and buffering standards). All landscaping shall be maintained by the homeowner's association.

**5.3.2.6 SECTION RESERVED**

### 5.3.3 MANUFACTURED HOME DISTRICTS

| Manufactured Home Districts | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| **District** | **Lot** | | | **Setbacks** | | | | **Park** |
| | Area[1] | Width[2] | Depth | Front | Rear | Side | Clearance[3] | Area[4] |
| **RM-9** | 9,000/40,000[5] | 35/90 | 100 | 30 | 25 | 10/20* | 55 | n/a |
| **RM-8** | 8,000 | 80 | 100 | 20 | 10 | 10 | 20/25 | 10ac. |

*On corner lots;

Area measurements are in square feet, except the park areas in acres as noted; all other figures are in linear feet. All setbacks are as stated except as required by section 6.3.9, whichever is greater.

1. The minimum lot area shall be increased if deemed necessary by the County Health Director, based on soil percolation tests for those lots not connected to City sewer service.

2. The minimum lot width on a cul-de-sac is measured at the setback line, but a minimum frontage of thirty-five feet is required at the street right of way.

3. The minimum clearance between manufactured homes is measured in a straight line from exterior wall to exterior wall. The second number under the RM-8 District is the minimum clearance from the exterior wall of the manufactured home to the park's property line.

4. This standard identifies the minimum area for a manufactured home park.

5. In the RM-9 District, two manufactured homes are permitted on a lot with an area of 40,000 square feet or greater.

### 5.3.3.1 ADDITIONAL MANUFACTURED HOME STANDARDS

No manufactured home shall be parked outside an approved manufactured home park, except those located in the RM-9 District, unoccupied structures on a sales lot, structures located on farms and structures approved for commercial office or institutional uses. Manufactured structures used for commercial, office or institutional purposes must meet the requirements set forth in the North Carolina Building Code.

Not more than two manufactured homes used for office purposes shall be permitted on a construction site, during time of construction only, provided all sewage and waste is disposed of in a sanitary manner approved by the County Health Director.

All manufactured homes shall be located so as to be parallel to the front property lines.

All manufactured homes located within a manufactured home park shall have a foundation of a continuous brick/masonry curtain wall or durable non-reflective skirting of vinyl or aluminum, unpierced except for the required access and ventilation.

All manufactured homes, except manufactured homes located within a manufactured home park, shall have a foundation of a continuous brick/masonry curtain wall, unpierced except for the required access and ventilation.

All manufactured homes located within the City of Goldsboro's jurisdiction, whether located on privately owned lots or within a manufactured home park, shall meet the following minimum standards:

- The manufactured home shall ~~be constructed after July 1, 1976. No manufactured home built before July 1, 1976~~meet or exceed the standards of the National Manufactured Home Construction and Safety Standards Act of 1974 shall be moved onto any location within the city limits or extraterritorial jurisdiction.

- After installation on the lot, it is the intent of this regulation that the manufactured home shall have the appearance of a site-built, single-family dwelling unit permanently located on its lot.

- All wheels, hitches, axles, lights and other mechanisms designed for transporting the unit shall be removed.

- The roof shall have a pitch no less than a vertical rise of there (3) feet over a horizontal run of twelve (12) feet, with a projected eave of no less than six (6) inches, which may include the gutter.

- Exterior siding shall consist predominantly of horizontal vinyl or horizontal aluminum lap siding, brick, wood or hardboard comparable in composition, appearance and durability to exterior siding commonly used in standard residential construction.

- All repairs made to the exterior of manufactured homes shall be made consistent with the original intent or integrity of the manufactured home. Repair materials should be close to or consistent with the original.

- No visible rust shall be allowed.

- All windows and doors on a manufactured home must be intact and in working condition.

- All exterior finishes shall be in good condition. All siding shall be complete, not damaged or loose. Exterior paint shall be in good condition.

- All manufactured homes shall meet the requirements of Section 5.1 of the City's Unified Development Ordinance entitled "Order to Repair".

### 5.3.3.2 ADDITIONAL STANDARDS

In both the AG and R-20A districts, any accessory stable or feedlot shall be a minimum of fifty feet from all property lines. The minimum distance between residential structures and structures used for raising cattle, swine or poultry shall be one thousand feet.

On any bona fide farm, two manufactured homes may be permitted provided:

1. The manufactured homes are not within five hundred feet of a residentially zoned or developed property owned by others;

2. The property on which the manufactured homes are located shall be in the same ownership as the farm;

3. The manufactured homes shall have foundations and anchors in accordance with state regulations; and

4. Only immediate family members of the farm owner or employees of the farm shall occupy the manufactured homes.

5. Manufactured homes shall have a foundation of non-reflective skirting of vinyl or aluminum, unpierced except for the required access and ventilation.

6. Manufactured homes are not permitted within the Noise Overlay District.

7. The manufactured home shall not show any visible rust.

8. All manufactured homes shall meet the wind zone requirements contained in the North Carolina State Building Code as adopted in June 1994.

### 5.3.3.3 RM-9 DISTRICT DESIGN STANDARDS

1. Age - The manufactured home shall meet or exceed the standards of the National Manufactured Home Construction and Safety Standards Act of 1974~~be one constructed after July 1, 1976~~. ~~No~~ Any manufactured home that does not meet this standard~~built before July 1, 1976 shall be~~ is prohibited from being moved to a new location within the City limits or extraterritorial jurisdiction.

2. Construction Standards – A manufactured home shall meet or exceed the construction standards in effect at the time of construction as promulgated by the US Department of Housing and Urban Development (HUD).

3. Installation - The manufactured home shall be installed in accordance with all the applicable state regulations.

4. Building Design

- After installation on the lot, it is the intent of this Section that the manufactured home shall have the appearance of a site built, single-family dwelling unit permanently located on its lot.

- All wheels, hitches, axles, lights and other mechanisms designed for transporting the unit shall be removed.

- The roof shall have a pitch no less than a vertical rise of three feet over a horizontal run of twelve feet, with a projected eave of no less than six inches, which may include the gutter.

- The exterior siding shall consist predominantly of horizontal vinyl or horizontal aluminum lap siding, brick, wood or hardboard comparable in composition, appearance and durability to exterior siding commonly used in standard residential construction.

- All manufactured homes shall have a permanent foundation, including a continuous brick or masonry curtain wall combined with masonry piers, unpierced except for the required access and ventilation.

- No visible rust shall be allowed.

- All manufactured homes shall be located so as to be parallel to the front property line.

- All repairs made to the exterior of manufactured homes shall be made consistent with the original intent or integrity of the manufactured home. Repair materials should be close to or consistent with the original.

- All exterior finishes shall be in good condition. All siding shall be complete, not damaged or loose. Exterior paint shall be in good condition.

- All windows and doors on a manufactured home must be intact and in working condition.

- All manufactured homes shall meet the requirements of Chapter 152 of the Goldsboro City Code.

- All manufactured homes shall meet the requirements of Chapter 5.11 of the City Code entitled “Order to Repair”.

### 5.3.3.4 RM-8 – MANUFACTURED HOME PARK DESIGN STANDARDS

1. Age - The manufactured home shall meet or exceed the standards of the National Manufactured Home Construction and Safety Standards Act of 1974~~be constructed after July 1, 1976~~. ~~No~~ Any manufactured home ~~built before July 1, 1976 shall be~~that does not meet these standards is prohibited from being moved to a new location within the City limits or extraterritorial jurisdiction. Manufactured homes shall meet the wind zone requirements contained within the North Carolina Building Code as adopted in June 1994.

2. Use - Except for the manager's office and home occupations approved by special use permit, no manufactured home in such parks shall be used for non-residential purposes.

3. Home Lots - Each manufactured home shall be located on a permanent lot, graded to provide adequate drainage and placed such that removal of individual units can be achieved without disturbing other homes, sites, patios, walkways or accessory structures.

4. Patio – For each site there shall be constructed a permanent masonry or concrete patio, adjacent or attached to the permanent lot. The minimum patio size shall be ninety-six square feet.

5. Walkway – For each site there shall be constructed a permanent masonry or concrete walkway from the parking area to the patio or home entrance. The minimum width of the walkway shall be three feet.

6. Performance Standards

    - After installation on the lot, it is the intent of this regulation that the manufactured home shall have the appearance of a site-built, single-family dwelling unit permanently located on its lot.

    - All wheels, hitches, axles, lights and other mechanisms designed for transporting the unit shall be removed.

    - The roof shall have a pitch no less than a vertical rise of three (3) feet over a horizontal run of twelve (12) feet, with the projected eave of no less than six (6) inches, which may include the gutter.

    - Exterior siding shall consist predominantly of horizontal vinyl or horizontal aluminum lap siding, brick, wood or hardboard comparable in composition, appearance and durability to exterior siding commonly used in standard residential construction.

    - All repairs made to the exterior of manufactured homes shall be made consistent with the original intent or integrity of the manufactured home. Repair materials should be close to or consistent with the original.

- A permanent foundation, including a continuous brick or masonry curtain wall combined with masonry piers OR durable non-reflective skirting of vinyl or aluminum, unpierced except for the required access and ventilation.

- No visible rust shall be allowed.

- All windows and doors on a manufactured home must be intact and in working condition.

- All exterior finishes shall be in good condition. All siding shall be complete, not damaged or loose. Exterior paint shall be in good condition.

- Manufactured homes shall meet the requirements of Chapter 152 of the Goldsboro City Code.

- All manufactured homes shall meet the requirements of Chapter 5.11 of the City Code entitled “Order to Repair”.

7. Streets - Private streets within parks shall be graded to a minimum width of thirty feet and paved to a minimum width of twenty feet. All streets shall be designed and constructed to provide for proper drainage, shall have a center line radius in horizontal curves of not less than fifty feet, and shall be paved with a two-inch minimum thickness of bituminous asphalt with improved base approved by the City Engineer in accordance with acceptable engineering methods.

8. Refuse - The storage, collection and disposal of solid waste shall be provided so as not to create health hazards or pollution. Refuse containers shall be provided for each home in sufficient numbers to store all solid waste. Each container shall be watertight.

9. Refuse Disposal - In areas outside the corporate limits of the City, the disposal of solid waste shall be the responsibility of the park owner and shall be conducted in accordance with standards set forth by the Wayne County Board of Health. If dumpsters are to be utilized in an area served by City refuse collection, the location and size of such containers shall be subject to final approval by the General Services Department. All dumpsters shall be screened from common view by any combination of landscaping, walls or opaque fencing.

10. Water and Sewer - All parks shall utilize City water and sewer if such is available within two hundred feet of the property line. Such systems shall be designed and constructed in accordance with City standards and specifications. If City water and sewer are not available, all systems must be in accordance with all applicable Federal, State and County regulations.

11. Lot Boundaries - Each lot shall be clearly delineated by means of iron stakes or concrete monuments placed at all corners. A number shall be assigned and displayed on each lot.

12. Open Space – In parks with greater than five lots, a common area equal to 15 percent of the entire development (excluding rights-of-way) shall be preserved, maintained and improved by the park owner for active recreational use by residents of the park. Details of such improvements shall be accurately shown on all site plans.

13. Open Space Ownership - The required open space shall be held in common ownership, for the perpetual benefit of residents of the development, by a legally established corporation, association or other legal entity, or be dedicated to the City of Goldsboro as a public park. The terms of such lease or conveyance shall include provisions suitable to the City Council guaranteeing:

    The continued use of such land for the intended purposes;

    Continuity of maintenance for those portions of the open space requiring such; and adequate insurance protection.

14. Accessory Structures – No accessory structure shall be erected in any required or established front setback, within five feet of the property or lot line or within twenty feet of another manufactured home.

15. Utilities – All utility lines shall be underground.

16. Lighting - All streets shall be illuminated from sunset until sunrise by luminaries spaced at intervals of not more than four hundred feet. The minimum light output of these luminaries shall be seven thousand lumens.

17. Parking - Two paved parking spaces shall be provided for each lot and shall be of a size no smaller than nine feet by eighteen feet. Required parking shall not be located within a street right-of-way and shall have adequate drainage.

18. Signage - All signage shall be in accordance with Section 6.4 (Signage Standards).

19. Landscaping – A landscaping plan shall be submitted that meets all of the requirements of Section 6.3 (Landscaping, Screening and Buffering Standards). All manufactured home parks shall provide a twenty (20) foot opaque Type C buffer along all side and rear property lines as required by Table 6-9.

20. Pedestrian Facilities - Interior sidewalks, within the boundaries of the development, shall connect the residential buildings to other destinations, such as, but not limited to, parking, adjoining streets, mailboxes, refuse

disposal, adjoining sidewalks, greenways, recreational areas or other site amenities. Exterior sidewalks in rights-of-way on the perimeter of the development shall be provided along any adjacent public street or private street.

**5.3.3.5 SECTION RESERVED**

### 5.3.4 OFFICE AND INSTITUTIONAL DISTRICTS

| Office & Industrial Districts | | | |
|---|---|---|---|
| **District** | **Setbacks** | | |
| | Front | Rear | Side |
| **Office-Residence** | 25 | 25 | 10 (16)[1] |
| **O&I - 1** | 25 | 25 | 10 |
| **O&I - 2** | 30 | 25 | 15 |

1. Corner lot setback.

Area measurements are in square feet; all other figures are in linear feet. All setbacks are as stated except as required by Section 6.3.9, whichever is greater.

### 5.3.4.1 ADDITIONAL STANDARDS

1. Public and private schools in the Office and Institutional-1 District shall conform with the minimum space and area regulations as required by the State of North Carolina.

2. Notwithstanding other sections of this Ordinance, in the Office and Institutional-2 District, adequate off-street parking and loading shall be provided as determined by the ~~Planning Commission and the City Council as part of the~~ site plan approval process, as required by this UDO.

3. Mechanical Equipment - To the greatest extent possible, mechanical equipment shall be located within the building. External mechanical equipment shall be screened from public view and finished to match the colors of adjacent building materials.

4. Parking - All parking shall be in accordance with Section 6.1 (Off-Street Parking, Loading and Stacking Standards).

5. Signage - All signage shall be in accordance with Section 6.4 (Signage Standards).

6. Utilities - All utility lines shall be underground.

7. Lighting - All lighting shall be in accordance with Section 6.2 (Commercial Lighting Design Standards).

8. Landscaping - A landscaping plan shall be submitted that meets all of the requirements of Section 6.3 (Landscaping, Screening, and Buffering Standards).

9. Pedestrian Facilities - Interior sidewalks, within the boundaries of the development, shall connect the buildings to other destinations, such as, but

not limited to, parking, adjoining streets, adjoining sidewalks, adjoining developments, greenways or other site amenities where appropriate pedestrian connections can reasonably be accomplished. Exterior sidewalks, in the rights-of-way on the perimeter of the development, shall be provided along any adjacent public street or private street.

10. Modular office buildings must be parallel to the street and shall have a permanent foundation including a continuous brick or masonry curtain wall, unpierced except for the required access and ventilation.

11. Building Design: To provide for interesting and attractive developments and to avoid monotony in design, the following design guidelines are required for ~~are strongly encouraged and will be considered when reviewing~~ any proposed developments located along any highway, arterial or major collector road, to the extent that they are not inconsistent with NC GS § 160D-702(b).

    - Facades shall incorporate wall plane projections or recesses to create an interesting and attractive architectural design, which is comprised of more than flat walls with minimal features.

    - Parapets concealing flat roofs or equipment shall feature three dimensional cornice treatments and not be of a constant height for longer than one hundred feet.

    - Predominant exterior materials shall be of a high quality, including, but not limited to, brick, stucco, wood, sandstone or other native stone or tinted and textured concrete masonry units.

    - No more than fifty percent of the exterior building materials shall be smooth-faced concrete block, smooth-faced tilt-up concrete panels or prefabricated steel panels.

    - Façade colors shall be low reflectance, subtle, neutral or earth tone colors. High intensity colors, metallic colors, black or fluorescent colors should be avoided.

    - Trim and accent colors may feature brighter colors including primary colors.

## 5.3.4.2 OFFICE RESIDENCE DISTRICT DESIGN STANDARDS

In the Office Residence District, the following standards shall apply:

1. Storefronts - No building may be constructed or altered to provide window displays or store fronts. There shall be no display of products in windows or storage of any products on the premises or in the buildings.

2. Parking location - No parking or loading areas shall be located within the required or established front setback extending from the front property line to the established setback line. No parking or loading areas shall be located within the required or established side setback of a corner lot facing a public street from the front property line extending to the rear of the structure. ~~The City Council may modify this requirement if it is demonstrated that placing the parking as required by this section would have adverse effects for adjoining properties.~~

3. Vehicle storage - No vehicles used in conjunction with the business shall remain on the site after business hours.

4. Building Design - In the Office-Residential District, to ensure compatibility with residential neighborhoods, the following architectural guidelines are ~~strongly encouraged and will be duly considered when reviewing any proposed developments~~required.

    - Use of a similar architectural style, setbacks, height, width, roof form, building materials or building color as nearby residential properties.

    - Buildings shall not exceed ten thousand square feet. Buildings exceeding 5,000 sq. ft. ~~should~~ shall have variable depth facades, presenting the impression of multiple buildings.

    - Use street facing building orientations, especially with uses that are pedestrian intensive. (For example doctors offices, etc.)

    - Orient potentially noisy, obnoxious or nuisance features or uses away from neighboring uses. (For example, avoid placing garages, parking lots or service areas facing the fronts of neighboring buildings.)

5. Parking – All parking shall be in accordance Section 6.1 (Off-Street Parking, Loading and Stacking Standards)

6. Signage – All signage shall be in accordance with Section 6.4 (Signage Standards)

7. Utilities – All utility lines shall be underground.

8. Lighting – All lighting shall be in accordance with Section 6.2 (Commercial Lighting Design Standards)

9. Landscaping – A landscaping plan shall be submitted that meets all of the requirements of Section 6.3 (Landscaping, Screening, and Buffering Standards)

10. Plan Review – All site plans and building and sign elevations shall be reviewed and approved by the Planning ~~Commission and City Council~~Director.

11. Pedestrian Facilities - Interior sidewalks, within the boundaries of the development, shall connect the buildings to other destinations, such as, but not limited to, parking, adjoining streets, adjoining sidewalks, adjoining developments, greenways or other site amenities where appropriate pedestrian connections can reasonably be accomplished. Exterior sidewalks, in rights-of-way on the perimeter of the development, shall be provided along any adjacent public street or private street.

**5.3.4.3 SECTION RESERVED**

### 5.3.5 BUSINESS DISTRICTS

| Business Districts | | | |
|---|---|---|---|
| **District** | **Setbacks** | | |
| | **Front** | **Rear** | **Side** |
| **HB** | 35 | 20 | 20 |
| **NB** | 30 | 25 | 15 |
| **GB** | 20 | 25 | 15 |
| **AB** | 35 | 20 | 20 |
| **CBD** | n/a | 20 | 0/15[1] |
| **SC** | 50 | 25 | 15 |

Area measurements are in square feet; all other figures are in linear feet. All setbacks are as stated except as required by Section 6.3.9, whichever is greater.

1. Party walls are permitted as a minimum provided there is a dedicated street or alley at least fifteen feet wide allowing access to the rear of the building. Where there is no dedicated street or alley to access the rear of the building, a fifteen foot unobstructed side setback from the front of the lot to the rear of the building shall be provided, in addition to any required buffer areas for commercial, multi-family or office development.

### 5.3.5.1 ADDITIONAL STANDARDS

1. In the Neighborhood Business District, a maximum size of twenty-four thousand square feet of gross floor area shall be permitted for any one establishment (or permitted use) or at any one location. The exterior dimensions at the ground level shall determine gross floor area.

2. Auto repair facilities and all outdoor storage areas for vehicles other than customer parking and automobile sales displays shall be located to the rear of the ~~principle~~ principal structure and screened from view by a six ft. opaque fence. Junked or inoperable motor vehicles shall not be parked in view of any road right-of-way or adjoining property for more than forty-eight hours. No vehicle that has been repaired and is awaiting removal, or that is awaiting repair, shall be stored or parked for more than 30 consecutive days. No vehicle shall be parked or stored as a source of parts and no vehicle shall be parked for the purpose of sale or lease/rent. Existing automobile repair facilities shall comply with the screening provisions of this Section within 180 days of the adoption of this ordinance.

3. The Airport Business District (AB) is wholly located along US 70, within the Accident Potential Zone of the Seymour Johnson Air Force Base. The Air Installation Compatible Use Zone Study published by the United States Air Force defines compatible uses as those that would not result in a gathering

of individuals greater than twenty-five persons per acre per hour, not to exceed fifty persons per acre at any time.

4. The regulating densities for any proposed use within the AB District shall be calculated per the Land Use Compatibility and Accident Potential table within Section 5.10 (Accident Potential Zone).

5. Mechanical Equipment - To the greatest extent possible, mechanical equipment shall be located within the building. External mechanical equipment shall be screened from public view and finished to match the colors of adjacent building materials.

6. Parking - All parking shall be in accordance with Section 6.1 (Off-Street Parking, Loading and Stacking Standards).

7. Signage - All signage shall be in accordance with Section 6.4 (Signage Standards).

8. Utilities - All utility lines shall be underground.

9. Lighting - All lighting shall be in accordance with Section 6.2 (Commercial Lighting Design Standards).

10. Landscaping - A landscaping plan shall be submitted that meets all of the requirements of Section 6.3 (Landscaping, Screening, and Buffering Standards).

11. Pedestrian Facilities - Interior sidewalks, within the boundaries of the development, shall connect the buildings to other destinations, such as, but not limited to, parking, adjoining streets, adjoining sidewalks, adjoining developments, greenways or other site amenities where appropriate pedestrian connections can reasonably be accomplished. Exterior sidewalks, in rights-of-way on the perimeter of the development, shall be provided along any adjacent public street or private street.

12. Modular office buildings must be parallel to the street and shall have a permanent foundation including a continuous brick or masonry curtain wall, unpierced except for the required access and ventilation.

13. Building Design: To provide for interesting and attractive developments and to avoid monotony in design, the following design guidelines are ~~strongly encouraged and will be considered when reviewing~~required for any proposed developments located along any highway, arterial or major collector road.

    - Facades shall incorporate wall plane projections or recesses to create an interesting and attractive architectural design, which is comprised of more than flat walls with minimal features.

- Parapets concealing flat roofs or equipment shall feature three dimensional cornice treatments and not be of a constant height for longer than one hundred feet.

- Predominant exterior materials shall be of a high quality, including, but not limited to, brick, stucco, wood, sandstone or other native stone or tinted and textured concrete masonry units.

- No more than fifty percent of the exterior building materials shall be smooth-faced concrete block, smooth-faced tilt-up concrete panels or prefabricated steel panels.

- Façade colors shall be low reflectance, subtle, neutral or earth tone colors. High intensity colors, metallic colors, black or fluorescent colors should be avoided.

- Trim and accent colors may feature brighter colors including primary colors.

14. Outdoor Storage Areas: - All outdoor storage areas shall be located in the rear and side yards. Outdoor storage areas shall be enclosed by an eight (8) ft. solid, opaque fence set back from adjoining property lines as required by this Code. The height may be reduced to six (6) ft. if the ~~City Council determines~~applicant provides evidence or written confirmation to the Planning Director that the items stored will not exceed five (5) ft. in height.

### 5.3.5.2 CBD – CENTRAL BUSINESS DISTRICT DESIGN STANDARDS

In addition to all other design and improvement regulations within this Ordinance, sites and buildings within the Central Business District shall meet the following standards:

1. Building Design – To maintain the unique architectural character and social activity associated within the district, the following design guidelines are ~~strongly encouraged and will be duly considered when reviewing any proposed developments~~required.

    - All buildings shall have their ~~principle~~ principal entrance opening to a street, square, plaza or sidewalk. The ~~principle~~ principal entrance shall not open into an off-street parking lot.

    - The ground floor of all buildings shall be designed to complement pedestrian activity through doors and windows arranged so uses are visible from and accessible to the street for not less than fifty percent of the length of the ground floor frontage.

- Solid wall surfaces on the ground floor shall not exceed twenty feet in length.
- Doors shall be recessed into the façade of the building to provide a sense of entry.
- Entry areas shall not be less than one square foot per one thousand square feet of gross floor area or fifteen square feet, whichever is greater.
- Nonmetal, canvas or vinyl canopies and awnings may be constructed over the entrance and windows of any building if they maintain a minimum vertical clearance of eight feet from the sidewalk do not interfere with streetlights, street maintenance equipment, trees or signs and are not backlit to function as signage.

2. Parking exemption - The area bounded by the south side of Ash Street, the east side of George Street, the north side of ~~Chestnut~~ Elm Street and the west side of William Street shall be exempt from off-street parking requirements for existing structures and uses at the time of adoption of this ordinance.

3. Parking - No off-street parking surface shall be permitted in front of a ~~principle~~ principal structure. Not more than two rows of off-street parking shall be permitted on the sides of the ~~principle~~ principal building.

4. Loading Areas – All loading areas shall be located to the rear or side of the building.

5. Mechanical Equipment – To the greatest extent possible, mechanical equipment shall be located within the building. External mechanical equipment and dumpsters shall be screened from public view and finished to match the colors of adjacent building materials.

6. Accessory Structures – All accessory structures shall be designed and constructed using the same form, materials and color as the ~~principle~~ principal building, provided the ~~principle~~ principal building is architecturally consistent with the general character of the Central Business District. If not, the accessory structure or addition shall instead be consistent with the ~~principle~~ principal buildings that characterize the Central Business District.

7. Auto Oriented Uses – To protect the pedestrian character of the CBD and especially the downtown core, auto oriented uses shall not be permitted within the 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. For purposes of this Section, “auto oriented uses” shall consist of the following – drive-ins, vehicle sales or rentals, and auto mechanical repair that

allows overnight exterior vehicle storage and car washes (mechanical, hand or wand).

8. Parking – All parking shall be in accordance Section 6.1 (Off-Street Parking, Loading and Stacking Standards).

9. Signage – All signage shall be in accordance with Section 6.4 (Signage Standards).

10. Lighting – All lighting shall be in accordance with Section 6.2 (Commercial Lighting Design Standards).

11. Landscaping – A landscaping plan shall be submitted that meets all of the requirements of Section 6.3 (Landscaping, Screening, and Buffering Standards).

12. Churches - All churches located in the Central Business District shall be spaced 100 ft. from any other church located within the Central Business District.

13. Pedestrian Facilities - Interior sidewalks, within the boundaries of the development, shall connect the buildings to other destinations, such as, but not limited to, parking, adjoining streets, adjoining sidewalks, adjoining developments, greenways or other site amenities where appropriate pedestrian connections can reasonably be accomplished. Exterior sidewalks, in rights-of-way on the perimeter of the development, shall be provided along any adjacent public street or private street.

14. All substandard lots in the Central Business District that do not meet the lot width requirements of the closest most restrictive zoning district may construct a single-family dwelling provided all construction complies with all front and rear setbacks and a five (5) ft. side setback is provided.

15. Residential Uses - To protect the character of the Central Business District, the following standards shall apply to residential uses within the Central Business District.

    - All residential uses shall meet the development standards of the closest, most restrictive zoning district except as provided in this Section.

    - All single-family lots in the Central Business District shall have a minimum of fifty (50) ft. of lot width.

    - All single-family dwellings may reduce the side and front yard setback to five (5) ft. when such building placement is compatible with the surrounding neighborhood.

- All conversions to three (3) or more units shall meet the multi-family performance standards of Section 5.3.2.3.

- Residential land uses above the first floor of office or commercial land uses in the Central Business District shall be allowed provided there is 1,000 sq. ft. of lot area for the first unit plus 1,000 sq. ft. of land area for each additional unit.

### 5.3.5.3 SC, GB, HB AND I-2-SHOPPING CENTER AND LARGE RETAIL DESIGN STANDARDS

The following standards are applicable to any retail use, structure or group of structures, in one development, which are greater than thirty thousand square feet of gross floor area.

1. Outdoor Space – Shopping centers, superstores and large retail stores shall provide at least one outdoor space or site amenity to beautify the site in addition to the minimum landscape requirements required by Section 6.3 (Landscaping, Screening, and Buffering Standards). The outdoor space or site amenity is intended to enhance the pedestrian or vehicular entryways to the site or buildings. An “outdoor space” or “site amenity” may include, but is not limited to, the following:

    - A public plaza or court yard on the site;

    - A landscaped median entryway onto the site;

    - A landscaped pedestrian area on the site; or

    - A public square or park on the site or adjacent to the site.

    7. The outdoor space or site amenity shall be improved with features that may include, but are not limited to:

    - Landscaping beyond ordinance requirements;

    - Seating walls or areas;

    - Benches or outdoor tables;

    - Fountains; or

    - Clock towers

2. Building Design – To provide interesting and attractive retail developments and to avoid monotony in design, the following design guidelines are ~~strongly encouraged and will be duly considered when reviewing any proposed developments~~required.

- Facades shall incorporate wall plane projections or recesses to create an interesting and attractive architectural design, which is comprised of more than flat walls with minimal features.

- Ground floor facades facing public streets shall have arcades, display windows, entry areas, awnings or other such features along no less than sixty percent of their horizontal length.

- Parapets concealing flat roofs or equipment shall feature three dimensional cornice treatments and not be of a constant height for longer than one hundred feet.

- Predominant exterior materials shall be of a high quality, including but not limited to brick, stucco, wood, sandstone or other native stone or tinted and textured concrete masonry units.

- No more than fifty percent of the exterior building materials shall be smooth-faced concrete block, smooth-faced tilt-up concrete panels or prefabricated steel panels.

- Façade colors shall be low reflectance, subtle, neutral or earth tone colors. High intensity colors, metallic colors, black or fluorescent colors should be avoided.

- Trim and accent colors may feature brighter colors including primary colors.

- Each ~~principle~~ principal building on a site shall have clearly defined, highly visible customer entrances featuring no less than three of the following, canopies, porticos, overhangs, arcades, raised cornice parapets over the door, peaked roof forms, arches, outdoor patios, display windows, architectural details such as tile work or moldings that are integrated into the design and/or integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

3. Facilities – Interior sidewalks, within the boundaries of the development, shall connect the buildings to other destinations, such as, but not limited to, parking, adjoining streets, adjoining sidewalks, adjoining developments, greenways or other site amenities where appropriate pedestrian connections can reasonably be accomplished. Exterior sidewalks, in rights of way on the perimeter of the development, shall be provided along any adjacent public street or private street.

4. Setbacks – The minimum setback shall be fifty feet from the nearest perimeter property line. Perimeter property lines are those that establish the boundaries of the development, including all out parcels.

5. Mechanical Equipment – To the greatest extent possible, mechanical equipment shall be located within the building. External mechanical equipment shall be screened from public view and finished to match the colors of adjacent building materials.

6. Parking – All parking shall be in accordance with Section 6.1 (Off-Street Parking, Loading and Stacking Standards).

7. Signage – All signage shall be in accordance with Section 6.4 (Signage Standards).

8. Utilities – All utility lines shall be underground.

9. Lighting – All lighting shall be in accordance with Section 6.2 (Commercial Lighting Design Standards).

10. Landscaping – A landscaping plan shall be submitted that meets all of the requirements of Section 6.3 (Landscaping, Screening, and Buffering Standards).

**5.3.5.4 SECTION RESERVED**

### 5.3.6.1 INDUSTRIAL DISTRICTS

| Industrial Districts | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| **District** | **Lot** | | | **Setbacks** | | | | **Height** |
| | Area | Frontage | Width | Front | Rear | Side | Residential[1] | |
| **I – 1** | 20,000 | 50 | 75 | 30 | 20 | 15[1] | 50 | 45 |
| **I – 2** | n/a | n/a | n/a | 30 | 20 | 15[1] | 75 | n/a |

Area measurements are in square feet; all other figures are in linear feet. All setbacks are as stated except as required by Section 6.3.9, whichever is greater.

1. The minimum separation distance between any structure, storage or loading area from a residentially developed or zoned lot.

### 5.3.6.2 ADDITIONAL STANDARDS

1. In the Light Industrial District (I-1), written evidence shall be submitted at the time of site plan submittal indicating that the manufacturing process will not create smoke, dust, noise, fumes or vibration beyond the property lines.

2. Auto repair facilities and all outdoor storage areas for vehicles, other than customer parking, shall be located to the rear of the ~~principle~~ principal structure and screened from view by a six ft. opaque fence. Junked or inoperable motor vehicles shall not be parked in view of any road right-of-way or adjoining property for more than 48 hours. No vehicle that has been repaired and is awaiting removal, or that is awaiting repair, shall be stored or parked for more than 30 consecutive days. No vehicle shall be parked or stored as a source of parts and no vehicle shall be parked for the purpose of sale or lease/rent. Existing automobile repair facilities shall comply with the screening provisions of this Section within 180 days of the adoption of this ordinance.

3. In the General Industrial District (I-2), written evidence shall be submitted with the plans indicating that the manufacturing process will not create smoke, dust, noise, fumes or vibration which are detrimental to the health, safety and general welfare of the community.

4. All commercial uses in the I-2 zoning district which exceed 30,000 sq. ft. of gross floor area are subject to the requirements of Section 5.3.5.3 of this ordinance.

5. Mechanical Equipment - To the greatest extent possible, mechanical equipment shall be located within the building. External mechanical

equipment shall be screened from public view and finished to match the colors of adjacent building materials.

6. Parking - All parking shall be in accordance with Section 6.1 (Off-Street Parking, Loading and Stacking Standards).

7. Signage - All signage shall be in accordance with Section 6.4 (Signage Standards).

8. Utilities - All utility lines shall be underground.

9. Lighting - All lighting shall be in accordance with Section 6.2 (Commercial Lighting Design Standards).

10. Landscaping - A landscaping plan shall be submitted that meets all of the requirements of Section 6.3 (Landscaping, Screening, and Buffering Standards).

11. Pedestrian Facilities - Interior sidewalks, within the boundaries of the development, shall connect the buildings to other destinations, such as, but not limited to, parking, adjoining streets, adjoining sidewalks, adjoining developments, greenways or other site amenities where appropriate pedestrian connections can reasonably be accomplished. Exterior sidewalks, in rights-of-way on the perimeter of the development, shall be provided along any adjacent public street or private street.

12. All outdoor storage areas shall be located in the rear and side yards. Outdoor storage areas shall be enclosed by an eight (8) ft. solid, opaque fence set back from adjoining property lines as required by this Code. The height may be reduced to six (6) ft. if the applicant provides evidence or written confirmation to the Planning Director ~~City Council determines~~ that the items stored will not exceed five (5) ft. in height.

### 5.3.6.3 SECTION RESERVED

### 5.3.7 INDUSTRIAL AND BUSINESS PARKS

| Industrial & Business Parks | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| **District** | **Lot** | | | | **Setbacks** | | | **Park** |
| | Area | Frontage[1] | Width | % Coverage[2] | Front | Rear | Side | Size |
| **I&BP – 1** | 10ac. | 35/200 | 250 | 40% | 75 | 25 | 25 | 100ac. |
| **I&BP – 2** | 20ac. [3] | n/a | n/a | n/a | 30 | 25 | 25 | |

Area measurements are in acres; all other figures are in linear feet. All setbacks are as stated except as required by Section 6.3.9, whichever is greater.

1. The minimum street frontage of thirty-five feet is permitted on a cul-de-sac, provided a minimum lot width of two hundred and fifty feet can be achieved at the minimum front yard setback line. Otherwise, the minimum frontage is two hundred feet.

2. Maximum percent of the lot covered by the building, measured where the building touches the ground.

3. The minimum lot size is twenty acres. Out parcels may be developed provided there are not more than four per lot with a minimum size of one and a half acres.

### 5.3.7.1 ADDITIONAL SITE PLAN REVIEW REQUIREMENTS

A written recommendation from the Park Developer or the Park Site Review Committee shall accompany all site plans submitted to the ~~a~~Administrator for review and approval.

A statement shall be submitted with the plans indicating whether any manufacturing or processing operation will create smoke, dust, noise, fumes or vibrations beyond the lot lines of the proposed use. If one or more of such conditions exist, the developer shall explain what measures will be taken to mitigate such conditions to acceptable levels.

### 5.3.7.2 I&BP – 1 INDUSTRIAL AND BUSINESS PARK-1 DESIGN STANDARDS

1. Lot Coverage – The maximum percentage of the lot covered by the building shall not exceed forty percent.

2. Signage – All signage shall be in accordance with Section 6.4 (Signage Standards).

3. Utilities – All utility lines shall be underground.

4. Lighting – All lighting shall be in accordance with Section 6.2 (Commercial Lighting Design Standards).

5. Landscaping – A landscaping plan shall be submitted that meets all of the requirements of Section 6.3 (Landscaping, Screening, and Buffering Standards).

6. Irrigation systems – All required landscaping between the ~~principle~~ principal building and the street right of way shall be adequately watered by an irrigation system.

7. Parking – All parking shall be in accordance with Section 6.1 (Off-Street Parking, Loading and Stacking Standards). In addition, no parking shall be located within fifty feet of a residentially zoned or developed property. No parking area shall be located within fifty feet of the front property line or within twenty-five feet of the side or rear property line.

8. Loading Areas - All loading areas shall be in accordance with Section 6.1 (Off-Street Parking, Loading and Stacking Standards). In addition, no loading area shall be located within fifty feet of a residentially zoned or developed property, within the established front setback, or within twenty feet of any side or rear property line.

9. Buffer – A fifty-foot wide buffer shall be established and maintained when the rear or side property lines abut a residentially zoned or developed property. The buffer shall be landscaped in accordance with Section 6.3 (Landscaping, Screening, and Buffering Standards).

10. Mechanical and Service Areas – All maintenance facilities, work areas, service areas, dumpsters, utility boxes and mechanical equipment, including roof mounted units or other unsightly appurtenances, shall be adequately screened from the view of adjacent development both inside and outside the park boundaries.

11. Streets and paving – All streets, parking and loading areas shall meet City standards and be paved with curb and gutter.

12. Storm Drainage – Surface or underground storm drainage facilities shall be provided for all streets, roads, drives and parking/loading areas. All storm drainage shall be directed into established surface or underground storm drainage facilities. Stormwater retention basins shall be designed into landscaped areas as natural appearing ponds or as architectural design features. Dry detention ponds shall be designed into landscaped areas.

13. Storage – Open storage of goods and materials shall not be permitted, unless in accordance with the table of permitted uses in Section 5.4. All outdoor storage shall be screened from public view.

14. Covenants – Restrictive covenants shall be established for each industrial and business park project, a copy shall be submitted for review only. Such covenants shall create a property owner's association, provide for the maintenance of individual sites, common areas, open space and private streets and provide additional minimum development standards for each site, which requires adherence to local ordinances. The covenants may include additional restrictions, but the minimum requirements of this Ordinance must always be met.

15. Pedestrian Facilities - Interior sidewalks, within the boundaries of the development, shall connect the residential buildings to other destinations, such as, but not limited to, parking, adjoining streets, mailboxes, refuse disposal, adjoining sidewalks, greenways, recreational areas or other site amenities. Exterior sidewalks in rights-of-way on the perimeter of the development shall be provided along any adjacent public street or private street as recommended by the City's Pedestrian Plan.

### 5.3.7.3 I&BP – 2 INDUSTRIAL AND BUSINESS PARK - 2 DESIGN STANDARDS

1. Signage – All signage shall be in accordance with Section 6.4 (Signage Standards).

2. Utilities – All utility lines shall be underground.

3. Lighting – All lighting shall be in accordance with Section 6.2 (Commercial Lighting Design Standards).

4. Landscaping – A landscaping plan shall be submitted that meets all of the requirements of Section 6.3 (Landscaping, Screening, and Buffering Standards).

5. Irrigation systems – All required landscaping between the ~~principle~~ principal building and the street right of way shall be adequately watered by an irrigation system.

6. Parking – All parking shall be accordance with Section 6.1 (Off-Street Parking, Loading and Stacking Standards). In addition, no parking shall be located within fifty feet of a residentially zoned or developed property, within fifty feet of the front property line or within twenty-five feet of the side or rear property line.

7. Loading Areas - All parking shall be accordance with Section 6.1 (Off-Street Parking, Loading and Stacking Standards). In addition, no loading area shall be located within fifty feet of a residentially zoned or developed property, within fifty feet of the front property line, or within twenty-five feet of any side or rear property line.

8. Buffer – A fifty-foot wide buffer shall be established and maintained when the rear or side property lines abut a residentially zoned or developed property. The buffer shall be landscaped in accordance with Section 6.3 (Landscaping, Screening, and Buffering Standards).

9. Mechanical and Service Areas – All maintenance facilities, work areas, service areas, dumpsters, utility boxes and mechanical equipment, including roof mounted units or other unsightly appurtenances, shall be adequately screened from the view of adjacent development both inside and outside the park boundaries.

10. Streets and paving – All streets, parking and loading areas shall meet City standards and be paved with curb and gutter.

11. Storm Drainage – Surface or underground storm drainage facilities shall be provided for all streets, roads, drives and parking/loading areas. All storm drainage shall be directed into established surface or underground storm drainage facilities. Storm water retention basins shall be designed into

landscaped areas as natural appearing ponds or as architectural design features. Dry detention ponds shall be designed into landscaped areas.

12. Storage – Open storage of goods and materials shall not be permitted, unless in accordance with the table of permitted uses in Section 5.4. Outdoor storage shall be screened from public view.

13. Covenants – If restrictive covenants are established for an industrial and business park project, a copy shall be submitted for review only. Such covenants may create a property owner's association, provide for the maintenance of individual sites, common areas, open space and private streets and provide additional minimum development standards for each site, which requires adherence to local ordinances. The covenants may include additional restrictions, but the minimum requirements of this Ordinance must always be met.

14. Pedestrian Facilities - Interior sidewalks, within the boundaries of the development, shall connect the residential buildings to other destinations, such as, but not limited to, parking, adjoining streets, mailboxes, refuse disposal, adjoining sidewalks, greenways, recreational areas or other site amenities. Exterior sidewalks in rights-of-way on the perimeter of the development shall be provided along any adjacent public street or private street as recommended by the City's Pedestrian Plan.

### 5.3.7.4 PLANNED UNIT DEVELOPMENTS

| Planned Unit Developments | | | | | |
|---|---|---|---|---|---|
| **Development Size** | | **Residential Density** | | **Open Space** | **Min. Setback** |
| Min. Area | Frontage[1] | Max[2] | Min[3] | Requirement[4] | Dev. Perimeter[5] |
| 5 acres | 200 ft. | 19 units/ac. | 4 units/ac. | 20% of total acreage | 25 ft. |

1. A minimum of two hundred feet of frontage must exist along a roadway designated as a collector, arterial or thoroughfare in the City's Transportation or Thoroughfare Plan.

2. The maximum density is calculated by dividing the total development area devoted to residential uses, minus public street rights-of-way, by the number of proposed units and in no case shall rise above the nineteen units per acre established in the R-6 Residential District.

3. The minimum density is calculated by dividing the total development area devoted to residential uses, minus public street right of ways, by the number of proposed units and in no case shall fall below the four units per acre established in the R-12SF Residential District.

4. The required open space is calculated by multiplying the total development area, minus public street rights of way, by .20. A minimum of two acres of open space shall be provided in every residential PUD.

5. The minimum required setback shall be maintained around the entire perimeter of the land assembled in the PUD. All setbacks are as stated except as required by Section 6.3.9, whichever is greater.

### 5.3.7.5 USE AND PURPOSE OF A PUD

Use of the Planned Unit Development procedure is not mandatory for any development. Rather, this process can provide a voluntary alternative development procedure for relatively large tracts of land held under unified ownership that are planned and developed in a coordinated manner.

The objectives of creating the PUD are:

- Permit creative approaches to the development of land, reflecting changes in technology or planning concepts.

- Accomplish a more desirable environment than would otherwise be possible, provide a variety of housing types, design and arrangements.

- Provide for an efficient use of land that can result in smaller networks of streets and utilities, thereby lowering housing costs.
- Enhance the appearance of neighborhoods through preservation of natural features, the provision of underground utilities and recreational or open space.
- Provide an environment of stable character compatible with surrounding residential areas.
- Coordinate conditional zoning with a master plan that provides a higher level of predictability for decision makers and neighbors.

### 5.3.7.6 APPROVAL PROCESS

A PUD shall be considered a separate conditional zoning district requiring rezoning approval. Preliminary and final plat and site-specific development plans and shall be processed in accordance with Sections ~~2.2 (Zoning, Special and Conditional Use Approval) and Section 2.4 (Site Plan Approval).~~2.3 (Legislative Processes). A conceptual master plan is required at the time of PUD approval.

### 5.3.7.7 PERMITTED USES

The land use categories in the table below shall be permitted in a PUD. For each land use category, there are one or more corresponding ~~general use~~conventional districts. The uses permitted in each list of corresponding districts shall constitute the permitted uses of each land use category. No industrial uses shall be permitted.

| **Planned Unit Permitted Land Uses** | |
|---|---|
| Land Use Category | Corresponding Districts for determining permitted use; |
| Single family | R-6SF, 9SF, 12SF |
| Multifamily | R-6, 9, 12 |
| Business | NB, GB* |
| Office | O&I-1, O-R |
| Civic | O&I-2 |

*Uses that are not allowed in NB but are allowed in GB must be specified at time of PUD approval.

No ~~conditional~~ special use permit shall be required for any ~~conditional~~ special use listed for said districts in the Table of Permitted Uses (Section 5.4), separate from that issued for the PUD itself.

### 5.3.7.8 PROFESSIONAL DESIGN REQUIRED

An applicant for a PUD approval shall certify, in writing at the time of application, that a North Carolina registered engineer and/or landscape architect will be used in the planning and design process for the proposed development.

## 5.3.7.9 PUD – PLANNED UNIT DEVELOPMENT DESIGN STANDARDS

1. Access - PUD's shall be located adjacent to thoroughfares, arterial and/or collector streets, with a minimum of two hundred feet of frontage, to provide direct access without creating substantial additional traffic along minor streets in nearby residential neighborhoods.

2. Density - The maximum residential density of the PUD shall not exceed the nineteen units per acre allowed under R-6 zoning. The minimum residential density shall not fall below the four units per acre allowed under the R-12SF zoning.

3. Dimensional Setbacks and Lot Sizes – The minimum building setbacks and lot sizes shall be those established in the plan. Except that, a minimum setback of twenty-five feet shall extend around the entire development.

4. Open Space Ownership - The required open space for residential land uses shall be held in common ownership, for the perpetual benefit of residents of the development, by a legally established corporation, association or other entity or be dedicated to the City as a public park. The terms of such lease or conveyance shall include provisions suitable to the City Council guaranteeing:

    - The continued use of such land for the intended purposes;

    - Continuity of proper maintenance for those portions of the open space requiring such; and

    - Adequate insurance protection.

5. Open Space - Open space required for residential land uses shall not consist of fragmented pieces of land that serve no useful purpose. It may include both active (parks, ball fields, greenways) and passive (wooded areas, streams, wetlands) spaces. Retention/detention ponds shall not count in the calculation of open space unless they are designed for multiple uses and use naturalizing techniques like contouring, berming, landscaping and/or all natural materials. Street right of way, building areas, parking lots and yards held in individual ownership shall not count as open space.

6. Open Space Access -All open space shall be accessible to residents by fronting a public street, recorded pedestrian easement or fee simple property.

7. Streets and Paving – All streets, parking and loading areas shall meet City standards.

8. Pedestrian Facilities – Sidewalks shall form a safe and convenient system for access to all dwelling units, project facilities, open spaces and ~~principle~~

principal off site pedestrian destinations. Sidewalks shall be provided along any adjacent public or private streets.

9. Storm Drainage – Surface or underground storm drainage facilities shall be provided for all streets, roads, drives and parking/loading areas. All storm drainage shall be directed into established surface or underground storm drainage facilities. Storm water retention basins shall be designed into landscaped areas as natural appearing ponds or as architectural design features. Dry detention ponds shall be designed into landscaped areas.

10. Utilities – All utility lines shall be underground.

11. Lighting – All lighting shall be in accordance with Section 6.2 (Commercial Lighting Design Standards).

12. Parking – All parking shall be in accordance with Section 6.1 (Off-Street Parking, Loading and Stacking Standards).

13. Landscaping – A landscaping plan shall be submitted that meets all of the requirements of Section 6.3 (Landscaping, Screening, and Buffering Standards).

Updated through March 14, 2017

### 5.3.7.10 SECTION RESERVED

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# 5.4 TABLE OF PERMITTED USES

## 5.4.1 PROCEDURE ~~APPROVING~~ INTERPRETING UNLISTED USES

Where a use is not specifically ~~allowed~~ described under this Ordinance or in the Table of Permitted Uses, the ~~use may be permitted by the~~ Planning Director ~~upon a finding that~~shall review the use based on the criteria listed below ~~are met~~. If the Planning Director finds that the use proposed is the same as another listed use, per the criteria below, then it shall be treated the same. This procedure of review is a Written Decision (aka an administrative, written interpretation).

## 5.4.2 CRITERIA FOR ~~APPROVING~~ INTERPRETING UNLISTED USES

The following criteria are used in determining if a proposed, unlisted use is of the same general character as those listed ~~as permitted, special or conditional uses~~in the Table of Permitted Uses. The Planning Director shall give due consideration to the intent of this Ordinance concerning the districts involved, the character of the uses specifically identified for that district(s) and the character of the use in question.

In order to determine if a proposed, unlisted use has an impact that is similar in nature, function and duration to other uses allowed in a specific ~~general use~~conventional district, the Director shall use the following criteria to assess the relevant characteristics of the proposed, unlisted use, including but not limited to, the following:

1. The volume and type of sales~~,~~ (retail or wholesale);
2. The size and type of items sold and the nature of the inventory on the premises;
3. Any processing, including assembly, manufacturing, warehousing and shipping done on site;
4. Any hazardous, toxic or explosive materials used in the processing;
5. The nature and location of storage and outdoor display of merchandise; enclosed, open, inside or outside the ~~principle~~ principal structure; and the predominant types of items to be stored such as business vehicles, work in process, inventory, merchandise, construction materials, scrap and junk and raw materials (including liquids, gases and powders);
6. The type, size and nature of buildings and structures;
7. The number of employees and customers expected on the site in relation to the hours of operation and employment shifts;
8. Parking requirements and the potential for shared parking;

9. The amount and nature of any nuisances generated on the site, including but not limited to, noise, smoke, dust, odor, glare, vibration, radiation etc.;

10. Any special public utility requirements for serving the proposed use, including but not limited to, water supply, wastewater output, power needs, communication towers etc.;

11. The impact on adjacent properties created by the proposed use will not be greater than that of other uses in the ~~general use~~conventional district; and

12. Its relation to an existing permitted use listed in the most recent version of the North American Industrial Classification System (NAICS).

13. If the use is located within the Noise Overlay District or an Accident Potential Zone, recommendations from Seymour Johnson Air Force Base will be considered.

### 5.4.3 PERMITTED USES WITHIN THE NOISE OVERLAY DISTRICT OR ACCIDENT POTENTIAL ZONE

1. Not all uses listed in the Table of Permitted Uses are allowed within the Noise Overlay District or Accident Potential Zone, or they may be allowed under certain conditions. For permitted uses within the areas, refer to the tables in Section 5.9 and 5.10. For example, some uses listed as a ~~Conditional~~ Special Use for AB (Airport Business District) may not be permitted depending on which Accident Potential Zone the use is proposed in.

2. If the use is located within the Noise Overlay District or an Accident Potential Zone, recommendations from Seymour Johnson AFB will be considered.

### 5.4.4 SPECIAL USES IN CONDITIONAL ZONING DISTRICTS

Where a use in the Table of Permitted Uses is identified as a “Special Use” and where Council grants a conditional district approval, and the intended, special use is specifically described and accompanied by a site plan drawing or preliminary subdivision plat (as appropriate), the use shall be considered permitted by-right, instead of a special use. This entitlement shall only be valid so long as the accompanying site plan or preliminary subdivision plat is valid.

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**UDO TABLE OF PERMITTED USES**

| ZONING DISTRICTS | AG | R-40 | R-20A | R-20 | R-16H | R-16 | R-12SF | R-12 | R-9SF | R-9 | R-6SF | R-6 | RM-9 | RM-8 | O-R | O&I-1 | O&I-2 | NB | CBD | AB | GB | SC | HB | I-1 | I-2 | I&BP-1 | I&BP-2 | Standards |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| P = Permitted Use \| S1~~C~~ = ~~Conditional Use~~Special Use (Board of Adjustment Review) \| S2 = Special Use (Council Review) | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Residential Uses | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Accessory dwellings | | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | | S2~~C~~ | S2~~C~~ | | S2~~C~~ | S2~~C~~ | S2~~C~~ | | | | | yes |
| Cluster Subdivision | | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | | | | | | | | | | | | | | 5.3.2.4 |
| ~~Condominiums~~ | - | - | - | - | - | - | - | ~~P~~ | - | ~~P~~ | - | ~~P~~ | - | - | - | - | - | - | ~~P~~ | - | - | - | - | - | - | - | - | ~~yes~~ |
| ~~Dormitories~~ | - | - | - | - | - | - | - | - | - | - | - | ~~P~~ | - | - | - | ~~P~~ | - | - | - | - | - | - | - | - | - | - | - | - |
| Duplex (two attached units/lot, or on different lots) | | | | | | | | P | | P | | P | | | P | | | P | P | | P | | P | | | | | |
| Home occupations | S1~~S~~ | S1~~S~~ | S1~~S~~ | S1~~S~~ | S1~~S~~ | S1~~S~~ | S1~~S~~ | S1~~S~~ | S1~~S~~ | S1~~S~~ | S1~~S~~ | S1~~S~~ | S1~~S~~ | S1~~S~~ | | | | | | | | | | | | | | yes |
| Life care homes, assisted living | | | | | | | | S2~~C~~ | | S2~~C~~ | | S2~~C~~ | | | S2~~C~~ | S2~~C~~ | | S2~~C~~ | S2~~C~~ | | S2~~C~~ | | S2~~C~~ | | | | | |
| Manufactured home park | | | | | | | | | | | | | | P | | | | | | | | | | | | | | yes |

**UDO TABLE OF PERMITTED USES**

| ZONING DISTRICTS | AG | R-40 | R-20A | R-20 | R-16H | R-16 | R-12SF | R-12 | R-9SF | R-9 | R-6SF | R-6 | RM-9 | RM-8 | O-R | O&I-1 | O&I-2 | NB | CBD | AB | GB | SC | HB | I-1 | I-2 | I&BP-1 | I&BP-2 | Standards |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
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| Residential Uses | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Mixed use, apartments or condos above ground floor<br>Retail /office within the same building | | | | | | | | | | | | | | | | | | P | P | | | | | | | | | yes |
| Multi-Family (three or more units) - New Construction or Conversion | | | | | | | | ~~C~~ ~~S~~ S2 | | ~~C~~ ~~S~~ S2 | | ~~C~~ ~~S~~ S2 | | | ~~C~~ ~~S~~ S2 | P | | P | ~~C~~ ~~S~~ S2 | | P | P | P | | | | | yes; Ord. 2018-30 |
| Open space, active or passive | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | | | P | P | yes |
| Residential care facilities including full time convalescent, attendant nursing and/or rehabilitation care | | | | | | | | | | | | | | | | P | | P | P | | P | | P | | | | | |
| Rooming/ boarding houses | | | | | | | | S2 ~~C~~ | | S2 ~~C~~ | | S2 ~~C~~ | | | | | | | | | | | | | | | | 5.5.4 /Ch.116 |
| ~~Single family attached~~ | - | - | - | - | - | - | - | ~~P~~ | - | ~~P~~ | - | ~~P~~ | - | - | ~~P~~ | ~~P~~ | - | ~~P~~ | ~~P~~ | - | ~~P~~ | ~~P~~ | ~~P~~ | - | - | - | - | ~~yes~~ |

**UDO TABLE OF PERMITTED USES**

| ZONING DISTRICTS | AG | R-40 | R-20A | R-20 | R-16H | R-16 | R-12SF | R-12 | R-9SF | R-9 | R-6SF | R-6 | RM-9 | RM-8 | O-R | O&I-1 | O&I-2 | NB | CBD | AB | GB | SC | HB | I-1 | I-2 | I&BP-1 | I&BP-2 | Standards |
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| Residential Uses | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Single family detached | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | | P | P | | P | P | P | | | | | |
| Single family manufactured home | | | | | | | | | | | | | P | P | | | | | | | | | | | | | | yes |
| Single family mobile home - nonconforming | | | | | | | | | | | | | P | | | | | | | | | | | | | | | 5.6.9 |
| Single family modular home | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | | P | P | | P | P | P | | | | | yes |
| Special population housing - more than six unrelated persons | | | | | | | | S2 ~~C~~ | | S2 ~~C~~ | | S2 ~~C~~ | | | S2 ~~C~~ | S2 ~~C~~ | P | P | S2 ~~C~~ | | P | | P | | | | | Sec. 5.2.10 |
| Special population housing - six or less unrelated persons | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | | P | | P | | | | | Sec. 5.2.10 |
| Townhouses | | | | | | | | P | | P | | P | | | P | P | | P | P | | P | | P | | | | | yes |

**UDO TABLE OF PERMITTED USES**

| ZONING DISTRICTS | AG | R-40 | R-20A | R-20 | R-16H | R-16 | R-12SF | R-12 | R-9SF | R-9 | R-6SF | R-6 | RM-9 | RM-8 | O-R | O&I-1 | O&I-2 | NB | CBD | AB | GB | SC | HB | I-1 | I-2 | I&BP-1 | I&BP-2 | Standards |
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| Civic Uses | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Armories, reserve and national guard | | | | | | | | | | | | | | | | P | P | | | | | P | | | | | | |
| Assembly halls, coliseums, civic centers, etc. | | | | | | | | | | | | | | | | | | | P | | | | P | | | | P | |
| Cemeteries | S2 ~~C~~ | S2 ~~C~~ | S2 ~~C~~ | S2 ~~C~~ | S2 ~~C~~ | S2 ~~C~~ | S2 ~~C~~ | S2 ~~C~~ | S2 ~~C~~ | S2 ~~C~~ | S2 ~~C~~ | S2 ~~C~~ | | | S2 ~~C~~ | S2 ~~C~~ | | S2 ~~C~~ | S2 ~~C~~ | S2 ~~C~~ | S2 ~~C~~ | P | S2 ~~C~~ | S2 ~~C~~ | S2 ~~C~~ | S2 ~~C~~ | | 5.5.4 |
| Churches | | | | | | | | | | | | | | | P | P | P | P | P | | P | P | P | P | P | | | 5.9.4, 5.3.5.2 |
| Clubs, lodges, civic, social - nonprofit | | | | | | | | | | | | | | | | P | | | P | | P | | | | | | | |
| Colleges and universities | | | | | | | | | | | | | | | | P | | P | P | | P | P | P | | | | | |
| Community centers - public | | | | | | | | | | | | | | | P | P | P | P | P | | | | | | | | | |
| Fire station | | | | | | | | | | | | | | | P | P | P | P | P | | P | | P | P | P | P | P | |
| Government offices - fed., state, local | | | | | | | | | | | | | | | P | P | P | P | P | S2 ~~C~~ | P | P | P | P | P | P | P | |

**UDO TABLE OF PERMITTED USES**

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| Civic Uses | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Hospital | | | | | | | | | | | | | | | | P | | | | | | | | | | | | |
| Library | | | | | | | | | | | | | | | | P | P | P | P | | P | P | P | | | | P | |
| Museum and art galleries | | | | | | | | | | | | | | | | P | P | P | P | | P | P | P | | | | P | |
| Parks - public | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | S2 ~~C~~ | P | P | P | P | P | P | P | |
| Police station | | | | | | | | | | | | | | | | P | P | P | P | | P | | P | P | P | P | P | |
| Post office, service facilities | | | | | | | | | | | | | | | P | P | P | P | P | | P | P | P | | | | P | |
| Public emergency service centers | | | | | | | | | | | | | | | | P | P | P | P | | P | | P | P | P | P | | |
| School, business | | | | | | | | | | | | | | | | P | | | | | | | | | | | | |
| School, fine arts or martial arts | | | | | | | | | | | | | | | | P | | P | P | | P | P | | | | | | |
| School, private, elementary, secondary | | | | | | | | | | | | | | | | P | | P | | | | | P | P | | | | 5.3.4.1 & 5.9.4 |

**UDO TABLE OF PERMITTED USES**

| ZONING DISTRICTS | AG | R-40 | R-20A | R-20 | R-16H | R-16 | R-12SF | R-12 | R-9SF | R-9 | R-6SF | R-6 | RM-9 | RM-8 | O-R | O&I-1 | O&I-2 | NB | CBD | AB | GB | SC | HB | I-1 | I-2 | I&BP-1 | I&BP-2 | Standards |
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| Civic Uses | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| School, public, elementary, secondary | | | | | | | | | | | | | | | | P | | P | | | | | P | P | | | | 5.3.4.1 & 5.9.4 |
| School, trade, technical or vocational- no outdoor storage or use | | | | | | | | | | | | | | | | P | | | | | P | | | P | P | | | |
| Agricultural | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Bona fide, active farm | P | | P | | | | | | | | | | | | | | | | | | | | | | | | | 5.3.2.1 |
| Roadside stands for produce grown locally - less than 400 s.f. floor area | P | P | P | | | | | | | | | | | | | | | | | P | | | P | | | | | |
| Business / Personal Services | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| ABC store, liquor sales | | | | | | | | | | | | | | | | | | P | P | | P | P | | | P | | | |

**UDO TABLE OF PERMITTED USES**

| ZONING DISTRICTS | AG | R-40 | R-20A | R-20 | R-16H | R-16 | R-12SF | R-12 | R-9SF | R-9 | R-6SF | R-6 | RM-9 | RM-8 | O-R | O&I-1 | O&I-2 | NB | CBD | AB | GB | SC | HB | I-1 | I-2 | I&BP-1 | I&BP-2 | Standards |
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| Business / Personal Services | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Accessory structures and uses when located on the same lot as the main structure, excluding open storage | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | 5.2.8 |
| Adult Establishment | | | | | | | | | | | | | | | | | | | | | S2 ~~C~~ | | | | | | | 5.5.4 |
| Airports and support facilities | S2 ~~C~~ | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Animal hospitals - enclosed pens and runs, attached building | | | | | | | | | | | | | | | | | | | | S2 ~~C~~ | S2 ~~C~~ | | | | S2 ~~C~~ | | | 5.5.4 |
| Animal hospitals - enclosed pens and runs, freestanding building | | | | | | | | | | | | | | | | | | | | S2 ~~C~~ | S2 ~~C~~ | S2 ~~C~~ | | | S2 ~~C~~ | | | 5.5.4 |
| Animal hospitals - open pens and runs (see kennels & pet boarding) | | | | | | | | | | | | | | | | | | | | S2 ~~C~~ | S2 | | | | P | S2 | | 5.5.4 |
| ~~Apothecary Shop, retail sales incidental~~ | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | ~~P~~ | - | - | - | - | - | - | - | - | - | - | - | ~~9-2 Definitions~~ |

**UDO TABLE OF PERMITTED USES**

| ZONING DISTRICTS | AG | R-40 | R-20A | R-20 | R-16H | R-16 | R-12SF | R-12 | R-9SF | R-9 | R-6SF | R-6 | RM-9 | RM-8 | O-R | O&I-1 | O&I-2 | NB | CBD | AB | GB | SC | HB | I-1 | I-2 | I&BP-1 | I&BP-2 | Standards |
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| Business / Personal Services | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Arcades, game rooms, pool halls, places of entertainment with no ABC permit, bowling alleys, miniature golf facilities | | | | | | | | | | | | | | | | | | | S2 ~~C~~ | | S2 ~~C~~ | S2 ~~C~~ | S2 ~~C~~ | | | | | |
| Auto Painting and Body Shops | | | | | | | | | | | | | | | | | | | P | S2 ~~C~~ | P | | | | P | | | |
| Automobile parking as a ~~principle~~ principal use | | | | | | | | | | | | | | | | | | P | P | P | P | P | P | | P | | | |
| Automobile parts/supplies | | | | | | | | | | | | | | | | | | | P | S2 ~~C~~ | P | P | P | | P | | | |
| Automobile rental/leasing, no sales | | | | | | | | | | | | | | | | | | P | S2 ~~C~~ | S2 ~~C~~ | P | P | P | | P | | | 5.5.4, CBD limite |
| Automobile repair, service and inspection including Towing Services | | | | | | | | | | | | | | | | | | | S2 ~~C~~ | S2 ~~C~~ | P | P | P | P | P | | | 5.5.4, CBD limited |

**UDO TABLE OF PERMITTED USES**

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| Business / Personal Services | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Automobile sales new, including the accessory uses of used car sales, leasing and service & repair | | | | | | | | | | | | | | | | | | | | S2 ~~C~~ | P | | P | | P | | | 5.5.4 |
| Automobile sales used, no service or repair | | | | | | | | | | | | | | | | | | | | S2 ~~C~~ | S2 ~~C~~ | | S2 ~~C~~ | | S2 ~~C~~ | | | 5.5.4 |
| Automobile washing establishment | | | | | | | | | | | | | | | | | | | S2 ~~C~~ | | P | P | P | P | | | | 5.5.4 |
| Automobile washing establishment, Hand- Wash Only | | | | | | | | | | | | | | | | | | P | S2 ~~C~~ | | P | P | P | P | | | | |
| Bail bonding establishments | | | | | | | | | | | | | | | | P | | | P | S2 ~~C~~ | | | | | P | | | |
| Bakery | | | | | | | | | | | | | | | | | | P | P | S2 ~~C~~ | P | P | | | P | | P | |
| Banks with drive throughs | | | | | | | | | | | | | | | | P | | P | S2 ~~C~~ | S2 ~~C~~ | P | P | | P | | | | CBD |
| Banks, finance and insurance offices | | | | | | | | | | | | | | | | P | | P | P | S2 ~~C~~ | P | P | | P | | | | |

**UDO TABLE OF PERMITTED USES**

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| Business / Personal Services | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Barber/Beauty Shop - excluding home occupations | | | | | | | | | | | | | | | P | P | | P | P | S2 ~~C~~ | P | P | | | P | | P | |
| Bars, nightclubs, pool halls, Microbreweries, Places of entertainment with an ABC permit, bowling alleys, miniature golf facilities | | | | | | | | | | | | | | | | | | | S2 ~~C~~ | | S2 ~~C~~ | S2 ~~C~~ | S2 ~~C~~ | | | | | 5.5.4 |
| Bed and Breakfast Includes Short-term rentals such as AirBnB, VRBO, HomeAway, etc. (6 or fewer rooms or whole house rental) | | | | | | | S2 ~~C~~ | S2 ~~C~~ | S2 ~~C~~ | S2 ~~C~~ ~~C~~ | S2 ~~C~~ ~~C~~ | S2 ~~C~~ ~~C~~ | | | S2 ~~C~~ ~~C~~ | S2 ~~C~~ ~~C~~ | | S2 ~~C~~ ~~C~~ | S2 ~~C~~ ~~C~~ | | S2 ~~C~~ ~~C~~ | - | S2 ~~C~~ ~~C~~ | | | | | 5.5.4 |
| Bingo game establishments | | | | | | | | | | | | | | | | S2 ~~C~~ ~~C~~ | | S2 ~~C~~ ~~C~~ | S2 ~~C~~ ~~C~~ | | S2 ~~C~~ ~~C~~ | S2 ~~C~~ ~~C~~ | S2 ~~C~~ ~~C~~ | | | | | 5.5.4 |
| Boats, heavy or farm equipment, manufactured home sales, rental and/or service | | | | | | | | | | | | | | | | | | | | S2 ~~C~~ ~~C~~ | S2 ~~C~~ ~~C~~ | | S2 ~~C~~ ~~C~~ | S2 ~~C~~ ~~C~~ | S2 ~~C~~ ~~C~~ | | S2 ~~C~~ ~~C~~ | 5.5.4 |

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| ZONING DISTRICTS | AG | R-40 | R-20A | R-20 | R-16H | R-16 | R-12SF | R-12 | R-9SF | R-9 | R-6SF | R-6 | RM-9 | RM-8 | O-R | O&I-1 | O&I-2 | NB | CBD | AB | GB | SC | HB | I-1 | I-2 | I&BP-1 | I&BP-2 | Standards |
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| Borrow pits, sand and gravel operations | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | 5.5.4 |
| **Business / Personal Services** | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Building supply, lumber/tools etc. including outdoor storage | | | | | | | | | | | | | | | | | | | | S2~~C~~ | S2~~C~~ | | S2~~C~~ | | P | P | | |
| Bus terminals | | | | | | | | | | | | | | | | | | | | | P | | P | | | | | |
| Cell towers, co-location facilities, private water towers, radio & television transmission towers | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | 5.5.4 |
| Charter bus services | | | | | | | | | | | | | | | | | | | | S2~~C~~ | P | | P | P | P | P | | |
| Chemical products manufacturing & processing | | | | | | | | | | | | | | | | | | | | | | | | | S2~~C~~ | | | 5.5.4 |
| Clinic, Medical, Therapeutic | | | | | | | | | | | | | | | | | P | P | P | S2~~C~~ | P | P | | P | | P | P | |
| Clothing alterations & repair excluding home occupations | | | | | | | | | | | | | | | | | | P | P | S2~~C~~ | P | P | | | | | | |

**UDO TABLE OF PERMITTED USES**

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| Cold storage, freezer lockers | | | | | | | | | | | | | | | | | | | | P | P | | | | P | P | | |
| Business / Personal Services | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Commercial riding stables on sites of minimum of 10 acres | P | P | P | | | | | | | | | | | | | | | | | | | | | | | | | |
| Computer operations, data processing, data storage (electronic) | | | | | | | | | | | | | | | | P | P | P | P | S2 ~~C~~ | P | P | P | P | P | P | P | |
| Contractor's office and storage yard | | | | | | | | | | | | | | | | | | | | | S2 ~~C~~ | | S2 ~~C~~ | P | P | P | | |
| Convenience stores, with or without gas | | | | | | | | | | | | | | | | | | S2 ~~C~~ | S2 ~~C~~ | S2 ~~C~~ | P | P | P | | P | | P | |
| Copying/ printing services | | | | | | | | | | | | | | | | P | | P | P | S2 ~~C~~ | P | P | P | P | P | P | P | |
| Crematorium | | | | | | | | | | | | | | | | S2 ~~C~~ | | S2 ~~C~~ | S2 ~~C~~ | | S2 ~~C~~ | | S2 ~~C~~ | | S2 ~~C~~ | | | 5.5.4 |
| ~~Dairy bars, retail sales only~~ | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | ~~P~~ | - | - | ~~P~~ | ~~P~~ | ~~P~~ | ~~P~~ | ~~P~~ | ~~P~~ | - | |

**UDO TABLE OF PERMITTED USES**

| ZONING DISTRICTS | AG | R-40 | R-20A | R-20 | R-16H | R-16 | R-12SF | R-12 | R-9SF | R-9 | R-6SF | R-6 | RM-9 | RM-8 | O-R | O&I-1 | O&I-2 | NB | CBD | AB | GB | SC | HB | I-1 | I-2 | I&BP-1 | I&BP-2 | Standards |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| P = Permitted Use \| S1~~C~~ = ~~Conditional Use~~Special Use (Board of Adjustment Review) \| S2 = Special Use (Council Review) | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Dairy products processing and packaging | | | | | | | | | | | | | | | | | | | | | P | | | P | P | P | | |
| Business / Personal Services | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Day care centers - adult | | | | | | | | | | | | | | | | S2 ~~C~~ | | S2 ~~C~~ | S2 ~~C~~ | | S2 ~~C~~ | S2 ~~C~~ | S2 ~~C~~ | | | | | 5.5.4 |
| Day care centers - child | | | | | | | | | | | | | | | | P | | P | P | | P | P | P | | | | | 5.2.12 |
| Dry cleaning - personal | | | | | | | | | | | | | | | | | | P | P | | P | P | | | | | P | |
| Dry cleaning and laundry - commercial or industrial | | | | | | | | | | | | | | | | | | | | | P | | | | P | P | | |
| Electrical Motors Sales and Repair | | | | | | | | | | | | | | | | | | | S2 ~~C~~ | S2 ~~C~~ | P | | | | P | | | |
| Electronic & appliance repair | | | | | | | | | | | | | | | | | | P | P | S2 ~~C~~ | P | P | P | P | P | | | |
| Equipment Rental with outside storage | | | | | | | | | | | | | | | | | | | | S2 ~~C~~ | P | P | P | P | P | P | | |

**UDO TABLE OF PERMITTED USES**

| ZONING DISTRICTS | AG | R-40 | R-20A | R-20 | R-16H | R-16 | R-12SF | R-12 | R-9SF | R-9 | R-6SF | R-6 | RM-9 | RM-8 | O-R | O&I-1 | O&I-2 | NB | CBD | AB | GB | SC | HB | I-1 | I-2 | I&BP-1 | I&BP-2 | Standards |
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| ~~Expansion of a nonconforming use~~ | ~~S2 \| C \| C~~ | ~~S2 \| C \| C~~ | ~~S2 \| C \| C~~ | ~~S2 \| C \| C~~ | ~~S2 \| C \| C~~ | ~~S2 \| C \| C~~ | ~~S2 \| C \| C~~ | ~~S2 \| C \| C~~ | ~~S2 \| C \| C~~ | ~~S2 \| C \| C~~ | ~~S2 \| C \| C~~ | ~~S2 \| C \| C~~ | ~~S2 \| C \| C~~ | ~~S2 \| C \| C~~ | ~~S2 \| C \| C~~ | ~~S2 \| C \| C~~ | ~~S2 \| C \| C~~ | ~~S2 \| C \| C~~ | ~~S2 \| C \| C~~ | ~~S2 \| C \| C~~ | ~~S2 \| C \| C~~ | ~~S2 \| C \| C~~ | ~~S2 \| C \| C~~ | ~~S2 \| C \| C~~ | ~~S2 \| C \| C~~ | ~~S2 \| C \| C~~ | ~~5.5.4~~ |
| Extended stay hotel (30 days max.) | | | | | | | | | | | | | | | | | | | P | | P | | P | | P | | | |
| Business / Personal Services | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Exterminating pest control service | | | | | | | | | | | | | | | | | | | | | P | | | | P | | | |
| Fitness center, licensed massage therapy | | | | | | | | | | | | | | | | S2 ~~C \| C \| C~~ | | S2 ~~C \| C \| C~~ | | | P | P | | | P | | P | |
| Flea markets indoor only | | | | | | | | | | | | | | | | | | P | P | | P | P | | | P | | | |
| Flea markets indoor / outdoor | | | | | | | | | | | | | | | | | | | | | S2 ~~C \| C \| C~~ | | S2 ~~C \| C \| C~~ | | S2 ~~C \| C \| C~~ | | | 5.5.4 |
| Food preparation for wholesale & vending markets | | | | | | | | | | | | | | | | | | | | | P | | P | P | P | P | | |
| Food Stores, retail only | | | | | | | | | | | | | | | | | | P | P | | P | P | | | P | | P | |

**UDO TABLE OF PERMITTED USES**

| ZONING DISTRICTS | AG | R-40 | R-20A | R-20 | R-16H | R-16 | R-12SF | R-12 | R-9SF | R-9 | R-6SF | R-6 | RM-9 | RM-8 | O-R | O&I-1 | O&I-2 | NB | CBD | AB | GB | SC | HB | I-1 | I-2 | I&BP-1 | I&BP-2 | Standards |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| P = Permitted Use \| S1~~C~~ = ~~Conditional Use~~Special Use (Board of Adjustment Review) \| S2 = Special Use (Council Review) | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Funeral homes | | | | | | | | | | | | | | | | P | | S2 ~~C~~ | | | P | | P | | P | | | |
| Garden supply, greenhouses, nurseries, with outdoor storage | | | | | | | | | | | | | | | | | | | | S2 ~~C~~ | P | | P | P | P | | | |
| **Business / Personal Services** | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Gas station - no major repair work | | | | | | | | | | | | | | | | | | P | P | S2 ~~C~~ | P | P | P | | P | | | |
| General manufacturing or processing not in its own category | | | | | | | | | | | | | | | | | | | | | | | | P | P | P | | |
| General warehousing and distribution not in its own category | | | | | | | | | | | | | | | | | | | | S2 ~~C~~ | P | | | P | P | P | | |
| Golf courses and county clubs, on sites a minimum of 50 acres | P | P | P | | | | | | | | | | | | | | | | | | | | | | | | | |
| Greenhouse, nursery wholesale, government | P | | | | | | | | | | | | | | | | | | S2 ~~C~~ | S2 ~~C~~ | | | | | P | | | |

**UDO TABLE OF PERMITTED USES**

| ZONING DISTRICTS | AG | R-40 | R-20A | R-20 | R-16H | R-16 | R-12SF | R-12 | R-9SF | R-9 | R-6SF | R-6 | RM-9 | RM-8 | O-R | O&I-1 | O&I-2 | NB | CBD | AB | GB | SC | HB | I-1 | I-2 | I&BP-1 | I&BP-2 | Standards |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| P = Permitted Use \| S1~~C~~ = ~~Conditional Use~~Special Use (Board of Adjustment Review) \| S2 = Special Use (Council Review) | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Grocery stores over 30,000 s.f. | | | | | | | | | | | | | | | | | | | | | P | P | P | | P | | P | |
| Health spas, fitness and tanning | | | | | | | | | | | | | | | | S2 ~~C~~ | | P | P | | P | P | P | | P | | P | |
| Business / Personal Services | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Home services: carpet cleaning, home cleaning, interior design, locksmith upholstery & general personal goods repair etc. (no outdoor storage of materials) | | | | | | | | | | | | | | | | | | P | P | S2 ~~C~~ | P | P | P | | P | | P | |
| ~~Ice Plants~~ | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | ~~P~~ | S2 ~~C~~ | ~~P~~ | - | ~~P~~ | ~~P~~ | ~~P~~ | - | - | - |
| Internet Cafes / Sweepstakes Facilities / Electronic Gaming Facility | | | | | | | | | | | | | | | | | | | | | S2 ~~C~~ | | | | | | | 5.54; Ord. 2017-23 |
| Junk yards, salvage yards, recycling of metal, paper and other materials | | | | | | | | | | | | | | | | | | | | | | | | | S2 ~~C~~ | | | 5.5.4 |

**UDO TABLE OF PERMITTED USES**

| ZONING DISTRICTS | AG | R-40 | R-20A | R-20 | R-16H | R-16 | R-12SF | R-12 | R-9SF | R-9 | R-6SF | R-6 | RM-9 | RM-8 | O-R | O&I-1 | O&I-2 | NB | CBD | AB | GB | SC | HB | I-1 | I-2 | I&BP-1 | I&BP-2 | Standards |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| P = Permitted Use \| S1~~C~~ = ~~Conditional Use~~Special Use (Board of Adjustment Review) \| S2 = Special Use (Council Review) | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Kennels and pet boarding | | | | | | | | | | | | | | | | | | | | S2 ~~C~~ | S2 ~~C~~ | | | | | S2 ~~C~~ | | |
| Laundry, coin operated (aka Landromat) | | | | | | | | | | | | | | | | | | P | P | | P | P | | | | | | |
| **Business / Personal Services** | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Limousine services | | | | | | | | | | | | | | | | | | | | S2 ~~C~~ | P | | P | P | P | P | | |
| Maintenance and service facilities for commercial transportation equipment | | | | | | | | | | | | | | | | | | | | S2 ~~C~~ | | | | | P | | | |
| Maintenance and service facilities for motorized equipment | | | | | | | | | | | | | | | | | | | | S2 ~~C~~ | S2 ~~C~~ | S2 ~~C~~ | S2 ~~C~~ | S2 ~~C~~ | S2 ~~C~~ | S2 ~~C~~ | | |
| Meat products processing and packaging | | | | | | | | | | | | | | | | | | | | | | | | | S2 ~~C~~ | | | 5.5.4 |
| Mineral products manufacturing, including cement, concrete, bricks, glass, gypsum etc. | | | | | | | | | | | | | | | | | | | | | | | | | S2 ~~C~~ | | | 5.5.4 |

**UDO TABLE OF PERMITTED USES**

| ZONING DISTRICTS | AG | R-40 | R-20A | R-20 | R-16H | R-16 | R-12SF | R-12 | R-9SF | R-9 | R-6SF | R-6 | RM-9 | RM-8 | O-R | O&I-1 | O&I-2 | NB | CBD | AB | GB | SC | HB | I-1 | I-2 | I&BP-1 | I&BP-2 | Standards |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| P = Permitted Use \| S1~~C~~ = ~~Conditional Use~~Special Use (Board of Adjustment Review) \| S2 = Special Use (Council Review) | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Motels, Hotels, and Short-term rentals such as AirBnB, VRBO, HomeAway, etc. (with more than 6 rooms) | | | | | | | | | | | | | | | | | | | P | | P | | P | | P | | | |
| Newspaper offices with printing plants incidental to such offices | | | | | | | | | | | | | | | | | | | P | S2 ~~C~~ | P | | | | P | P | | |
| Business / Personal Services | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Offices - business, medical and professional excluding retail trade and home occupations | | | | | | | | | | | | | | | P | P | P | P | P | S2 ~~C~~ | P | P | P | P | P | P | P | |
| Outdoor recreational facility privately owned, not constructed in conjunction with a single- family subdivision or planned unit development | | | S2 ~~C~~ | S2 ~~C~~ | | S2 ~~C~~ | | S2 ~~C~~ | | S2 ~~C~~ | | S2 ~~C~~ | | | | S2 ~~C~~ | | S2 ~~C~~ | | | S2 ~~C~~ | | | | S2 ~~C~~ | | S2 ~~C~~ | 5.5.4 |

**UDO TABLE OF PERMITTED USES**

| ZONING DISTRICTS | AG | R-40 | R-20A | R-20 | R-16H | R-16 | R-12SF | R-12 | R-9SF | R-9 | R-6SF | R-6 | RM-9 | RM-8 | O-R | O&I-1 | O&I-2 | NB | CBD | AB | GB | SC | HB | I-1 | I-2 | I&BP-1 | I&BP-2 | Standards |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
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| Outdoor storage of goods or materials for uses not otherwise listed | | | | | | | | | | | | | | | | | | | | S2 ~~C~~ | S2 ~~C~~ | S2 ~~C~~ | S2 ~~C~~ | S2 ~~C~~ | S2 ~~C~~ | S2 ~~C~~ | | |
| Pawn Shops | | | | | | | | | | | | | | | | | | | P | S2 ~~C~~ | P | P | | | P | | | |
| Pet shops - no outdoor kennels or animal storage | | | | | | | | | | | | | | | | | | P | P | S2 ~~C~~ | P | P | P | | | | P | |
| Business / Personal Services | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Petrochemicals manufacturing and processing, including asphalt paving plants, asphalt roofing plants, refineries etc. | | | | | | | | | | | | | | | | | | | | | | | | | S2 ~~C~~ | | | 5.5.4 |
| Pharmacy, less than or equal to 15,000 s.f. | | | | | | | | | | | | | | | | | | P | P | | P | P | | | | | | |
| Pharmacy, over 15,000 s.f. | | | | | | | | | | | | | | | | | | | | | P | P | P | | | | | |
| Produce and fruits within buildings | | | | | | | | | | | | | | | | | | | P | S2 ~~C~~ | P | P | | | | | P | |

**UDO TABLE OF PERMITTED USES**

| ZONING DISTRICTS | AG | R-40 | R-20A | R-20 | R-16H | R-16 | R-12SF | R-12 | R-9SF | R-9 | R-6SF | R-6 | RM-9 | RM-8 | O-R | O&I-1 | O&I-2 | NB | CBD | AB | GB | SC | HB | I-1 | I-2 | I&BP-1 | I&BP-2 | Standards |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| P = Permitted Use \| S1~~C~~ = ~~Conditional Use~~Special Use (Board of Adjustment Review) \| S2 = Special Use (Council Review) | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| ~~Public s~~Sanitation collection, recycling and disposal facilities, not including hazardous waste | | | | | | | | | | | | | | | | | P | | | | | | | | | | | |
| ~~Public t~~Transit garages and maintenance facilities | | | | | | | | | | | | | | | | | P | | | | | | | | P | P | | |
| Business / Personal Services | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| ~~Public w~~Water towers | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | P | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | S2~~C~~ | P | P | | |
| ~~Public w~~Water treatment, wastewater treatment facilities | | | | | | | | | | | | | | | | | P | | | | | | | | | | | |
| Radio and television stations, studios and offices | | | | | | | | | | | | | | | | P | | P | P | | P | P | P | | P | P | | |
| Rail terminals and facilities | | | | | | | | | | | | | | | | | | | | | | | | | P | P | | |
| Recreation uses not otherwise listed | | | | | | | | | | | | | | | | | | | | | | | S2~~C~~ | S2~~C~~ | S2~~C~~ | | | |

**UDO TABLE OF PERMITTED USES**

| ZONING DISTRICTS | AG | R-40 | R-20A | R-20 | R-16H | R-16 | R-12SF | R-12 | R-9SF | R-9 | R-6SF | R-6 | RM-9 | RM-8 | O-R | O&I-1 | O&I-2 | NB | CBD | AB | GB | SC | HB | I-1 | I-2 | I&BP-1 | I&BP-2 | Standards |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| P = Permitted Use \| S1~~C~~ = ~~Conditional Use~~Special Use (Board of Adjustment Review) \| S2 = Special Use (Council Review) | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Restaurants and employee cafeterias when located within the principal building | | | | | | | | | | | | | | | | P | P | P | P | | P | P | P | P | P | P | P | |
| Restaurants, drive in | | | | | | | | | | | | | | | | | | | | | S2 ~~C~~ | S2 ~~C~~ | S2 ~~C~~ | | S2 ~~C~~ | | | 5.5.4 |
| Restaurants, drive through or pick-up window | | | | | | | | | | | | | | | | | | | S2 ~~C~~ | | P | P | P | | P | | | 5.5.4 |
| Business / Personal Services | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Restaurants, general | | | | | | | | | | | | | | | | | | P | P | | P | P | P | P | P | | P | |
| Retail sales, greater than 30,000 s.f. with outdoor storage not otherwise listed | | | | | | | | | | | | | | | | | | | | S2 ~~C~~ | S2 ~~C~~ | S2 ~~C~~ | S2 ~~C~~ | | S2 ~~C~~ | | | |
| Retail sales, less than 30,000 s.f. with outdoor storage not otherwise listed | | | | | | | | | | | | | | | | | | | | | S2 ~~C~~ | S2 ~~C~~ | S2 ~~C~~ | | S2 ~~C~~ | | | |
| Retail, furniture sales | | | | | | | | | | | | | | | | | | P | P | S2 ~~C~~ | P | P | P | | P | | P | |

**UDO TABLE OF PERMITTED USES**

| ZONING DISTRICTS | AG | R-40 | R-20A | R-20 | R-16H | R-16 | R-12SF | R-12 | R-9SF | R-9 | R-6SF | R-6 | RM-9 | RM-8 | O-R | O&I-1 | O&I-2 | NB | CBD | AB | GB | SC | HB | I-1 | I-2 | I&BP-1 | I&BP-2 | Standards |
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| Retail, large durable goods, not in its own category (examples appliances, electronics, lawn mowers, bicycles, etc.) containing less than 30,000 s.f. | | | | | | | | | | | | | | | | | | S2 ~~C~~ | P | S2 ~~C~~ | P | P | P | | P | | P | |

| Business / Personal Services | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Retail, small nondurable goods, not in its own category(example clothes, household supplies, toys, art supplies, sporting goods, gifts, books, etc.) containing less than 30,000 s.f. | | | | | | | | | | | | | | | | | | P | P | S2 ~~C~~ | P | P | | | P | | P | |
| Self-storage, mini-warehouse | | | | | | | | | | | | | | | | | | | | P | P | P | P | P | P | | | |

**UDO TABLE OF PERMITTED USES**

| ZONING DISTRICTS | AG | R-40 | R-20A | R-20 | R-16H | R-16 | R-12SF | R-12 | R-9SF | R-9 | R-6SF | R-6 | RM-9 | RM-8 | O-R | O&I-1 | O&I-2 | NB | CBD | AB | GB | SC | HB | I-1 | I-2 | I&BP-1 | I&BP-2 | Standards |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| P = Permitted Use \| S1~~C~~ = ~~Conditional Use~~Special Use (Board of Adjustment Review) \| S2 = Special Use (Council Review) | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Sexually oriented business | | | | | | | | | | | | | | | | | | | | | S2 ~~C~~ | | | | | | | 5.5.4 |
| Shoe and leather repair | | | | | | | | | | | | | | | | | | P | P | S2 ~~C~~ | P | P | | | P | | P | |
| Shooting /archery ranges indoor only | | | | | | | | | | | | | | | | | | | | S2 ~~C~~ | S2 ~~C~~ | S2 ~~C~~ | S2 ~~C~~ | | S2 ~~C~~ | | | |
| Shopping centers, superstores, discount warehouse clubs or other retail, not in its own category, any over 30,000 s.f. | | | | | | | | | | | | | | | | | | | | | P | P | P | | S2 ~~C~~ | | | 5.3.5.2 & 5.3.5.3 |
| Business / Personal Services | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Sign painting, fabrication | | | | | | | | | | | | | | | | | | | | S2 ~~C~~ | P | | | P | P | P | P | |
| Skating rink, ice and roller | | | | | | | | | | | | | | | | S2 ~~C~~ | | | | | P | P | | | | | | |
| Storage of flammable liquids/gases | | | | | | | | | | | | | | | | | | | | | | | | | S2 ~~C~~ | | | 5.5.4 |

**UDO TABLE OF PERMITTED USES**

| ZONING DISTRICTS | AG | R-40 | R-20A | R-20 | R-16H | R-16 | R-12SF | R-12 | R-9SF | R-9 | R-6SF | R-6 | RM-9 | RM-8 | O-R | O&I-1 | O&I-2 | NB | CBD | AB | GB | SC | HB | I-1 | I-2 | I&BP-1 | I&BP-2 | Standards |
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| Storage or treatment of hazardous materials or chemicals | | | | | | | | | | | | | | | | | | | | | | | | | S2 ~~C~~ | | | 5.5.4 |
| Studios for artists, photographer etc. | | | | | | | | | | | | | | | P | P | | P | P | S2 ~~C~~ | P | P | | | P | | P | |
| Tanning salon | | | | | | | | | | | | | | | P | P | | P | P | S2 ~~C~~ | P | P | | | P | | P | |
| Tattoo parlors | | | | | | | | | | | | | | | | | | | | S2 ~~C~~ | S2 ~~C~~ | | | | | | | |
| Taxi cab stands/ dispatch | | | | | | | | | | | | | | | | | | P | P | P | P | | | | P | | | |
| **Business / Personal Services** | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Telegraph/ Messenger Service | | | | | | | | | | | | | | | | | | P | P | S2 ~~C~~ | P | P | P | | | P | P | |
| Temporary Uses that comply with Chapter 113 of the Goldsboro City Code | | | | | | | | | | | | | | | | | | P | P | P | P | P | P | P | P | | | **See Chapter 113 of City** |
| Theaters, multiplexes | | | | | | | | | | | | | | | | | | | P | | P | P | P | | | | P | |

**UDO TABLE OF PERMITTED USES**

| ZONING DISTRICTS | AG | R-40 | R-20A | R-20 | R-16H | R-16 | R-12SF | R-12 | R-9SF | R-9 | R-6SF | R-6 | RM-9 | RM-8 | O-R | O&I-1 | O&I-2 | NB | CBD | AB | GB | SC | HB | I-1 | I-2 | I&BP-1 | I&BP-2 | Standards |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| P = Permitted Use \| S1~~C~~ = ~~Conditional Use~~Special Use (Board of Adjustment Review) \| S2 = Special Use (Council Review) | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| ~~Tire recapping or retreading~~ | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Tourist and travel agencies providing transportation for tours, expeditions, etc., on- site. | | | | | | | | | | | | | | | | | | | S2 ~~C~~ | | P | | P | | | | | |
| Tourist and Travel Agencies, **not providing** transportation for tours, expeditions, etc., on- site | | | | | | | | | | | | | | | | P | | P | P | | P | P | | P | P | | P | |
| Trucking terminals and services | | | | | | | | | | | | | | | | | | | | | S2 ~~C~~ | | S2 ~~C~~ | | P | P | | |
| Business / Personal Services | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| ~~Upholstery shops~~ | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Wood products manufacturing, including lumber mills, wood composite panels etc. | | | | | | | | | | | | | | | | | | | | | | | | | S2 ~~C~~ | | | 5.5.4 |

**UDO TABLE OF PERMITTED USES**

| ZONING DISTRICTS | AG | R-40 | R-20A | R-20 | R-16H | R-16 | R-12SF | R-12 | R-9SF | R-9 | R-6SF | R-6 | RM-9 | RM-8 | O-R | O&I-1 | O&I-2 | NB | CBD | AB | GB | SC | HB | I-1 | I-2 | I&BP-1 | I&BP-2 | Standards |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| P = Permitted Use \| S1~~C~~ = ~~Conditional Use~~Special Use (Board of Adjustment Review) \| S2 = Special Use (Council Review) | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Zoos, on sites a minimum of 50 acres | S2~~C~~ | S2~~C~~ | | | | | | | | | | | | | | | | | | | | | | | | | | |

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# 5.5 SUPPLEMENTAL USE REGULATIONS

## 5.5.1 PURPOSE

The City of Goldsboro finds that there are certain uses that exist which may be constructed, continued and/or expanded if they meet certain mitigating conditions specific to their design and/or operation. Such conditions ensure compatibility among uses and building types so that different uses may be located in proximity to one another without adverse effects to either. This Section specifies those requirements that must be met by all the uses marked as special ~~or conditional~~ in the Table of Permitted Uses for each district.

## 5.5.2 APPROVAL PROCEDURES

The nature and/or size of a particular use and its probable effect upon surrounding properties determine the approval procedure that shall be followed in obtaining a permit. To determine which approval authority is required, consult the Table of Permitted Uses (Section 5.4).

Where a proposed use will have a minimal effect upon neighboring uses and is proposed for a small structure or tract of land, a Tier 1 special use permit (identified as "S1" in the Table of Permitted Uses) will be required and is granted by the Board of Adjustment. Where a proposed use would have a wider effect upon the entire community or involves a large structure or tract of land, a ~~conditional~~ Tier 2 special use permit is necessary (identified as "S2" in the Table of Permitted Uses) and is granted by the City Council. ~~Before granting a conditional use permit, the City Council may request a review by and recommendations from the Planning Commission~~.

The approval process for ~~both~~ special ~~and conditional~~ uses is described in Section 2.4 (Quasi-judicial Processes).~~2.2 (Zoning, Conditional and Special Use Approval).~~

## 5.5.3 APPROVAL CRITERIA

All of the special ~~and conditional~~ uses listed below shall fulfill all of the requirements of this Ordinance, specifically including those in Sections 6.1 (Off-Street Parking, Loading and Stacking Standards), 6.3 (Landscaping, Screening, and Buffering Standards), 6.2 (Commercial Lighting Design Standards), and 6.4 (Signage Standards). In addition, if the use is located in any one of the overlay districts described in Sections 5.7 through 5.10, that district's additional regulations shall apply. The following sections describe the additional review and approval criteria for each of the specified uses. However, the ~~City Council, Board of Adjustment or Planning Commission~~responsible authority may require additional conditions, if permitted, if ~~they feel~~ the impacts of a particular use on a particular site may adversely impact the public health, safety and general welfare.

The site plan information requirements listed for each use are in addition to the standard requirements for a site plan listed in Appendix A.

## 5.5.4 SPECIAL ~~AND CONDITIONAL~~ USE SPECIFIC REGULATIONS

### *Accessory Dwellings and Apartments*

Permitted Districts - All Single Family Zoned or Developed Lots with the exception of the AG district

**Approval Criteria**

1. Accessory dwellings (detached from ~~principle~~ principal structure) and accessory apartments (inside the ~~principle~~ principal structure) are ~~conditionally~~ permitted as a special use permit Tier 2 in those zoning districts where such use is ~~permitted~~ allowed in accordance with Section 5.4 (Table of Permitted Uses).

2. Accessory dwellings/apartments must comply with all applicable local, state and federal housing codes. Only one accessory dwelling or apartment may be permitted per lot.

3. The accessory dwelling or accessory apartment shall not exceed forty percent of the square footage of the livable area of the ~~principle~~ principal structure or one thousand one hundred square feet of gross floor area, whichever is less.

4. An accessory dwelling shall be sited to the rear of the ~~principle~~ principal structure. All accessory dwellings shall meet the setback requirements established for the ~~principle~~ principal structures of the district in which they are located.

5. The exterior of the accessory dwelling shall be compatible with the ~~principle~~ principal residence in terms of color, siding, roof pitch, window detailing, roofing materials and foundation or skirting appearance. Manufactured homes shall not be pulled up to or attached to the ~~principle~~ principal residence and be considered an accessory dwelling or accessory apartment.

6. Where there is no public sanitary sewer service to the accessory dwelling, the County Health Department shall approve sanitary sewer services provided to such accessory dwelling before construction begins.

### *Animal Hospitals – enclosed pens and runs, no open kennels*

Permitted Districts - Airport Business, General Business, Shopping Center and I-2 General Industry

**Approval Criteria**

1. No kennel shall be maintained outside of the ~~principle~~ principal structure.

2. The facility shall have a minimum of two hundred square feet of outdoor enclosed yard for every one thousand square feet contained within the ~~principle~~ principal structure.

3. Within the animal hospital structure, the area designed to house/board animals shall be insulated and soundproofed, to minimize noise that may disturb persons in adjacent structures or in the vicinity.

### *Arcades/Game Rooms/Pool Halls/Places of Entertainment (including teen clubs) – No ABC Permit*

Permitted Districts - Central Business District, General Business, Shopping Center and Highway Business

**Approval Criteria**

1. ~~Upon complaint from any person owning property within four hundred feet of the applicant's property, a public hearing before the City Council and Planning Commission may be scheduled by the City Council to determine what additional conditions, if any, may be needed to protect the public health, safety and welfare.~~ Upon a finding that there has been an increase in the volume, intensity or frequency of the use or a use different than set forth in the ~~conditional~~ special use permit, the ~~City Council~~reviewing authority after ~~the~~ a public hearing may modify, suspend or revoke the ~~conditional~~ special use permit.

2. Six copies of the floor plan, drawn to scale, shall be submitted indicating the proposed uses within the structure including the location and number of all games and amusements.

3. A satisfactory statement setting forth the method and frequency of litter collection and disposal shall be submitted with the site plan.

### *Automobile Sales – used*

Permitted Districts - Airport Business, General Business, Highway Business and I-2 General Industry

**Approval Criteria**

1. The minimum lot area is fifteen thousand square feet.

2. The minimum lot frontage and width shall be one hundred feet, unless the cars for sale are driven to the site or delivered by nothing larger than a two car carrier. If either of these conditions is met, there shall be no minimum lot frontage or width.

3. No parking of used vehicles or customer vehicles shall be allowed within the required street yard landscape area.

4. No vehicles for sale shall be parked within twenty feet of residentially zoned property or any buffer area as required in Section 6.3.9.

5. One loading area, not less than twenty by fifty feet shall be provided unless no vehicles will be delivered by car carrier.

6. The ~~conditional~~ special use permit shall be issued for a five-year period with automatic renewal for an additional five years if the site and structures are maintained in a satisfactory manner as originally approved.

7. All vehicular display areas shall be improved with paving and curb and gutter.

8. Used automobile sales facilities shall be retrofitted to comply with the landscape requirements of Section ~~6.3.9~~2.4.10 as a condition of ~~Conditional~~ Special Use Permit approval.

**Site Plan Information**

1. The number of vehicles to be on display.

2. The method of delivery of said vehicles.

3. The number of Employees

4. The hours of operation

***Bars, Nightclubs, Pool Halls, Microbreweries, Places of Entertainment (both public and private and for profit) – ABC Permit***

Permitted Districts - Central Business District, General Business, Shopping Center and Highway Business

**Approval Criteria**

No establishment shall be located within two hundred feet of any residentially zoned or developed property, church or school. Where the proposed establishment is separated from residentially zoned or developed property by a four-lane highway, the two hundred foot separation shall only apply to the properties along the sides and rear of the establishment.

No establishment shall be located within one hundred and fifty feet of any other such establishment.

***Central Business District Exceptions***

1. Within that area of the CBD bounded by the south side of Ash Street, the east side of George Street, the north side of Elm Street and the west side of William Street, there shall be no minimum separation distance from residentially zoned or developed property. A fifty-foot separation distance shall be required for freestanding churches and schools.

2. For the remainder of the Central Business District, not described by the boundaries above, the minimum separation distance from residentially zoned or developed property, freestanding churches or schools shall be one hundred feet.

3. There shall be no more than two such establishments, with the exception of microbreweries, located per City block, defined as the length of street between two intersections.

4. There shall be no more than five microbreweries located within the area of the CBD bounded by the south side of Ash Street, the east side of George Street, the north side of Elm Street and the west side of William Street.

5. In the CBD, there shall be no minimum separation distance between two such establishments.

6. Within that area of the CBD bounded by the south side of Ash Street, the east side of George Street, the north side of Elm Street and the west side of William Street there shall be no minimum off-street parking requirements.

7. Outdoor activities associated with a place of entertainment must specifically be approved as part of any associated review and approval process~~by the City Council~~. At the time of ~~Conditional Use Permit approval~~review, the ~~City Council~~reviewing body may impose conditions on outdoor activities as necessary to protect the public health, safety and welfare.

The separation distance required by this section shall be measured in a straight line from property line to property line, with no consideration as to intervening structures, roads or landforms.

Upon complaint from any person, a public hearing may be scheduled ~~by the City Council~~ to determine what additional conditions, if any, may be needed to protect the public health, safety and welfare. Upon a finding, that there has been an increase in the volume, intensity or frequency of the use or a use different than set forth in the ~~conditional~~ special use permit, the ~~City Council~~reviewing body after the public hearing may modify, suspend or revoke the ~~conditional~~ special use permit.

**Site Plan Information**

1. Floor plan indicating the proposed uses within and adjacent to the structure;

2. Maximum number of persons occupying the structure or premises at one time; and

3. Attached to the site plan shall be a written statement setting forth the frequency and method of maintenance, repair, refuse/recycling collection and disposal.

Updated July 15, 2019 (Ordinance 2019-46)

***Bed and Breakfasts, Including Short-term rentals such as AirBnB, VRBO, HomeAway, etc. (6 or fewer rooms or whole house rental)***

Permitted Districts - Central Business District, Neighborhood Business, Highway Business, General Business, Office and Institutional-1, and Office-Residence and on lots in Residential Districts fronting on a major and minor thoroughfare or collector streets as designated in the Thoroughfare or Transportation Plan.

**Approval Criteria**

1. A bed and breakfast shall be permitted only within a ~~principle~~ principal residential structure.

2. A resident owner or manager who lives on site shall manage a bed and breakfast.

3. In residential districts, food service shall be available only to guests and not the public. No receptions, private parties or similar activities shall be permitted unless expressly approved as part of the ~~conditional~~ special use permit.

4. Signage shall be limited to one non-illuminated identification sign not to exceed six square feet in area and five feet in height. No additional advertising signs shall be permitted on the property.

***Bingo Game Establishments***

Permitted Districts - Office and Institutional 1, Neighborhood Business, General Business, Central Business District, Shopping Center and Highway Business

**Approval Criteria**

1. The applicant shall deliver to the City sufficient evidence that they comply with state requirements for bingo game establishments as specified in GS 14-309.5-14.

2. Bingo establishments shall only be permitted in the Office and Institutional-1 District if they are associated with a church and conducted in a religious facility on the same site.

3. Establishments proposed for Neighborhood Business Districts shall front on a highway having a minimum of four lanes.

4. ~~The conditional use permit shall be issued for a one-year period with automatic renewal for additional five-year periods provided the site is maintained in a satisfactory manner as originally approved.~~

## Boat, Heavy or Farm Equipment, Manufactured Home - Retail Sales, Rental and/or Service

Permitted Districts - Airport Business, General Business, Highway Business, I-1 and I-2 General Industry, I&BP-2

### Approval Criteria

1. No outdoor public address system shall be audible beyond the property line.

2. No parking or display of boats, manufactured homes or heavy equipment will be allowed within the required front building setback or within twenty feet of residentially zoned property.

3. Large surface display areas, greater than one-half an acre in area, shall be visually and functionally segmented into several smaller lots. The aggregate size of all surface display areas shall be limited to three acres, unless divided by a public street, private access lane or ~~principle~~ principal building.

### Site Plan Information

1. The number of homes, boats or pieces of equipment to be displayed shall be indicated.

## *Borrow Pits, Sand or Gravel Operations*

Permitted Districts - All districts except Central Business District

### Approval Criteria

The applicant shall provide materials and/or certification of the following or evidence to support the following:

1. Submit a proposed plan for the rehabilitation of the site including a topographic survey of the site showing existing contours and proposed contours after excavation. In addition the plan shall describe the areas to be refilled, graded, planted and seeded;

2. Submit a proposed work schedule, including days, hours of operation, the starting date and completion date; and

- Provide an estimate of the total number of cubic yards of material to be removed from the site.

3. The proposed operation shall not harmfully alter the surface water drainage of the area.

4. The proposed operation shall not damage any street, road or highway.

5. The proposed operation shall not cause undue vibration, noise or windblown particulate.

6. The proposed operation shall not change the character of the neighborhood nor devalue any adjoining property.

7. The proposed rehabilitation shall adapt to the location and terrain in such a way as to prevent the site from becoming a threat to public safety or an unusable wasteland.

**Site Plan Information**

1. Boundary survey showing streets, property owners and properties which adjoin or lie within two hundred feet of the site;

2. The area or areas proposed for excavation or topsoil removal;

3. Conditions of the site before operations are commenced; and

4. Proposed condition of the site after the work is completed.

***Cell Towers and Co-location Facilities***

Permitted Districts - All districts except Central Business District

**Approval Criteria**

1. The applicant must attempt to co-locate on existing towers or structures before seeking permission to construct a new tower. Such structures may include existing wireless communication towers, church steeples, buildings, transmission line towers, utility/light poles, water towers etc.

2. Where a new tower is proposed, ~~documentation~~ attestation shall be required ~~to substantiate~~as to why the proposed antenna(s) and/or equipment cannot be accommodated on a previously approved tower due to one or more of the following reasons:

    - The planned equipment exceeds the structural capacity of the previously approved towers, considering their existing and planned use and those towers cannot be reinforced to accommodate the planned or equivalent equipment at a reasonable cost; or

    - ~~The planned equipment would cause RF interference with other existing or planned equipment for these towers and their interference cannot be prevented at a reasonable cost; or~~

- Previously approved towers do not have space on which the planned equipment can be placed so it can function effectively and reasonably in parity with the existing and/or planned equipment of the present user(s); or

- Other reasons make it impractical to place the planned equipment on previously approved towers ~~(explain and document in detail)~~.

3. ~~Co-location~~If possible to co-locate on an existing tower, building or other substantial structure, such as a water tower or transmission line tower, ~~shall affect a waiver of a conditional use permit and may be approved by the Administrator~~the request shall not require a special use permit and shall be reviewed by the Administrator, and if all the other requirements of this Ordinance have been met, shall be approved. The antennae and other collocation equipment shall be the same color as the structure to which it is attached. ~~The Administrator may require the conditional use permit application be filed if he is in doubt as to whether or not the proposal is in keeping with the spirit of this Ordinance.~~

4. New towers must be designed to handle co-location. The owner must submit a notarized statement with the permit request indicating that future co-location on the proposed tower will be permitted. The application shall also include ~~documentation~~ a letter from a registered engineer describing the capacity of the proposed tower to accommodate future co-users in terms of the number and type of antennas or equipment it can potentially accommodate.

5. The tower base shall be setback from the adjoining property lines a minimum of one hundred and fifty percent of the tower's height.

6. All guy wires must be situated on the same lot as the tower. The guy wire anchors shall be setback from the adjoining property lines in accordance with the minimum setback requirements of the district in which it is located. However, in no case shall the setback be less than twenty-five feet.

7. Security fencing of at least six feet in height shall be required around the entire complex. Except fence and wall entrances, all fences and walls shall be screened with plant material so that no more than two thirds of the surface area of the fence or wall shall be visible within three years after the erection of the structure from a public street or any adjoining lot. This requirement shall be waived for equipment co-located on facilities located in the public right of way (such as telephone poles, light standards) or electric power company easements as long as all the other requirements of this Ordinance have been met.

8. One sign, not more than two square feet, for each of the following, identifying the owner of the tower, the telecommunications providers and warning of dangers, shall be permitted on all sides of the fenced area.

9. Radio, television or other communication service reception on other properties shall not be disturbed or diminished.

10. All towers and antennas must meet or exceed current standards and regulations of the FAA, the FCC and any other state or federal agency with the authority to regulate towers and antennas.

11. The location, height and design of all proposed new towers shall be forwarded to the appropriate review authority at Seymour Johnson Air Force Base for review and comment.

12. The tower owner at their expense shall remove any tower that ceases to be used for communication broadcasting and/or broadcast receiving for a period of six months. This removal shall occur within ninety days of the end of such six-month period. Upon removal, the site shall be planted to blend with the existing vegetation surrounding the site.

**Site Plan Information**

1. The property boundary and the boundary of the leased area if different than the property boundary;

2. The location, type and height of the tower;

3. The location of all necessary service equipment or structures;

4. Design of the tower, including proposed elevations, with particular reference to design characteristics that reduce or eliminate visual obtrusiveness;

5. Additional on-site land uses;

6. Adjacent land uses and zoning; and

7. Proposed means of access.

***Cemetery***

Permitted Districts - Various Residential and Non-Residential Districts

**Approval Criteria**

1. Chapels, mortuaries, mausoleums, administrative offices and maintenance buildings may be developed within the cemetery. Access to all buildings shall be from within the cemetery. The minimum setback for all structures, excluding gatehouses is one hundred feet from any exterior property line. Gatehouses are excluded from any minimum setback.

2. The minimum setback for any grave or burial plot is fifty feet from any exterior property line, except that any grave or burial plot shall be allowed

within three feet of a property line of an abutting parcel containing an existing cemetery.

3. Where a cemetery abuts a residentially developed or zoned property, it shall be screened in accordance with Section 6.3 (Landscaping, Screening, and Buffering Standards).

### *Crematorium*

Permitted Districts - O&I-1, Neighborhood Business, Central Business District, General Business, Highway Business, I-2 General Industry and pursuant to GS 90-210.43, any crematorium may be established in Commercially-Zoned Districts that allow funeral homes without ~~Conditional~~ Special Use Permit approval so long as it is accessory to a funeral establishment.

### Approval Criteria

1. The crematory shall not emit any undue smoke, dust, heat or odor.

2. Loading and unloading areas shall be screened from adjacent properties and the public right of way.

### *Community Sensitive Heavy Industrial Uses*

Permitted Districts - I-2 General Industry

Listed Uses – Chemical Manufacturing, Petrochemical Manufacturing, Wood Products Manufacturing, Mineral Products Manufacturing, Meat Processing and Packaging

### Approval Criteria

1. The entire area of the site shall be enclosed by a six foot high opaque fence set back one hundred feet from any public right of way or residentially developed or zoned property and/or fifty feet from any other adjacent property.

2. The yard area between the fence and the property line, not used for parking, shall be planted with grass and have landscaping composed of large trees spaced not more than forty feet apart and not less than one row of shrubs thirty inches in height, spaced so that they will form a continuous visual screen six feet in height within three growing seasons.

3. No loading or unloading of materials shall occur outside of the fenced area.

4. A statement shall be submitted with the plans indicating whether any manufacturing or processing operation will create smoke, offensive odor, dust, noise, fumes or vibrations beyond the lot lines of the proposed use. If one or more of such conditions exist, the developer shall explain what measures will be taken to mitigate such conditions to acceptable levels.

5. The uses shall be located a minimum of one thousand feet from any residentially developed or zoned property. The one thousand foot separation distance shall be measured in a straight line from property line to property line, with no consideration as to intervening structures, roads or landforms.

### *Day Care Centers - child*

Permitted Districts - Office and Institutional-1, Neighborhood Business, Central Business District, General Business, Shopping Center and Highway Business.

**Approval Criteria**

1. Day care centers shall comply with all state and federal laws that pertain to health, safety and welfare including, GS 110-91 and the NC Administrative Code.

2. The center shall provide an outdoor play area of at least seventy-five square feet for each child. The outdoor play area shall be fenced or walled. The minimum height for the enclosure shall be four feet.

3. The outdoor play area and its associated equipment shall be housed in the rear or side fenced yard. Front yards shall not be used as the required outdoor play area.

### *Day Care Centers – adult*

Permitted Districts - Office and Institutional-1, Neighborhood Business, Central Business District, General Business, Shopping Center and Highway Business.

**Approval Criteria**

1. Adult day care centers shall comply with all state and federal laws that pertain to health, safety and welfare including all applicable NC General Statutes and the NC Administrative Code.

2. Centers that provide services to patients that suffer from Alzheimer's disease, dementia or other disability that causes disorientation shall provide an outdoor area of at least seventy-five square feet for each client. The outdoor area shall be fenced or walled. The minimum height for the enclosure shall be four feet.

### *Flea market (Outdoor operation or indoor/outdoor operation)*

Permitted Districts - Highway Business, General Business, I-2 General Industry

**Approval Criteria**

1. Screening and buffering shall be provided in accordance with Section 6.3 where outdoor sales abut residentially zoned or developed property as follows:

    - Front yard – All merchandise shall be set back at least 25 ft. from all road right-of-ways.

    - Rear yard – A twenty foot landscaped buffer composed of large trees, small trees and shrubs as required in Section 6.3.9 (Table 6-9) entitled Buffer Yard Design Standards of this Code.

    - Side yard – A five-foot screen meeting the same landscaping requirements as above or the requirements of Section 6.3.9, whichever is greater.

    - Fencing – A six foot high stockade fence or wall may be used to replace the plantings required above provided that the finished side of the fence face the adjoining property and it is screened with shrubs thirty inches in height spaced ten feet apart

~~2. The conditional use permit shall be issued for a one-year period with automatic renewal for additional one year periods provided the site is maintained in a satisfactory manner as originally approved. If the use ceases, discontinues or is abandoned for one hundred and eighty consecutive days, the permit shall be voided and any future reuse of the site as a flea market shall require a reapplication for a conditional use permit.~~

**Site Plan Information**

1. Location, dimensions and number of individual booths or sales area; and

2. Attached to the site plan shall be a written statement setting forth the frequency and method of maintenance, repair, refuse/recycling collection and disposal.

**Home occupations**

Permitted Districts - All residential districts

**Approval Criteria - All Home Occupations (Minor / Major)**

1. The business or occupation shall be located entirely within the ~~principle~~ principal structure or accessory structure. The business shall not occupy more than twenty-five percent of the total gross floor area of the combined structures (~~principle~~ principal and accessory) or five hundred square feet, whichever is less.

2. If an accessory building is used for a home occupation, such accessory building shall meet all required setbacks and height of a ~~principle~~ principal

building within the residential zone in which it is located. If such accessory building does not meet setback requirements, it may be used only for the storage of goods and materials related to the home occupation.

3. The ~~principle~~ principal person or persons providing the service or conducting the business shall reside in the dwelling on the premises.

4. Any home occupation occupying an accessory building, notwithstanding the home occupations permitted under the definition of minor home occupations, shall require a public hearing by the Board of Adjustment before a special use permit is issued.

5. Outdoor storage of goods and materials shall be prohibited. Storage of goods and materials are permissible only to the extent that they are incidental to the services being provided through the home occupation. Sales of goods and materials on the premises shall be prohibited except that items for sale incidental to the service being provided through the home occupation may be permitted.

6. Home occupations shall not use any equipment or process that creates noise, vibration, smoke, dust, glare, fumes, odor or electronic interference detectable at the lot line. In the case of electrical interference, no equipment or process shall be used which creates a visual or audible interference in radio or television receivers off the premises or causes fluctuations in line voltages off the premises.

7. Home occupations shall not cause a change in the external appearance of the existing structures on the premises.

8. The “residential character” of the premises and building within which the home occupation is being conducted shall be maintained at all times and shall not be changed.

9. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood. Parking requirements shall conform to the requirements of this Ordinance, and shall be provided within an area on the lot other than the established front setback; the established front setback being that area from the front property line to the front line of the building extending side lot line to side lot line.

10. All vehicles used in the conduct of the home occupation shall be of a size, and located on the premises in such a manner, so as not to disrupt the quiet nature and visual quality of the neighborhood.

**Approval Criteria - *Minor Home Occupation*–**

A home occupation meeting the following criteria may have a Zoning Permit issued by the Zoning Enforcement Officer:

1. No employees besides person(s) residing on the premises;
2. No visible exterior evidence of the conduct of the occupation;
3. No need for off-street parking beyond the normal needs of the dwelling;
4. Does not generate any additional traffic;
5. No signs are used on the premises; and
6. No equipment is needed other than normally used in domestic, household or general office use.
7. Use of a residence as an address of convenience for phone calls and mail generates a light volume consistent with residential use of the property.

**Approval Criteria - *Major Home Occupation*** –

A home occupation meeting the following criteria shall require a public hearing before the issuance of a special use permit:

1. No more than one person who does not reside on the premises is employed by the home occupation;
2. Not more than one exterior unilluminated sign not exceeding two square feet as visible evidence of the conduct of the operation;
3. There is no outdoor display or storage of goods associated with the home occupation;
4. No additional parking areas other than driveways shall be located in the required front setback;
5. No wholesale or retail sales of goods shall occur on the premises; and
6. Barber and beauty shops and hair, nail and skin care businesses shall be limited to one-chair operations.

All special use permits shall be issued to the applicant at the residence indicated on the application and shall not run with the land.

Changes in the intensity, use or to another dwelling or structure on the property or a change in the applicant for which the original permit was issued shall require a new application for a special use permit.

~~No privilege license, whether new or renewed, shall be issued for a home occupation until it can be determined that the Board of Adjustment has conducted the necessary public hearing and approved the required special use permit. If such a home occupation's privilege license is not renewed by June 30 of each year, the special use permit issued under this Section will become void and the home occupation shall cease.~~

Upon complaint from any person within four hundred feet of an operating home occupation, a public hearing before the Board of Adjustment may be scheduled to determine what additional conditions, if any, may be needed to protect the public health, safety and welfare. Upon a finding that there has been an increase in the volume, intensity or frequency of the use or a use different than set forth in the special use permit, the Board of Adjustment after the public hearing may modify, suspend or revoke the special use permit.

### *Internet Café/Sweepstakes Facilities – Electronic Gaming Operations*

Permitted Districts - General Business (GB)

**Approval Criteria**

1. No establishment shall be located within five hundred (500) feet of any residentially zoned or developed property, church, school, day care, playground or public park. Where the proposed establishment is separated from residentially zoned or developed property by a four-lane highway, the five hundred (500) foot separation shall only apply to the properties along the sides and rear of the establishment.

2. No such establishment shall be located within one mile (5,280 ft.) of another such establishment.

3. The hours of operation for such operations shall be limited to 7:00 a. m. to 2:00 a. m.

4. Uses which are legally existing at the time of adoption of this ordinance shall have thirty (30) days to come into compliance with the hours of operation limitation as defined in this section.

### *Junk Yards, Salvage Yard, Recycling of Metal, Paper and other materials*

Permitted Districts - I-2 General Industry

**Approval Criteria**

1. No ~~conditional~~ special use permit or building permit shall be issued for a junk/salvage yard unless all of the standards enumerated in the Junk Yard Control Act, NC 136-144(i), have been met.

2. The entire outdoor storage area of the site shall be enclosed by an eight foot high solid, opaque fence and set back one hundred feet from any public right of way or residentially developed or zoned property and/or fifty feet from any other adjacent property.

3. The yard area between the fence and the property line, not used for customer and employee parking, shall be planted with grass and have landscaping composed of large trees spaced not more than forty feet apart and not less than one row of shrubs thirty inches in height, spaced so that

they will form a continuous visual and opaque screen six feet in height within three growing seasons.

4. No loading or unloading of materials shall occur outside of the fenced area.

5. No garbage or putrescent waste, likely to attract vermin, shall be kept on the premises.

6. Gasoline, oil or other hazardous materials which are removed from vehicles or parts of vehicles kept on the premises shall be disposed of in accordance with applicable federal, state and local regulations.

7. Materials shall not be stacked to be visible from any public right of way.

8. All existing junk or salvage yards shall comply with this Section within 180 days of adoption of the ordinance.

### *Kennels/Pet Boarding*

Permitted Districts - Airport Business, General Business, I-2 General Industry

### Approval Criteria

1. Any building housing animals shall be located a minimum of one hundred and fifty feet from any residentially zoned or developed property.

2. Animal waste shall not be stored outdoors within one hundred feet of any property line.

3. Areas used for exercising or training of animals shall be securely fenced to prevent the animals from straying.

4. A security fence at least six feet high shall enclose any kennel that is not wholly enclosed with a building.

### Nonconforming uses

Permitted Districts - All zoning districts

1. Nonconforming uses may expand the existing square footage of the structure, number of units, or use of land once provided the proposed expansions meet all State Building Code and the Code of Ordinance requirements including, but not limited to, the following:

    a. All height, setback and dimensional requirements of the district in which the nonconforming use is located;

    b. All lot area, frontage and width requirements;

    c. All parking and loading design requirements;

d. All special use procedural and dimensional requirements; and

e. All screening and buffering requirements.

2. Any such expansion is limited to the existing building or buildings.

3. Such existing nonconforming use shall not have been abandoned for the time period specified in Section 5.6.7.

4. Any expansion of a nonconforming mobile home park shall meet the requirements as set forth in Sections 5.6.10, 5.3.3.3 and 5.9.4.

5. Any abutting land to be used for expansion of the nonconforming use or required off-street parking and loading facilities shall be in the same ownership as the existing nonconforming use at the time of adoption of this amendment or subsequent extension of the extraterritorial jurisdiction.

6. Signs shall meet the requirements of the zone in which they are located. Existing signs shall be subject to the amortization period as set forth in Section 6.4.

7. Changing from one nonconforming use to another shall not permit expansion more than once.

8. Expansion of an existing nonconforming use shall be limited to uses of the same type existing on the site.

9. Written evidence shall be submitted indicating that the nonconforming use does not create offensive smoke, dust, noise, fumes, vibration, heat, glare, excessive traffic or electronic interference in radio or television receivers off the premises or causes fluctuations in line voltages off the premises or in any other manner is detrimental to surrounding properties.

10. All expansions and modifications shall comply with the requirements of Section 5.9 (Noise Overlay) and 5.10 (APZ Overlay).

***Outdoor recreational facility, privately owned, not constructed in conjunction with a single-family subdivision or planned unit development.***

Permitted districts - R-20, 20A, 16, 12, 9, 6, Office and Institutional-1, Neighborhood Business, General Business, Shopping Center, Highway Business

**Approval Criteria**

1. No activities (play fields, seating facilities, etc.), other than pedestrian trails, shall be within 50 feet of an adjoining property. Any sale of merchandise or concessions on the premises shall:

   a) Be limited to hours of operation of the play fields;

b) Not be visible from the street right- of-way or adjoining lots.

2. A statement setting forth the method and frequency of litter collection and disposal.

3. A statement indicating proposed hours of operation.

4. All parking facilities for customer convenience shall be paved and provided with on-site drainage in accordance with the standards approved by the City. No vehicle parking shall be allowed within the required front yard setback or with the required landscaped area(s). Minimum parking requirements shall be:

5. 18 spaces per play field, and

6. Where seating facilities are provided, one parking space for every four available seats.

7. Illumination shall be indicated on the site plan if the proposed use is designed for nighttime operation. The location, number, intensity and height of the lighting shall be indicated on the site plan. Lighting shall be shielded from residentially zoned or developed areas.

8. Street access - the site must have frontage on a public street.

9. One permanent identification sign not exceeding 32 square feet in area is permitted. Such sign may be illuminated or flood-lit. A minimum setback of ten feet shall be maintained from any property line. No such signs shall exceed six feet in height above ground.

10. Landscaped area - a 25 foot landscaped area shall be maintained along the side and rear property lines and shall be composed of eight foot to ten foot deciduous and six foot to eight foot evergreens trees, spaced not more than 40 feet apart and not less than one row of evergreen shrubs 30 inches to 36 inches in height at planting spaced not more than five feet apart which will grow to form a solid and continuous visual screen six feet in height within three full growing seasons or as required in Section 6.3.9. All trees and shrubs shall be planted and maintained in a healthy growing condition by the property owner. Existing vegetation, which meets the above stated minimums, may be retained whenever possible to reduce required planting of the area. Such existing vegetation, type and size shall be indicated on the site plan.

### *Outdoor Storage Areas for Goods or Materials for Uses not Otherwise Listed.*

Permitted Districts - Airport-Business, General Business, Shopping Center, Highway Business, I-1 and I-2 Industrial and Industrial and Business Park-1

**Approval Criteria**

1. All outdoor storage areas shall be located in the rear and side yards.

2. The entire outdoor storage area shall be enclosed by an 8 ft. high solid fence set back from adjoining property lines as required by Section 6.3.9 of this code. The height of the fence may be reduced to 6 ft. if the applicant provides evidence or written confirmation to the Planning Director ~~City Council determines~~ that the items proposed to be stored will not exceed 5 ft. in height.

3. No loading or unloading of materials shall occur outside of the fenced area.

4. Materials shall not be stacked to be visible from any public road right-of-way or adjoining property line.

### *Restaurants - Drive Ins and Drive Through Windows*

Permitted Districts - General Business, Highway Business, Shopping Center, Central Business District, I-2 General Industry

**Approval Criteria**

1. To protect the pedestrian character of the CBD and especially the downtown core, no drive ins shall be permitted within the 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.

2. For purposes of this Section, “auto oriented uses” shall consist of the following: drive-ins, auto mechanical repair which allows exterior overnight storage and car washes.

### *Rooming and Boarding Houses*

Permitted Districts - R-12, R-9 and R-6

**Approval Criteria**

1. Single-family homes used as rooming/boarding houses may not subdivide existing rooms into less than two hundred square feet in area.

2. The rooming/boarding house shall be owner occupied or have a resident manager.

3. No more than two unrelated people may occupy a single room.

### *Sexually Oriented Businesses*

Permitted Districts - General Business

**Approval Criteria**

1. All windows, doors, openings, entries etc. for all adult uses shall be so located, covered, screened or otherwise treated so that views into the interior of the establishment are not possible from any public street or way.

2. There shall not be more than one sexually oriented business on the same property or in the same building, structure or portion thereof.

3. No sexually oriented business shall locate within one thousand feet from any other sexually oriented business, residentially developed /zoned property, public park, church or any establishment with an ABC permit or public/private school.

4. The one thousand foot separation distance shall be measured in a straight line from property line to property line, with no consideration as to intervening structures, roads or landforms.

5. Signage shall be regulated in accordance with Section 6.4 (Signage Standards), except that no sexually oriented printed material, slide, video, photograph, written text, live show or other sexually oriented visual display shall be visible from outside of the establishment, nor shall any live or recorded voices, music or sounds be audible from outside the walls of the establishment.

6. Upon complaint from any person, a public hearing may be scheduled by the ~~City Council~~reviewing body to determine what additional conditions, if any, may be needed to protect the public health, safety and welfare. Upon a finding that there has been an increase in the volume, intensity or frequency of the use or a use different than set forth in the ~~conditional~~ special use permit, the ~~City Council~~reviewing body after the public hearing may modify, suspend or revoke the ~~conditional~~ special use permit.

### *Special events, indoor or outdoor*

Includes social, civic, political, cultural and other temporary assembly uses or special events such as church revivals, gun shows, rodeo, fireworks shows, concerts, auctions, etc.

Permitted Districts: Potentially allowed in any district with approval as a Temporary Use or Special Event.

**Approval Criteria**

1. Unless explicitly permitted in the approval of a Temporary Use Permit or Special Event Permit, indoor or outdoor special events shall not emit noise audible from outside the premises, including tent, enclosure, bandshell, etc., between the hours of 9:00 p.m. to 7:00 a.m.
2. Noise during all other hours may be subject to applicable fines and fees as assessed by the City ~~Town~~ of Goldsboro and the event shall be immediately ceased.
3. Indoor or outdoor special events shall not be permitted in residential districts and shall be at located at least 500' from any residential district or use.

***Shipping containers***

Permitted Districts: All non-residential districts and AG.

**Approval Criteria**

1. Permanent shipping containers used for storage shall be completely screened from view from any street, right-of-way, common area, pedestrian pathway or gathering area, adjacent businesses, or residential district.
2. Temporary shipping containers are limited to six-months of use.

***Shooting/archery ranges, indoor only***

Permitted Districts: Airport Business, General Business, Shopping Center, Highway Business and I-2 General Industry.

**Approval Criteria**

1. This use includes the shooting of firearms, bows, and crossbows at, or in conjunction with, both for-profit and non-profit facilities. It does not include incidental target practice by individuals on private property.

2. The facility shall be designated such that sound generated at the facility shall not be detectable to the normal senses at any location off the site.

3. The range shall be designed to provide a totally controlled shooting environment that includes impenetrable walls, floor and ceiling, adequate ventilation, lighting systems and acoustical treatment for sound attenuation suitable for the range's approved use.

4. The design of the facility shall be guided by the design standards recommended by the National Rifle Association (NRA) for the appropriate caliber firearm(s) or weapon(s) being used on the site as described in "The NRA Range Source Book," published by the NRA, insofar as they do not conflict with any of the specific requirements contained in this section.

Detailed plans for site layout, backstops and baffles (when used for noise mitigation) shall be submitted to the City Police Department.

5. All such facilities shall be completely enclosed within a building and must be inspected and approved by the City Police Department from the standpoint of public safety.

6. All lead recovery and range wastes must comply with applicable Federal and/or State regulations.

7. A competent adult supervisor, approved by the owner/manager of the indoor fire range, shall be present and appropriately licensed at all times when the range is open for business.

### *Storage of Flammable Liquids and Gases*

Permitted Districts - I-2 General Industry

**Approval Criteria**

1. The proposed facility shall conform to the requirements of the Fire Prevention Codes of the North Carolina State Building Code, National Board of Fire Underwriters and the latest edition of the “Flammable and Combustible Liquids Code, NFPA 30” of the National Fire Protection Association.

2. A dike that forms a basin equal to the capacity of the largest tank shall surround all tanks constructed above the ground level. All tanks shall be located at least twenty-five feet from any property line or in accordance with Section 6.3.9, whichever is greater.

3. A security fence at least eight feet in height and three strands of barbed or razor wire shall surround all facilities used for the storage and handling of flammable materials.

4. If there is a yard area between the fence and the rear and side property lines, the area not used for customer and employee parking shall be planted with grass and have landscaping composed of large trees spaced not more than forty feet apart and not less than one row of shrubs thirty inches in height, spaced so that they will form a continuous visual and opaque screen six feet in height within three growing seasons.

5. If there is no yard area between the fence and property line, the area within ten feet of the inside of the fence shall have landscaping composed of large trees spaced not more than forty feet apart and not less than one row of shrubs thirty inches in height, spaced so that they will form a continuous visual and opaque screen six feet in height within three growing seasons.

6. If the perimeter fence is greater than five hundred linear feet in length, the required planting ~~may be~~is waived ~~or modified (at the discretion of the City~~

~~Council)~~ for the sections of the fence not adjacent to residentially zoned property or not visible from the public right-of-way.

7. The location, size and extent of tanks, pumps and other equipment, setbacks, screening and fencing may be modified as necessary to ensure public safety.

***Storage or Treatment of Hazardous/Chemical Material***

Permitted Districts - I-2 General Industry

**Approval Criteria**

1. The use shall comply with the Federal Resource Conservation Act of 1976, as amended, and the North Carolina Solid Waste Management Act, as amended GS 130-166.16 for the design siting and materials to be stored or treated.

2. All properties used to store or treat hazardous/chemical materials shall submit to the City, for review by the City engineer, the following documentation:

    - A bi-annual listing of the types and quantities of the hazardous/chemical materials stored and/or treated on the site.

    - A Spill Containment Plan that shall include, as a minimum, a site plan with a detailed description of all containment provisions and the safeguards taken to prevent contamination of surface or groundwater supplies.

    - A storm water management plan shall be prepared and submitted to the City for review by the City and the North Carolina Department of the Environment and Natural Resources. A NCDENR permit for storm water discharge shall also be obtained if applicable.

3. All surface water, groundwater, sanitary sewer and storm water systems on the property shall be protected to minimize, to the greatest extent possible, the probability of contamination by hazardous materials.

4. All storage, treatment and loading facilities handling hazardous materials will be located at least two hundred feet from any property line and at least one thousand two hundred and fifty feet from any lot not zoned or developed as industrial.

5. A security fence at least eight feet in height and three strands of barbed or razor wire shall surround all facilities used for the storage and handling of hazardous materials.

6. If there is a yard area between the fence and the rear and side property lines, the area not used for parking, shall be planted with grass and have landscaping composed of large trees spaced not more than forty feet apart and not less than one row of shrubs thirty inches in height, spaced so that they will form a continuous visual and opaque screen six feet in height within three growing seasons.

7. If there is no yard area between the fence and property line, the area within ten feet of the inside of the fence shall have landscaping composed of large trees spaced not more than forty feet apart and not less than one row of shrubs thirty inches in height, spaced so that they will form a continuous visual screen six feet in height within three growing seasons.

8. If the perimeter fence is greater than five hundred linear feet in length, the required planting ~~may be~~is waived ~~or modified (at the discretion of the City Council)~~ for the sections of the fence not adjacent to residentially zoned property or not visible from the public right-of-way.

Updated through March 14, 2017

**5.5.11 SECTION RESERVED**

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# 5.6 NONCONFORMING SITUATIONS

## 5.6.1 EFFECTIVE DATE OF THIS ORDINANCE

Whenever this Section refers to the "effective date of this Ordinance," the reference shall be deemed to include the effective date of any amendments to this Ordinance, if the amendment rather than this Ordinance as originally adopted, creates a nonconforming situation.

## 5.6.2 CONTINUATION OF NONCONFORMING SITUATIONS

If, within the district established by this Ordinance, or amendments to this Ordinance that may be adopted, there exist lots, structures and use of land and structures which were lawful before this Ordinance was passed or amended, but which would be prohibited under the terms of this Ordinance or amendments, it is the intent of this Ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival.

To honor previous approvals made legally and in good faith and to minimize impacts on property owners, and where the City Council has approved site plan modifications or variances for site plans prior to the amendment of this Ordinance for compliance with NC GS § 160D, the resulting developments, lots, sites, and structures, shall be permitted to continue and are hereby granted conforming status the same as if the property had been issued a Variance.

## 5.6.3 CONTINUATION OF NONCONFORMING SIGNS

Signs in existence on the effective date of this Ordinance which do not conform to the provisions of this Ordinance, but which were constructed, erected, affixed or maintained in compliance with all previous regulations shall be regarded as nonconforming signs. Although it is not the intent of this Ordinance to encourage the continued use of nonconforming signs, nonconforming signs shall be allowed to continue and a decision as to the continued existence and use or removal of such signs shall be controlled by Section 5.6.12 (Nonconforming Signs).

## 5.6.4 COMPLETION OF NONCONFORMING PROJECTS

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner or the demolition, removal or elimination of an existing structure in connection with such construction, provided that actual construction work shall be begun and diligently carried on until the completion of the building involved.

## 5.6.5 NONCONFORMING SITUATIONS

Nonconforming situations are subdivided into six separate categories, each defined in the appropriate subsections that follow:

1. Nonconforming lots;
2. Nonconforming uses;
3. Nonconforming structures;
4. Nonconforming manufactured homes;
5. Nonconforming features; and
6. Nonconforming signs.

## 5.6.6 NONCONFORMING LOTS

In any district in which single-family dwellings are permitted, notwithstanding limitation imposed by other provisions of this chapter, a single-family dwelling and customary accessory buildings may be erected on any single lot of record as of January 18, 1960, or on the date of amendment of this chapter. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both of lot, shall conform to the regulations for the district in which the lot is located. Variance of single-family residential yard requirements shall be obtained only through the Board of Adjustment. No permit or variance shall be issued under the provisions of this subsection until the Planning Director has certified that the lot has been in single and separate ownership and not of continuous frontage with other lots in the same ownership since January 18, 1960, or the date of any subsequent amendment which rendered the lot nonconforming.

If two or more lots or combination of lots and portions of lots with continuous frontage in single ownership are of record on January 18, 1960, and if all or part of the lots do not meet the requirements for lot width and areas for the zone in which they are located, as established by this chapter, the lands involved shall be considered to be an undivided parcel for the purpose of this chapter, and no portion of the parcel shall be used or sold which does not meet width and area requirements established by this chapter, nor shall any division of the parcel be made which leaves the remaining lot width or area below the requirements stated in this chapter. Existing nonconforming lots in the Central Business District that do not comply with the lot width or area requirements to construct a single-family dwelling may construct a single-family dwelling provided it complies with all front and rear setbacks and a side yard setback of five (5) ft.

## 5.6.7 NONCONFORMING USES

Nonconforming uses of land or structures and nonconforming structures that contain nonconforming uses may continue only in accordance with the provisions of this Section.

No nonconforming use shall be moved (in whole or in part); enlarged, increased or extended to occupy a greater area of land than was occupied on the effective date of the Ordinance, revision or amendment that rendered the use as nonconforming except as provided in Section 5.6.14.

If any nonconforming use of land ceases discontinues or is abandoned for more than one hundred and eighty consecutive days, any subsequent use of such land shall conform to all the applicable provisions of this Ordinance. For purposes of determining whether a right to continue a nonconforming use is lost pursuant to this Section, all of the buildings, activities and operations maintained on a lot are generally to be considered as a whole. For example, the failure to rent one apartment in a nonconforming apartment building for over one hundred and eighty days shall not result in the loss of legal nonconforming status as long as the building as a whole is continuously maintained. But if a nonconforming use is maintained in conjunction with a conforming use, discontinuance of the nonconforming use for the required period shall terminate the right to maintain it thereafter.

If a nonconforming use is damaged or partially destroyed by man-made or natural acts and the cost of repairing the damage is less than fifty percent of the assessed value listed on the Wayne County Tax Roll, the use may be reestablished with the approval of the ~~Planning Director~~a zoning compliance permit. A zoning permit for reestablishment of such use must be secured no later than one hundred eighty (180) days from the date of its destruction or damage. In issuance of the permit, the Planning Director shall follow these standards:

1. If the structure can be rebuilt on the same lot and meet all setback requirements, it shall be.

2. If the structure cannot be rebuilt at the same size (ground floor area) in accordance with the minimum standards of the district in which it is located, then it shall be placed on the lot in as conforming a manner as possible.

3. A nonconforming use shall not be reestablished in a manner that increases its nonconformity.

4. The reestablishment of a nonconforming use (at the same or smaller size) shall require the installation of sufficient parking, landscaping or buffering.

5. In issuing the permit, the ~~Board~~ approving authority may affix other reasonable and appropriate conditions, as otherwise required by this UDO, to limit the adverse impact of the use on adjacent properties.

If a nonconforming use is damaged or partially destroyed by man-made or natural acts and the costs of repairing to reestablish the use is greater than fifty percent (50%) of the assessed value listed on the Wayne County Tax Roll, any reconstruction, repair or replacement of the use shall conform to all the current requirements of this ordinance including the density provisions of the Airport Business (AB) district, Accident Potential

Zone (APZ) and the noise reduction standards and permitted uses of the Noise Overlay District.

If no structural alterations are made, a nonconforming use may be changed to another equal or less intense nonconforming use, if the Board of Adjustment finds via a special use permit that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such a change, the Board of Adjustment may require additional conditions and safeguards in accordance with the provisions of this Ordinance.

Any nonconforming use may be extended within the existing structure provided the Board of Adjustment determines that the interior expansion will not have a negative impact upon surrounding conforming uses. Any expansion of the nonconforming use to additional lands outside the building is prohibited except as provided in Sections 5.5.4 and 5.6.14~~5~~.

Once a nonconforming use has been changed to a conforming use, it shall not thereafter be used for any nonconforming use.

## 5.6.8 NONCONFORMING STRUCTURES

A nonconforming structure may be enlarged, increased or extended to occupy a greater amount of gross floor area than was occupied on the effective date of the Ordinance, revision or amendment that rendered the structure as nonconforming provided that it does not increase the nonconformity.

If a nonconforming structure is damaged or partially destroyed by man-made or natural acts and the cost of repairing the damage is less than fifty percent of the assessed value listed on the Wayne County Tax Roll, the structure may be rebuilt only after the issuance of a permit from the Planning Director. A building permit for reconstruction of such structure must be secured no later than one hundred and eighty days from the date of its destruction or damage. In issuance of the permit, the Planning Director shall follow these standards:

1. If the structure can be rebuilt on the same lot and meet all setback requirements, it shall be.

2. If the structure cannot be rebuilt at the same size (ground floor area) in accordance with the minimum standards of the district in which it is located, then it shall be placed on the lot in as conforming a manner as possible.

3. A nonconforming structure shall not be rebuilt in a manner that increases its nonconformity.

4. The reconstruction of a nonconforming structure (at the same or smaller size) shall require the installation of sufficient parking, landscaping or buffering.

5. In issuing the permit, the ~~Board~~ reviewing authority may affix other reasonable and appropriate conditions, as otherwise required by this UDO to limit the adverse impact of the structure or use on adjacent properties.

If a nonconforming structure is damaged or partially destroyed by man-made or natural acts and the costs of repairing the damage is greater than fifty percent of the assessed value listed on the Wayne County Tax Roll, any reconstruction, repair or replacement shall conform to all the current requirements of this Ordinance except nonconforming single-family residential structures may be rebuilt at any time regardless of the damage and as long as the extent of the nonconformity is not increased. Nonconforming single-family residential structures shall not be rebuilt in the Airport Business District or Accident Potential Zone (APZ). Nonconforming single-family residential structures within the Noise Overlay District shall only be rebuilt in accordance with the standards of Section 5.9 (Noise Overlay District).

No nonconforming accessory structure shall continue to be utilized after the ~~principle~~ principal use or structure is terminated by abandonment, damage or destruction unless such accessory use or structure thereafter is made to conform to the standards for the zoning district in which it is located. No nonconforming accessory use or structure shall become or replace any terminated ~~principle~~ principal nonconforming use or structure.

### 5.6.9 NONCONFORMING MANUFACTURED HOMES ON INDIVIDUAL LOTS

Nonconforming manufactured homes on individual lots may be removed and replaced provided:

1. The replacement manufactured home is placed on the property within 180 days following the removal of the existing manufactured home;

2. The replacement manufactured home meets or exceeds the standards of the National Manufactured Home Construction and Safety Standards Act of 1974 ~~was built after July 1, 1976~~ and meets the wind zone requirements contained in the North Carolina Building Code adopted in June 1994.

3. The installation and placement of the manufactured home conforms to all RM-9 and Noise Overlay District requirements.

Any nonconforming mobile home that is damaged or destroyed by arson may be repaired or replaced if it is determined by the investigation into the arson, by the appropriate law enforcement official or fire inspector, that the mobile home was not damaged or destroyed by the owner. Any application for replacement of the mobile home shall be within one year of the event of the arson to allow adequate time to investigate the arson.

Once a nonconforming manufactured home has been removed from a lot, it may not be replaced except in conformance with the above requirements.

~~Existing pre-1976 m~~Manufactured homes on individual lots that do not meet or exceed the standards of the National Manufactured Home Construction and Safety Standards Act of 1974 may continue in use, but if such use discontinues, ceases or is abandoned for a minimum of one hundred and eighty days, the home must be removed.

## 5.6.10 NONCONFORMING MANUFACTURED HOME PARKS

All manufactured home parks made nonconforming by this UDO on or before the adoption of this UDO may continue provided the number of spaces shall not be increased. The arrangement of spaces may only be altered to bring the park into conformance with this Ordinance. Nonconforming mobile home parks that have less than an 80% occupancy rate based upon the number of occupied lots on the effective date of this Ordinance (April 4, 2005), shall cease operation within 180 days of notification from the City to bring the mobile home park into compliance with City zoning standards.

Nonconforming manufactured homes within parks may be removed and replaced if the replacement manufactured home meets or exceeds the standards of the National Manufactured Home Construction and Safety Standards Act of 1974~~was built after July 1, 1976~~, meets the wind zone requirements of the North Carolina Building Code as adopted in June 1994 and conforms to the provisions of Section 5.3.3.3 (RM-8 Manufactured Home Park design standards) and Section 5.9 (Noise Overlay District).

~~Existing pre-1976 m~~Manufactured homes in parks that do not meet or exceed the standards of the National Manufactured Home Construction and Safety Standards Act of 1974 may continue in use, but if such use discontinues, ceases or is abandoned for a minimum of one hundred and eighty days, the home must be removed.

## 5.6.11 NONCONFORMING FEATURES

### *Landscaping*

If there is a change of use in a ~~principle~~ principal building, resulting in an intensification or change of use, the entire lot shall fully comply with all the landscaping requirements of this Ordinance.

Expansions to the parking area or building areas shall be required to comply with the applicable landscaping and screening requirements. If the expansion is less than fifty percent of the area of the original building or parking area, collectively or separately, only the expansion need comply with the requirements of Section 6.3 (Landscaping, Screening, and Buffering Standards). If the expansion is greater than or equal to fifty percent of the area of the original building or parking area, collectively or separately, the entire lot shall comply with all the requirements of Section 6.3 (Landscaping, Screening, and Buffering Standards).

In addition, 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 landscaping requirements of this Ordinance.

Buildings that are removed and replaced with another structure shall be considered as new structures and are subject to all landscaping requirements.

Street yards and vehicular surface area shall be retrofitted in accordance with Section 6.3.10~~2~~.

All dumpsters located on a commercial, office or industrially-developed property that do not comply with the screening standards of Section 6.3.13 that are visible from a public street

right-of-way or residentially zoned or developed property shall be brought into compliance with the screening standards of Section 6.3.13 within one year of adoption of this Ordinance. The ~~Planning Director~~Board of Adjustment may grant a variance ~~may waive or modify this requirement~~ if the dumpster's location, orientation or other factors make screening impractical.

### *Lighting*

If there is a change of use in a ~~principle~~ principal building, resulting in an intensification of use, the entire lot shall fully comply with all the lighting requirements of this Ordinance.

Expansions to the parking area or building areas shall be required to comply with the applicable landscaping and screening requirements. If the expansion is less than fifty percent of the area of the original building or parking area, collectively or separately, only the expansion need comply with the requirements of Section 6.2 (Commercial Lighting Design Standards). If the expansion is greater than or equal to fifty percent of the area of the original building or parking area, collectively or separately, the entire lot shall comply with the requirements of Section 6.2 (Commercial Lighting Design Standards).

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.

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 Section 6.2 (Commercial Lighting Design Standards).

### *Sidewalks*

Properties that are nonconforming in regards to having sidewalks installed along the property frontages shall be required to install sidewalks or pay the fee in lieu as allowed by Section 7.1.6 when an existing structure or use is expanded, enlarged or intensified and the property is located on a roadway designated as recommended for sidewalks as shown on Figure 6.4 entitled “Recommended Pedestrian Facilities” adopted in conjunction with the current Goldsboro Urban Area Long Range Transportation Plan Update and as follows:

- If the existing building or parking is expanded more than fifty percent (50%) of the original building or parking area, collectively or separately, sidewalk construction is required;

- Repairs and renovations collectively costing more than fifty percent (50%) of the tax value as recorded in the Wayne County Tax Record at the date of application shall require sidewalk construction.

(Ord No. 2013-2, 1-7-13)

## 5.6.12 NONCONFORMING SIGNS

Nonconforming signs shall be allowed to continue and a decision as to the continued existence and use or removal of such signs shall be controlled as follows:

1. No nonconforming sign shall be changed to another nonconforming sign except as provided for in this section.

2. No nonconforming sign shall have any changes made in the words or symbols used or the message displayed on the sign unless the sign is specifically designed for periodic change of message.

3. No nonconforming sign shall be structurally altered to change the shape, size, type or design of the sign other than to make the sign conforming.

4. No nonconforming sign shall be reestablished after the activity, business or use to which it relates has been discontinued and such sign shall be removed.

5. No nonconforming sign shall be reestablished and all remains of the sign must be removed after damage or destruction, if the estimated expense of repairs exceeds fifty percent of the estimated total cost of the sign at the time of destruction. If damaged by less than fifty percent, but repairs are not made within three months from the time the damage occurred, the nonconforming sign shall not be allowed to continue and must be removed.

6. No nonconforming sign shall be relocated.

7. Normal maintenance and repair of a nonconforming sign is permitted providing the shape, size, type or design of the sign is not altered.

8. Use of civil defense-style searchlights shall be prohibited and discontinued upon adoption of this ordinance.

**Nonconforming Billboards**: Billboards legally existing upon the effective date of this ordinance shall be allowed to continue provided the billboard is maintained in accordance with Section 6.4.10 (Maintenance Standards).

Nonconforming billboards may be replaced with a new billboard structure in accordance with the following provisions:

1. Any replacement billboard must be located at the same location and not relocated in a manner which would increase its nonconformity.

2. The use of the property as a billboard location has not ceased for one hundred eighty (180) consecutive days.

3. The replacement of a conventional billboard with a changeable face LED billboard shall only be allowed in accordance with the performance standards

for automatic changeable face LED billboards as detailed in Section 6.4.12 of the Unified Development Ordinance.

4. The new billboard structure shall be painted a neutral color to blend in with the surrounding environment and be a monopole structure.

5. Any billboards erected to replace a nonconforming billboard shall be subject to the area, setback and height requirements of Section 6.4.12 of the Unified Development Ordinance.

Signs located on premises, which come within the jurisdiction of the City of Goldsboro after the effective date of this Ordinance, and do not comply with the provisions of this Ordinance shall be subject to the requirements listed above.

The Administrator shall order the removal of any sign installed or maintained in violation of the provisions of this Section. The Administrator shall give fourteen days written notice to the owner or lessee to remove the sign or bring it into compliance with this Ordinance. If the owner or lessee fails to remove the sign or bring it into compliance within ninety days after the notice has been given, the Administrator or ~~his~~a duly authorized representative may institute removal proceedings in accordance with ~~GS 160A-175~~GS 160D-404.

## 5.6.13 NONCONFORMING AUTOMOTIVE REPAIR FACILITIES

Existing automotive repair facilities that store automobiles outside the ~~principle~~ principal structure shall comply with the screening provisions of ~~Section 5.3.5.1~~Section 6.3 within 180 days of adoption of this ordinance. All junked or inoperable vehicles visible from any right-of-way or adjoining property for more than 48 hours must be removed within 90 days of adoption of this Code. Existing businesses that cannot comply with the provisions of this section may ~~apply to the City Council for a site plan modification in accordance with Section 2.4.5 of~~seek other forms redress in accordance with this code. No vehicles shall be parked or stored as a source of parts or parked for the purpose of sale upon the effective date of this Ordinance.

## 5.6.14 EXPANSION OF NONCONFORMING USES

Existing nonconforming uses, legally existing at the time of the adoption of this Code or subsequent extension of the City's planning jurisdiction, may expand provided a ~~conditional~~ special use permit is granted by the City Council and all requirements set forth in Section~~s~~ 5~~.5.4, 5.9 and 5.10~~ are met.

## 5.6.15 ENFORCEMENT

The Administrator shall order the removal of any sign installed or maintained in violation of the provisions of this Section. The Administrator shall give fourteen days written notice to the owner or lessee to remove the sign or bring it into compliance with this Ordinance. If the owner or lessee fails to remove the sign or bring it into compliance within ninety days after the notice has been given, the Administrator or his duly authorized representative may institute removal proceedings in accordance with ~~GS 160A-175.~~GS 160D-404.

Updated through March 14, 2017

## 5.6.16 SECTION RESERVED

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# 5.7 HISTORIC PRESERVATION OVERLAY DISTRICT

## 5.7.1 PURPOSE

The heritage of the City of Goldsboro is embodied in its buildings, landscape features and cultural sites, which are among the most valued and important assets of the community. As part of its effort to preserve and promote the economic, cultural, educational and general welfare of its residents, and under the authority granted by NC G.S. §160D~~A~~-940~~400.1~~, the City intends its Historic Preservation Overlay District to:

1. Safeguard the heritage of the City by preserving any district or landmark that embodies important elements of its culture, history, architectural history or prehistory;

2. Promote the use and conservation of such district and landmarks for the education, pleasure and enrichment of the residents of the City, County and State;

3. Encourage historically sensitive rehabilitation and restoration to stimulate business and enhance the environmental quality of our neighborhoods; and

4. Enhance the attractiveness of the City and promote the historic harmony of style, form, color, proportion, texture and materials within the Historic Preservation Overlay District.

## 5.7.2 ESTABLISHMENT OF HISTORIC PRESERVATION OVERLAY DISTRICTS

The Goldsboro Historic Preservation Overlay District, known in this Section as the “historic district or district,” is hereby established as a district that overlaps and overlays existing zoning districts. The boundaries of the historic district are indicated on the Official Zoning Map of the City.

The historic district may be repealed or amended from time to time and new historic districts may be established to include additional areas or structures that are deemed to be of special significance in terms of their history, prehistory, architecture, culture and possess integrity of design, setting, materials, feeling and association. No historic district shall be designated, amended or repealed until the following procedure has been carried out:

1. An investigation and report describing the significance of the buildings, structures, features, sites or surroundings included in the proposed or amended district shall be prepared and approved by the Historic Preservation Commission.

2. The boundary of the newly proposed district or amended existing district has been established.

3. The State Historic Preservation Officer (SHPO) or designee shall make an analysis of and recommendations concerning the report and proposed boundaries. All comments shall be made in writing and within thirty days of receiving the report. If such comments are not received within thirty days, the Historic Preservation Commission and City Council shall be relieved of responsibility to consider such comments.

4. The Planning Commission may review and make its recommendations concerning the report and proposed boundaries.

5. The City Council may at its discretion, refer the report and proposed boundaries to any other interested body for its recommendations before taking any action to amend this Ordinance.

6. The Historic Preservation Commission and the City Council shall hold a joint public hearing (or separate public hearings) on the proposed Ordinance in accordance with the procedures in Section ~~3.3~~2.3 (Legislative ~~Hearing Procedures~~Processes).

7. After receiving all the above reports and recommendations, the City Council may proceed in the same manner as would otherwise be required for the adoption or amendment of any part of this Ordinance.

### 5.7.3 ESTABLISHMENT OF HISTORIC LANDMARKS

Upon complying with the landmark designation process described herein, the City Council may from time to time amend or repeal an ordinance designating one or more Historic Landmarks, known in this Section as “landmarks.” No property shall be recommended unless it is deemed and found by the Historic Preservation Commission, known in this Section as the “Commission,” to be of special significance in terms of their history, prehistory, architecture, culture and possess integrity of design, setting, materials, feeling and association. No landmark shall be designated or repealed until the following procedure has been carried out:

1. As a guide for the identification and evaluation of landmarks, the Commission shall, at the earliest possible time, consistent with the resources available to it, undertake an inventory of properties of historical, architectural, prehistorical and cultural significance within the planning jurisdiction of the City of Goldsboro.

2. An investigation and report describing the significance of the buildings, structures, features, sites or surroundings proposed for acquisition or landmark designation shall be prepared and approved by the Commission.

3. The State Historic Preservation Officer (SHPO) or designee shall make an analysis of and recommendations concerning the report and proposed landmark designation. All comments will be provided in writing and within thirty days of receiving the report. If such comments are not received within

thirty days, the Commission and City Council shall be relieved of responsibility to consider such comments.

4. The Commission and the City Council shall hold a joint public hearing (or separate public hearings) on the proposed landmark ordinance in accordance with the procedures in Section ~~3.3~~ 2.3(~~Legislative Hearing Procedures).~~Legislative Processes).

5. The ordinance shall describe each property proposed for designation, the name or names of owners and those elements of the property that are integral to its historical, architectural or cultural significance.

6. For each building, structure, site or object proposed for designation, the ordinance shall require a waiting period, set forth in this Section, to be observed prior to its designation.

7. The City Council may adopt the ordinance as proposed, adopt the ordinance with amendments or reject the ordinance.

8. Upon adoption of the ordinance, the owner or owners of each landmark shall be sent written notification of such designation, insofar as reasonable diligence permits.

9. One copy of the ordinance and all amendments thereto shall be filed by the Commission in the office of the Register of Deeds of Wayne County. Each designated landmark shall be indexed according to the name of the owner(s) of the property in the grantee and grantor indexes in the register of deeds office. The Commission shall pay a reasonable fee for filing and indexing. A second copy of the ordinance and all amendments thereto shall be kept on file in the office of the City Clerk and be made available for public inspection at any reasonable time. A third copy of the ordinance and all amendments thereto shall be given to the City's Chief Inspector.

10. The fact that a building, structure, site, area or object has been designated a landmark shall be clearly indicated on all tax maps maintained by the County or City for such period as the designation remains in effect.

11. Upon the adoption of the landmarks ordinance or any amendment thereto, it shall be the duty of the Commission to give notice thereof to the Tax Supervisor of Wayne County. The designation and any recorded restrictions upon the property limiting its use for preservation purposes shall be considered by the tax supervisor in appraising it for tax purposes.

### 5.7.4 PERMITTED USES

The historic district contains several ~~general use~~conventional zoning districts and may contain conditional ~~use~~ zoning districts. All uses permitted in such districts, whether by right

or as a special ~~or conditional~~ use, shall be permitted in the historic district according to the standards established for such uses.

## 5.7.5 DIMENSIONAL STANDARDS

Structures within the historic district shall observe the dimensional standards, other regulations and design standards for the underlying zoning district in which they are located. However, no structure or part thereof shall extend nearer to or be required to be setback further from the front lot line than the average distance of the front setbacks of the nearest ~~principle~~ principal buildings within two hundred feet on each side of the building fronting on the same street.

## 5.7.6 REQUIRED APPROVAL-CERTIFICATE OF APPROPRIATENESS (COA) REQUIRED

After the designation of a landmark or a historic district, no exterior portion of any building or other structure (including masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features), above-ground utility structure or any type of outdoor advertising sign shall be erected, altered, restored, moved or demolished on such landmark or within such district until after an application for a COA has been submitted to and approved by the Commission.

Pursuant to G.S. § 160D-1201 and 1203, where a the City or a building inspector determines and certifies that construction, reconstruction, alteration, restoration, moving or demolition is required due to public safety concerns, a COA is not required.

For purposes of this Section, "exterior features" shall include the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material, the size and scale of the building and the type and style of all windows, doors, light fixtures, signs and other appurtenant fixtures. In the case of outdoor advertising signs, "exterior features" shall be construed to mean the style, material, size, and location of all such signs. Such "exterior features" may, in the discretion of the local governing board, include historic signs, color and significant landscape, archaeological, and natural features of the area.

A COA shall be required prior to the issuance of a building permit or other permit granted for the purposes of constructing, altering, moving or demolishing structures. A COA shall be required whether or not a building or other permit is required. Any building permit not issued in conformance with this Section shall be invalid.

Except as provided below, the Commission shall have no jurisdiction over interior arrangement and shall take no action under this Section except to prevent the construction, reconstruction, alteration, restoration, moving, or demolition of buildings, structures, appurtenant fixtures, outdoor advertising signs, or other significant features in the district which would be inappropriate with the special character of the landmark or district.

Notwithstanding above, the jurisdiction of the Commission over interior spaces shall be limited to specific interior features of architectural, artistic or historical significance in publicly owned landmarks; and of privately owned historic landmarks for which consent for interior review has been given by the owner. Said consent of an owner for interior review

shall bind future owners and/or successors in title, provided such consent has been filed in the office of the Register of Deeds of Wayne County and indexed according to the name of the owner of the property in the grantee and grantor indexes. The landmark designation shall specify the interior features to be reviewed and the specific nature of the Commission's jurisdiction over the interior.

The City and all public utilities shall be required to obtain a COA prior to commencing work or initiating any changes in the character of street paving, utility installations, lighting, street trees, walls, fences or buildings on property or streets owned by the City.

## 5.7.7 SUBMISSION REQUIREMENTS

An application for a COA shall be obtained from the Planning Department and when completed returned to the Administrator.

The Commission shall, by uniform rule in its rules of procedure, require data as are necessary to determine the nature of the application. An application for a COA shall not be considered complete until all the required data have been submitted. Nothing shall prevent the applicant from filing with the application additional information bearing on the application.

Typical COA applications should include at a minimum:

1. Site plan drawn to scale showing the property boundaries and the location of existing and proposed structures, parking, walkways, driveways and landscaping;

2. Scaled drawings showing all exterior elevations and notes explaining the significant architectural detailing for the proposed project;

3. Sample building materials and/or colors.

4. Photographs showing existing conditions, materials and situations; and

5. Any other information specifically required that demonstrates adherence to the approval criteria and design standards of this Section.

## 5.7.8 APPROVAL PROCEDURE - MAJOR WORKS

A COA shall be initiated only by an application signed by the owners of the property or by an agent authorized by all of the owners to file such application for such certificate.

All Major Works must be approved by the Historic District Commission. Major Work is any activity that does not meet the definition of a Minor Work or Normal Maintenance.

All applications for a COA shall be submitted four weeks prior to the date of the next Commission meeting at which the application will be reviewed.

All applications for a COA shall be reviewed and acted upon at a public hearing and within a reasonable time not to exceed sixty days from the date the application for a COA is filed,

as defined by the ordinance or the Commission's rules of procedure. As part of its review procedure, the Commission may view the premises and seek the advice of the Division of Archives and History or such other expert advice, as it may deem necessary under the circumstances.

Nothing in this Ordinance shall prohibit the revocation of the original COA approval or other remedies for failure to comply with all the applicable terms and conditions of the approval or the Unified Development Ordinance.

A COA shall be valid for a period of six months from the date of issuance. Failure to secure a building permit or, if a building permit is not required, failure to complete the approved work within the six-month period shall be considered as a failure to comply with the COA and shall void the COA. The Administrator ~~may~~ shall renew the COA if the request is received less than one year from the date of first issuance.

## 5.7.9 APPROVAL PROCEDURE - MINOR WORKS

The Planning Director shall have the authority to issue a COA for the following minor works provided they meet the approval criteria and design standards of the Commission. Included in minor work approval process are the following activities:

1. Installation of storm doors or windows, shutters and blinds;
2. Construction of fences (under forty-eight inches in height) for rear and side yards;
3. Installation of mechanical equipment;
4. Tree removal when less than eighteen inches in diameter at four feet above the ground;
5. Installation of temporary handicapped facilities (Including handrails);
6. New roof coverings;
7. Installation of awnings, exterior lighting fixtures, historical identification signs;
8. Minor landscaping changes, tree planting and the screening of mechanical equipment;
9. Rear yard decks, paths, walkways and driveways; and
10. Replacement of exterior stairs, landings etc.

## 5.7.10 APPROVAL PROCEDURE FOR NORMAL MAINTENANCE

Normal maintenance does not require a COA, since no change is made to the appearance of the structure.

## 5.7.11 STAFF CONSULTATION BEFORE FORMAL APPLICATION

To minimize development and planning costs, avoid misunderstanding or misinterpretation and ensure compliance with the requirements of this Ordinance, pre-application consultation between the developer/owner and the planning staff may be required as provided by this Section. The applicant is encouraged to arrange a pre-application consultation at least ten days prior to the application deadline.

## 5.7.12 STAFF REPORT

The planning staff shall review each COA request in light of the approval criteria listed in the Section below and provide to the Historic Preservation Commission its recommendation regarding whether to approve or deny the COA at the public hearing.

## 5.7.13 APPROVAL CRITERIA

All buildings, structures, features, sites, objects or surroundings in a Historic District Overlay shall be subject to the design standards adopted by the Historic Preservation Commission and contained in a document entitled Design Standards~~Guidelines~~ for Downtown Goldsboro" dated April, 2009. Said document is incorporated herein by reference. These standards shall be based upon the United States Secretary of the Interior's Standards for Rehabilitation, which are as follows:

1. A property shall be used for its historical purpose or be placed in a new use that requires minimal change to the defining characteristics of the building, its site and environment.

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

3. Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

4. Most properties change over time; those changes that have acquired historical significance in their own right shall be retained and preserved.

5. Distinctive features, finishes and constructive techniques or examples of craftsmanship that characterize a property shall be preserved.

6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new one shall match the old in design, color, texture, and other visual qualities and where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

9. New additions, exterior alterations or related new construction shall not destroy historical materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size and architectural features to protect the historic integrity of the property and its environment.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

### 5.7.14 PUBLIC HEARING REQUIRED

A public hearing shall be held in accordance with the procedures detailed in the bylaws and rules of procedure adopted by the Commission.

### 5.7.15 HISTORIC PRESERVATION COMMISSION ACTIONS ON COA APPLICATIONS

After reviewing the recommendations of the staff and considering the discussion of evidence presented at the public hearing concerning the COA application, the Historic Preservation Commission shall within sixty days:

1. Approve the application as made; or

2. Approve the application with modification; or

3. Reject the application.

### 5.7.16 REHEARING

If the Commission determines that a COA should not be issued, a new application affecting the same property may be submitted only if substantial change is made in plans for the proposed construction, reconstruction, alteration, restoration or moving.

### 5.7.17 APPEAL

An appeal may be taken to the Board of Adjustment from the Commission's action in granting or denying any certificate, by any aggrieved party. The appeal shall be made within thirty days following the decision of the Commission in accordance with the requirements of

~~Section 3.0 (Appeals, Variances and Interpretations)~~Section 2.4 (Quasi-judicial Processes). and shall be in the nature of certiorari.

Any appeal from the Board of Adjustment's decision in any such case shall be heard by the Superior Court of Wayne County.

## 5.7.18 CERTAIN CHANGES NOT PROHIBITED

Nothing in this Ordinance shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in the historic district or to a historic landmark which does not involve a change in design, material, color, or outer appearance thereof, nor to prevent the construction, reconstruction, alteration, restoration, moving or demolition of any such feature which the building inspector or similar official shall certify as required for public safety because of an unsafe or dangerous condition.

Nothing in this Ordinance shall be construed to prevent the ordinary maintenance or repair of streets, sidewalks, pavement markings, utility service lines, street signs, traffic signs and/or the replacement of street light fixtures in the event of an equipment failure, accidental damage or natural occurrences such as electrical storms, hurricanes, tornados, ice storms and the like.

## 5.7.19 DEMOLITION APPROVAL

An application for a COA authorizing the demolition of a building or structure within the historic district or designated as a historic landmark may not be denied. The effective date of such a COA may be delayed for a period up to 365 days~~six months~~ from the date of approval, per NC G.S.§ 160D-949.~~.~~ The Commission shall reduce the maximum period where it finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return from such property by virtue of delay. During the period of delay, the Commission shall~~may~~ negotiate with the owner, City departments and any other parties involved in an effort to find a means of preserving the building. In the event that the Commission finds that the building has no significance or value toward maintaining the character of the District, it shall waive all or part of such period and authorize earlier demolition or removal.

If the Commission has voted to recommend designation of a property as a landmark or designation of an area as a district and the final designation has not been made by the City Council, the demolition of any building, site or structure located on the property of the proposed landmark or in the proposed district may be delayed by the Commission for a period up to one hundred and eighty (180) days or until the City Council takes final action on the designation, whichever occurs first.

Updated through March 14, 2017

## 5.7.20 SECTION RESERVED

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# 5.8 WATER SUPPLY WATERSHED PROTECTION OVERLAY DISTRICT

## 5.8.1 GENERAL PROVISIONS

### 5.8.1.1 AUTHORITY AND ENACTMENT

The Legislature of the State of North Carolina has, in ~~Chapter 160A, Article 8, Section 174, General Ordinance Authority~~G.S. § 160D; and in Chapter 143, Article 21, Watershed Protection Rules, delegated the responsibility or directed local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. The City Council of Goldsboro, North Carolina does hereby ordain and enact into law the following articles as the Watershed Protection Ordinance of the City of Goldsboro.

### 5.8.1.2 JURISDICTION

The provisions of this Ordinance shall apply within the areas designated as a Public Water Supply Watershed by the N.C. Environmental Management Commission and shall be defined and established based on the standards of the NCDEQ Water Supply Watershed Protection Program or as shown on the City of Goldsboro's ~~map entitled, "City of Goldsboro 1984~~ Official Zoning Map~~,"~~ which is adopted simultaneously herewith. The Watershed Map and all explanatory matter contained thereon accompanies and is hereby made a part of this Ordinance. This Ordinance shall be permanently kept on file in the office of Planning and Community Development of the City of Goldsboro.

### 5.8.1.3 EXCEPTIONS TO APPLICABILITY

1. Nothing contained herein shall repeal, modify, or amend any Federal or State law or regulation, or any ordinance or regulation pertaining thereto except any ordinance which these regulations specifically replace; nor shall any provision of this Ordinance amend, modify, or restrict any provisions of the Code of Ordinances of the City of Goldsboro; however, the adoption of this Ordinance shall and does amend any and all ordinances, resolutions, and regulations in effect in the City of Goldsboro at the time of the adoption of this Ordinance that may be construed to impair or reduce the effectiveness of this Ordinance or to conflict with any of its provisions.

2. It is not intended that these regulations interfere with any easement, covenants or other agreements between parties. However, if the provisions of these regulations impose greater restrictions or higher standards for the use of a building or land, then the provisions of these regulations shall control.

3. Existing development, as defined in this ordinance, is not subject to the requirements of this ordinance. Expansions to structures classified as existing development must meet the requirements of this ordinance, however, the built-upon area of the existing development is not required to be included in the density calculations.

4. If a nonconforming lot of record is not contiguous to any other lot owned by the same party, then that lot of record shall not be subject to the development restrictions of this ordinance if it is developed for single-family residential purposes. Any lot or parcel created as part of any other type of subdivision that is exempt from a local subdivision ordinance shall be subject to the land use requirements (including impervious surface requirements) of these rules, except that such a lot or parcel must meet the minimum buffer requirements to the maximum extent practicable.

### 5.8.1.4 VIOLATIONS

Any person violating any provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be punished in accordance with NCGS 14-4. The maximum fine for each offense shall not exceed $500.00. Each day that the violation continues shall constitute a separate offense.

### 5.8.1.5 REMEDIES

If any subdivision, development and/or land use is found to be in violation of this Ordinance, the City Council may, in addition to all other remedies available either in law or in equity, institute a civil penalty in the amount of $100.00, action or proceedings to restrain, correct, or abate the violation; to prevent occupancy of the building, structure, or land; or to prevent any illegal act, conduct, business, or use in or about the premises. In addition, the N.C. Environmental Management Commission may assess civil penalties in accordance with G.S. 143-215.6(a). Each day that the violation continues shall constitute a separate offense.

If the Watershed Administrator (Director of Planning and Community Development) finds that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation, and ordering the action necessary to correct it. He shall order discontinuance of the illegal use of land, buildings or structures; removal of illegal buildings or structures, or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions. If a ruling of the Watershed Administrator is questioned, the aggrieved party or parties may appeal such ruling to the Watershed Review Board.

### 5.8.1.6 SEVERABILITY

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, the declaration shall not affect the validity of this

Ordinance as a whole or any part thereof that is not specifically declared to be invalid or unconstitutional.

## 5.8.2 DEVELOPMENT REGULATIONS

### 5.8.2.1 ESTABLISHMENT OF WATERSHED AREAS

The City of Goldsboro and its one-mile extraterritorial jurisdiction are hereby divided into the following areas:

WS-IV-CA (Critical Area)

WS-IV-PA (Protected Area)

### 5.8.2.2 WATERSHED AREAS DESCRIBED

1. WS-IV Watershed Areas – Critical Area (**WS-IV-CA**)

   A. Permitted Uses:

      (1) Agriculture subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990 and the rules and regulations of the Soil and Water Conservation Commission.

      (2) Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (~~15 NCAC 1I.6101-.0209~~02 NCAC 60C).

      (3) Residential.

      (4) Non-residential development, excluding: 1) the storage of toxic and hazardous materials unless a spill containment plan is implemented, 2) landfills, and 3) sites for land application of residuals or petroleum contaminated soils.

   B. Density and Built-upon Limits:

      (1) Single Family Residential--development shall not exceed two dwelling units per acre. No residential lot shall be less than 20,000 square feet, excluding roadway right-of-way except within an approved cluster development.

      (2) All Other Residential and Non-Residential--development shall not exceed twenty-four percent (24%) built-upon area on a project-by-project basis. For the purpose of calculating the built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

(3) High density development using engineered stormwater control devices is permitted in this district. Ultimate responsibility for the operation and maintenance of these controls will rest with the local government. Please refer to Section 5.8.5~~6-5.8.13:~~ (High Density Development Standards).

2. WS-IV Watershed Areas - Protected Area **(WS-IV-PA).**

A. Permitted Uses:

(1) Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990.

(2) Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality ~~(15 NCAC 1I.6101-.0209).~~(02 NCAC 60C).

(3) Residential development.

(4) Non-residential development; excluding the storage of toxic and hazardous materials unless a spill containment plan is implemented.

B. Density and Built-upon Limits:

(1) Single Family Residential development shall not exceed two (2) dwelling units per acre. No residential lot shall be less than 20,000 square feet, excluding roadway right-of-way, or 16,000 square feet for projects without a curb and gutter street system, except within an approved cluster development.

(2) All Other Residential and Non-Residential development shall not exceed twenty-four percent (24%) built-upon area on a project-by-project basis. For projects without a curb and gutter street system, development shall not exceed thirty-six percent (36%) built-upon area on a project-by-project basis. For the purpose of calculating built-upon area, total project area shall include acreage in the tract on which the project is to be developed.

(3) High density development using engineered stormwater control devices is permitted in this district. Ultimate responsibility for the operation and maintenance of these controls will rest with the local government. Please refer to Section 5.8.~~6-5.8.13~~5~~:~~ (High Density Development Standards).

### 5.8.2.3 CLUSTER DEVELOPMENT

Cluster development is allowed in all Watershed Areas under the following conditions:

1. Minimum lot sizes are not applicable to single-family cluster development projects; however, the total number of lots shall not exceed the number of lots allowed for single-family detached development~~s~~ ~~in subsection 2.B~~ above. Density or built-upon area for the project shall not exceed that allowed for the critical area or protected area, whichever applies.

2. All built-upon area shall be designed and located to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow.

3. The remainder of the tract shall remain in a vegetated or natural state. The title to the open space area shall be conveyed to an incorporated homeowners association for management; to a local government for preservation as a park or open space; or to a conservation organization for preservation in a permanent easement. Where a property association is not incorporated, the city attorney shall prepare and file with the Register of Deeds, a maintenance agreement that will prevent any future development on the site.

### 5.8.2.4 BUFFER AREAS REQUIRED

1. A ~~minimum one hundred (100) foot vegetative buffer is required for all new development activities that exceed the low density option; otherwise, a~~ minimum fifty (50) foot vegetative buffer for development activities is required along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps. ~~or as determined by local government studies~~. Desirable artificial stream bank or shoreline stabilization is permitted.

2. No new development is allowed in the buffer except for water dependent structures, other structures such as flagpoles, signs and security lights which result in only diminutive increases in impervious area and public projects such as road crossings and greenways where no practical alternative exists. These activities should minimize built-upon surface area, direct runoff away from the surface waters and maximize the utilization of stormwater Best Management Practices.

### 5.8.2.5 RULES GOVERNING THE INTERPRETATION OF WATERSHED AREA BOUNDARIES

Where uncertainty exists as to the boundaries of the watershed areas, as shown on the Watershed Map, the following rules shall apply:

1. Where area boundaries are indicated as approximately following either street, alley, railroad or highway lines or centerlines thereof, such lines shall be construed to be said boundaries.

2. Where area boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be said boundaries. However, a surveyed plat prepared by a registered land surveyor may be submitted to the City of Goldsboro as evidence that one or more properties along these boundaries do not lie within the watershed area.

3. Where the watershed area boundaries lie at a scaled distance more than twenty-five (25) feet from any parallel lot line, the location of watershed area boundaries shall be determined by use of the scale appearing on the watershed map.

4. Where the watershed area boundaries lie at a scaled distance of twenty-five (25) feet or less from any parallel lot line, the location of watershed area boundaries shall be construed to be the lot line.

5. Where other uncertainty exists, the Watershed Administrator shall interpret the Watershed Map as to location of such boundaries. The Administrator may employ the expertise of other professionals, as needed, in this interpretation. This decision may be appealed to the Watershed Review Board (Board of Adjustment).

### 5.8.2.6 APPLICATION OF REGULATIONS

1. No building or land shall hereafter be used and no development shall take place except in conformity with the regulations herein specified for the watershed area in which it is located.

2. No area required for the purpose of complying with the provisions of this ordinance shall be included in the area required for another building.

### 5.8.2.7 EXISTING DEVELOPMENT

Existing development as defined in this ordinance may be continued and maintained subject to the provisions provided herein. Expansions to structures classified as existing development must meet the requirements of this ordinance, however, the built-upon area of the existing development is not required to be included in the built-upon area calculations.

1. Uses of Land. This category consists of uses existing at the time of adoption of this ordinance where such use of the land is not permitted to be established hereafter in the watershed area in which it is located. Such uses may be continued except as follows:

    A. When such use of land has been changed to an allowed use, it shall not thereafter revert to any prohibited use.

    B. Such use of land shall be changed only to an allowed use.

    C. When such use ceases for a period of more than six (6) months, it shall not be reestablished.

2. Reconstruction of Buildings or Built-upon Areas. Any existing building or built-upon area not in conformance with the restrictions of this ordinance that has been damaged or removed may be repaired and/or reconstructed, except that there are no restrictions on single-family residential development, provided:

    A. Repair or reconstruction is initiated within twelve (12) months and completed within two (2) years of such damage.

    B. The total amount of space devoted to built-upon area may not be increased unless stormwater control that equals or exceeds the previous development is provided.

### 5.8.2.8 WATERSHED PROTECTION PERMITS

See Section 2.2.10.

1. ~~EXCEPT WHERE A SINGLE FAMILY RESIDENCE IS CONSTRUCTED ON A LOT DEEDED PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE, NO BUILDING OR BUILT-UPON AREA SHALL BE ERECTED, MOVED, ENLARGED OR STRUCTURALLY ALTERED, NOR SHALL ANY BUILDING PERMIT BE ISSUED NOR SHALL ANY CHANGE IN THE USE OF ANY BUILDING OR LAND BE MADE UNTIL A WATERSHED PROTECTION PERMIT HAS BEEN ISSUED BY THE WATERSHED ADMINISTRATOR. NO WATERSHED PROTECTION PERMIT SHALL BE ISSUED EXCEPT IN CONFORMITY WITH THE PROVISIONS OF THIS ORDINANCE.~~

2. ~~WATERSHED PROTECTION PERMIT APPLICATIONS SHALL BE FILED WITH THE WATERSHED ADMINISTRATOR. THE APPLICATION SHALL INCLUDE A COMPLETED APPLICATION FORM (SEE APPENDIX A) AND SUPPORTING DOCUMENTATION DEEMED NECESSARY BY THE WATERSHED ADMINISTRATOR.~~

3. ~~PRIOR TO ISSUANCE OF A WATERSHED PROTECTION PERMIT, THE WATERSHED ADMINISTRATOR MAY CONSULT WITH QUALIFIED PERSONNEL FOR ASSISTANCE TO DETERMINE IF THE APPLICATION MEETS THE REQUIREMENTS OF THIS ORDINANCE.~~

4. ~~A WATERSHED PROTECTION PERMIT SHALL EXPIRE IF A BUILDING PERMIT OR WATERSHED OCCUPANCY PERMIT FOR SUCH USE IS NOT OBTAINED BY THE APPLICANT WITHIN SIX (6) MONTHS FROM THE DATE OF ISSUANCE.~~

### 5.8.2.9 BUILDING PERMIT REQUIRED

~~No permit required under the North Carolina State Building Code shall be issued for any activity for which a Watershed Protection Permit is required until that permit has been issued.~~See Section 2.2.10.

### 5.8.2.10 WATERSHED PROTECTION OCCUPANCY PERMIT

1. The Watershed Administrator shall issue a Watershed Protection Occupancy Permit certifying that all requirements of this ordinance have been met prior to the occupancy or use of a building hereafter erected, altered or moved and/or prior to the change of use of any building or land.

2. A Watershed Protection Occupancy Permit, either for the whole or part of a building, shall be applied for coincident with the application for a Watershed Protection Permit and shall be issued or denied within ten (10) days after the erection or structural alterations of the building have been satisfactorily completed.

3. When only a change in use of land or existing building occurs, the Watershed Administrator shall issue a Watershed Protection Occupancy Permit certifying that all requirements of this ordinance have been met coincident with the Watershed Protection Permit.

4. If the Watershed Protection Occupancy Permit is denied, the Watershed Administrator shall notify the applicant in writing stating the reasons for denial.

5. No building or structure which has been erected, moved, or structurally altered may be occupied until the Watershed Administrator has approved and issued a Watershed Protection Occupancy Permit.

## 5.8.3 PUBLIC HEALTH REGULATIONS

### 5.8.3.1 PUBLIC HEALTH, IN GENERAL

No activity, situation, structure or land use shall be allowed within the watershed which poses a threat to water quality and the public health, safety and welfare. Such conditions may arise from inadequate on-site sewage systems which utilize ground absorption; inadequate sedimentation and erosion control measures; the improper storage or disposal of junk, trash or other refuse within a buffer area; the improper management of stormwater runoff; or any other situation found to pose a threat to water quality.

### 5.8.3.2 ABATEMENT

1. The Watershed Administrator shall monitor land use activities within the watershed areas to identify situations that may pose a threat to water quality.

2. Where the Watershed Administrator finds a threat to water quality and the public health, safety and welfare, he/she shall institute any appropriate action or proceeding to restrain, correct or abate the condition and/or violation.

~~5.8.3.3 ADMINISTRATION, ENFORCEMENT AND APPEALS~~

~~5.8.3.1 WATERSHED ADMINISTRATOR AND DUTIES THEREOF~~

~~THE CITY OF GOLDSBORO SHALL APPOINT A WATERSHED ADMINISTRATOR, WHO SHALL BE DULY SWORN IN. IT SHALL BE THE DUTY OF THE WATERSHED ADMINISTRATOR TO ADMINISTER AND ENFORCE THE PROVISIONS OF THIS ORDINANCE AS FOLLOWS:~~

~~1. THE WATERSHED ADMINISTRATOR SHALL ISSUE WATERSHED PROTECTION PERMITS AND WATERSHED PROTECTION OCCUPANCY PERMITS AS PRESCRIBED HEREIN. A RECORD OF ALL PERMITS SHALL BE KEPT ON FILE AND SHALL BE AVAILABLE FOR PUBLIC INSPECTION DURING REGULAR OFFICE HOURS OF THE ADMINISTRATOR.~~

~~2. THE WATERSHED ADMINISTRATOR SHALL SERVE AS CLERK TO THE WATERSHED REVIEW BOARD.~~

~~3. THE WATERSHED ADMINISTRATOR SHALL KEEP RECORDS OF ALL AMENDMENTS TO THE LOCAL WATER SUPPLY WATERSHED PROTECTION ORDINANCE AND SHALL PROVIDE COPIES OF ALL AMENDMENTS UPON ADOPTION TO THE WATER QUALITY SECTION OF THE DIVISION OF WATER QUALITY.~~

~~4. THE WATERSHED ADMINISTRATOR IS GRANTED THE AUTHORITY TO ADMINISTER AND ENFORCE THE PROVISIONS OF THIS ORDINANCE, EXERCISING IN THE FULFILLMENT OF HIS RESPONSIBILITY THE FULL POLICE POWER OF THE CITY OF GOLDSBORO. THE WATERSHED ADMINISTRATOR, OR HIS DULY AUTHORIZED REPRESENTATIVE, MAY ENTER ANY BUILDING, STRUCTURE, OR PREMISES, AS PROVIDED BY LAW, TO PERFORM ANY DUTY IMPOSED UPON HIM BY THIS ORDINANCE.~~

~~5. THE WATERSHED ADMINISTRATOR SHALL KEEP A RECORD OF VARIANCES TO THE LOCAL WATER SUPPLY WATERSHED PROTECTION ORDINANCE. THIS RECORD SHALL BE SUBMITTED FOR EACH CALENDAR YEAR TO THE WATER QUALITY SECTION OF THE DIVISION OF WATER QUALITY ON OR BEFORE JANUARY 1ST OF THE FOLLOWING YEAR AND SHALL PROVIDE A DESCRIPTION OF EACH PROJECT RECEIVING A VARIANCE AND THE REASONS FOR GRANTING THE VARIANCE.~~

### 5.8.3.2 APPEAL FROM THE WATERSHED ADMINISTRATOR

~~Any order, requirement, decision or determination made by the Watershed Administrator may be appealed to and decided by the Watershed Review Board.~~

~~An appeal from a decision of the Watershed Administrator must be submitted to the Watershed Review Board within thirty (30) days from the date the order, interpretation, decision or determination is made. All appeals must be made in writing stating the reasons for appeal. Following submission of an appeal, the Watershed Administrator shall transmit to the Board all papers constituting the record upon which the action appealed from was taken.~~

~~An appeal stays all proceedings in furtherance of the action appealed, unless the officer from whom the appeal is taken certifies to the Board after the notice of appeal has been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application of notice of the officer from whom the appeal is taken and upon due cause shown.~~

~~The Board shall fix a reasonable time for hearing the appeal and give notice thereof to the parties and shall decide the same within a reasonable time. At the hearing, any party may appear in person, by agent or by attorney.~~Appeals shall be directed to the Watershed Review Board and shall follow the procedure for Administrative Appeals described in Section 2.4.8.

### 5.8.3.3 CHANGES AND AMENDMENTS TO THE WATERSHED PROTECTION ORDINANCE

1. In accordance with Section 2.3.11, the ~~The~~ City Council may, on its own motion or on petition, after public notice and hearing, amend, supplement, change or modify the watershed regulations and restrictions as described herein.

2. Under no circumstances shall the City Council adopt such amendments, supplements or changes that would cause this ordinance to violate the watershed protection rules as adopted by the N.C. Environmental Management Commission. All amendments must be filed with the N.C. Division of Water Quality, N.C. Division of Environmental Health, and the N.C. Division of Community Assistance.

~~**5.8.3.4 PUBLIC NOTICE AND HEARING REQUIRED**~~

~~**BEFORE ADOPTING OR AMENDING THIS ORDINANCE, THE CITY COUNCIL SHALL HOLD A PUBLIC HEARING ON THE PROPOSED CHANGES. A NOTICE OF THE PUBLIC HEARING SHALL BE GIVEN ONCE A WEEK FOR TWO SUCCESSIVE CALENDAR WEEKS IN A NEWSPAPER HAVING GENERAL CIRCULATION IN THE AREA. THE NOTICE SHALL BE PUBLISHED FOR THE FIRST TIME NOT LESS THAN TEN (10) NOR MORE THAN TWENTY-FIVE (25) DAYS BEFORE THE DATE FOR THE HEARING.**~~

## 5.8.3.5 ESTABLISHMENT OF WATERSHED REVIEW BOARD

There shall be and hereby is created the Watershed Review Board consisting of the Board of Adjustment appointed by the Goldsboro City Council and the Wayne County Board of Commissioners.

****~~**5.8.3.6 RULES OF CONDUCT FOR MEMBERS**~~

~~(See Board of Adjustment By-Laws and Rules of Procedure).~~

~~**5.8.3.7 POWERS AND DUTIES OF THE WATERSHED REVIEW BOARD**~~

~~1. Administrative Review. The Watershed Review Board shall hear and decide appeals from any decision or determination made by the Watershed Administrator in the enforcement of this ordinance.~~

~~2. Variances. The Watershed Review Board shall have the power to authorize, in specific cases, minor variances from the terms of this Ordinance as will not be contrary to the public interests where, owing to special conditions, a literal enforcement of this Ordinance will result in practical difficulties or unnecessary hardship, so that the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done. In addition, the City of Goldsboro shall notify and allow a reasonable comment period for all other local governments having jurisdiction in the designated watershed where the variance is being considered.~~

~~A. Applications for a variance shall be made on the proper form obtainable from the Watershed Administrator and shall include the following information:~~

~~(1) A site plan, drawn to a scale of at least one (1) inch to forty (40) feet, indicating the property lines of the parcel upon which the use is proposed; any existing or proposed structures; parking areas and other built-upon~~

~~areas; surface water drainage. The site plan shall be neatly drawn and indicate north point, name and address of person who prepared the plan, date of the original drawing, and an accurate record of any later revisions.~~

~~(2) A complete and detailed description of the proposed variance, together with any other pertinent information which the applicant feels would be helpful to the Watershed Review Board in considering the application.~~

~~(3) The Watershed Administrator shall notify in writing each local government having jurisdiction in the watershed and the entity using the water supply for consumption. Such notice shall include a description of the variance being requested. Local governments receiving notice of the variance request may submit comments to the Watershed Administrator prior to a decision by the Watershed Review Board. Such comments shall become a part of the record of proceedings of the Watershed Review Board.~~

~~B. Before the Watershed Review Board may grant a variance, it shall make the following three findings, which shall be recorded in the permanent record of the case, and shall include the factual reasons on which they are based:~~

~~(1) There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance. In order to determine that there are practical difficulties or unnecessary hardships, the Board must find that the five following conditions exist:~~

~~(a) If the applicant complies with the provisions of the Ordinance, the applicant can secure no reasonable return from, nor make reasonable use of, his property. Merely proving that the variance would permit a greater profit to be made from the property will not be considered adequate to justify the Board in granting a variance. Moreover, the Board shall consider whether the variance is the minimum possible deviation from the terms of the Ordinance that will make possible the reasonable use of the applicant's property.~~

~~(b) The hardship results from the application of the Ordinance to the property rather than from other factors such as deed restrictions or other hardship.~~

~~(c) The hardship is due to the physical nature of the applicant's property, such as its size, shape, or topography, which is different from that of neighboring property.~~

~~(d) The hardship is not the result of the actions of an applicant who knowingly or unknowingly violates the Ordinance, or who purchases the property after the effective date of the Ordinance, and then comes to the Board for relief.~~

~~(e) The hardship is peculiar to the applicant's property, rather than the result of conditions that are widespread. If other properties are equally subject to the hardship created in the restriction, then granting a variance would be a special privilege denied to others, and would not promote equal justice.~~

~~(2) The variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit.~~

~~(3) In the granting of the variance, the public safety and welfare have been assured and substantial justice has been done. The Board shall not grant a variance if it finds that doing so would in any respect impair the public health, safety, or general welfare.~~

~~C. In granting the variance, the Board may attach thereto such conditions regarding the location, character, and other features of the proposed building, structure, or use as it may deem advisable in furtherance of the purpose of this ordinance. If a variance for the construction, alteration or use of property is granted, such construction, alteration or use shall be in accordance with the approved site plan.~~

~~D. The Watershed Review Board shall refuse to hear an appeal or an application for a variance previously denied if it finds that there have been no substantial changes in conditions or circumstances bearing on the appeal or application.~~

~~E. A variance issued in accordance with this Section shall be considered a Watershed Protection Permit and shall expire if a Building Permit or Watershed Occupancy Permit for such use is not obtained by the applicant within six (6) months from the date of the decision.~~

~~F. If the application calls for the granting of a major variance, and if the Watershed Review Board decides in favor of granting the variance, the Board shall prepare a preliminary record of the hearing with all deliberate speed. The preliminary record of the hearing shall include:~~

~~(1) The variance application;~~

~~(2) The hearing notices;~~

~~(3) The evidence presented;~~

~~(4) Motions, offers of proof, objections to evidence, and rulings on them;~~

~~(5) Proposed findings and exceptions;~~

~~(6) The proposed decision, including all conditions proposed to be added to the permit.~~

~~The preliminary record shall be sent to the Environmental Management Commission for its review as follows:~~

~~(1) If the Commission concludes from the preliminary record that the variance qualifies as a major variance and that (1) the property owner can secure no reasonable return from, nor make any practical use of the property unless the~~

~~proposed variance is granted, and (2) the variance, if granted, will not result in a serious threat to the water supply, then the Commission shall approve the variance as proposed or approve the proposed variance with conditions and stipulations. The Commission shall prepare a Commission decision and send it to the Watershed Review Board. If the Commission approves the variance as proposed, the Board shall prepare a final decision granting the proposed variance. If the Commission approves the variance with conditions and stipulations, the Board shall prepare a final decision, including such conditions and stipulations, granting the proposed variance.~~

~~(2) If the Commission concludes from the preliminary record that the variance qualifies as a major variance and that (1) the property owner can secure a reasonable return from or make a practical use of the property without the variance or (2) the variance, if granted, will result in a serious threat to the water supply, then the Commission shall deny approval of the variance as proposed. The Commission shall prepare a Commission decision and send it to the Watershed Review Board. The Board shall prepare a final decision denying the variance as proposed.~~

~~(3) Approval of all development greater than the low density option. (See Section 5.8.6, High Density Development Standards.)~~

### 5.8.3.8 APPEALS FROM THE WATERSHED REVIEW BOARD

**APPEALS FROM THE WATERSHED REVIEW BOARD MUST BE FILED WITH THE SUPERIOR COURT WITHIN 30 DAYS FROM THE DATE OF THE DECISION. DECISIONS BY THE SUPERIOR COURT WILL BE IN THE MANNER OF CERTIORARI.**

### 5.8.4 DEFINITIONS

See Section 9.0.

## 5.8.5 HIGH DENSITY DEVELOPMENT STANDARDS

1. The Watershed Review Board may approve high-density development proposals consistent with the following standards:

A. WS-IV Watershed Areas- Critical Area (WS-IV-CA). Where new development exceeds either 2 dwelling units per acre or 24% built-upon area, engineered stormwater controls shall be used to control runoff from the first inch of rainfall and development shall not exceed 50% built-upon area.

B. WS-IV Watershed Areas- Protected Area (WS-IV-PA). Where new development exceeds either 2 dwelling units per acre or 24% built-upon area or 3 dwelling units per acre or 36% built-upon area for projects without curb and gutter street systems, engineered stormwater controls shall be used to control runoff from the first inch of rainfall and development shall not exceed 70% built-upon area.

2. High density development shall meet the requirements of this Ordinance.

## 5.8.6 HIGH DENSITY DEVELOPMENT PERMIT APPLICATION

1. A High Density Development Permit shall be required for new development exceeding the requirements of the low-density option.

2. Application for a High Density Development shall be approved by the ~~Planning Commission and City Council~~Watershed Review Board. Application for a High Density Development Permit shall be made on the proper form and shall include the following information:

    A. A completed High Density Development Permit Application signed by the owner of the property. The signature of the consulting engineer or other agent will be accepted on the application only if accompanied by a letter of authorization;

    B. Six copies of the development plan within the drainage basin including the applicable information listed in Appendix A: Application Forms, Watershed Protection Permit and detailed information concerning built-upon area;

    C. Six copies of the plans and specifications of the stormwater control structure consistent with subsection 5.8.8;

    D. When required by law, written verification that a soil erosion and sedimentation control plan has been approved by the appropriate state or local agency;

    E. Permit Application Fees consistent with subsection 5.8.11.

3. Prior to taking final action on any application, The ~~City Council~~Watershed Review Board may provide an opportunity to public agencies affected by the development proposal to review and make recommendations on the application. However, failure of the agencies to submit their comments and recommendations shall not delay the Board's action within the prescribed time limit.

4. The Watershed Review Board ~~City Council~~ shall either approve or disapprove each application for a High Density Development Permit based on the applicable criteria contained in this Ordinance. The Board shall take action on the application at its first consideration or within sixty-five (65) days of its first consideration.

    A. If the ~~City Council~~Board approves the application based on its findings, such approval shall be indicated on the permit and all copies of the site plan and the plans and specifications of the stormwater control structure. A High Density Development Permit shall be issued after the applicant posts a performance bond or other acceptable security as required in subsection 5.8.9 and executes an Operation and Maintenance Agreement as required in subsection 5.8.9. A copy of the permit and one copy of each set of plans shall be kept on file at the Watershed Administrator's office. The original permit and one copy of each set of plans shall be delivered to the applicant by regular mail.

    B. If the ~~City Council~~Board disapproves the application based on its findings, the reasons for such action shall be stated in the minutes and presented to the applicant in writing by regular mail. The applicant may make changes and submit a revised plan. All revisions shall be submitted, reviewed, and acted upon by the ~~Council~~ Board pursuant to the procedures of this section.

## 5.8.7 STORMWATER CONTROL STRUCTURES

1. All stormwater control structures shall be designed by a North Carolina registered professional with qualifications appropriate for the type of system required; these registered professionals are defined as professional engineers, landscape architects, to the extent that the General Statutes, Chapter 89A allow and land surveyors, to the extent that the design represents incidental drainage within a subdivision, as provided in General Statutes ~~89 (C) 3(7).~~89C (7)a.3.

2. All stormwater controls shall use wet detention as a primary treatment system unless alternative stormwater management measures, as outlined in subsection 3 are used. Wet detention ponds shall be designed for specific pollutant removal according to modeling techniques approved by the North

Carolina Division of Water Quality. Specific requirements for these systems shall be in accordance with the following design criteria:

A. Wet detention ponds shall be designed to remove 85% of total suspended solids in the permanent pool and storage runoff from a one inch rainfall from the site above the permanent pool;

B. The designed runoff storage volume shall be above the permanent pool;

C. The discharge rate from these systems following the one inch rainfall design storm shall be such that the runoff does not draw down to the permanent pool level in less than two (2) days and that the pond is drawn down to the permanent pool level within at least five (5) days;

D. The mean permanent pool depth shall be a minimum of three (3) feet;

E. The inlet structure shall be designed to minimize turbulence using baffles or other appropriate design features;

F. Vegetative filters shall be constructed for the overflow and discharge of all stormwater wet detention ponds and shall be at least thirty feet in length. The slope and width of the vegetative filter shall be determined so as to provide a non-erosive velocity of flow-through the filter for a 10-year, 24-hour storm with a 10-year, 1-hour intensity with a slope of five percent or less. Vegetation in the filter shall be natural vegetation, grasses or artificially planted wetland vegetation appropriate for the site characteristics;

3. Alternative stormwater management systems, consisting of one treatment option or a combination of treatment options, may be used. The design criteria for approval shall be 85 percent average annual removal of Total Suspended Solids. Also, the discharge rate shall meet one of the following criteria;

   A. The discharge rate following the 1-inch design storm shall be such that the runoff draws down to the pre-storm design stage within five days, but not less that two days; or

   B. The post development peak discharge rate shall equal the predevelopment rate for the 1-year, 24-hour storm.

4. In addition to the vegetative filters required in subsection 5.8.8, all land areas outside of the pond shall be provided with a ground cover sufficient to restrain erosion within thirty (30) days after any land disturbance. Upon completion of the stormwater control structure, a permanent ground cover shall be established and maintained as part of the maintenance agreement described in subsection 5.8.9~~10~~.

5. A description of the area containing the stormwater control structure shall be prepared and filed in compliance with subsection 5.8.1~~2~~0.~~,~~ as a separate deed with the Wayne County Register of Deeds along with any easements necessary for general access to the stormwater control structure. The deeded area shall include the stormwater control structure, vegetative filters, all pipes and water control structures, berms, dikes, etc., and sufficient area to perform inspections, maintenance, repairs, and reconstruction.

6. Qualifying areas of the stormwater control structure may be considered pervious when computing total built-upon area. However, if the structure is used to compute the percentage built-upon area for one site, it shall not be used to compute built-upon are for any other site or area.

### 5.8.8 POSTING OF FINANCIAL SECURITY REQUIRED

1. All new stormwater control structures shall be conditioned on the posting of adequate financial assurance for the purpose of ~~maintenance, repairs, or reconstruction necessary for~~ ensuring adequate performance of the stormwater control structures.

2. Financial assurance shall be in the form of the following:

   A. ~~Security Performance Bond or other~~Performance security pursuant to NC GS § 160D-804(g). ~~The permit applicant shall obtain either a performance bond from a surety bonding company authorized to do business in North Carolina, an irrevocable letter of credit, certified check or other instrument readily convertible into cash at face value payable to the City of Goldsboro.~~ The ~~bond~~ performance guarantee or other instrument shall be in an amount equal to 1.25 times the total cost of the stormwater control structure, as estimated by the applicant and approved by the City Engineer. The total cost of the stormwater control structure shall include the value of all materials such as piping and other structures; seeding and soil stabilization; design and engineering; and grading, excavation, fill, etc. The cost shall not be prorated as part of a larger project, but rather under the assumption of an independent mobilization.

   ~~B. Cash or Equivalent Security Deposited After the Release of the Performance Bond. Consistent with subsection 5.8.1~~0~~2, the permit applicant shall deposit with the City of Goldsboro either cash or other instrument approved by the City Attorney that is readily convertible into cash at face value. The cash or security shall be in an amount equal to fifteen percent (15%) of the total cost of the stormwater control structure or the estimated cost of maintaining the stormwater control structure over a ten (10) year period, whichever is greater. The estimated cost of maintaining the stormwater control structure shall be consistent with the approved operation and maintenance plan~~

~~or manual provided by the developer under subsection 5.8.10. The amount shall be computed by estimating the maintenance cost for twenty-five (25) years and multiplying this amount by two-fifths or 0.4.~~

3. Consistent with subsection 5.8.10, the permit applicant shall enter into the binding Operation and Maintenance Agreement between the City of Goldsboro and all interests in the development. Said Agreement shall require the owning entity to maintain, repair, and if necessary, reconstruct the stormwater control structure in the accordance with the operation management plan or manual provided by the developer. The Operation and Maintenance Agreement shall be filed with the Wayne County Register of Deeds by the Watershed Administrator.

4. Default under the performance ~~bond~~ guarantee or other security. Upon default of the permit applicant or responsible entity to complete and/or maintain the stormwater control structure as spelled out in the performance bond or other security, the City may obtain and use all or any portion of the funds necessary to complete the improvements based on an engineering estimate. The City shall return any funds not spent in completing the improvements to the owning entity.

~~5. Default under the cash security. Upon default of the owning entity to maintain, repair and, if necessary, reconstruct the stormwater control structure in accordance with the Operation and Maintenance Agreement, the City shall obtain and use all or any portion of the cash security to make necessary improvements based on an engineering estimate. Such expenditure of funds shall only be made after exhausting all other reasonable remedies seeking the owning entity to comply with the terms and conditions of the Operation and Maintenance Agreement. The City shall not return any deposited cash funds.~~

### 5.8.9 MAINTENANCE AND UPKEEP

1. An operation and maintenance plan or manual shall be provided by the developer for each stormwater control structure, indicating what operation and maintenance actions are needed, what specific quantitative criteria will be used for determining when those actions are to be taken and, consistent with the Operation and Maintenance Agreement, who is responsible for those actions. The plan shall clearly indicate the steps that will be taken for restoring a stormwater control structure to design specifications if a failure occurs.

2. Landscaping and grounds management shall be the responsibility of the owning entity. However, vegetation shall not be established or allowed to mature to the extent that the integrity of the control structure is diminished or threatened, or to the extent of interfering with any easement or access to the stormwater control structure.

3. Except for general landscaping and grounds management, the owning entity shall notify the City Engineer prior to any repair or reconstruction of the stormwater control structure. All improvements shall be consistent with the approved plans and specifications of the stormwater control structure and the operation and maintenance plan or manual. After notification by the owning entity, the City Engineer shall inspect the completed improvements and shall inform the owning entity of any required additions, changes, or modifications and of the time period to complete said improvements.

4. Amendments to the plans and specifications of the stormwater control structure and/or the operation and maintenance plan or manual shall be approved by the City Engineer. Proposed changes shall be prepared by a North Carolina registered professional engineer or landscape architect (to the extent that the General Statutes, Chapter 89A, allow).

    A. If the City Engineer approves the proposed changes, the owning entity of the stormwater control structure shall file sealed copies of the revisions with the Office of the Watershed Administrator.

    B. If the City Engineer disapproves the changes, the proposal may be revised and resubmitted to the Watershed Review Board as a new proposal. If the proposal has not been revised and is essentially the same that already reviewed, it shall be returned to the applicant.

5. If the City Engineer finds that the operation and maintenance plan or manual is inadequate for any reason, the Board shall notify the owning entity of any required changes and shall prepare and file copies of the revised agreement with the Wayne County Register of Deeds, the Office of the Watershed Administrator and the owning entity.

### 5.8.10 APPLICATION AND INSPECTION FEES

1. A permit and inspection fee schedule, as approved by the City Council, shall be posted in the Office of the Watershed Administrator.

2. An inspection fee shall be required when improvements are made to the stormwater control structure consistent with subsection 5.8.10.

### 5.8.11 INSPECTIONS AND RELEASE OF THE PERFORMANCE ~~BOND~~ GUARANTEE

1. The stormwater control structure shall be inspected by the City Engineer, after the owning entity notifies the City Engineer that all work has been completed. At this inspection, the owning entity shall provide:

    A. The signed deed, related easements and survey plat for the stormwater control structure ready for filing with the Wayne County Register of Deeds;

B. A certification sealed by an engineer or landscape architect (to the extent that the General Statutes, Chapter 89A, allow) stating that the stormwater control structure is complete and consistent with the approved plans and specifications.

2. The City Engineer shall review the materials submitted by the developer.

   A. If the City Engineer accepts the certification, deed, and easements, the City Engineer shall file the deed and easements with the Wayne County Register of Deeds, release up to seventy-five percent (75%) of the value of the performance ~~bond~~ guarantee ~~or other security~~ and issue a Watershed Protection Occupancy Permit for the stormwater control structure, consistent with subsection ~~5.8.2 .9.~~5.8.2.10.

   B. If deficiencies are found, the City Engineer shall direct that improvements and inspections be made and/ or documents corrected and resubmitted.

3. No sooner than one year after the filing date of the deed, easements and maintenance agreement, the developer may petition the City Engineer to release the remaining value of the performance bond or other security. Upon receipt of said petition, the City Engineer shall inspect the stormwater control structure to determine whether the controls are performing as designed and intended.

   A. If the City Engineer accepts the petition, the developer shall deposit with the City Engineer a cash amount equal to that described in subsection 5.8.9 after which, the City Engineer shall release the performance ~~bond or other security~~guarantee.

   B. If the City Engineer rejects the petition, the City Engineer shall provide the developer with instructions to correct any deficiencies and all steps necessary for the release of the performance ~~bond~~ guarantee~~or other security~~.

4. A Watershed Protection Occupancy Permit shall not be issued for any building within the permitted development until the City Engineer has approved the stormwater control structure, as provided in subsection 5.8.11~~2~~.

5. All stormwater control structures shall be inspected at least once on an annual basis to determine whether the controls are performing as designed and intended. Records of inspection shall be maintained on forms approved or supplied by the North Carolina Division of Water Quality. Annual inspections shall begin within one year of the filing date of the deed for the stormwater control structure.

6. In the event the City Engineer discovers the need for corrective action or improvements, the City Engineer shall notify the owning entity of the needed

improvements and the date by which the corrective action is to be completed. All improvements shall be made consistent with the plans and specifications of the stormwater control structure and the operation maintenance plan or manual. After notification by the owning entity, the City Engineer shall inspect and approve the completed improvements.

7. Appeals of any order, requirement, decision, or determination made by the City Engineer may be made to and decided by the Watershed Review Board consistent with subsection 5.8.3.5~~4.2~~.

Updated through March 14, 2017

**5.8.12 SECTION RESERVED**

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# 5.9 NOISE OVERLAY DISTRICT

## 5.9.1 PURPOSE

The purpose of the Noise Overlay District is to provide for compatible development of land in areas subject to increased aircraft noise exposure and accident potential due to aircraft operations surrounding Seymour Johnson Air Force Base. The district is designed to limit uses that could increase risks to public health, safety and general welfare while also protecting military aircrafts from encroachment and to mitigate the impacts of aircraft noise on existing and newly permitted uses. In addition, the district is intended to require notification on plats and site plans to all present and future owners that property within this district is exposed to aircraft noise potentially in excess of a 65 day – night average A – weighted sound level (DNL).

## 5.9.2 ESTABLISHMENT

The Goldsboro Noise Overlay District, known in this Section as the "noise overlay district or district," is hereby established as a district that overlaps and overlays existing zoning districts. The district is further divided into four sub-districts corresponding to the 65-69 DNL, 70-74 DNL, 75-79 DNL, 80-84 DNL and 85+DNL noise contours of the Seymour Johnson AFB AICUZ Updated - Air Installation Compatibility Use Zone report, a copy of which is kept on file in the Planning Department . The boundaries of the noise district and sub-districts are indicated on the Official Zoning Map of the City.

## 5.9.3 APPLICABILITY

Nothing herein shall require any change in any lawfully constructed or established building, structure or use in existence at the time of adoption or amendment of these regulations.

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

The noise level reduction requirements of this Section shall apply to the construction, alteration, moving, repair, replacement or new use of any building or occupied permanent structure within the City located within the Noise Overlay District as defined in this Section. The provisions of this Section shall apply to the following development activities:

1. New construction - shall comply with all the applicable provisions of this Section.

2. Moved building or structures – shall comply with all the applicable provisions of this Section, except as provided in Section 5.9.13.

3. Existing structures - expansions to the building areas shall be required to comply with the applicable noise attenuation requirements.

- If the expansion is less than fifty percent of the gross floor area of the original building, only the expansion need comply with the noise attenuation requirements.

- If the expansion is greater than or equal to fifty percent of the gross floor area of the original building, the entire building shall comply with all the noise attenuation requirements.

- In addition, repairs and renovations, not resulting in an expansion of the building gross floor 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 noise attenuation requirements of this Ordinance.

### 5.9.4 LAND USE COMPATIBILITY AND NOISE EXPOSURE

The noise district contains several ~~general use~~conventional zoning districts. Uses permitted in such districts, whether by right or as a ~~conditional or~~ special use, shall be permitted in the Noise Overlay District according to the standards and the restrictions indicated in the following table except as provided in Section 5.9.13. Some uses are not permitted in the Noise Overlay District as indicated in the table below.

| Land Use Compatibility & Noise Exposure | | | | | | |
|---|---|---|---|---|---|---|
| **SLUCM NO.** | **Land Use Name** | **DNL 65-69 Contour** | **DNL 70-74 Contour** | **DNL 75-79 Contour** | **DNL 80-84 Contour** | **DNL 85+ Contour** |
| **10** | **Residential** | | | | | |
| 11 | Household Units | N[1] | N[1] | N | N | N |
| 11.11 | Single units: detached | N[1] | N[1] | N | N | N |
| 11.12 | Single units: semi-detached | N[1] | N[1] | N | N | N |
| 11.13 | Single units: attached row | N[1] | N[1] | N | N | N |
| 11.21 | Two units : side-by-side | N[1] | N[1] | N | N | N |
| 11.22 | Two units : one above the other | N[1] | N[1] | N | N | N |
| 11.31 | Apartments: walk-up | N[1] | N[1] | N | N | N |
| 11.32 | Apartments: elevator | N[1] | N[1] | N | N | N |
| 12 | Group Quarters | N[1] | N[1] | N | N | N |
| 13 | Residential hotels | N[1] | N[1] | N | N | N |
| 14 | Manufactured homes parks | N[1] | N[1] | N | N | N |
| 15 | Transient lodging | N[1] | N[1] | N[1] | N | N |
| 16 | Other residential, manufactured homes on individual lots | N[1] | N[1] | N[1] | N | N |
| **20** | **Manufacturing** | | | | | |
| 21 | Food and kindred products; manufacturing | Y | Y[2] | Y[3] | Y[4] | N |

| | | | | | | |
|---|---|---|---|---|---|---|
| 22 | Textile mill products; manufacturing | Y | Y[2] | Y[3] | Y[4] | N |
| 23 | Apparel and other finish products; products made from fabrics, leather and similar materials; manufacturing | Y | Y[2] | Y[3] | Y[4] | N |
| 24 | Lumber and wood products (except furniture; manufacturing | Y | Y[2] | Y[3] | Y[4] | N |
| 25 | Furniture and fixtures; manufacturing | Y | Y[2] | Y[3] | Y[4] | N |
| 26 | Paper and allied products; manufacturing | Y | Y[2] | Y[3] | Y[4] | N |
| 27 | Printing, publishing, and allied products; manufacturing | Y | Y[2] | Y[3] | Y[4] | N |
| 28 | Chemicals and allied products; manufacturing | Y | Y[2] | Y[3] | Y[4] | N |
| 29 | Petroleum refining and related industries | Y | Y[2] | Y[3] | Y[4] | N |
| **30** | **Manufacturing (cont.)** | | | | | |
| 31 | Rubber and miscellaneous plastic products: manufacturing | Y | Y[2] | Y[3] | Y[4] | N |
| 32 | Stone, clay and glass products; manufacturing | Y | Y[2] | Y[3] | Y[4] | N |
| 33 | Primary metal products; manufacturing | Y | Y[2] | Y[3] | Y[4] | N |
| 34 | Fabricated metal products; manufacturing | Y | Y[2] | Y[3] | Y[4] | N |
| 35 | Professional, scientific, and controlling instruments, photographic and optical goods; watch & clocks | Y | 25 | 30 | N | N |
| 39 | Miscellaneous manufacturing | Y | Y[2] | Y[3] | Y[4] | N |
| **40** | **Transportation, communications and utilities** | | | | | |
| 41 | Railroad, rapid rail transit and street railway transportation | Y | Y[2] | Y[3] | Y[4] | N |
| 42 | Motor vehicle transportation | Y | Y[2] | Y[3] | Y[4] | N |
| 43 | Aircraft transportation | Y | Y[2] | Y[3] | Y[4] | N |
| 44 | Marine craft transportation | Y | Y[2] | Y[3] | Y[4] | N |
| 45 | Highway and street right-of-way | Y | Y | Y | Y | N |
| 46 | Automotive parking | Y | Y | Y | Y | N |
| 47 | Communication | Y | 25[5] | 30[5] | N | N |
| 48 | Utilities | Y | Y[2] | Y[3] | Y[4] | N |
| 49 | Other transportation, communication and utilities | Y | 25[5] | 30[5] | N | N |
| **50** | **Trade** | | | | | |
| 51 | Wholesale trade | Y | Y[2] | Y[3] | Y[4] | N |

| | | | | | | |
|---|---|---|---|---|---|---|
| 52 | Retail Trade - building materials, hardware and farm equipment | Y | 25 | 30 | Y[4] | N |
| 53 | Retail trade - including shopping centers, discount clubs, home improvement stores, electronics superstores, etc. | Y | 25 | 30 | N | N |
| 54 | Retail trade - food | Y | 25 | 30 | N | N |
| 55 | Retail trade - automotive, marine craft, aircraft and accessories | Y | 25 | 30 | N | N |
| 56 | Retail trade - apparel and accessories | Y | 25 | 30 | N | N |
| 57 | Retail trade - furniture, home furnishings and equipment | Y | 25 | 30 | N | N |
| 58 | Retail trade - eating and drinking establishments | Y | 25 | 30 | N | N |
| 59 | Other retail trade | Y | 25 | 30 | N | N |
| **60** | **Services** | | | | | |
| 61 | Finance, insurance and real estate services | Y | 25 | 30 | N | N |
| 62 | Personal services | Y | 25 | 30 | N | N |
| 62.4 | Cemeteries | Y | Y[2] | Y[3] | Y[4,11] | Y[6,11] |
| 63 | Business services (credit reporting; mail, stenographic, reproduction; advertising) | Y | 25 | 30 | N | N |
| 63.7 | Warehousing and storage services | Y | Y[2] | Y[3] | Y[4] | N |
| 64 | Repair services | Y | Y[2] | Y[3] | Y[4] | N |
| 65 | Professional services | Y | 25 | 30 | N | N |
| 65.1 | Hospitals, Other medical facilities | 25 | 30 | N | N | N |
| 65.16 | Nursing Homes | N[1] | N[1] | N | N | N |
| 66 | Contract construction services | Y | 25 | 30 | N | N |
| 67 | Government services | y[1] | 25 | 30 | N | N |
| 68 | Education services | 25 | 30 | N | N | N |
| 68.1 | Child Care services, child development centers, and nurseries | 25 | 30 | N | N | N |
| 69 | Miscellaneous | Y | 25 | 30 | N | N |
| 69.1 | Religious activities | Y | 25 | 30 | N | N |
| **70** | **Cultural, entertainment and recreational** | | | | | |
| 71 | Cultural activities | 25 | 30 | N | N | N |
| 71.2 | Nature exhibits | y[1] | N | N | N | N |
| 72 | Public assembly | Y | N | N | N | N |

| | | | | | | |
|---|---|---|---|---|---|---|
| 72.1 | Auditoriums, concert halls | 25 | 30 | N | N | N |
| 72.11 | Outdoor music shells, amphitheaters | N | N | N | N | N |
| 72.2 | Outdoor sports arenas, spectator sports | Y[7] | Y[7] | N | N | N |
| 73 | Amusement - fairgrounds, miniature golf, driving ranges, amusement park, etc. | Y | Y | N | N | N |
| 74 | Recreational activities (including golf courses, riding stables, water recreation | Y | 25 | 30 | N | N |
| 75 | Resorts and group camps | Y | 25 | N | N | N |
| 76 | Parks | Y | 25 | N | N | N |
| 79 | Other cultural, entertainment and recreation | Y | 25 | N | N | N |
| **80** | **Resource production and extraction** | | | | | |
| 81 | Agriculture (except live stock) | Y[8] | Y[9] | Y[10] | Y[10,11] | Y[10,11] |
| 81.5 | Livestock farming and breeding | Y[8] | Y[9] | N | N | N |
| 81.7 | Animal breeding | Y[8] | Y[9] | N | N | N |
| 82 | Agriculture related activities | Y[8] | Y[9] | Y[10] | Y[10,11] | Y[10,11] |
| 83 | Forestry activities | Y[8] | Y[9] | Y[10] | Y[10,11] | Y[10,11] |
| 84 | Fishing activities | Y | Y | Y | Y | Y |
| 85 | Mining activities | Y | Y | Y | Y | Y |
| 89 | Other resources production or extraction | Y | Y | Y | Y | Y |

### 5.9.4.1 KEY TO LAND USE COMPATIBILITY NOISE EXPOSURE TABLE

**SLUCUM –** Standard Land Coding Manual, U.S. Department of Transportation.

**Y** (Yes) – Land Use and related structures are normally compatible without restriction.

**N** (No) - Land Use and related structures are normally not compatible and should be prohibited.

**Y[X]** - Yes with restrictions. The land uses and related structures are generally compatible; however, see notes indicated by the superscript.

**N[X]** - No with exceptions. The land uses and related structures are generally incompatible; however, see notes indicated by the superscript.

**25, 30, or 35** - The numbers refer to noise level reduction (NLR) levels. NLR (outdoor to indoor) is achieved through the incorporation of noise attenuation into the design and construction of a structure. Land use and related structures are generally compatible; however, measures to achieve NLR of 25, 30, or 35 must be incorporated into design and construction of structures. However, measures to achieve an overall noise reduction do not necessarily solve noise difficulties outside the structure and additional evaluation is

warranted. Also, see notes indicated by superscripts where they appear with one of these numbers.

**DNL** - Day-Night Average Sound Level

### 5.9.4.1.2 NOTES TO LAND USE COMPATIBILITY NOISE EXPOSURE TABLE

1. General

    a. Although local conditions regarding the need for housing may require residential use in these zones, residential use is discouraged in DNL 65-69 and strongly discouraged in DNL 70-74. Existing residential development is considered as pre-existing, nonconforming land uses.

    b. Where these uses are allowed, measures to achieve outdoor to indoor NLR of at least 25 decibels (dB) in DNL 65-69 and 30 dB in DNL 70-74 must be incorporated.

    c. Normal permanent construction can be expected to provide an NLR of 20 dB, thus the reduction requirements are often stated as 5, 10, or 15 dB over standard construction and normally assume mechanical ventilation, upgraded sound transmission class ratings in windows and doors, and closed windows year round. Additional consideration will be given to modifying NLR levels based on peak noise levels or vibrations.

    d. NLR criteria will not eliminate outdoor noise problems. However, building location, site planning, design, and use of berms and barriers can help mitigate outdoor noise exposure particularly from ground level sources. Measures that reduce noise at a site should be used wherever practical in preference to measures that only protect interior spaces.

2. Measures to achieve a NLR of 25 must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas, or where the normal noise level is low.

3. Measures to achieve a NLR of 30 must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas, or where the normal noise level is low.

4. Measures to achieve a NLR of 35 must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas, or where the normal noise level is low.

5. If a projector or proposed development is noise sensitive, use indicated NLR; if not, land use compatible without NLR.

6. Buildings are not permitted.

7. Land use is compatible provided special sound reinforcement systems are installed.

8. Residential buildings require a NLR of 25.

9. Residential buildings require a NLR of 30.

10. Residential buildings are not permitted.

11. Land use that involves outdoor activities is not recommended, but if the community allows such activities, hearing protection devices should be worn when noise sources are present. Long-term exposure (multiple hours per day over many years) to high noise levels can cause hearing loss in some unprotected individuals.

Updated April 1, 2019 (Ordinance 2019-19)

### 5.9.5 NOISE LEVEL REDUCTIONS

The noise level reduction requirements of this Section may be achieved by one of the following two methods:

1. Complying with the recommended construction methods and materials shown in Sections 5.9.9, 5.9.10 or 5.9.11.

2. Certification from a registered professional architect or engineer that when constructed in accordance with approved plans, the building shall achieve the specified noise level reductions.

### 5.9.6 REQUIRED APPROVAL

The construction standards of this Section shall be applied to plans and specifications for any proposed structure or use in the Noise Overlay District. The Chief Building Inspector shall issue a Building Permit only when the applicant can establish that noise level reduction requirements of this Ordinance shall be met prior to the occupancy or use of a building hereafter erected, altered or moved and/or prior to the change of use of any building or land.

No building or structure that has been erected, moved or structurally altered may be occupied until the Chief Building Inspector has approved and issued an Occupancy Permit.

### 5.9.7 APPROVAL PROCEDURE

All development activity and subdivisions regulated by the provisions of the Noise Overlay District are also required to follow all applicable general land use and subdivision approval procedures contained in the Goldsboro Code of Ordinances.

Each application for a building permit shall be accompanied by a plat or site plan, drawn to scale, showing accurate dimensions of the lot to be built upon, accurate dimensions of the building to be erected and its location on the lot. In addition, in the Noise Overlay District, the applicant shall submit detailed cross sections of exterior walls, roofs, ceilings etc., manufacturers' specifications of windows, doors, skylights etc. and details of the heating, air conditioning and ventilation sufficient for the inspection department to determine compliance with the provision of this Section.

## 5.9.8 APPROVAL CRITERIA

All the applicable regulations of the general or conditional ~~use~~ zoning district in which the property is located.

In addition, the approval criteria shall include the permitted uses and the corresponding noise level reduction requirements of the Noise Overlay District found in the table of Permitted Uses and Required Noise Level Reduction Levels.

## 5.9.9 BUILDING DESIGN STANDARDS FOR A MINIMUM NOISE LEVEL REDUCTION OF 25 DB

General

1. Brick veneer, masonry blocks or stucco exterior walls shall be constructed airtight. All joints shall be grouted or caulked airtight.

2. At the penetration of exterior walls by pipes, ducts, or conduits, the space between the wall and pipes, ducts or conduits shall be caulked or filled with mortar.

3. Window and/or through-the-wall ventilation units shall not be used.

4. Through-the-wall/door mailboxes shall not be used.

Exterior walls

1. Exterior walls, other than as described in this Section, shall have a laboratory sound transmission class rating of at least STC-34.

2. Masonry walls having surface weight of at least 25 pounds per square foot do not require a furred (stud) interior wall. At least one surface of concrete block walls shall be plastered or painted with heavy paint.

3. Stud walls shall be at least 4"in nominal depth and shall be finished on the outside with siding-on-sheathing, stucco, or brick veneer.

    - Interior surface of exterior stud walls shall be of gypsum board or plaster at least ½"thick, installed on the studs.

- Continuous composition board, plywood or gypsum board sheathing at least ½”thick shall cover the exterior side of the wall studs behind wood or metal siding. Asphalt shingles are acceptable in lieu of siding.

- Sheathing panels shall be butted tightly and covered on the exterior with overlapping building paper. The top and bottom edges of the sheathing shall be sealed.

- Insulation material at least 2” thick shall be installed continuously throughout the cavity space behind the exterior sheathing and between the wall studs. Insulation shall be glass fiber or mineral wool.

Windows

1. Windows, other than as described in this Section, shall have a laboratory sound transmission class rating of at least STC-28.

2. Glass shall be at least 3/16” thick.

3. All operable windows shall be weather-stripped and airtight when closed so that air infiltration will not exceed 0.5 cubic feet per minute per foot of crack length.

4. Glass of fixed sash windows shall be sealed in an airtight manner with a non-hardening sealant, or a soft elastomer gasket or glazing tape.

5. The perimeter of window frames shall be sealed airtight to the exterior wall construction with a sealant conforming to one of the following federal specifications: TT-S-00227, TT-S-00230 or TT-S-00153.

6. The total area of glass in exterior windows and doors in sleeping spaces shall not exceed 20% of the floor area.

Doors

1. Doors, other than as described in this Section shall have a laboratory sound transmission class rating of at least STC-28.

2. All exterior side-hinged doors shall be solid-core wood or insulated hollow metal at least 1-3/4” thick and shall be fully weather-stripped.

3. Exterior sliding doors shall be weather-stripped with an efficient airtight gasket system. The glass in the sliding doors shall be at least 3/16” thick.

4. Glass in doors shall be sealed in an airtight non-hardening sealant, or in a soft elastomer gasket or glazing tape.

5. The perimeter of doorframes shall be sealed airtight to the exterior wall construction.

Roofs

1. Combined roof and ceiling construction, other than as described in this and the following subsection, shall have a laboratory sound transmission class rating of at least STC-34.

2. With an attic or rafter space at least 6” deep, and with a ceiling below, the roof shall consist of closely butted ½” composition board, plywood or gypsum board sheathing topped by roofing as required.

3. If the underside of the roof is exposed, or if the attic or rafter spacing is less than 6”, the roof construction shall have a surface weight of at least 25 pounds per square foot. Rafters, joists or other framing may not be included in the surface weight calculation.

4. Window or dome skylights shall have a laboratory sound transmission class rating of at least STC-28.

Ceilings

1. Gypsum board or plaster ceilings shall be at least ½” thick. Ceilings shall be substantially airtight, with a minimum number of penetrations.

2. Glass fiber or mineral wool insulation shall be at least 2” thick shall be provided above the ceiling between joists.

Floors

1. Openings to any crawl spaces below the floor of the lowest occupied rooms shall not exceed 2 percent of the floor area of the occupied rooms.

Ventilation

1. A mechanical ventilation system shall be installed that will provide the minimum air circulation and fresh air supply requirements for various uses in occupied rooms, as specified in the North Carolina Building Code, without the need to open any windows, doors, or other openings to the exterior.

2. Gravity vent openings in the attic shall not exceed code minimum in number and size.

3. If a fan is used for forced ventilation, the attic inlet and discharge openings shall be fitted with sheet metal transfer ducts of at least 20-gauge steel, which shall be lined with 1” thick coated glass fiber, and shall be at least 5 foot long with one 90 degree bend.

4. All vent ducts connecting the interior space to the outdoors, excepting domestic range exhaust ducts, shall contain at least a 5-foot length of internal sound absorbing duct lining. Each duct shall be provided with a bend

in the duct such that there is no direct line of sight through the duct from the venting cross section to the room-opening cross section.

5. Duct lining shall be coated glass fiber duct liner at least 1” thick.

6. Domestic range exhaust ducts connecting the interior space to the outdoors shall contain a baffle plate across the exterior termination which allows proper ventilation. The dimensions of the baffle plate should extend at least one diameter beyond the line of sight into the vent duct.

7. Fireplaces shall be provided with well-fitted dampers.

### 5.9.10 BUILDING DESIGN STANDARDS FOR A MINIMUM NOISE LEVEL REDUCTION OF 30 DB

General

1. Brick veneer, masonry blocks or stucco exterior walls shall be constructed airtight. All joints shall be grouted or caulked airtight.

2. At the penetration of exterior walls by pipes, ducts, or conduits the space between the wall and pipes, ducts or conduits shall be caulked or filled with mortar.

3. Window and/or through-the-wall ventilation units shall not be used.

4. Through-the-wall/door mailboxes shall not be used.

5. Operational vented fireplaces shall not be used.

6. All sleeping spaces shall be provided with either a sound absorbing ceiling or a carpeted floor.

Exterior walls

1. Exterior walls, other than as described in this Section, shall have a laboratory sound transmission class rating of at least STC-39.

2. Masonry walls having surface weight of at least 40 pounds per square foot do not require a furred (stud) interior wall. At least one surface of concrete block walls shall be plastered or painted with heavy “bridging” paint.

3. Stud walls shall be at least 4”in nominal depth and shall be finished on the outside with siding-on-sheathing, stucco, or brick veneer.

    - Interior surface of exterior stud walls shall be of gypsum board or plaster at least ½”thick, installed on the studs. The gypsum board or plaster may be fastened rigidly to the studs if the exterior is brick

veneer or stucco. If exterior is siding on sheathing, the interior gypsum board or plaster must be fastened with resilient channels to the studs.

- Continuous composition board, plywood or gypsum board sheathing shall cover the exterior side of the wall studs behind wood or metal siding. The sheathing and facing shall weigh a minimum of 4 pounds per square foot.

- Sheathing panels shall be butted tightly and covered on the exterior with overlapping building paper. The building paper can be omitted provided the sheathing panels have tightly fitted tongue and groove or lap and gap joints. The top and bottom edges of the sheathing shall be sealed.

- Insulation material at least 2” thick shall be installed continuously throughout the cavity space behind the exterior sheathing and between the wall studs. Insulation shall be glass fiber or mineral wool.

Windows

1. Windows, other than as described in this Section, shall have a laboratory sound transmission class rating of at least STC-33.

2. Glass of double glazed windows shall be at least 1/8” thick. Panes of glass shall be separated by a minimum 1/3” air space.

3. Double glazed windows shall employ a fixed sash or efficiently weather-stripped operable sash. The sash shall be rigid and weather-stripped with material that is compressed airtight when the window is closed so that air infiltration will not exceed 0.5 cubic foot per minute per foot of crack length.

4. Glass of fixed sash windows shall be sealed in an airtight manner with a nonhardening sealant, a soft elastomer gasket, glazing tape or equivalent airtight adhesive.

5. The perimeter of window frames shall be sealed airtight to the exterior wall construction with a sealant conforming to one of the following federal specifications: TT-S-00227, TT-S-00230 or TT-S-00153.

6. The total area of glass in exterior windows and doors in sleeping spaces shall not exceed 20 percent of the floor area.

Doors

1. Doors, other than as described in this Section, shall have a laboratory sound transmission class rating of at least STC-33.

2. Double door construction is required for all door openings to the exterior. Openings fitted with side hinged doors shall have one solid core wood or

insulated hollow metal core door at least 1-3/4” thick separated by an airspace at least 4” from another door, which can be a storm door. Both doors shall be tightly fitted and weather-stripped.

3. The glass of double glazed sliding doors shall be separated by a minimum 1/4” air space. Each sliding frame shall be provided with an efficiently airtight weather stripping material that is compressed airtight when the door is closed so that air infiltration will not exceed 0.5 cubic foot per minute per foot of crack length.

4. The glass in the sliding doors shall be at least 3/16” thick. Glass of double sliding doors shall not be equal in thickness.

5. Glass in doors shall be sealed in an airtight non-hardening sealant, or in a soft elastomer gasket or glazing tape.

6. The perimeter of doorframes shall be sealed airtight to the exterior wall construction with a sealant conforming to one of the following federal specifications: TT-S-00227, TT-S-00230 or TT-S-00153.

Roofs

1. Combined roof and ceiling construction other than as described in this and the following subsection shall have a laboratory sound transmission class rating of at least STC-44.

2. With an attic or rafter space at least 6” deep, and with a ceiling below, the roof shall consist of closely butted ½” composition board, plywood or gypsum board sheathing topped by roofing as required.

3. If the underside of the roof is exposed, or if the attic or rafter spacing is less than 6”, the roof construction shall have a surface weight of at least 40 pounds per square foot. Rafters, joists or other framing shall not be included in the surface weight calculation.

4. Window or dome skylights shall have a laboratory sound transmission class rating of at least STC-33.

Ceilings

1. Gypsum board or plaster ceilings at least ½” thick shall be provided where required by Roofs # 2 (Above). Ceilings shall be substantially airtight, with a minimum number of penetrations.

2. Glass fiber or mineral wool insulation at least 2” thick shall be provided above the ceiling between joists.

Floors

1. The floor of the lowest occupied rooms shall be slab on fill, below grade or over a fully enclosed basement. All door and window openings in the fully enclosed basement shall be tightly fitted.

Ventilation

1. A mechanical ventilation system shall be installed that will provide the minimum air circulation and fresh air supply requirements for various uses in occupied rooms, as specified in the North Carolina Building Code, without the need to open any windows, doors, or other openings to the exterior.

2. Gravity vent openings in the attic shall not exceed code minimum in number and size. The openings shall be fitted with transfer ducts at least 3 feet in length containing internal sound absorbing duct lining. Each duct shall have a lined 90-degree bend in the duct such that there is no direct line of sight from the exterior through the duct into the attic.

3. If a fan is used for forced ventilation, the attic inlet and discharge openings shall be fitted with sheet metal transfer ducts of at least 20-gauge steel, which shall be lined with 1” thick coated glass fiber, and shall be at least 5 feet long with one 90 degree bend.

4. All vent ducts connecting the interior space to the outdoors, excepting domestic range exhaust ducts, shall contain at least a 10-foot length of internal sound absorbing duct lining. Each duct shall be provided with a lined 90-degree bend in the duct such that there is no direct line of sight through the duct from the exterior to the interior.

5. Duct lining shall be coated glass fiber duct liner at least 1” thick.

6. Domestic range exhaust ducts connecting the interior space to the outdoors shall contain a baffle plate across the exterior termination which allows proper ventilation. The dimensions of the baffle plate shall extend at least one diameter beyond the line of sight into the vent duct. The baffle plate shall be of the same material and thickness as the vent duct material.

7. Building heating units with flues or combustion air vents shall be located in a closet, attached garage or other room closed off from the occupied space by doors.

8. Doors between occupied space and attached garage or mechanical equipment areas shall be solid core wood or 20-gauge steel hollow metal at least 1-3/4” thick and shall be fully weather-stripped.

## 5.9.11 BUILDING DESIGN STANDARDS FOR A MINIMUM NOISE LEVEL REDUCTION OF 35 DB

General

1. Brick veneer, masonry blocks or stucco exterior walls shall be constructed airtight. All joints shall be grouted or caulked airtight.

2. At the penetration of exterior walls by pipes, ducts, or conduits the space between the wall and pipes, ducts or conduits shall be caulked or filled with mortar.

3. Window and/or through-the-wall ventilation units shall not be used.

4. Through-the-wall/door mailboxes shall not be used.

5. Operational vented fireplaces shall not be used.

6. All sleeping spaces shall be provided with either a sound absorbing ceiling or a carpeted floor.

7. No glass or plastic skylights shall be used.

Exterior walls

1. Exterior walls other than as described in this Section shall have a laboratory sound transmission class rating of at least STC-49.

2. Masonry walls having surface weight of at least 75 pounds per square foot do not require a furred (stud) interior wall. At least one surface of concrete block walls shall be plastered or painted with heavy “bridging” paint.

3. Stud walls shall be at least 4”in nominal depth and shall be finished on the outside with siding-on-sheathing, stucco, or brick veneer.

    - Interior surface of exterior stud walls shall be of gypsum board or plaster at least ½”thick, installed on the studs. The gypsum board or plaster may be fastened rigidly to the studs if the exterior is brick veneer. If exterior is siding on sheathing or stucco, the interior gypsum board or plaster must be fastened with resilient channels to the studs.

    - Continuous composition board, plywood or gypsum board sheathing shall cover the exterior side of the wall studs behind wood or metal siding. The sheathing and facing shall weigh a minimum of 4 pounds per square foot.

    - Sheathing panels shall be butted tightly and covered on the exterior with overlapping building paper. The building paper can be omitted

provided the sheathing panels have tightly fitted tongue and groove or lap and gap joints. The top and bottom edges of the sheathing shall be sealed.

- Insulation material at least 3” thick shall be installed continuously throughout the cavity space behind the exterior sheathing and between the wall studs. Insulation shall be glass fiber or mineral wool.

Windows

1. Windows other than as described in this Section, shall have a laboratory sound transmission class rating of at least STC-38.

2. Double glazed windows shall employ a fixed sash. Glass of double glazed windows shall be at least 1/8” thick. Panes of glass shall be separated by a minimum 1/3” air space and shall not be equal in thickness.

3. Glass of fixed sash windows shall be sealed in an airtight manner with a non-hardening sealant, a soft elastomer gasket, glazing tape or equivalent airtight adhesive.

4. The perimeter of window frames shall be sealed airtight to the exterior wall construction with a sealant conforming to one of the following federal specifications: TT-S-00227, TT-S-00230 or TT-S-00153.

5. The total area of glass in exterior windows and doors in sleeping spaces shall not exceed 20 percent of the floor area.

Doors

1. Doors, other than as described in this Section, shall have a laboratory sound transmission class rating of at least STC-38.

2. Double door construction is required for all door openings to the exterior. Openings fitted with side hinged doors shall have one solid core wood or insulated hollow metal core door at least 1-3/4” thick separated by a vestibule at least 3 feet in length. Both doors shall be tightly fitted and weather-stripped.

3. The glass of double glazed sliding doors shall be separated by a minimum 1/4” air space. Each sliding frame shall be provided with an efficiently airtight weather stripping material that is compressed airtight when the door is closed so that air infiltration will not exceed 0.5 cubic foot per minute per foot of crack length.

4. Glass in doors shall be sealed in an airtight non-hardening sealant, or in a soft elastomer gasket or glazing tape.

5. The perimeter of doorframes shall be sealed airtight to the exterior wall construction with a sealant conforming to one of the following federal specifications: TT-S-00227, TT-S-00230 or TT-S-00153.

Roofs

1. Combined roof and ceiling construction other than as described in this and the following subsection shall have a laboratory sound transmission class rating of at least STC-49.

2. With an attic or rafter space at least 6” deep, and with a ceiling below, the roof shall consist of closely butted ½” minimum composition board, plywood or gypsum board sheathing topped by roofing as required.

3. If the underside of the roof is exposed, or if the attic or rafter spacing is less than 6”, the roof construction shall have a surface weight of at least 75 pounds per square foot. Rafters, joists or other framing shall not be included in the surface weight calculation.

Ceilings

1. Gypsum board or plaster ceilings at least ½” thick shall be provided where required by Roofs # 2 (above). Ceilings shall be substantially airtight, with a minimum number of penetrations. The ceiling panels shall be mounted on resilient clips or channels. A non-hardening sealant shall be used to seal gaps between the ceiling and walls around the ceiling perimeter.

2. Glass fiber or mineral wool insulation at least 3-1/2” thick shall be provided above the ceiling between joists.

Floors

1. The floor of the lowest occupied rooms shall be slab on fill, below grade.

Ventilation

1. A mechanical ventilation system shall be installed that will provide the minimum air circulation and fresh air supply requirements for various uses in occupied rooms, as specified in the North Carolina Building Code, without the need to open any windows, doors, or other openings to the exterior.

2. Gravity vent openings in attics shall not exceed code minimum in number and size. The openings shall be fitted with transfer ducts at least 6 feet in length containing internal sound absorbing duct lining. Each duct shall have a lined 90-degree bend in the duct such that there is no direct line of sight from the exterior through the duct into the attic.

3. If a fan is used for forced ventilation, the attic inlet and discharge openings shall be fitted with sheet metal transfer ducts of at least 20-gauge steel,

which shall be lined with 1” thick coated glass fiber, and shall be at least 10 feet long with one 90 degree bend.

4. All vent ducts connecting the interior space to the outdoors, except domestic range exhaust ducts, shall contain at least a 10-foot length of internal sound absorbing duct lining. Each duct shall be provided with a lined 90-degree bend in the duct such that there is no direct line of sight through the duct from the exterior to the interior.

5. Duct lining shall be coated glass fiber duct liner at least 1” thick.

6. Domestic range exhaust ducts connecting the interior space to the outdoors shall contain a baffle plate across the exterior termination which allows proper ventilation. The dimensions of the baffle plate should extend at least one diameter beyond the line of sight into the vent duct. The baffle plate shall be of the same material and thickness as the vent duct material.

7. Building heating units with flues or combustion air vents shall be located in a closet, attached garage or other room closed off from the occupied space by doors.

8. Doors between occupied space and attached garage or mechanical equipment areas shall be solid core wood or 20 gauge steel hollow metal at least 1-3/4” thick and shall be fully weather-stripped.

## 5.9.12 NOTICE AND DISCLOSURE TO PURCHASERS/LESSEES REQUIRED

The City of Goldsboro shall provide a notice to all applicants for any construction and/or development-related permit that the respective property is either partially or entirely located within a Noise Overlay District and shall be subject to the recommended sound attenuation standards found in the Goldsboro Code of Ordinances.

The current Noise Overlay District, including noise level contours, shall be indicated on any subdivision plat, master plan, site-specific development plan or any other document filed as part of any approval process with the City of Goldsboro Planning Department after the effective date of this Ordinance.

The following notice must appear on any of the above referenced plans:

“Property shown on this plan/plat is within the City of Goldsboro Noise Overlay District. All or a portion of the property described hereon is within an area with an average noise level equal to or exceeding Ldn 65 decibels. The noise level may be harmful to the health of the user of this property. Any building located, constructed and/or renovated within this district must comply with the noise attenuation standards found in the City of Goldsboro Unified Development Ordinances.”

## 5.9.13 REPLACEMENT, EXPANSION AND RECONSTRUCTION OF NONCONFORMING STRUCTURES AND LAND USES IN THE NOISE OVERLAY DISTRICT

Manufactured Homes in Manufactured Home Parks

Except as provided in Section 5.6.10 of this Code, any manufactured home park located within the Noise Overlay District may replace manufactured homes within the manufactured home park provided the total number of units is not increased.

Manufactured Homes on Individual Lots

Existing manufactured homes located on individual lots within the Noise Overlay District, as of the effective date of this ordinance, may be replaced provided such replacement complies with the provisions of Section 5.6.9 of this Code.

### Single-Family Dwellings

Existing single-family dwellings located within the 70-74, 75-79, 80-84 and 85+ DNL contour may be reconstructed if destroyed or damaged greater than 50% of their tax value, as shown on the Wayne County tax rolls, if a noise level reduction of 30 dB is provided inside the dwelling. Any reconstruction shall meet all applicable setbacks and lot area requirements of this Ordinance. Existing single-family dwellings within the 70-74, 75-79, 80-84 and 85+DNL contours may expand one time provided the expansion does not exceed 50% of the area of the existing dwelling and complies with all applicable Ordinance standards.

### Existing Churches

Existing nonconforming churches located within the Noise Overlay District may rebuild if they are destroyed or damaged greater than 50% of its tax value provided they comply with the maximum noise level reduction standards of 30 dB as defined in Section 5.9.10. Churches that are located within the 70-74, 75-79, 80-84 and 85+DNL contours are permitted a one-time expansion of their building area by no more than 25% of the area of the existing church provided they comply with the appropriate noise attenuation standards and all other Ordinance standards.

### Existing Non-Residential Uses

Existing non-residential land uses, excluding uses located within the 80-84 DNL contour and 85+DNL contour, that are not permitted according to Section ~~5.9.4~~5.4. (Permitted Use) may be reconstructed if destroyed or damaged greater than 50% of its tax value provided they comply with a noise level reduction of 30 dB in areas of the structure where the public will be present. Existing non-residential uses that are destroyed or damaged within the 85+ DNL contour which are not permitted according to Section ~~5.9.4~~5.4. of this Code shall not be reconstructed if the damage sustained exceeds 50% of its tax value as defined in Section 5.6.

### Non-Residential Land Uses in AB Zoning District or APZ Overlay

Existing non-residential land uses located within the Airport Business zoning district or within the Accident Potential zone for Seymour Johnson Air Force Base are allowed to

rebuild in the event they are destroyed or damaged greater than fifty percent (50%) of their tax value as shown on the Wayne County tax rolls provided they comply with the density provisions of the AB zoning district and the ~~APA~~ APZ Overlay as defined in Section 5.3.5.1 and 5.10.4. Uses that do not comply with the density provisions of the AB district or APZ overlay that are destroyed or damaged beyond fifty percent (50%) of its assessed value according to the Wayne County Tax Office may rebuild provided the size, area, density or occupancy load of the new building does not exceed the size, area, density or occupancy load that existed at the time of the buildings destruction. Under no circumstances shall a reconstructed building add any seats, expand the square footage or alter the site in any way that would make the site more nonconforming in regards to any zoning, noise overlay, APZ or AICUZ development regulation. Nonconforming land uses within the ABC zoning district and APZ Overlay may receive a ~~conditional~~ Special Use Permit to expand the building footprint one time in accordance with Section 5.6.14 and 5.5.4 provided the City Council finds that the allowable density provisions of the AB zoning district or APA overlay are~~a~~ not increased which would result in an increase in the nonconforming of the use.

Updated April 1, 2019 (Ordinance 2019-19)

### 5.9.14 SECTION RESERVED

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# 5.10 ACCIDENT POTENTIAL ZONE

## 5.10.1 PURPOSE

The purpose of the Accident Potential Zone (APZ) is to limit development in areas that have significant potential for accidents. The Clear Zone, the area closest to the runway end is the most hazardous. APZ-I is the area beyond the clear zone that possesses a significant potential for accidents. APZ-II is an area beyond APZ-1 having a measurable potential for accidents.

## 5.10.2 ESTABLISHMENT

The APZ is hereby established as a district that overlaps existing zoning districts. The APZ is divided into three sub districts corresponding to the clear zone, APZ-I and APZ-II as defined in the Seymour Johnson Air Force Base AICUZ Update Air Installation Compatible Use Zone report a copy of which is kept on file in the Planning Department. The boundaries of the APZ overlay district are indicated on the Official Zoning Map of the City of Goldsboro.

## 5.10.3 APPLICABILITY

Nothing herein shall require any change in any lawfully constructed or established building, structure or use in existence at the time of adoption or amendment of these regulations.

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

The requirements of this Section shall apply to the construction, alteration, moving, repair, replacement or new use of any building or occupied permanent structure within the City located within the Accident Potential Zone (APZ).

## 5.10.4 LAND USE COMPATIBILITY AND ACCIDENT POTENTIAL

The APZ overlay district overlaps several ~~general use~~conventional districts. Uses permitted in such districts, whether by right or as a special ~~or conditional~~ use shall be permitted in the APZ except as provided in the table below:

| Land Use Compatibility & Accident Potential | | | | | |
|---|---|---|---|---|---|
| **SLUCM NO.** | **Land Use** | **Clear Zone** Recommendation[1] | **APZ I** Recommendation[1] | **APZ II** Recommendation[1] | **DENSITY** Recommendation [1] |
| **10** | **Residential** | | | | |
| 11 | Household Units | | | | |
| 11.11 | Single units: detached | N | N | **Y[2]** | Maximum density of 2 Du/ AC |
| 11.12 | Single units: semi-detached | N | N | N | |
| 11.13 | Single units: attached row | N | N | N | |
| 11.21 | Two units : side-by-side | N | N | N | |
| 11.22 | Two units : one above the other | N | N | N | |
| 11.31 | Apartments: walk-up | N | N | N | |
| 11.32 | Apartments: elevator | N | N | N | |
| 12 | Group quarters | N | N | N | |
| 13 | Residential hotels | N | N | N | |
| 14 | Manufactured homes parks or courts | N | N | N | |
| 15 | Transient lodgings | N | N | N | |
| 16 | Other residential | N | N | N | |
| **20** | **Manufacturing[3]** | | | | |
| 21 | Food and kindred products; manufacturing | N | N | Y | Maximum FAR 0.56 in APZ II |
| 22 | Textile mill products; manufacturing | N | N | Y | Maximum FAR 0.56 in APZ II |
| 23 | Apparel and other finish products; products made from fabrics, leather and similar materials; manufacturing | N | N | N | |
| 24 | Lumber and wood products (except furniture); manufacturing | N | **Y** | **Y** | Maximum FAR 0.28 in APZ 1 & 0.56 in APZ II |
| 25 | Furniture and fixtures; manufacturing | N | **Y** | **Y** | Maximum FAR 0.28 in APZ 1 & 0.56 in APZ II |
| 26 | Paper and allied products; manufacturing | N | **Y** | **Y** | Maximum FAR 0.28 in APZ 1 & 0.56 in APZ II |

| Land Use Compatibility & Accident Potential | | | | | |
|---|---|---|---|---|---|
| **SLUCM NO.** | **Land Use** | **Clear Zone** Recommendation[1] | **APZ I** Recommendation[1] | **APZ II** Recommendation[1] | **DENSITY** Recommendation [1] |
| 27 | Printing, publishing, and allied products; manufacturing | N | **Y** | **Y** | Maximum FAR 0.28 in APZ 1 & 0.56 in APZ II |
| 28 | Chemicals and allied products; manufacturing | N | **N** | **N** | |
| 29 | Petroleum refining and related industries | N | **N** | **N** | |
| **30** | **Manufacturing[3] (cont.)** | | | | |
| 31 | Rubber and miscellaneous plastic products: manufacturing | N | N | N | |
| 32 | Stone, clay and glass products; manufacturing | N | N | Y | Maximum FAR 0.56 in APZ II |
| 33 | Primary metal products; manufacturing | N | N | Y | Maximum FAR 0.56 in APZ II |
| 34 | Fabricated metal products; manufacturing | N | N | Y | Maximum FAR 0.56 in APZ II |
| 35 | Professional, scientific, and controlling instruments, photographic and optical goods; watch & clocks | N | N | N | |
| 39 | Miscellaneous manufacturing | N | Y | Y | Maximum FAR 0.28 in APZ 1 & 0.56 in APZ II |
| **40** | **Transportation, communications and utilities[3,4]** | | | | |
| 41 | Railroad, rapid rail transit and street railway transportation | N | Y[6] | Y | Maximum FAR 0.28 in APZ 1 & 0.56 in APZ II |
| 42 | Motor vehicle transportation | N | Y[6] | Y | Maximum FAR 0.28 in APZ 1 & 0.56 in APZ II |
| 43 | Aircraft transportation | N | Y[6] | Y | Maximum FAR 0.28 in APZ 1 & 0.56 in APZ II |
| 44 | Marine craft transportation | N | Y[6] | Y | Maximum FAR 0.28 in APZ 1 & 0.56 in APZ II |
| 45 | Highway and street right-of-way | Y[5] | Y[6] | Y | Maximum FAR 0.28 in APZ 1 & 0.56 in APZ II |
| 46 | Automotive parking | N | Y[6] | Y | Maximum FAR 0.28 in APZ 1 & 0.56 in APZ II |
| 47 | Communication | N | Y6 | Y | Maximum FAR 0.28 in APZ 1 & 0.56 in APZ II |

| Land Use Compatibility & Accident Potential | | | | | |
|---|---|---|---|---|---|
| **SLUCM NO.** | **Land Use** | **Clear Zone** Recommendation[1] | **APZ I** Recommendation[1] | **APZ II** Recommendation[1] | **DENSITY** Recommendation [1] |
| 48 | Utilities7 | N | Y6 | Y6 | Maximum FAR 0.28 in APZ 1 & 0.56 in APZ II |
| 48.5 | Solid waste disposal (landfills, incinerators, etc.) | N | N | N | |
| 49 | Other transportation, communication and utilities | N | Y6 | Y | See Note 6 below |
| 50 | Trade | | | | |
| 51 | Wholesale trade | N | Y | Y | Maximum FAR 0.28 in APZ 1 & 0.56 in APZ II |
| 52 | Retail trade - building materials, hardware and farm equipment | N | Y | Y | See note 8 below |
| 53 | Retail trade9 - including shopping centers, discount stores, home improvement stores, electronics superstores, etc. | N | N | Y | Maximum FAR 0.16 in APZ II |
| 54 | Retail trade - food | N | N | Y | Maximum FAR 0.24 in APZ II |
| 55 | Retail trade – automotive, marine craft, aircraft and accessories | N | Y | Y | Maximum FAR 0.14 in APZ 1 & 0.28in APZ II |
| 56 | Retail trade - apparel and accessories | N | N | Y | Maximum FAR 0.28 in APZ II |
| 57 | Retail trade - furniture, home furnishings and equipment | N | N | Y | Maximum FAR 0.28 in APZ II |
| 58 | Retail trade - eating and drinking establishments | N | N | N | |
| 59 | Other retail trade | N | N | Y | Maximum FAR 0.16 in APZ II |
| 60 | Services | | | | |
| 61 | Finance, insurance and real estate services | N | N | Y | Maximum FAR 0.22 in APZ II |
| 62 | Personal | N | N | Y | Office uses only. Maximum FAR 0.22 in APZ II |
| 62.4 | Cemeteries | N | Y11 | Y11 | |
| 63 | Business services (credit reporting; mail, stenographic, reproduction; advertising) | N | N | Y | Maximum FAR 0.22 in APZ II |

| Land Use Compatibility & Accident Potential | | | | | |
|---|---|---|---|---|---|
| **SLUCM NO.** | **Land Use** | **Clear Zone** Recommendation[1] | **APZ I** Recommendation[1] | **APZ II** Recommendation[1] | **DENSITY** Recommendation [1] |
| 63.7 | Warehousing and storage services12 | N | Y | Y | Maximum FAR 1.0 in APZ 1 & 2.0 in APZ II |
| 64 | Repair services | N | Y | Y | Maximum FAR 0.11 in APZ 1 & 0.22 in APZ II |
| 65 | Professional services | N | N | Y | Maximum FAR 0.22 in APZ II |
| 65.1 | Hospitals, nursing homes | N | N | N | |
| 65.1 | Other medical facilities | N | N | N | |
| 66 | Contract construction services | N | Y | Y | Maximum FAR 0.11 in APZ 1 & 0.22 in APZ II |
| 67 | Government services | N | N | Y | Maximum FAR 0.24 in APZ II |
| 68 | Education services | N | N | N | |
| 68.1 | Child Care services, child development centers, and nurseries | N | N | N | |
| 69 | Miscellaneous | N | N | Y | Maximum FAR 0.22 in APZ II |
| 69.1 | Religious activities | N | N | N | |
| **70** | **Cultural, entertainment and recreational** | | | | |
| 71 | Cultural activities | N | N | N | |
| 71.2 | Nature exhibits | N | Y[13] | Y[13] | |
| 72 | Public assembly | N | N | N | |
| 72.1 | Auditoriums, concert halls | N | N | N | |
| 72.11 | Outdoor music shells, amphitheaters | N | N | N | |
| 72.2 | Outdoor sports arenas, spectator sports | N | N | N | |
| 73 | Amusement - fairgrounds, miniature golf, driving ranges, amusement park, etc. | N | N | Y | |
| 74 | Recreational activities (including golf courses, riding stables, water recreation | N | Y13 | Y13 | Maximum FAR 0.11 in APZ 1 & 0.22 in APZ II |
| 75 | Resorts and group camps | N | N | N | |
| 76 | Parks | N | Y13 | Y13 | Maximum FAR 0.11 in APZ 1 & 0.22 in APZ II |
| 79 | Other cultural, | N | Y11 | Y11 | Maximum FAR |

| Land Use Compatibility & Accident Potential | | | | | |
|---|---|---|---|---|---|
| **SLUCM NO.** | **Land Use** | **Clear Zone** Recommendation[1] | **APZ I** Recommendation[1] | **APZ II** Recommendation[1] | **DENSITY** Recommendation [1] |
| | entertainment and recreation | | | | 0.11 in APZ 1 & 0.22 in APZ II |
| **80** | **Resource production and extraction** | | | | |
| 81 | Agriculture (except live stock) | Y[4] | Y[14] | Y[14] | |
| 81.5, 81.7 | Livestock farming and breeding | N | Y[14] | Y[15] | |
| 82 | Agriculture related activities | N | Y[14] | Y[15] | Maximum FAR 0.28 in APZ 1 & 0.56 in APZ II; no activity that produces smoke, glare or involves explosives |
| 83 | Forestry activities [16] | N | Y | Y | Maximum FAR 0.28 in APZ 1 & 0.56 in APZ II; no activity that produces smoke, glare or involves explosives |
| 84 | Fishing activities [17] | N[17] | Y | Y | Maximum FAR 0.28 in APZ 1 & 0.56 in APZ II; no activity that produces smoke, glare or involves explosives |
| 85 | Mining activities18 | N | Y18 | Y18 | Maximum FAR 0.28 in APZ 1 & 0.56 in APZ II; no activity that produces smoke, glare or involves explosives |
| 89 | Other resources production or extraction | N | Y | Y | Maximum FAR 0.28 in APZ 1 & 0.56 in APZ II; no activity that produces smoke, glare or involves explosives |
| 90 | Other | | | | |
| 91 | Undeveloped land | Y | Y | Y | |
| 93 | Water area 19 | N19 | N19 | N19 | |

### 5.10.4.1 KEY TO LAND USE COMPATIBILITY ACCIDENT POTENTIAL TABLE

**SLUCM** - Standard Land Use Coding Manual, U.S. Department of Transportation.

**Y** (Yes) - Land uses and related structures are normally compatible without restriction.

**N** (No) - Land uses and related structures are not normally compatible and should be prohibited.

**$Y^x$** - Yes with restrictions. The land uses and related structures are generally compatible; however, see notes indicated by the superscript.

**$N^x$** - No with exceptions. The land uses and related structures are generally incompatible; however, see notes indicated by the superscript.

**FAR** - Floor Area Ratio. A floor area ratio is the ratio between the square feet of floor area of the building and the gross site area. It is customarily used to measure non-residential intensities.

**Du/Ac** - Dwelling Units per Acre. This is customarily used to measure residential densities.

### 5.10.4.2 NOTES TO LAND USE COMPATIBILITY ACCIDENT POTENTIAL TABLE

1. A "Yes" or a "No" designation for compatible land use is to be used only for general comparison. Within each, uses exist where further evaluation may be needed in each category as to whether it is clearly compatible, normally compatible, or not compatible due to the variation of densities of people and structures. In order to assist air installations and local governments, general suggestions as to FARs are provided as a guide to density in some categories. In general, land use restrictions that limit occupants, including employees, of commercial, service, or industrial buildings or structures to 25 per acre in APZ I and 50 per acre in APZ II are considered to be low density. Outside events should normally be limited to assemblies of not more than 25 people per acre in APZ I, and maximum assemblies of 50 people per acre in APZ II. Recommended FARs are calculated using standard parking generation rates for various land uses, vehicle occupancy rates, and desired density in APZ I and APZ II. For APZ I, the formula is FAR = 25 people per acre/(Average Vehicle Occupancy x Average Parking Rate x (43560/1000)). The formula for APZ II is FAR = 50/(Average Vehicle Occupancy x Average Parking Rate x (43560/1000)).

2. The suggested maximum density for detached single-family housing is two Du/Ac. In a planned unit development (PUD) of single family detached units where clustered housing development results in large open areas, this density could possibly be increased slightly provided the amount of surface area covered by structures does not exceed 20 percent of the PUD total area. PUD encourages clustered development that leaves large open areas.

3. Other factors to be considered: Labor intensity, structural coverage, explosive characteristics, air pollution, electronic interference with aircraft, height of structures, and potential glare to pilots.

4. No structures (except airfield lighting and navigational aids necessary for the safe operation of the airfield when there are no other siting options), buildings, or above-ground utility and communications lines should normally be located in Clear Zone areas on or off the air installation. The Clear Zone is subject to the most severe restrictions.

5. Rights-of-way for fenced highways, without sidewalks or bicycle trails, are allowed.

6. No above-ground passenger terminals and no above-ground power transmission or distribution lines. Prohibited power lines include high-voltage transmission lines and distribution lines that provide power to cities, towns, or regional power for unincorporated areas.

7. Development of renewable energy resources, including solar and geothermal facilities and wind turbines, may impact military operations through hazards to flight or electromagnetic interference. Each new development should be analyzed for compatibility issues on a case-by-case basis that considers both the proposal and potentially-affected mission.

8. Within SLUCM Code 52, maximum FARs for lumberyards (SLUCM Code 521) are 0.20 in APZ I and 0.40 in APZ II. For hardware, paint, and farm equipment stores, SLUCM Code 525, the maximum FARs are 0.12 in APZ I and 0.24 in APZ II.

9. A shopping center is an integrated group of commercial establishments that is planned, developed, owned, or managed as a unit. Shopping center types include strip, neighborhood, community, regional, and super-regional facilities anchored by small businesses, a supermarket or drug store, discount retailer, department store, or several department stores, respectively. Included in this category are such uses as big box discount clubs, home improvement superstores, office supply superstores, and electronics superstores. The maximum recommended FAR for SLUCM 53 should be applied to the gross leasable area of the shopping center rather than attempting to use other recommended FARs listed in Table 1 under Retail or Trade.

10. Ancillary uses such as meeting places, auditoriums, etc., are not recommended.

11. No chapels or houses of worship are allowed within APZ I or APZ II.

12. Big box home improvement stores are not included as part of this category.

13. Facilities must be low intensity, and provide no playgrounds, etc. Facilities such as clubs houses, meeting places, auditoriums, large classes, etc., are not recommended.

14. Livestock grazing is a compatible land use, but feedlots and intensive animal husbandry are excluded. Activities that attract concentrations of birds creating a hazard to aircraft operations should be excluded.

15. Feedlots and intensive animal husbandry are included as compatible land uses.

16. Lumber and timber products removed due to establishment, expansion, or maintenance of Clear Zone lands owned in fee will be disposed of in accordance with applicable Department of Defense guidance.

17. Controlled hunting and fishing may be permitted for the purpose of wildlife management.

18. Surface mining operations that could create retention ponds that may attract waterfowl and present bird/wildlife aircraft strike hazards (BASH), or operations that produce dust or light emissions that could affect pilot vision are not compatible.

19. Naturally occurring water features (e.g., rivers, lakes, streams, wetlands) are pre-existing, nonconforming land uses. Naturally occurring water features that attract waterfowl present a potential BASH. Actions to expand naturally occurring water features or construction of new water features should not be encouraged. If construction of new features is necessary for storm water retention, such features should be designed so that they do not attract waterfowl.

## 5.10.5 APPROVAL PROCEDURE

All development activity and subdivisions regulated by the provisions of the Accident Potential Zone are also required to follow all applicable general land use and subdivision approval procedures contained in the Goldsboro Unified Development Code.

Each application for a building permit shall be accompanied by a plat or site plan, drawn to scale, showing accurate dimensions of the lot to be built upon, accurate dimensions of the building to be erected and its location on the lot.

## 5.10.6 REPLACEMENT, EXPANSION AND RECONSTRUCTION OF NONCONFORMING STRUCTURES AND LAND USES IN THE ACCIDENT POTENTIAL ZONE OVERLAY DISTRICT

a. Clear Zone: Any nonconforming land uses or structures within the clear zone portion of the Accident Potential Zone (APZ) shall not be reconstructed, expanded or replaced if that use or structure is destroyed or damaged greater than 50% of its tax value as shown on the Wayne County tax roll.

b. APZ-I and APZ-II: Existing land uses and structures located in the APZ-I or APZ-II overlay zones for Seymour Johnson Air Force Base shall be allowed to rebuild in the event the land use or structure are destroyed or damaged greater than 50% of its tax value as shown on the Wayne County tax roll provided such land use complies with the density requirements of the Airport Business zoning district and Accident Potential Zone as defined in Sections 5.3.5.1 and 5.10.4. Uses that do not comply with the density provisions of the Airport Business zoning district and APZ overlay may rebuild if destroyed or damaged beyond fifty percent (50%) of its tax value as shown on the Wayne County tax roll provided the size, area, density or occupancy load of the new building does not exceed the size, area, density or occupancy load that existed at the time of the building's destruction. Under no circumstances shall be reconstructed building add any seats, expand the square footage or alter the site in any way that would make the site more nonconforming in regards to any zoning, noise overlay, APZ or AICUZ development regulation. Nonconforming land uses within the APZ may receive a ~~conditional~~ special Use Permit to expand the building footprint one time in accordance with Sections 5.6. and 5.5.4. ~~15 and 5.5.4~~ provided the City Council finds the allowable density provisions, as defined in Section 5.10.4 are not increased which would result in an increase in the nonconformity of the use.

All replacements, expansions and reconstructions of nonconforming situations, as listed in this section shall follow the procedural requirements of Section 5.6 (Nonconforming Situations).

Updated April 1, 2019 (Ordinance 2019-19)

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# 5.11 ORDER TO REPAIR

## 5.11.1 STANDARDS

The exterior features of any building or structure located within the corporate limits of the City of Goldsboro shall be preserved by the owner and/or parties in interest against decay, deterioration and structural defects. The owner and/or parties in interest shall upon written request of the City repair such exterior features if they are found to be deteriorating, or if their condition is contributing to deterioration, including but not limited to, any of the following defects:

a. Deterioration of exterior walls, foundations, flooring, parapet walls, roofs, beams, chimneys and either horizontal or vertical load bearing supports that causes leaning, sagging, splitting, listing or buckling;

b. Ineffective waterproofing of exterior walls, roofs and foundations, including broken windows/doors, failed paint, leaking roofing, decayed brickwork or failed siding materials;

c. Rotting, holes and other forms of decay;

d. Damages caused by fire or other calamity;

e. Deterioration of exterior stairs, porches, handrails, window/door frames, cornices, entablatures, wall facings or other architectural details that causes delaminating, instability, loss of shape or crumbling;

f. Deterioration of fences, gates, garden walls or accessory structures;

g. Deterioration of any exterior feature that creates or permits a hazardous or unsafe condition to life, health or other property.

h. Boarded up windows and street barricades are allowed in the Central Business District and Historic District only as follows:

    1. Emergency approvals granted by the Chief Building Inspector for unsecured buildings not exceeding 30 days.

    2. Projects that have a valid building permit and are making substantial progress towards removing the boarded up windows and permanently securing the building.

    3. Windows or boarded up doors shall obtain building permits within 30 days to secure and repair the structure. The Hardship Review Committee may extend this deadline if a hardship is demonstrated. Any extensions beyond 30 days issued by the Hardship Review

Committee shall require the boarded up windows or doors to be painted a similar color to the remaining exterior façade.

4. Windows and doors may be boarded up to secure any building damaged by a hurricane or other calamity. Repairs to remedy the structure shall commence within 30 days of the building receiving damage or as otherwise specified by this ordinance.

i. Deterioration of flooring or floor supports, roofs, or other horizontal members that causes leaning, sagging, splitting, listing, or buckling.

j. Deterioration of external chimneys that causes leaning, sagging, splitting, listing, or buckling.

k. Deterioration of crumbling exterior plasters or mortars.

l. Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or weathering due to lack of paint or other protective covering.

m. Heaving, subsidence, or cracking of sidewalks, steps or pathways.

n. Deterioration that has a detrimental effect upon the special character of a district as a whole or the unique attributes and character of the district.

### 5.11.2 REVIEW AUTHORITY

Authority to assure compliance with the standards set forth above is vested with the Planning Director and the Chief Building Inspector or his/her designee.

### 5.11.3 PETITION AND ACTION

Property owners or other concerned parties may file a petition listing the specific defects with the Planning Director or Chief Building Inspector no earlier than six months after the adoption of this ordinance. The petition shall request~~ing~~ that the Planning Director or Chief Building Inspector act to require the correction of the deterioration or the making of repairs. The Director or Inspector will use the six-month timeframe to systematically inspect these buildings and/or structures within the corporate limits of the City of Goldsboro and contact property owners to notify them of any violations. Correction or repairs will be required under the following procedures:

1. Whenever a petition is filed with the Planning Director or Chief Building Inspector that a building or structure is undergoing Order to Repair, the Director, Inspector, or a designated agent shall, if his or her preliminary investigation discovers a basis for such charges, within fifteen days issue and cause to be served upon the owner and/or such other person who may have legal possession, custody, and control thereof, as the same by be determined by reasonable diligence a complaint stating:

- The charges in that respect and containing a notice that a hearing will be held before the Planning Director or Chief Building Inspector in City Hall, not less than ten nor more than thirty days after the serving of such complaint;

- That the owner and/or parties of interest shall be given a right to answer and give testimony;

- That the Hardship Review Committee, as defined in this Ordinance, shall also be given notice of the hearing; and

- That the rules of evidence prevailing in courts of law or equity shall not be controlling in hearing before the Director or Inspector.

2. The purpose of the hearing is to receive evidence concerning the charge of deterioration and to ascertain whether the owner and/or other parties in interest wishes to petition the Hardship Review Committee for a claim of undue economic hardship.

3. Within 15 days after such notice and hearing, the Planning Director or Chief Building Inspector determines that the building or structure is undergoing Order to Repair because it is deteriorating, or if its condition is contributing to deterioration, according to the standards listed in this Section, the Director or Inspector shall state in writing the findings of fact in support of such determination and shall issue and cause to be served upon the owner and/or parties in interest an order to repair within the time specified, those elements of the building or structure that are deteriorating, contributing to deterioration or deteriorated.

4. Complaints or orders issued by the Planning Director or Chief Building Inspector shall be served upon persons either personally, or by registered or certified mail. If after using reasonable diligence the whereabouts of such persons remains unknown or they have refused to accept service by certified or registered mail, the Director or Inspector shall make an affidavit to that effect, stating the steps taken to determine and locate the persons in interest, then the serving of such complaint or order may be made by publishing the same once each week for two consecutive weeks in a newspaper generally circulated within the City. Where such service is by publication, a notice of pending proceedings shall be posted in a conspicuous place on the premises thereby affected.

5. Failure on the part of any owner and/or parties of interest to receive or have served upon him any complaint, notice or order herein provided for, shall not affect or invalidate the proceedings with respect to any other owner or parties in interest or any other person.

6. In the event that the owner and/or other parties in interest wish to petition for a claim of undue economic hardship, the Planning Director or Chief Building

Inspector's order shall be stayed until after the Hardship Review Committee's determination of such economic hardship. All claims of undue economic hardship shall be made within 15 days of the issuance of the order to repair the building or structure.

### 5.11.4 SAFEGUARDS FROM UNDUE ECONOMIC HARDSHIP

A. When a claim of undue economic hardship is made, the Planning Director or Chief Building Inspector shall notify the Hardship Review Committee, which consists of the Community Relations Director, Finance Director and City Engineer, within three days following the hearing on the complaint. The Committee shall schedule a hearing on the claim within 15 days of receiving notice that a hearing is requested. The petitioner shall present the information provided under subsection (b) to the Committee. The Committee may require that the owner and/or parties in interest furnish such additional information that is relevant to its determination of undue economic hardship. The Committee may direct its staff to furnish additional information, as the Committee believes is relevant. The Committee shall also state which form of financial proof it deems relevant and necessary to a particular case. In the event that any of the required information is not reasonably available to the owner and/or parties in interest and cannot be obtained by the owner, the owner shall describe the reasons why such information cannot be obtained. Enforcement proceedings shall be stayed until the Committee makes a decision.

B. When a claim of undue economic hardship is made due to the effects of Order to Repair, the burden of proof shall be upon the owner and/or parties in interest to provide evidence during the hearing upon the claim, describing the circumstances of the hardship. The minimum evidence shall include for all property:

1) Nature of ownership (individual, business or nonprofit) or legal possession, custody, control, residency and a description of the building or structure;

2) Financial resources of the owner and/or parties of interest;

3) Cost of repairs;

4) Assessed value of the land and improvements;

5) Real estate taxes for the previous two years;

6) Amount paid for the property, date of purchase and party from whom purchased, including a description of the relationship between the owner and the person from whom the property was purchased or other means of acquisition of title, such as by gift or inheritance.

7) Annual debt service, if any for previous two years; and

8) Any listing of the property for sale or rent, price asked and offers received, if any.

9) Proof of application status, if any, for historic tax credits as filed with the State of North Carolina.

10) For income-producing property additional evidence is required as follows:

- Annual gross income from the property for last two years;
- Itemized operating and maintenance expenses for the previous two years, including proof that adequate and competent management procedures were followed;
- Annual cash flow, if any, for the previous two years.

## 5.11.5 COMMITTEE'S ACTIONS ON ORDER TO REPAIR CLAIMS

Within fifteen days of the Committee's hearing on the claim, the Committee shall make a finding of undue or no undue economic hardship and shall enter the reasons for such finding into the record. In the event of a finding of no undue economic hardship, the Committee shall report such a finding to the Planning Director or Chief Building Inspector and the Director or Inspector shall issue an order for such property to be repaired within the time specified.

In the event of a finding of undue economic hardship, the finding shall be accompanied by a recommended plan to relieve the economic hardship. This plan may include, but is not limited to, property tax relief as may be allowed under North Carolina law, loans or grants from the City or other public, private or non profit sources, acquisition by purchase or eminent domain, building code modifications, changes in applicable zoning regulations or relaxation of the provisions of this Section sufficient to mitigate the undue economic hardship. The Committee shall report the finding and plan to the Planning Director or Chief Building Inspector. The Director or Inspector shall issue an order for such property to be repaired within a specified time (not to exceed six months) and according to the provisions of the recommended plan. The Hardship Review Committee may extend the deadline specified by the Director or Inspector if substantial progress to remedy the situation is demonstrated.

## 5.11.6 APPEALS

Findings made by the Planning Director, Chief Building Inspector or Hardship Review Committee may be appealed to the Board of Adjustment in accordance with the procedures found in Section 32.326 of the City of Goldsboro Code of Ordinances. The aggrieved party must file the application for an appeal within ten days following the receipt of the order for repair of the property or the determination. All appeals shall be in the nature of certiorari.

## 5.11.7 OTHER CITY POWERS

Nothing contained within this Section shall diminish the City's power to declare a building unsafe or in violation of the minimum housing ordinance.

## 5.11.8 PENALTIES AND REMEDIES

Enforcement of this Section may be by any one (1) or more of the following methods, and the institution of any action under any of these methods shall not relieve any party from any other civil or criminal proceeding prescribed for violations and prohibitions.

a. Equitable Remedy

The City may apply for any appropriate equitable remedy to enforce the provisions of this Section.

b. Order of Abatement

The City may apply for and the court may enter an order of abatement. An order of abatement may direct that improvements or repairs be made, or that any other action be taken that is necessary to bring the property into compliance with this Section. Whenever the party is cited for contempt by the court and the City executed the order of abatement, the City shall have a lien, in the nature of a mechanic's and materialman's, on the property for the cost of executing the order of abatement.

c. Civil Penalty

No civil penalty shall be levied unless and until the Planning Department or Inspections Department shall deliver a written notice by personal service or by registered mail or by certified mail, return receipt requested, to the person responsible for each violation indicating the nature of the violation and ordering corrective action. The notice shall also set forth the time period when corrective measure must be completed. The notice shall state that failure to correct the violation within the specified time period will result in the assessment of civil penalties and other enforcement action. If after the allotted time period has expired and after the hearing of an appeal, if any by the Board of Adjustment, corrective action has not been completed, a civil penalty shall be assessed in the amount of one hundred dollars ($100.00) per day of continuing violation.

d. Any penalty, fines or fees ~~may~~ shall be waived or reduced ~~at the discretion of the Planning Director~~ IF the property owner or other responsible party for the repairs thereof have substantially [herein "substantially" or "substantial" as to repairs means that seventy-five percent (75%) or more of the repairs that

were previously ordered to be made have been so made] been accomplished.

e. If penalties, fines and/or fees total Three Thousand Dollars ($3,000.00) or more AND the property has not been substantially improved/repaired pursuant to the order, then at the discretion of the Planning Director any other legal remedies available to the City of Goldsboro may be implemented/pursued; including but not limited to those contained in N.C.G.S. §160A-439.1.

Updated July 15, 2019 (Ordinance 2019-47)

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# ARTICLE 6.0 SUPPLEMENTAL REGULATIONS

## 6.1 OFF-STREET PARKING, LOADING AND STACKING STANDARDS

### 6.1.1 APPLICABILITY

The provisions of this Section shall apply to any application for a building permit, certificate of occupancy, zoning, conditional 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 existing 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 Elm ~~Chestnut~~ Street and the west side of William Street.

Also, off-site parking areas that constitute the principal~~le~~ 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 0.5 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. Upon written request by the applicant ~~T~~the ~~Planning Director~~Administrator shall ~~may~~ make modifications to~~waive~~ the minimum and maximum parking space requirement up to 20%. ~~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.~~

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**Table 6-1**
**Off-Street Parking Requirements**

| Land Use | Minimum Parking Spaces | Maximum Parking Spaces |
|---|---|---|
| **Residential** | | |
| Accessory dwellings | 1 space | n/a |
| ~~Dormitories~~ | ~~.75 spaces per room~~ | ~~1.5 spaces for each room~~ |
| Duplex (two attached units/lot) | 2 spaces per unit | n/a |
| Home occupations | 2 spaces per dwelling, plus 1 for visitors or 2 spaces per dwelling, plus 1 per chair for hair and nail services | n/a |
| Internet Café/Sweepstakes Facilities/Electronic Gaming Facility | 1~~.5~~ spaces per computer and 1 space per employee | ~~Ord. 2017-23;~~ See Sec. 5.5.4 |
| Life care homes, ~~nursing homes,~~ assisted living, ~~and special population housing~~ | 1 space per 4 beds, plus 1 per employee on the maximum shift | 1 space per 3 beds, plus 1 per employee on the maximum shift |
| Manufactured home park | 2 spaces per unit | n/a |
| Mixed use, apartments or condos above ground floor retail/office within the same building | 1.5 spaces per unit, plus any additional spaces required by non-residential uses | 3 spaces per unit, plus any additional spaces required by non-residential uses |
| Multifamily, condominiums, townhouses etc. | 1.4 spaces per single bedroom unit + 2 spaces per unit (two or more bedrooms) + .5 per bedroom over 2 | 3 spaces per unit + .5 per bedroom over 2 |
| Residential care facilities - full time convalescent, attendant nursing and/or rehabilitation care | 1 space per 4 beds, plus 1 per employee on the maximum shift | 1 space per 3 beds, plus 1 per employee on the maximum shift |
| Rooming/boarding houses | 1 space per bedroom | n/a |
| ~~Single family attached~~ | ~~2 spaces per unit~~ | ~~3 spaces per unit~~ |
| Single family detached, modular, manufactured homes | 2 spaces per unit | n/a |

**Table 6-1**
**Off-Street Parking Requirements**

| Land Use | Minimum Parking Spaces | Maximum Parking Spaces |
|---|---|---|
| **Civic** | | |
| Armories, reserve and national guard | 1 space per 300 sq. ft. gross floor area, plus 1 per vehicle stored on site | 1 space per 150 sq. ft. gross floor area, plus 1 per vehicle stored on site |
| Assembly halls, coliseums, theaters etc. | 1 space per 4 seats or 1 space per 32 sq. ft. of floor area in the main assembly hall, whichever is greater | 1 space per 3 seats or 1 space per 30 sq. ft. of floor area in the main assembly hall, whichever is greater |
| Cemeteries | All parking must be provided on-site, either in designated parking areas or along internal lanes or roads. | n/a |
| Churches | 1 space per 4 seats or 1 per 32 sq. ft. of assembly area, whichever is greater | 1 space per 3 seats or 1 per 30 sq. ft. of assembly area, whichever is greater |
| Clubs, lodges, civic, social | 1 space per 4 seats or 1 per 32 s.f. of assembly area, whichever is greater. | 1 space per 200 sq. ft. of gross floor area |
| Colleges and universities | 7 spaces per each classroom or 1 space per 5 seats in the largest assembly area, whichever is greater | 15 spaces per each classroom or 1 space per 3 seats in the largest assembly area, whichever is greater |
| Community centers - public | 1 space per 250 sq. ft. of gross floor area | 1 space per 150 sq. ft. of gross floor area |
| Fire station | 1 space per fireman on the maximum shift. | n/a |
| Government offices - fed., state, local | 1 space per 300 sq. ft. of gross floor area | 1 space per 150 sq. ft. of gross floor area |
| Hospital | 1 space for each 4 beds, plus 1 space per employee on maximum shift | 1 space for each 3 beds, plus 1 space per employee on maximum shift |
| Museum, libraries and art galleries | 1 space per 300 sq. ft. of gross floor area | 1 space per 150 sq. ft. of gross floor area |
| Police station | 1 space per field officer on maximum shift, plus 1 space per 300 sq. ft. of office area | 1 space per field officer on maximum shift, plus 1 space per 150 sq. ft. of office area |

**Table 6-1**
**Off-Street Parking Requirements**

| Land Use | Minimum Parking Spaces | Maximum Parking Spaces |
|---|---|---|
| **Civic** | | |
| Post office, service facilities | 1 space per 300 sq. ft. of gross floor area, plus 1 space per 2 employees on the max. shift, plus 1 space per each vehicle stored on site | 1 space per 200 sq. ft. of gross floor area, plus 1 space per employee on the maximum shift., plus 1 space per each vehicle stored on site |
| School, business, fine arts | 1 space per 200 sq. ft. of gross floor area or 1 space per 5 seats in the main assembly area, whichever is greater | 1 space per 150 sq. ft. of gross floor area or 1 space per 3 seats in the main assembly area, whichever is greater |
| School, elementary, middle, junior high | 1 space per classroom or 1 space per 5 seats in the main assembly area, whichever is greater | 2 space per classroom or 1 space per 3 seats in the main assembly area, whichever is greater |
| School, senior high | 5 spaces per each classroom or 1 space per 5 seats in the largest assembly area, whichever is greater | 7 spaces per each classroom or 1 space per 3 seats in the largest assembly area, whichever is greater |
| School, trade, technical or vocational | 1 space per 200 sq. ft. of gross floor area not used for storage | 1 space per 150 sq. ft. of gross floor area not used for storage |
| **Business and Personal Services** | | |
| Animal hospitals | 3 spaces per doctor, plus 1 per employee | 5 spaces per doctor, plus 1 per employee |
| Automobile inspection, repair and service | 1 space per working bay, plus 1 per employee | 2 spaces per working bay, plus 1 per employee |
| Automobile rental/leasing, no sales | 1 space per employee, plus 3 customer spaces, plus 1 space per vehicle stored on site | 1 space per employee, plus 7 customer spaces, plus 1.5 space per vehicle stored on site |
| Automobile washing establishment | 1 space per 2 employees, plus an area capable of stacking 2 cars per bay | 1 space per 1 employee, plus an area capable of stacking 3 cars per bay |
| Bed and breakfast (Includes short-term ~~rentatl~~rental such as Air BNB, VRBO, HomeAway, etc., 6 or fewer rooms or whole house rental) | 1 per room, plus 1 per employee | 2 per room, plus 1 per employee |
| Crematorium | 1 space per employee, plus 1 visitor space | n/a |

**Table 6-1**
**Off-Street Parking Requirements**

| Land Use | Minimum Parking Spaces | Maximum Parking Spaces |
|---|---|---|
| Day care centers - adult/child | 1 space per 300 sq. ft.. of gross floor area, plus an unloading and loading area capable of stacking 4 vehicles | 1 space per 150 sq. ft.. of gross floor area, plus an unloading and loading area capable of stacking 6 vehicles, plus 1 space per employee |
| **Business and Personal Services** | | |
| Dry cleaning - personal | 1 space per employee and 3 customer spaces | 1 space per employee and 6 customer spaces |
| Dry cleaning and laundry - industrial | 1 space per employee on maximum shift, plus 1 space per 300 sq. ft. of office gross floor area | 1 space per employee on maximum shift, plus 1 space per 200 sq. ft. of office gross floor area |
| Funeral homes | 1 space per 5 seats or 50 sq. ft. of floor area in the main assembly area, whichever is greater, plus 1 per vehicle stored on site | 1 space per 3 seats, or 30 sq. ft. of floor area in the main assembly area, whichever is greater, plus 1 per vehicle stored on site |
| Hair, nail and skin care - excluding home occupations | 2 spaces per customer service chair, station or tanning bed and 1 space per employee | 3 spaces per customer service chair, station or tanning bed and 1 space per employee |
| Health spas, fitness and tanning | 1 space per 100 sq. ft. of customer participation area plus 1 space per employee | 1 space per 75 sq. ft. of customer participation area plus 1 space per employee |
| Home services - carpet and home cleaning, interior design, locksmith and general personal goods repair etc. | 1 space per employee and 3 customer spaces, if walk in or retail business is expected | 1 space per employee and 5 customer spaces, if walk in or retail business is expected |
| Kennels and pet boarding - outdoor | 1 space per employee and 5 customer spaces | 1 space per employee and 10 customer spaces |
| Laundry, coin operated | 1 space per 2 washers | 1 space per 1washer |
| Medical, dental, doctors, clinics | 6 spaces per doctor, plus 1 per employee | 8 spaces per doctor, plus 1 per employee |
| Newspaper offices with printing plants incidental to such offices | 1 space per 300 sq. ft. of gross office floor area, plus 1 space per printing plant employee | 1 space per 200 sq. ft. of gross office floor area, plus 1 space per printing plant employee |

| Table 6-1<br>Off-Street Parking Requirements | | |
|---|---|---|
| **Land Use** | **Minimum Parking Spaces** | **Maximum Parking Spaces** |
| Offices - business and professional excluding retail trade and home occupations | 1 space per 350 sq. ft. of gross floor area | 1 space per 200 sq. ft. of gross floor area |
| **Business and Personal Services** | | |
| Parcel delivery service | 1 space per employee on the maximum shift, plus 5 customer spaces | 1 space per employee on the maximum shift, plus 10 customer spaces |
| Personal or business services not in its own category, copying, printing , clothing alteration, shoe repair etc. | 1 space per 300 sq. ft. of floor area excluding storage | 1 space per 200 sq. ft. of floor area excluding storage |
| Self-storage, mini-warehouse | 1 space per employee, plus 3 customer spaces | 1 space per employee, plus 5 customer spaces |
| Shooting/archery ranges indoor only | 1 space per employee, plus 1 space per shooting booth or station | 1 space per employee, plus 2 space per shooting booth or station |
| Sign painting, fabrication | 1 space per employee and 3 customer spaces | 1 space per employee and 5 customer spaces |
| Studios for artists, photographers etc. | 1 space per employee and 3 customer spaces if there are retail sales | 1 space per employee and 5 customer spaces if there are retail sales |
| Tattoo parlors | 1 space per employee and 3 customer spaces | 1 space per employee and 5 customer spaces |
| **Retail Trade** | | |
| Automobile sales new, including the accessory uses of used car sales, leasing and service & repair | 1 space per 300 sq. ft. of indoor sales, display and office area and 1 space per employee | 1 space per 200 sq. ft. of indoor sales, display and office area and 1 space per employee |
| Automobile sales used, no service or repair | 1 space per employee and 5 customer spaces | 1 space per employee and 10 customer spaces |
| Boats, heavy or farm equipment and manufactured home sales, rental and/or service | 1 space per employee, plus 1 space for each service bay, plus 5 customer spaces | 1 space per employee, plus 2 space for each service bay, plus 10 customer spaces |

**Table 6-1**
**Off-Street Parking Requirements**

| Land Use | Minimum Parking Spaces | Maximum Parking Spaces |
|---|---|---|
| Building supply/lumber/tools etc. including outdoor storage | 1 space per 300 sq. ft. of floor area excluding storage | 1 space per 200 sq. ft. of floor area excluding storage |
| **Retail Trade** | | |
| Convenience stores | 1 space for each 200 sq. ft. of gross floor area | 1 space for each 100 sq. ft. of gross floor area |
| Flea markets indoor only | 1 space per 300 sq. ft. of floor area excluding storage | 1 space per 200 sq. ft. of floor area excluding storage |
| Flea markets indoor/outdoor | 1 space per 300 sq. ft. of indoor floor area excluding storage and 1 space per 500 sq. ft. of outdoor grounds devoted to sales | 1 space per 200 sq. ft. of indoor floor area excluding storage and 1 space per 400 sq. ft. of outdoor grounds devoted to sales |
| Furniture Sales | 1 space per 500 sq. ft. of display area and 1 space per 1,000 sq. ft. of storage area | 1 space per 300 sq. ft. of gross floor area |
| Garden supply, greenhouses, nurseries, with outdoor storage | 1 space per 300 sq. ft. of indoor floor area excluding storage and 1 space per 1000 sq. ft. of outdoor grounds devoted to sales | 1 space per 200 sq. ft. of indoor floor area excluding storage and 1 space per 500 sq. ft. of outdoor grounds devoted to sales |
| Gas station - minor maintenance, such as tire change, alignment, lubrication, batteries, inspections, towing, air conditioning, brakes, tune-ups, etc. | 1 space per working bay, plus 1 space per 200 sq. ft. of retail area, plus 1 per employee | 2 spaces per working bay plus 1 space per 100 sq. ft. of retail area, plus 1 per employee |
| General manufacturing, processing, distribution, or warehousing | 1 space per 2 employees on the maximum shift, plus 1 space for each vehicle stored on site | 1 space per employee on the maximum shift, 1 space per 200 sq. ft. of office area plus, 1 space for each vehicle stored on site |
| Grocery stores | 1 space per 300 sq. ft. of gross floor area | 1 space per 200 sq. ft. of gross floor area |
| Junk yards, salvage yards, recycling of metal, paper and other materials | 1 space per employee and 5 customer spaces | 1 space per employee and 10 customer spaces |
| Pharmacy, with drive through | 1 space per 250 sq. ft. of gross floor area | 1 space per 200 sq. ft. of gross floor area |

**Table 6-1**
**Off-Street Parking Requirements**

| Land Use | Minimum Parking Spaces | Maximum Parking Spaces |
|---|---|---|
| Pharmacy, without drive through | 1 space per 250 sq. ft. of gross floor area | 1 space per 150 sq. ft. of gross floor area |
| **Retail Trade** | | |
| Produce and fruits within buildings | 1 space per 300 sq. ft. of gross floor area | 1 space per 200 sq. ft. of gross floor area |
| Retail, large durable goods, not in its own category – examples appliances, electronics, lawn mowers, bicycles, etc. | 1 space per 500 sq. ft. of gross floor area | 1 space per 300 sq. ft. of gross floor area |
| Retail, small nondurable goods, not in its own category – examples clothes, household supplies, toys, art supplies, sporting goods, gifts, books, etc. | 1 space per 250 sq. ft. of gross floor area | 1 space per 150 sq. ft. of gross floor area |
| Shopping centers - 15,000 to 200,000 sq. ft. | 1 space per 300 sq. ft. of gross floor area | 1 space per 200 sq. ft. of gross floor area |
| Shopping centers - 200,001 to 500,000 sq. ft. | 1 space per 350 sq. ft. of gross floor area | 1 space per 250 sq. ft. of gross floor area |
| Shopping centers - less than 15,000 sq. ft. | 1 space per 250 sq. ft. of gross floor area | 1 space per 150 sq. ft. of gross floor area |
| Shopping centers - over 500,000 sq. ft. | 1 space per 400 sq. ft. of gross floor area | 1 space per 300 sq. ft. of gross floor area |
| Arcades, bars, nightclubs, game rooms, pool halls, places of entertainment with or without an ABC permit and Bingo game establishments | 1 space per 32 sq. ft. of floor area, excluding storage area | 1 space per 25 ft. of floor area, excluding storage |
| Bed and Breakfast | 1 space per room for rent, plus 2 for owner/operator | n/a |
| Bowling alleys | 3 spaces per lane, plus 1 per employee | 6 spaces per lane, plus 1 per employee |

**Table 6-1**
**Off-Street Parking Requirements**

| Land Use | Minimum Parking Spaces | Maximum Parking Spaces |
|---|---|---|
| Commercial Recreation Area | 1 space per 100 sq. ft. of customer participation area, 1 space per 100 sq. ft. of spectator area or 1 space per game plus 1 space per 4 seats, whichever is greater. | n/a |
| **Retail Trade** | | |
| Commercial riding stables | 1 space per 2 horse stalls, plus 1 per employee | 1 space per horse stall, plus 1 per employee |
| Fortunetellers, palm readers etc. | 1 space per 300 sq. ft. of gross floor area | 1 space per 200 sq. ft. of gross floor area |
| Golf courses and country clubs | 4 spaces per hole, plus 1 per employee and additional requirements if club has other functions, i.e. restaurant, meeting rooms etc. | n/a |
| Hotels with convention facilities | 1 space per room and 1 per employee and 1 space for every 80 sq. ft. of meeting area | 1.5 space per room and 1 per employee and 1 space for every 40 sq. ft. of meeting area |
| Hotels, extended stay hotels, motels | 1 space per room and 1 per employee, plus 1 space for every 80 sq. ft. of meeting area | 1.5 space per room and 1 per employee and 1 space for every 40 sq. ft. of meeting area |
| **Recreation, Entertainment, Food Service and Lodging** | | |
| Microbrewery, less than 7000 sq. ft. (for greater than 7000 sq. ft. see General Manufacturing. | 1 space per 4 seats and 1 space per employee | 1 space per 40 sq. ft. of floor area excluding storage, brewing area or 1 space per 2 seats, whichever is greater. |
| Miniature golf | 2 spaces per hole | 4 spaces per hole |
| Outdoor recreational facility, privately owned, not in conjunction with single-family development or PUD | 18 spaces per playing field, plus 1 space for every four available seats. | 36 spaces per playing field, plus 1 space for every two available seats. |
| Restaurants | 1 space per 4 seats, plus 1 space per employee | 1 space per 2 seats, plus 1 space per employee |
| Restaurants, drive in/take out, no seats | 1 space per 60 sq. ft. of gross floor area | 1 space per 30 sq. ft. of gross floor area |

| Table 6-1<br>Off-Street Parking Requirements | | |
|---|---|---|
| **Land Use** | **Minimum Parking Spaces** | **Maximum Parking Spaces** |
| Restaurants, fast food, drive-through | 1 space per 3 seats plus 1 space per employee | 1 space per 50 sq. ft. of gross floor area |
| **Recreation, Entertainment, Food Service and Lodging** | | |
| Sexually oriented business | 1 space per 32 sq. ft. of floor area excluding storage or 1 space per 4 seats, whichever is greater | 1 space per 20 sq. ft. of floor area excluding storage or 1 space per 2 seats, whichever is greater |
| Skating rink, ice and roller | 1 space per 200 sq. ft. of skating area | 1 space per 100 sq. ft. of skating area |
| Theaters, multiplexes | 1 space per 4 seats and 1 space per employee | 1 space per 3 seats and 1 space per employee |
| **Utility, Public Service and Communication** | | |
| Public and private water towers | 1 space for each service vehicle | n/a |
| Public water treatment, wastewater treatment facilities | 1 space per employee, plus 2 visitor spaces, plus one space for each vehicle stored on site | n/a |
| Radio and television stations, studios and offices | 1 space per 300 sq. ft. of gross floor area, plus 1 space for each vehicle stored on site | 1 space per 200 sq. ft. of gross floor area, plus 1 space for each vehicle stored on site |
| Recycling collection station, paper, metal, glass | 3 spaces per station, plus 1 per attendant | n/a |
| Sanitation collection services | 1 space per employee plus 1 space for each vehicle stored on site | n/a |
| **Transportation** | | |
| Airports and support facilities | 1 space per 4 seats for waiting, plus 1 per employee | 1 space per 2 seats for waiting, plus 1 per employee |
| Bus terminals | 1 space per 400 sq. ft. of gross floor area, plus 1 space per employee and 1 space per loading ramp | 1 space per 200 sq. ft. of gross floor area, plus 1 space per employee |

| Table 6-1<br>Off-Street Parking Requirements | | |
|---|---|---|
| **Land Use** | **Minimum Parking Spaces** | **Maximum Parking Spaces** |
| Charter bus, limousine services | 1 space per employee, plus 2 visitor spaces, plus 1 space for each vehicle stored on site | 1.5 spaces per employee, plus 2 visitor spaces, plus 1 space for each vehicle stored on site |
| **Transportation** | | |
| Maintenance and service facilities for commercial and public transportation or transit equipment | 1 space per employee, plus 2 visitor spaces, plus 1 space for each vehicle stored on site | 2 spaces per employee, plus 2 visitor spaces, plus 1 space for each vehicle stored on site |
| Rail terminals and facilities | 1 space per employee, plus 2 visitor spaces, plus 1 space for each vehicle stored on site | 2 spaces per employee, plus 2 visitor spaces, plus 1 space for each vehicle stored on site |
| Trucking terminals and services | 1 space per employee on the maximum shift, plus 1 space per 300 sq. ft. of office area, plus one space for each truck stored on the site. | 3 spaces per employee on the maximum shift, plus 1 space per 200 sq. ft. of office area, plus one space for each truck stored on the site. |

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### 6.1.3 OFF-STREET PARKING DESIGN STANDARDS

1. Location - Required off-street parking shall be provided on the same parcel as the principal~~e~~ 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 principal~~e~~ structure or use, provided such space is in the same ownership as the principal~~e~~ use or a long-term lease is secured for the satellite parking area as defined in Section 6.1.6 (Shared Parking).

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, in coordination with the Administrator, 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 principal~~e~~ 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 Code. All parking areas shall be constructed with proper drainage. Sports facilities and fairgrounds are exempt from the two-year paving requirements.

8. Overflow parking - Over flow 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. Upon written request, ~~T~~the Administrator may make modifications to ~~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 propose d 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 principal~~e~~ 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, in coordination with the Administrator, 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:

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**

| 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.

Upon receiving a written request, Aa loading space requirement shall be may be modified or waived by the Planning DirectorAdministrator 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 Department~~Administrator.

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 requirement s for common uses.

A vehicle stacking space requirement may be modified or required by the Planning 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 Space | 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 |

| Land Use | Minimum Stacking Space | Measured From |
|---|---|---|
| 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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# 6.2 COMMERCIAL LIGHTING DESIGN STANDARDS

## 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. All ~~The~~ applications~~cant~~ shall provide enough information to verify that the proposed lighting conforms to the requirements of this Section.~~Section 6.2.~~ ~~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 principal~~e~~ 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~~by the ~~Planning Department~~Administrator 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 foot-candles 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 foot-candle 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 foot-candle 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 foot-candles and not exceed the recommended intensities and uniformity ratios established by the Illuminating Engineering Society of North America (IESNA) 8'11 edition handbook with some modifications.

For lighted parking lots, the minimum light level shall be no less than 0.2 foot-candles. 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 Foot-candles | 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 foot-candles 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 foot-candles shall not exceed 3.6 (0.9 x 4).

The ~~Planning Director~~Administrator 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 foot-candle values outlined above must demonstrate a need for a higher light level and 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 9thedition of the Lighting Handbook in chapter 22. Footnote number 2 reads: "If personal security or vandalism is like 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 require 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

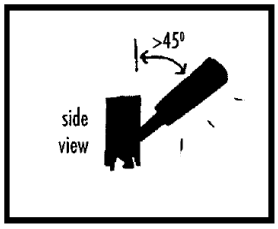
Light level measurements shall be made at the property line of the property upon which the light to be measured is being generated. If measurement on private property is not possible or practical, light level measurements may be made at the boundary of the public street right-of-way that adjoins the 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 foot-candles (FC). All FC values below are maintained foot-candles.

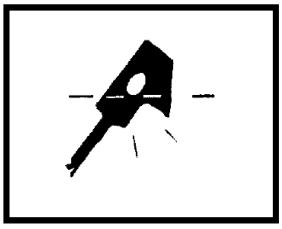
### 6.2.5.2 LIGHTING DESIGN STANDARDS

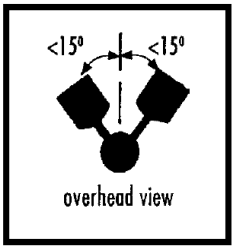
(1) The lighting plan shall demonstrate a consideration for reduced energy consumption through the selection of energy efficient fixtures.

(2) Unless otherwise specified in the following subsections, the maximum light level shall be 0.4 maintained foot-candle 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 floodlights 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 searchlights 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~~Administrator.

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 (Lighting Design Standards) 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 fixture, 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 feet 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~~Administrator 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 foot-candles 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 J-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 (fascia) 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 foot-candles (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 foot-candles.

(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).

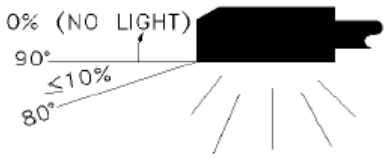
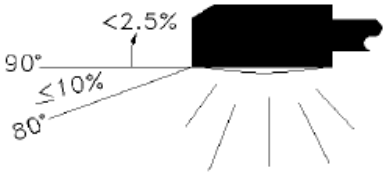
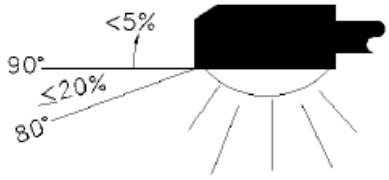
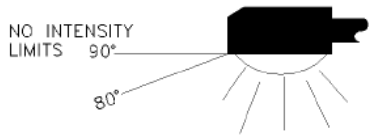
(3) The fixtures must be aimed so that their beams are directed and fall within the primary playing or performance area.

(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 & 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. |   |

## 6.2.11

**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.

**Foot-candle (FC)** - A quantitative unit measuring the amount of light (illumination) falling onto a given point. One foot-candle 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 foot-candles.

**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 Foot-candles** - 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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# 6.3 LANDSCAPING, SCREENING AND BUFFERING STANDARDS

## 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 principal~~e~~ 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~~ Section 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 hard ship that would negatively impact the property~~.

8. Upon written request of the applicant, the Planning Director shall make modifications of up to 20% of the landscaping requirements.

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 when an application is made for a development approval on any land 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~~ Section 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~~Administrator shall ~~may decide what~~ grant 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)

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~~Engineer in coordination with the Administrator. 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~~ Administrator 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 15th through September 15th 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 2.8~~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 Structure, Vaults |
|---|---|---|---|---|---|---|
| **Large Trees >40' at Maturity** | 4.5' | 4.5' | 10' | 15' | 10' | 10' |
| **Small Trees <40' at Maturity** | 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 |
|---|---|---|
| **Large Tree** | 10' in height, 2" caliper | 40' in height, 40' crown diameter |
| **Small tree, multi stem** | 8' in height | 20' in height, 20' crown diameter |
| **Small tree, single stem** | 8' in height, 2" caliper | 20' in height, 20' crown diameter |
| **Large shrub** | 36" in height, 3 gallon container, 18" spread | 6' in height |
| **Medium shrub** | 18" in height, 1 gallon container, 12" spread | 3' in height |
| **Small shrub** | 12" in height, 1 gallon container | 18" in height |
| **Screening shrubbery** | 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 four (4) 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.

| **Botanical Name** | **Common Name** |
|---|---|
| Acer saccharinium…….....…… | Silver Maple |
| Betula spp……..... | Birches |
| Catalpa speciosa……..... | Northern Catalpa |
| Cladrastis kentukea……..... | Yellowwood |
| Fraxinus spp……..... | Ashes |
| Juniper virginiana……..... | Red Cedar |
| Liliodendron tulipifera……. | Tulip Poplar |
| Populas alba……..... | White Poplar |

| Botanical Name | Common Name |
|---|---|
| Paulownia tomemtosa……... | 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.

| Botanical Name | Common Name |
|---|---|
| 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:

| Category | Botanical Name | Common Name |
|---|---|---|
| No more than 25% of large trees | Betula nigra | River Birch |
| No more than 25% of small trees | Cornus spp.<br>Lagerstroemia indica | Dogwoods<br>Crepe Myrtle |
| No more than 10% of small tress | 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.~~ 0610-0612 and 0714-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~~ensure 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 homeowner'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 nonvisual separation buffer yard to provide efficient access between properties provided the required buffer yard 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 nonstructural "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~~through a special use permit, 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. (see following page)

## BUFFER YARD TYPES

**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**

| Land Use Class | Existing Class 1 | Existing Class 2 | Existing Class 3 | Existing Class 4 | Existing Class 5 |
|---|---|---|---|---|---|
| **Proposed Class 1** | n/a | B[3] | B[2] | C[1/2] | D[1/2] |
| **Proposed Class 2** | B[3] | A | B[3] | C[1] | D[1] |
| **Proposed Class 3** | C[1] | B[3] | A | A | C[1] |
| **Proposed Class 4** | C[1] | C[1] | A | A | B[3] |
| **Proposed Class 5** | D[1] | D[1] | C[1] | B[3] | 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 with residential zoning or land uses 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**

| Buffer Yard Type | Minimum Width | Minimum Large Trees | Minimum Small Trees | Minimum Large Shrubs | Minimum Small Shrubs |
|---|---|---|---|---|---|
| A | 10’ | 1 per 100’ | 2 per 100’ | 5 per 100’ | 5 per 100’ |
| B | 15’ | 2 per 100’ | 3 per 100’ | 10 per 100’ | 10 per 100’ |
| C | 20’ | 3 per 100’ | 4 per 100’ | 20 per 100’ | 10 per 100’ |
| D | 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 0.5 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~~foot fence (constructed of masonry or pressure treated lumber).

2. New ~~single-family~~ subdivisions with residential zoning or land uses 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 buffer yard 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~~Engineer in coordination with the Administrator.

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)_____

| Impervious Surface Ratio | Impervious Surface Intensity |
|---|---|
| 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 **not including** 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**

| ISI Category | (line d. above) | Factor | | Trees Required |
|---|---|---|---|---|
| High……. | _____ | x 0.0005 | = | _____ |
| Moderately High……... | _____ | x 0.0004 | = | _____ |
| Moderate……..……... | _____ | x 0.0003 | = | _____ |
| Low……..... | _____ | x 0.0002 | = | _____ |

(b) Required Shrubs Calculation

Total impervious surface area not including buildings

| ISI Category | (line d. above) | Factor | | Trees Required |
|---|---|---|---|---|
| High……. | _____ | x 0.0045 | = | _____ |
| Moderate 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~~6 (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~~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:

(a) Total linear footage of VSA within 15 feet of right-of-way _____

(b) 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~~Administrator shall make modifications to ~~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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# 6.4 SIGNAGE STANDARDS

## 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 NOT REQUIRING A PERMIT

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 nonresidential 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.

12. Fence wraps displaying signage when affixed to perimeter fencing at a construction site per G.S. 160D-908.

13. Political signs during the time period under G.S. 163-227.2 in the right-of-way of the State highway system per G.S. 136-32.

### 6.4.4 ~~EXEMPTED~~ TEMPORARY SIGNS NOT REQUIRING A PERMIT

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, except as permitted in G.S. 136-32 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 principal~~e~~ 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~~rights-of-way 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 (Permit Required But No Fee);

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.~~

1~~8~~7. Civil defense-style searchlights.

1~~9~~8. Off-premise real estate signs except for open houses as permitted in Section 6.4.3 (Signs Not Requiring A Permit).

19~~20~~. Moving/rotating signs.

20~~1~~. 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 Department~~Administrator~~–~~ and ~~a sign~~ permit has been obtained from the Building Inspector in coordination with the Administrator.

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 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 surf ace 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 as identified by the Highway Map (Figure 3.1) included within the City of Goldsboro's Long-Range 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 as identified by the Highway Map (Figure 3.1) included within the City's Long-Range 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 (500) feet to a lot zoned or developed for residential purposes or within one thousand (1,000) feet of any other outdoor advertising structure.

Outdoor advertising structures shall be subject to the building setback requirements and height limitations of the zoning district in which they are located provided no outdoor advertising structure exceed 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.

Billboard sign structures, including the back, shall be maintained in a neutral color to blend in with the background environment of the site.

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. Billboard structures shall be monopole in design.

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 facia 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 in coordination with the Administrator.

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 through a special use permit.

**Electronic Changeable Copy Reader boards** - Electronic changeable reader boards 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 foot-candle 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 sign s 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 in coordination with the Administrator. 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

Office-Residence 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 setback a minimum of ten feet from the street right of way. The maximum size of the sign shall be ten square feet.

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 property or ~~developed property~~residential land use. 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 principal~~e~~ 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 feet 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~~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 (Historic Preservation Overlay District) of the Unified Development Ordinance.

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

Electronic changeable copy reader board signs are prohibited.

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

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

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

## 6.4.15 SECTION RESERVED

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# 6.5 STORMWATER MANAGEMENT FOR NEW DEVELOPMENT

## 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 Pollution 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 AND EXPIRATION

Pursuant to ~~NC~~ G.S. § 160D, a vested right is the right to undertake and complete the development and use of a property.

1. ~~1.~~Building Permits

    a. As provided in G.S. § 160D-108(d)(1), building permits expire six months after issuance, if the permit work has not commenced.

    b. Discontinuance of work for a period of 12 months or more shall render the permit expired.

2. Zoning Compliance Permits

    a. Pursuant to G.S. §160D-108(d)(2), zoning compliance permits shall expire within one year from date of issuance unless work has substantially commenced.

    b. For these purposes, “substantially commenced” includes but is not limited to application for and timely pursuit of a building permit, grading permit, or other permit necessary to commence installation of infrastructure or establishment of the intended use.

3. Site-Specific Vesting Plans

    a. The appropriate decision-making body’s approval of a site-specific vesting plan ~~(formerly a “site-specific development plan”)~~ establishes a vested right that runs with the land and authorizes the recipient to complete development as authorized by the issued permit.

    b. Site-specific vesting plans shall remain vested for 2 years. Site-specific vesting plans include planned development approvals, preliminary subdivision plats, site plans, special use permits, and conditional zoning master plans (i.e. – conditional zoning district development plans).

    c. The right shall terminate at the end of the vesting period if the next requisite permits have not been procured for the project.

    d. Deviation from the site-specific vesting plan shall result in forfeiture of the vested right.

    e. Pursuant to G.S. §160D-108(d)(4), multi-phase developments shall be vested in their entirety with the regulations and ordinances in place at the time of site plan approval for the initial development

phase. The vesting period for multi-phase developments shall be 7 years.

4. Following approval or conditional approval of a site-specific vesting plan, nothing in this section shall exempt such a plan from subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided that such reviews and approvals are not inconsistent with the original approval.

5. Nothing in this section shall prohibit the revocation of the original approval or other remedies for failure to comply with applicable terms and conditions of the approval or the UDO.

6. A zoning vested right shall not preclude the application of overlay zoning that imposes additional requirements but does not affect the allowable type or intensity of use, or ordinances or regulations that are general in nature and are applicable to all property subject to land-use regulation by the county, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes by way of example. Otherwise, applicable new or amended regulations shall become effective with respect to property that is subject to a site-specific vesting plan upon the expiration or termination of any applicable vested right.

7. A zoning vested right is not a personal right but shall attach to and run with the applicable property. After approval of a site-specific vesting plan, all successors to the original landowner shall be entitled to exercise such right while applicable.

8. Termination

A zoning right that has been vested shall terminate when any of the following occur:

a. At the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed.

b. With the written consent of the affected landowner.

c. Upon findings by the City Council, by Ordinance after notice and a public hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the site-specific development plan.

d. Upon findings by the City Council, by Ordinance after notice and a hearing, that the landowner or his representative intentionally supplied inaccurate information or made material,

misrepresentations which made a difference in the approval by the approval authority of the site-specific development plan.

e. Upon the enactment or promulgation of a state or federal law or regulation that precludes development as contemplated in the site-specific development plan, in which case the approval authority may modify the affected provisions, upon a finding that the change has a fundamental effect on the plan, by Ordinance after notice and a hearing.

~~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-38 5.1, 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**

| Residential | Commercial/Industrial |
|---|---|
| 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: |
| Install BMPs to remove enough nitrogen to bring the development down to 3.6 lb/ac/yr. | Install BMPs to remove enough nitrogen to bring the development down to 3.6 lbs/ac/yr. |
| Pay a one-time offset payment of $330/lb to bring the nitrogen down to the 3.6 lbs/ac/yr. | Pay a one-time offset payment of $330/lb to bring the nitrogen down to the 3.6 lbs/ac/yr. |
| Do a combination of BMPs and offset payment to achieve a 3.6 lbs/ac/yr export. | 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 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. | If the computed export is greater than 10.0 lbs/ac/yr., the owner must use on-site BMPs to bring the 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. |

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 predevelopment (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 map s 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 in to 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) |

| BMP Types | TN Removal Rate Based on Current Literature Studies | Design Standards |
|---|---|---|
| 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 run off 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 when 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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# 6.6 ILLEGAL DISCHARGE CONTROL

## 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 ($MS^4$). 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:

5. Is located within the jurisdictional limits of the city; and

6. Is owned or operated by the state, county, the city or other public body; and

7. 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.

8. National Pollutant Discharge Elimination System. A permitting system established pursuant to § 402 of the Clean Water Act et seq.

9. Federal Law Reference: National Pollutant Discharge Elimination System Permits, 33 USC§ 1342

10. 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; nonhazardous 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.

11. Pollution. Man-made or man-induced alteration of the chemical, physical, biological, thermal and/or radiological integrity of water.

12. Stormwater. Any flow resulting from, and occurring during or following, any form of natural precipitation.

13. 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 ($MS^4$) 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 n either to limit not 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 firefighting;

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, wastewater 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 cleanup, 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.

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# ARTICLE 7.0 SUBDIVISION DESIGN STANDARDS

## 7.1 GENERAL DESIGN STANDARDS

### 7.1.1 STREETS

The location and width of all proposed streets shall be in conformity with official plans of the ~~City and with existing or amended plans of the Planning Commission~~City.. The proposed street layout shall be coordinated with the street system of the surrounding area and, where possible, existing principa~~le~~ streets shall be extended. ~~Where in the opinion of the City Council it is desirable to provide for street access to an adjoining property, proposed streets shall be extended by dedication to the boundary of such property.~~

Permanent dead end streets or cul-de-sacs shall not exceed eight hundred feet in length and shall be provided with a turnaround having a paving diameter of at least eighty feet and a right of way diameter of at least one hundred feet. Temporary dead-end streets shall be provided with a turn around having a radius of at least one half of the street right of way. Rural cul-de-sac access streets shall have a maximum length of eight hundred feet and shall be provided with turnarounds with a minimum right of way diameter of one hundred and twenty feet and a minimum paving diameter of eighty feet.

Alleys of at least twenty feet in width shall be provided to the rear of all lots used for business purposes. All dead end alleys shall provide a turn around with a paving diameter of eighty feet.

There shall be no reserve strips platted in any subdivision. All streets shall comply with the construction standards as detailed in Section 7.2 (Minimum Requirements for Subdivision Road Construction). Private streets shall be permitted provided they comply with the right-of-way and all construction standards of a publicly dedicated street.

### 7.1.2 STREET INTERSECTIONS

Insofar as practical, streets shall intersect at an angle of ninety degrees for a minimum of fifty feet from the roadway intersection. In no case shall the angle of intersection be less than seventy-five degrees. Intersections having more than four corners shall be prohibited.

Proposed streets that intersect at opposite sides of another street (either existing or proposed) shall be laid out to intersect directly opposite from each other. A minimum length of one hundred and fifty feet between survey centerlines shall separate intersections that cannot be aligned.

Intersections with a major thoroughfare shall be at least one thousand and three hundred feet apart, measured centerline to centerline.

Property lines at street intersections shall be rounded with a minimum radius of twenty feet.

### 7.1.3 STREET NAMES

Proposed streets, in alignment with others existing and named, shall bear the assigned name of the existing street. In no case shall the name for a proposed street duplicate or be phonetically similar to existing street names, irrespective of the use of the suffix street, avenue, boulevard, drive, place or court.

### 7.1.4 STREET SIGNS

Street signs shall be installed by the City. The developer shall reimburse the City for the full costs of installation.

### 7.1.5 STREET LIGHTS

The developer shall install streetlights within subdivisions in accordance with City standards. In instances where underground wiring is required, the developer shall pay to the applicable power company the charges for underground terminal facilities for all street lighting. If the developer desires a different lighting design, other than the City standards, the developer shall pay the City an amount equal to the difference in material and installation cost.

### 7.1.6 SIDEWALKS

Sidewalks, walkways and other pedestrian ways shall be provided by the developer within and/or adjacent to any major subdivision. All sidewalks shall be located within the public right of way, be installed to City standards and shall be approved by the City Engineer in coordination with the Administrator.

Sidewalks required by street type are as follows:

1. Sidewalks shall be provided along both sides of all major thoroughfares as shown on the official Thoroughfare or Transportation Plan.

2. Sidewalks shall be provided along one side of all minor streets, including cul-de-sacs.

When sidewalk construction is required by this ~~e Unified Development Ordinance, the City Council for site plans requiring City Council approval or~~ the ~~Planning Director for plans requiring staff approval,~~Administrator may allow the developer the option of paying a fee in lieu for sidewalk construction. The fees acquired from this ordinance shall be used for sidewalk projects within the C~~c~~ity of Goldsboro and its ~~extra-territorial~~planning and development regulation jurisdiction. The City of Goldsboro reserves the right to require sidewalk construction and not allow a fee in lieu. The fee for sidewalk construction shall be $1~~5~~8.00 a lineal foot. Driveways shall be subtracted from the lineal frontage of the property.

The design and arrangement of all sidewalks shall be in accordance with City standards, provide for extension to adjoining properties and be shown on the preliminary plat.

## 7.1.7 CURB AND GUTTER

Curb and gutter shall be installed within all proposed subdivisions and on adjacent thoroughfares and streets. Installation of curb and gutter on minor streets may be waived in the Watershed Protection District and rural areas if approved storm water control structures have been installed. All curbs and gutters or drainage ditches shall be designed to meet City standards.

Within the Watershed Protection District, ~~T~~the ~~City Council~~City Engineer in coordination with the Planning Director may allow ~~the~~ an exemption of the curb and gutter requirement ~~to be waived~~ and allow the installation of swales with minimal slopes for minor non-entrance roads within residentially zoned subdivisions. Roads that utilize swales in lieu of curb and gutter shall provide sidewalks that meet City standards. The primary entrance roads of residential subdivision roads shall be curb and gutter. All swales shall meet City of Goldsboro standards and shall be sodded.

## 7.1.8 BLOCKS

Block length and width or acreage within bounding roads shall be such as to accommodate the size of lot required by the zoning district in which it is located. In no case shall block lengths exceed fourteen hundred feet or be less than four hundred feet. Blocks shall have a width sufficient to allow two tiers of lots.

## 7.1.9 LOTS

Lot size, depth, width and setbacks shall be in conformance with the requirements of this Ordinance. In subdivisions where septic systems, private wells and/or community water systems are to be employed, in addition to meeting the minimum size of this Ordinance, such lots shall have to meet the minimum size requirements of the Wayne County Health Department for the installation of the aforementioned utility systems.

Lot lines shall be substantially at right or radial angles to the street lines. All lot lines characterized by subdividing an existing or proposed building or portion thereof shall meet all the applicable North Carolina State Building Code regulations including, but not limited to, firewalls.

Lots subject to flooding and lots deemed to be uninhabitable shall not be platted for residential occupancy nor for other such uses as may increase danger to health, life or property or aggravate the flood hazard.

Lots shall be of such configuration to provide adequate building sites. All remnants of lots or residual parcels of a larger tract must be added to adjacent lots, rather than allowed to remain as an unusable parcel.

Corner lots for residential purposes shall have an extra width to permit appropriate building setback from and orientation to both adjacent streets.

Double frontage lots shall be avoided except where necessary to provide residential separation from highways, traffic arteries, railroads or other incompatible uses. Where

double frontage lots are allowed, the depth of said lots shall be increased by a minimum of twenty feet to provide an additional separation between the residence and the highway, traffic artery, railroad or other non- compatible use.

Where land is subdivided into parcels larger than ordinary building lots, such lots shall be so arranged as to allow for the opening of future streets and further logical subdivision.

All lots shall be provided access in accordance with City standards. All lots shall have a minimum frontage along a public or private street of at least 50 feet except that the frontage of a cul-de-sac lot may be reduced to 35 feet.

## 7.1.10 EASEMENTS

Utility easements shall be centered on the rear or side lot lines and shall be at least fifteen feet in width.

Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right of way conforming substantially with the lines of such watercourse and such further width or construction as will be adequate for the purpose of storm water drainage. Parallel streets or parkways may be required in connection therewith.

Rural access streets and cul-de-sacs shall have a minimum easement of ten feet on either side of the right of way. Wider easements may be necessary as determined by the City Engineer in coordination with the Administrator to facilitate proper grading of cross sections and storm drainage systems.

The developer, as necessary to accommodate future utilities and adequate drainage, shall provide additional easements.

All access easements shall include a recorded instrument that provides for perpetual maintenance in a condition that permits access by emergency vehicles to all the properties served. The cost of maintenance is to be shared equally by all of the owners served by such easement. All access easements shall be installed prior to the issuance of a certificate of occupancy by the City Inspections Department.

All easements are to be cleared and stabilized as approved by the City Engineer in coordination with the Administrator.

## 7.1.11 UTILITIES

Electric, cable, telephone and other communication lines within the subdivision and serving the subdivision shall be installed underground according to City standards and without expense to the City. The ~~Council~~ City Engineering in coordination with the Administrator may grant modifications to these requirements ~~upon recommendation from the City Engineer~~due to ~~that~~extreme topography, soil conditions or other ~~practicable difficulties would result in an undue hardship~~such conditions.

### 7.1.12 WATER AND SEWER

Water and sanitary sewer mains shall be installed in accordance with City standards and shall be approved by the ~~Goldsboro~~ City Engineer and the State of North Carolina, when such utilities are accessible and available within one thousand feet of the proposed subdivision. Should septic systems and wells be utilized, such shall meet the requirements of the State Board of Health and be approved by the Wayne County Health Department.

### 7.1.13 STORMWATER

Storm water drainages facilities shall be installed in accordance with City standards and shall be approved by the City Engineer and, where applicable, by the State of North Carolina.

### 7.1.14 FIRE PROTECTION

All lots served by public water supply systems shall also be afforded fire protection by means of hydrants installed in accordance with City standards, as approved by the City Engineer.

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## 7.2 MINIMUM REQUIREMENTS FOR SUBDIVISION ROAD CONSTRUCTION

The following design standards shall be considered minimum requirements:

A. *Curb and Gutter*. Curb and gutter shall be installed within proposed subdivisions and on major thoroughfares and minor streets. When contiguous subdivisions are developed with curb and gutter, a proposed subdivision shall be designed with curb and gutter.

B. *Streets, Alleys and Access Easements*. The design standards which shall apply to streets, alleys and access easements are as follows:

*1. Right-of-way Widths*. Minimum street right-of-way widths shall be shown on the major thoroughfare plan and shall be not less than the following:

A. Major Thoroughfares

1. Controlled access - 100 ft.

2. Arterial Streets

a. Primary - 90 ft.

b. Secondary - 80 ft.

B. Minor Streets

B. Local residential street - 60 ft.

1. Cul-de-sac - 50 ft.

2. Collector streets - 66 ft.

3. All residential streets located beyond the corporate limits of the city - 60 ft.

C. Rural access streets

1. Local residential street - 60 ft.

2. Cul-de-sac - 60 ft.

D. Access easements

1. Minimum right-of-way width - 30 ft.

2. Compacted crowned roadbed surface consisting of three inches of crush and run base of 20 ft.

3. Existing access easements shall have a minimum right-of-way width of 20 ft.

4. Existing access easements shall provide a compacted crowned road base surface consisting of three inches of crush and run of 18 ft. in width.

2. Paved Widths

A. Major thoroughfares

1. Limited access - four 12-foot lanes with 16-foot median strip. Pavement thickness design shall be as approved by the Engineering Department.

B. Arterial streets:

1. Primary - 65 ft. back to back of curb. Three (3) inches of asphalt on six-inch stone base. 24-inch concrete curb and gutter.

2. Secondary - 53 ft. back to back of curb. Three (3) inches asphalt on six inch stone base. 24-inch concrete curb and gutter.

C. Minor streets

1. Local residential streets - 31 ft. back to back of curb. Three inches of asphalt on six-inch stone base. 24-inch concrete curb and gutter or 30-inch rolled type gutter.

2. Cul-de-sacs - 31 ft. back to back of curb. Three inches of asphalt on six-inch stone base. 24-inch concrete curb and gutter or 30-inch rolled type gutter.

3. Collector streets - 45 ft. back to back of curb. Three inches of asphalt on six-inch stone base. 24-inch concrete curb and gutter.

4. All residential streets located beyond the corporate limits of the city or within its extraterritorial jurisdiction shall have a paved width of 31 ft. back to back of curb if provided with curb and gutter. Three inches of asphalt on six-inch stone base.

5. Minor Cul-de-Sacs - Cul-de-sacs serving less than six lots - 28 ft. back to back of curb and utilizing three inches of asphalt on six inches of stone base. 24-inch concrete curb and gutter or 30-inch rolled type gutter.

D. Rural Access Streets. If approved by the City Council, paved width of 22 ft. minimum three inches of asphalt on six-inch stone base. Whenever three (3) inches of asphalt are required, the amount of asphalt may be reduced to two (2) inches if the proposed asphalt is superpave.

3. *Grades*. Unless necessitated by exceptional topography and subject to the approval of the City Engineer, street grades shall be as follows:

a. Street grades shall be not less than .5%

b. Grades approaching intersections shall not exceed 5% for a distance of not less than 100 ft. from the centerline of said intersection.

c. Each rural access street or cul-de-sac shall have a minimum six-foot wide shoulder with a maximum grade of 1:10. Each rural access street or cul-de-sac cross-section shall be provided with drainage swales with maximum grades of 1:5 beginning from the outer edge of the shoulder to the centerline of the drainage swale.

d. In areas where topography requires modifications to accommodate adequate drainage or street cross-sections, the Engineering Department may waive or modify requirements of shoulder and/or drainage grades.

e. After preliminary approval of the subdivision plat and before construction, the plan, profile and proposed cross-sections for proper street and storm drainage system design shall be submitted to the Engineering Department for approval. Proposed cross-sections shall be drawn at 50-ft. stations along the centerline of the proposed streets. Additional information and/or calculations may be required for storm drainage and street improvement within the subdivision. Proposed plans, profiles and cross-sections shall be designed for a minimum ten-year frequency storm. Existing drainage ways within the subdivision shall be designed to accommodate a minimum 25-year frequency storm.

f. Storm sewer piping and appurtenances shall be designed and installed in a manner and location approved by the Engineering Department.

g. Driveway culverts to proposed lots within the subdivision shall not be permitted unless approved in writing by the Engineering Department.

4. *Horizontal curves*. Where a centerline deflection angle of more than 10° occurs, a circular curve shall be introduced having a center line radius of not less than the following:

a. Major thoroughfares - as required by design speed*

b. Collector streets - 350 ft.

c. Minor streets - 250 ft.

d. Cul-de-sacs - as required by design speed*

Circular curves may be combined to produce a compound curve provided the difference between the two branches of the curve does not exceed 5°.

*For super-elevated curves, use the criteria set forth in "A Policy on Geometric Design of Rural Highways" and "A Policy on Arterial Highways in Urban Areas", as appropriate, wherein the minimum safe radius is defined as:

$V^2$

R= 15 (e+f)

R = Minimum Safe Radius

V = Design speed in miles per hour

e = Rate of super elevation in feet per foot

f = Side friction factor

5. *Vertical Curves*. All vertical curves shall have such length as necessary to provide safe sight distance and shall be approved by the City Engineer. A minimum sight distance of 200 feet shall be maintained.

6. *Tangents*. A tangent of at least 100 ft. in length shall be provided between curves on all streets.

7. *Intersections*. Street intersections shall be laid out as follows:

a. Streets shall intersect as nearly as possible at right angles and no street shall intersect at less than 75°.

b. Intersections with a major thoroughfare shall be at least 1,300 feet apart measured from centerline to centerline.

c. Property lines at street intersections shall be rounded with a minimum radius of 20 ft.

d. Street jobs with centerline offsets of less than 150 ft. shall be prohibited.

8. *Cul-de-sac*. Permanent dead-end streets shall not exceed 800 ft. in length and shall be provided with a turnaround having a roadway diameter of at least 80 ft. and a right-of-way diameter of at least 100 ft. Temporary dead-end streets shall be provided with a turnaround having a radius of at least one-half the right-of-way of the street. Rural cul-de-sac access streets shall have a maximum length of 800 feet and shall be provided with turnarounds with a minimum right-of-way diameter of 120 ft. and a minimum paving diameter of 80 ft.

9. *Blocks*. The length and width of blocks within subdivisions shall be as follows:

1. Length. Block lengths shall not exceed 1,400 feet or be less than 400 feet. Where deemed necessary by the ~~Planning Commission~~Administrator, a pedestrian crosswalk at least five feet in width may be required.

2. Width. Blocks shall have sufficient width to allow two tiers of lots of minimum depth except where a greater width is required to separate residential development from through vehicular traffic.

### 7.2.1 SECTION RESERVED

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# ARTICLE 8.0 ADMINISTRATIVE AGENCIES

## 8.1 PLANNING COMMISSION

### 8.1.1 MEMBERSHIP

A Planning Commission for the City of Goldsboro is hereby created. The Goldsboro Planning Commission shall consist of seven members. Per NC G.S. §160D-307, the number of Planning Commission members representing members within City limits members and extraterritorial members (ETJ) area members shall be proportionally distributed based on the decennial Census, with a minimum of at least one ETJ member. ~~Five members appointed by the City Council shall reside within the City and two members appointed by the Wayne County Commissioners shall reside within the extraterritorial planning area of the City.~~ Existing county representation on the Planning Commission, in excess of two members, shall be allowed to conclude their terms but not reappointed unless they are reappointed by the Wayne County Board of Commissioners to serve in one of the two membership slots allowed by this ordinance.

### 8.1.2 QUORUM

A quorum shall consist of a majority (51%) of Commission members, excluding vacant seats. All actions of the Commission shall be taken by majority vote, a quorum being present.

### 8.1.3 OATH OF OFFICE

Pursuant to NC G.S §160D-309, all Planning Commission members shall qualify by taking an oath of office before entering their duties.

### 8.1.4~~3~~ TERM OF OFFICE

Each of the members appointed by the City Council shall serve five-year terms with eligibility for reappointment to a second full term. Extraterritorial members shall be appointed for such period as the County Commissioners deem proper. If the Wayne County Commissioners fail to make this appointment within ninety days after receiving a resolution notifying them of a vacancy from the City Council, the City Council may make the appointments.

The extraterritorial members shall have the same rights, privileges and duties as City members of the Commission. Extraterritorial members are required to vote on each question, regardless of whether the matter at issue arises from within the City or within the extraterritorial planning area.

Vacancies occurring in the membership of the Planning Commission other than through the expiration of terms shall be filled for the unexpired term by the body that originally made the appointment.

Planning Commission members may be removed by the City Council at any time for failure to attend three successive meetings or for failure to attend at least seventy-five percent of meetings within any twelve-month period or for any other good cause related to the performance of duties.

If an in-City member moves outside of the City limits or if an extraterritorial area member moves outside of that jurisdiction, that shall constitute a resignation from the Planning Commission, effective upon the date a replacement is appointed.

## 8.1.5~~4~~ ELECTION OF OFFICERS

The Planning Commission shall elect a chairperson from among the City members of the Commission and such other officers as it may deem proper. The term of the chairperson and other officers shall be 1 year, with eligibility for reelection.

## 8.1.6~~5~~ ADOPTION OF RULES AND PROCEDURES

The Planning Commission shall adopt rules and procedures, consistent with NC G.S. §160D-308~~ it finds necessary~~ to conduct its business. Any rule or procedure adopted by the Commission shall be consistent with state law and this Ordinance.

## 8.1.7~~6~~ MEETINGS

The Planning Commission shall establish a regular meeting schedule. All Commission meetings shall be open to the public and whenever feasible the agenda of the meeting shall be made available in advance of the meeting.

Since the Commission has an advisory authority, it need not conduct its meetings in accordance with the quasi-judicial procedures set forth in Section ~~3.2.~~2.4 However, it shall conduct its meetings to obtain necessary information and to promote the free exchange of ideas.

## 8.1.8~~7~~ RECORDS

The Planning Commission shall keep a public record of its resolutions, transactions, findings and determinations.

## 8.1.9~~8~~ STATUTORY POWERS

The Planning Commission may exercise any and all powers prescribed by state law and shall perform duties directed by the City Council that are consistent with said law.

## 8.1.10 CONFLICTS OF INTEREST

Members of the Planning Commission shall not vote on any advisory or legislative decision regarding a development regulation where the outcome of the matter being considered is reasonably likely to have a direct, substantial financial impact on the member. An appointed member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

## 8.1.11~~9~~ FUNCTIONS AND DUTIES OF THE PLANNING COMMISSION

As the body charged with Comprehensive Planning, the Planning Commission may:

1. Prepare, review, maintain, monitor, and periodically update and recommend to the City Council a comprehensive plan, and such other plans as deemed appropriate, and conduct ongoing related research, data collection, mapping, and analysis~~Make studies of areas within the City and its extraterritorial jurisdiction~~;

2. Facilitate and coordinate citizen engagement and participations in the planning process~~Determine the goals and objectives relating to growth, development and/or redevelopment of these areas~~;

3. ~~Prepare plans for achieving the goals and objectives; and~~Develop and recommend policies, ordinances, development regulations, administrative procedures to carry out the plans;

~~4. Develop and recommend policies, ordinances, administrative procedures to carry out the plans.~~

As an advisory body to the City Council, the Planning Commission shall review and ~~may~~ make recommendations concerning:

1. Proposed official zoning map (conventional and conditional rezonings) and Unified Development Ordinance changes as required by G.S. § 160D-604;

~~2. Proposed rezonings, conditional district rezonings, conditional use permits and the master plans of planned unit development districts (PUD);~~

~~3~~2. The location, character and extent of public improvements and the acquisition of land;

~~4~~3. The landscape design of parks, streets, recreation areas, public buildings and other local developments;

~~5~~4. Street names and street name changes;

~~6~~5. New development proposals; ~~, including site plans, subdivision plans and preliminary plats;~~ and

~~7~~6. Other matters as desired by the ~~Planning and Community Development Director~~Administrator~~,~~ or as directed by the City Council. ~~or other governing Board or initiated by a Commission member.~~

**8.1.1~~0~~20 SECTION RESERVED**

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# 8.2 BOARD OF ADJUSTMENT

## 8.2.1 MEMBERSHIP

A Board of Adjustment for the City of Goldsboro is hereby created. The Goldsboro Board of Adjustment shall consist of seven regular members and two alternate members. Per NC G.S. §160D-307, the number of Board of Adjustment members representing members within City limits members and extraterritorial members (ETJ) area members shall be proportionally distributed based on the decennial Census, with a minimum of at least one ETJ member. ~~Five members appointed by the City Council shall reside within the City and two members appointed by the County Commissioners shall reside within the extraterritorial planning area of the City.~~ The Planning Commission shall serve as the Board of Adjustment. The Planning Commission shall follow the rules of procedure established by the Board of Adjustment when operating in this capacity.

## 8.2.2 QUORUM

A quorum shall consist of a majority (51%) of the Board members, excluding vacant seats.

## 8.2.3 OATH OF OFFICE

Pursuant to NC G.S §160D-309, all Board of Adjustment members shall qualify by taking an oath of office before entering their duties.

## 8.2.4~~3~~ TERM OF OFFICE

Each of the Board members shall serve three-year terms with eligibility for reappointment to a second full term. If the County Commissioners fail to make this appointment within ninety days after receiving a resolution notifying them of a vacancy from the City Council, the City Council may make the appointments.

The extraterritorial members shall have the same rights, privileges and duties as City members of the Board. Extraterritorial members are required to vote on each question, regardless of whether the matter at issue arises from within the City or within the extraterritorial planning area.

Vacancies occurring in the membership of the Board other than through the expiration of terms shall be filled for the unexpired term by the body that originally made the appointment.

Board members may be removed by the City Council at any time for failure to attend three successive meetings or for failure to attend at least seventy-five percent of meetings within any twelve-month period or for any other good cause related to the performance of duties.

If an in-City member moves outside of the City limits or if an extraterritorial area member moves outside of that jurisdiction, that shall constitute a resignation from the Board, effective upon the date a replacement is appointed.

## 8.2.~~4~~5 ELECTION OF OFFICERS

The Board of Adjustment shall elect a chairperson from among the City members of the Board and such other officers, as it may deem proper. The term of the chairperson shall be one (1) year, with eligibility for reelection.

## 8.2.6~~5~~ ADOPTION OF RULES AND PROCEDURES

The Board of Adjustment shall adopt rules and procedures it finds necessary to conduct its business. Any rule or procedure adopted by the Board shall be consistent with state law and this Ordinance.

## 8.2.7~~6~~ MEETINGS

The Board of Adjustment shall establish a regular meeting schedule. All meetings shall be conducted in accordance with the quasi-judicial procedures set forth in Section 3.2. All meetings of the Board shall be open to the public and whenever feasible the agenda for each Board meeting shall be made available in advance of the meeting.

## 8.2.8~~7~~ VOTING

The concurring vote of four-fifths (4/5) of the regular Board membership shall be necessary to grant a variance. A simple majority vote of the regular Board membership shall be required to reverse any order, requirement, decision or determination of the Administrator [Administrative Appeal], to find in favor of the applicant on the issuance of special use permits, to interpret imprecise Ordinance text or zoning district boundaries~~ and to grant a variance or any matter upon which the Board is required to pass under this Ordinance~~..

However, the four-fifths (4~~/%)~~ /5) majority vote means four-fifths of the entire Board, not just four-fifths of those present. For example, in the case of Goldsboro's seven member Board, if one member is absent and there are no alternate members to take the place of the absent member, a unanimous six votes would be required to obtain the necessary four-fifths majority. (Six being the first whole number to exceed four-fifths (0.80) of the entire Board). If alternate members are present, they may vote in place of any absent member.

All other actions of the Board shall be taken by majority vote, a quorum being present.

## 8.2.9~~8~~ RECORDS

The Board of Adjustment shall keep a public record of its resolutions, transactions, findings and determinations. Final disposition of all cases considered by the Board shall be by written order with the findings of fact stated and the reasons therefore, all of which shall be a matter of public record.

## 8.1.10 CONFLICTS OF INTEREST

Members of Board of Adjustment shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.

## 8.2.11~~9~~ FUNCTIONS AND DUTIES OF THE BOARD OF ADJUSTMENT

The Board of Adjustment shall have the following powers and duties:

1. Appeal of administrative decisions. – To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Administrator, any Enforcement Officer or Watershed Administrator in the interpretation of the requirements of this Ordinance.

2. Special U~~u~~se Permits Tier 1~~s~~ – To hear and decide only such special uses as the Board is authorized to pass on by the terms of this Ordinance.

3. Variances – To grant variances in accordance with state law and where assigned by this Ordinance.

4. Interpretation - To interpret the location of lines on the official Zoning Map or Zoning Ordinance text requirements where the map or text appears to be unclear.

5. Conditions of approval – In granting any special use permit or variance the Board may prescribe additional requirements and safeguards to insure the purpose of this Ordinance.

6. ~~To approve alternate landscaping plans when a strict application of the Ordinance requirements would result in an unreasonable or impractical solution or situation. Approval shall be consistent with the intent and purpose of the landscaping requirements of this Ordinance. This provision shall not apply to landscape plans that require City Council approval.~~

## 8.2.10 SECTION RESERVED

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# 8.3 CITY COUNCIL

## 8.3.1 PROCEDURES

The City Council, shall~~in~~ consider~~ing~~ special ~~conditional~~ use Tier 2 permit~~s~~ applications, ~~and vested right site-specific development plans (as defined in Section 2.8 - Vested rights),~~ acting ~~s~~ in a quasi-judicial capacity in accordance with Section 2.4 of this Ordinance.. ~~and accordingly is required to observe the procedural requirements set forth in Section 3.2.~~ In considering proposed changes in the text of this Ordinance or in the zoning map, the Council acts in a legislative capacity and must proceed in accordance with the requirements of Section 2~~3~~.3.

Unless otherwise specified, in acting upon special ~~conditional~~ use Tier 2 permit applications or in considering amendments to this Ordinance or the Zoning Map, the Council shall follow the regular, voting and other requirements as set forth in other provisions of the City Code, the City Charter or general law.

## 8.1.10 CONFLICTS OF INTEREST

Members of the City Council shall not participate in or vote on any legislative decision regarding a development regulation where the outcome of the matter being considered is reasonably likely to have a direct, substantial financial impact on the member. A governing member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

**MEMBERS OF THE CITY COUNCIL SHALL NOT PARTICIPATE IN OR VOTE ON ANY QUASI-JUDICIAL MATTER IN A MANNER THAT WOULD VIOLATE AFFECTED PERSONS' CONSTITUTIONAL RIGHTS TO AN IMPARTIAL DECISION MAKER. IMPERMISSIBLE VIOLATIONS OF DUE PROCESS INCLUDE, BUT ARE NOT LIMITED TO, A MEMBER HAVING A FIXED OPINION PRIOR TO HEARING THE MATTER THAT IS NOT SUSCEPTIBLE TO CHANGE, UNDISCLOSED EX PARTE COMMUNICATIONS, A CLOSE FAMILIAL, BUSINESS, OR OTHER ASSOCIATIONAL RELATIONSHIP WITH AN AFFECTED PERSON, OR A FINANCIAL INTEREST IN THE OUTCOME OF THE MATTER.**

## 8.3.2 FUNCTIONS AND DUTIES OF THE CITY COUNCIL

The City Council shall have the following powers and duties:

1. Development approval - To render final decisions pertaining to applications for development approval where such authority is assigned pursuant to this Ordinance;

2. Rezoning approval – To render final decisions on rezoning (conventional and conditional) ~~and conditional~~ ~~use rezoning~~ applications;

3. Conditions of approval – In granting any special ~~conditional~~ use Tier 2 permit the Council may prescribe additional requirements and safeguards to en~~in~~sure the purpose of this Ordinance;

4. Comprehensive Plan - To adopt and amend a Comprehensive Plan or any element thereof;

5. Amendments – To initiate amendments to the text and map of this Ordinance and the Comprehensive Plan;

6. Planning Commission review - To review recommendations of the Planning Commission on issues and actions over which said recommendations are required; and

7. Other - To take such other action not otherwise delegated, as the City Council may deem necessary to implement the provisions of this Ordinance and the Comprehensive Plan.

## 8.3.3 CITY COUNCIL STATEMENT

1. Plan Consistency

When adopting or rejecting any zoning text or map amendment, the City Council shall approve a brief statement describing whether the action is consistent or inconsistent with the Comprehensive Plan.

2. Statement of Reasonableness

When adopting or rejecting any petition for a zoning text or map amendment a brief statement briefly explaining the reasonableness of the proposed rezoning shall be approved by the City Council. The statement of reasonableness may consider, among other factors:

a. the size, physical conditions, and other attributes of any area proposed to be rezoned,

b. the benefits and detriments to the actual and permissible development and the development permissible under the proposed amendment;

c. the relationship between the current actual and permissible development and the development permissible under the proposed amendment; and

d. why the action is in the public interest; and (v) any changed conditions warranting the amendment.

If a zoning map amendment qualifies as a "large-scale rezoning" under NC G.S.§160D-602(b), the City Council statement on reasonableness may address the overall zoning.

**8.3.4~~3~~ SECTION RESERVED**

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## 8.4 ~~PLANNING DIRECTOR AND~~ ADMINISTRATIVE STAFF~~ON~~

### 8.4.1 CONFLICTS OF INTEREST

No staff member shall make a final decision on an administrative decision if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship.

### 8.4.1 PLANNING DIRECTOR

The Planning Director is the administrative head of the Planning Department. As provided in Sections 2.2~~, 2.3, 2.4, and 2.9~~, the Planning Director or his designee is authorized to approve major and minor final subdivision plats, sign permits, zoning permits and administrative amendments, traffic analyses, and ~~minor or insignificant changes to~~ site plans~~, master plans and subdivision final plats~~.

### 8.4.2 ADMINISTRATION

Except as otherwise specifically provided, the City Manager or Planning Director (Administrator) may assign administering and enforcing this Ordinance to one or more individuals. The person or persons to whom these functions are assigned shall be referred to in this Ordinance as the "Land Use Administrator," "Zoning Administrator," "Zoning Enforcement Officer," or "Administrator." The term "staff" or "planning staff" is sometimes used interchangeably with the term "Administrator."~~"~~

The Watershed Administrator means the "Administrator" or the person designated to review and approve watershed protection permits, interpret the Watershed map, and monitor any land use activities within the watershed areas that may pose a threat to water quality.

#### 8~~8~~.4.2.1 FUNCTIONS AND DUTIES OF THE PLANNING DEPARTMENT

The Planning Department shall have the following functions and duties:

1. Staff reports – To prepare studies, reports and recommendations concerning specific development proposals where such reports are required or requested by the City Council, Board of Adjustment and Planning Commission;

2. Public information and technical assistance - To coordinate the City's planning program, including liaison, information and technical assistance to citizens, community groups, Commissions, Boards and the supervision of planning studies and reports;

3. Administration and enforcement – To administer and enforce land use controls such as zoning, subdivision and other technical regulations;

4. Technical support - To assemble data, prepare maps and maintain a complete information system to support the development of planning policy and the Comprehensive Planning process;

5. Plan preparation, coordination and implementation – To prepare and implement plans, studies and coordination of efforts dealing with the environment, neighborhoods, housing, open space, urban design, historic preservation and other development issues; and

6. Interdepartmental assistance – To assist the other departments of the City in formulating and implementing programs for the Goldsboro area.

## ~~5.~~8.~~3~~4.~~1~~2.2 WATERSHED ADMINISTRATOR AND DUTIES THEREOF

The City of Goldsboro shall appoint a Watershed Administrator, who shall be duly sworn in. It shall be the duty of the Watershed Administrator to administer and enforce the provisions of this ordinance as follows:

1. The Watershed Administrator shall issue Watershed Protection Permits and Watershed Protection Occupancy Permits as prescribed herein. A record of all permits shall be kept on file and shall be available for public inspection during regular office hours of the Administrator.
2. The Watershed Administrator shall serve as clerk to the Watershed Review Board.
3. The Watershed Administrator shall keep records of all amendments to the local Water Supply Watershed Protection Ordinance and shall provide copies of all amendments upon adoption to the Water Quality Section of the Division of Water Quality.
4. The Watershed Administrator is granted the authority to administer and enforce the provisions of this Ordinance, exercising in the fulfillment of his responsibility the full police power of the City of Goldsboro. The Watershed Administrator, or his duly authorized representative, may enter any building, structure, or premises, as provided by law, to perform any duty imposed upon him by this Ordinance.
5. The Watershed Administrator shall keep a record of variances to the local Water Supply Watershed Protection Ordinance. This record shall be submitted for each calendar year to the Water Quality Section of the Division of Water Quality on or before January 1st of the following year and shall provide a description of each project receiving a variance and the reasons for granting the variance.

8.4.3 SECTION RESERVED

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# 8.5 HISTORIC PRESERVATION COMMISSION

## 8.5.1 MEMBERSHIP

A Historic Preservation Commission, known in this Section as the "Commission," for the City of Goldsboro is hereby created. The Commission shall consist of seven regular members, two alternate members and two ex-officio members. The members at the time of appointment shall reside within the planning and zoning jurisdiction of the City. The members of the Commission shall be qualified by special interest, experience ~~knowledge~~ or education~~training~~ in ~~such fields as~~ history, ~~architecture,~~~~archaeology~~architecture, archaeology, ~~construction~~ or related fields~~historic preservation~~. All members shall reside with the planning and development regulation jurisdiction of the local government as established pursuant to NC G.S.§160D-303. Members of the Commission may be reimbursed for actual expenses in the performance of their duties but will serve without compensation. Alternate members, when acting on the commission, shall have all the same powers and duties as the member for which they substitute.

Two ex-officio members shall serve as follows:

1. The Mayor or one member of the City Council; and
2. An at-large member appointed by the City Council.

## 8.5.2 QUORUM

A quorum shall consist of four members. All actions shall be taken by a simple majority, excluding vacant seats.

## 8.5.3 OATH OF OFFICE

All Historic Preservation Commission members shall qualify by taking an oath of office before entering their duties.

## 8.5.4~~3~~ TERM OF OFFICE

The members of the Commission shall serve as follows: three for two years, two for three years and two for four years.

## 8.5.54 ELECTION OF OFFICERS

The Commission shall elect a chairperson and vice chairperson and such other officers as it may deem proper. The term of the chairperson shall be one year, with eligibility for reelection.

## 8.5.65 ADOPTION OF RULES AND PROCEDURES

The Commission shall adopt rules and procedures it finds necessary to conduct its business. Any rule or procedure adopted by the Commission shall be consistent with state law and this Ordinance.

### 8.5.6 MEETINGS

The Commission shall establish a regular meeting schedule. All meetings of the Commission shall be open to the public and whenever feasible the agenda for each Commission meeting shall be made available in advance of the meeting.

### 8.5.7 RECORDS

The Commission shall keep a public record of its resolutions, transactions, findings and determinations.

### 8.1.10 CONFLICTS OF INTEREST

Members of the Planning Commission shall not vote on any advisory or legislative decision regarding a development regulation where the outcome of the matter being considered is reasonably likely to have a direct, substantial financial impact on the member. An appointed member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

### 8.5 8 FUNCTIONS AND DUTIES OF THE HISTORIC PRESERVATION COMMISSION

The function and duties of the Commission include:

1. Project approvals – To review and act upon the appropriateness of proposals for alterations, demolitions or new construction within historic districts or to historic landmarks;

2. Historic resources inventory – To undertake an inventory of properties of historical, prehistorical, architectural and/or cultural significance;

3. Historic district and landmark designation – To recommend to the City Council areas to be designated by ordinance as “Historic Districts”; and individual structures, buildings, sites, area or objects to be designated by ordinance as “Landmarks;”

4. Historic property acquisition – To acquire by any lawful means the fee or any lesser included interest, including the option to purchase properties within an established district or any property designated as a landmark;

5. Negotiation – To negotiate at any time with the owner of a building, site, area or object for its acquisition or preservation;

6. Historic property protection – To restore, preserve and operate historic properties;

7. Revocation of designation – To recommend to the City Council that the designation of any area as a historic district or part thereof, or designation of any building, structure, site, area or object as a landmark, be revoked or removed for cause;

8. Public outreach – To conduct an educational program with respect to historic properties and districts within its jurisdiction;

9. Intergovernmental partnerships - To cooperate with state, federal and local governments in pursuance of purposes of this part. The City Council may authorize the Commission to contract with state and federal governments or any agency of either, or with any other organization provided the terms are not inconsistent with state and federal law;

10. Property inspection – To enter, solely in performance of its official duties and only at reasonable times, upon private lands for the examination or survey thereof. However, no member, employee or agent of the Commission may enter any private building without the express consent of the owner or occupant thereof; and

11. Comprehensive Planning – To prepare and recommend the official adoption of a preservation element of the City's Comprehensive Plan.

### 8.5.9 SECTION RESERVED

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# 8.7 WATERSHED REVIEW BOARD

## 8.7.1 MEMBERSHIP

A Watershed Review Board of the City of Goldsboro is hereby created. The Goldsboro Watershed Review Board shall consist of the Board of Adjustment appointed by the City of Goldsboro City council and the Wayne County Board of Commissioners. See Board of Adjustment (Section 8.2) for extraterritorial jurisdiction membership requirements.

## 8.7.2 QUORUM

See Board of Adjustment (Section 8.2).

## 8.7.3 OATH OF OFFICE

All Board of Adjustment members shall qualify by taking an oath of office before entering their duties.

## 8.7.4~~3~~ TERM OF OFFICE

See Board of Adjustment (Section 8.2).

## 8.7.5~~4~~ ELECTION OF OFFICERS

See Board of Adjustment (Section 8.2).

## 8.7.6~~5~~ ADOPTION OF RULES AND PROCEDURES

See Board of Adjustment (Section 8.2).

## 8.7.7~~6~~ MEETINGS

See Board of Adjustment (Section 8.2).

## 8.7.8~~7~~ VOTING

See Board of Adjustment (Section 8.2).

### 8.7.9~~8~~ RECORDS

See Board of Adjustment (Section 8.2).

### 8.7.10 CONFLICTS OF INTEREST

See Board of Adjustment (Section 8.2)

## 8.7.11~~9~~ FUNCTIONS AND DUTIES OF THE BOARD OF ADJUSTMENT IN ITS CAPACITY AS WATERSHED REVIEW BOARD

1. Administrative Review. The Watershed Review Board shall hear and decide appeals from any decision or determination made by the Watershed Administrator in the enforcement of this ordinance.

2. Variances. The Watershed Review Board shall have the power to authorize, in specific cases, minor variances from the terms of this Ordinance as set forth in Section 5.8 of this Ordinance, and which will not be contrary to the public interests where, owing to special conditions, a literal enforcement of this Ordinance will result in practical difficulties or unnecessary hardship, so that the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done. In addition, the City of Goldsboro shall notify and allow a reasonable comment period for all other local governments having jurisdiction in the designated watershed where the variance is being considered.

   A. Applications for a variance shall be made on the proper form obtainable from the Watershed Administrator and shall include the following information:
      (1) A site plan, drawn to a scale of at least one (1) inch to forty (40) feet, indicating the property lines of the parcel upon which the use is proposed; any existing or proposed structures; parking areas and other built-upon areas; surface water drainage. The site plan shall be neatly drawn and indicate north point, name and address of person who prepared the plan, date of the original drawing, and an accurate record of any later revisions.
      (2) A complete and detailed description of the proposed variance, together with any other pertinent information which the applicant feels would be helpful to the Watershed Review Board in considering the application.
      (3) The Watershed Administrator shall notify in writing each local government having jurisdiction in the watershed and the entity using the water supply for consumption. Such notice shall include a description of the variance being requested. Local governments receiving notice of the variance request may submit comments to the Watershed Administrator prior to a decision by the Watershed Review Board. Such comments shall become a part of the record of proceedings of the Watershed Review Board.
   B. Before the Watershed Review Board may grant a variance, it shall make the following three findings, which shall be recorded in the permanent record of the case, and shall include the factual reasons on which they are based:

(1) There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance. In order to determine that there are practical difficulties or unnecessary hardships, the Board must find that the five following conditions exist:

(a) If the applicant complies with the provisions of the Ordinance, the applicant can secure no reasonable return from, nor make reasonable use of, his property. Merely proving that the variance would permit a greater profit to be made from the property will not be considered adequate to justify the Board in granting a variance. Moreover, the Board shall consider whether the variance is the minimum possible deviation from the terms of the Ordinance that will make possible the reasonable use of the applicant's property.

(b) The hardship results from the application of the Ordinance to the property rather than from other factors such as deed restrictions or other hardship.

(c) The hardship is due to the physical nature of the applicant's property, such as its size, shape, or topography, which is different from that of neighboring property.

(d) The hardship is not the result of the actions of an applicant who knowingly or unknowingly violates the Ordinance, or who purchases the property after the effective date of the Ordinance, and then comes to the Board for relief.

(e) The hardship is peculiar to the applicant's property, rather than the result of conditions that are widespread. If other properties are equally subject to the hardship created in the restriction, then granting a variance would be a special privilege denied to others, and would not promote equal justice.

(2) The variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit.

(3) In the granting of the variance, the public safety and welfare have been assured and substantial justice has been done. The Board shall not grant a variance if it finds that doing so would in any respect impair the public health, safety, or general welfare.

C. In granting the variance, the Board may attach thereto such conditions regarding the location, character, and other features of the proposed building, structure, or use as it may deem advisable in furtherance of the purpose of this ordinance. If a variance for the construction, alteration or use of property is granted, such construction, alteration or use shall be in accordance with the approved site plan.

D. The Watershed Review Board shall refuse to hear an appeal or an application for a variance previously denied if it finds that there have been no substantial changes in conditions or circumstances bearing on the appeal or application.

E. A variance issued in accordance with this Section 5.8 shall be considered a Watershed Protection Permit and shall expire if a Building Permit or Watershed Occupancy Permit for such use is not

obtained by the applicant within six (6) months from the date of the decision.

F. If the application calls for the granting of a major variance, and if the Watershed Review Board decides in favor of granting the variance, the Board shall prepare a preliminary record of the hearing with all deliberate speed. The preliminary record of the hearing shall include:

(1) The variance application;

(2) The hearing notices;

(3) The evidence presented;

(4) Motions, offers of proof, objections to evidence, and rulings on them;

(5) Proposed findings and exceptions;

(6) The proposed decision, including all conditions proposed to be added to the permit.

The preliminary record shall be sent to the Environmental Management Commission for its review as follows:

(1) If the Commission concludes from the preliminary record that the variance qualifies as a major variance and that (1) the property owner can secure no reasonable return from, nor make any practical use of the property unless the proposed variance is granted, and (2) the variance, if granted, will not result in a serious threat to the water supply, then the Commission shall approve the variance as proposed or approve the proposed variance with conditions and stipulations. The Commission shall prepare a Commission decision and send it to the Watershed Review Board. If the Commission approves the variance as proposed, the Board shall prepare a final decision granting the proposed variance. If the Commission approves the variance with conditions and stipulations, the Board shall prepare a final decision, including such conditions and stipulations, granting the proposed variance.

(2) If the Commission concludes from the preliminary record that the variance qualifies as a major variance and that (1) the property owner can secure a reasonable return from or make a practical use of the property without the variance or (2) the variance, if granted, will result in a serious threat to the water supply, then the Commission shall deny approval of the variance as proposed. The Commission shall prepare a Commission decision and send it to the Watershed Review Board. The Board shall prepare a final decision denying the variance as proposed.

(3) Approval of all development greater than the low density option. (See Section 5.8.6, High Density Development Standards.)

3. ~~Interpretation – To interpret the location of watershed boundary lines on the official Zoning Map or Zoning Ordinance text requirements where the map or text appears to be unclear.~~ Conditions of approval – In granting any special

use Tier 1 permit the Board may prescribe additional requirements and safeguards to ensure the purpose of this Ordinance.

~~**4. CONDITIONS OF APPROVAL – IN GRANTING ANY SPECIAL USE PERMIT OR VARIANCE THE BOARD MAY PRESCRIBE ADDITIONAL REQUIREMENTS AND SAFEGUARDS TO INSURE THE PURPOSE OF THIS ORDINANCE.**~~**8.7.11 ESTABLISHMENT OF WATERSHED REVIEW BOARD**

See Section 5.8.

**8.7.12~~0~~ SECTION RESERVED**

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# ARTICLE 9.0 DEFINITIONS

## 9.1 WORD INTERPRETATION

For the purpose of this Ordinance, certain words shall be interpreted as follows:

1. Words in the present tense include the future tense. Words used in the singular number include the plural, and words used in the plural number include the singular, unless the natural construction of the wording indicates otherwise.

2. The word "person" includes a firm, association, corporation, trust, and company as well as an individual.

3. The word "structure" shall include the word "building."

4. The word "lot" shall include the words, "plot," "parcel," or "tract."

5. The word "shall" is always mandatory and not merely directory.

6. The word "will" is always mandatory and not merely directory.

7. The word “may” or “should” is suggestive and not mandatory.

## 9.2 DEFINITIONS

Academic School: A school approved by the North Carolina Department of Public Instruction for academic purposes.

Access Easement: A recorded nonexclusive easement which grants public right-of way for ingress and egress over, upon and across land not exceeding ten acres in size for the purpose of gaining access to a public street to serve no more than three single family dwellings or manufactured home lots.

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

Accessory Apartment: A small residential unit located inside its associated ~~principle~~ principal residential unit and provides sufficient facilities for independent living, including cooking, sleeping, and personal sanitation.

Accessory Dwelling: A small, detached residential unit located on the same lot as its associated ~~principle~~ principal residential unit and provides sufficient facilities for independent living, including cooking, sleeping, and personal sanitation.

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

Accessory Use: A structure or use that meets all of the following:

1. It is clearly incidental to and customarily found in connection with a ~~principle~~ principal building or use;
2. It is subordinate to and serves a ~~principle~~ principal building or use;
3. It is subordinate in area, extent or purpose to the ~~principle~~ principal building or use;
4. It contributes to the comfort, convenience or needs of occupants, business or industry in the ~~principle~~ principal building or use; and
5. It is located on the same lot as the ~~principle~~ principal building or use.
6. It is permitted within the zoning district.

Administrator: The Director of Planning and Community Development, or his/her designee.

Administrative Decision: Per G.S. 160D-102, Decisions made in the implementation, administration, or enforcement of development regulations that involves the determination of facts and the application of objective standards set forth in the Unified Development Ordinance.

Administrative Hearing: Per G.S. 160D-102, A proceeding to gather facts needed to make an administrative decision.

Adult Bookstore: A bookstore (1) that receives a majority of its gross income during any calendar month from the sale of printed and/or video materials/publications (including but not limited to videocassettes, DVD's, books, and magazines) which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this Section; or (2) having as a preponderance of its of printed and/or video materials/publications that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this Section.

Adult Establishment: An adult bookstore, adult motion picture theater, adult mini-motion picture theater, adult live entertainment business, lingerie modeling business, or massage business as defined in this Section.

Adult Live Entertainment Business: Any establishment or business wherein adult live entertainment is shown for observation by patrons; or any performance of or involving the actual presence of real people which exhibits specified sexual activities or specified anatomical areas, as defined in this Section.

Adult Motion Picture Theater: An enclosed building or premises used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or described anatomical areas, as defined in this Section, for observation by patrons therein. Adult motion picture theater does not include any adult mini-motion picture theater as defined in this Section.

Adult Mini-Motion Picture Theater: An enclosed building with viewing booths designed to hold patrons which is used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined in this Section, for observation by patrons therein.

Agricultural Use: Property used to raise, harvest or store crops, feed, breed, or manage livestock, or to produce plants, trees, fowl, or animals useful to man. It includes, but is not limited to, property used for grazing, horticulture, forestry, dairying, and mariculture. For the purpose of Section 5.8 (Watershed Protection) agricultural use means the use of waters for stock watering, irrigation and other farm purposes. For the purpose of Section 5.9 and 5.10, agriculture land use is separate from residential land use, does not include forestry or fishing activities, and is divided as follows: agriculture (except livestock), livestock farming and breeding, animal breeding, and agriculture related activities (e.g., agricultural processing, animal husbandry services, and horticultural services).

Alley: A service roadway providing a secondary means of access to abutting property and not intended for general traffic circulation.

Antenna: Equipment designed to transmit or receive electronic signals.

~~Apothecary Shop (including incidental retail sales): A store or shop where business is limited to the preparation and sale of prescription and nonprescription drugs or compounds for medical purposes, and appliances and equipment for the treatment of illness which are prescribed by a licensed physician. In addition, retail sales accessory and incidental to the permitted nonresidential principle use including sales of goods distributed at wholesale, repair and/or replacement parts, products and/or goods resulting from, utilized in and~~

~~related to commercial, medical and professional or personal services shall also be permitted. Such incidental retail sales shall meet all the following requirements:~~

~~(1) Shall be an accessory use to the principle use;~~

~~(2) Shall be housed completely within the principle or related accessory structure;~~

~~(3) Shall not occupy more than 49 percent of the floor area of the principle or related accessory structure;~~

~~(4) Shall not constitute more than 49 percent of the gross income produced by the associated principle use during any month.~~

Approval Authority: The Administrator, City Council, Board of Adjustment, or other Board or official designated by ordinance or this Ordinance as being authorized to grant specific zoning, subdivision, land use or development permits, or other approvals.

Arterial Street: Streets designed to carry volumes of intra-area and local vehicular traffic with access controls and medians where feasible.

Attention Attracting Device: Any device or object visible from any public right of way, which is primarily designed to attract the attention of the passing public to a business, institution, sign or activity through such means including, but not limited to, illumination, movement, color, size or location.

Awning: Any non-rigid material, such as fabric or flexible plastic, that extends from the exterior wall of a building and is supported by or attached to a frame.

Awning Sign: A sign located on an awning.

Banner: A sign or outdoor advertising display having the character, letters, illustrations, symbols, colors or visual representations applied to cloth, paper, vinyl, fabric, plastic or similar material with or without a frame. National flags and state or municipal flags shall not be considered banners. Flags with corporate logos shall be considered banners. One standard sized official corporate flag of an institutional or business flown on a flagpole shall not be considered a banner.

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year. Also known as the 100-year flood.

Bars, Clubs, Taverns etc: Commercial establishments open to the general public either without charge or upon payment of a cover charge or membership fee, licensed to sell alcoholic beverages, or holding a brown bag permit, offering entertainment involving the use of pre-recorded or live amplified sound, provided by paid employees, paid private contractors, unpaid entertainers or customers.

Bed and Breakfast: A private home offering bed and breakfast accommodations to eight (8) or fewer persons per night for a period not to exceed one (1) week.

Best Management Practices (BMP): A structural or nonstructural management-based practice used singularly or in combination to reduce non-point source inputs to receiving waters to achieve water quality protection goals.

Boardinghouse/Roominghouse: A residential use consisting of at least one dwelling unit together with more than two rooms that are rented out or designed or intended to be rented but which rooms, individually or collectively, do not constitute separate dwelling units. A rooming/boarding house is distinguished from tourist accommodations by its occupation by longer-term residents (at least month to month tenants) as opposed to overnight or weekly guests.

Bona Fide Farm: A tract of land greater than 10 acres used primarily for agricultural purposes and having a farm land use exemption from the Wayne County Tax Department. Additionally, any tract of land on which agricultural activities are clearly a primary activity may also be considered as a bona fide farm upon determination by the Administrator.

Branch Collar: A “shoulder” or bulge formed at the base of a branch by the annual production of overlapping layers of branch and stem tissue.

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

Buffer Yard: A landscaped area that provides a transition between uses that may differ in development intensity and/or density. These landscaped planting yards are intended to insure that a natural area of appropriate size and density of plantings is planted or preserved between zoning districts or uses.

~~Building: Any structure having a roof supported by columns or by walls, and intended for shelter, housing or enclosure of persons, animals or property. The connection of two buildings by means of an open porch, breezeway, passageway, carport or other such open structure, with or without a roof, shall not be deemed to make them one building.~~

Building: Subject to the restriction of G.S. § 160D-706(b), any structure used or intended for supporting or sheltering any use or occupancy.

Buildable Area: The portion of the lot remaining after the required setbacks have been provided and lot coverage limits have been met.

Building Front or Frontage: The linear length of a building facing a street right of way or, in the case of a PUD or shopping center, a legal private access road.

Building Height: Building height is the vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the mean height level between the eaves and the ridge of a gable, hip or gambrel roof.

Built Upon Area: That portion of a development project that is covered by impervious or partially impervious cover, including buildings, pavement, gravel areas (e.g. roads, parking lots, paths), recreation facilities (such as tennis courts), etc. (NOTE: Wooden slatted decks

and the water area of a swimming pool or storm water control facility are considered pervious.)

Caliper: A measurement of the diameter of a tree trunk taken six inches above the ground for up to and including the four inch size and taken twelve inches above the ground for larger sizes.

Cambium Layer: Also known as vascular cambium. It is the tree cell generator, layer of cells between the inner bark and wood.

Campaign Sign: A sign expressing support for a candidate for public office or another position regarding a public figure or issue, but bearing no commercial message.

Canopy: A roof structure constructed of rigid materials including, but not limited to, metal, wood, plastic, glass or masonry, which is attached to and supported by a building, or which is freestanding and supported by columns, poles or braces extended to the ground. Unlike a marquee, a canopy generally has very limited vertical surface area; and unlike an awning, a canopy is generally supported by vertical elements rising from the ground at two or more corners.

Canopy Sign: Any sign that is part of or attached to a structural protective cover or canopy over a door, entrance, window or outdoor service area. A marquee is not a canopy sign.

Car wash – Full Service: A facility providing vehicle cleaning where the entire cleaning operation is done for the customer, such as vacuuming, waxing, detailing and general washing. This is separate from automatic and self-service car washes.

Changeable Copy Sign: Any sign that is designed so that letters or numbers attached to the sign may be periodically changed to indicate a different message.

Child Day Care Facility: Includes child care centers, family child care homes and any other childcare arrangement not excluded by GS 110-86(2) that provides child care, regardless of the time of day, wherever operated and whether or not operated for a profit.

1. **Child Care Center:** An arrangement where, at any one time, there are three or more preschool aged children or nine or more school-aged children receiving child care.

2. **Family Child Care Home:** A childcare arrangement located in a residence where, at any one time, more than two children, but less than nine children receive child care.

Cluster Development: Cluster development means the grouping of buildings in order to conserve land resources and provide for innovation in the design of the project including minimizing stormwater runoff impacts. This term includes nonresidential development as well as single-family residential and multi-family developments. For the purpose of this ordinance, planned unit developments and mixed-use development are considered as cluster development.

Collector Street: A street designed to carry medium volumes of vehicular traffic, provide access to the major street system and collect the vehicular traffic from the intersecting minor streets.

Commercial/Advertising message: Any sign, wording, logo or other representation, except for the actual name of the business, that, directly or indirectly names, advertises or calls attention to a business, product, service, attraction or other commercial activity.

Concept Plan: A plan associated with a conditional zoning district depicting the location of uses in the district.

~~Conditional Use: Certain uses of property that may be constructed, continued and/or expanded if they meet certain mitigating conditions specific to their design and or operation as specified in Section 5.5 of this ordinance, or uses permitted in a Conditional District approved by the Goldsboro City Council pursuant to Section 2.5 of this Ordinance.~~

Conditional Zoning: Per G.S. 160D-102, A legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment.

Construction sign: Any sign bearing the names of contractors, architects, engineers, developers and the like or advertising, promotions, price ranges and similar information that is placed at a construction site that has received developmental approval.

Convenience Food Stores: Retail stores with not more than 3,000 square feet of gross floor area, primarily engaged in the sale of packaged foods and beverages, but not fresh fruits and vegetables, or fresh meat, fish and poultry. This may also include accessory uses like gas and/or car wash facilities.

Critical Area: The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one-half mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or one-half mile upstream from the intake located directly in the stream or river (run-of-the-river), or the ridge line of the watershed (whichever comes first). Local governments may extend the critical area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one-half mile.

Critical Root Zone (CRZ): A circular area measured outward from a tree trunk representing the essential area of the roots that must be maintained in order for the tree's survival. The critical root zone is one foot of radial distance for each inch of a tree's diameter measured at breast height.

Cul-De-Sac: A street permanently terminated by a turnaround.

Customary Home Occupation: See Home Occupation.

Deciduous: Plants that lose their leaves annually.

Decision-making Board: Per G.S. 160D-102, A governing board, planning board, board of adjustment, historic district board, or other board assigned to make quasi-judicial decisions under G.S. 160D.

Determination: Per G.S. 160D-102, A written, final and binding order, requirement, or determination regarding an administrative decision.

~~Developer: Any person who is responsible for any undertaking that requires a zoning permit, special use permit, sign permit or variance.~~

Developer: Per G.S. 160D-102, A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.

~~Development: Any land disturbing activity which adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.~~

Development: Per G.S. 160D-102, (a) The construction, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure. (b) Excavation, grading, filling, clearing, or alteration of land. (c) The subdivision of land as defined in G.S. 160D-802. Or (d) The initiation or substantial change in the use of land or the intensity of use of land.

Development Approval: Per G.S. 160D-102, An administrative or quasi-judicial approval made pursuant to G.S. 160D that is written and that is required prior to commencing development or undertaking a specific activity, project or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, variances, and certificates of appropriateness. The term also includes all other regulatory approvals required by regulations adopted pursuant to G.S. 160D, including plat approvals, permits issued, development agreements entered into, and building permits issued.

Development Regulation: Per G.S. 160D-102, A unified development ordinance, zoning regulation, subdivision regulation, erosion and sediment control regulation, floodplain or flood damage prevention regulation, mountain ridge protection regulation, stormwater control regulation, wireless telecommunication facility regulation, historic preservation or landmark regulation, housing code, State Building Code enforcement, or any other regulation adopted pursuant to G.S. 160D or a local act or charter that regulates land use or development.

Directional Pruning: Pruning a one-year-old shoot back to a bud or cutting an older branch back to a lateral branch to redirect new growth, often called heading or heading back.

Directory Sign: A freestanding or wall-mounted sign that lists tenants or occupants of a building or project, with unit numbers, arrows or other directional information.

Display Area: Inside areas where specific users display merchandise, such as retail uses.

Drip Line: An imaginary vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

Drive-in Restaurant: Any place or premises used for sale, dispensing or serving of food, refreshments, and beverages in automobiles including those establishments where customers may serve themselves and are encouraged or allowed to eat or drink the food, refreshment or beverages on the premises in areas other than the restaurant seating area.

Drop Crotch Pruning: A pruning technique that reduces the height of a tree by thinning the terminal end of a branch to a large lateral branch.

Duplex – See Dwelling, Two-Family.

~~Dwelling: Any building used for residential purposes which contains one or more dwelling units, but not a hotel or motel.~~

Dwelling: Subject to the restriction of G.S. § 160D-706(b), Any building, structure, manufactured home or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith, except for purposes of G.S. 160D Article 12 it does not include any manufactured home, mobile home, or recreational vehicle, if used solely for a seasonal vacation purpose.

~~Dwelling Unit: One or more rooms physically arranged to create a permanent, independent housekeeping establishment with separate facilities for cooking, sleeping and bathing. A building, or portion thereof, providing complete and permanent living facilities for one family.~~

Dwelling Unit: Subject to the restriction of G.S. § 160D-706(b), a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Dwelling – Single Family: A detached single dwelling unit on its own lot, other than a manufactured home, designed for, used or held ready for permanent use by one family only.

Dwelling – Two Family: A ~~detached~~ residential building containing two dwelling units designed for, used or held ready for permanent use by no more than two families, such as duplexes.

Dwelling – Multi-Family: A residential building containing ~~multiple~~ three or more dwelling units, designed for, used or held ready for three or more families, such as apartments, townhomes, and condominiums. A multi-family dwelling with only two dwelling units is classified as a duplex.

Environmental Management Commission: The North Carolina Environmental Management Commission.

Evergreen: Those plants that retain their foliage throughout the year.

Evidentiary Hearing: Per G.S. 160D-102, a hearing to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision required by a development regulation adopted under G.S. 160D.

Existing Development: Those projects that are built or those projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of this Ordinance based on at least one of the following criteria:

1. substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project; or

2. having an outstanding valid building permit as authorized by the General Statutes (GS ~~153A-344.1~~160D-102~~ and GS 160A-385.1~~); or

3. having an approved site specific or phased development plan as authorized by the General Statutes (GS ~~153A-344.1~~160D-102~~ and GS 160A-385.1~~).

Existing Lot (Lot of Record): A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds prior to the adoption of this Ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this Ordinance.

Family: One or more persons related by blood, marriage or adoption occupying a single dwelling unit; or a group of not more than three (3) persons, one or more of whom is not related by blood, marriage, or adoption to the others. Domestic servants employed on the premises may be housed on the premises without being counted as a separate family or families. ~~A family may include five or fewer foster children placed in a family foster home licensed by the state.~~

Farmers' Market: A retail establishment primarily engaged in the sale of fresh fruits, vegetables and similar perishable goods. This definition does not include "roadside stands" as defined in Section 154.136.

Filling Station, Gas Station, or Service Station: Buildings and premises where gasoline, oil, grease, batteries and tires and automobile accessories shall be supplied and dispensed and retailed and where in addition, the following services may be rendered and sales made and no other:

1) Sale and servicing of spark plugs, batteries and distributors and distributor parts;

2) Tire servicing and repair**s** but not recapping or regrooving;

3) The replacement of mufflers and tail pipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors and the like;

4) Radiator cleaning and flushing;

5) Washing and polishing and sale of automotive washing and polishing materials;

6) Greasing and lubrication;

7) Providing and repairing fuel pumps, oil pumps and lines;

8) Minor servicing and repair of carburetors;

9) Emergency wiring repairs;

10) Adjusting and repairing brakes;

11) Minor motor adjustments, not involving removal of the head or crankcase or racing the motor;

12) Sales of cold drinks, packaged foods, tobacco and similar convenience goods for filling station customers, as accessory and incidental to ~~principle~~ principal operation;

13) Provision of road maps and other informational materials to customers; provision of restroom facilities;

14) Uses permissible at a filling station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other characteristics to an extent greater than normally found in filling stations. A Filling Station or Service Station is not a repair garage, nor a body shop.

Flea Market: Buildings or open area in which booths or sales areas are provided for rent by various unrelated individuals to sell a variety of merchandise. This does not include yard sales, rummage sales or farmer's markets.

Food Stores: Retail stores also known as supermarkets, grocery stores, and delicatessen stores, primarily engaged in the sale of all sorts of canned foods and dry goods, either packaged or in bulk, fresh fruits and vegetables, and frequently fresh, smoked or prepared meats, fish and poultry.

Footcandle: A quantitative unit of measure referring to the measurement of illumination incident at a single point. One footcandle is equal to one lumen uniformly distributed over an area of one square foot.

Fraternities, Sororities, Lodges, Social, Civic and other Organizations: Organizations whose premises are restricted to its members and their guests whose purpose is to serve some benevolent function and whose membership is contingent upon mutual interests not common to the general public.

Full Cutoff Fixture: An outdoor light fixture shielded or constructed in such a manner that it emits no light above the horizontal plane of the fixture.

Gasoline Pump Signs: Signs attached to gasoline pumps and motor vehicle fuel pumps, which display material incidental to the operation of the pumps, such as fuel type, price and self-service instructions.

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.

Glare, Disabling: Light that presents a hazard to drivers or pedestrians by impairing their ability to safely traverse.

Glare, Nuisance: Light that projects or reflects objectionable light onto a neighboring use or property.

Governing Board: Per G.S. 160D-102, the City Council.

Grocery Store: See Food Store.

Ground Cover: A prostrate plant growing less than two feet in height at maturity that is grown for ornamental purposes. Ground covers are used as alternatives to grass.

Ground-mounted Sign: A freestanding sign with its base mounted directly on the ground.

Group Housing Development: A group housing development shall consist of two or more dwelling structures on a single property, each structure consisting of two or more units.

Hazardous Material: Any substance listed as such in: Superfund Amendments and Reauthorization Act (SARA) Section 302 Extremely Hazardous Substances (42 USC 11000 et. seq.), Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) Hazardous Substances (42 USC 9601 et. seq.) or Section 311 of the Clean Water Act, as amended (CWA) (33 USC 1251 et. seq.; oil and hazardous substances) hereby incorporated by reference including any subsequent amendments and editions. This material is available for inspection at the Department of Environment, Health and Natural Resources, Division of Environmental Management, 512 North Salisbury Street, Raleigh, North Carolina. Copies of SARA and CERCLA may be obtained as a single package from the Superintendent of Documents, U. S. Government Printing Office, Washington, D.C. 20402-9325.

Home Occupation: An occupation or business activity that is an accessory use ~~conducted for profit and~~ which results in a product or service and is conducted in whole or in part in the main or ~~principle~~ principal residential dwelling unit or accessory building as hereinafter set forth. A Home Occupation shall be clearly subordinate, incidental and secondary to the ~~principle~~ principal use of the dwelling as a residential unit. A home occupation may be classified as major or minor.

Identification Sign: A sign bearing the address of the premises or the name of the occupant, but containing no commercial message.

IESNA: The Illuminating Engineering Society of North America.

Illicit Connection: Any connection which allows the unlawful discharge of non-stormwater to the stormwater conveyance system or waters of the State in violation of Section 6.6 Illegal Discharge Control.

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.

Illuminated Sign: A sign that is lit by electrical devices or other artificial devices.

Impervious Surface: Surfaces that do not absorb water. They consist of all buildings, paved parking areas, driveways, roads, sidewalks and any areas of concrete, asphalt, or gravel.

Impervious Surface Intensity (ISI): A measure of the intensity of a proposed development based on its Impervious Surface Ratio.

Impervious Surface Ratio (ISR): A measure of the land use intensity determined by dividing the total area of all impervious surfaces on the lot by the area of the total lot.

Incidental sign: A sign, generally informational or directional, that has a purpose secondary to the use of the site on which it is located, such as “no parking,” “entrance,” “loading zone,” “telephone,” or similar information. No sign with a commercial message shall be considered incidental.

Industrial Development: Any non-residential development that requires an NPDES permit for an industrial discharge and/or requires the use or storage of any hazardous material for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity.

Internet Café/Sweepstakes Facilities – Electronic Gaming Operations: A business enterprise, whether principal or accessory, where persons utilize electronic machines including, but not limited to, computers and gaming terminals to conduct games of odds or chance, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. Internet Café/Sweepstakes facilities or electronic gaming operations do not include any lottery approved by the State of North Carolina but will include any business that uses similar games or promotions for more than one hundred eighty (180) days out of a calendar year. (Ordinance 2017-23)

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

Lamp: The component of a luminaire that produces light, commonly referred to as a bulb.

Landfill: A facility for the disposal of solid waste on land in a sanitary manner in accordance with Chapter 130A Article 9 of the N.C. General Statutes. For the purpose of this Ordinance, this term does not include composting facilities.

~~Landowner: Any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and personal representative of such owner. The landowner may allow a person holding a valid option to purchase to act as his agent or representative for purposes of submitting a proposed site-specific development plan in the manner allowed by Ordinance.~~

Landowner or Owner: Per G.S. 160D-102, the holder of the title in fee simple.

Legislative Decision: Per G.S. 160D-102, the adoption, amendment, or repeal of a regulation, under G.S. 160D or an applicable local act. It also includes the decision to approve, amend, or rescind a development agreement consistent with the provisions of G.S. 160D Article 10.

Legislative Hearing: Per G.S. 160D-102, a hearing to solicit public comment on a proposed legislative decision.

Loading Space – Off-street: Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

Local Residential Street: A street which provides vehicular access to the abutting properties.

Logo: The graphic or pictorial representation of a message, including, but not limited to the use of shapes, designs, decorations, emblems, trademarks, symbols or illustrations or the superimposition of letters or numbers or any other use of graphics or images other than the sequential use of letters or numbers.

Lot: A lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area and to provide such setbacks and other open spaces as are herein required. Such lots shall have frontage on an improved public street and may consist of:

1. A single lot of record;
2. A portion of a lot of record;
3. A combination of complete lots of record, of complete lots of record and portions of lots of record or of portions of lots of record; or
4. A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residential lot or parcel be created which does not meet the requirements of this Ordinance.

Lot Frontage: The distance along which the front boundary of the lot and the street lines or right-of-way lines are coincident. On a corner lot the ~~principle~~ principal frontage shall be the shorter of the street frontages, measured from the point of intersection of the lot lines abutting such streets. Such ~~principle~~ principal frontage shall be considered the front yard for setback purposes.

Lot Measurements:

1. *Depth.* Depth of a lot shall be the average horizontal distance between the front and rear property lines of a lot as determined by the center line measurement.
2. *Width.* Width of a lot shall be the horizontal distance between the side property lines of a lot measured at the rear line of the required front setback.

Lot of Record: A lot, which is a part of a subdivision, a plat of which has been recorded in the Office of the County Registrar of Deeds or a lot described by metes and bounds, the description of which has been so recorded.

Lot Types: A Corner lot is defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees. An Interior lot is defined as a lot other than a corner lot with only one frontage on a street. A Through lot is defined as a lot other than a corner lot with a frontage on more than one street. Through lots abutting two streets may be referred to as double-frontage lots. A Reversed-frontage lot is defined as a lot on which the frontage is at right angles or approximately right angles (interior angles less than 135 degrees) to the general pattern in the area. A reversed frontage lot may also be a corner lot, and interior lot, or a through lot.

Lumen: A quantitative unit measuring the amount of light emitted by a lamp.

Luminaire: A complete lighting unit including a lamp, components designed to direct light, to position and protect the lamp and to connect the lamp to a power supply. Commonly called a light fixture.

Major Home Occupation: A business or occupation conducted from the primary residence of the business owner or ~~principle~~ principal person or persons providing the service or conducting the business. A home occupation must meet the requirements of Section 5.5.4 (Special and Conditional Use Specific Regulations) for Home Occupations.

Major Street: A major street facility is designed for high traffic volumes, serving long intra-city and through traffic movements and features such controls as control of access, grade separation and interchanges, barriers, medians and frontage roads.

Major Variance: A variance from the minimum statewide watershed protection rules that results in one or more of the following:

1. the relaxation, by a factor greater than ten (10) percent, of any management requirement under the low-density option;

2. the relaxation, by a factor greater than five (5) percent, of any buffer, density or built-upon area requirement under the high-density option; and/or

3. any variation in the design, maintenance or operation requirements of a wet detention pond or other approved stormwater management system.

Manufactured Home: A structure, which meets all of the following:

1. Is transportable in one or more sections, which in the traveling mode is eight feet or more in width, or 40 feet or more in length or, when erected on site, is 320 square feet or more of enclosed and heated area;

2. Is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including plumbing, heating, air conditioning, and electrical systems contained therein; and

3. Complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974.

Marginal Access Street: A minor street which parallels and is adjacent to a major street or highway; and which provides access to abutting properties and protection from through traffic.

Marquee: A roof like structure that cantilevers from the wall of a building over its ~~principle~~ principal entrance that has no vertical supports other than the wall from which it cantilevers and that provides a vertical signage area at least four feet high.

Marquee Sign: A sign attached to or mounted on a marquee.

Massage: The manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping, by hand or mechanical device.

Massage Business: Any establishment or business wherein massage is practiced including establishments commonly known as health clubs, physical culture studios, massage studios or massage parlors. Massage Therapy offices shall be excluded from these provisions provided the applicant is a licensed therapist by the State of North Carolina or a member of the American Massage Therapy Association.

Menu Board: An accessory sign providing items and prices associated with a drive-thru window.

Microbrewery: An establishment where beer and malt beverages are made on the premises and then sold or distributed, and which produces less than 15,000 barrels (a barrel is approximately 31 gallons) of beer per year. Microbreweries sell to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and directly to the consumer. Microbreweries may also include beverage tasting facilities and entertainment on premise with approved ABC permits. (Ordinance 2019-46)

Minor Home Occupation: A home occupation that meets the approval criteria of Section 5.5.4 (Special and Conditional Use Specific Regulations) for Minor Home Occupations.

Minor Variance: A variance from the minimum statewide watershed protection rules that results in a relaxation, by a factor of up to five (5) percent, of any buffer, density or built-upon area requirement under the high density option; or that results in a relaxation, by a factor of up to ten (10) percent, of any management requirement under the low density option.

Modular Home: A dwelling unit constructed in accordance with North Carolina State Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent, completely enclosed foundation. Among other possibilities, a modular home may consist of two or more sections transported to the site in a manner similar to a manufactured home (except that the modular home meets the North Carolina State Building Code), or a series of panels or room sections transported on a truck and erected or joined together on the site. For purposes of this Ordinance, a modular home built to the standards of the North Carolina State Building Code is permitted by right in the same zones in this Ordinance and are considered the same permitted uses by right as single-family, two-family and multi-family dwelling units.

Monument Sign: A ground sign that is mounted generally flush with the surrounding grade. It may not be attached to a pole or pylon, nor raised by mounting on a man-made berm, wall or similar structure. Supporting elements may not exceed twenty-four inches in height, and are included when calculating sign height.

Municipal Separate Storm Sewer System ($MS^4$): 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:

1. Is located within the jurisdictional limits of the City; and
2. Is owned or operated by the State, County, the City, or other public body; and
3. Discharges to waters of the State, excluding publicly owned treatment works, and lawful connections thereto, which in turn discharge into the waters of the State.

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

New development: New ~~principle~~ principal buildings or open uses of land constructed, reconstructed or established after the effective date of this Ordinance.

New Development or Land Disturbance: For the purposes of Section 6.5, Stormwater Management for New Development, new 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; and
3. Any grubbing, stump removal and/or grading activity.

Nonconforming Features: A physical feature or characteristic of a use, building, structure, site or other development of land that was lawful prior to the adoption, revision or amendment to this Ordinance but fails by reason of such adoption to conform to the present requirements of this Ordinance. Nonconforming features include, but are not limited to, physical features or characteristics that exceed maximum allowable standards (such as lot coverage, height, lighting levels etc.) and those that lack or fall short of required minimum standards (such as lot area, lot width, setbacks, setbacks, buffering, landscaping, open space, sight distance, parking and loading etc.)

Nonconforming Lot of Record: A lot, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of this Ordinance (including watershed protection regulations) but that fails due to such adoption, revision or amendment to conform to the present requirements of this Ordinance or statewide watershed protection rules.

Nonconforming Signs: A sign, the size, type, location, illumination or other characteristics of which was lawful prior to the adoption, revision or amendment to this Ordinance but fails by reason of such adoption to conform to the present requirements of this Ordinance.

Nonconforming Situation: A situation that was lawful prior to the adoption, revision or amendment of this Ordinance, but due to such adoption, revision or amendment does not conform to the present requirements of this Ordinance.

Nonconforming Structure: A structure or building, the size, dimensions or location of which was lawful prior to the adoption, revision or amendment of this Ordinance but fails by reason of such adoption, revision or amendment to conform to the present requirements of this Ordinance.

Nonconforming Use: A use or activity that was lawful prior to the adoption of this Ordinance but that fails due to such adoption, revision or amendment to conform to the present requirements of this Ordinance.

Non-residential Development: All development other than residential development, agriculture and silviculture.

Off Premise Sign: A sign identifying/advertising and/or directing the public to a business, merchandise, service, institution, entertainment or residential area which is located, sold, rented, leased, produced, manufactured and/or furnished at a place other than the real property on which said sign is located. However, this definition shall not include outdoor advertising or “Billboard” signs.

Official Sign: Any sign, symbol or device erected and maintained by any government agency or body for the purpose of guiding or informing the public.

Outdoor Advertising Structure (“Billboard”): A permanently installed sign identifying/advertising and/or directing the public to a business, merchandise, service, institution, residential area or entertainment which is located, sold, rented, leased, produced, manufactured and/or furnished at a place other than the real property on which said sign is located.

Outdoor Display of Goods: The display and sale of products outside of a building or structure including garden supplies, clothing, toys, play equipment, agricultural products, building and landscape materials, food and beverages for periods not exceeding twenty-four (24) hours.

Outdoor Lighting Fixtures: Outdoor artificial illuminating devices, outdoor fixtures, lamps or other devices, permanent or portable, used for illumination, direction or advertisement.

Outdoor Storage: The keeping, in an unroofed area, of any goods, material, merchandise or vehicles in the same place for more than twenty-four (24) hours. This shall not include

the display of vehicles for sale in a new or used auto sales lot, manufactured home sales, landscaping materials, and products stored within five (5) feet of a building.

Overhead Banner: Any banner erected and maintained by a federal, state, county or municipal government or any such governmental agency, within any street right-of-way for the purpose of informing or guiding the public.

Parapet Sign: A sign that extends the entire wall length to form the parapet.

Parking Space: A space which is designed for the parking or temporary storage of one motor vehicle located outside of a dedicated street right-of-way.

Pennant: Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in a series, designed to move with the wind.

Pharmacy (including incidental retail sales): A store or shop involving the preparation and sale of prescription and nonprescription drugs or compounds for medical purposes, and appliances and equipment for the treatment of illness which are prescribed by a licensed physician. In addition, retail sales accessory and incidental to the permitted nonresidential principal use including sales of goods distributed at wholesale, repair and/or replacement parts, products and/or goods resulting from, utilized in and related to commercial, medical and professional or personal services shall also be permitted.

Planned Unit Development: An optional zoning process whereby relatively large tracts of land are planned in a comprehensive and coordinated fashion. Planned unit developments allow variation from the strict terms of the Ordinance to promote efficient, environmentally sensitive, mixed-use developments that could not otherwise be achieved through other zoning districts.

Planting Area: The landscape area prepared for the purpose of accommodating the planting of trees shrubs and ground covers, eighty five percent free of impervious surfaces.

Plat: A map or plan of a parcel of land which is to be subdivided, or has been subdivided.

Political sign: A sign attracting attention to a political candidate or issues.

Pollutant: Anything that 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.

Pollution: Man-made or man-induced alteration of the chemical, physical, biological, thermal, and/or radiological integrity of water.

Portable/Mobile Sign: Any sign not permanently attached to the ground or other structure or a sign designed to be transported. Portable signs include, but are not limited to, signs on wheels or on portable structures such as trailers, tent signs, A frames, T frames and normal

advertising placed on motor vehicles which are not used regularly and are placed in such a manner as to attract attention.

Projecting sign: A sign erected upon or attached to a building wall with the sign face perpendicular to the building wall. No portion of such a sign shall project more than two feet into a public right-of-way, nor shall any portion of such a sign extend above the roof line of the building on which it is installed.

Protected Area: The area adjoining and upstream of the critical area of WS-IV watersheds. The boundaries of the protected area are defined as within five miles of and draining to the normal pool elevation of the reservoir or to the ridgeline of the watershed; or within 10 miles upstream and draining to the intake located directly in the stream or river or to the ridgeline of the watershed.

Protected Street Yard: The area of a lot immediately adjacent to a recorded street public or private right of way, measured perpendicularly from the lot line/right of way to a distance of eight feet.

Pruning: The act of removing or cutting back parts of a tree or shrub.

Quasi-judicial Decision: Per G.S. 160D-102, a decision involving the findings of fact regarding a specific application of a development regulation and that requires the exercise of discretion when applying the standards of the regulation. Quasi-judicial decisions include but are not limited to decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative determinations. Decisions on the approval of subdivision plats and site plans are quasi-judicial in nature if the regulation authorizes a decision-making board to approve or deny the application based not only upon whether the application complies with the specific requirements set forth in the regulation, but also on whether the application complies with one or more generally stated standards requiring a discretionary decision on the findings to be made by the decision-making board.

Real Estate Sign: A sign advertising real property for sale or lease.

Residential Development: Buildings for residence such as ~~attached and detached~~ single-family dwellings, apartment complexes, condominiums, townhouses, cottages, and the like, and their associated accessory structures such as garages, storage buildings, gazebos, etc. and home occupations.

Residential Yard: The landscaped area around a residential structure including a planting strip in front of the structure and abutting the street that consists of at least one large tree per forty feet of frontage. In addition, the yard requires one large tree be plant in both the front and rear setbacks. These landscaped planting yards are intended to insure that a natural area of appropriate size and density of plantings defines and separates residential uses from travel lanes and provides shade in both the rear and front of the structure.

Residuals: Any solid or semi-solid waste generated from a wastewater treatment plant, water treatment plant or air pollution control facility permitted under the authority of the Environmental Management Commission.

Roof Sign: Any sign attached to or erected upon the roof or above any portion of the roof of a building or structure.

Rooming house: See Boardinghouse.

Rummage Sales: A sale by a nonprofit organization where individual members bring personal property to be sold to raise funds for the organization.

Rural Access Streets: Rural access streets provide access to low density residential subdivisions in R-20, RM-9 and RMSF-9 residential districts with lots containing 20,000 sq. ft. or more and with a minimum lot width of 120 ft. measured at the required setback line.

Satellite Dish/Antenna: A device used to receive communications or other signals from a transmitter relay located in planetary orbit.

Screening: Depending on the size and nature of the area to be screened, a combination of fencing, walls or evergreen shrubs/trees installed between or around the area to be screened and the public's view that together will form a complete visual barrier with three years.

Semi-Cutoff Fixture: An outdoor light fixture that conforms to the standard published by the IESNA for semi-cutoff fixtures. Such fixtures are shielded or constructed in such a manner that they emit no more than five percent of their light above the horizontal plan of the fixture and no more than twenty percent of their light ten degrees below the horizontal plan of the fixture.

Service Station: See Filling Station.

Setback: That line that is the required minimum distance from any lot line and that establishes the area within which the ~~principle~~ principal structure cannot be erected or placed. The area within the setback is required open space which shall not be occupied or obstructed by a structure or portion thereof with the exception of fences, walls, walkways, driveways, parking lots and other features which are expressly permitted by this Ordinance.

Setback, Front: A setback extending across the front of a lot that is bounded by the front property line, the two side property lines and a line extending along the front of the foremost structure permitted on the lot. Depth of the required front setbacks shall be measured along a line drawn perpendicular to the front property or right of way line.

Setback, Rear: A setback extending across the rear of the lot between inner side setback lines and the rear property line. Depth of required rear setbacks shall be measured along a line drawn perpendicular to the rear property line.

Setback, Side: A setback extending from the rear line of the required front setback to the rear property line and being parallel to the side lot lines. The width of required side setbacks shall be measured along a line drawn perpendicular to the side lot line on the side of the lot in question.

Sexually Oriented Business: Any business or enterprise that has as one of its ~~principle~~ principal business purposes or as a significant portion of its business an emphasis on matter and conduct depicting, describing, or related to anatomical areas and sexual activities as specified in GS 14-202.10. A "Sexually-Oriented Business" includes any Adult Establishment or Adult Entertainment business as defined in this Section.

Sexually Oriented Devices: Without limitation any artificial or simulated specified anatomical area or other device or paraphernalia that is designed principally for specified sexual activities but shall not mean any contraceptive device.

Shielded: Shielded fixtures are such that light emitted by the fixture, either directly from the lamp or indirectly from the fixture, is projected below a horizontal plane running from the lowest point on the fixture where light is emitted. This means that a fully shielded fixture is one used in such a way that allows no direct or internally reflected light to shine above the light fixture.

Shrub, Large: A plant used for ornamental or screening that is expected to grow to at least six feet in height at maturity. At planting, a large shrub shall be a minimum of thirty-six inches in height.

Shrub, Medium: A plant used for ornamental or screening purposes that is expected to be three to six feet in height at maturity. At planting, a medium shrub shall be a minimum of eighteen inches in height.

Shrub, Small: A plant used for ornamental or screening purposes that is expected to be less than three feet in height at maturity. At planting, a small shrub shall be a minimum of twelve inches in height.

Sight Triangle: On City maintained streets, the triangular area formed by the right-of-way lines and a straight line drawn from a point 25 feet from the intersectional corner on one curb line to a point 25 feet from the intersectional corner on the other curb line, sides of triangle to be 25 feet by 25 feet by 35-5/10 feet.

Sign: Any display of letters, word, numbers, symbols, emblems, objects, pictures and/or any combination thereof made visible for the purpose of attracting attention or making something known, whether such display be made on, attached to or constructed as part of a building, structure, vehicle or object.

**Single Family Residential:** Any development where:

1. no building contains more that one dwelling unit (except as may include an accessory dwelling unit);
2. every dwelling unit is on a separate lot; and
3. where no lot contains more than one dwelling unit (except when permitted with an accessory dwelling unit.

~~Site Specific Development Plan: A plan of land development submitted to the City for purposes of obtaining one of the following zoning or land use permits or approvals:~~

~~1. Preliminary and final subdivision plat as set forth in Ordinance;~~

~~2. Planned development plats;~~

~~3. Special use or conditional permit site plans;~~

~~4. Commercial or housing developments consisting of two or more buildings on two or more acres;~~

~~5. Shopping center site plans;~~

~~6. Manufactured home park site plan;~~

~~7. Planned Unit Developments; or~~

~~8. All other zoning and land use development plans referenced in this Ordinance, subject to City Council or Board of Adjustment approval.~~

Site Plan: Per G.S. 160D-102, a scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include but is not limited to, site-specific details such as building areas, building height, and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, and stormwater control facilities, that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review. A site plan approval based solely upon application of objective standards is an administrative decision and a site plan approval based in whole or in part upon the application of standards involving judgement and discretion is a quasi-judicial decision. A site plan may also be approved as part of a conditional zoning decision.

~~Special Use: A use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to nearby neighborhoods, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such use may be permitted in a zoning district as a special use, if specific provision for a special use is made in this Ordinance.~~

Special Use Permit: Per G.S. 160D-102, a permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards. This definition includes permits previously referred to as “conditional use permits” or “special exceptions.”

Special Population Housing Residence: A dwelling unit in which unrelated persons may reside who are battered individuals, abused children, pregnant teenagers, runaway children, temporarily or permanently disabled, mentally, emotionally, or physically, individuals recovering from drug or alcohol abuse and all other persons who possess a disability which is protected by the provisions of either the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 or GS 168-20 through 168-23, as they may be amended, along with family members and support and supervisory personnel. A special population housing residence that accommodates six or less unrelated persons or more than six unrelated persons shall not be located within one-quarter mile (1,320 feet) of an existing special population housing residence as measured from property line to property line.

Specified Anatomical Areas: Less than completely and opaquely covered (1) human genitals or pubic region; (2) buttock, or (3) female breast below a point immediately above

the top of the areola; or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities - Human genitals in a state of sexual stimulation, or arousal; acts of human masturbation, sexual intercourse or sodomy; or fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts.

Spinner: A wind activated, propeller-type device, which may or may not be attached to advertising copy.

Stormwater: Any flow resulting from, and occurring during or following, any form of natural precipitation.

Stormwater Conveyance or stormwater Conveyance System: Any feature, natural or man-made, that collects and transports stormwater, including but not limited to roads with drainage systems, streets, catch basins, curbs, gutters, ditches, man-made and natural channels, pipes, culverts, and storm drains, and any other natural or man-made feature or structure designed or used for collecting or conveying stormwater.

Streamer: A string or strip of miniature or full-size pennants or flags, which may or may not be suspended between two points.

Street (Road): A public right-of-way for vehicular traffic, which affords the ~~principle~~ principal means of access to abutting properties.

Street Line: The right-of-way of a street.

Street Yard: The landscaped area from the property line to a maximum distance of twenty-five feet from the property line abutting public and private rights of way, consisting of planting strips, sidewalks, street trees and/or parking area screening. These landscaped planting yards are intended to insure that a natural area of appropriate size and density of plantings defines and separates travel lanes from pedestrian areas and building fronts.

Street Yard Tree: A large tree planted in an area of land adjacent to a public or private street.

Structure: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, manufactured homes, walls, fences, billboards, signs, poster panels, broadcast towers, satellite dish antennas and paved parking lots.

Subdivider: Any person, firm or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

~~Subdivision: All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations authorized by this Ordinance:~~

1. ~~The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this Ordinance;~~

2. ~~The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved;~~

3. ~~The public acquisition by purchase of strips of land for the widening or opening of streets;~~

4. ~~The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of this Ordinance; and~~

5. ~~The division of a tract into plots or lots used as a cemetery.~~

Subdivision: Per G.S. 160D-102, the division of land for the purpose of sale or development as specified in G.S. 160D-802.

Subdivision Identification Sign: A sign that gives the name of a residential or non-residential subdivision, planned unit development or multifamily development.

Temporary Sign: A banner, pennant, poster or advertising display constructed of cloth, plastic, canvass, cardboard, wall board or other material intended to be displayed for a limited period of time.

Travel Trailer: A structure that is:

1. Intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle); and

2. Designed for temporary use as sleeping quarters, but that does not satisfy one or more of the definitional criteria of a manufactured home.

Townhouse, Townhome, or Townhouse/Townhome Development: **A form of single-family attached dwelling in which three or more units share common side walls and are often designed in rows and have individual entrances on the ground floor. Units are on small individual parcels of land, fronting on a street, and have parking located on each lot or attached to each dwelling unit, although garages may be separated from the dwelling. Yards are typically small or shared, and privacy requires careful protection. A townhome with only two units is classified as a duplex.**~~A development consisting of one or more residential structures comprised of two or more attached single-family residences.~~

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

or suppression in reproduction or growth) or physical deformities in such organisms or their offspring, or other adverse health effects.

Tree, large: A tree growing to over forty feet in height and having a crown diameter of over forty feet at maturity, planted primarily to provide shade and canopy cover. Sometimes also known as a Canopy or Overstory Tree

Tree, small: A tree growing to less than forty feet in height and having a crown diameter of less than forty feet at maturity, planted primarily for aesthetic purposes and screening. Sometimes also known as an Understory Tree.

Tree topping: The removal or cutting back of major portions of a tree crown by cutting branches to stubs and/or the trunk. Topping is also referred to as heading, stubbing or dehorning.

Unit Ownership/Condominium: A project of two or more units in one or more buildings designed and constructed for unit-ownership as permitted by the North Carolina Unit-Ownership Act and developed according to the requirements of this Ordinance.

Variance: A relaxation of the terms of this chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship. As used in this chapter, a variance is authorized only for height, area and size of a structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district. For the purposes of Section 5.8 (Watershed Protection) Variance means a permission to develop or use property granted by the Watershed review Board relaxing or waiving a water supply watershed management requirement adopted by the Environmental Management Commission that is incorporated into this Ordinance (see Major Variance and Minor Variance).

Vehicular Surface Area (VSA): The area of the lot that accommodates vehicles, such as parking spaces, interior drive access areas, and loading areas.

Vehicular Surface Buffer: A five-foot vegetative buffer of medium-size, evergreen shrubs intended to shield the view of impervious surfaces and act as a natural drain for stormwater runoff. The buffer is required when a parking or vehicular surface is within fifteen (15) feet of a road right-of-way.

Vested Right: Per G.S. 160D-102, the right to undertake and complete the development and use of property under the terms and conditions of an approval secured as specified in G.S. 160D-108 or under common law.

Wall Sign: Any sign attached to or erected against the wall of building or other structure or which is an integral part of the building or structure.

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

Water Supply Protection Permit: A permit that is required within a Water Supply Protection District to document new development and uses of property and insure compliance with the Watershed Protection Overlay District.

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.

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

Watershed Administrator: The Director of Planning and Community Development of the City of Goldsboro shall be designated responsible for administration and enforcement of the Watershed Protection requirements set forth in Section 2.13 of this Ordinance.

Watershed Buffer Area: A natural or vegetated area through which storm water runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the bank of each side of streams, rivers and other water bodies (including lakes, ponds, etc).

Watershed Review Board: The Board of Adjustment of the City of Goldsboro.

Window Sign: A sign which is applied to the building glass area located such that the identifying/advertising message, symbol, insignia, visual representation, logotype or any other form which communicates information that can be read off premises.

Yard Sales: An occasional sale (no more than two in a 12-month period) held for disposing of personal property. The term yard sales shall include attic sales, garage sales and patio sales.

Zoning Enforcement Officer: The Planning Director or his designee shall administer and enforce this chapter.

~~Zoning Vested Right: A right pursuant to GS § 160A-385.1 to undertake and complete the development and use of property under the terms and conditions of an approved site-specific development plan.~~

Zoning Map Amendment or Rezoning: Per G.S. 160D-102, an amendment to a zoning regulation to change the zoning district that is applied to a specific property or properties. It does not include the initial adoption of a zoning map or the repeal of a zoning map and readoption of a new zoning map for the entire planning and development regulation jurisdiction. It does not include updating the zoning map to incorporate amendments to the names of zoning districts made by zoning text amendments where there are no changes in the boundaries o the zoning district or land uses permitted in the district. It does include the initial application of zoning when land is added to territorial jurisdiction of a local government that has previously adopted zoning regulations. It does include the application of an overlay zoning district or conditional zoning district.

Zoning Regulation: Per G.S. 160D-102, a zoning regulation adopted pursuant to G.S. 160D Article 7.

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# APPENDIX A. APPLICATION REQUIREMENTS

## *GENERAL*

The following is a list of the various permits and plan approvals that are required by the City. Under each permit or plan type is a listing of the required information that must be submitted with each application. Not all projects will require all the information listed here. The applicant should review the submittal requirements for ~~his~~ a particular permit request and then provide only that information that is pertinent to ~~his~~ that request. When in doubt, the applicant should contact the Planning and Community Development Department for assistance. These requirements may not be all inclusive and should serve only as a guide.

## ~~*CONDITIONAL USE PERMIT*~~

1. ~~One (1) copy of City of Goldsboro Conditional Use Permit application.~~
2. ~~Applicable fees paid.~~
3. ~~Six (6) copies of the associated site plan or preliminary major subdivision plat, including all conditions proposed for the property.~~

## *FINAL MAJOR SUBDIVISION PLAT OR MINOR EXPEDITED SUBDIVISION PLAT*

A) One (1) copy of City of Goldsboro Major Subdivision Final Plat application.

B) Applicable fees paid.

C) Six (6) copies of the final plat including, but not limited to, the following information:

D) Note: The final plat shall constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time, provided, however, that such portion conforms to all requirements of this Ordinance. The final plat shall be prepared on 18 inch by 24 inch linen or transparent film by an engineer or registered surveyor, shall be at least a 1 inch equals 100 feet scale, and shall show the following information:

1. The lines of all streets and roads.
2. Lot lines and lot numbers and legible vicinity map.
3. Minimum building setback lines and maximum built-upon area permitted per lot as required or applicable.
4. Reservations, easements, alleys and any areas to be dedicated to public use, or sites for other than residential use with notes stating their purposes and any limitations.

Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, block line and building line, whether curved or straight, and including true North point. This should include the radius, central angle point of tangent, tangent

5. distance and arcs and chords of all curved streets and curved property lines.
6. All dimensions should be to the nearest one-hundredth of a foot and angles to the nearest minute.
7. Accurate location and description of all monuments and markers.
8. The names and locations of adjoining subdivisions and streets, and the location and ownership of adjoining unsubdivided property.
9. Title, date, name and location of subdivision and graphic scale, including revision dates.
10. Name of subdivider, engineer, registered surveyor or land planner.
11. Utility layouts: water, gas, sanitary sewer, storm drainage and associated easements.
12. Location of riparian buffers.
13. Location of stormwater control structures and any associated easements.
14. The location of any on-site improvements such as buildings and parking lots.
15. The location of any tree save areas.
16. Any other information as deemed necessary by the Planning and Community Development Director to review the proposed subdivision.

Forms for final certifications. The following certificates shall be lettered or rubber stamped on the final plat in such a manner as to insure that such certificates will be legible on any prints made therefrom:

### *CERTIFICATE OF OWNERSHIP AND DEDICATION*

I (We) hereby certify that I am (we are) the owner of the property described hereon, the property is located within the planning jurisdiction of the City of Goldsboro, that I (we) freely adopt this plan of subdivision and dedicate to public use all areas shown on this plat as streets, alleys, walks, parks, open space and easements, except those specifically indicated as private and that I (we) will maintain all such areas until the offer of dedication is accepted by the appropriate public authority. All the property shown on this plat as dedicated for any other public use shall be deemed to be dedicated for any other public use authorized by law when such other use is approved by the Goldsboro City Council in the public interest.

Owner _____

Date _____

Notarized _____

## *CERTIFICATE OF OWNERSHIP AND DEDICATION FOR CORPORATIONS.*

Omit "*I (We) hereby certify that I* " from Paragraph 2, above, and insert:

"This is to certify that I, the __(Officer)__ of the Corporation, by authority of the Board of Directors"….

Substitute signature block:
Corporation: _____
Date: _____ By: _____"

## *CERTIFICATE OF APPROVAL*

I herby certify that all the streets shown on this plat are within the City of Goldsboro's planning jurisdiction, all streets and other improvements shown on this plat have been installed or completed or that their completion (within one year after the date below) has been assured by the posting of an improvement guarantee and that the subdivision shown on this plat is in compliance with the City of Goldsboro's Unified Development Ordinance. The Planning and Community Development Director has approved this plat, subject to its recording in the Wayne County Registry within sixty days of the date below.

Planning and Community Development Director _____

Date _____

## *CERTIFICATE OF SURVEY AND ACCURACY*

I, _____, certify that this plat was drawn under my supervision from an actual survey (deed description recorded in Book_____, Page_____, etc.) (Other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book _____, Page_____; that the ratio of precision as calculated is 1: _____; that this plat was prepared in accordance with GS 47-30 as amended. Witness my original signature, registration number and seal this _____ day of _____, A.D., 20_____.

Surveyor Seal or Stamp.

Surveyor _____

Registration # _____

## *CERTIFICATE OF THE NOTARY SHALL READ AS FOLLOWS:*

North Carolina, _____ County. I, a Notary Public of the County and State aforesaid, certify that _____, a registered land surveyor, personally appeared before me this day and acknowledged the execution of this instrument. Witness my hand and official stamp or seal, this_____ day of _____, 20____.

Notary Seal or Stamp _____

My Commission Expires _____

## *CERTIFICATION OF APPROVAL OF PRIVATE WATER AND SEWER SYSTEMS*

I hereby certify that the water supply and sewage disposal system installed or proposed for installation in the subdivision entitled _____ fully meets the requirements of the North Carolina State Health Department and are hereby approved as shown.

County Health Officer _____
Or Legal Representative
Date _____

Certification of the approval of the installation and construction of streets, utilities and other required improvements.

I hereby certify: (One) that streets, utilities and other required improvements have been installed in an acceptable manner and according to City specifications and standards in the subdivision entitled _____ or, (Two) that a guarantee of the installation of the required improvements in an amount satisfactory to the City of Goldsboro has been received.

City Engineer _____
Date _____

City Clerk _____
Date _____

## *CERTIFICATE OF APPROVAL FOR RECORDING PLAT AND ACCEPTANCE OF DEDICATIONS*

I, _____, the City Clerk of the City of Goldsboro, North Carolina, do hereby certify that on the _____ day of _____, 20_____, the City Council of the City of Goldsboro approved this plat for recording and accepted the dedication of the streets, easements, rights of way, public parks and other sites for public purposes as shown hereon, but assumed no responsibility to open or maintain the same until, in the opinion of the governing body of the City of Goldsboro, it is in the public interest to do so.

City Clerk _____
Date _____
Seal

## *DISCLOSURE OF HIGH NOISE AREA – (IF APPLICABLE)*

"Property shown on this plan/plat is within the City of Goldsboro Noise Overlay District. All or a portion of the property described hereon is within an area with an average noise level equal to or exceeding Ldn 65 decibels. The noise level may be harmful to the health of the user of this property. Any building located, constructed and/or renovated within this district must comply with the noise attenuation standards found in the City of Goldsboro Unified Development Ordinance"

## FINAL MINOR SUBDIVISION PLAT

A) One (1) copy of City of Goldsboro Minor Subdivision Final Plat application.

B) Applicable fees paid.

C) Six (6) copies of the final plat including, but not limited to, the following information:

D) Note: The final plat shall constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time, provided, however, that such portion conforms to all requirements of this Ordinance. The final plat shall be prepared on 18 inch by 24 inch linen or transparent film by an engineer or registered surveyor, shall be at a 1 inch equals 100 feet scale, and shall show the following information:

1. The lines of all streets and roads.
2. Lot lines and lot numbers.
3. Minimum building setback lines and maximum built-upon area permitted per lot as required or applicable.
4. Reservations, easements, alleys and any areas to be dedicated to public use, or sites for other than residential use with notes stating their purposes and any limitations.
5. Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, block line and building line, whether curved or straight, and including true North point. This should include the radius, central angle point of tangent, tangent distance and arcs and chords of all curved streets and curved property lines.
6. All dimensions should be to the nearest one-hundredth of a foot and angles to the nearest minute.
7. Accurate location and description of all monuments and markers and the location of any existing improvements including buildings and parking lots.
8. The names and locations of adjoining subdivisions and streets, and the location and ownership of adjoining unsubdivided property.
9. Title, date, name and location of subdivision, and graphic scale.
10. Name of subdivider, engineer, registered surveyor or land planner.
11. Utility layouts: water, gas, sanitary sewer, storm drainage and associated easements.
12. Location of riparian buffers.
13. Location of stormwater control structures and any associated easements.
14. The location of any tree save areas.

15. Any other information as deemed necessary by the Planning and Community Development Director to review the proposed subdivision.

Forms for final certifications. The following certificates shall be lettered or rubber stamped on the final plat in such a manner as to insure that such certificates will be legible on any prints made therefrom:

## CERTIFICATE OF OWNERSHIP

I (We) herby certify that I (we) am (are) the owner of the property described hereon and that I (we) adopt this subdivision plan with my (our) free consent. I (We) acknowledge the land as shown is within the subdivision jurisdiction of the City of Goldsboro.

Owner(s) _____
Date _____

Certificate of ownership and dedication for corporations.

Omit "I (We) hereby certify that I " from Paragraph 2, above, and insert:

"This is to certify that I, the __(Officer)__ of the Corporation, by authority of the Board of Directors . . ."

Substitute signature block:

Corporation: _____

Date: _____ By: _____"

## CERTIFICATE OF APPROVAL

I hereby certify that the minor subdivision shown on this plat does not involve the creation of new streets or change any existing streets and that the subdivision shown is in all respects in compliance with the provisions of the Unified Development Ordinance of the City of Goldsboro. Therefore, this plat has been approved by the Goldsboro Planning and Community Development Director, subject to its being recorded in the Wayne County Registry within sixty days of the date below.

Planning and Community Development Director _____
Date
_____

## CERTIFICATE OF SURVEY AND ACCURACY

I, _____, certify that this plat was drawn under my supervision from an actual survey (deed description recorded in Book_____, Page_____, etc.) (Other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book _____, Page_____; that the ratio of precision as calculated is 1: _____; that this plat was prepared in accordance with GS 47-30 as amended. Witness my original signature, registration number and seal this _____ day of _____, A.D., 20_____.

Surveyor Seal or Stamp.
Surveyor _____
Registration # _____

## CERTIFICATE OF THE NOTARY SHALL READ AS FOLLOWS:

North Carolina, _____ County. I, a Notary Public of the County and State aforesaid, certify that _____, a registered land surveyor, personally appeared before me this day and acknowledged the execution of this instrument. Witness my hand and official stamp or seal, this_____ day of _____, 20____.

Notary Seal or Stamp _____

My Commission Expires _____

## WATERSHED SUPPLY PROTECTION REGULATIONS – (IF APPLICABLE)

All or a portion of the property shown or described hereon is within a Water Supply Protection District which may limit the maximum buildable area of a lot.

## DISCLOSURE OF HIGH NOISE AREA – (IF APPLICABLE)

“Property shown on this plan/plat is within the City of Goldsboro Noise Overlay District. All or a portion of the property described hereon is within an area with an average noise level equal to or exceeding Ldn 65 decibels. The noise level may be harmful to the health of the user of this property. Any building located, constructed and/or renovated within this district must comply with the noise attenuation standards found in the City of Goldsboro Unified Development Ordinance”

## DISCLOSURE OF HIGH NOISE AND AIRCRAFT CRASH HAZARD AREA – (IF APPLICABLE)

All or a portion of the property shown or described hereon is within an area with an average noise level equal to or exceeding Ldn 65 decibels and is within an aircraft crash hazard area. The noise level may be harmful to the health of the user of this property.

**PRELIMINARY MAJOR~~/MINOR~~ SUBDIVISION PLAT**

A) One copy of City of Goldsboro Preliminary Subdivision Plat application

B) Applicable fees paid

C) Six copies of preliminary subdivision plat including, but not limited to, the following information:

1. The location of existing and platted property lines, streets, buildings, water bodies, railroads, transmission lines, sewers, bridges, culverts and drain pipes, water mains, city limit lines and any public utility easements.
2. Boundaries of tract shown with bearings and distances.
3. Wooded areas, marshes, and any other conditions affecting the site.
4. Names of adjoining property owners or subdivisions.
5. Zoning classification, if any, both on the land to be subdivided and on adjoining lands.
6. Proposed streets, street names, rights-of-way, pavement widths, and approximate grades.
7. The location of proposed utilities (sewer, water, gas, electricity) showing connections to existing systems or plans for individual water supply, sewage disposal, and storm drainage.
8. Other proposed rights-of-way or easements; location, width and purposes.
9. Location and width of bufferyards and riparian buffers.
10. Nitrogen release calculations if in Neuse River Basin.
11. Grading plan showing limits of disturbance and tree protection measures.
12. Landscape plan showing location, type and size of plantings, including existing vegetation
13. Proposed lot lines, lot and block numbers, and approximate dimensions.
14. Proposed minimum building setback lines.
15. Proposed parks, school sites, or other public open spaces, if any.
16. Title, date, North point, and graphic scale.
17. Name of owner, surveyor or land planner.
18. Site data:
    - Acreage in total tract.
    - Acreage in park or other land usage.
    - Average and minimum lot size.

- Density (i.e. lots per acre)
- Total number of lots.
- Lineal feet in streets.
- Sketch vicinity map showing relationship between subdivision and surrounding area.
- Proposed maximum built-upon area permitted for each lot.
- Proposed phases of development.

19. Other information as deemed necessary by the Planning and Community Development Director to review the proposed subdivision.

**REZONING REQUEST**

A) One (1) copy of City of Goldsboro Rezoning application.

B) Applicable fees paid.

**SIGN PERMIT**

A) One (1) copy of City of Goldsboro Sign Permit application.

B) Applicable fees paid.

C) Two (2) copies of the following:

- Freestanding Signs:
- Site plan drawn to scale showing proposed location of sign in relation to rights-of-way, easements, buildings, property lines and other existing signs.
- Show sight distance triangles on site plan.
- Show location of existing ground signs, if any.
- Wall/canopy/awning signs:
- Illustration of building façade, canopy, and/or awning drawn to scale.
- Location of existing wall, canopy or awning signs.
- Location of sign on building façade, canopy or awning.

D) Scaled drawing of sign(s) showing dimensions, material, and colors.

**SITE PLAN**

A) One (1) copy of City of Goldsboro Site Plan application.

B) Applicable fees paid.

C) Six (6) copies of the site plan (not less than 11 inches by 17 inches sheet size, with all pages stapled, at an appropriate scale) including, but not limited to, the following information:

1. Title, date, north arrow, engineer's scale, graphic scale and the names and addresses of developers and the persons or firms preparing the plan.
2. Vicinity sketch showing the site and its relationship to surrounding area.
3. Location and dimensions of property lines (bearings and distances), zoning, setback lines, and all buildings (existing and proposed).
4. Property owner, lessee, length of lease for operation and proposed use(s). Site plans requiring Planning Commission and City Council approval shall be submitted within 14 days of the next regularly scheduled Planning Commission meeting and shall also contain the following Certificate of Ownership and Approval:
5. “I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby approve this development plan. I (We) further certify that all exterior improvements, including but not limited to paving and landscaping, as shown on the site plan will be maintained in accordance with this plan.”
6. Hours of operation, number of employees, floor plan, and location of freestanding signs.
7. Disclosure of high noise area and aircraft crash hazard area, where applicable.
8. Location of adjoining properties (where appropriate), names and addresses of owners or record and current zoning classifications.
9. Site data in tabular form including total acreage, number of residential units, number of bedrooms, gross floor area of each building and/or addition, building height and proposed uses.
10. Parking and loading: minimum number required, actual number provided, location, dimensions including width of aisles and bays, angle of parking, handicapped spaces and ramps, proposed paving detail, circulation patterns, vehicular entrances/exits and private drives. Statement should be included identifying number and type of deliveries expected per month including type of vehicle used.
11. Location and dimension of existing and proposed water lines, taps and valves, fire hydrants, sanitary sewer lines, storm sewer lines, and manholes.
12. Location of electrical utility lines, service connections, meters and poles.

13. Location and dimensions of streets showing right-of-way, street name or road number, sight distance triangle, curb and gutter and location and dimensions of sidewalks, alleys, curb cuts and pedestrian ways where required.
14. Drainage plan including locations and dimensions of pipes, ditches, topographic information, finished grades, yard drains, catch basins and curb inlets.
15. Location and dimensions of gas lines, if applicable.
16. Location and dimensions of HVAC equipment, pads and other related facilities and
17. methods of screening.
18. Location and dimensions of any required refuse collection container spaces and a statement identifying the method and frequency of litter and refuse collection and agency to be used.
19. Existing wooded areas, trees, marshes and any other conditions affecting the site
20. including tree save areas and tree protection fencing.
21. Where planting or landscaping will be provided, show locations, sizes, common names and number of proposed plants and trees. Required landscaped areas shall be clearly identified in respect to location and plantings.
22. Location and width of required bufferyards, building setbacks and riparian buffers.
23. Nitrogen release calculations if in Neuse River Basin, if applicable.
24. Grading plan including limits of disturbance.
25. Location of 100-year floodplain and existing wetlands (if applicable).
26. Location of all easements that are on the property.
27. Height, location and intensity of luminary devices.
28. Isolux lighting plan, if required.
29. Proposed phases of development, if applicable.
30. Site plans for planned unit developments shall clearly identify all common areas and provide actual square footage of such area.
31. Any other information considered relevant by the Planning, or Engineering, or Public Utilities Departments, or the Inspections Division.
32. Building elevations and other architectural information as required.
33. Location of proposed and existing sidewalks.
34. Owner's Statement
35. Landscaping Maintenance Agreement.

## SPECIAL USE PERMIT

A) One (1) copy of City of Goldsboro Special Use Permit application.

B) Applicable fees paid.

C) Six (6) copies of the site plan, including the following information:

1. For major home occupations:

   i. Gross square footage of all structures on the property.

   ii. Square footage to be used for the home occupation.

   iii. Structures to be used for home occupation, particularly accessory structures.

   iv. Number and location of available parking spaces.

   v. Proposed signage, including location, number, size and material/color.

   vi. Number and residency of employees.

   vii. A written statement detailing how the proposed home occupation will comply with Section 5.5.4 (Special and Conditional Use Specific Regulations - Home Occupations) and Section 2.2.10 (Special Use and Conditional Use Permits Criteria for Approval).

2. For repair of damaged nonconforming structures:

   i. Site plan (see submittal requirements in this Appendix).

   ii. A written statement detailing how the proposed repair will comply with Section 2.2.10 (Special and Conditional Use Permits Criteria for Approval).

## VESTED RIGHTS CERTIFICATE

1. One (1) copy of City of Goldsboro Vested Rights Certificate application.
2. Applicable fees paid.
3. Six (6) copies of site specific development plan.

## WATERSHED PROTECTION PERMIT

A) One (1) copy of City of Goldsboro Water Supply Watershed Protection Permit application.

B) Applicable fees paid.

C) Six (6) copies of the site plan with the following information:

1. Site plan or preliminary subdivision plat (major or minor).
2. Indicate whether property is within the WS-C or WS-P areas.
3. Existing and proposed use.

4. Existing square footage of built-upon areas (absolute square footage and as a percentage of the total site area).
5. Proposed square footage of built-upon areas (absolute square footage and as a percentage of the total site area).
6. Identify nonconforming features, including both uses and structures.
7. Proposed number of residential single-family lots and number of lots per acre.
8. Minimum lot size.
9. If cluster development, provide number of lots proposed and number of lots allowed based on the underlying zoning district. Also provide open space acreage and ownership.
10. Location and width of riparian buffers.
11. Method of protection of riparian buffer from land disturbance.
12. Landscape plan showing proposed vegetation of riparian buffers.
13. Stormwater control structures details, including designed run-off storage volume, percent of suspended solids removed, discharge rate, mean permanent pool depth, inlet structure design, vegetative filter design and proposed vegetation, and proposed ground cover.
14. Survey and description of area containing stormwater control structure, including easements and deed to be recorded in the Wayne County Registry.
15. Financial security documents.
16. Operation and maintenance plan.

## ZONING COMPLIANCE CERTIFICATE

A) One (1) copy of City of Goldsboro Zoning Compliance Certificate application.

B) Applicable fees paid.

C) Six (6) copies of the following:

1. Location of Property – Provide the address number(s) and street name. Note: Descriptive locations such as "Northeast Corner of…" will only be accepted for new construction on vacant land where "address numbers" have not yet been assigned.
2. Explain any alteration or construction.
   For example, "add a room approximately 12'x12' to the first floor rear."
3. Provide the height in feet and stories of the new building or the existing building and proposed additions.
4. List the present use of the existing building.

5. List the proposed use of the existing building and of the addition (if any) or the proposed use of the new building.
6. Provide the name, address, and telephone number of the owner(s), architect, engineer, and the name of the person filing the application.
   Note: If you are not the owner of the property listed on the completed application, you must also submit a signed lease or letter from the owner of the property that authorizes you to file the application.
7. Prepare a plot plan, drawn to scale. A plot plan is a drawing of the project, with applicable dimensions. Show existing rights-of-way, property lines, easements, structures, bufferyards, setback lines, parking areas, and other pertinent information.

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# APPENDIX B. TECHNICAL DESIGN REQUIREMENTS

**General**

The following is a list of various technical designs and details that are used by the City of Goldsboro to evaluate projects for quality of design that promotes the health, safety and general welfare of the citizens and visitors of the City of Goldsboro. The City Council may require additional requirements if the details and designs in this Appendix are deemed insufficient by the City Council.

## I. Off-Street Parking

Dimensional Requirements: Each parking stall shall be designated and arranged to meet or exceed the following:

1. Stall Length: Standard: Eighteen (18) feet;
   Parallel: Twenty-Two (22) feet;
2. Stall Width: Standard: Nine (9) feet;
   Parallel: Ten (10) feet;
3. Aisle Width between Stall Lines:
   Ninety (90) Degrees: Twenty-four (24) feet;
   Sixty (60) Degrees: Nineteen (19) feet;
   Forty-five (45) Degrees: Sixteen (16) feet;
   Thirty (30) Degrees: Fourteen (14) feet;
   Parallel (0) Degrees: Fifteen (15) feet;
4. End stalls utilizing a ninety (90) degree of incidence shall be at least twelve (12) feet wide unless a nine (9) foot by fifteen (15) foot maneuvering apron is provided adjacent to each end stall. Each apron may serve two (2) stalls.
5. Any sidewalk adjacent to a parking stall shall observe a minimum setback of two (2) feet.
6. All paved parking stalls shall be adequately marked with a painted strip at least three and one-half (3-1/2) inches wide.
7. All off-street parking areas shall provide adequate driveway stems to provide for adequate circulation of traffic. Larger projects shall provide drive stems at least fifty (50) feet in length. Smaller projects shall provide driveway stems as required by the Planning and Community Development Director.
8. The minimum drive aisle width for two-way traffic shall be 24 ft.

## II. Landscaping Design and Details

The guidelines included in this Appendix apply to all new development, governed by the permitting process defined in the City of Goldsboro Unified Development Ordinance. Any property developed or substantially changed under a permit approved by the City of Goldsboro is subject to the planting guidelines of this Appendix.

Included in this section is a compilation of the latest accepted horticultural practices. It is meant to be used by North Carolina Landscape Contractors and Development Services staff to help assure that installed landscaping thrives once planted. It contains definitions, text descriptions, and plant list. This section also provides information on tree protection, planting guidelines and suggested species.

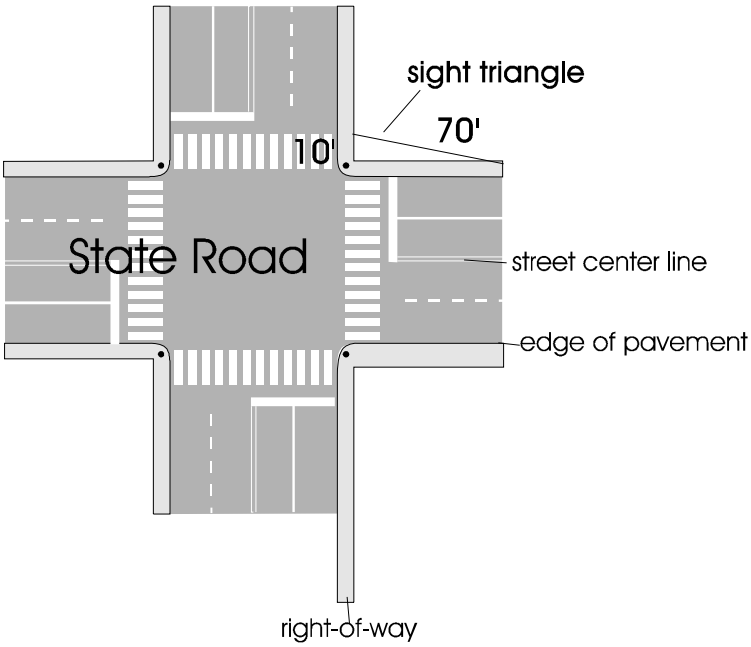
This section is the guide that the City of Goldsboro staff will use to assess landscape installation. All developers are expected to follow these guidelines.

**1. Sight Triangles**

On a corner lot in any zoning district, no structure, fence, wall or vegetation that obstructs the vision should be placed within the sight triangle. Measuring from the street grade, no object, wall, fence, vegetation, or land surface shall be no higher than 3 ½ feet. All triangle horizontal measurements shall be measured from the edge of the right-of-way.

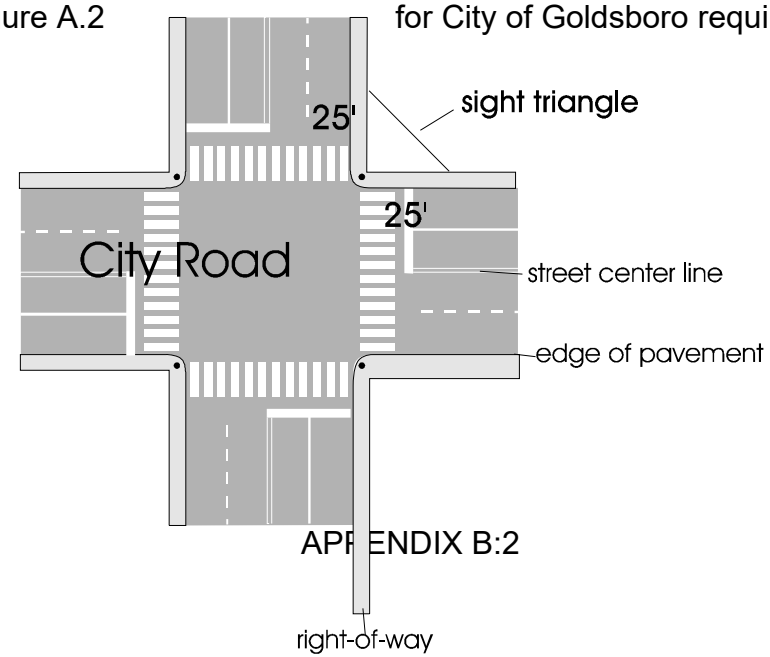
Refer to Figure A.1 for DOT requirements on State roadways.

**Figure A.1**




Refer to Figure A.2 for City of Goldsboro requirements on all other roadways.

**Figure A.2**



## 2. LIST OF APPROVED PLANT SPECIES

| LARGE TREES | TREE TYPE | AT MATURITY HEIGHT | SPREAD | GROWTH RATE | SITE CONDITIONS | BENEFITS | POSSIBLE PROBLEMS | REMARKS |
|---|---|---|---|---|---|---|---|---|
| Acer rubrum<br>RED MAPLE | deciduous shade | 40-60’ | 30-50’ | fast | adaptable | spring flowers fall colors | leaf hoppers borers | does not tolerate heavy pollution, shade tolerant |
| Acer saccharum<br>SUGAR MAPLE | deciduous shade | 60-75’ | 40-60’ | moderate | well-drained slightly moist | fall color | leaf scorch | beautiful fall color, resents heat, shade tolerant |
| Betula nigra<br>RIVER BIRCH | deciduous | 40-70’ | 40-60’ | slow to moderate | moist preferred, but adaptable | handsome form & bark | leaf spot | multi- or single-stem, adaptable “Heritage” excellent selection |
| Carpinus carolina<br>HORNBEAM, IRONWOOD | deciduous shade | 20-50’ | 30-50’ | slow to moderate | rich, moist, slightly acid | fall color, smooth bark | canker, leaf spot | very adaptable smaller shade tree, unique trunk, shade tolerant |
| Cedrus deodara<br>DEODAR CEDAR | evergreen | 40-70’ | 50-90’ | moderate | well-drained, somewhat dry | foliage texture and color | cold damage, top dieback | excellent graceful specimen w/ soft blue-green color |
| Cercidifhyllum japonicum<br>Katsura Tree | deciduous shade | 40-60’ | 30-60’ | moderate | rich, moist, well-drained; full sun | beautiful foliage | non-serious sun scale | extremely handsome, underused, beautiful spring foliage |
| Cladrastis kentukea<br>Yellowwood | deciduous shade | 30-50’ | 40-55’ | moderate | well-drained, full sun | fragrant & bright | very few | beautiful fragrant flowers on older trees, underused |
| Cryptomeria japonica<br>Japanese Cedar | evergreen | 50-60’ | 20-30’ | moderate | rich, moist, acid; full sun | soft texture, beautiful bark | leaf blight, branch dieback | graceful, stately specimen, excellent screen |
| Fagus grandiflora<br>American Beech | deciduous shade | 50-70’ | 50-70’ | slow | moist, well-drained, acid | handsome form, bark | none serious, surface roots | beautiful and grand native for large area, shallow roots inhibit grass |
| Fraxinus pennsylavanica<br>Green Ash | deciduous shade | 50-60’ | 25-35’ | fast | very adaptable, full sun | adaptability | borers, scale | plant cultivars to prevent reseeding, easily transplanted |
| Ginkgo biloba<br>Ginkgo Tree | deciduous shade | 50-80’ | 30-60’ | moderate | adaptable, full sun | unique foliage, rich yellow | none serious | spectacular when mature, bright golden fall color, plant male only |
| Gymnocladus dioicus<br>Kentucky Coffeetree | deciduous shade | 60-75’ | 40-50’ | slow to moderate | adaptable | bold form & unique color | none serious | interesting tree for large area, pods persistent through winter |
| Liquidambar s. | deciduous | 60-75’ | 40-50’ | moderate | adaptable, needs | rich fall color | numerous | fruitless variety, but |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| rotundiloba<br>Sweetgum (fruitless) | shade | | | | large root zone | | pests if under stress | some reversion possible, rich fall color |
| Liriodendron tulipfera<br>Tulip Poplar | deciduous shade | 70-90’ | 35-50’ | fast | moist, drained, loamy soil, full sun | beautiful spring flowers | numerous if poorly sited | majestic tree only for large sites, needs well-drained, loamy soil |
| Magnolia grandiflora<br>Southern Magnolia | evergreen | 60-80’ | 30-50’ | moderate | rich, well-drained shade tolerant | fragrant flower handsome leaf | messy leaves surface roots | formal spec. as screen or large hedge, use Little Gem or cultivars |
| Metasequoia glyptostroboides<br>Dawn Redwood | deciduous | 70-100’ | 24-45’ | fast | moist, well-drained slightly acid | bright green fine leaves | none serious Japanese beetle | Tall but somewhat narrow, makes effective screen |
| Nyssa sylvatica<br>Black Gum | deciduous | 30-50’ | 20-30’ | moderate | moist well-drained acid | striking fall color | none serious | beautiful native tree but hard to find in nurseries |
| Pinus taeda<br>Loblolly Pine | evergreen | 40-60’ | 20-30’ | fast | adaptable to poorly drained, acid soil | good fast screen | pine beetles | young fast screen, beetles not frequent in landscape |
| Quercus alba<br>White Oak | deciduous shade | 50-80’ | 60-90’ | slow | deep, moist, well-drained, acid | stateliness, fall color | numerous, but tree is survivor | most majestic of trees, slow growth |
| Quercus coccinea<br>Scarlet Oak | deciduous shade | 70-75’ | 40-50’ | moderate | adaptable | excellent glossy foliage | none serious | excellent foliage, attractive form makes it very popular |
| Quercus phellos<br>Willow Oak | deciduous shade | 40-60’ | 30-60’ | moderate | adaptable | good form, fine texture | none serious | highly adaptable & obtainable, perhaps overused |
| Quercus shumardii<br>SHUMARD OAK | deciduous shade | 40-60’ | 40-60’ | moderate | adaptable | reliability, fall color | none serious | reliable & adaptable, becoming more available |
| Sophora japonica<br>PAGODA/SCHOLAR TREE | deciduous shade | 50-75’ | 50-75’ | fast | loamy, well-drained | fragrant showy flowers | canker, cold damage if young | some disease & hardiness problems when young, but good urban tree |
| Taxodium distichum<br>Bald Cypress | deciduous | 50-70’ | 20-30’ | moderate | adaptable, full sun | fine texture, attractive bark | twig blight, cypress moth | stately tree with finer texture than most, quite adaptable in cities |
| Tilia cordata<br>Littleleaf Linden | deciduous shade | 60-70’ | 40-60’ | moderate | moist, well-drained, fertile | pollution tolerant | scale, linden mite, aphids | handsome tree for large sites, not as adaptable in warm climates |
| TSUGA CANADENSIS<br>CANADIAN HEMLOCK | evergreen | 40-70’ | 25-35’ | moderate | moist, well-drained acid, sun or shade | fine texture; hedge, screen | numerous if not properly sited | great for naturalizing, screening or large hedge, do not allow to dry |
| Ulmus parviflora<br>Lacebark Elm | deciduous shade | 40-50’ | 40-50’ | moderate | adaptable | beautiful mottled bark | none serious | tough & durable for urban sites, easily |

| LARGE TREES | TREE TYPE | AT MATURITY HEIGHT | SPREAD | GROWTH RATE | SITE CONDITIONS | BENEFITS | POSSIBLE PROBLEMS | grown & transplanted REMARKS |
|---|---|---|---|---|---|---|---|---|
| Zelkova serrata Japanese Zelkova | deciduous shade | 50-80’ | 50-80’ | moderate | moist well-drained sun | good foliage, fall color | none serious | handsome tree w/ good foliage, vase shape, “Village Gr.” good |
| **ORNAMENTAL TREES** | | | | | | | | |
| Acer ginnala Amur Maple | deciduous | 15-20’ | 15-20’ | moderate | adaptable, sun or light shade | flowers, fall color | relatively few | very hardy, can use in container, as specimen or groups |
| Acer palmatum Japanese Maple | deciduous | 15-25’ | 15-25’ | slow to moderate | moist, well-drained, sun/shade | fall color, great foliage | few, leaf scorch | beautiful specimen or accent, may varieties |
| Amelanchier aborea Serviceberry | deciduous | 15-25’ | 10-30’ | moderate | moist, well-drained, sun/shade | spring flowers, fall color | rust, leaf blight, fire blight | great for naturalizing, edible fruit, attracts wildlife, interest in winter |
| Cercis canadesis Redbud | deciduous | 20-30’ | 25-35’ | moderate | adaptable if not wet sun/part shade | spring flowers fall color | canker, leaf spot Verticillium wilt | native tree for naturalizing, as specimen or group, new varieties |
| Cornus florida Flowering Dogwood | deciduous | 20-30’ | 20-30’ | moderate | well-drained, acid, organic, moist | spring flowers fall color | borer, fungus, leaf spot | despite problems, worth growing in proper cultural conditions |
| Cornus kousa Kousa Dogwood | deciduous | 20-30’ | 20-30’ | slow to moderate | well-drained, acid, sandy, organic | spring flowers fall color | borers, none serious | softens harsh structures, beautiful in flower, fall color & winter habit |
| Crataegus phaenopyrum Washington Hawthorn | deciduous | 25-30’ | 20-25’ | moderate | well-drained, full sun | spring flowers, showy fall | fireblight, leaf spot, mildew | fruit display makes for excellent specimen, “Winter King” less rust |
| Halesia carolina Carolina Silverbell | deciduous | 30-40’ | 20-35’ | moderate | well-drained, organic, moist, acid | spring flowers fall fruit | very pest resistant | subtly beautiful native for shrub and woodland border, sun/shade |
| Ilex opaca American Holly | evergreen | 20-40’ | 18-40’ | slow | well-drained, moist, acid, sun | red berries | leaf miner,scale bud moth, blight | picturesque specimen, many superior cultivars “Greenleaf” |

| ORNAMENTAL TREES | TREE TYPE | AT MATURITY HEIGHT | SPREAD | GROWTH RATE | SITE CONDITIONS | BENEFITS | POSSIBLE PROBLEMS | REMARKS |
|---|---|---|---|---|---|---|---|---|
| Ilex x cultivar Holly (large types) | evergreen | 15-25’ | 15-25’ | moderate to fast | well-drained, moist acid, sun | glossy dark leaves | none serious | many large enough to use as trees, screening, “Nellie |
| Koelreuteria paniulata Golden Raintree | deciduous | 30-40’ | 30-40’ | moderate to fast | adaptable, full sun | spring leaves summer flower | none very serious | lawn or patio tree, unique for summer flowers |
| Lagerstroemia indica x faurei Crape Myrtle | deciduous | 18’ + | varies | fast | well-drained, warm full sun | bark, form, summer flower | powd. mildew black spot | excellent National Arboretum cultivars for flower |
| Magnolia x loebneri Magnolia Loebner | deciduous | 20-30’ | 25-35’ | moderate | well-drained, acid moist, organic, sun | fragrant spring blooms, form | seldom | Spectacular early flowers susceptible to freeze but worth risk |
| Magnolia x soulangeana Saucer Magnolia | deciduous | 20-30’ | 15-25’ | moderate | well-drained, acid, moist, organic, sun | fragrant spring blooms, form | seldom | Spectacular early flowers susceptible to freeze but worth risk |
| Magnolia virginiana Sweetbay Magnolia | semi-evergreen | 20-30’ | 25-35’ | moderate | adaptable, tolerates wet, shade | fragrant summer bloom | none serious | versatile tree with nice foliage, fragrant flowers, often multi-stem |
| Malus hybrid Flowering Crabapple | deciduous | varies | varies | varies | well-drained, moist, acid, sun | spring bloom fall fruit | use only resistant variety | many varieties available with diff. habits, select disease resistant |
| Parrotia persica Persian Perrotia | deciduous | 20-40’ | 15-30’ | moderate | well-drained, sun or light shade | spring flowers exfoliat. bark | none except J. beetles | Exceptional specimen, accent, small lawn or street tree, under use |
| Pistachia chinensis Chinese Pistache | deciduous | 30-35’ | 25-35’ | moderate | adaptable, full sun | fall color, bark | none | highly adaptable lawn, park, street tree w/ outstanding fall color |
| Prunus species Flowering Cherry | deciduous | varies | varies | varies | well-drained, moist, sun | spring flowers tree form | depends on conditions | popular ornamental despite problems |
| Sassafras albidum Sassafras | deciduous | 30-60’ | 25-40’ | moderate to fast | well-drained, moist, acid, sun/lt. shade | spring flowers fall color | numerous but seldom noticed | overlooked native, excellent for naturalizing, road sides, fall color |
| Stewartia pseudocamelia Japanese Stewartia | deciduous | 20-40’ | 15-30’ | moderate | well-drained, moist, organic | summer flower bark, tree form | none serious | magnificent specimen w/ Camelia-like flowers and beautiful bark |
| Styrax japonica Japanese Snowbell | deciduous | 20-30’ | 20-30’ | moderate | well-drained, moist, organic | late spring flower, form | mostly pest free, borers | lovely graceful tree all seasons, cultivars available, underused |

| ORNAMENTAL TREES | TREE TYPE | AT MATURITY HEIGHT | SPREAD | GROWTH RATE | SITE CONDITIONS | BENEFITS | POSSIBLE PROBLEMS | REMARKS |
|---|---|---|---|---|---|---|---|---|
| Thuja occidentallis 'Emerald' 'Emerald Arborvitae' | evergreen | 15-25' | 5-10' | slow to moderate | well-drained, soil & air moisture, sun | fine texture, foliage | bagworm, heart rot, red spider | Useful as specimen, accent, hedge, screen. Narrow pyramidal form. |
| **SHRUBS** | **TREE TYPE** | **AT MATURITY HEIGHT** | **SPREAD** | **GROWTH RATE** | **SITE CONDITIONS** | **BENEFITS** | **POSSIBLE PROBLEMS** | **REMARKS** |
| Abelia grandiflora Glossy Abelia | evergreen sm. med. | 3-6' | 3-6' | moderate to fast | easily grown, sun, moist, well-drained | flowers June – frost | none serious | for mass or hedge, 'Sherwood' more dense/compact; x 'Edward Goucher' darker pink flowers |
| Aronia arbutifolia Red Chokeberry | deciduous medium | 6-10' | 4-6' | moderate | adaptable, sun/pt. shade | spring flowers fall color | none serious, leaf spot | border, massing, groups, naturalizing, brilliant fruit |
| Berberis julianna Wintergreen Barberry | evergreen medium | 6-10' | 6-10' | moderate | adaptable, sun | yellow spring flowers, fall | thorns | impenetrable hedge, improper pruning can ruin form |
| Berberis thunbergii Japanese Barberry | deciduous sm– med | 3-6' | 4-7' | moderate | adaptable, sun, not too wet | leaf colors, winter fruit | not prevalent | many cultivars – 'Crimson Pigmy' & 'Rose Glow' |
| Buddleia davidii Butterfly Bush | deciduous md.-lrg | 5-15' | 8-12' | fast | adaptable, sun, not too wet | foliage color, profuse bloom | none serious | many cultivars w/ varied size, foliage, bloom color |
| Callicarpa dictoma Purple Beautyberry | deciduous sm – md | 3-5' | 4-6' | moderate | adapts, well-drained, sun/pt.shade | graceful form, spectacular fall berries | none serious | used in mass, few can compete w/ effect of this shrub in fruit, purple & white fruiting types available |
| Camellia japonica, sasanqua Camellia | evergreen md – lrg | 10-15' 6-10' | 6-10' 5-8' | slow to moderate | moist, well-drained organic, part shade | fall, winter or spring bloom | many w/o proper condition | many cultivars, for accent, screening, espalier |
| Chamaecyparis pisifera cult. Japanese Falsecypress | evergreen md – lrg | 4-15 | 4-10' | moderate | moist, well-drained humid, sun | fine texture | none serious leaf scorch | accent or specimen conifer, cultivates w/ gold or bluish leaf |
| Clethra alnifolia Summersweet Clethra | deciduous medium | 3-8' | 4-6' | moderate | acid, organic tolerates wet, sun/s | summer bloom fall color | none | underused plant for massing, naturalizing, fragrant in bloom |

| SHRUBS | TREE TYPE | AT MATURITY HEIGHT | SPREAD | GROWTH RATE | SITE CONDITIONS | BENEFITS | POSSIBLE PROBLEMS | REMARKS |
|---|---|---|---|---|---|---|---|---|
| Euonymous alatus<br>Winged Euonymus | deciduous<br>md – lrg | 15-20’<br>5-10’ w/ compact form | 15-20’ | moderate | adaptable, not too wet, sun/shade | form, fall color fruit, winter | none serious | excellent as specimen, massing, screening, great fall color |
| Forsythia x intermedia<br>Border Forsythia | deciduous<br>md – lrg | 8-12’ | 10-12’ | fast | adaptable, sun/pt. shade | early spring flowers | none serious | shrub border, massing, groups, bank plantings |
| Hammamelis x intermedia<br>Witch Hazel Hybrid | deciduous<br>large | 10-20’ | 10-15’ | moderate | moist, well-drained sun/shade | fragrant winter bloom | none serious | specimen, group, shrub border, naturalizing, underused, native |
| Hydrangea species<br>Hydrangea | deciduous<br>md – lrg | 4-15’<br>size varies w/ species | 4-15’ | fast | moist, well-drained salt tolerant | lrg. summer bloom | none prevalent | accent, groups, all showy flower, color varies – ‘Oak Leaf’ fall color |
| Ilex crenata cultivars<br>Japanese Holly | evergreen<br>sm-md-lrg | 4-12’<br>size varies w/ cultivar | 4-12’ | moderate | moist, well-drained sun, no drought | evergreen leaf, texture | spider mites, black knot | workhorse plants for foundation, hedge, mass |
| Ilex comuta cultivars<br>Chinese Holly | evergreen<br>sm-md-lrg | 3-15’<br>size varies w/ cultivar | 4-15’ | moderate | adaptable, sun drought tolerant | broad glossy leaf | scale, varies w/ cultivar | accent, foundation, screen, hedge, many cultivars |
| Ilex glabra<br>Inkberry Holly | evergreen<br>medium | 5-10’ | 5-10’ | moderate | moist, acid sun/shade | adaptable | none serious | accent, foundation, screen, hedge, mass, many cultivars |
| Ilex vomitoria<br>Yaupon Holly | evergreen<br>sm-md-lrg | 3-20’<br>size varies w/ cultivar | 5-15’ | moderate to fast | adaptable, wet or dry, salt tolerant | great adaptability | none serious | some small trees, accent, foundation, hedge, screen, mass |
| Ilex verticillata<br>Winterberry | deciduous<br>medium | 6-10’ | 6-10’ | slow to moderate | adaptable, tolerates wet, sun/pt. shade | red fall-winter fruit | none serious | mass, border, bank plantings, wet soils, need male for fruit, cultivars |
| Illicium parviflorum<br>Small Anise-Tree | evergreen<br>large | 8-15’ | 10-15’ | moderate | adaptable, wet/dry sun/shade | olive green foliage | none serious | large foliage, mass or screen, prune for specimen small tree |
| Itea virginica<br>Virginia Sweetspire | deciduous<br>medium | 3-7’ | 5-10’ | moderate to fast | adaptable, prefers moist, sun/shade | May blooms, good foliage | none serious | massing, banks, naturalizing, highly adaptable native |
| Junperus cultivars<br>Juniper | evergreen<br>sm-md-lrg | 1-20’+<br>size varies w/ cultivar | 1-10’+ | moderate | tolerant of poor soils, not wet | needle-like foliage | twig blight, rust, wilt, mites | ground cover, foundation, bank, hedge, screen, specimen – vary |

| SHRUBS | TREE TYPE | AT MATURITY HEIGHT | SPREAD | GROWTH RATE | SITE CONDITIONS | BENEFITS | POSSIBLE PROBLEMS | REMARKS |
|---|---|---|---|---|---|---|---|---|
| Ligustrum japonicum<br>Japanese Privet | evergreen<br>large | 8-15’ | 8-12’ | fast | adaptable, sun/sh, salt tolerant, no wet | lustrous dark green leaves | none serious | foundation, screen, hedge, topiary, can shape into sm. tree, cultivars |
| Myrica cerifera<br>Wax Myrtle | evergreenlarge | 10-20’ | 10-20’ | fast | adaptable, sun/sh. salt tolerant | adaptable, fragrant | none serious | versatile as screen, mass, hedge, small tree |
| Nandina domestica<br>Nandina | evergreen<br>sm – med. | 2-8’ | 3-8’ | moderate | adaptable, sun/shade | spectacular fruit | none serious | border, screen, hedge, formal specimen, fall fragrance |
| Osmanthus x fortunei<br>Fortune’s Osmanthus | evergreen<br>large | 15-20’ | 15-20’ | slow to moderate | moist, well-drained sun/shade | fragrance of flower | none serious | border, screen, hedge, formal specimen, fall fragrance |
| Prunus lauroceracus<br>‘Zabel’<br>‘Zabel’ Skip Laurel | evergreen<br>medium | 3-6’ | 5-10’ | moderate | moist, well-drained, organic, sun/shade | lustrous green foliage | root rot, bacterium & insect damage | foundation, hedge, accent, ground cover in shade, elegant plant |
| Spirea species<br>Spirea | deciduous<br>sm-med. | 2-8’ | 3-8’<br>size varies w/ series | moderate to fast | adaptable, not too wet, sun | spring to summer flower | very resilient | filler or massing, bank cover, many species/cultivars |
| Viburnum species<br>‘Zabel’ Skip Laurel | decid/ever<br>md.-lrg | 5-20’ | 5-20’<br>size varies w/ species | moderate | moist, well-drained, sun/shade | flower, fragrance<br>fall color | relatively few | there is a viburnum for every need, many species |

**3. Pruning Trees**

The following guidelines are recommended to protect your investment. Proper pruning improves the health and appearance of trees and prolongs their useful life be removing undesirable branches which are dead, weakened, diseased or insect-infested.

Types of Pruning –

The National Arborist Association recognizes four classes of pruning which define the type and degree of recommended pruning.

Class1: Fine Pruning **–** the thorough removal of undesirable branches over ½'" in diameter. This includes selective thinning to lessen wind resistance. See Drawing.

Class 2: Standard Pruning – the removal of undesirable branches over 1" in diameter.

Class 3: Hazard Pruning - the removal of undesirable branches over 2" in diameter. This class is recommended where safety considerations are paramount.

Class 4: Crown Reduction Pruning – the reduction in the size of the tree canopy.

Topping V.S. Thinning –

Proper pruning is not to be confused with the disfiguring practice of topping, which is prohibited. Topping is the indiscriminate removal of a tree's main leader and branches resulting in stubs.

The cut surfaces of the stubs do not close readily and internal decay develops. The resulting flush of multiple water sprouts from the stubbed branches form terminals that are very weak. Topping leaves a tree highly susceptible to damage from strong winds, winter injury, insects and diseases.

Thinning is the correct method for removal of branches to their point of attachment to the trunk or another branch. This method eliminates unhealthy and unsightly stubs, resulting in an open, airy, natural appearance to trees. Thinning requires more skill and time to perform than does topping. Trees that are properly pruned and thinned will live longer and should not need to be pruned as often as trees that have been topped.

When To Prune –

Maintenance pruning of most shade trees can be done anytime. Severe pruning, however, should be done in late winter or early spring before new growth begins. Pruning of "bleeder", that is, trees like birch and maple which seep profusely from cut surfaces in the spring , is sometimes delayed until the fall, although the loss of sap is seldom injurious unless the cuts are large.

Pruning of trees susceptible to certain vascular diseases, like American elm and red oak, should be avoided during the activity period of beetles which spread the diseases.

HOW TO PRUNE TREES –

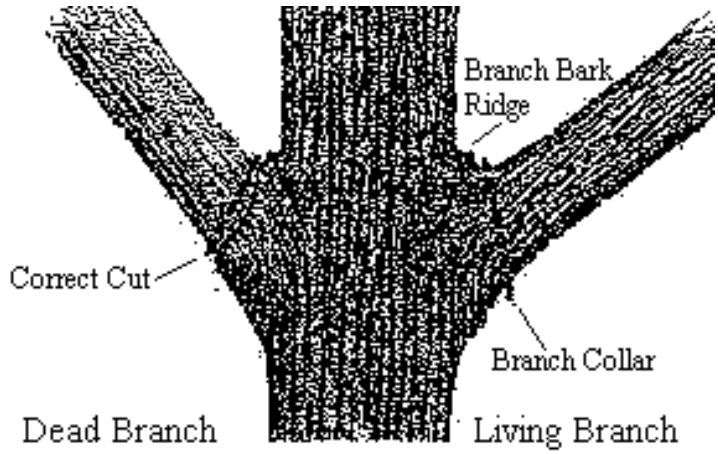
The objective of pruning is to produce strong, healthy, attractive plants. By understanding how, when and why to prune, and by following a few simple principles, this objective can be achieved.

Pruning cuts should be made so that only branch tissue is removed and stem tissue is not damaged. At the point where the branch attaches to the stem, branch and stem tissues remain separate, but are contiguous. If only branch tissues are cut when pruning, the stem tissue of the tree will probably not become decayed, and the wound will seal more effectively.

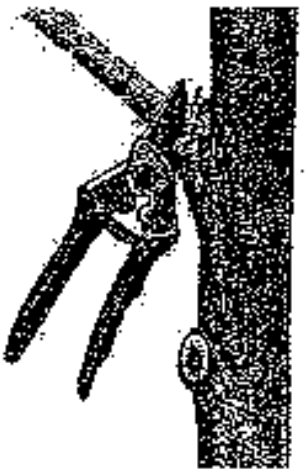
Pruning Living Branches **–**

To find the proper place to cut a branch, look for the branch collar that grows from the stem tissue at the underside of the base of the branch. On the upper surface, there is usually a branch bark ridge that runs (more or less) parallel to the branch angle, along the stem of the tree. A proper pruning cut does not damage either the branch bark ridge or the branch collar.

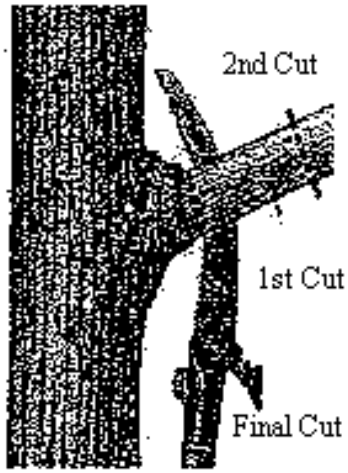
A proper cut begins just outside the branch bark ridge and angles down away from the stem of the tree, avoiding injury to the branch collar. Make the cut as close as possible to the stem in the branch axil, but outside the branch bark ridge, so that stem tissue is not injured and the wound can seal in the shortest time possible. If the cut is too far from the stem, leaving a branch stub, the branch tissue usually dies and woundwood forms from the stem tissue.




The quality of prune cuts can be evaluated by examining pruning wounds after one growing season. A concentric ring of woundwood will form from proper pruning cuts.



Pruning Small Branches




Pruning Larger Branches

When pruning small branches with hand pruners, make sure the tools are sharp enough to cut the branches cleanly without tearing. Branches large enough to require saws should be supported with one hand while the cuts are made. If the branch is too large to support, make a three-step pruning cut to prevent bark ripping.

1. The first cut is a shallow notch made on the underside of the branch, outside the branch collar. This cut will prevent a falling branch from tearing the stem tissue as it pulls away from the tree.

2. The second cut should be outside the first cut, all the way through the branch, leaving a short stub.

3. The stub is then cut just outside the branch bark ridge/branch collar, completing the operation.

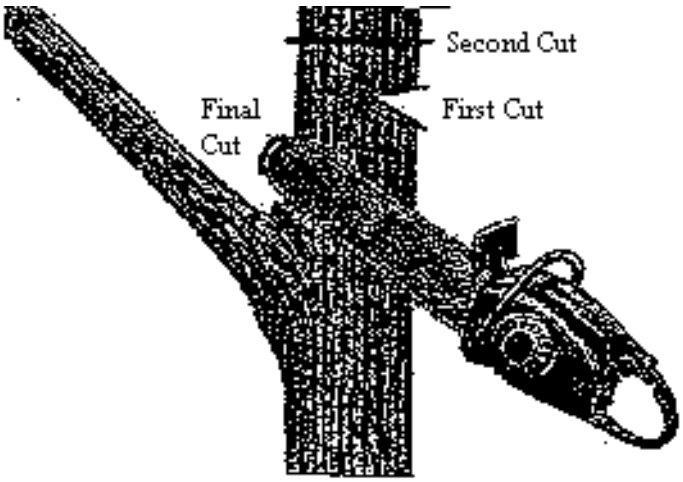
Pruning Dead Branches –
Prune dead branches in much the same way as live branches. Making the correct cut is usually easy because the branch collar and the branch bark ridge can be distinguished from the dead branch.

Drop Crotch Cuts –
A proper cut begins just above the branch bark ridge and extends through the stem parallel to the branch bark ridge. Usually, the stem being removed is too large to be supported with one hand, so the three cut method should be used.

1. With the first cut, make a notch on the side of the stem away from the branch to be retained, well above the branch crotch.

2. Begin the second cut inside the branch crotch, staying well above the branch bark ridge, and cut through the stem above the notch.

3. Cut the remaining stub just inside the branch bark ridge through the stem parallel to the branch bark ridge.




To prevent the abundant growth of sprouts on the stem below the cut, make the cut at a lateral branch that is at least one-third of the diameter of the stem of their union.

Guidelines –

**Crown Thinning:**

- Assess how a tree will be pruned from the top down.
- Favor branches with strong, U-shaped angles of attachment. Remove Branches with weak, V-shaped angles of attachment.
- Ideally, lateral branches should be evenly spaced on the main stem of young trees.
- Remove any branches that rub or cross another branch.
- Make sure that lateral branches are no more than one-half to three-quarters of the diameter of the stem to discourage the development of co-dominant stems.
- Do not remove more than one-quarter of the living crown of a tree at one time. If it is necessary to remove more, do it over successive years.

**Crown Raising:**

- Always maintain live branches on at least two-thirds of a tree's total height. Removing too many lower branches will hinder the development of a strong stem.
- Remove basal sprouts.

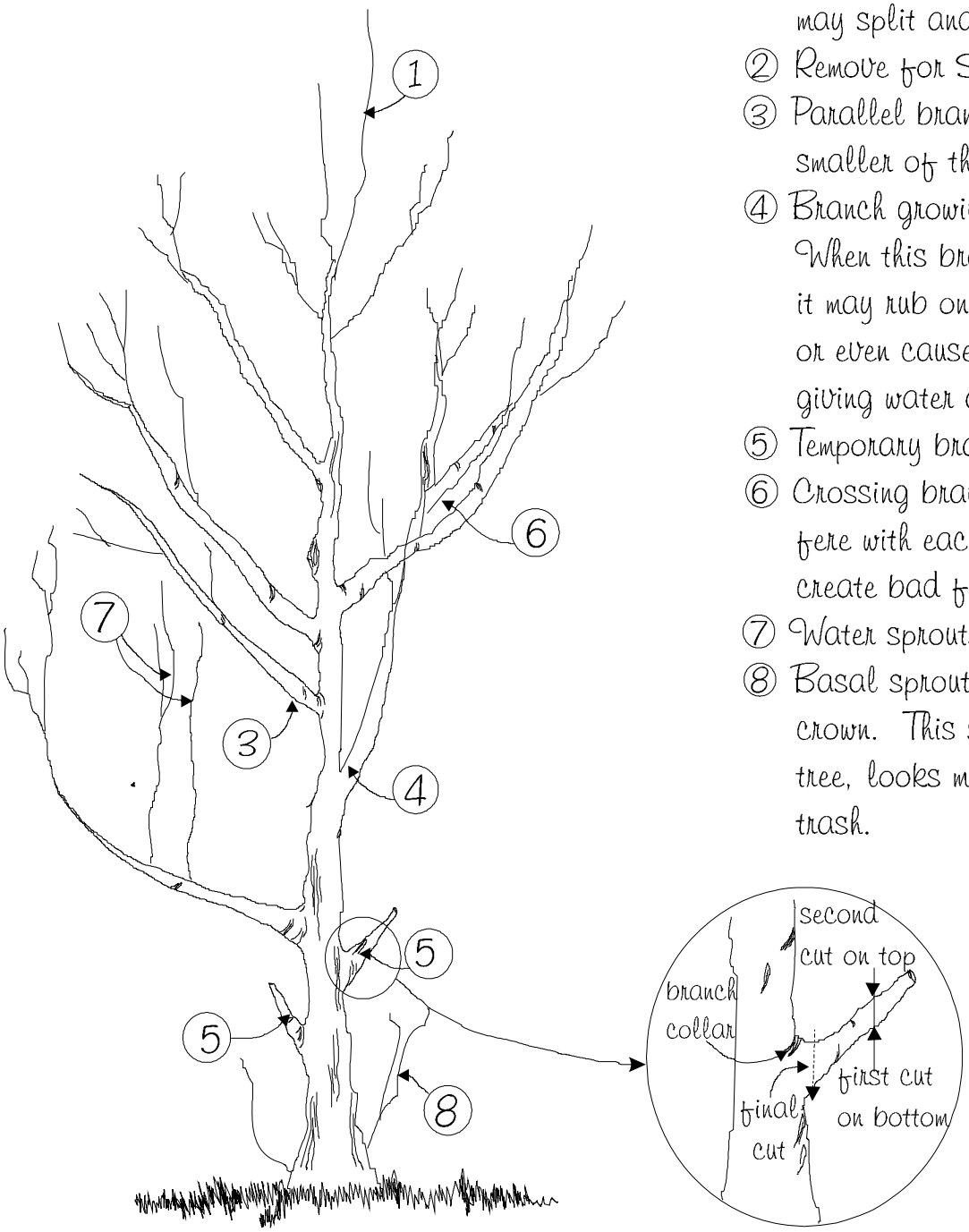
**Crown Reduction:**

- Use crown reduction pruning only when absolutely necessary. Make the pruning cut at a lateral branch that is at least one-third the diameter of the stem to be removed.
- If it is necessary to remove more than half of the foliage from a branch, remove the entire branch.

# Pruning Diagram

What To Look For:

① Forke top. If left on tree, this will cause the development of two leaders, thus wasting growth energy. Later, as the two tops get larger, the fork may split and damage the tree.
② Remove for Stree Tree clearance.
③ Parallel branch, remove the smaller of the two.
④ Branch growing at a sharp angle. When this branch becomes larger, it may rub on the trunk, split out, or even cause rot to develop by giving water a chance to collect.
⑤ Temporary branch.
⑥ Crossing branches. These interfere with each other's growth and create bad form..
⑦ Water sprouts. Remove.
⑧ Basal sprouting from the root crown. This saps energy from the tree, looks messy and can collect trash.



## 4. PLANTING GUIDELINES

The following guidelines to tree planting will help reduce transplanting shock and ensure that trees adapt to the new site. Keep in mind that spring and fall are the best times of the year to plant trees.

Planting the Tree –
The tree should be planted at the same depth or slightly higher than it was growing at the nursery. A high mound should be avoided as the soils can dry out quickly in the summer and freeze in the winter.

The hole should be dug shallow and wide. It should not be any deeper than the root ball but should be a wide hole, allowing for amendments, if necessary, or for loosening heavy soil to allow for improved oxygen availability and root penetration.

The backfill soil should be added gradually and watered carefully to settle the soil but not to saturate it. Balled and burlapped trees should have any untreated burlap pulled away from the top of the root ball and cut away, not buried, so that none of the burlap is exposed at the soil surface. Otherwise, the burlap can wick moisture away from the roots of the freshly planted tree.

Staking the Tree –
Stakes should only be necessary to support trees on windy sites or for smaller trees with weak trunks. The stakes should be placed before the backfill is added to avoid damaging any large roots. A stake is meant to provide temporary support and should be removed within a year or two to allow the tree to develop trunk strength and to limit the potential for physical damage from the stakes and support ties.

Anything used for a tie should have a flat, smooth surface and be somewhat elastic to allow for slight movement for the tree. Suitable materials include rubber strips or webbing and belting. Wire covered with a hose or tubing should NOT be used.

Water –
Because a newly transplanted tree may have lost much of its root system, watering is critical for successful establishment. Initial watering at planting should be followed with weekly watering, at a minimum, particularly during dry periods. A newly planted tree will benefit from at least an inch of water a week.

Mulch –
Newly planted trees respond well to mulch placed around the tree. This reduces initial root competition with turf and limits the possibility of physical damage by mowers. Mulch material also allows for the exchange of gases between the atmosphere and soil; helps provide for better water penetration into soil; and, reduces evaporation of soil water, conserving soil moisture for

optimal root growth. These factors contribute to the health of the trees and increase the likelihood of survival.

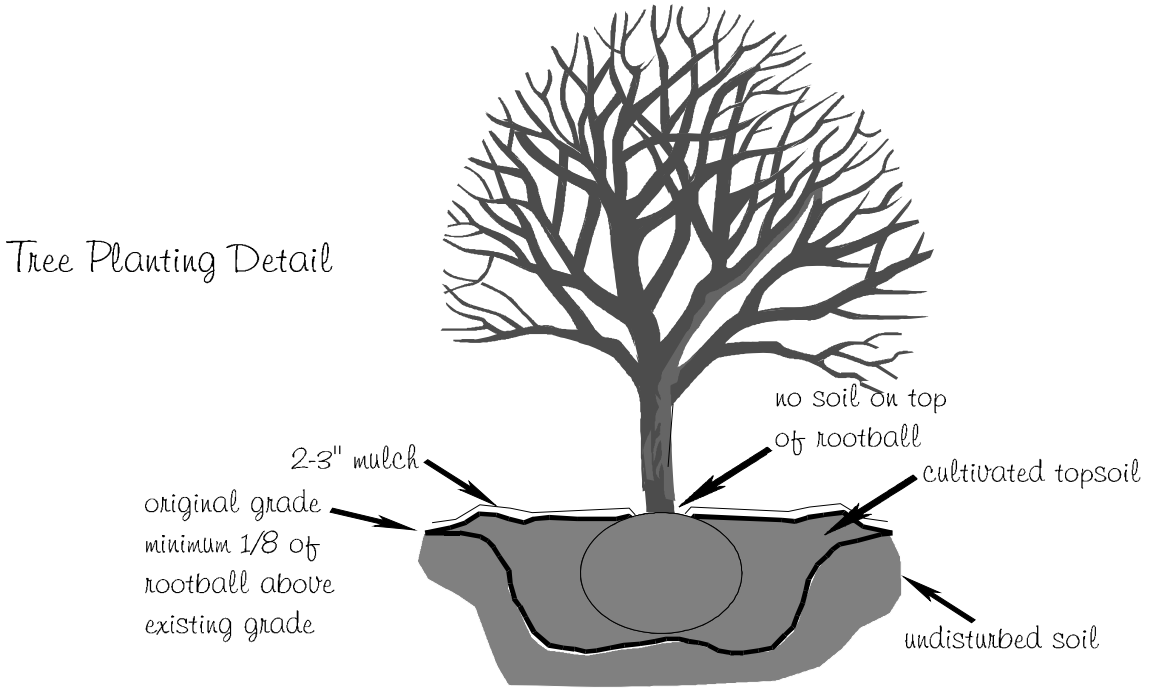
The mulch should NOT be piled around the tree and should not actually touch the tree trunk. No more than a 2-3 inch depth of mulch should be added with it being no more than ½ inch deep closest to the tree. Effects of too much mulch in planting areas include excessive moisture, reduced oxygen, and fungal growth.

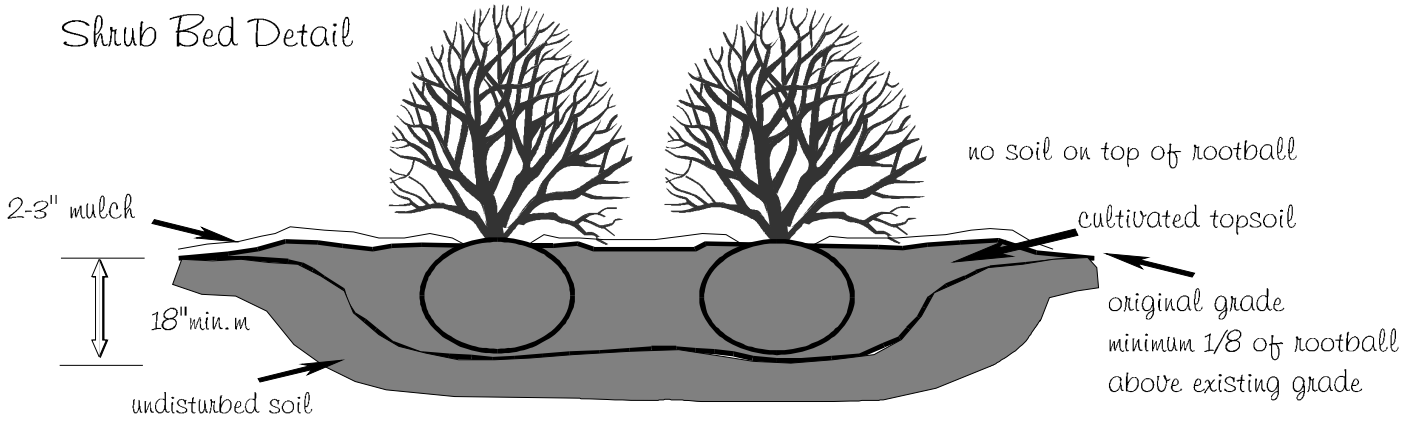
The ideal mulch pattern tapers from a two – four inch depth of well-composted organic matter at the dripline of trees and shrubs to bare soil at the trunk. Sandy soils need deeper mulch layers over the new root-zone than clay soils.

Pruning –
When planting a tree, only dead or broken branches should be removed. All living branches should be left on the tree to help promote tree establishment. Once the tree has been established on the site training pruning can be done to promote good branching patterns, but no more than ¼ of the branches should be removed at any one time.

Fertilizer –
Fertilizer is not generally necessary at the time of planting and, indeed, if placed improperly in the planting hole can injure roots. However, the addition of nitrogen, if applied as recommended on the product label, can benefit a newly planted tree.

# Planting Diagram



## III. Stormwater Control Facilities

General

a. Within a Water Supply Protection District, the total allowable built upon area permitted on a lot shall be fifty (50) percent within the Water Supply Protection Critical Area WS-C District and seventy (70) percent within the Water Supply Protection Protected Area WS-P District when a proposed development controls the runoff of the first inch of rainfall using stormwater control facilities which meet or exceed specifications and requirements contained herein.

b. All stormwater control facilities shall be designed by either a registered professional engineer or landscape architect in accordance with Chapter 89A of the North Carolina General Statutes. Other stormwater systems shall be designed by a registered professional with qualifications appropriate for the type of system required. These registered professionals are defined as professional engineers or landscape architects, in accordance with North Carolina General Statutes, Chapter 89(c)-3(7).

c. All stormwater controls shall use wet detention ponds as a primary treatment system. Wet detention ponds shall be designated for specific pollutant removal according to modeling techniques approved by the North Carolina Division of Environmental Management and City of Goldsboro Engineering Department.

Design Standards

Stormwater control facilities required within a Water Supply Protection District shall be designed in accordance with the following specifications.

a. Wet detention ponds shall be designed to remove eighty-five (85) percent of total suspended solids in the permanent pool and storage runoff from a one (1) inch rainfall from the site above the permanent pool;

b. The designed runoff storage volume shall be above the permanent pool;

c. The discharge rate from these systems following the one (1) inch rainfall design storm shall be such that the runoff does not draw down to the permanent pool level in less than two (2) days and that the pond is drawn down to the permanent pool level within at least five (5) days;

d. The mean permanent pool depth shall be a minimum of three (3) feet;

e. The inlet structure shall be designed to minimize turbulence using baffles or other appropriate design features.

f. Vegetative filters shall be constructed for the overflow and discharge of all stormwater wet detention ponds and shall be at least thirty (30) feet in length. The slope and width of the vegetative filter shall be determined so as to

provide a non-erosive velocity of flow through the filter for a ten (10) year, twenty-four (24) hour storm with a ten (10) year, one (1) hour intensity with a slope of five (5) percent or less. Vegetation in the filter shall be natural vegetation, grasses or artificially planted wetland vegetation appropriate for the site characteristics.

g. All land areas outside of the pond shall be provided with a ground cover sufficient to restrain erosion within thirty (30) days after any land disturbance. Upon completion of the stormwater control facility, a permanent ground cover shall be established and maintained as part of the maintenance agreement described herein.

h. Pervious areas of the stormwater control facility may be considered when computing total built-upon area.

Water Supply Protection Permit, Performance Bonds and Maintenance Agreements
Under this Section, a completed Water Supply Protection Permit application shall include the following:

a. Application forms signed by the owner of the property; The signature of the consulting engineer or other agent will be accepted on the application only if accompanied by a Letter of Authorization.

b. Copies of a site plan as specified in Section 26-13. General Site Plan Requirements., or in the case of a subdivision, Section 21-12 and 21-14 which, in both cases, shall also include:

1. Existing, proposed and/or permitted built-upon area for each lot;

2. Topographic contour lines not to exceed two (2) foot intervals;

3. Location of all required buffer areas;

4. A detailed construction, operation and maintenance plan or manual for each stormwater control facility proposed for a site. Such plans and/or manuals shall be certified by a Registered Professional Engineer or Registered Professional Architect that the proposed stormwater control facilities will meet specifications contained herein.

c. An operation and maintenance agreement between the City and the property owner which, upon approval by the City, shall be recorded by the City Attorney in the Office of the Register of Deeds as a restriction on the property and shall run with the land. Operation and maintenance agreement forms may be obtained from the Engineering Department.

d. When a Certificate of Occupancy is requested prior to completion of all required stormwater control facilities, a performance bond or other security shall be submitted by the applicant or owner of a high-density project which

shall be in an amount equal to 1.25 times the total cost required to complete stormwater control facility as estimated by the applicant and approved by the City Engineer. The total cost of all the stormwater control facility shall include the value of all materials, such as piping and other structures, seeding and soil stabilization, design and engineering, and grading, excavation, fill, etc. The costs shall not be prorated as part of a larger project, but rather under the assumption of an individual project.

Maintenance and Upkeep.

a. An operation and maintenance plan or manual shall be provided by the developer for each stormwater control facility, indicating what operation and maintenance actions are needed, what specific quantitative criteria will be used for determining when those actions are to be taken and who is responsible for those actions. The plan shall clearly indicate the steps that will be taken for restoring a stormwater control facility to design specifications if a failure occurs.

b. Landscaping and grounds management shall be the responsibility of the owner entity. However, vegetation shall not be established or allowed to mature to the extent that the integrity of the facility is diminished or threatened, or to the extent of interfering with any easement or means of access.

c. Except for general landscaping and grounds management, the owning entity shall notify the Director of Public Utilities in writing prior to any repair or reconstruction of the stormwater control facility. All improvements shall be made consistent with the approved plans and specifications of the stormwater control facility and the operation and maintenance plan or manual. After notification by the owning entity, the City Engineer shall inspect the completed improvements and shall inform the owning entity of any required additions, changes or modifications and of the time period to complete said improvements.

d. Amendments to the plans and specifications of the stormwater control facility and/or the operation and maintenance plan or manual shall be approved by the City Engineer. Proposed changes shall be prepared and certified by a registered professional engineer or landscape architect (in accordance with General Statute Chapter 89A) and submitted for review by the City Engineer.

    1. If the City Engineer approves the proposed changes, the owning entity of the stormwater control facility shall file certified copies of the revisions with the Department of Planning and Community Development and the Engineering Department.

    2. If the City Engineer disapproves the changes, the proposal may be revised and resubmitted to the Engineering Department as a new proposal. If the proposal has not been revised and is essentially the same as that already reviewed, it shall be returned to the applicant.

e. If the City Engineer finds that the operation and maintenance plan or manual is inadequate for any reason, the owner shall be notified of any required changes and shall prepare and submit copies of a revised agreement for review. Once the City Engineer approves the operation and maintenance plan, it shall become binding to and run with the property on which the stormwater control facility is located.

Inspections and Release of the Performance Bond.

a. The stormwater control facility shall be inspected by the City Engineer after the owning entity notifies the City Engineer that all work has been completed. At this inspection, the owning entity shall provide a certification sealed by an engineer or landscape architect (to the extent that the General Statutes, Chapter 89A, allow) stating that the stormwater control facility is complete and consistent with the approved plans and specifications. If the City Engineer approves the inspection report and accepts the certification, the Director shall release the performance bond or other security and approve a Certificate of Occupancy for the project. If deficiencies are found, the City Engineer shall direct that improvements and inspections be made and/or documents corrected and resubmitted.

b. All stormwater control facilities shall be inspected at least on an annual basis to determine whether the controls are performing as designated and intended. Records of inspection shall be maintained on forms approved or supplied by the North Carolina Division of Environmental Management. Annual inspections shall begin within one (1) year of filing date of the operation and maintenance agreement for the stormwater control facility.

c. In the event the need for corrective action is discovered, the City Engineer shall notify the owning entity of the needed improvements and the date by which the corrective action is to be completed. All improvements shall be made consistent with the plans and specifications of the stormwater control facility and the operation and maintenance plan or manual.

d. Appeals of any order, requirement, decision or determination made by the City Engineer may be made to and decided by the Board of Adjustment.