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## 5.0 ZONING

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<b>Contents</b>	<b>Page</b>
5.1 General Use Zoning Districts .....	5-2
5.2 General Setback, Height, and Area Standards .....	5-6
5.3 General Use District Dimensional Table/Standards.....	5-10
5.4 Table of Uses Permitted in District (Pages 1-8)	
5.5 Supplemental Use Regulations .....	5-34
5.6 Non-Conforming Situations .....	5-51
5.7 Historic Preservation Overlay District.....	5-58
5.8 Water Supply Watershed Protection Overlay District.....	5-65
5.9 Noise Overlay District.....	5-81
5.10 Accident Potential Zone .....	5-92
5.11 Demolition by Neglect.....	5-95

### **Tables**

Residential Districts Dimensional Standards .....	5-10
Manufactured Home Districts Dimensional Standards .....	5-15
Office and Institutional Districts Dimensional Standards.....	5-20
Business Districts Dimensional Standards .....	5-22
Industrial District Dimensional Standards .....	5-27
Industrial and Business Parks Dimensional Standards.....	5-28
Planned Unit Developments Dimensional Standards .....	5-30
PUD Permitted Land Uses .....	5-31
Table of Permitted Uses.....	Following 5-33
Noise Overlay District Permitted Uses and Required Noise Level Reductions .....	5-82

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## 5.1 GENERAL USE ZONING DISTRICTS

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### 5.1.1 PURPOSE AND INTENT

The general use 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 AND OVERLAY DISTRICTS

Lands within the City's jurisdiction may be classified into one of the general use districts set forth in Section 5.1.3 (Districts established) of this Ordinance, one or more of the conditional districts set forth in Section 2.5.2, 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/Conditional 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.

**5.1.4 SECTION RESERVED**

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## 5.2 GENERAL SETBACK, HEIGHT AND AREA STANDARDS

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### 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 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 "Air Installation Compatibility Use Zone" (AICUZ) Study. 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 and Community Development Department.

#### **5.2.8 ACCESSORY STRUCTURES**

No accessory structure shall be located less than five feet from the exterior wall of the principle structure. Structures located closer than five feet shall be considered as additions to the principle 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 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 bufferyard 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 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 structure shall comply with the same setbacks as the principle 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 project which generates 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.

#### **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.

## 5.3 GENERAL USE DISTRICT DIMENSIONAL TABLES/STANDARDS

### 5.3.1 GENERAL STANDARDS

All principle 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

District	Lot			Setbacks				Height
	Area <sup>1</sup>	Width	Cul-de-sac <sup>2</sup>	Front	Rear	Side	Corner	
<b>AG</b>	3 acs.	150	35/150	50	25	25	45	35
<b>R-40</b>	40,000	150	35/150	50	25	25	45	35
<b>R-20A</b>	20,000	120	35/120	45	25	20	45	35
<b>R-20</b>	20,000	120	35/120	45	25	20	40	35
<b>R-16H</b>	16,000	100	35/100	40	25	16	32	35
<b>R-16</b>	16,000	100	35/100	40	25	16	32	35
<b>R-12SF</b>	12,000	90	35/90	35	25	12	24	35
<b>R-12</b>	12,000/6,000	90	35/90	35	25	12	24	35
<b>R-9SF</b>	9,000	70	35/70	30	25	10	20	35
<b>R-9</b>	9,000/4,500	70	35/70	30	25	10	20	35
<b>R-6SF</b>	6,000	60	35/60	25	25	8	16	35
<b>R-6</b>	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 District Dimensional Requirements after approval 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 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 (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.
  6. Parking – All parking shall be in accordance with Section 6.4 (Off-street Parking, Loading, and Stacking Standards). In addition, no parking area shall be located closer than ten feet to any residential building wall.
  7. 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.
  8. Utilities – All utility lines shall be underground.
  9. 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.
  10. Signage – All signage shall be in accordance with Section 6.4 (Signage standards).
  11. 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.
  12. 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.
  13. 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 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 approved by the City Council as a Conditional 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.
3. Density – No cluster development shall exceed the maximum permissible density allowed in its designated general use 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.
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 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

District	Lot			Setbacks				Park
	Area <sup>1</sup>	Width <sup>2</sup>	Depth	Front	Rear	Side	Clearance <sup>3</sup>	Area <sup>4</sup>
<b>RM-9</b>	9,000/40,000 <sup>5</sup>	35/90	100	30	25	10/20*	55	n/a
<b>RM-8</b>	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 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 three (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 "Demolition by Neglect".

### **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 be one constructed after July 1, 1976. No manufactured home built before July 1, 1976 shall be 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 “Demolition by Neglect”.

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

1. Age - The manufactured home shall be constructed after July 1, 1976. No manufactured home built before July 1, 1976 shall be 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.
1. 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.

2. 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.
3. 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.
4. 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.
5. 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 “Demolition by Neglect”.

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.

6. 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.
7. 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.
8. 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.
  9. 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.
  10. 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.
  11. 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:
    - a. The continued use of such land for the intended purposes;
    - b. Continuity of maintenance for those portions of the open space requiring such; and
    - c. Adequate insurance protection.
  12. 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.
  13. Utilities – All utility lines shall be underground.
  14. 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.
  15. 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.
  16. Signage - All signage shall be in accordance with Section 6.4 (Signage Standards).
  17. 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.
  18. 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

District	Setbacks		
	Front	Rear	Side
Office-Residence	25	25	10 (16) <sup>1</sup>
O&I - 1	25	25	10
O&I - 2	30	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. Corner lot setback.

#### 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.
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 strongly encouraged and will be considered when reviewing 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.

#### **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.
  - 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 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.
2. 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

District	Setbacks		
	Front	Rear	Side
<b>HB</b>	35	20	20
<b>NB</b>	30	25	15
<b>GB</b>	20	25	15
<b>AB</b>	35	20	20
<b>CBD</b>	n/a	20	0/15 <sup>1</sup>
<b>SC</b>	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 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 as follows:
  - Average Density – Average density of persons per hour during a twenty-four hour period are calculated by taking the number of persons per acre expected on site, multiplied by the number of hours they will be on site and dividing the total by twenty-four.  
Example: One eight-hour shift of thirty workers on a one-acre site.  
Average Density - 30 persons x 8 hours on site/1acre = 240 persons per acre per hour.  
240 /24 = Average density of 10 persons per acre per hour per a twenty-four hour period.
  - Maximum Density – The maximum density of persons allowed per acre per hour is calculated by dividing the number of hours persons will be on site by twenty-four hours and then dividing twenty-five persons per acre, per hour by the result.

Example: Maximum density for two eight-hour shifts on a one-acre site.  
25 (maximum average density) divided by 16 hours (two shifts) divided by twenty-four hours = 37.5 persons per acre per hour allowed.

The average density for any use in the Airport Business District may not exceed twenty-five persons per acre during a twenty-four hour period. The maximum density may not exceed fifty persons per acre per hour at any one time.

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 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 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.
  - All buildings shall have their principle entrance opening to a street, square, plaza or sidewalk. The principle 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 Street and the west side of William Street shall be exempt from off-street parking requirements.
3. Parking - No off-street parking surface shall be permitted in front of a principle structure. Not more than two rows of off-street parking shall be permitted on the sides of the principle 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 building, provided the principle 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 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.

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.

- 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 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. 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.
  3. 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.
  4. 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.
  5. Parking – All parking shall be in accordance with 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).

#### **5.3.5.4 SECTION RESERVED**

### 5.3.6 INDUSTRIAL DISTRICTS

District	Lot			Setbacks				Height
	Area	Frontage	Width	Front	Rear	Side	Residential <sup>1</sup>	
I – 1	20,000	50	75	30	20	15 <sup>1</sup>	50	45
I – 2	n/a	n/a	n/a	30	20	15 <sup>1</sup>	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.

#### 5.3.6.1 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 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 City Council determines that the items stored will not exceed five (5) ft. in height.

#### 5.3.6.2 SECTION RESERVED

### 5.3.7 INDUSTRIAL AND BUSINESS PARKS

District	Lot				Setbacks			Park Size
	Area	Frontage <sup>1</sup>	Width	% Coverage <sup>2</sup>	Front	Rear	Side	
I&BP – 1	10ac.	35/200	250	40%	75	25	25	100ac.
I&BP – 2	20ac. <sup>3</sup>	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 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 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.
9. Streets and paving – All streets, parking and loading areas shall meet City standards and be paved with curb and gutter.
  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. 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.
  11. 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.
  12. 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.
  13. 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 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**

Development Size		Residential Density		Open Space Requirement <sup>4</sup>	Min. Setback Dev. Perimeter <sup>5</sup>
Min. Area	Frontage <sup>1</sup>	Max <sup>2</sup>	Min <sup>3</sup>		
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.

**5.3.7.6 APPROVAL PROCESS**

A PUD shall be considered a separate 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). A conceptual plan is required at the time of PUD approval.

**5.3.7.8 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 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.

<b>Permitted Land Uses</b>	
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 use permit shall be required for any conditional use listed for said districts in the Table of Permitted Uses (Section 5.5), separate from that issued for the PUD itself.

**5.3.7.6 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.

**5.3.7.7 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 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).

#### **5.3.7.8 SECTION RESERVED**



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## 5.4 TABLE OF PERMITTED USES

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### 5.4.1 PROCEDURE APPROVING UNLISTED USES

Where a use is not specifically allowed under this Ordinance, the use may be permitted by the Planning and Community Development Director upon a finding that the criteria listed below are met.

### 5.4.2 CRITERIA FOR APPROVING UNLISTED USES

The proposed use is of the same general character as those listed as permitted, special or conditional uses. The Director shall give due consideration to the intent of this Ordinance concerning the districts involved, the character of the uses specifically identified and the character of the use in question.

In order to determine if a proposed use has an impact that is similar in nature, function and duration to other uses allowed in a specific general use district, the Director shall use the following criteria to assess the relevant characteristics of the proposed 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 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 district; and
12. Its relation to an existing permitted use listed in the most recent version of the North American Industrial Classification System (NAICS).

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## 5.5 SUPPLEMENTAL USE REGULATIONS

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### 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 special use permit 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 use permit is necessary 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 2.2 (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 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 approval criteria for each of the specified uses. However, the City Council, Board of Adjustment or Planning Commission may require additional conditions 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 structure) and accessory apartments (inside the principle structure) are conditionally permitted in those zoning districts where such use is permitted 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 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 structure. All accessory dwellings shall meet the setback requirements established for the principle structures of the district in which they are located.
5. The exterior of the accessory dwelling shall be compatible with the principle 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 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 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 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 use permit, the City Council after the public hearing may modify, suspend or revoke the conditional 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 streetyard 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 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 as a condition of Conditional 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, 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

- Within that area of the CBD 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, there shall be no minimum separation distance from residentially zoned or developed property. A fifty-foot separation distance shall be required for churches and schools.

- For the remainder of the Central Business District, not described by the boundaries above, the minimum separation distance from residentially zoned or developed property, churches or schools shall be one hundred feet.
- There shall be no more than two such establishments located per City block, defined as the length of street between two intersections.
- In the CBD, there shall be no minimum separation distance between two such establishments.
- Within that area of the CBD 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 there shall be no minimum off-street parking requirements.
- Outdoor activities associated with a place of entertainment must specifically be approved by the City Council. At the time of Conditional Use Permit approval, the City Council 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 use permit, the City Council after the public hearing may modify, suspend or revoke the conditional 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.

#### ***Bed and Breakfasts***

##### 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 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 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 building.

#### Site Plan Information

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

1. The applicant shall:
  - 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;
  - 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.
2. The proposed operation shall not harmfully alter the surface water drainage of the area.
3. The proposed operation shall not damage any street, road or highway.
4. The proposed operation shall not cause undue vibration, noise or wind blown particulate.

5. The proposed operation shall not change the character of the neighborhood nor devalue any adjoining property.
6. 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 shall be required to substantiate 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 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, if all the other requirements of this Ordinance have been met. 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 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 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 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

1. The business or occupation shall be located entirely within the principle 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 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 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 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***

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.

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 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:

- (a) 18 spaces per play field, and
  - (b) Where seating facilities are provided, one parking space for every four available seats.
5. 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.
  6. Street access - the site must have frontage on a public street.
  7. 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.
  8. 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 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 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 use permit, the City Council after the public hearing may modify, suspend or revoke the conditional use permit.

### ***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 cross-bows 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 waived or modified (at the discretion of the City Council) for the sections of the fence not adjacent to residentially zoned property.
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 waived or modified (at the discretion of the City Council) for the sections of the fence not adjacent to residentially zoned property.

#### **5.5.11 SECTION RESERVED**

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## 5.6 NONCONFORMING SITUATIONS

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### 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 exists 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.

### 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 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 may affix other reasonable and appropriate conditions 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 5.6.15.

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 may affix other reasonable and appropriate conditions 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 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 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 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 manufactured homes on individual lots 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 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 manufactured homes in parks 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 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 6.3.2.

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 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 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 duly authorized representative may institute removal proceedings in accordance with GS 160A-175.

#### **5.6.13. NONCONFORMING AUTOMOTIVE REPAIR FACILITIES**

Existing automotive repair facilities that store automobiles outside the principle structure shall comply with the screening provisions of Section 5.3.5.1 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 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 use permit is granted by the City Council and all requirements set forth in Sections 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.

#### **5.6.16 SECTION RESERVED**

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## **5.7 HISTORIC PRESERVATION OVERLAY DISTRICT**

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### **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 GS 160A-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 (Legislative Hearing Procedures)
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 (Legislative Hearing Procedures).
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 zoning districts and may contain conditional use 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 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.

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 and Community Development 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 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 and Community Development 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 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) 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 six months from the date of approval. 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 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 days or until the City Council takes final action on the designation, whichever occurs first.

#### **5.7.20 SECTION RESERVED**



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## **5.8 WATER SUPPLY WATERSHED PROTECTION OVERLAY DISTRICT**

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### **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; 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 on the 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**

1. 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.
2. 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:

<b>WS-IV-CA</b>	<b>(Critical Area)</b>
<b>WS-IV-PA</b>	<b>(Protected Area)</b>

### **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 11.6101-.0209).
- (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 5.8.6-5.8.13: 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 11.6101-.0209).
- (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: 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 developments 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 flag poles, 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. 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**

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.

#### **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 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.

#### **5.8.3.3 CHANGES AND AMENDMENTS TO THE WATERSHED PROTECTION ORDINANCE**

1. 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. 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 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 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 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 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 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).
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 than 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 5.8.10.
  5. A description of the area containing the stormwater control structure shall be prepared and filed in compliance with subsection 5.8.12, 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 area 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 adequate performance of the stormwater control structures.
2. Financial assurance shall be in the form of the following:

- A. Security Performance Bond or other security. 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 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 5.8.12, 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 or other security. Upon default of the permit applicant 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.
2. 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.
3. 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.
1. 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**

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 or other security and issue a Watershed Protection Occupancy Permit for the stormwater control structure, consistent with subsection 5.8.2 .9.
    - B. If deficiencies are found, the City Engineer shall direct that improvements and inspections be made and/ or documents corrected and resubmitted.
  2. 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.
    - 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 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 5.8.12.
  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 5.8.4.2.

**5.8.12 SECTION RESERVED**



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## 5.9 NOISE OVERLAY DISTRICT

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### 5.9.1 PURPOSE

The purpose of the Noise Overlay District is to provide for compatible development of land in areas subject to aircraft noise surrounding the Seymour Johnson Air Force Base. The district is designed to limit uses that could increase risks to public health, safety and quality of life 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 sound level of 65dB.

### 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 65-70dB, 70-75dB, 75-80dB and 80+dB noise contours of the Seymour Johnson AFB Air Installation Compatibility Use Zone (AICUZ) Study, a copy of which is kept on file in the Planning and Community Development 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 PERMITTED USES

The noise district contains several general use 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.

**Permitted Uses and Required Noise Level Reduction**

<b>Land Use</b>	<b>65-70dB Contour</b>	<b>70-75dB Contour</b>	<b>75-80dB Contour</b>	<b>80+dB Contour</b>
Agricultural, forestry and mining	none	none	none	none
Residential, excluding manufactured housing	25	30	not permitted	not permitted
Hotels, motels, bed and breakfast, transient lodging etc.	25	30	not permitted	not permitted
Recreation, entertainment, cultural uses, not already listed	25	30	not permitted	not permitted
Industrial/manufacturing: only the office portions of the structure and those areas where the public is received	none	25	30	35
Warehousing, distribution and wholesale trade: only the office portions of the structure and those areas where the public is received	none	25	30	35
Transportation, utilities and communication uses, the office portions of the structure and any area where the public is permitted to be present	none	25	30	35
Retail trade: the office portions of the structure and any area where the public is permitted to be present	none	25	30	not permitted
Restaurants, bars, etc.	none	25	30	not permitted
Offices, personal, business and professional services	none	25	30	not permitted
Hospitals, nursing homes, convalescent homes, life care communities, etc.	not permitted	not permitted	not permitted	not permitted
Schools, public and private	not permitted	not permitted	not permitted	not permitted
Public assembling, theaters, auditoriums, etc.	not permitted	not permitted	not permitted	not permitted
Manufactured home parks	not permitted	not permitted	not permitted	not permitted
Manufactured homes on individual lots	not permitted	not permitted	not permitted	not permitted

Day Care Centers - child and adult	not permitted	not permitted	not permitted	not permitted
Churches, not including day care centers or schools	none	not permitted	not permitted	not permitted

**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 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 1/2" thick, installed on the studs.
  - Continuous composition board, plywood or gypsum board sheathing at least 1/2" 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 nonhardening 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 door frames 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 1/2" 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 1/2" 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 1/2" 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 1/2" 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 1/2" 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 1/2" 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 1/2" 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 and Community Development 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 75 and 80 dB 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 75 and 80 dB 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, 75 or 80 dB 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+ dB contour, that are not permitted according to Section 5.9.4 (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 80+ dB contour which are not permitted according to Section 5.9.4 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 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 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 area not increased which would result in an increase in the nonconforming of the use.

#### **5.9.14 SECTION RESERVED**

## 5.10 Accident Potential Zone

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### 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 subdistricts corresponding to the clear zone, APZ-I and APZ-II as defined in the Seymour Johnson Air Force Base Air Installation Compatible Use Zone Study (AICUZ), a copy of which is kept on file in the Planning and Community Development 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 PERMITTED USES

The APZ overlay district overlaps several general use 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 below:

- a. Clear Zone: All uses other than agricultural land uses shall be prohibited.
- b. APZ-I: No residential land uses shall be allowed within the APZ-I overlay zone. Non-residential land uses shall comply with the density standards as defined for the Airport Business zoning district. The allowable densities for any propose use within the APZ-I overlay shall be calculated as follows:
  - Average Density – Average density of persons per hour during a twenty-four hour period are calculated by taking the number of persons per acre expected on site, multiplied by the number of hours they will be on site and dividing the total by twenty-four.  
Example: One eight-hour shift of thirty workers on a one-acre site.  
Average Density - 30 persons x 8 hours on site/1acre = 240 persons per acre per hour.  
 $240 / 24 =$  Average density of 10 persons per acre per hour per a twenty-four hour period.
  - Maximum Density – The maximum density of persons allowed per acre per hour is calculated by dividing the number of hours persons will be on site by twenty-four hours and then dividing twenty-five persons per acre, per hour by the result.

Example: Maximum density for two eight-hour shifts on a one-acre site.  
25 (maximum average density) divided by 16 hours (two shifts) divided by twenty-four hours = 37.5 persons per acre per hour allowed.

The average density for any use in the APZ may not exceed twenty-five (25) persons per acre during a 24-hour period. The maximum density may not exceed 50 persons per acre per hour at any one time.

- c. APZ-II: All residential land uses in the APZ-II overlay shall not exceed a density of two (2) units per acre.

Nonresidential land uses shall comply with the density standards as defined for the Airport Business (AB) zoning district. The allowable densities for any proposed use within the APZ-II overlay shall be calculated as follows:

- Average Density – Average density of persons per hour during a twenty-four hour period are calculated by taking the number of persons per acre expected on site, multiplied by the number of hours they will be on site and dividing the total by twenty-four.  
Example: One eight-hour shift of thirty workers on a one-acre site.  
Average Density - 30 persons x 8 hours on site/1acre = 240 persons per acre per hour.  
240 /24 = Average density of 10 persons per acre per hour per a twenty-four hour period.
- Maximum Density – The maximum density of persons allowed per acre per hour is calculated by dividing the number of hours persons will be on site by twenty-four hours and then dividing twenty-five persons per acre, per hour by the result.  
Example: Maximum density for two eight-hour shifts on a one-acre site.  
25 (maximum average density) divided by 16 hours (two shifts) divided by twenty-four hours = 37.5 persons per acre per hour allowed.

The average density for any use in the APZ may not exceed twenty-five (25) persons per acre during a 24-hour period. The maximum density may not exceed 50 persons per acre per hour at any one time.

#### **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 Use Permit to expand the building footprint one time in accordance with Sections 5.6.15 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).

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## 5.11 Demolition by Neglect

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### 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 downtown redevelopment 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 other wise specified by this ordinance.

### 2. REVIEW AUTHORITY

Authority to assure compliance with the standards set forth above is vested with the Chief Building Inspector or his designee.

### 3. PETITION AND ACTION

Property owners or other concerned parties, may file a petition listing the specific defects with the Chief Building Inspector no earlier than six months after the adoption of this ordinance requesting that he act to require the correction of the deterioration or the making of repairs. The Chief Building Inspector will use the six-month timeframe to systematically inspect these downtown districts 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 Chief Building Inspector that a building or structure is undergoing demolition by neglect, the Inspector shall, if his preliminary investigation discovers a basis for such charges, within fifteen days issue and cause to be served upon the owner and/or parties in interest a complaint stating:
  - o The charges and containing a notice that a hearing will be held before the Chief Building Inspector in City Hall, not less than ten nor more than thirty days after the serving of such complaint;
  - o That the owner and/or parties of interest shall be given a right to answer and give testimony;
  - o That the Hardship Review Committee, as defined in this Ordinance, shall also be given notice of the hearing; and
  - o That the rules of evidence prevailing in courts of law or equity shall not be controlling in hearing before the Inspector.
2. The purpose of the hearing is to receive evidence concerning the charge of deterioration and demolition by neglect and to consider any claim of undue economic hardship made by the owner and/or other parties of interest.
3. Within 15 days after such notice and hearing, the Chief Building Inspector determines that the building or structure is undergoing demolition by neglect according to the standards listed in this Section, the 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 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 Chief Building Inspector shall make an affidavit to that effect, then the Chief Building Inspector shall serve the complaint or order by publishing the same once each week for two consecutive weeks in a newspaper generally circulated in 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 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 structure.

**4. SAFEGUARDS FROM UNDUE ECONOMIC HARDSHIP**

When a claim of undue economic or other hardship is made, the Chief Building Inspector shall notify the Hardship Review Committee, which consists of the Planning 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. Enforcement proceedings shall be stayed until the Committee makes a decision.

When a claim of undue economic hardship is made owing to the effects of demolition by neglect, 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, which shall include:

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 for historic tax credits as filed with the State of North Carolina.

If the property is income producing:

- o Annual gross income from the property for last two years;
- o Itemized operating and maintenance expenses for the previous two years, including proof that adequate and competent management procedures were followed;
- o Annual cash flow, if any, for the previous two years.

**5. COMMITTEE'S ACTIONS ON DEMOLITION BY NEGLIGENCE 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 Chief Building Inspector and the Chief Building Inspector shall issue an order for such property to be repaired within the time specified.

In the event of a finding of economic hardship, the finding may be accompanied by a recommendation to relieve the economic hardship. This plan may include, but is not limited to, loans or grants from the City or other public, private or non profit sources, acquisition by purchase, changes in applicable zoning regulations or

relaxation of the provisions of this Section sufficient to mitigate the economic hardship. The Committee shall report the finding and plan to the Chief Building Inspector. The Chief Building Inspector shall issue an order for such property to be repaired within a specified time and according to the provisions of the recommended plan. The Hardship Review Committee may extend the deadline specified by the Chief Building Inspector if substantial progress to remedy the situation is demonstrated.

**6. APPEALS**

Findings of the Chief Building Inspector or Hardship Review Committee may be appealed to the Board of Adjustment in accordance with the procedures found in Section 154.232 of the Goldsboro City Code. 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.

**7. OTHER POWERS**

Nothing in this Section shall diminish the City's power to declare a building unsafe or in violation of the minimum housing ordinance.

Updated through June 4, 2018