

EDGECOMBE COUNTY

Unified Development Ordinance

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ACKNOWLEDGMENTS



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USING THIS UDO

This document is the Edgecombe County Unified Development Ordinance (or “UDO”). It contains the rules that control how land can be used in the County, what kinds of land uses may be located in particular locations (based on the zoning map), and how new development must be configured. The following paragraphs explain some of the attributes of this document.

Edgecombe County’s zoning map is the graphical depiction of the location of the zoning districts and is adopted by reference into this UDO.

This UDO includes a text formatting system comprised of numbered section and subsection headings that are designed to help code users understand how the text is organized. Section headings include different color backgrounds and subsection headings use underlining to help them be more visible.

This UDO has 8 articles, which are ordered alphabetically, and an appendix. In addition, most sections within each article are also ordered alphabetically. Some articles, like Article 2, Applications, also include an introductory section that explains how the regulations in the article are structured and how to use them effectively.

The top of almost every page in the UDO includes the article’s number and name, as well as the number and name of the section addressed on that page. This is done so users may use the tops of pages to quickly navigate the document (since articles and main sections are ordered alphabetically). Page numbers are included at the bottom of each page.

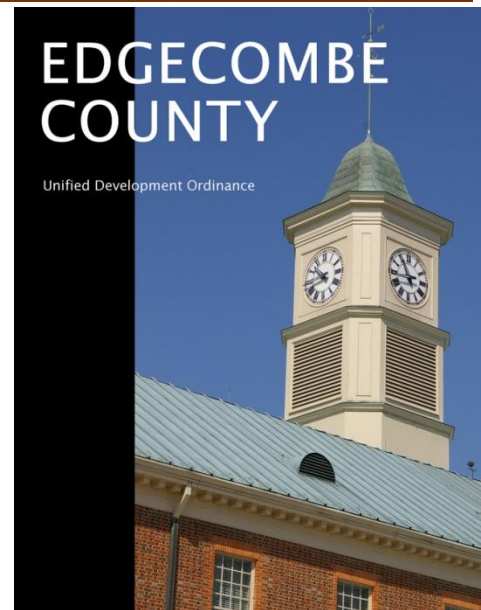
The bottom of the page also includes the date the UDO was last updated. It is important to ensure that a user is reviewing the most recent version of the document. The most recent version of the document is maintained on the County’s webpage and is available in the County’s Planning, Inspections, & E-911 offices.

Highlighted text in this UDO is a dynamic cross reference that, when selected with a mouse, will automatically scroll to the location of the cross-referenced section in this UDO. Individual table of contents entries and index entries are also dynamic cross references that when selected, will automatically scroll to the selected location.

This UDO includes numerous graphics. Graphics are supplemental to the text, but in cases where the text of the document is in conflict with what is shown in a graphic, the UDO text controls.

There is an index of key terms and concepts at the end of the document. Code users may use this index to quickly locate a particular section or set of regulations.

The text of this UDO is searchable.



The following is a list of frequently asked questions. Code users who are not sure what they are looking for should consult these questions and answers first. In the event of conflict between an answer listed in this frequently asked questions section and the adopted UDO text, the UDO text will control.

FREQUENTLY ASKED QUESTIONS AND ANSWERS

QUESTION	ANSWER
What is the Unified Development Ordinance?	<p>The Unified Development Ordinance (or “UDO”) is the set of laws used by the County to ensure land is subdivided and used in ways that promote the health, safety, and welfare of all County residents, visitors, and landowners. It describes the kinds of allowed uses, where they are allowed, and how they may be established or changed. The UDO also includes the rules for how development sites are configured, including items like parking, landscaping, signage, fencing, and building architecture. The text of the UDO is available in the offices of the Edgecombe County Planning, Inspections, and E-911 Addressing Department in Room 205 at 201 Saint Andrew Street in Tarboro, on the County’s webpage, or by calling 252.641.7802.</p>
What is the Official Zoning Map?	<p>The Official Zoning Map is a map depicting the locations and boundaries of the zoning districts adopted by Edgecombe County. Zoning districts control where particular uses of land may or may not be located, and how lots must be configured (size, width, and required setbacks). The kinds of uses allowed or prohibited on a particular piece of land in the County are controlled by the land’s zoning district designation. The zoning district designation for a piece of land may be changed by following the requirements in the UDO. Copies of the Official Zoning Map are available in the offices of the Edgecombe County Planning, Inspections, and E-911 Addressing Department in Room 205 at 201 Saint Andrew Street in Tarboro, on the County’s webpage, or by calling 252.641.7802.</p>
What can I do or place on my land?	<p>The kinds of development that are allowed on land in Edgecombe County are established based on the type of zoning district designation for the land as well the range of allowable uses in the particular zoning district from Article 3, Districts, of the UDO. Bona fide farm and forestry uses are allowed everywhere in the County. Anyone with questions about what is allowed on their land should contact the Edgecombe County Planning, Inspections, and E-911 Addressing Department at 252.641.7802 for more information.</p>

FREQUENTLY ASKED QUESTIONS AND ANSWERS

QUESTION	ANSWER
What permits do I need to build a house?	All single-family detached dwellings require prior approval of a Zoning Compliance Permit and a Building Permit issued from Edgecombe County. In cases where the home is on its own well or septic system, the dwelling also requires a prior approval from Edgecombe County Environmental Health to ensure the lot has a potable water supply and a method for dealing with sewage. Dwellings located in a floodplain or flood prone area also require issuance of a Floodplain Development Permit. During construction, the building must be inspected by County Building Inspectors as required by State law, and a Certificate of Occupancy must be issued before the home may be occupied. Applicants seeking to place a mobile or manufactured home may be required to obtain a permit, and should contact the County's Planning, Inspections, and E-911 Addressing Department at 252.641.7802 for more information.
Do I need permits to have a home business?	Yes, operating a home-based business (also called a "home occupation") requires approval of a Zoning Compliance Permit issued by the County. The business may not exceed 1,000 square feet in floor area and employ no more than 2 people who do not already live in the home.
How do I create a lot for a family member?	Lots may be transferred among family members using the Transfer Plat procedure in the UDO. A subdivision of land creating lots for family members must be signed by County personnel and recorded in the Office of the Edgecombe County Register of Deeds at 201 Saint Andrews Street in Tarboro. Failure to record a transfer plat is a violation of the law and will interfere with the ability to obtain a building permit to build a structure on the lot.
Do I need a permit for a sign?	Most forms of signage require approval of a Sign Permit by the County. Some signs, like political (election) signs, do not require a sign permit, but are subject to the rules for signage in the UDO.
What is the process for rezoning my land?	Changing the zoning district designation of your land requires a Zoning Map Amendment to be approved by the Edgecombe County Board of Commissioners. The procedure for zoning map amendments is included in the UDO. Landowners considering a request to change their zoning should talk with the Edgecombe County's Planning, and Inspections, and E-911 Addressing Department staff at 252.641.7802 before filing an application.

FREQUENTLY ASKED QUESTIONS AND ANSWERS

QUESTION	ANSWER
Who makes decisions on applications?	Development applications are decided by the Planning Director, the Building Inspector, the Planning Board, the Board of Adjustment, or the Board of Commissioners, based on the type of application. The UDO includes a summary table in Article 2, Applications, that identifies who decides which kinds of applications.
How can I appeal a decision?	Any decision by a County staff member (like the Planning Director) may be appealed to the Board of Adjustment. Decisions from decision-making bodies like the Board of Adjustment may be appealed to the Superior Court for Edgecombe County. There are specific deadlines from the date a decision is made within which an appeal may be filed
What's the best way to learn more about submitting an application for development?	Edgecombe County Planning and Inspections staff conducts free pre-application conferences with potential applicants. Some types of applications require a pre-application conference to be conducted. More information on pre-application conferences is in the UDO.
Who can I call about flooding or other nuisances?	Persons with questions about flooding, nuisances, or potential code violations should contact the Edgecombe County Planning Director at 252.641.7802.

TABLE OF AMENDMENTS

UDO AMENDMENTS		
ORDINANCE #	ADOPTION DATE	DESCRIPTION
UDOTA1-22		Clarifications regarding: <ul style="list-style-type: none">• The number of lots in a transfer plat subdivision,• Construction plans for private streets in subdivisions,• Street address number requirements during plan review,• Stormwater certifications on plans and plats,• The ability for some single family lots to have 80-foot-wide widths,• The purpose and intent for telecommunication towers and allowance for new major telecommunications towers in AR-30,• Allowance for new outdoor advertising signs (billboards),• Definitions of solar energy conversion uses,• Adjustments to plat certificate language, and• Inclusion of draft consistency statement language in Article 9.

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ARTICLE 1. ADMINISTRATION

§1.1. Title

§1.1. TITLE

1.1.1. UNIFIED DEVELOPMENT ORDINANCE TEXT

This Ordinance shall be officially known as the "Unified Development Ordinance of Edgecombe County, North Carolina" and may be referred to "this Ordinance" and several abbreviated references, including "the UDO" or "this UDO."

1.1.2. OFFICIAL ZONING MAP

The zoning map referenced in this Ordinance is officially titled as the "Zoning Map, Edgecombe County, North Carolina" and may be referred to as "the Official Zoning Map" or the "Zoning Map."

§1.2. AUTHORITY

This Ordinance consolidates the County's zoning and subdivision regulations, as authorized by the North Carolina General Statutes. It is adopted in accordance with:

- A.** The North Carolina General Statutes, including, but not limited to:
 - 1.** Chapter 153A, Article 6 (Delegation and Exercise of the General Police Power);
 - 2.** Chapter 160D (Local Planning and Development Regulation);
 - 3.** Chapter 130A, Article 10 (Drinking Water);
 - 4.** Chapter 130A, Article 11 (Wastewater);
 - 5.** Chapter 143, Article 21 (Water and Air Resources);
 - 6.** Chapter 113a, Article 4 (Sediment and Pollution Control);
- B.** The Code of Ordinances of the Edgecombe County, North Carolina; and
- C.** Other relevant laws, including but not limited to:
 - 1.** All other relevant laws of the State of North Carolina; and
 - 2.** Any special legislation pertaining to Edgecombe County enacted by the General Assembly.

§1.3. APPLICABILITY

1.3.1. WHERE APPLICABLE

The standards in this Ordinance shall govern all development and use of land lying within the unincorporated portions of Edgecombe County except:

- A.** Land within the planning and development jurisdiction of any municipality within Edgecombe County, unless the municipality shall have, by resolution, formally requested the County to enforce this Ordinance within its jurisdiction; and
- B.** Development and activities identified in [Section 1.3.6, Activities Exempted from This Ordinance](#).

1.3.2. ANNEXATION

The standards in this Ordinance shall remain in effect on any lands subject to annexation, incorporation, or extension of extra-territorial jurisdiction (ETJ) by a municipality, until:

- A.** The municipality adopts development regulations for the affected area; or
- B.** Up to 60 days following the approval of an annexation, incorporation, or ETJ extension by a municipality if no development regulations for the affected area are adopted by the municipality as part of an annexation, incorporation, or ETJ extension.

1.3.3. EXTRATERRITORIAL JURISDICTION

- A.** A municipality that desires to extend its extraterritorial powers into the County's planning jurisdiction may do so only when the municipality and the County have agreed upon the area.

ARTICLE 1. ADMINISTRATION

§1.3. Applicability

- B.** When a municipality desires to relinquish jurisdiction over an area within its planning jurisdiction, the municipal regulations and powers of enforcement shall remain in effect until the sooner of the following takes place:
 - 1.** Edgecombe County has adopted regulations for the relinquished jurisdiction; or
 - 2.** A period of 60 days following the action by which the municipality relinquished jurisdiction. During this period, the County may hold hearings and take other measures that may be required in order to adopt regulations for the relinquished area.
- C.** When a municipality is granted extra territorial jurisdictional powers by Edgecombe County in accordance with Section 160D-202 of the North Carolina General Statutes, such approval shall be evidenced by a formally adopted resolution of the Board of Commissioners. Approval of extra territorial jurisdiction can be rescinded upon two year's written notice to the municipality by repealing the resolution.

1.3.4. APPLICATION TO GOVERNMENTAL UNITS

Except when stated elsewhere in applicable law, this Ordinance applies to the following:

- A. COUNTY AND STATE GOVERNMENT**

Development of land or buildings by State or County agencies or departments, public colleges or universities, or other political subdivisions of the State, in accordance with the standards in Section 160D-913 of the North Carolina General Statutes.

- B. THE FEDERAL GOVERNMENT**

Development of land or buildings owned or held in tenancy by the government of the United States, its agencies, departments, or corporate services, to the full extent permitted by federal law. For those activities of the federal government exempted from these regulations, compliance is strongly encouraged.

1.3.5. DEVELOPMENT SUBJECT TO THIS ORDINANCE

On lands subject to this Ordinance, no structure or use of land shall hereafter be established, located, subdivided, extended, converted, altered, developed, or disturbed in any way without full compliance with the terms of this Ordinance and other applicable law. In the addition, the following standards shall apply:

- A. NO LAND DEVELOPED**

Unless exempted, no land shall be developed without compliance with this Ordinance and all other applicable County, State, and federal regulations.

- B. NO GRADING OR EXCAVATING**

Unless exempted, no land shall be subjected to clearing, grading, filling, or excavating without compliance with this Ordinance and all other applicable County, State, and federal regulations.

- C. NO USE OR OCCUPANCY**

No person shall use, occupy, or divide any land or a building or authorize or permit the use, occupancy, or division of land or a building under their control, except in accordance with this Ordinance and all other applicable County, State, and federal regulations.

- D. NO BUILDING CONSTRUCTED**

No building or structure, or portion thereof, shall be erected, used, occupied, maintained, moved, or altered except in conformity with the applicable regulations in this Ordinance and all other applicable County, State, and federal regulations.

- E. NO SALE OR TRANSFER**

ARTICLE 1. ADMINISTRATION

§1.3. Applicability

No lots in a subdivision may be sold or titles to land transferred until all the requirements of this Ordinance have been met, except as authorized by Section 160D-807 of the North Carolina General Statutes.

F. NO DOUBLE COUNTING OF REQUIRED AREAS

No land area or other required space counted as part of a required yard, setback, lot area, parking area, or similar feature of one lot may be counted towards the requirements of another lot.

G. NO EXEMPTION FROM SUBDIVISION REQUIREMENTS

Unless exempted in accordance with Section 160D-802 of the North Carolina General Statutes, the standards and requirements in this Ordinance applicable to subdivisions of land shall apply to the subdivision or re-subdivision of land within a bona fide farm or on land occupied by agricultural activities.

1.3.6. ACTIVITIES EXEMPTED FROM THIS ORDINANCE

The following forms of development and activities are exempted from the requirements of this Ordinance:

- A.** Agricultural and agri-tourism related activities taking place on a bona fide farm in accordance with Section 160D-903 of the North Carolina General Statutes;
- B.** Forestry activities completed on a bona fide farm or as subject to a forestry management plan approved in accordance with Section 160D-921 of the North Carolina General Statutes;
- C.** The division of land into parcels as part of a probated will or in accordance with the intestate succession provisions of Chapter 29 of the North Carolina General Statutes.

1.3.7. MINIMUM REQUIREMENTS

In the application of this Ordinance, all provisions shall be considered as minimum requirements and shall not be deemed to limit or repeal any other powers or authority granted under the North Carolina General Statutes.

§1.4. CONFLICT

Conflicts with other County laws, State laws, or between standards in this Ordinance shall be addressed in accordance with the following:

1.4.1. CONFLICTS WITH STATE OR FEDERAL LAW

If a provision of this Ordinance is inconsistent with State or federal law, the more restrictive provision controls, to the extent permitted by law.

1.4.2. CONFLICTS WITH OTHER COUNTY CODES OR LAWS

If a provision of this Ordinance is inconsistent with another provision found in other adopted ordinances of the County, the more restrictive provision shall govern, unless the terms of the more restrictive provision specify otherwise.

1.4.3. CONFLICTS BETWEEN STANDARDS IN THIS ORDINANCE

A. GENERALLY

Unless subject to the standards in **Section 1.4.3.B, Alternatives**, in cases where two or more standards in this Ordinance conflict with one another, the more restrictive standard shall control.

B. ALTERNATIVES

1. OVERLAY DISTRICTS

In cases where one requirement of this Ordinance conflicts with an otherwise applicable standard associated with an overlay zoning district, the standard applicable in the overlay zoning district shall prevail.

2. AUTHORIZED DEVIATIONS OR INCENTIVES

Authorized deviations, such as an approved administrative adjustment, or density incentives that are authorized by and established in accordance with this Ordinance shall control and not be considered to conflict with other more restrictive standards in this Ordinance.

3. DEVELOPMENT STANDARDS

Development standards in **Article 6. Standards**, that conflict with an otherwise applicable use specific standard in **Section §4.2, Principal Uses**, shall control.

4. TEXT AND ILLUSTRATIONS

- i.** In the event of a conflict or inconsistency between the text of this Ordinance and any heading, caption, figure, illustration, table, or map, the text shall control.
- ii.** Graphics and other illustrations are provided for informational purposes only and should not be relied upon as a complete and accurate description of all applicable regulations or requirements.

1.4.4. CONFLICTS WITH PRIVATE AGREEMENTS

In cases where the standards in this Ordinance conflict with private agreements, covenants, or deed restrictions established after November 1, 2021, and the standards in this Ordinance are more restrictive, the standards in this Ordinance shall control.

1.4.5. CONFLICTS WITH CONDITIONS OF APPROVAL

In cases where the standards in this Ordinance conflict with an authorized and legally established condition of approval that has not expired, the condition of approval shall control.

1.4.6. DETERMINATION OF THE MORE RESTRICTIVE STANDARD

ARTICLE 1. ADMINISTRATION

§1.5. Consistency with Adopted Policy Guidance

The more restrictive provision is the one that imposes greater restrictions, burdens, or more stringent controls.

§1.5. CONSISTENCY WITH ADOPTED POLICY GUIDANCE

1.5.1. GUIDANCE IDENTIFIED

The administration, enforcement, and amendment of this Ordinance shall be accomplished in accordance with the County's adopted planning policy framework. This includes the most recently adopted Comprehensive Plan, the County's Hazard Mitigation Plan, and all other applicable County-adopted policy guidance.

1.5.2. CONFORMANCE

A. ADVISORY

Adopted policy guidance is advisory in nature and does not carry the effect of law. Consistency with adopted policy guidance is not a requirement for the continuing validity of any provision of this Ordinance, except as provided in Section 160D-604 and Section 160D-605 of the North Carolina General Statutes.

B. CONSISTENCY

This Ordinance is intended to ensure that all development within the County is consistent with the goals, objectives, policies, strategies, and actions contained in the County's adopted policy guidance.

C. AMENDMENT UPON INCONSISTENCY

1. To the extent this Ordinance or the Official Zoning Map is or becomes inconsistent with the County's adopted policy guidance, it should be amended to remain consistent.
2. Consistency with adopted policy guidance is not a prerequisite for approval of a rezoning or planned development application, and the future land use map portion of the Comprehensive Plan shall be deemed amended when the Board of Commissioners approves a rezoning or planned development application that is inconsistent with the future land use map in accordance with Section 160D-605 of the North Carolina General Statutes.

§1.6. EFFECTIVE DATE

This Ordinance shall be in full force and effect on November 1, 2021, and repeals and replaces the Edgecombe County Unified Development Ordinance, as originally adopted on August 2, 1999, and most recently amended on January 6, 2020.

§1.7. PURPOSE AND INTENT

The purpose of this Ordinance is to protect the public health, safety, morals, and general welfare of the citizens and landowners of Edgecombe County, and to implement the policies and objectives identified in the County's adopted policy guidance. More specifically, the intent of this Ordinance is to:

- A. Foster convenient, compatible, and efficient relationships among land uses;
- B. Better manage or lessen congestion in the streets;
- C. Ensure the provision of adequate open space between uses for light, air, and fire safety;
- D. Balance the protection of private property rights against protection of the public interest;
- E. Promote the aesthetic quality of development;
- F. Prevent the overcrowding of land and avoid undue concentrations of population;
- G. Promote a diverse and balanced economy that provides jobs, goods, and services;

ARTICLE 1. ADMINISTRATION

§1.8. Relationship to Other Laws

- H.** Protect property from blighted conditions and depreciation in value;
- I.** Coordinate the transportation system with land use patterns;
- J.** Preserve and protect environmentally sensitive lands, natural resources, and land with productive soil;
- K.** Provide adequate infrastructure and community facilities (including transportation, water, sewage, schools, parks, drainage, and other public requirements) in a fiscally responsible manner;
- L.** Protect development and residents from fire, flooding, and other natural hazards; and
- M.** Foster stable neighborhoods and sustainable development practices.

§1.8. RELATIONSHIP TO OTHER LAWS

1.8.1. PRIVATE AGREEMENTS, EASEMENTS, OR COVENANTS

- A.** Except as hereinafter provided, this Ordinance shall not be deemed to interfere with, abrogate, annul, or otherwise affect in any manner whatsoever any easement, covenants, deed restrictions, or other private agreements between private parties.
- B.** Unless deed restrictions, covenants, or other contracts directly involve Edgecombe County as a party in interest, the County shall have no administrative responsibility for enforcing such deed restrictions, covenants, or contracts.

1.8.2. VESTED RIGHTS

Nothing in this Ordinance is intended to repeal, supersede, annul, impair, or interfere with any existing vested rights provided they were lawfully established and remain in effect.

§1.9. REVIEW AUTHORITIES

The following review authorities have review and decision-making authority for applications filed in accordance with [Section §2.3, Application Types](#).

1.9.1. GENERALLY**A. ALL MEETINGS SHALL BE OPEN**

1. All meetings of elected or appointed bodies under this Ordinance shall be open to the public in accordance with Section 143-318.10 of the North Carolina General Statutes (Meetings of Public Bodies) and shall be conducted in accordance with the procedures set forth in these regulations, the County Code of Ordinances, adopted policy guidance, and rules of procedure adopted by the respective review authorities.
2. Wherever feasible, the agenda for the meeting shall be made available for public inspection prior to the meeting.

B. RULES OF PROCEDURE

All review authorities identified in this section shall adopt formal rules of procedure consistent with the level of decision-making delegated to that authority. Adopted rules of procedure shall be kept on file, made available on the County's webpage or be available for public inspection, and shall be maintained by the designated staff to the review authority.

C. OATH OF OFFICE

All review authority members (including County staff) who review and decide applications under this Ordinance shall be administered the oath of office prior to commencing their duties in accordance with Article 6, Section 7 of the North Carolina Constitution by a person authorized to administer the oath. The County Clerk shall maintain a record of the oath's administration.

D. CONFLICT OF INTEREST**1. LEGISLATIVE AND ADMINISTRATIVE DECISIONS**

- i. A review authority member shall not vote on an application where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member in accordance with Section 160D-109 of the North Carolina General Statutes.
- ii. A review authority member shall not vote on an application where the landowner or applicant is a person with whom the member has a close, familial, business, or other associational relationship.

2. QUASI-JUDICIAL DECISIONS

- i. A review authority member shall not participate in or vote on any quasi-judicial matter in a manner that would violate an affected persons' constitutional right to an impartial decision maker.
- ii. Impermissible violations of due process include but are not limited to: a member having a fixed opinion prior to hearing the matter that is not susceptible to change; an undisclosed ex parte communication; a close familial, business, or other associational relationship with an affected person; or a direct, substantial, and readily identifiable financial impact on the member.

3. RECUSAL

- i. If a conflict of interest exists, then a review authority member shall recuse themselves from participating in and voting on an application.

ARTICLE 1. ADMINISTRATION

§1.9. Review Authorities

- ii. If an objection is raised to a member's participation and that member does not recuse himself or herself, then the remaining members shall, by majority vote, rule on the objection.
- iii. In the event the majority votes to uphold the objection, then the member shall be excused from participation in the matter by the Chair. In cases where there is an alternate member available, the alternate may be seated as a replacement.

E. MINUTES AND RECORDS

1. Accurate minutes of each meeting shall be maintained by each review authority showing the vote of each member on each question, or if absent or failing to vote, indicating such fact.
2. Each review authority shall keep records of its examinations and official actions.
3. All minutes and records shall be filed in the office of the County Clerk or other appropriate County official for the public record.

F. REGULAR MEETINGS

1. All review authorities shall meet at regularly scheduled times and at such other times as determined by the Chairperson as provided for in the rules of procedure.
2. Special meetings may be called at any time by the Chairperson or by request of a majority of members of the review authority.
3. Any special meetings shall be called, noticed, and conducted in accordance with Section 143-318.12 and Section 153A-40(b) of the North Carolina General Statutes, as applicable.

G. REMOVAL

1. Members of the Planning Board or Board of Adjustment may be removed by the Board of Commissioners at any time for:
 - i. Failure to attend two consecutive meetings;
 - ii. Failure to attend 30 percent or more of the meetings within a 12-month period; or
 - iii. Any good cause related to performance of duties.
2. For the purposes of this section, attendance at a meeting shall be defined as being present for at least 60 percent of the duration of the meeting.
3. Alternate members of the Board of Adjustment may be removed for repeated failure to attend or participate in meetings when requested to do so.
4. Moving outside Edgecombe County shall constitute resignation from the Planning Board or Board of Adjustment, effective upon the date a replacement board member is appointed.

H. STAFF TO BOARDS

1. The Planning Director or a designee shall serve as staff to the review authorities identified in this Ordinance.
2. The County Attorney may provide legal and procedural assistance, when requested.

1.9.2. BOARD OF COMMISSIONERS

A. POWERS AND DUTIES

The Board of Commissioners shall have the power to initiate, review, and decide applications for:

1. Conditional rezonings;
2. Conventional rezonings;
3. Development agreements;
4. Fee-in-lieu requests;
5. Performance guarantees;

ARTICLE 1. ADMINISTRATION

§1.9. Review Authorities

6. Planned developments;
7. Special use permits;
8. Street abandonment/Renaming;
9. Text amendments; and
10. Vested rights certificates.

B. OTHER POWERS AND DUTIES

The Board of Commissioners shall have the following other powers and duties:

1. To approve, by resolution, a schedule of fees governing:
 - i. Applications for permits and other development approval reviews under this Ordinance; and
 - ii. Civil penalties for violations of this Ordinance.
2. To appoint one or more individuals to an independent committee or to assist another review authority in carrying out its powers and duties. Such individuals shall sit as non-voting members of the review authority they are appointed to.
3. To take any other action not delegated to other review authorities, as the Board of Commissioners may deem desirable and necessary to implement the provisions of this Ordinance.
4. To conduct any and all business in accordance with the County Code of Ordinances and North Carolina General Statutes; and
5. To amend the Comprehensive Plan and other adopted policy guidance as necessary.

1.9.3. PLANNING BOARD

The Planning Board is hereby established in accordance with Section 160D-301 of the North Carolina General Statutes, and the following standards.

A. POWERS AND DUTIES

The Planning Board shall have the following powers and duties, to be carried out in accordance with the terms of this Ordinance:

1. APPLICATION DECISIONS

The Planning Board shall review and decide applications for:

- i. Preliminary plats; and

2. APPLICATION REVIEWS

The Planning Board shall review and make recommendations to the Board of Commissioners on the following applications:

- i. Conditional rezonings;
- ii. Conventional rezonings;
- iii. Development agreements;
- iv. Planned developments;
- v. Street abandonment/Renaming; and
- vi. Text amendments.

3. OTHER POWERS AND DUTIES

The Planning Board shall have the following other powers and duties:

- i. To perform studies and surveys of the present conditions and probable future development of the County and its environs, including but not limited to, studies and surveys of land uses, population, traffic, parking, annexation, and expansions of the extraterritorial jurisdiction;

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§1.9. Review Authorities

- ii. To formulate and recommend to the Board of Commissioners the adoption and amendment of a comprehensive plan and other plans or elements of policy guidance as necessary;
- iii. To initiate proposals for text amendments to the Unified Development Ordinance based upon the findings and recommendations delivered in such studies and adopted plans;
- iv. To determine whether specific proposed developments conform to the principles and requirements of the adopted comprehensive plan; and
- v. To perform other duties assigned to it by the Board of Commissioners in accordance with applicable law.

B. COMPOSITION

- 1. The Planning Board shall consist of seven members.
- 2. All Planning Board members shall reside within Edgecombe County and be appointed by the Board of Commissioners.
- 3. At its first regular meeting of the year, the Planning Board shall, by majority vote of its membership (excluding vacant seats), elect one of its members to serve as Chair who shall preside over the Board's meetings, and elect one of its members to serve as Vice Chair.
- 4. Members serving as Chair and Vice Chair shall serve in that capacity for one year. In the event a vacancy in the Chair or Vice Chair position occurs, a replacement officer shall be installed following a majority vote of the membership (excluding vacant seats), and the term shall be for the balance of the one-year term.
- 5. Nothing shall limit a Chair or Vice Chair from serving consecutive terms in those positions.

C. TERMS

- 1. Planning Board members shall be appointed for three-year staggered terms.
- 2. Members may serve up to two three-year terms. Members with two or more prior terms may be reappointed following a three-year period where they are not members of the Planning Board.
- 3. Members may continue to serve until their successor has been appointed.
- 4. Vacancies for unexpired terms shall be filled by the Board of Commissioners.

D. QUORUM

- 1. No official business of the Planning Board may be conducted without a quorum present.
- 2. A quorum shall require at least four members.

E. VOTING

- 1. An affirmative vote of the majority of Planning Board members constituting a quorum is required for all decisions or recommendations.
- 2. The Chair and Vice Chair shall vote as any other member.

F. PAYMENT

The Board of Commissioners may provide payment of reasonable compensation to members of the Planning Board as reimbursement for expenses incurred in connection with their official duties.

1.9.4. BOARD OF ADJUSTMENT

The Board of Adjustment is hereby established in accordance with Section 160D-302 of the North Carolina General Statutes, and the following standards.

A. POWERS AND DUTIES

The Board of Adjustment shall have the following powers and duties, to be carried out in accordance with the terms of this Ordinance:

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§1.9. Review Authorities

1. APPLICATION DECISIONS

- i. Appeals of County staff decisions; and
- ii. Variances (other than major water supply watershed variances).

2. OTHER POWERS AND DUTIES

To exercise other powers and authority provided to it by the Board of Commissioners, this Ordinance, or State law.

B. COMPOSITION

1. The Board of Adjustment shall consist of five regular members and two additional alternate members.
2. In response to an absence or recusal of a regular member, an alternate member may sit in lieu of a regular member and shall have the same authority and responsibilities as a regular member.
3. All Board of Adjustment members shall reside within Edgecombe County and be appointed by the Board of Commissioners.
4. At its first regular meeting of the year, the Board of Adjustment shall, by majority vote of its membership (excluding vacant seats), elect one of its regular members to serve as Chair who shall preside over the Board's meetings, and elect one of its regular members to serve as Vice Chair.
5. Members serving as Chair and Vice Chair shall serve in that capacity for one year. In the event a vacancy in the Chair or Vice Chair position occurs, a replacement officer shall be installed following a majority vote of the membership (excluding vacant seats), and the term shall be for the balance of the one-year term.
6. Nothing shall limit a Chair or Vice Chair from serving consecutive terms in those positions.
7. The Chair, or any other member serving as Chair, shall administer oaths to witnesses coming before the board.

C. TERMS

1. Board of Adjustment regular members and alternates shall be appointed for three-year staggered terms.
2. Members may serve up to three three-year successive terms.
3. Members may continue to serve until their successor has been appointed.
4. Vacancies for unexpired terms shall be filled by the Board of Commissioners.

D. QUORUM

1. No official business of the Board of Adjustment may be conducted without a quorum present.
2. A quorum shall require at least four members.
3. A member who has withdrawn from consideration of a particular matter without being excused in accordance with [Section 1.9.4.E, Voting](#), shall be counted as present for the purpose of determining a quorum.

E. VOTING

1. The concurring vote of four-fifths of the regular membership of the Board (excluding vacant seats) shall be necessary to grant a variance from the standards in this Ordinance.
2. A simple majority vote of the regular membership of the Board (excluding vacant seats) shall be necessary to decide any other matter.
3. The Chair and Vice Chair shall vote as any other regular member.

ARTICLE 1. ADMINISTRATION

§1.9. Review Authorities

4. Once a member is physically present at a Board of Adjustment meeting, any subsequent failure to vote shall be recorded as an affirmative vote unless a member has recused themselves or been excused in accordance with this section.
5. A member may be excused from voting on a particular matter following a motion and majority vote of the remaining members present for any of the following reasons:
 - i. A request for recusal based on a conflict of interest (see Section 1.9.1.D, Conflict of Interest);
 - ii. If an undisclosed ex parte communication takes place;
 - iii. If the matter involves the individual's own conduct; or
 - iv. If participation might violate the letter or spirit of a member's code of professional responsibility.
6. If an objection is raised to a member's participation and that member does not recuse themselves, the remaining members shall vote on the objection. In the event the majority votes to uphold the objection, then the member shall be excused from participation in the matter by the Chair. In cases where there is an alternate member available, the alternate may be seated as a replacement.
7. A member may be excused from the remaining portion of a meeting for any good and sufficient reason other than a desire to avoid voting on matters to be considered by majority vote of the remaining members present.

1.9.5. TECHNICAL REVIEW COMMITTEE

The Technical Review Committee (TRC) is hereby established in accordance with Section 160D-306 of the North Carolina General Statutes and the following standards.

A. POWERS AND DUTIES

The Technical Review Committee shall have the following powers and duties, to be carried out in accordance with the terms of this Ordinance:

1. APPLICATION DECISIONS

The Technical Review Committee shall review and decide applications for:

- i. Conservation subdivisions; and
- ii. Expedited subdivisions.

2. APPLICATION REVIEWS

The Technical Review Committee shall review and make recommendations to the Planning Board or Planning Director, as appropriate, on the following applications:

- i. Concept plans associated with conditional rezonings;
- ii. Master plans associated with a planned development;
- iii. Preliminary plats;
- iv. Site plans; and
- v. Street abandonment/Renaming

3. OTHER POWERS AND DUTIES

The Technical Review Committee shall have the following other powers and duties:

- i. Conduct pre-application conferences (see Section 2.4.2, Pre-Application Conference);
- ii. To review technical aspects of development occurring in the County's jurisdiction; and
- iii. To perform other duties assigned to it by the Board of Commissioners in accordance with applicable law.

B. COMPOSITION

ARTICLE 1. ADMINISTRATION

§1.9. Review Authorities

1. The Planning Director shall serve as the Chair of the Technical Review Committee and shall preside over committee meetings, prepare committee reports, and serve as liaison to the departments and agencies involved for clarification of issues and resolution of conflicts.
2. The Technical Review Committee shall be comprised of representatives from the following agencies: the Edgecombe County Health Department, Soil and Water Conservation Service, the North Carolina Department of Transportation, Edgecombe County public water or sewer utility providing service, the Edgecombe County School Board, and the Tarboro-Edgecombe Airport Authority.
3. The Chair may invite other County staff members or representatives from other agencies, as appropriate.
4. The Chair may invite applicants to attend meetings, in their sole discretion.

C. MEETINGS

1. The Technical Review Committee shall establish a regular meeting schedule in its rules of procedure, though it may not meet if there are no items for consideration.
2. Technical Review Committee meetings are open to the public, though the opportunity to address the Committee during a meeting is at the sole discretion of the Chair.

1.9.6. COUNTY STAFF

A. PLANNING DIRECTOR

The Planning Director shall have the following powers and duties:

1. APPLICATION DECISIONS

The Planning Director shall review and decide applications for:

- i. Determinations;
- ii. Exempt subdivisions;
- iii. Expedited subdivisions;
- iv. Final plats;
- v. Establishment of owners' associations;
- vi. Site plans; and
- vii. Transfer plats.

2. APPLICATION REVIEWS

The Planning Director shall review and make comments or recommendations on the following applications:

- i. Conservation subdivisions;
- ii. Development agreements;
- iii. Fee-in-lieu requests;
- iv. Performance guarantees;
- v. Planned developments;
- vi. Preliminary plats;
- vii. Text amendments; and
- viii. Vested rights certificates.

3. OTHER POWERS AND DUTIES

The Planning Director shall have the following other powers and duties:

- i. To serve as Chair of the Technical Review Committee;
- ii. To maintain rules of procedure for each review authority in this Ordinance;
- iii. To determine if filed applications are complete in accordance with Section 2.4.3.F, Determination of Application Completeness;

ARTICLE 1. ADMINISTRATION

§1.9. Review Authorities

- iv.** To interpret Official Zoning Map boundaries, identify the procedure for establishment of unlisted uses, and determine vested rights status in accordance with Section 2.3.8, Determination;
- v.** To assist in enforcement of this Ordinance; and
- vi.** To carry out any other powers and duties delegated by the County Manager or Board of Commissioners that are consistent with this Ordinance and State law.

B. ZONING ADMINISTRATOR

The Zoning Administrator shall have the following powers and duties:

1. APPLICATION DECISIONS

The Zoning Administrator shall review and decide applications for:

- i.** Administrative adjustments;
- ii.** Floodplain development permits;
- iii.** Sign permits;
- iv.** Stormwater permits;
- v.** Temporary use permits;
- vi.** Watershed permits; and
- vii.** Zoning compliance permits.

2. APPLICATION REVIEWS

The Zoning Administrator shall review and make comments or recommendations on the following applications:

- i.** Conventional rezonings; and
- ii.** Determinations;

3. OTHER POWERS AND DUTIES

The Zoning Administrator shall have the following other powers and duties:

- i.** To serve as Floodplain Administrator in accordance with Section 3.4.3, Flood Hazard Overlay (FHO) District;
- ii.** To serve as Watershed Administrator in accordance with Section 3.4.4, Watershed Protection Overlay District;
- iii.** To enforce the provisions of this Ordinance, including entering any building, structure, or premises, as provided by law, to perform any duty imposed by this Ordinance;
- iv.** To apply remedies for violations of this Ordinance in accordance with Article 7, Violations;
- v.** To update and maintain the Official Zoning Map and related materials in accordance with Article 3, Districts;
- vi.** To develop and maintain application forms for development applications issued under this Ordinance;
- vii.** To maintain public records pertaining to this Ordinance and to make those records available to members of the public upon request, subject to the standards in Chapter 132 of the North Carolina General Statutes, and all applicable Edgecombe County policies regarding public records;
- viii.** To provide technical assistance to review authorities, upon request; and
- ix.** To carry out any other powers and duties delegated by the County Manager or Board of Commissioners that are consistent with this Ordinance and State law.

§1.10. SEVERABILITY**1.10.1. INVALIDATION**

Should any section, sentence, clause, phrase, or word of this Ordinance be held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect, impair, or invalidate the validity of the remaining parts of this Ordinance which can be given effect without the invalid provision.

1.10.2. PREJUDICIAL APPLICATION

Should any section, sentence, clause, phrase, or word of this Ordinance be held invalid or unconstitutional in its application to a particular case, such decision shall not affect or prejudice its application to other cases.

1.10.3. LAWFUL PRESUMPTION

There shall be a conclusive presumption when a review authority authorizes regulatory action, that the review authority would not have authorized the action except in the belief that such action was lawful.

§1.11. TRANSITIONAL PROVISIONS

The standards in this subsection address existing violations, nonconformities, and applications in process at the time this Ordinance is made effective.

1.11.1. PRIOR VIOLATIONS

- A.** Violations of the previous ordinance shall continue to be violations under this Ordinance, unless the development complies with this Ordinance and is no longer considered to be in violation, or the ability to address the violation has lapsed in accordance with **Section §7.6, Statute of Limitations**.
- B.** Violations of this Ordinance shall be subject to the penalties and enforcement provisions in **Article 7. Violations**.

1.11.2. EXISTING NONCONFORMITIES

If any lot, sign, site, structure, or use legally existed on November 1, 2021, but does not fully comply with the standards of this Ordinance, the lot, sign, site, structure, or use is considered nonconforming under this Ordinance and shall comply with the requirements in **Article 5. Nonconformities**.

1.11.3. PRIOR APPROVALS

- A.** Any development approvals granted before November 1, 2021, shall remain valid until their expiration date.
- B.** Developments with valid approvals or permits may be carried out in accordance with the terms and conditions of their approval and the development standards in effect at the time of approval, provided the permit or approval is valid and has not expired.
- C.** If an approval expires or is revoked (e.g., for failure to comply with the terms and conditions of approval), any subsequent development of the site shall be applied for in accordance with the procedures and standards of this Ordinance.
- D.** An applicant shall be deemed to have initiated an approved development upon the subsequent application for and diligent pursuit of other required County, State, or federal permits or approvals.
- E.** Timelines for the commencement or expiration of development in accordance with an approved application shall be suspended in the event of legal challenge.

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§1.11. Transitional Provisions

- F.** To the extent a prior-approved application proposes development that does not comply with this Ordinance, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of in [Article 5. Nonconformities](#).

1.11.4. PENDING APPLICATIONS

A. COMPLETE APPLICATIONS

Applications accepted as complete prior to November 1, 2021, may be decided in accordance with either the regulations in affect at the time the application was determined complete or the regulations in this Ordinance, as requested by the applicant in accordance with [Section 2.4.4, Permit Choice](#).

B. IF APPROVED

To the extent such a complete application is approved and proposes development that does not comply with this Ordinance, the development, although permitted, shall be nonconforming and subject to the provisions of in [Article 5. Nonconformities](#).

C. FILED, BUT NOT COMPLETE APPLICATIONS

Applications that have been filed prior to November 1, 2021, but not determined to be complete by the Planning Director as of that date shall be reviewed and decided in accordance with this Ordinance.

1.11.5. EXISTING DEVELOPMENT

A. PRIOR CONDITIONAL USE ZONING DESIGNATIONS

1. Lands subject to a conditional use zoning district designation approved prior to November 1, 2021, are hereby reverted to the most closely corresponding conventional zoning district in this Ordinance as determined by the Board of Commissioners. Landowners may obtain documentation of this change in accordance with [Section 2.3.8, Determination](#).
2. Any conditional use permits associated with a pre-existing conditional use zoning district designation shall be subject to the standards in [Section 1.11.5.B, Prior Conditional Use Permits](#), or [Section 1.11.5.C, Prior Planned Unit Developments](#), as appropriate.

B. PRIOR CONDITIONAL USE PERMITS

Existing conditional use permits approved prior to November 1, 2021, are hereby converted to special use permits and shall continue to apply as approved. In the event an applicant seeks to revise development subject to a conditional use permit, all changes shall be considered in accordance with the requirements in [Section 2.3.20, Special Use Permit](#).

C. PRIOR PLANNED UNIT DEVELOPMENTS

Planned unit developments approved prior to November 1, 2021, shall continue in accordance with all applicable conditions of approval. Any revisions to a planned unit development beyond the scope anticipated in the original approval shall require a rezoning in accordance with [Section 2.3.16, Planned Development](#).

D. ESTABLISHED USES NOW REQUIRING A SPECIAL USE PERMIT

1. If a use was a lawfully established permitted use before November 1, 2021, and is subsequently made a special use in [Table 4.2.1, Principal Use Table](#), the use shall be considered by the County as a lawfully-established nonconforming use.
2. Any modifications to the use or the site after November 1, 2021, shall require approval of a special use permit in accordance with [Section 2.3.20, Special Use Permit](#).

§1.12. VESTED RIGHTS**1.12.1. PURPOSE AND INTENT**

This section is intended to implement Section 160D-108 of the North Carolina General Statutes with respect to the establishment of zoning vested rights for landowners or applicants who have received a development approval from the County.

1.12.2. VESTED RIGHTS DEFINED

As used in this Ordinance, a zoning vested right is defined as the right to undertake and complete the development and use of land under the terms and conditions of a development approval issued by the County.

1.12.3. SITE-SPECIFIC VESTING PLAN DEFINED

- A.** For the purposes of this section, a site-specific vesting plan is defined as a plan of land development submitted to the County for purposes of obtaining approval.
- B.** A site-specific vesting plan must provide, with reasonable certainty, all of the following:
 - 1.** The boundaries of the development;
 - 2.** Topographic and natural features affecting the site;
 - 3.** The approximate location of proposed buildings, structures, and other improvements;
 - 4.** The approximate dimensions, including height, of proposed buildings and other structures;
 - 5.** The approximate location of all existing and proposed infrastructure on the site, including water, sewer, streets, and pedestrian ways;
 - 6.** The type or types of proposed land uses; and
 - 7.** The density or intensity of development.
- C.** A variance, sketch plan, concept plan, or any other document that fails to describe with reasonable certainty the type and intensity of use for a specific lot or lots of property shall not constitute a site-specific vesting plan.
- D.** The following development approvals constitute a site-specific vesting plan:
 - 1.** Final plats approved in accordance with Section 2.3.13, Final Plat;
 - 2.** Planned development master plans approved in accordance with Section 2.3.16, Planned Development;
 - 3.** A master plan associated with a conditional rezoning application (see Section 2.3.5, Conditional Rezoning);
 - 4.** Preliminary plats approved in accordance with Section 2.3.17, Preliminary Plat;
 - 5.** Site plans approved in accordance with Section 2.3.19, Site Plan; and
 - 6.** Special use permits approved in accordance with Section 2.3.20, Special Use Permit.

1.12.4. ESTABLISHMENT OF A VESTED RIGHT**A. GENERALLY**

A vested right may only be established following an approval of a development application in accordance with this Ordinance and the applicable requirements in the North Carolina General Statutes.

B. COMMON LAW VESTING

A common law vested right is established only when the following can be demonstrated by the landowner:

- 1.** There is an affirmative governmental act by the County in the form of an approval of a permit or development approval under this Ordinance; and

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§1.12. Vested Rights

2. The landowner relies on this affirmative governmental act in good faith and makes substantial expenditures to develop the land; and
3. It would be inequitable to prevent the landowner from proceeding to develop the land consistent with the terms and conditions of the permit or development approval relied upon.

1.12.5. PROCESS TO CLAIM VESTED RIGHT

- A. A landowner seeking to claim a vested right shall submit information to substantiate their claim of vesting status along with an application for a determination in accordance with [Section 2.3.8, Determination](#).
- B. Appeal of a decision on a determination application may be filed with the Board of Adjustment in accordance with [Section 2.3.2, Appeal](#).
- C. Applicants seeking to extend the vesting status of a site-specific vesting plan may file an application for a vested rights certificate (see [Section 2.3.27, Vested Rights Certificate](#)).

1.12.6. EFFECT OF A VESTED RIGHT

- A. Development approvals that have an established vested right in accordance with Section 160D-108 of the North Carolina General Statutes and this section shall preclude any action by the County that would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property authorized by the development approval, except where a change in State or federal law occurs and has a retroactive effect on the development or use.
- B. Except when subject to sub-section C below, amendments to this Ordinance shall not be applicable to any of the following development approvals after they are vested:
 1. Building or uses of land for which a development permit application has been submitted and approved in accordance with this Ordinance and Section 143-755 of the North Carolina General Statutes;
 2. Subdivisions of land for which a subdivision application has been submitted and approved in accordance with this Ordinance and Section 143-755 of the North Carolina General Statutes;
 3. A site-specific vesting plan approved in accordance with this Ordinance and Section 160D-108.1 of the North Carolina General Statutes;
 4. A multi-phase development approved in accordance with this Ordinance and Section 160D-108 of the North Carolina General Statutes; and
 5. A vested right established by the terms of an approved development agreement in accordance with this Ordinance and Article 10 of Chapter 160D of the North Carolina General Statutes.
- C. Amendments to this Ordinance shall apply to vested development approvals if:
 1. A change to State or federal law occurs and has a retroactive effect on the development or use;
 2. There is written consent to be subject to the amendment by the landowner;
 3. The development approval expires; or
 4. The development is not undertaken or completed in accordance with the approval.

1.12.7. DURATION

Vested rights shall commence upon approval of a development application and shall continue through the maximum duration periods established in this section.

A. BUILDING PERMITS

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§1.12. Vested Rights

The issuance of a building permit establishes a vested right to development for a period of six months, as long as the building permit complies with the terms and conditions of approval of that building permit.

B. DEVELOPMENT APPROVALS

Except for building permits, site-specific vesting plans, development agreements, and multi-phase developments, any development approval under this Ordinance shall be vested from changes in this Ordinance for a period of one year from the date of approval, provided the development subject to the approval complies with all applicable terms and conditions.

C. SITE SPECIFIC VESTING PLANS

1. Development approvals identified by this Ordinance as site-specific vesting plans shall be granted a vested right to develop for a maximum period of two years from the date of the approval, provided the development subject to the approval complies with all applicable terms and conditions.
2. The two-year vesting duration of a site-specific vesting plan may be extended up to five years from the date of the approval in accordance with [Section 2.3.27, Vested Rights Certificate](#).
3. Site-specific vesting plans meeting the definition of a multi-phase development shall be vested in accordance with [Section 1.12.7.D, Multi-Phase Developments](#).

D. MULTI-PHASE DEVELOPMENTS

1. A multi-phase development plan that occupies at least 25 acres of land area, is subject to a master plan that depicts the types and intensities of all uses as part of the approval, and includes more than one phase shall be considered as a multi-phase development plan that is granted a vested right to develop for a period of seven years from the date of approval of the first site plan associated with the development.
2. Vesting shall commence upon approval of the site plan for the first phase of the development.
3. The vested right shall remain in effect provided the development does not expire and provided it complies with all the applicable terms and conditions of the approval.

E. DEVELOPMENT AGREEMENTS

A development agreement shall be vested in accordance with the vesting term identified in the development agreement.

1.12.8. TERMINATION

- A. Vested rights established in accordance with this Ordinance shall run with the land.
- B. In no instance shall vesting status extend beyond the maximum duration for the type of development application approval identified in [Section 1.12.7, Duration](#).
- C. In no instance shall the vesting status of a development approval continue after the development approval expires or if the development approval is revoked for failure to comply with the terms of the approval or of this Ordinance.
- D. In no instance shall the vesting status of a development approval continue after it is determined that the development approval was based upon intentional inaccurate information or material misrepresentations.
- E. In no instance shall vested rights continue if the Board of Commissioners finds, after a duly noticed public hearing, that natural or man-made hazards resulting from the development would result in a serious threat to public health, safety, or welfare if the development were to be continued or completed.

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- F.** In the event of commenced but uncompleted work associated with a development approval, vested rights shall expire within 24 months of the discontinuance of work. This 24-month period shall not include the time associated with work stoppage resulting from an appeal or litigation.

1.12.9. LIMITATIONS

- A.** The establishment of a vested right does not preclude the County's application of overlay zoning district requirements or other development regulations that do not affect the type of land use, its density, or intensity.
- B.** A vested right shall not preclude the application of changes to building, fire, plumbing, electrical, or mechanical codes made after the development approval where a vested right was established.

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ARTICLE 2. APPLICATIONS

§2.1. Article Introduction

§2.1. ARTICLE INTRODUCTION

2.1.1. ORGANIZATION

- A.** This article includes all the development application review provisions, and is comprised of the following three sections:
 - 1.** A section setting out the summary table of application types;
 - 2.** A section that describes each individual application type in alphabetical order; and
 - 3.** A section describing the basic review procedures organized by stage in the review process.
- B.** The table in Section §2.2, Application Summary Table, lists each development application type in this Ordinance and identifies the review authorities who decide them.
- C.** Section §2.3, Application Types, lists each of the individual application types in alphabetic order. It describes the purpose for each procedure, when the procedure is used, which review authority decides the application, the review criteria that will be used, how an approved application may be amended, if and how the approval may expire, and how decisions on an application may be appealed;
- D.** The description of each application type includes a procedural flowchart. The procedural flowchart uses a symbol for each step in the process with text inside the symbol describing the step in greater detail. The procedural flowchart is color coded to depict differing responsibilities. For example, white boxes indicate actions or responsibilities of the applicant. Boxes with dashed lines show optional steps an applicant may choose to undertake. Light grey boxes indicate actions of County staff. Brown boxes show public hearings or public meetings (as appropriate).
- E.** Section §2.4, Review Procedures, describes the basic procedures used by County staff and other review authorities in the consideration of every proposed development application. It sets down the standards for pre-application conferences, application submittal, application completeness determination, staff review and report, public notification, public meeting or hearing procedures, and notification of decision.

§2.2. APPLICATION SUMMARY TABLE

The following table lists each of the specific development application review procedures under this Ordinance and the review authority (ies) involved in the decision-making process. Review authorities are listed in columns across the top of the table and procedures are listed in rows down the side. Cells in the middle show actions taken by a particular review authority as part of the review process. Blank cells ("•") indicate that a particular review authority has no role in the particular procedure.

ARTICLE 2. APPLICATIONS

§2.2. Application Summary Table

TABLE 2.2: APPLICATION SUMMARY TABLE									
Review Authority Actions: C = Comment; R = Recommendation; D = Decision; A = Appeal Type of Review: | |=Public Meeting; / \=Legislative Hearing; { }=Quasi-Judicial Hearing									
APPLICATION TYPE	UDO SECTION NUMBER	PRE-APPLICATION CONFERENCE / 1/	REVIEW AUTHORITY / 2 /						
			ZONING ADMINISTRATOR	PLANNING DIRECTOR / 3/	TECH. REVIEW COMMITTEE	PLANNING BOARD	BOARD OF ADJUSTMENT	BOARD OF COMMISSIONERS	SUPERIOR COURT
Administrative Adjustment	2.3.1	M	D	•	•	•	{A}	•	•
Appeal	2.3.2	N/A	•	•	•	•	{D}	•	A
Building Permit	2.3.3	N/A	/4/	•	•	•	/5/	•	•
Certificate of Occupancy	2.3.4	N/A	/4/	•	•	•	/5/	•	•
Conditional Rezoning	2.3.5	M	•	•	/6/	|R|	•	/D\	A
Conservation Subdivision	2.3.6	M	•	C	D /7/	•	•	•	A
Conventional Rezoning	2.3.7	O	C	•	•	|R|	•	/D\	A
Determination	2.3.8	N/A	R	D	•	•	{A}	•	•
Development Agreement	2.3.9	M	•	C	•	|R|	•	/D\	A
Exempt Subdivision /8/	2.3.10	N/A	•	D	•	•	{A}	•	•
Expedited Subdivision	2.3.11	N/A	•	D	C	•	•	•	A
Fee-in-Lieu	2.3.12	O	•	R	•	•	•	/D\	A
Final Plat	2.3.13	N/A	•	D	•	•	•	•	A
Floodplain Development Permit	2.3.14	N/A	D	•	•	•	{A}	•	•
Performance Guarantee	2.3.15	O	•	R	•	•	•	|D|	A
Planned Development	2.3.16	M	•	C	/6/	|R|	•	/D\	A
Preliminary Plat	2.3.17	M	•	C	R	|D|	•	•	A
Sign Permit	2.3.18	N/A	D	•	•	•	{A}	•	•
Site Plan	2.3.19	M	•	D	C	•	{A}	•	•
Special Use Permit	2.3.20	M	•	•	•	•	•	{D}	A
Stormwater Permit	2.3.21	O	D	•	•	•	{A}	•	•
Street Abandonment/ Renaming	2.3.22	M	•	•	C	|R|	•	/D\	A

ARTICLE 2. APPLICATIONS

§2.2. Application Summary Table

TABLE 2.2: APPLICATION SUMMARY TABLE									
Review Authority Actions: C = Comment; R= Recommendation; D = Decision; A = Appeal Type of Review: | |=Public Meeting; /\=Legislative Hearing; {}=Quasi-Judicial Hearing									
APPLICATION TYPE	UDO SECTION NUMBER	PRE-APPLICATION CONFERENCE /1/	REVIEW AUTHORITY /2/						
			ZONING ADMINISTRATOR	PLANNING DIRECTOR /3/	TECH. REVIEW COMMITTEE	PLANNING BOARD	BOARD OF ADJUSTMENT	BOARD OF COMMISSIONERS	SUPERIOR COURT
Temporary Use Permit	2.3.23	N/A	D	•	•	•	{A}	•	•
Text Amendment	2.3.24	O	•	C	•	|R|	•	/D\	A
Transfer Plat	2.3.25	O	•	D	•	•	•	•	A
Variance /8/	2.3.26	M	•	•	•	•	{D}	•	A
Vested Rights Certificate	2.3.27	O	•	R	•	•	•	/D\	A
Watershed Permit	2.3.28	O	D	•	•	•	{A}	•	•
Zoning Compliance Permit	2.3.29	N/A	D	•	•	•	{A}	•	•
NOTES: /1/ Pre-application conferences: M = Mandatory; O = Optional; N/A = Not Applicable. /2/ Comments are provided prior to recommendations. Recommendations are provided prior to decisions. Appeals may only take place after decisions. /3/ The Planning Director may delegate review authority in accordance with Section 8.2.9, Delegation of Authority . /4/ Issued by the Building Inspector. /5/ Appeals filed with NC Commissioner of Insurance. /6/ The TRC shall conduct a preliminary review of a concept or master plan prior to review by the Planning Board. /7/ Approval of a conservation subdivision allows the applicant to file a preliminary plat application. /8/ Exempt subdivision reviews are provided as a courtesy and are not mandatory. /9/ Major water supply watershed variances require approval by the Board of Adjustment prior to consideration by the NC Environmental Management Commission. The Board of Adjustment shall review and decide all water-related variance applications for stormwater standards.									

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.1. Administrative Adjustment

§2.3. APPLICATION TYPES

2.3.1. ADMINISTRATIVE ADJUSTMENT

A. PURPOSE AND INTENT

The purpose for this section is to establish a clear procedure and measurable review criteria for the administrative consideration of requests for minor deviations to certain numeric standards in this Ordinance (like zoning district dimensional standards). The intent of the procedure is to provide relief from practical difficulties in complying with the standards of this Ordinance. Administrative adjustments should only be granted when the proposed development advances the purposes of this Ordinance, and the proposed development can maintain compatibility with its surroundings.

B. APPLICABILITY

1. An administrative adjustment may be requested for a modification or deviation of up to 10 percent of any zoning district dimensional standard in Article 3. Districts, a numeric standard in Article 4. Land Uses, or a numeric standard in Article 6. Standards.
2. In no instance shall an administrative adjustment application seek to change any of the following:
 - i. The required minimum lot area;
 - ii. Increases in the maximum residential density on a lot;
 - iii. Reductions to the minimum required distance between two use types;
 - iv. Reductions to the standards pertaining to flood protection or water supply watershed standards;
 - v. Reductions to potable water or wastewater system requirements; or
 - vi. Reductions to required sight distance triangle requirements.

C. PROCEDURE

The review procedure for an administrative adjustment shall be in accordance with Section §2.2, Application Summary Table, Figure 2.3.1, Administrative Adjustment Procedure, and Section §2.4, Review Procedures.

D. REVIEW CRITERIA

An administrative adjustment shall be approved by the Zoning Administrator if the applicant demonstrates all of the following:

1. The administrative adjustment does not exceed the maximum allowable threshold;
2. The administrative adjustment:

FIGURE 2.3.1: ADMINISTRATIVE ADJUSTMENT PROCEDURE

Step	Action
1	Pre-Application Conference See Section 2.4.2, Pre-Application Conference
2	File Application See Section 2.4.3, Application Filing May be filed as a stand-alone application or along with a related application, like a site plan
3	Completeness Determination See Section 2.4.3.F, Determination of Application Completeness
4	Staff Review See Section 2.4.5, Staff Review and Action
5	Zoning Administrator Decision Based on Section 2.3.1.D, Review Criteria If submitted with a related application, decision on an administrative adjustment is rendered first
6	Written Notification of Decision See Section 2.4.9, Written Notice of Decision
7	Review Associated Applications If appropriate

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.1. Administrative Adjustment

- i. Is required to compensate for some unusual aspect of the site or the proposed development that is not shared by landowners in general; or
- ii. Is necessary to allow for proper functioning of on-site wastewater or stormwater management devices; or
- iii. Saves healthy existing trees; or
- iv. Helps limit the need for site grading or revision to existing drainage patterns;
3. The administrative adjustment will not pose a danger to the public health or safety;
4. The administrative adjustment will not negatively impact the function or performance of on-site wastewater or stormwater management devices;
5. Adverse impacts resulting from the administrative adjustment will be fully mitigated; and
6. The development requirement being adjusted is not the subject of a previously approved administrative adjustment, condition of approval, or variance on the same site.

E. SEQUENCE

1. An administrative adjustment may be requested either as a stand-alone application, or in combination with another application for development review.
2. In cases when submitted with another application, the administrative adjustment application shall be decided prior to the other associated applications.
3. Applications for planned developments, rezonings (conditional and conventional), or variances shall not include requests for administrative adjustments.

F. AMENDMENT

Amendment of an administrative adjustment may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

G. EXPIRATION

1. If an administrative adjustment is submitted with another development application, the expiration of the administrative adjustment shall be the same as the associated development application.
2. In cases where an administrative adjustment is submitted as a stand-alone application, the approval shall become null and expire if the work associated with the administrative adjustment is not commenced within two years from the date of approval.

H. APPEAL

Appeal of a decision on an administrative adjustment shall be reviewed and decided by the Board of Adjustment in the nature of certiorari and in accordance with Section 160D-405 of the North Carolina General Statutes, and Section 2.3.2, Appeal.

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.2. Appeal

2.3.2. APPEAL

A. PURPOSE AND INTENT

This appeal procedure is proposed to establish a clear and predictable procedure for persons with standing to appeal a decision or determination by a review authority.

B. APPLICABILITY

1. DECISIONS BY COUNTY STAFF OR PLANNING BOARD SUBJECT TO THESE STANDARDS

Certain appeals of decisions or determinations by a County official or the Planning Board made pursuant to this Ordinance shall be reviewed and decided by the Board of Adjustment in accordance with Section §2.2, Application Summary Table, and this section.

2. DECISIONS BY COUNTY COMMISSIONERS OR BOARD OF ADJUSTMENT NOT SUBJECT TO THESE STANDARDS

- i. Appeals of quasi-judicial decisions made by the Board of Commissioners or the Board of Adjustment shall be taken to the Superior Court for Edgecombe County, in accordance with Sections 160D-1401 or 160D-1402 of the North Carolina General Statutes, as appropriate.
- ii. Challenges to legislative decisions made by the Board of Commissioners are made through requests for declaratory judgement by the Superior Court for Edgecombe County, in accordance with Section 160D-1401 of the North Carolina General Statutes.

3. ORIGINAL CIVIL ACTIONS NOT SUBJECT TO THESE STANDARDS

- i. Persons with standing, as defined in Section 160D-1403.1 of the North Carolina General Statutes may bring an original civil action in Superior Court without first being heard by the Board of Adjustment for some administrative decisions, determinations of vested rights, and notices of violation in cases where the applicant claims the decision or a provision in this Ordinance is:
 - a. Unconstitutional;
 - b. Beyond statutory authority;
 - c. Pre-empted by State law; or
 - d. A taking of all property value.
- ii. Direct appeals of determinations of the text in this Ordinance or the Official Zoning Map by a County official to Superior Court are not permitted and must first be heard by the Board of Adjustment, in accordance with this section.

C. INITIATION

FIGURE 2.3.2: APPEAL PROCEDURE

Step	Action
1	File Notice of Appeal See Section 2.4.3, Application Filing Within 30 days of receipt of notice of violation or decision being appealed
2	Completeness Determination See Section 2.4.3.F, Determination of Application Completeness
3	Record Assembly and Transmittal Prepared by the Planning Director and provided to the Board of Adjustment, the applicant, and the landowner, if appropriate
4	Public Hearing Scheduled
5	Public Notification See Section 2.4.6, Public Notice
6	Board of Adjustment Review and Decision See Section 2.3.2.F, Review Criteria
7	Written Notification of Decision See Section 2.4.9, Written Notice of Decision

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.2. Appeal

1. A property owner or other person with standing shall initiate an appeal by filing a written notice of appeal with the Planning Director within 30 days of the date they receive the written notice of determination or decision being appealed.
2. Receipt of written notice provided via first class mail in accordance with Section 160D-403(b) of the North Carolina General Statutes shall be deemed to be received on the third business day following deposit of the notice for mailing with the United States Postal Service.

D. PROCEDURE

The review procedure for an appeal shall be in accordance with Section §2.2, Application Summary Table, Figure 2.3.2, Appeal Procedure, and Section §2.4, Review Procedures.

E. DECISION

1. The Board of Adjustment, at the conclusion of a quasi-judicial public hearing, shall decide the application for the appeal.
2. The decision shall be based on the competent, material, and substantial evidence in the record of the appeal, as supplemented by arguments presented at the quasi-judicial hearing, and the standards in Section 2.3.2.F, Review Criteria.
3. The decision shall be one of the following:
 - i. Affirmation of the decision or determination (in whole or in part);
 - ii. Modification of the decision or determination (in whole or in part); or
 - iii. Reversal of the decision or determination (in whole or in part).
4. A vote to reverse or modify a decision or determination shall require approval of a majority of the members present and voting.
5. Each decision shall be made in writing and reflect the Board of Adjustment's determination of contested facts and their application to the standards in this Ordinance.
6. The written decision shall be signed by the Chair or other duly authorized member of the Board of Adjustment.
7. The decision of the Board of Adjustment shall be effective upon the filing of the written decision in the offices of the Planning, Inspections, and E-911 Department.

F. REVIEW CRITERIA

1. The Board of Adjustment is limited to the following decisions in considering the appeal:
 - i. Whether the review authority erred in the determination of this Ordinance; or
 - ii. Whether the review authority erred in determining whether a standard of this Ordinance was met.
2. The BOA shall not hear any evidence or make any decision based on hardships or special conditions, except as part of an application for a variance.

G. EFFECT

1. The filing of an appeal shall stay all of the following:
 - i. Any further proceedings or actions conducted by the applicant except in such cases where such stoppage would cause imminent peril to life or property as determined by the Planning Director;
 - ii. The application of any further remedies for violation of this Ordinance by the County; and
 - iii. The accumulation of any further fees or fines associated with violation of this Ordinance.
2. In the event enforcement proceedings are not stayed by an appeal, the appellant may file a request for an expedited hearing of the appeal in accordance with Section 160D-405(f) of

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.2. Appeal

the North Carolina General Statutes, and the Board of Adjustment shall conduct a meeting to hear the appeal within 15 days of the date the request for an expedited hearing is filed.

3. Nothing shall prevent the Board of Adjustment from staying the issuance of any final approval of development applications, including building permits, affected by the issue being appealed in accordance with Section 160D-405(f) of the North Carolina General Statutes.

H. EXPIRATION

A decision on an appeal shall not expire.

I. APPEAL OF BOARD OF ADJUSTMENT DECISION

1. A decision by the Board of Adjustment shall be subject to review by the Superior Court of Edgecombe County by proceedings in the nature of certiorari and in accordance with Section 160D-1402 of the North Carolina General Statutes.
2. The landowner or applicant shall file a petition for review with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.
3. Any other person with standing to appeal shall file a petition for review with the Clerk of Court within 30 days from receipt, by any source, actual or constructive notice of the decision being appealed.
4. Receipt of written notice provided via first class mail in accordance with Section 160D-403(b) of the North Carolina General Statutes shall be deemed to be received on the third business day following deposit of the notice for mailing with the United States Postal Service.

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.3. Building Permit

2.3.3. BUILDING PERMIT

A. PURPOSE AND INTENT

The purpose for the building permit procedure is to establish a consistent process for the review and approval of construction activities in accordance with Section 160D-1110 of the North Carolina General Statutes for consistency with all applicable building codes to give reasonable assurance that new development is safe from structural failure, fire hazards, electrical shock, or any other applicable health risks, as well as to establish a permanent record of work performed and inspections conducted.

B. APPLICABILITY

Unless exempted in accordance with this Ordinance or the State Building Code(s), no construction, reconstruction, addition, alteration, repair, movement to another site, removal, demolition of any building or structure, or changes in use triggering the need for application of a different set of building code requirements shall occur until a building permit is approved in accordance with the procedures and standards of this section.

C. EXEMPTIONS

The following forms of development are exempted from the requirement to obtain a building permit, but shall be subject to the standards in Section 2.3.29, Zoning Compliance Permit:

1. Storage and secondary buildings that serve a residential principal use, are 12 linear feet in length or less on any dimension, and do not include electrical service or running water;
2. Patios and at-grade walkways;
3. Playground equipment and play structures provided as secondary uses to a single-family residential dwelling; or
4. Fences or privacy walls of ten feet in height or less, except that all retaining walls shall require a building permit.

D. PROCEDURE

The review procedure for a building permit shall be in accordance with Section §2.2, Application Summary Table, Figure 2.3.3, Building Permit Procedure, and Section §2.4, Review Procedures.

E. REVIEW CRITERIA

A building permit shall be issued if the application complies with:

1. The applicable sections of the State Building Code(s);
2. The standards in Section 160D-1110 of the North Carolina General Statutes;
3. Any applicable requirements of the Edgecombe County Health Department;
4. The site plan, if applicable;
5. The zoning compliance permit;
6. All other standards or conditions of any prior, applicable permits, and development approvals; and

FIGURE 2.3.3: BUILDING PERMIT PROCEDURE

Step	Action
1	File Application See Section 2.4.3, Application Filing Application to include plot plan if development is exempt from site plan requirements
2	Completeness Determination See Section 2.4.3.F, Determination of Application Completeness
3	Staff Review See Section 2.4.5, Staff Review and Action
4	Building Inspector Decision Based on Section 2.3.3.E, Review Criteria
5	Written Notification of Decision See Section 2.4.9, Written Notice of Decision
6	Schedule Required Inspections As needed

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.3. Building Permit

7. All other applicable requirements of this Ordinance, the County Code of Ordinances, State law, and federal law.

F. EXPIRATION

1. A building permit shall expire and become null and void if the development it authorizes is not commenced within six months of the permit issuance.
2. If development authorized by a building permit commences but fails to achieve at least one passing inspection (foundation, footing, framing, mechanical, etc.) for a continuous period of 12 months, the permit shall expire and become null and void.
3. Continuance of development activities under an expired building permit is a violation of this Ordinance subject to Article 7. Violations.

G. APPEAL

An appeal of a decision on a building permit may be filed with the North Carolina Commissioner of Insurance, in accordance with Section 160D-1114 or Section 160D-1127 of the North Carolina General Statutes, as appropriate.

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.4. Certificate of Occupancy

2.3.4. CERTIFICATE OF OCCUPANCY

A. PURPOSE AND INTENT

The purpose for the certificate of occupancy procedure is to establish a consistent and standardized method to document a development's compliance (or pending compliance) with all applicable building codes and County requirements prior to occupancy or initiation in accordance with the standards in Article 11 of Chapter 160D of the North Carolina General Statutes.

B. APPLICABILITY

Except where exempted by Section 2.3.4.C, Exemptions, no land, newly erected building or structure, or existing building or structure that has been moved or enlarged or changed in use shall be occupied or used until a certificate of occupancy certifying that the land, building, or structure, and its use complies with this Ordinance and the applicable standards of the State Building Code(s) is issued in accordance with this section.

C. EXEMPTIONS

Development exempted from Section 2.3.3, Building Permit, shall also be exempted from this section.

D. PROCEDURE

The review procedure for a certificate of occupancy shall be in accordance with Section §2.2, Application Summary Table, Figure 2.3.4, Certificate of Occupancy Procedure, and Section §2.4, Review Procedures.

E. REVIEW CRITERIA

A certificate of occupancy shall be approved if the land, building, structure, or proposed use complies with:

1. All relevant standards of this Ordinance;
2. Any other applicable County requirements;
3. All applicable conditions of approval;
4. The building permit;
5. The applicable State Building Code(s) requirements;
6. Section 160D-1116 of the North Carolina General Statutes; and
7. All applicable State and federal requirements.

F. PERFORMANCE GUARANTEE

The Zoning Administrator may require the applicant to submit a performance guarantee (see Section 2.3.15, Performance Guarantee), in an amount necessary to ensure that any work not completed as specified in the development permit or approval will be completed within the specified timeframe for a certificate of occupancy.

G. TEMPORARY CERTIFICATE OF OCCUPANCY

1. In cases where it would be unreasonable to require the applicant to comply with all the requirements of this procedure prior to commencement of the proposed use, transfer of lots in a subdivision, or occupancy of any buildings (due to weather conditions or other issues beyond the applicant's control, but not including financial hardship), the Building Inspector may approve the issuance a temporary certificate of occupancy, provided:

FIGURE 2.3.4: CERTIFICATE OF OCCUPANCY PROCEDURE

Step	Action
1	File Application See Section 2.4.3, Application Filing
2	Completeness Determination See Section 2.4.3.F, Determination of Application Completeness
3	Building Inspector Decision Based on Section 2.3.4.E, Review Criteria
4	Written Notification of Decision See Section 2.4.9, Written Notice of Decision

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.4. Certificate of Occupancy

- i. The commencement or occupancy will not violate any health or safety considerations of any applicable codes;
 - ii. A performance guarantee, submitted in accordance with Section 2.3.15, Performance Guarantee, is provided for any required infrastructure or other required site feature; and
 - iii. The duration of the temporary certificate of occupancy shall not exceed six months.
 2. If all remaining work is not completed within the specified timeframe of the temporary certificate of occupancy, the Zoning Administrator shall take action in accordance with Article 7. Violations.

H. EXPIRATION

A certificate of occupancy shall not expire.

I. APPEAL

An appeal pertaining to a State Building Code(s) issue shall be filed with to the North Carolina Commissioner of Insurance in accordance with Section 160D-1127 of the North Carolina General Statutes.

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.5. Conditional Rezoning

2.3.5. CONDITIONAL REZONING

A. PURPOSE AND INTENT

The purpose of this section is to provide a uniform means for amending the Official Zoning Map to establish a conditional zoning district. In cases where the standards of a conventional zoning district are inadequate to ensure that development allowed by the district will conform to the County's adopted plans or to appropriately address the impacts expected to be generated by development, a landowner may apply for a conditional rezoning. The conditional rezoning, if approved, establishes a parallel conditional zoning district that is equivalent to a corresponding conventional zoning district, except as modified through additional conditions that the applicant and County mutually agree are necessary to ensure conformance with adopted plans and to adequately address expected development impacts.

B. PROCEDURES DISTINGUISHED

Applications filed as a conditional rezoning application may not be converted to a conventional rezoning application during the review process, and shall instead be withdrawn and resubmitted as a conventional rezoning application (see Section 2.3.7, Conventional Rezoning).

C. APPLICATION FILING

1. Conditional rezoning applications may only be initiated by all the listed landowner(s) of the land subject to the application, or their authorized agents.
2. All conditions of approval proposed by the applicant must be included with the conditional zoning application.
3. Conditional rezoning applications shall include a concept plan depicting the proposed development configuration that shall be reviewed by the Technical Review Committee prior to consideration by the Planning Board.

D. PROCEDURE

The review procedure for a conditional rezoning shall be in accordance with Section §2.2, Application Summary Table, Figure 2.3.5, Conditional Rezoning Procedure, and Section §2.4, Review Procedures.

E. RECOMMENDATION BY PLANNING BOARD

1. After conclusion of a public meeting, the Planning Board shall make a recommendation on the application in accordance with Section 2.3.5.G, Review Criteria.
2. In making its recommendation, the Planning Board shall prepare a written statement regarding the application's consistency with the County's adopted policy guidance.
3. During its review of a conditional rezoning application, the Planning Board may suggest revisions to the proposed conditions (including the concept plan), consistent with the

FIGURE 2.3.5: CONDITIONAL REZONING PROCEDURE

Step	Action
1	Pre-Application Conference See Section 2.4.2, Pre-Application Conference
2	File Application See Section 2.4.3, Application Filing Requires a concept plan
3	Completeness Determination See Section 2.4.3.F, Determination of Application Completeness
4	Staff Review See Section 2.4.5, Staff Review and Action
5	Planning Board Review and Recommendation See Section 2.4.7, Public Hearings and Meetings
6	Public Hearing Scheduled
7	Public Notification See Section 2.4.6, Public Notice
8	Board of Commissioners Review and Decision See Section 2.3.5.G, Review Criteria
9	Written Notification of Decision See Section 2.4.9, Written Notice of Decision

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.5. Conditional Rezoning

provisions of Section 2.3.5.H, Conditions of Approval. Only those revisions agreed to in writing by the applicant shall be incorporated into the application.

F. DECISION

1. After the conclusion of a legislative public hearing, the Board of Commissioners shall decide the rezoning application in accordance with the standards in Section 2.3.5.G, Review Criteria.
2. The decision shall be one of the following:
 - i. Approval of the application;
 - ii. Denial of the application;
 - iii. Approval of a revised application; or
 - iv. Remand of the application to the Planning Board or Technical Review Committee for further consideration.
3. The decision shall be based on the legislative discretion of the Board of Commissioners, taking into consideration the recommendation of the Planning Board and the standards in Section 2.3.5.G, Review Criteria.
4. In making its decision, the Board of Commissioners shall adopt a written statement of reasonableness and consistency with the County's adopted policy guidance in accordance with Section 160D-605 of the North Carolina General Statutes.

G. REVIEW CRITERIA

The advisability of an amendment to the Official Zoning Map is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny a proposed conditional rezoning, the Board of Commissioners may weigh the relevance of and consider the following:

1. Whether the proposed conditional rezoning advances the public health, safety, or welfare;
2. Whether and the extent to which the proposed conditional rezoning is appropriate for its proposed location, and is consistent with the purposes, goals, objectives, and policies of the County's adopted policy guidance;
3. Whether an approval of the conditional rezoning is reasonable and in the public interest;
4. Whether and the extent to which the concept plan associated with the conditional rezoning is consistent with this Ordinance; and
5. Any other factors as the Board of Commissioners may determine to be relevant.

H. CONDITIONS OF APPROVAL

1. Only conditions mutually agreed to by the owner(s) of the property that is the subject of a conditional zoning district designation, and the Board of Commissioners may be approved as part of a conditional rezoning application establishing a conditional zoning district.
2. Unless subject to an approved condition, all requirements of a corresponding conventional zoning district shall apply to a conditional zoning district.
3. Conditions of approval shall comply with Section 2.3.5.H, Conditions of Approval.

I. DESIGNATION

1. ON OFFICIAL ZONING MAP

The Zoning Administrator shall make changes to the Official Zoning Map promptly after approval of a conditional rezoning application by the Board of Commissioners.

2. ON FUTURE LAND USE MAP

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.5. Conditional Rezoning

In cases where the Board of Commissioners approves a conditional rezoning application, they deem to be inconsistent with adopted policy guidance, the future land use map shall be amended with a note referencing the rezoning application approval and no additional request or application for a comprehensive plan amendment shall be required.

J. EFFECT

Lands subject to a conditional rezoning shall be subject to all the standards, conditions, and plans approved as part of that application. These standards, plans, and approved conditions are perpetually binding on the land as an amendment to this Ordinance and the Official Zoning Map, and may only be changed in accordance with the procedures established in this Ordinance.

K. AMENDMENT

Amendments to a conditional rezoning application approval shall be considered as minor modifications or major modifications, in accordance with the following:

1. MINOR MODIFICATIONS

- i.** Subsequent plans and permits for development within a conditional zoning district may include minor modifications, provided the development continues to meet the minimum requirements of this Ordinance. Minor modifications are limited to changes that have no material effect on the character of the development or changes that address technical considerations that could not reasonably be anticipated at the time of the conditional rezoning application approval.
- ii.** The following minor modifications may be approved by the Technical Review Committee:
 - a.** Changes to the location of entrances or driveways, the rearrangement of internal streets, turn lanes, drives, or access restrictions;
 - b.** Changes to the configuration of parking areas, but not the number of parking spaces;
 - c.** Changes to the configuration or location of open space or placement of required amenities, provided the amount of open space (whether passive or active) is unchanged;
 - d.** Changes to the configuration of landscape yards, including types of materials, provided minimum width and planting requirements are met;
 - e.** Changes to the proposed building elevation or facade, including materials, provided that the change retains the same general architectural character and remains consistent with the design parameters established in the approval; and
 - f.** Changes to the arrangement or location of buildings provided there is no increase in the number of buildings, size, or amount of impervious surface.
- iii.** Nothing shall limit the landowner of an individual lot from seeking approval of a minor modification provided such modification is applied solely to the lot(s) under their ownership and provided the modification is not a major modification.
- iv.** In no instance shall a minor modification include any changes to the range of proposed uses or the overall density of the development.

2. MAJOR MODIFICATIONS CONSIDERED AMENDMENTS

- i.** Changes that materially affect the basic configuration of the development, basic parameters of conditions of approval, or that exceed the scope of a minor modification are considered major modifications or amendments.
- ii.** Major modifications include, but are not limited to:

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.5. Conditional Rezoning

- a. Increases in building height;
 - b. Changes in proposed use types;
 - c. Changes in density or intensity;
 - d. Decreases in open space;
 - e. Substantial changes in the location of streets (particularly if streets are to be deleted or access points to the development moved so traffic flows both inside and outside the development are affected); and
 - f. Change in the location of any public easement.
- iii. Major modifications shall be treated as an amendment that must be reviewed and considered in accordance with the procedures and standards established for the original approval of a conditional rezoning application.

3. SITE PLANS FILED FOLLOWING APPROVAL OF A CONCEPT PLAN

Site plans that deviate substantially from a prior-approved concept plan shall be considered a major modification requiring re-review of the associated conditional rezoning application.

L. EXPIRATION

Approved conditional rezoning applications shall not expire. In the event the development contemplated in a conditional rezoning application is not commenced within two years from the date of the approval, the Board of Commissioners may initiate a rezoning application to return the land to its prior or to some other appropriate zoning district designation.

M. APPEAL

1. The decision of the Board of Commissioners with regard to a rezoning application may be challenged by the filing of a declaratory judgement action in the Superior Court for Edgecombe County.
2. An appellant shall file a petition for review with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.
3. Receipt of written notice provided via first class mail in accordance with Section 160D-403(b) of the North Carolina General Statutes shall be deemed to be received on the third business day following deposit of the notice for mailing with the United States Postal Service.

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.6. Conservation Subdivision

2.3.6. CONSERVATION SUBDIVISION

A. PURPOSE AND INTENT

The purpose and intent of this section is to provide landowners in certain portions of the County's planning jurisdiction a development option that provides additional development flexibility to build on smaller lots when additional open space set-asides are provided, and the development is designed and located in a way that protects rural character, as well as agricultural activities, or sensitive environmental features on the site. This is done in order to:

1. Conserve open land, including those areas containing prime agricultural soils, areas of steep slopes, unique and sensitive natural features such as floodplains, wetlands, river and stream corridors, areas with mature hardwood trees, and watersheds;
2. Promote existing rural character particularly in areas visible from major roadways in the County;
3. Retain and protect existing wildlife habitat and environmental, natural, and cultural resources;
4. Create a linked network of open lands; and
5. Provide reasonable economic use of the land.

B. APPLICABILITY

1. TYPE OF DEVELOPMENT

This conservation subdivision option shall be limited to development of single-family detached residential dwellings (including manufactured homes) on individual lots in subdivisions of more than four lots. The conservation subdivision option shall not be available for any other form of development or use type.

2. WHERE REQUIRED

All single-family residential subdivisions of more than four lots in the AR-30 district shall be configured as conservation subdivisions.

3. WHERE PERMITTED

Single-family detached residential subdivisions of more than four lots in the R-30, R-20, and R-10 zoning districts may be developed as a conservation subdivision, in accordance with the standards in this section.

4. WHERE PROHIBITED

- i. The conservation subdivision option is not available for use on land in any of the zoning districts other than AR-30, R-30, R-20, and R-10 districts.
- ii. The conservation subdivision option shall not be used as an alternative to the allowable cluster development provisions in Section 3.4.4, Watershed Protection Overlay District.

5. RELATIONSHIP TO THE WATERSHED PROTECTION OVERLAY DISTRICT

FIGURE 2.3.6: CONSERVATION SUBDIVISION PROCEDURE

Step	Action
1	Pre-Application Conference See Section 2.4.2, Pre-Application Conference
2	File Site Analysis Map Filed with Planning Director
3	Site Inspection Conducted with applicant and County staff member
4	Submit Conservation and Development Plan Includes site analysis map, conservation and development areas map, and preliminary site improvements plan
5	Review and Decision by Technical Review Committee Based on 2.3.6.E, Review Criteria
6	Written Notification of Decision See Section 2.4.9, Written Notice of Decision
7	File Application for Preliminary Plat Application shall include the conservation and development plan

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.6. Conservation Subdivision

- i. Land located within a Watershed Protection Overlay District may be configured in accordance with the cluster development option in Section 3.4.4.J, Cluster Development, but a cluster development may not be configured as a conservation subdivision.
- ii. In the event a conservation subdivision is proposed on land within a Watershed Protection Overlay District, the density shall not exceed that permitted under the cluster development option in Section 3.4.4.J, Cluster Development.

C. PROCEDURE

The review procedure for a conservation subdivision shall be in accordance with Section §2.2, Application Summary Table, Figure 2.3.6, Conservation Subdivision Procedure, and Section §2.4, Review Procedures.

D. CONSERVATION AND DEVELOPMENT PLAN

Prior to review of a preliminary plat, an applicant shall have a conservation and development plan for the land reviewed and approved, or approved with conditions by the Technical Review Committee in accordance with the following steps and the standards in Section 2.3.6.E, Review Criteria.

1. STEP 1—SITE ANALYSIS MAP

The applicant shall prepare a site analysis map that analyzes existing conditions both on the land proposed for the development and land within 500 feet of the site, and submit the site analysis map to the Technical Review Committee. It is the intent of this section that the information required in the site analysis map be produced from existing sources and maps to ensure the process is economical for the applicant.

2. STEP 2—SITE INSPECTION

After receipt of the site analysis map, a representative from the Technical Review Committee shall schedule a site inspection of the land with the applicant. The applicant or the applicant's representative shall attend the site inspection with a County staff member. The purpose of this site visit is to:

- i. Familiarize the staff with the existing site conditions and features of the site;
- ii. Identify potential site development issues, including the best location for the development to minimize its visibility from existing neighborhoods and adjacent major roadways; and
- iii. Provide an opportunity to discuss site development concepts, including the general layout of conservation areas and potential locations for proposed structures, utilities, streets, and other development features. Comments made by the staff during the site inspection shall be interpreted as being only suggestive. No official decision on the conservation and development plan shall be made during the site inspection.

3. STEP 3—CONSERVATION AND DEVELOPMENT PLAN

Based on the site analysis map and the information obtained during the site inspection, the applicant shall prepare a conservation and development plan. The conservation and development plan shall include the following:

- i. A site analysis map;
- ii. A conservation and development areas map that depicts areas intended for conservation and areas intended for development; and
- iii. A preliminary site improvements plan, showing proposed site development, including the approximate locations of utilities, streets, other development features, buffers (if applicable), and lot lines in the proposed development area.

4. STEP 4—REVIEW BY THE TECHNICAL REVIEW COMMITTEE

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.6. Conservation Subdivision

The Technical Review Committee shall review the conservation and development plan and prepare a written recommendation on any suggested revisions for consideration based on the standards in [Section 2.3.6.E, Review Criteria](#).

E. REVIEW CRITERIA

A conservation subdivision shall comply with the following standards:

1. LOCATION

Conservation subdivisions shall be configured to minimize the visibility of new dwellings from adjacent developed lands and roadways located outside the proposed conservation subdivision. Techniques to achieve this location criteria include placement of lots, retention of existing vegetation, or installation of berms or new landscaping material.

2. MINIMUM PROJECT SIZE

Conservation subdivisions shall be at least five acres in land area.

3. REQUIRED CONSERVATION AREA

- i.** The required conservation area shall occupy at least 40 percent of the total acreage of the conservation subdivision site, but nothing shall limit it from occupying more than 40 percent of a conservation subdivision site.
- ii.** Applicants seeking to establish a conservation subdivision of fewer than 20 residential dwelling units may provide a fee-in-lieu of providing conservation area, but such developments shall remain responsible for minimizing the visibility of new dwelling from adjacent developed lands and roadways outside the subdivision.

4. MAXIMUM RESIDENTIAL DENSITY

A conservation subdivision may establish a maximum residential density that is twice the maximum residential density for lots in the conventional zoning district where located, but in no instance shall the density of a conservation subdivision exceed the maximum allowable within a Watershed Protection Overlay District.

5. DIMENSIONAL REQUIREMENTS

Lots in a conservation subdivision may deviate from the minimum dimensional requirements for lots in the zoning district where located, provided:

- i.** No lot frontage is less than 20 feet wide;
- ii.** Building separation between structures on different lots meets or exceeds the minimum applicable Fire Code provisions; and
- iii.** All structures shall comply with required setbacks from streets, wetlands/surface waters, or other protected natural areas.

6. LAND USED FOR AGRICULTURE OR FORESTRY

Nothing shall limit the ability of an owners' association to lease conservation area for the purposes of agriculture or forestry.

F. OWNERSHIP OF CONSERVATION AREAS

1. LANDOWNER OR ASSOCIATION

A conservation area shall be owned jointly or in common by the owners of the development or through a recognized homeowners' or property owners' association, which shall be established in accordance with [Section §6.7, Owners' Associations](#).

2. NONPROFIT ORGANIZATION

The landowners may decide to convey a conservation area to a nonprofit organization such as a land trust or land conservancy for management and maintenance if the County is provided adequate assurance the area will be properly managed and maintained.

3. DEDICATED TO COUNTY OR OTHER PUBLIC AGENCY

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.6. Conservation Subdivision

In some cases, certain lands designated as conservation areas, such as greenways, may be dedicated to the County, a nonprofit organization, or other public agency during the development review process, at the landowner's discretion. If offered by the landowner, the Board of Commissioners shall determine whether that land is appropriate for dedication to the County or other public agency.

G. AMENDMENT

Amendment of a conservation subdivision may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

H. EFFECT

1. Approval of a conservation subdivision shall allow a subdivider to file an application for a preliminary plat (see Section 2.3.17, Preliminary Plat).
2. Physical improvements to the land may not be commenced until after a preliminary plat is approved (see Section 2.3.17, Preliminary Plat).
3. Nothing shall require the formation of an owners' association until after approval of a final plat.

I. APPEAL

1. The decision of the Technical Review Committee with respect to a conservation subdivision application may be challenged by the filing of a declaratory judgement action in the Superior Court of Edgecombe County in accordance with Section 160D-1403 of the North Carolina General Statutes.
2. An appellant shall file a petition for review with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.
3. Receipt of written notice provided via first class mail in accordance with Section 160D-403(b) of the North Carolina General Statutes shall be deemed to be received on the third business day following deposit of the notice for mailing with the United States Postal Service.

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.7. Conventional Rezoning

2.3.7. CONVENTIONAL REZONING

A. PURPOSE AND INTENT

This section provides a uniform means for reviewing and deciding proposed amendments to the Official Zoning Map whenever the public necessity, general welfare, the County's adopted policy guidance, or appropriate land use practices justify or require doing so.

B. APPLICABILITY

This procedure sets out the requirements for amendments to the zoning district designation of land within the County's planning jurisdiction as well as for land coming into the County's planning jurisdiction via annexation in accordance with Section 160D-703 of the North Carolina General Statutes.

C. PROCEDURES DISTINGUISHED

Applications filed as a conventional rezoning application may not be converted to a conditional rezoning application during the review process, and shall instead be withdrawn and resubmitted as a conditional rezoning application (see Section 2.3.5, Conditional Rezoning).

D. APPLICATION FILING

1. Applications may be initiated by the Board of Commissioners, the Planning Board, the landowner(s), or contract purchasers of the land in the proposed application.
2. In no instance shall the County accept third-party rezoning applications submitted by persons who are not owners of the land subject to the application.

E. PROCEDURE

The review procedure for a conventional rezoning shall be in accordance with Section §2.2, Application Summary Table, Figure 2.3.7, Conventional Rezoning Procedure, and Section §2.4, Review Procedures.

F. RECOMMENDATION BY PLANNING BOARD

1. After conclusion of a public meeting, the Planning Board shall make a recommendation on the application in accordance with Section 2.3.7.H, Review Criteria.
2. In making its recommendation, the Planning Board shall prepare a written statement regarding the application's consistency with the County's adopted policy guidance.

G. DECISION

1. After the conclusion of a legislative public hearing, the Board of Commissioners shall decide the conventional rezoning application in accordance with the standards in Section 2.3.7.H, Review Criteria.
2. The decision shall be one of the following:
 - i. Approval of the application;

FIGURE 2.3.7: CONVENTIONAL REZONING PROCEDURE

Step	Action
1	Pre-Application Conference Optional See Section 2.4.2, Pre-Application Conference
2	File Application See Section 2.4.3, Application Filing
3	Completeness Determination See Section 2.4.3.F, Determination of Application Completeness
4	Staff Review See Section 2.4.5 Staff Review and Action
5	Planning Board Review and Recommendation See Section 2.4.7, Public Hearings and Meetings
6	Public Hearing Scheduled
7	Public Notification See Section 2.4.6, Public Notice
8	Board of Commissioners Review and Decision See Section 2.3.7.H, Review Criteria
9	Written Notification of Decision See Section 2.4.9, Written Notice of Decision

§2.3. Application Types - 2.3.7. Conventional Rezoning

- ## H. REVIEW CRITERIA

1. Whether the proposed rezoning advances the public health, safety, or welfare;
2. Whether and the extent to which the proposed rezoning is appropriate for its proposed location, and is consistent with the purposes, goals, objectives, and policies of the County's adopted policy guidance;
3. Whether an approval of the rezoning is reasonable and in the public interest; and
4. Other factors as the Board of Commissioners may determine to be relevant.

1. ON OFFICIAL ZONING MAP

2. ON FUTURE LAND USE MAP

J. EFFECT

K. AMENDMENT

L. EXPIRATION

M. APPEAL

- LAST AMENDED**
5.2.22

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.7. Conventional Rezoning

3. Receipt of written notice provided via first class mail in accordance with Section 160D-403(b) of the North Carolina General Statutes shall be deemed to be received on the third business day following deposit of the notice for mailing with the United States Postal Service.

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.8. Determination

2.3.8. DETERMINATION

A. PURPOSE AND INTENT

The purpose for this determination procedure is to provide a process where an applicant may request documentation from the Planning Director regarding the meaning of language in this Ordinance, boundaries on the Official Zoning Map, or aspects related to prior development application approvals.

B. APPLICABILITY

1. The Planning Director is responsible for written determinations of the following:
 - i. The meaning of the text in this Ordinance;
 - ii. The location and extent of zoning district boundaries on the Official Zoning Map, and other maps incorporated by reference into this Ordinance;
 - iii. Whether an unlisted use is comparable to a use listed in Table 4.2.1, Principal Use Table;
 - iv. Definitions of undefined terms;
 - v. The meaning of conditions of approval;
 - vi. The vesting status of a prior development application approval; and
 - vii. Other aspects of this Ordinance, as appropriate.
2. Any written or oral determinations that do not meet the strict requirements of this section are advisory opinions. Advisory opinions have no binding effect and are not considered determinations subject to appeal.

C. PROCEDURE

The review procedure for a Determination shall be in accordance with Section §2.2, Application Summary Table, Figure 2.3.8, Determination Procedure, and Section §2.4, Review Procedures.

D. REVIEW CRITERIA

1. OFFICIAL ZONING MAP BOUNDARIES

Determination of district boundaries on the Official Zoning Map shall be in accordance with the standards in Section §3.6, Zoning Map, and consistent with the County's adopted policy guidance.

2. UNLISTED USES

Determination of whether an unlisted use is similar to a use identified in Table 4.2.1, Principal Use Table, shall be based on consistency with the County's adopted policy guidance and the following standards:

- i. The function, product, or physical characteristics of the use;
- ii. The impact on adjacent lands created by the use;
- iii. The type, size, and nature of buildings and structures associated with the use;
- iv. The type of sales (retail, wholesale), and the size and type of items sold and displayed on the premises;

FIGURE 2.3.8: DETERMINATION PROCEDURE

Step	Action
1	File Application See Section 2.4.3, Application Filing
2	Completeness Determination See Section 2.4.3.F, Determination of Application Completeness
3	Staff Review See Section 2.4.5 Staff Review and Action - Review authorities may consult with other County staff member or the County Attorney, as necessary
4	Planning Director Decision Based on Section 2.3.8.D, Review Criteria
5	Written Notification of Decision See Section 2.4.9, Written Notice of Decision

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.8. Determination

- v.** The types of items stored (such as vehicles, inventory, merchandise, chemicals, construction materials, scrap and junk, and raw materials including liquids and powders);
- vi.** The volume and type of vehicle traffic generated by the use, and the parking demands of the use;
- vii.** Any processing associated with the use, including assembly, manufacturing, warehousing, shipping, distribution, and whether it occurs inside or outside a building;
- viii.** Any dangerous, hazardous, toxic, or explosive materials associated with the use;
- ix.** The amount and nature of any nuisances generated on the premises, including noise, smoke, odor, glare, vibration, radiation, and fumes; and
- x.** Any prior applicable determinations made by the Planning Director or decisions made by the Board of Adjustment.

3. UNDEFINED TERMS

If a term in this Ordinance is undefined or the meaning is unclear, the Planning Director may determine the term's meaning based upon appropriate definitions in any of the following sources:

- i.** The North Carolina General Statutes;
- ii.** The North Carolina Administrative Code;
- iii.** The State Building Code(s);
- iv.** Planning-related definitions in publications prepared or offered by the American Planning Association or the Urban Land Institute;
- v.** The Oxford Dictionary of Construction, Surveying, and Civil Engineering;
- vi.** Black's Law Dictionary; or
- vii.** Other professionally accepted source.

4. TEXT PROVISIONS AND PRIOR APPROVALS

Determinations regarding this text and approved applications shall be based on the standards in Section §8.2, Language Construction, Section §1.11, Transitional Provisions, and the following considerations:

- i.** The legislative intent of the provision, as indicated by purpose statements, its context and consistency with surrounding and related provisions, and any legislative history related to its adoption;
- ii.** When the legislative intent of a provision is unclear, the Planning Director shall consider the clear and plain meaning of the provision's wording, as defined by the meaning and significance given specific terms used in the provision, as established in Article 8. Word Usage, and by the common and accepted usage of the term;
- iii.** The general purposes served by this Ordinance, as set forth in Section §1.7, Purpose and Intent; and
- iv.** Consistency with the County's adopted policy guidance.

5. DETERMINATION OF VESTED RIGHTS

The determination of whether or not certain development activity or a development application approval is vested from changes in this Ordinance and the duration of the vesting shall be based on the following:

- i.** The standards in Section 160D-108 of the North Carolina General Statutes; and
- ii.** Prior judicial determination from comparable cases, as determined in the sole discretion of the Planning Director.

E. EFFECT

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.9. Development Agreement

A written determination shall be binding on subsequent decisions by the Planning Director or other administrative officials in applying the same provision of this Ordinance or the Official Zoning Map in the same circumstance, unless the determination is modified in accordance with this section, the determination is later determined to have been made in error, or the text of this Ordinance is amended.

F. RECORD

The Planning Director shall maintain a record of written determinations that shall be available in the County Planning, Inspections, and E-911 offices for public inspection, on reasonable request, during normal business hours.

G. APPEAL

Appeal of a determination shall be reviewed and decided by the Board of Adjustment in the nature of certiorari and in accordance with Section 160D-405 of the North Carolina General Statutes, and Section 2.3.2, Appeal.

2.3.9. DEVELOPMENT AGREEMENT

Development agreements are voluntary applications that may be filed and processed in accordance with Article 10 of Chapter 160D of the North Carolina General Statutes. A pre-application conference (see Section 2.4.2, Pre-Application Conference) shall be conducted prior to filing an application for a development agreement.

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.10. Exempt Subdivision

2.3.10. EXEMPT SUBDIVISION

A. PURPOSE AND INTENT

The purpose for this exempt subdivision procedure is to establish a clear and predictable procedure for a landowner to determine and document that a proposed division of land is exempted from the subdivision requirements of this Ordinance in accordance with Section 160D-802 of the North Carolina General Statutes. Exempt subdivision reviews are provided as a courtesy, and may not be mandated by the County.

B. APPLICABILITY

1. The following forms of land division are exempt subdivisions that are exempted from the subdivision requirements of this Ordinance (but remain subject to other applicable County requirements like the flood damage prevention standards):
 - i. A combination or recombination of portions of previously subdivided and recorded lots that does not increase the total number of lots, and the resultant lots are equal to or exceed the standards of this Ordinance;
 - ii. The division of land into parcels, each greater than ten acres in area, where no street right-of-way dedication is involved;
 - iii. Public acquisition involving the purchase of strips of land for the widening or opening of streets;
 - iv. The division of a tract of land in single ownership, where the total area of all land in the land division is no greater than two acres, the division creates no more than three lots, where no street right-of-way dedication is involved, and the resultant lots are equal to or exceed the standards of this Ordinance; or
 - v. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with Chapter 29 of the North Carolina General Statutes; or
 - vi. Divisions of land associated with private cemeteries.
2. Divisions of land that are not consistent with these criteria shall not be considered exempt subdivisions, and shall be subject to the applicable review procedure and subdivision requirements of this Ordinance.

C. PROCEDURE

The review procedure for a conventional rezoning shall be in accordance with Section §2.2, Application Summary Table, Figure 2.3.10, Exempt Subdivision Procedure, and Section §2.4, Review Procedures.

D. REVIEW STANDARDS

A division of land shall be certified as an exempt subdivision by the Planning Director if it:

1. Is excluded from the definition of a subdivision in accordance with Section 160D-802 of the North Carolina General Statutes;
2. Complies with or exceeds all applicable standards in Article 3. Districts;

FIGURE 2.310: EXEMPT SUBDIVISION PROCEDURE

Step	Action
1	File Application See Section 2.4.3, Application Filing
2	Completeness Determination See Section 2.4.3.F, Determination of Application Completeness
3	Staff Review See Section 2.4.5 Staff Review and Action
4	Planning Director Certification Based on Section 2.3.10.D, Review Standards
5	Written Notification of Decision See Section 2.4.9, Written Notice of Decision
6	Recordation If applicable

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.10. Exempt Subdivision

3. Complies with all standards or conditions of any applicable permits and prior development approvals; and
4. Complies with all other applicable requirements in the County Code of Ordinances.

E. RECORDATION

An exempt subdivision plat may be recorded in the office of the Edgecombe County Register of Deeds, by a landowner at the landowner's discretion.

F. APPEAL

Appeal of an exempt shall be reviewed and decided by the Board of Adjustment in the nature of certiorari and in accordance with Section 160D-405 of the North Carolina General Statutes, and Section 2.3.2, Appeal.

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.11. Expedited Subdivision

2.3.11. EXPEDITED SUBDIVISION

A. PURPOSE AND INTENT

The purpose for this expedited subdivision review procedure is to allow certain land divisions to be reviewed via an abbreviated review procedure based on their small size and limited likelihood to create significant impacts on surrounding lands.

B. APPLICABILITY

1. The standards in this section shall apply to divisions of land meeting all the following criteria:
 - i. The proposed division of land is not exempted from the subdivision standards by Section 160D-802 of the North Carolina General Statutes;
 - ii. The proposed division will not result in more than three lots (including any residual or "parent" parcel);
 - iii. The area of land subject to the division shall be comprised of at least five acres under common ownership;
 - iv. No land included in an expedited subdivision application shall have been the subject of an expedited subdivision application approval within the preceding ten years; and
 - v. A proposed permanent means of ingress and egress to each lot is recorded prior to or concurrent with the expedited subdivision plat.
2. Divisions of land that are not consistent with these criteria shall not be considered expedited subdivisions and shall be subject to the applicable review procedure and subdivision requirements of this Ordinance.
3. Expedited subdivisions are not exempted from applicable zoning district dimensional requirements.

C. APPLICATION

Expedited subdivision plats shall be prepared by a professional land surveyor or professional engineer licensed to practice in North Carolina.

D. PROCEDURE

The review procedure for a Determination shall be in accordance with Section §2.2, Application Summary Table, Figure 2.3.11, Expedited Subdivision Procedure, and Section §2.4, Review Procedures.

E. REVIEW CRITERIA

1. An expedited subdivision plat shall be approved by the Planning Director if the application complies with the following:
 - i. The expedited subdivision plat is on a sheet or sheets suitable for recording with the Edgecombe County Register of Deeds;
 - ii. The expedited subdivision plat is prepared and sealed by a professional land surveyor or professional engineer;
 - iii. The expedited subdivision plat complies with all applicable standards in this Ordinance and Section 47-30 of the North Carolina General Statutes;

FIGURE 2.311: EXPEDITED SUBDIVISION PROCEDURE

Step	Action
1	File Application See Section 2.4.3, Application Filing
2	Completeness Determination See Section 2.4.3.F, Determination of Application Completeness
3	Staff Review See Section 2.4.5 Staff Review and Action
4	Planning Director Decision Based on Section 2.3.11.E, Review Criteria
5	Written Notification of Decision See Section 2.4.9, Written Notice of Decision
6	Recordation

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.11. Expedited Subdivision

- iv.** The expedited subdivision plat includes all required certifications;
 - v.** The applicant has secured all required State and federal permit approvals;
 - vi.** The lots in the subdivision have been approved by the Edgecombe County Health Department;
 - vii.** All lots in the expedited subdivision comply with the applicable dimensional requirements for the zoning district where located;
 - viii.** The lots are served by a NCDOT-maintained roadway, or a right-of-way constructed to and maintained in accordance with County standards; and
 - ix.** No land included in an expedited subdivision application shall have been the subject of an expedited subdivision application approval within the preceding ten years.
- 2.** Expedited subdivisions of land located within a special flood hazard area shall comply with the applicable standards in Section 3.4.3, Flood Hazard Overlay (FHO) District.

F. RECORDATION

- 1.** Once an expedited subdivision is approved, a signed statement of the approval shall be entered on the face of the plat by the Planning Director. The expedited subdivision plat may not be recorded without this certification. Failure to record the expedited subdivision plat shall render the expedited subdivision plat null and void.
- 2.** Land may not be conveyed until the expedited subdivision is recorded.
- 3.** A copy of the recorded plat shall be filed with the Planning Director within five business days of recording, or the expedited subdivision plat shall be null and void.

G. EFFECT

- 1.** Approval of the expedited subdivision plat allows the sale or conveyance of lots within the subdivision.
- 2.** Building permits may be issued following recordation of the expedited subdivision plat.
- 3.** Physical improvements to the land may not be commenced until after recordation of the expedited subdivision plat.
- 4.** Land subject to an expedited subdivision approval shall not be further subdivided as an expedited subdivision within ten years of the date of the prior expedited subdivision approval.

H. EXPIRATION

An expedited subdivision plat shall be null and void unless it is recorded in the office of the Edgecombe County Register of Deeds within 30 days of approval.

I. APPEAL

- 1.** Decisions of the Planning Director with regard to an expedited subdivision application may be challenged by the filing of a declaratory judgement action in the Superior Court of Edgecombe County in accordance with Section 160D-1403 of the North Carolina General Statutes.
- 2.** An appellant shall file a petition for review with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.
- 3.** Receipt of written notice provided via first class mail in accordance with Section 160D-403(b) of the North Carolina General Statutes shall be deemed to be received on the third business day following deposit of the notice for mailing with the United States Postal Service.

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.12. Fee-in-Lieu

2.3.12. FEE-IN-LIEU

A. PURPOSE AND INTENT

The purpose for this section is to establish a procedure and standards for instances where the County accepts a fee paid by an applicant in-lieu of providing required land dedication, public infrastructure, or private site features in cases where an applicant and the County agree that an applicant's payment of a fee-in-lieu is appropriate and in closer alignment with the County's adopted policy guidance.

B. APPLICABILITY

Payment of a fee-in-lieu may be approved by the County only for the following forms of development:

1. LAND DEDICATION

Payment of a fee-in-lieu of dedication of the land to the County for the following features:

- i. Public street right-of-way land, including land needed for sidewalks, bike lanes, on-street parking, turn lanes, and ingress or egress into a site;
- ii. Park land;
- iii. Greenway or trail right-of-way land; and
- iv. Land necessary for street drainage infrastructure.

2. PUBLIC INFRASTRUCTURE

Payment of a fee-in-lieu of construction of the following public infrastructure features:

- i. Streets, including on-street parking;
- ii. Curb and gutter;
- iii. Bicycle facilities;
- iv. Sidewalks, trails, or greenways;
- v. Functional fire protections systems (outside of buildings only); and
- vi. Street drainage facilities.

3. PRIVATE SITE FEATURES

- i. Payment of a fee-in-lieu of inclusion of the following private site features:
 - a) Required landscaping or replacement vegetation;
 - b) Required off-street parking spaces; and
 - c) Required open space set-aside.
- ii. Only those conservation subdivision applications of 20 or fewer dwelling units may provide a fee-in-lieu of required open space set-aside.

C. APPLICATION

Fee-in-lieu proposals may be submitted as part of or subsequent to an application for development. Applications for fee-in-lieu shall identify the following:

1. The purpose(s) for the fee-in-lieu;

FIGURE 2.3.12: FEE-IN-LIEU PROCEDURE

Step	Action
1	Pre-Application Conference Optional See Section 2.4.2, Pre-Application Conference
2	File Application See Section 2.4.3, Application Filing
3	Completeness Determination See Section 2.4.3.F, Determination of Application Completeness
4	Staff Review See Section 2.4.5, Staff Review and Action -Includes review of proposed fee amount
5	Public Hearing Scheduled
6	Public Notification See Section 2.4.6, Public Notice
7	Board of Commissioners Review and Decision See Section 2.3.12.F, Review Criteria - May be decided as part of another application
8	Written Notification of Decision See Section 2.4.9, Written Notice of Decision
9	Payment of Fee

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.12. Fee-in-Lieu

2. The rationale for why a fee-in-lieu is in closer alignment with the purpose and intent of this Ordinance;
3. The items or site features proposed for replacement by a fee-in-lieu;
4. The amount of the proposed fee-in-lieu; and
5. How the fee amount was determined.

D. PROCEDURE

The review procedure for a fee-in-lieu shall be in accordance with Section §2.2, Application Summary Table, Figure 2.3.12, Fee-in-Lieu Procedure, and Section §2.4, Review Procedures.

E. DECISION

1. After the conclusion of a public hearing, the Board of Commissioners shall decide applicant-requested fee-in-lieu proposals in accordance with Section 2.3.12.F, Review Criteria, and Section 2.3.12.G, Determination of Fee Amount.
2. The decision shall be one of the following:
 - i. Approval of the fee-in-lieu request;
 - ii. Denial of the fee-in-lieu request; or
 - iii. Remand of the application to County staff for further consideration.

F. REVIEW CRITERIA

Approval of a fee-in-lieu proposal is a matter committed to the legislative discretion of the Board of Commissioners. The proposal may be approved upon a finding it complies with all the following:

1. GENERALLY

- i. Approval of the fee-in-lieu proposal will not negatively impact public health or safety; and
- ii. Approval of the fee-in-lieu proposal does not interfere with County's ability to serve landowners and residents; and
- iii. The proposal is consistent with necessary amount of funding; and
- iv. The proposal meets any specialized criteria listed below, as appropriate.

2. PARK LAND

- i. There is sufficient public park land in proximity to the proposed development based on a review of the County's adopted policy guidance and information from County staff;
- ii. Private common open space resources provided on the subject site will be available for public use and will mitigate park land needs created by the proposed development;
- iii. Collected funds could be utilized to further improve an existing park facility in a proximate location;
- iv. The topography or other natural conditions of the site do not provide adequate opportunities for on-site recreation and park areas;
- v. The amount of park land to be dedicated is too small to provide adequate recreation and park opportunities or to be efficiently maintained;
- vi. The intended location of the park land is too far from existing recreation and park areas to be efficiently maintained; or
- vii. Adequate access is not available to the proposed park land.

3. GREENWAYS OR TRAILS

- i. The conditions on the land make installation or operation of a greenway or trail segment impossible or cost prohibitive for the County;

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.12. Fee-in-Lieu

- ii. The potential for the connection of a proposed greenway segment to the County's greenway or trail network is unlikely within the foreseeable future, in the opinion of County staff; or
- iii. There are suitable alternatives in close proximity to the proposed site.

4. STREETS OR BICYCLE FACILITIES

- i. The proposed street alignment creates an unacceptable environmental impact; or
- ii. The proposed street or bicycle facility is impossible or impractical to build based on topography, slope, soil conditions, or development patterns on adjacent lands.

5. SIDEWALKS

- i. The potential for the connection of a proposed sidewalk segment to the County's sidewalk network is unlikely within the foreseeable future, in the opinion of County staff; or
- ii. There are suitable alternatives to a sidewalk, such as a greenway or trail, in close proximity to the proposed site.

6. OTHER PUBLIC INFRASTRUCTURE

- i. Construction of the proposed infrastructure would create maintenance or service delivery problems, in the opinion of County staff; or
- ii. Proposed development may be better served by an alternative configuration.

7. LANDSCAPING OR VEGETATION

- i. The proposed location of vegetation will not support healthy vegetation due to shading, soil, or topographic conditions;
- ii. Screening and environmental goals may be better served by an alternative approach;
- iii. Landscaping or vegetation is not necessary on the proposed site, in the opinion of the Planning Director; or
- iv. The site where vegetation is proposed is incapable of supporting additional vegetation due to the presence of existing vegetation, buildings, or impervious surfaces.

8. OPEN SPACE SET-ASIDE

- i. Other open space and recreation resources are in close proximity to the proposed site; or
- ii. The amount of open space set-aside required is unfeasible to provide.

9. OFF-STREET PARKING

Utilization of other off-street parking resources is more closely aligned with the County's adopted policy guidance.

G. DETERMINATION OF FEE AMOUNT

1. LAND

- i. The fee-in-lieu shall be calculated based upon the total acreage of land required for dedication.
- ii. The land's assessed value (as determined by the Edgecombe County Tax Assessor) following subdivision shall be used to arrive at the required payment-in-lieu amount.

2. INFRASTRUCTURE AND PRIVATE SITE FEATURES

- i. The amount of fee-in-lieu for streets shall be based on the number of trips generated by the development.
- ii. The amount of fee-in-lieu shall be based on an estimate by a licensed professional authorized by the State to prepare such documents.

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.12. Fee-in-Lieu

- iii. The estimate shall include the cost of all materials and labor based on current unit prices.
- iv. Nothing shall prevent the County from acquiring an additional estimate for the same infrastructure from another licensed professional.
- v. The Board of County Commissioners, in their sole discretion, may select the estimate that will form the basis for the fee-in-lieu payment.

3. VEGETATION

In cases where a fee-in-lieu is proposed for the installation of vegetation, the fee amount shall be based upon the unit price of the vegetation along with all associated labor, transportation, and incidental costs such as ground cover, staking, and fertilizer, but not irrigation.

H. ACCEPTANCE OF FEE-IN-LIEU

- 1. All fees collected by the County pursuant to this section shall be deposited in a revolving fund for purchase of recreation land, installation of vegetation, provision of parking facilities, or installation of required infrastructure.
- 2. Use of funds collected in accordance with this section shall only take place in the general vicinity of where funds are collected and may only be used for the purchase of in-kind lands or the same type of infrastructure in accordance with all applicable State and federal law.
- 3. The Planning Director or other designated County official shall maintain records of the amounts collected, the timing, and the location, which shall be used by the County as part of its capital facilities program.
- 4. In cases where an applicant-requested fee-in-lieu proposal is denied by the Board of Commissioners, the applicant shall dedicate the required land or install the required public infrastructure or private site feature.

I. EFFECT

- 1. Payment of a fee-in-lieu removes the requirement to provide land, public infrastructure, or private site feature from proposed development.
- 2. Approval of a fee-in-lieu for a private site feature shall not render the site nonconforming.

J. APPEAL

- 1. The decision of the Board of Commissioners with regard to a fee-in-lieu application may be challenged by the filing of a declaratory judgement action in the Superior Court of Edgecombe County.
- 2. An appellant shall file a petition for review with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.
- 3. Receipt of written notice provided via first class mail in accordance with Section 160D-403(b) of the North Carolina General Statutes shall be deemed to be received on the third business day following deposit of the notice for mailing with the United States Postal Service.

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.13. Final Plat

2.3.13. FINAL PLAT

A. PURPOSE AND INTENT

The purpose for this final plat procedure is to ensure proposed subdivisions of land are completed in substantial conformity with a preliminary plat and this Ordinance, prior to the conveyance of lots. These standards are intended to ensure preparation and recordation of a map (plat) of sufficient detail to readily determine and accurately reproduce the location, bearing, radius (as applicable), and length of each of the following elements of a subdivision:

1. Every street or private accessway;
2. Lot lines;
3. Easement boundaries;
4. Lands or resources dedicated or reserved for use by the general public;
5. Land or resources owned in common by land owners of the subdivision;
6. Unbuildable resource or conservation lands;
7. Addresses;
8. Street names; and
9. Stormwater management infrastructure.

B. APPLICABILITY

A final plat shall be required for any development subject to a preliminary plat (see Section 2.3.17, Preliminary Plat).

C. APPLICATION

Final plats shall be prepared by a professional land surveyor or professional engineer licensed to practice in North Carolina.

D. PROCEDURE

The review procedure for a final plat shall be in accordance with Section §2.2, Application Summary Table, Figure 2.3.13, Final Plat Procedure, and Section §2.4, Review Procedures.

E. REVIEW CRITERIA

1. A final plat shall be approved if the application complies with the following:
 - i. The final plat is on a sheet or sheets suitable for recording with the Edgecombe County Register of Deeds;
 - ii. The final plat is prepared and sealed by a licensed professional land surveyor or professional engineer;
 - iii. The final plat complies with the standards in Section 47-30 of the North Carolina General Statutes;
 - iv. The final plat conforms to the recommendations in the *Standards of Practice for Land Surveying in North Carolina*;
 - v. The final plat includes all applicable certification statements;
 - vi. All lots have been certified by Edgecombe County Health Department as capable of accommodating the wastewater generated from the proposed use, in cases when the lot(s) is not served by a centralized wastewater system;

FIGURE 2.3.13: FINAL PLAT PROCEDURE

Step	Action
1	File Application See Section 2.4.3, Application Filing
2	Completeness Determination See Section 2.4.3.F, Determination of Application Completeness
3	Staff Review See Section 2.4.5, Staff Review and Action
4	Planning Director Decision Based on Section 2.3.13.E, Review Criteria
5	Written Notification of Decision See Section 2.4.9, Written Notice of Decision
6	Recordation

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.13. Final Plat

- vii.** The applicant has secured all required State, federal, and other applicable permit approvals;
 - viii.** The final plat is in substantial conformance with the preliminary plat;
 - ix.** All required improvements depicted on the preliminary plat and final plat are installed, inspected, and accepted by the County, or are subject to a performance guarantee (see Section 2.3.15, Performance Guarantee) or approved fee-in-lieu application (see Section 2.3.12, Fee-in-Lieu);
 - x.** The final plat complies with all standards and conditions of any applicable permits and prior development approvals; and
 - xi.** The final plat complies with all other applicable requirements in this Ordinance and the County Code of Ordinances.
- 2.** Subdivisions of land located within a special flood hazard area shall also comply with the applicable standards in Section 3.4.3, Flood Hazard Overlay (FHO) District.

F. SEQUENCE

- 1.** An applicant with an approved preliminary plat shall not file an application for final plat review until all required improvements serving the subdivision are installed and inspected by the County, subject to an approved fee-in-lieu application (see Section 2.3.12, Fee-in-Lieu), or the developer provides a performance guarantee for those required improvements in accordance with Section 2.3.15, Performance Guarantee.
- 2.** Applications for performance guarantees may be filed with a final plat application, but building permits may only be issued following recordation of the final plat or posting of a performance guarantee.

G. RECORDATION

- 1.** Once a final plat is approved, a signed statement of the approval shall be entered on the face of the plat by the Planning Director. The final plat may not be recorded without this certification.
- 2.** Failure to record the final plat in accordance with Section 2.3.13.J, Expiration, shall render the final plat null and void.
- 3.** A copy of the recorded final plat shall be filed with the Planning Director within five business days of recording, or the final plat shall be null and void.

H. EFFECT

1. GENERALLY

- i.** Approval of a final plat allows the sale or conveyance of lots within the subdivision and the ability to receive a building permit for construction.
- ii.** There is no requirement that all land subject to a preliminary plat be included within a single final plat.

2. ACCEPTANCE OF PUBLIC INFRASTRUCTURE

- i.** Approval and recordation of a final plat constitutes an offer of dedication by the owner of the public of the right-of-way of each public street, or alley, and any other public infrastructure shown on the plat.
- ii.** Approval of the final plat does not constitute acceptance for maintenance responsibility of any improvements within a right-of-way or easement and the County or other State agency assumes no responsibility to open, operate, repair, or maintain any improvements until it is in the public interest to do so.

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.14. Floodplain Development Permit

- iii. Improvements within rights-of-way or easements, such as streets, drainage facilities, or sidewalks may be accepted for maintenance by the County or other State agency, when deemed appropriate, in the County or State agency's sole discretion.
- iv. The subdivider shall retain responsibility for public improvements until maintenance responsibility is accepted by the County, NCDOT, or a public utility provider, as appropriate.

I. AMENDMENT

Amendment of a final plat may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

J. EXPIRATION

1. A final plat shall be null and void unless it is recorded in the office of the Edgecombe County Register of Deeds within 30 days of approval.
2. If a final plat is not recorded within two years of an associated preliminary plat approval, then the preliminary plat shall expire.
3. An expired preliminary plat may be resubmitted in accordance with Section 2.3.17, Preliminary Plat, and shall be reviewed in accordance with the standards of this Ordinance.
4. A recorded final plat shall not expire.

K. APPEAL

1. The decision of the Planning Director with respect to a final plat application may be challenged by the filing of a declaratory judgement action in the Superior Court of Edgecombe County in accordance with Section 160D-1403 of the North Carolina General Statutes.
2. An appellant shall file a petition for review with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.
3. Receipt of written notice provided via first class mail in accordance with Section 160D-403(b) of the North Carolina General Statutes shall be deemed to be received on the third business day following deposit of the notice for mailing with the United States Postal Service.

2.3.14. FLOODPLAIN DEVELOPMENT PERMIT

Floodplain development permits shall be issued in accordance with the procedure and requirements in Section 3.4.3, Flood Hazard Overlay (FHO) District.

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.15. Performance Guarantee

2.3.15. PERFORMANCE GUARANTEE

A. PURPOSE AND INTENT

1. These standards create the additional flexibility necessary for lots in a subdivision to be conveyed or for issuance of a building permit to commence with development prior to completion of all required infrastructure or site improvements, subject to the prior approval of the Board of Commissioners, and provided funds have been reserved for completion of these features.
2. These provisions ensure that funds are available for the County's use to complete required public infrastructure or private site features in the event an applicant is unable to do so.

B. APPLICABILITY

1. Performance guarantees shall be configured and managed in accordance with the standards in this section. Acceptance of a performance guarantee is in the sole discretion of the Board of Commissioners, who are under no obligation to approve a performance guarantee for any feature or under any circumstance.
2. The following facilities and site features may be eligible for performance guarantees at the discretion of the County:
 - i. Sidewalks, multi-use paths, and greenways;
 - ii. Private stormwater control measures and erosion control facilities;
 - iii. Street lights; and
 - iv. Placement of vegetation, except when required as part of erosion control measures.
3. All other public infrastructure or required site features shall be completed prior to issuance of a certificate of occupancy for the development, the conveyance of lots, or approval of the final plat, as appropriate.

C. INELIGIBLE FACILITIES

The following infrastructure facilities are not eligible for performance guarantees, and shall be completed and dedicated to the County or other appropriate agency, prior to approval of a final plat, conveyance of lots, or issuance of a building permit:

1. Public potable water;
2. Public sanitary sewer;
3. Functional fire protection infrastructure;
4. The base and initial courses of asphalt on a street;
5. Stormwater drainage facilities associated with a street right-of-way;

FIGURE 2.3.15: PERFORMANCE GUARANTEE PROCEDURE

Step	Action
1	Pre-Application Conference Optional See Section 2.4.2, Pre-Application Conference
2	File Application See Section 2.4.3, Application Filing
3	Completeness Determination See Section 2.4.3.F, Determination of Application Completeness
4	Staff Review and Recommendation See Section 2.4.5, Staff Review and Action
5	Public Hearing Scheduled
6	Public Notification See Section 2.4.6, Public Notice
7	Board of Commissioners Review and Decision See Section 2.3.15.G, Review Criteria
8	Written Notification of Decision See Section 2.4.9, Written Notice of Decision
9	Inspection and Acceptance
10	Provide As-Built As required for public infrastructure
11	Provide Maintenance Warranty As appropriate

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.15. Performance Guarantee

6. Curb and gutter; and
7. Street signs and traffic control signals.

D. FORM

1. The form of a performance guarantee shall take one of the following forms, at the sole discretion of the applicant:
 - i. A surety bond issued by a firm licensed to operate in the State of North Carolina;
 - ii. A letter of credit issued by a financial institution licensed to operate in the State of North Carolina; or
 - iii. Cash or certified check; or
 - iv. Other form of guarantee that provides equivalent security to the forms listed above, as determined by the County.
2. In cases where more than one facility or site feature is requested to be subject to a performance guarantee, the applicant may provide a single, consolidated performance guarantee for all facilities or site features. In no instance shall performance guarantees associated with private stormwater control mechanisms or sedimentation control be consolidated with any other performance guarantee.
3. If cash or other instrument is deposited in escrow with a financial institution, an agreement between the financial institution and the developer shall be filed with the County guaranteeing the following:
 - i. That the escrow account shall be held in trust until released by the County and may not be used or pledged by the developer for any other matter during the term of the escrow; and
 - ii. That in case of a failure on the part of the developer to complete or repair the improvements, the financial institution shall, upon notification by the County, immediately pay the funds deemed necessary by the County to complete or repair the improvements up to the full balance of the escrow account, or deliver to the County any other instruments fully endorsed or otherwise made payable in full to the County; and
 - iii. The financial institution holding the cash or other instrument shall indicate to the County its notification requirements for release or payment of funds.

E. PROCEDURE

The review procedure for a performance guarantee shall be in accordance with Section §2.2, Application Summary Table, Figure 2.3.15, Performance Guarantee, and Section §2.4, Review Procedures.

F. DECISION

After the conclusion of a public hearing, the Board of Commissioners shall decide applications for performance guarantees, which shall take one of the following forms:

- 1: Approval of the performance guarantee;
- 2: Denial of the performance guarantee; or
- 3: Remand of the application to County staff for further consideration.

G. REVIEW CRITERIA

1. An application for a performance guarantee shall be approved if the application complies with the following:
 - i. The request is for an eligible facility or site feature;
 - ii. The request is in the form and the amount required;
 - iii. The term of the guarantee is for the minimum period of time necessary; and

§2.3. Application Types - 2.3.15. Performance Guarantee

- ## H. AMOUNT

If a performance guarantee is renewed, the Planning Director may require the amount of the performance guarantee be updated to reflect changes in cost over time.

J. AS-BUILT PLANS REQUIREMENTS

A final inspection and approval by the Planning Director or a designee shall occur before the release of the performance guarantee.

Upon completion of construction of public or private stormwater control measures, the developer shall request a warranty inspection. Once all the improvements are deemed acceptable by the Planning Director or a designee and pass the warranty inspection, the developer shall submit the following to the County:

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.15. Performance Guarantee

- i. A set of acceptable as-built drawings;
- ii. A written warranty against defects which shall guarantee the material and workmanship of required improvements for a period of not less than one year from the date of such acceptance.
- iii. A maintenance warranty payable to the County equal to at least 25 percent of the cost of the installation of such improvements. Where the Board of Commissioners finds that repairs to any required improvement are needed, these funds shall be used.

2. MAINTENANCE OF STREETS UNTIL ACCEPTANCE

Following completion, the developer of any development containing streets shall sign a street maintenance disclosure statement to guarantee that the streets will be properly maintained until the offer of dedication is accepted by the NCDOT, or until maintenance responsibility is transferred to an owners' association if streets are private.

L. MAXIMUM TERM

Performance guarantees shall have a maximum term of one year, unless the developer determines a longer term is necessary to complete the public facilities or private site features. Acceptance of the proposed guarantee remains at the discretion of the Board of Commissioners.

M. EXPIRATION

1. The applicant shall demonstrate good faith towards the completion of public infrastructure or private site features subject to a performance guarantee. In the event the features subject to a guarantee are not completed prior to the expiration of the guarantee, the applicant shall request a renewal of the performance guarantee in accordance with these standards.
2. In the event an application for renewal of a performance guarantee has been filed with the County prior to expiration of an existing guarantee, the County shall delay the provision of notice of failure to install or complete improvements in accordance with [Section 2.3.15.N, Forfeiture](#).

N. FORFEITURE

1. NOTICE OF FAILURE TO INSTALL OR COMPLETE IMPROVEMENTS

If the owner or developer fails to complete installation of the guaranteed improvements within the term of the performance guarantee (as may be extended), the Planning Director shall give the owner or developer 30 day's written notice of the scope and degree of the default, by certified mail.

2. COUNTY COMPLETION OF IMPROVEMENTS

After the 30-day notice period expires, the County may draw on the guarantee and use the funds to perform the work necessary to complete installation of the guaranteed improvements. After completing such work, the County shall provide a complete accounting of the expenditures to the owner or developer. In the event of a default triggering the use of the performance guarantee, the County shall return any of the unused deposited cash funds or other security.

O. RELEASE OR REDUCTION

1. RELEASE REQUESTED

The County shall release or reduce a performance guarantee only after:

- i. The owner or developer has submitted to the County a written request for a release or reduction of the performance guarantee that includes certification by the owner's or developer's engineer or contractor, whichever is appropriate, that installation of the

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.15. Performance Guarantee

guaranteed improvements has been completed in accordance with approved plans and specifications, and as-builts (if applicable);

- ii. County staff has performed an inspection of the improvements and certified in writing that installation of the guaranteed improvements is completed in accordance with approved plans and specifications; and
- iii. No release or reduction in performance guarantee amounts will be considered until more than 25 percent of the work is in place and approved.

2. ACCEPTANCE SHALL BE DOCUMENTED

The Planning Director shall provide written notice of the County's final acceptance of the improvements subject to performance guarantees.

3. IMPROPER RELEASE OF FINANCIAL GUARANTEES

If the County releases a performance guarantee through error, the error shall not release the developer from responsibility for the completion of all improvements in accordance with this Ordinance.

P. APPEAL

1. The decision of the Board of Commissioners with respect to a performance guarantee application may be challenged by the filing of a declaratory judgement action in the Superior Court of Edgecombe County in accordance with Section 160D-1403 of the North Carolina General Statutes.
2. An appellant shall file a petition for review with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.
3. Receipt of written notice provided via first class mail in accordance with Section 160D-403(b) of the North Carolina General Statutes shall be deemed to be received on the third business day following deposit of the notice for mailing with the United States Postal Service.

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.16. Planned Development

2.3.16. PLANNED DEVELOPMENT

A. PURPOSE AND INTENT

The purpose for this planned development procedure is to provide a uniform means for amending the Official Zoning Map to establish a Planned Development (PD) zoning district. The planned development district creates opportunities for master planned development that is developed under unified control in accordance with more flexible standards and procedures that are conducive to creating high quality development that makes efficient use of land while protecting natural resources. It is the intent of these standards to allow an applicant to propose a wide variety of allowable uses and the flexible application of some of the development standards in Article 6. Standards, in return for a higher quality of development with more amenities than might otherwise result from a strict application of the standards in this Ordinance.

B. APPLICABILITY

1. The standards in this section may be applied to any land in the County's planning jurisdiction.
2. In no instance shall the PD designation be applied to land that is less than one acre in buildable area.

C. APPLICATION

1. Applications for a planned development may only be initiated by all the owner(s) of land subject to the application, or their authorized agents.
2. The application shall include a master plan depicting the general configuration and relationship of the principal elements of the proposed development, including:
 - i. Approximate building sizes and placement;
 - ii. Proposed density/intensity;
 - iii. Environmental resource protection features;
 - iv. Anticipated pedestrian and vehicular circulation;
 - v. Open space resource location and configuration;
 - vi. Public facility configuration; and
 - vii. Phasing, as appropriate.
3. The application shall also include a terms and conditions document that identifies:
 - i. How the proposed development will meet or exceed the standards in this Ordinance;
 - ii. Lists the range of allowable principal and secondary use types;
 - iii. Describes how any required environmental mitigation will take place; and
 - iv. Outlines how public facilities will be provided to serve the planned development.
4. To ensure unified control, the application shall also include a copy of the title to all land that is part of the proposed planned development zoning district classification.

FIGURE 2.3.16: PLANNED DEVELOPMENT PROCEDURE

Step	Action
1	Pre-Application Conference See Section 2.4.2, Pre-Application Conference
2	File Application See Section 2.4.3, Application Filing Requires a concept plan
3	Completeness Determination See Section 2.4.3.F, Determination of Application Completeness
4	Staff Review See Section 2.4.5, Staff Review and Action
5	Planning Board Review and Recommendation See Section 2.4.7, Public Hearings and Meetings
6	Public Hearing Scheduled
7	Public Notification See Section 2.4.6, Public Notice
8	Board of Commissioners Review and Decision See Section 2.3.16.H, Review Criteria
9	Written Notification of Decision See Section 2.4.9, Written Notice of Decision
10	File Subdivision or Site Plan Application

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.16. Planned Development

5. The Technical Review Committee shall review and comment on the master plan prior to consideration of the application by the Planning Board.

D. PROCEDURE

The review procedure for a planned development shall be in accordance with Section §2.2, Application Summary Table, Figure 2.3.16, Planned Development Procedure, and Section §2.4, Review Procedures.

E. RECOMMENDATION BY THE PLANNING BOARD

1. After conclusion of a public meeting, the Planning Board shall make a recommendation on the application in accordance with Section 2.3.16.H, Review Criteria.
2. In making its recommendation, the Planning Board shall prepare a written statement regarding the application's consistency with the County's adopted policy guidance.
3. During its review, the Planning Board may suggest revisions to the master plan or terms and conditions statement. Only those revisions agreed to in writing by the applicant shall be incorporated into the application.

F. DECISION

1. After the conclusion of a legislative public hearing, the Board of Commissioners shall decide the application in accordance with the standards in Section 2.3.16.H, Review Criteria.
2. The decision shall be one of the following:
 - i. Approval of the application;
 - ii. Denial of the application;
 - iii. Approval of a revised application; or
 - iv. Remand of the application to Planning Board for further consideration.
3. In making its decision, the Board of Commissioners shall adopt a written statement of reasonableness and consistency with the County's adopted policy guidance in accordance with Section 160D-605 of the North Carolina General Statutes.

G. CHANGES TO APPLICATION

The applicant may make changes, including changes recommended by the Planning Board or the Board of Commissioners, to the application for a planned development district at any time prior to the Board of Commissioner's decision. The applicant may only propose changes in accordance with the following:

1. Changes shall be made in writing to the Planning Director; and
2. Changes shall be signed by all landowners or their agents.

H. REVIEW CRITERIA

The advisability of amending the Official Zoning Map to establish a planned development district is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny a planned development application, the Board of Commissioners may consider the standards in Section 2.3.5.G, Review Criteria, and the standards for the district in Section §3.5, Planned Development District.

I. CONDITIONS

1. Only conditions mutually agreed to in writing by the owner(s) of the property that is the subject of a planned development application may be approved as part of an application establishing a planned development district.
2. Conditions of approval shall comply with Section 2.4.8, Conditions of Approval.

J. SEQUENCE

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.16. Planned Development

1. Applications for subdivisions, site plans, and zoning compliance permits may be submitted with a planned development application, but the planned development application establishing the PD district shall be decided prior to any other applications.
2. Any permits or approvals shall comply with the approved master plan and the terms and conditions document.

K. DESIGNATION

1. ON ZONING MAP

Designation of a PD zoning district on the Official Zoning Map shall note the ordinance number approving the PD zoning classification.

2. ON OFFICIAL ZONING MAP AND FUTURE LAND USE MAP

In cases where the Board of Commissioners approves a planned development application, they deem to be inconsistent with adopted policy guidance, the future land use map shall be amended with a note referencing the planned development application approval and no additional request or application for a comprehensive plan amendment shall be required.

L. EFFECT

1. The master plan and terms and conditions approved as part of the application establishing the PD district are binding on the land as an amendment to the Official Zoning Map.
2. Development depicted in a planned development master plan shall require approval of a site plan, subdivision, building permit, and zoning compliance permit, as appropriate.
3. Only those portions of the development subject to an approved master plan and statement of terms and conditions shall be included in development activities.

M. AMENDMENT

Amendments to a planned development application approval shall be considered as minor modifications or major modifications, and must be considered in accordance with the following:

1. MINOR MODIFICATIONS

- i. Subsequent plans and permits for development within a planned development district may include minor modifications to the approved master plan map or statement of terms and conditions, provided the development continues to meet the minimum requirements of this Ordinance. Minor modifications are limited to changes that have no material effect on the character of the planned development or changes that address technical considerations that could not reasonably be anticipated at the time of the planned development approval.
- ii. The following minor modifications may be approved by the Planning Director, in consultation with other appropriate County staff:
 - a. Changes to the location of entrances or driveways, the rearrangement of internal streets, turn lanes, drives, or access restrictions;
 - b. Changes to the configuration of parking areas, but not the number of parking spaces;
 - c. Changes to the configuration or location of open space or placement of required amenities, provided the amount of open space (whether passive or active) is unchanged;
 - d. Changes to the configuration of landscape yards, including types of materials, provided minimum width and planting requirements are met;
 - e. Changes to the proposed building elevation or facade, including materials, provided that the change retains the same general architectural character and remains consistent with the design parameters established in the PD approval; and

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.16. Planned Development

- f. Changes to the arrangement or location of buildings provided there is no increase in the number of buildings, size, or amount of impervious surface.
- iii. In no instance shall a minor modification include any changes to the range of permitted uses or the overall density of the development.

2. MAJOR MODIFICATIONS

- i. Changes that materially affect the basic concept configuration of the planned development master plan map or basic parameters establishing the terms and conditions or that exceed the scope of a minor change modification are considered major modifications.
- ii. Major modifications include, but are not limited to:
 - a. Increases in building height;
 - b. Changes in use designations;
 - c. Changes in density/ or intensity;
 - d. Decreases in open space;
 - e. Substantial changes in the location of streets (particularly if streets are to be deleted or access points to the development moved so traffic flows both inside and outside the development are affected); and
 - f. Change in the location of any public easement.
- iii. Major modifications must be reviewed and considered only in accordance with the procedures and standards established for the original approval of a planned development application.

N. EXPIRATION

If no application for approval of a preliminary plat or site plan for any part of the approved master plan is submitted within three years after approval of the planned development, the Board of Commissioners may initiate a conventional rezoning application to rezone the land back to its prior zoning classification or any other conventional zoning district classification, as determined to be appropriate. Such time period shall not be extended with transfer of ownership.

O. APPEAL

1. The decision by the Board of Commissioners with regard to a planned development application may be challenged by the filing of a declaratory judgement action in the Superior Court of Edgecombe County.
2. Appellants shall file a petition for review with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.
3. Receipt of written notice provided via first class mail in accordance with Section 160D-403(b) of the North Carolina General Statutes shall be deemed to be received on the third business day following deposit of the notice for mailing with the United States Postal Service.

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.17. Preliminary Plat

2.3.17. PRELIMINARY PLAT

A. PURPOSE AND INTENT

The purpose for this preliminary plat procedure is to establish a fair, consistent, and predictable procedure for the review of requests to divide land into a series of lots for development or sale in ways that promote the health, safety, and welfare of the citizens of Edgecombe County. The intent of these standards is to ensure:

1. Orderly growth and development;
2. Coordination of transportation and utility networks;
3. Preservation of open space for purposes of recreation or natural resource protection;
4. Protection from flooding, damaging sedimentation, and decreased surface water quality; and
5. Distribution of population in ways that supports infrastructure investment and diminishes the impact of traffic and overcrowding.

B. APPLICABILITY

Divisions of land that qualify as subdivisions in accordance with Section 160D-802 of the North Carolina General Statutes, but that do not qualify as an expedited subdivision (see Section 2.3.11, Expedited Subdivision) or a transfer plat (see Section 2.3.25, Transfer Plat), shall be reviewed and decided as a preliminary plat in accordance with these standards.

C. PROCEDURE

The review procedure for a preliminary plat shall be in accordance with Section §2.2, Application Summary Table, Figure 2.3.17, Preliminary Plat Procedure, and Section §2.4, Review Procedures.

D. DECISION

1. After the conclusion of a public meeting, the Planning Board shall decide an application for a preliminary plat in accordance with Section 2.3.17.E, Review Criteria.
2. The decision shall be one of the following:
 - i. Approval of the preliminary plat;
 - ii. Denial of the preliminary plat; or
 - iii. Remand of the application to County staff for further consideration.

E. REVIEW CRITERIA

1. An application for a preliminary plat shall be approved, provided:
 - i. The preliminary plat is prepared and sealed by a professional land surveyor, professional landscape architect, or professional engineer;
 - ii. The preliminary plat includes all applicable certifications;
 - iii. All lots have been certified by the Edgecombe County Health Department as capable of accommodating the wastewater generated from the proposed use, in cases when the lot(s) is not served by a centralized wastewater system;

FIGURE 2.3.17: PRELIMINARY PLAT PROCEDURE

Step	Action
1	Pre-Application Conference See Section 2.4.2, Pre-Application Conference
2	File Application See Section 2.4.3, Application Filing
3	Completeness Determination See Section 2.4.3.F, Determination of Application Completeness
4	Staff Review See Section 2.4.5, Staff Review and Action
5	Planning Board Review and Decision See Section 2.4.7, Public Hearings and Meetings
6	Written Notification of Decision See Section 2.4.9, Written Notice of Decision
7	Submit Construction Drawings If applicable

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.17. Preliminary Plat

- iv.** All lots have a preliminary street address range that is printed on the plat; (Amended 5-2-22 UDOTA 1-22)
- v.** The lots shown on the preliminary plat are in substantial conformance with all applicable requirements in Article 3, Districts;
- vi.** The preliminary plat complies with all standards and conditions of any applicable permits and development approvals from outside agencies, utilities, volunteer fire departments, and any other applicable agency or service provider;
- vii.** The name of the subdivision shall not duplicate or be similar to the name of an existing subdivision in Edgecombe County or incorporated area of the County; and
- viii.** The preliminary plat complies with all other applicable requirements in this Ordinance and the County Code of Ordinances.
- 2.** Subdivisions of land located within a special flood hazard area shall comply with the applicable standards in Section 3.4.3, Flood Hazard Overlay (FHO) District.

F. SEQUENCE

- 1.** Approval of a preliminary plat authorizes the submittal of construction drawings (if the subdivision includes roads or utilities), soil erosion and sedimentation control plans, and a final plat. (Amended 5-2-22 UDOTA 1-22)
- 2.** Construction drawings shall be required in cases where roads or utilities (e.g., water lines, sanitary sewer, etc.) are being extended to serve lots in the development. (Amended 5-2-22 UDOTA 1-22)

G. EFFECT

- 1.** Approval of a preliminary plat shall not constitute the approval for recording a subdivision with the Edgecombe County Register of Deeds, or approval for the conveyance of lots.
- 2.** Physical improvements to the land may not be commenced until after approval of a preliminary plat.
- 3.** Nothing shall prohibit the landowner or the subdivider, as appropriate, from entering into contracts to sell or lease land by reference to an approved preliminary plat in accordance with Section 160D-807(c) of the North Carolina General Statutes, but conveyance of ownership may not take place until after recordation of a final plat in accordance with Section 2.3.13, Final Plat.

H. AMENDMENT

Amendment of a preliminary plat may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

I. EXPIRATION

- 1.** An approved preliminary plat shall be valid for four years from the date of approval.
- 2.** A preliminary plat approval may be extended once for a maximum duration of one year.

J. APPEAL

- 1.** Decisions of the Planning Board on a preliminary plat application may be challenged by the filing of a declaratory judgement action in the Superior Court of Edgecombe County in accordance with Section 160D-1403 of the North Carolina General Statutes.
- 2.** An appellant shall file a petition for review with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.17. Preliminary Plat

3. Receipt of written notice provided via first class mail in accordance with Section 160D-403(b) of the North Carolina General Statutes shall be deemed to be received on the third business day following deposit of the notice for mailing with the United States Postal Service.

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.18. Sign Permit

2.3.18. SIGN PERMIT

A. PURPOSE

The purpose of this section is to provide a uniform mechanism for reviewing applications for sign permits to ensure all signs comply with the standards of Section §6.10, Signage.

B. APPLICABILITY

All signs except those exempted from the sign regulations in Section 6.10.3, Exclusions, shall obtain a sign permit in accordance with this section before being erected, replaced, relocated, or altered.

C. PROCEDURE

The review procedure for a sign permit shall be in accordance with Section §2.2, Application Summary Table, Figure 2.3.18, Sign Permit Procedure, and Section §2.4, Review Procedures.

D. REVIEW CRITERIA

A sign permit application shall be approved by the Zoning Administrator provided it complies with the following:

1. The standards in Section §6.10, Signage;
2. The North Carolina State Building Code, including requirements for electrical service, if applicable;
3. All standards or conditions of any prior applicable permits and developments approvals; and
4. All other applicable requirements of this Ordinance.

E. AMENDMENT

Amendment of a sign permit may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

F. EXPIRATION

If the work authorized by a sign permit is not commenced within six months from the date of issuance, the permit shall become null and void.

G. APPEAL

Appeal of a sign permit shall be reviewed and decided by the Board of Adjustment in the nature of certiorari and in accordance with Section 160D-405 of the North Carolina General Statutes, and Section 2.3.2, Appeal.

FIGURE 2.3.18: SIGN PERMIT PROCEDURE

Step	Action
1	File Application See Section 2.4.3, Application Filing Application to include plot plan if development is exempt from site plan requirements
2	Completeness Determination See Section 2.4.3.F, Determination of Application Completeness
3	Staff Review See Section 2.4.5 Staff Review and Action
4	Zoning Administrator Decision Based on Section 2.3.18.D, Review Criteria
5	Written Notification of Decision See Section 2.4.9, Written Notice of Decision

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.19. Site Plan

2.3.19. SITE PLAN

A. PURPOSE AND INTENT

The purpose for the site plan procedure is to establish a consistent and predictable process for the review of proposed development, through a graphical representation of the proposed development. Site plan review is an analysis to ensure that allowable development is configured in accordance with the standards in this Ordinance and all other applicable regulations, not a consideration of whether or not a proposed development is allowed.

B. APPLICABILITY

Except for development exempted from site plan review in accordance with Section 2.3.19.C, Exemptions, all forms of development that involve construction, moving, or significant alteration of a building or habitable structure, that result in the increase in the amount of impervious surface on a lot, or that involve the provision of landscaping, off-street parking, stormwater control mechanisms, or similar site features shall be subject to site plan review in accordance with this section.

C. EXEMPTIONS

1. The following forms of development are exempted from site plan review, but may require a plot plan and shall be subject to the standards in Section 2.3.29, Zoning Compliance Permit, and Section 2.3.3, Building Permit, as appropriate:
 - i. Construction of a single-family detached dwelling on its own individual lawfully established lot;
 - ii. Establishment of a secondary use or structure on a single-family residential lot with a lawfully-established principal use; and
 - iii. Interior up-fits or changes to a lawfully established non-residential structure or use type that do not result in the need for additional off-street parking spaces, additional screening or landscaping, differing stormwater practices, or any changes to the amount of impervious surface cover.
2. Development exempted from site plan review may still be required to obtain a building permit in accordance with the North Carolina State Building Code and is still subject to other provisions of this Ordinance, as appropriate.

D. PROCEDURE

The review procedure for a site plan shall be in accordance with Section §2.2, Application Summary Table, Figure 2.3.19, Site Plan Procedure, and Section §2.4, Review Procedures.

E. REVIEW CRITERIA

A site plan application shall be approved by the Planning Director, provided the application complies with:

1. All standards or conditions of any prior permits or development approvals;
2. Any applicable concept plans, master plans, or terms and conditions;

FIGURE 2.3.19: SITE PLAN PROCEDURE

Step	Action
1	Pre-Application Conference See Section 2.4.2, Pre-Application Conference
2	File Application See Section 2.4.3, Application Filing
3	Completeness Determination See Section 2.4.3.F, Determination of Application Completeness
4	Staff Review See Section 2.4.5 Staff Review and Action
5	Planning Director Decision Based on Section 2.3.19.E, Review Criteria
6	Written Notification of Decision See Section 2.4.9, Written Notice of Decision

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.19. Site Plan

3. All applicable requirements of this Ordinance, including zoning district requirements in Article 3. Districts, use provisions in Article 4. Land Uses, and the standards in Article 6. Standards; and
4. All applicable County, State, and federal requirements.

F. AMENDMENT

Amendments to a site plan application approval shall be considered as minor modifications or major modifications, in accordance with the following:

1. MINOR MODIFICATIONS

- i. Subsequent revisions to approved site plans may include minor modifications, provided the development continues to meet the minimum requirements of this Ordinance. Minor modifications are limited to changes that have no material effect on the character of the development or changes that address technical considerations that could not reasonably be anticipated at the time of the site plan approval.
- ii. The following minor changes may be approved by the Planning Director, following consultation with other County staff, as appropriate:
 - a. Changes to the location of entrances or driveways, the rearrangement of internal streets, turn lanes, drives, or access restrictions;
 - b. Changes to the configuration of parking areas, but not the number of parking spaces;
 - c. Changes to the configuration or location of open space or placement of required amenities, provided the amount of open space (whether passive or active) is unchanged;
 - d. Changes to the configuration of landscape yards, including types of materials, provided minimum width and planting requirements are met;
 - e. Changes to the proposed building elevation or facade, including materials, provided that the change retains the same general architectural character; and
 - f. Changes to the arrangement or location of buildings provided there is no increase in the number of buildings, size, or amount of impervious surface.
 - g. In no instance shall a minor modification include any changes to the range of proposed uses or the overall density of the development.

2. MAJOR MODIFICATIONS CONSIDERED AMENDMENTS

- i. Changes that materially affect the basic concept of the development or that exceed the scope of a minor modification in the opinion of the Planning Director are major modifications or amendments. Major modifications include, but are not limited to:
 - a. Changes in proposed use types;
 - b. Changes in density or intensity;
 - c. Decreases in open space;
 - d. Substantial changes in the location of streets (particularly if streets are to be deleted or access points to the development moved so traffic flows both inside and outside the development are affected); or
 - e. Change in the location of any public easement.
- ii. Major modifications are amendments that shall be reviewed and considered in accordance with the procedures and standards established for the original approval of a site plan application.

G. EFFECT

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.19. Site Plan

1. CONSTRUCTION PLANS

- i. Construction plans for all public improvements included with or filed subsequent to the site plan shall be approved prior to street and utility construction in accordance with the applicable County or other agency standards.
- ii. In the case of a multi-phase site plan, any street and utility construction plans shall include all improvements within a phase and all public improvements outside the phase but necessary to serve development within that phase.

2. FEE-IN-LIEU OR PERFORMANCE GUARANTEES

All public improvements and private site features shall be installed, inspected, and accepted by the County or other appropriate agency or shall be the subject of an approved fee-in-lieu (see Section 2.3.12, Fee-in-Lieu), or be subject the requirements in Section 2.3.15, Performance Guarantee, prior to the issuance of a certificate of occupancy.

3. AS-BUILT PLANS

As-built plans for all public improvements shall be submitted in accordance with Section 2.3.15.J, As-Built Plans Requirements.

H. EXPIRATION

If the work authorized by a site plan approval is not commenced within two years from the date of issuance, the approval shall become null and void.

I. APPEAL

Appeal of a site plan shall be reviewed and decided by the Board of Adjustment in the nature of certiorari and in accordance with Section 160D-405 of the North Carolina General Statutes, and Section 2.3.2, Appeal.

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.20. Special Use Permit

2.3.20. SPECIAL USE PERMIT

A. PURPOSE AND INTENT

This section sets out the procedure for consideration of an application for a special use permit. A special use is a use that may be appropriate in a zoning district, but because of its nature, extent, and external effects, requires special consideration of its location, design, and methods of operation before it can be deemed appropriate in the district and compatible with its surroundings.

B. APPLICABILITY

Applications for uses identified as requiring a special use in Table 4.2.1, Principal Use Table, shall be reviewed in accordance with the procedures and standards of this section.

C. APPLICATION

Applications for a special use permit an applicant shall include a concept plan that depicts the proposed use and site configuration. At the applicant's discretion, the concept plan may be configured to meet the requirements for a site plan.

D. PROCEDURE

The review procedure for a special use permit shall be in accordance with Section §2.2, Application Summary Table, Figure 2.3.20, Special Use Permit Procedure, and Section §2.4, Review Procedures.

E. DECISION

1. Following the conclusion of a quasi-judicial public hearing, the Board of Commissioners shall review and decide the application in accordance with Section 2.3.20.F, Review Criteria.
2. The decision shall be the one of the following:
 - i. Approval of the special use and concept plan as proposed;
 - ii. Approval of a revised special use and concept plan; or
 - iii. Denial of the special use and concept plan.

F. REVIEW CRITERIA

A special use shall be approved upon a determination that the special use:

1. Will not materially endanger the public health or safety if located where proposed;
2. Complies with all required standards, conditions, and specifications of this Ordinance;
3. Will not substantially injure the value of the abutting land, or the special use is a public necessity;
4. Will be in harmony with the area in which it is to be located;
5. Is in general conformity with the County's adopted policy guidance; and
6. Is subject to a concept plan that accurately depicts the proposed use's configuration.

G. CONDITIONS

FIGURE 2.3.20: SPECIAL USE PERMIT PROCEDURE

Step	Action
1	Pre-Application Conference See Section 2.4.2, Pre-Application Conference
2	File Application See Section 2.4.3, Application Filing
3	Completeness Determination See Section 2.4.3.F, Determination of Application Completeness
4	Staff Review See Section 2.4.5, Staff Review and Action
5	Public Hearing Scheduled
6	Public Notification See Section 2.4.6, Public Notice
7	Board of Commissioners Review and Decision See Section 2.3.20.F, Review Criteria
8	Written Notification of Decision See Section 2.4.9, Written Notice of Decision

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.20. Special Use Permit

1. The Board of Commissioners may apply conditions of approval that are reasonable and appropriate in accordance with Section 160D-705(c) of the North Carolina General Statutes.
2. All conditions shall be identified in the approval, the notice of decision, and on the associated concept plan.
3. Conditions of approval shall comply with [Section 2.4.8, Conditions of Approval](#).

H. EFFECT

1. A special use approval is perpetually binding and run with the land, unless amended or limited in duration by the Board of Commissioners.
2. Development subject to an approved special use permit shall also undergo site plan review (see [Section 2.3.19, Site Plan](#)).
3. An action invalidating a special use condition of approval (such as an intensity or hours of operation limitation) shall render the special use permit and associated site plan null and void.
4. Special uses shall meet all applicable State and federal requirements for location and operation. Failure to maintain compliance with those requirements may result in the revocation of the special use permit and associated site plan.

I. AMENDMENT

Amendments to a special use permit application approval shall be considered as minor modifications or major modifications, in accordance with the following.

1. MINOR MODIFICATIONS

- i. Subsequent plans and permits for development subject to a special use permit may include minor modifications to the approval, provided the development continues to meet the minimum requirements of this Ordinance. Minor modifications are limited to changes that have no material effect on the character of the development or changes that address technical considerations that could not reasonably be anticipated at the time of the development approval.
- ii. The following minor modifications may be approved by the Planning Director, in consultation with other appropriate County staff:
 - a. Changes to the location of entrances or driveways, the rearrangement of internal streets, turn lanes, drives, or access restrictions;
 - b. Changes to the configuration of parking areas, but not the number of parking spaces;
 - c. Changes to the configuration or location of open space or placement of required amenities, provided the amount of open space (whether passive or active) is unchanged;
 - d. Changes to the configuration of landscape yards, including types of materials, provided minimum width and planting requirements are met;
 - e. Changes to the proposed building elevation or facade, including materials, provided that the change retains the same general architectural character and remains consistent with the design parameters established in the approval; and
 - f. Changes to the arrangement or location of buildings provided there is no increase in the number of buildings, size, or amount of impervious surface.
- iii. In no instance shall a minor modification include any changes to the range of permitted uses or the overall density of the development.

2. MAJOR MODIFICATIONS

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.20. Special Use Permit

- i. Changes that materially affect the basic configuration of the development, basic parameters of conditions of approval, or that exceed the scope of a minor modification are considered major modifications.
- ii. Major modifications include, but are not limited to:
 - a. Increases in building height;
 - b. Changes in use designations;
 - c. Changes in density or intensity;
 - d. Decreases in open space;
 - e. Substantial changes in the location of streets (particularly if streets are to be deleted or access points to the development moved so traffic flows both inside and outside the development are affected); and
 - f. Change in the location of any public easement.
- iii. Major modifications shall be treated as an amendment that must be reviewed and considered in accordance with the procedures and standards established for the original approval of a special use permit application.

J. REPLACEMENT

If a special use is replaced by a use otherwise permitted by right in the zoning district, the special use permit approval is deemed abandoned and the special use permit approval is null and void.

K. EXPIRATION

Unless otherwise stated in the special use permit approval, a special use permit shall expire and become null and void two years after the date of issuance if:

- 1. The authorized use has not commenced;
- 2. No substantial construction activity has taken place; or
- 3. Construction activities have started, but the value of all construction activity is less than five percent of the estimated total cost of construction.

L. APPEAL

- 1. A decision by the Board of Commissioners with regard to a special use permit shall be subject to review by the Superior Court of Edgecombe County by proceedings in the nature of certiorari and in accordance with Section 160D-1402 of the North Carolina General Statutes.
- 2. An appellant shall file a petition for review with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.
- 3. Receipt of written notice provided via first class mail in accordance with Section 160D-403(b) of the North Carolina General Statutes shall be deemed to be received on the third business day following deposit of the notice for mailing with the United States Postal Service.

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.21. Stormwater Permit

2.3.21. STORMWATER PERMIT

A. PURPOSE AND INTENT

This stormwater permit section sets out the procedure for consideration of a stormwater permit, which is intended to prevent or mitigate any adverse effects of increased post-development stormwater runoff into receiving surface waters or adjacent lands in accordance with Section 160D-925 of the North Carolina General Statutes.

B. APPLICABILITY

Unless exempted by Section 2.3.21.C, Exemptions, the standards in this section shall apply to all forms of new development, including, but not limited to: site plans, preliminary plats, and final plats.

C. EXEMPTIONS

The following forms of development are exempted from these standards:

1. Development or redevelopment that cumulatively disturbs less than one acre, and is not part of a larger common plan of development or sale subject to these standards;
2. Activities that are exempt from permit requirements of Section 404 of the federal Clean Water Act as specified in 40 CFR 232 (primarily, ongoing farming and forestry activities); and
3. Activities of the State or federal government that are subject to an approved National Pollutant Discharge Elimination System (NPDES) stormwater permit.

D. APPLICATION

1. The stormwater permit application shall include a stormwater management plan prepared by a qualified North Carolina professional engineer, land surveyor, soil scientist, or landscape architect. The preparer shall perform services only within their area of competence.
2. The stormwater management plan shall contain a signed and sealed statement certifying that the design of all stormwater management facilities and practices will comply with this Ordinance and all applicable State requirements.

E. PROCEDURE

The review procedure for a stormwater permit shall be in accordance with Section §2.2, Application Summary Table, Figure 2.3.21, Stormwater Permit Procedure, and Section §2.4, Review Procedures.

F. REVIEW CRITERIA

A stormwater permit application shall be approved by the Zoning Administrator, in accordance with guidance from a third-party NC professional engineer under contract with the County, if it complies with the following:

1. A stormwater management concept and maintenance plan, if required;
2. All standards or conditions of any prior applicable permits or development approvals;

FIGURE 2.3.21: STORMWATER PERMIT PROCEDURE

Step	Action
1	Pre-Application Conference Optional See Section 2.4.2, Pre-Application Conference
2	File Application See Section 2.4.3, Application Filing
3	Completeness Determination See Section 2.4.3.F, Determination of Application Completeness
4	Staff Review See Section 2.4.5, Staff Review and Action
5	Zoning Administrator Decision Based on Section 2.3.21.F Review Criteria May involve review and approval by 3 rd party engineering professional
6	Written Notification of Decision See Section 2.4.9, Written Notice of Decision

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.21. Stormwater Permit

3. All other applicable requirements of this Ordinance and the County Code of Ordinances; and
4. All applicable State and federal requirements.

G. AMENDMENT

Amendment of a stormwater permit may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

H. CERTIFICATION

(Amended 5-2-22 UDOTA 1-22)

1. EXEMPT

Developments that include preparation of a site plan or subdivision plat that are exempted from these standards in accordance with Section 2.3.21.C, Exemptions, shall include the stormwater exemption certification statement language in Section 9.2.19, Stormwater Exemption Certificate: on the site plan or subdivision plat.

2. PERMIT APPLICABLE

Developments including a site plan or subdivision plat that is subject to the standards in this section shall include stormwater management certification language in Section 9.2.20, Stormwater Management Certificate:, on the site plan or subdivision plat.

I. EFFECT

Approval of a stormwater permit allows for applicants to submit for site plan or building permit approval, as appropriate.

J. EXPIRATION

A stormwater permit shall expire and become null and void if construction has not begun within one year from the date of the approval.

K. APPEAL

Appeal of a decision on a stormwater permit shall be reviewed and decided by the Board of Adjustment in the nature of certiorari and in accordance with Section 160D-405 of the North Carolina General Statutes, and Section 2.3.2, Appeal.

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.22. Street Abandonment/Renaming

2.3.22. STREET ABANDONMENT/RENAMING

A. PURPOSE AND INTENT

The purpose for this section is to establish the procedures whereby landowners or the County can initiate and consider applications to close, not build, or rename dedicated, platted, or existing streets found on recorded plats or the County's Comprehensive Transportation Plan.

B. APPLICATION FILING

1. In cases where the Board of County Commissioners initiates an application to abandon an existing or platted street, it shall first file a Resolution of Intent to Abandon the street in accordance with Section 160A-299 of the North Carolina General Statutes.
2. In cases where an application to rename an existing street is filed by landowners (not the County) the application shall be supplemented with a petition signed by at least 75 percent of the landowners that are affected by the renaming. The application shall also include the desired street name.

C. PROCEDURE

1. The review procedure for a street abandonment/renaming shall be in accordance with Section §2.2, Application Summary Table, Figure 2.3.22, Street Abandonment/Renaming, and Section §2.4, Review Procedures.
2. Applications for street renaming filed by landowners for reasons other than public safety or emergency service delivery shall require a determination of merit by County staff prior to review by the Planning Board.

D. RECOMMENDATION BY PLANNING BOARD

After conclusion of a public meeting, the Planning Board shall make a recommendation on the application in accordance with Section 2.3.22.F, Review Criteria.

E. DECISION

1. After the conclusion of a legislative public hearing, the Board of Commissioners shall decide the street abandonment/renaming application in accordance with the standards in Section 2.3.22.F, Review Criteria.
2. The decision shall be one of the following:
 - i. Approve abandonment or renaming of all or a portion of the street right-of-way;
 - ii. Denial of street abandonment or renaming; or
 - iii. Remand of the application to the Planning Board for further consideration.
3. In no instance shall the Board of Commissioners approve a different street name or extent than

FIGURE 2.3.22: STREET ABANDONMENT/RENAMING PROCEDURE

Step	Action
1	Pre-Application Conference See Section 2.4.2, Pre-Application Conference
2	File Application See Section 2.4.3, Application Filing - County-sponsored abandonment applications require a Resolution of Intent - Landowners filing for a renaming must file a petition
3	Completeness Determination See Section 2.4.3.F, Determination of Application Completeness
4	Staff Review See Section 2.4.5, Staff Review and Action Determination of merit, if necessary
5	Planning Board Review and Recommendation See Section 2.4.7, Public Hearings and Meetings
6	Public Hearing Scheduled
7	Public Notification See Section 2.4.6, Public Notice
8	Board of Commissioners Review and Decision See Section 2.3.22.F, Review Criteria
9	Written Notification of Decision See Section 2.4.9, Written Notice of Decision
10	Recordation Required for abandonment

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.22. Street Abandonment/Renaming

requested without new public notification and another public hearing.

F. REVIEW CRITERIA

An application for a street abandonment/rename shall be approved, provided:

1. STREET ABANDONMENT

- i. Closing of the street is in the best interest of the public; and
- ii. A landowner in the vicinity of the street would not be deprived of reasonable ingress or egress to their land.

2. STREET RENAMING

- i. The street renaming is in accordance with all applicable street name requirements;
- ii. The street renaming will serve the public interest by enhancing public safety or will do no harm;
- iii. The street renaming will not adversely affect land values or cause excessive economic impact to landowners or the County; and
- iv. The street renaming will result in an overall public good that generally cannot be measured in monetary terms but is found to outweigh known or perceived economic interests and costs.

G. EFFECT

1. STREET ABANDONMENT

Where a platted or existing street is abandoned in accordance with this section, the regulations applicable to a lot shall apply to the portion of the lot formerly occupied by the abandoned street.

2. STREET RENAMING

- i. All approved street renaming applications shall have an effective date at least 45 days from the date of approval but may be further delayed for a set period of time not to exceed one year, to assist businesses and other affected landowners in preparing for the name change.
- ii. Street renaming initiated by the County due to public safety or emergency service delivery issues may take effect immediately upon approval.

H. AMENDMENT

An application for a street renaming with the same name for the same street or portion of the same street shall not be filed within two years from the date of final action on the previous request, unless the Board of Commissioners determines a substantial change has occurred in the nature of the application that merits reconsideration.

I. RECORDATION OF ABANDONMENT

The Zoning Administrator shall file a certified copy of the street abandonment approval in the office of the Edgecombe County Register of Deeds within a reasonable period of time after the approval.

J. APPEAL

1. The decision of the Board of Commissioners with respect to a street abandonment/rename application may be challenged by the filing of a declaratory judgment action in the Superior Court of Edgecombe County in accordance with Section 160D-1403 of the North Carolina General Statutes.
2. An appellant shall file a petition for review with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.23. Temporary Use Permit

person who has submitted a written request for a copy, prior to the date the decision becomes effective.

3. Receipt of written notice provided via first class mail in accordance with Section 160D-403(b) of the North Carolina General Statutes shall be deemed to be received on the third business day following deposit of the notice for mailing with the United States Postal Service.

2.3.23. TEMPORARY USE PERMIT

A. PURPOSE AND INTENT

This section allows for the establishment of specific temporary uses of limited duration, provided that such uses do not negatively affect adjacent land, and provided that such temporary uses are discontinued upon the expiration of a set time period. Temporary uses shall not involve the construction or alteration of any permanent building or structure.

B. APPLICABILITY

The standards in this section apply to non-permanent uses that take place on a temporary basis whether on the same site or in different locations in the jurisdiction.

C. PROCEDURE

The review procedure for a temporary use permit shall be in accordance with Section §2.2, Application Summary Table, Figure 2.3.23, Temporary Use Permit Procedure, and Section §2.4, Review Procedures.

D. REVIEW CRITERIA

1. An application for a temporary use permit shall be approved by the Zoning Administrator provided it complies with the following:
 - i. The applicant has written permission from the landowner, or is otherwise authorized to make use of the land;
 - ii. The applicant has obtained the appropriate permits and licenses from the County and other agencies;
 - iii. The temporary use meets public utility and County requirements for proper connection to water, sewer, electrical and other utility service connections, as applicable;
 - iv. The temporary use does not violate the applicable conditions of approval that apply to a site or use on the site;
 - v. The proposed site contains sufficient land area for the temporary use and for the parking and traffic movement associated with the temporary use, without impacting environmentally sensitive lands;
 - vi. The temporary use is located outside a special flood hazard area; and
 - vii. The temporary use provides adequate on-site restroom facilities.
2. Any signage associated with a temporary use shall comply with the standards in Section 6.10.7, Sign Standards by Sign Type, except that temporary signage shall not remain on site after the temporary use has ended.

E. AMENDMENT

FIGURE 2.3.23: TEMPORARY USE PERMIT PROCEDURE

Step	Action
1	File Application See Section <>, Application Filing
2	Completeness Determination See Section 2.4.3.F, Determination of Application Completeness
3	Staff Review See Section 2.4.5, Staff Review and Action
4	Zoning Administrator Decision Based on Section 2.3.23.D, Review Criteria
5	Written Notification of Decision See Section 2.4.9, Written Notice of Decision

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.23. Temporary Use Permit

Amendment to an approved temporary use may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

F. EXPIRATION

1. An approval of a temporary use permit is valid for not more than one year. When necessary, the temporary use permit application may be reissued for a time period not to exceed three months.
2. Applicants receiving a reissued temporary use permit shall not apply for a new temporary use permit to conduct the same activity for at least one year following expiration of the reissued temporary use permit.

G. APPEAL

Appeal of a decision on a temporary use permit shall be reviewed and decided by the Board of Adjustment in the nature of certiorari and in accordance with Section 160D-405 of the North Carolina General Statutes, and **Section 2.3.2, Appeal**.

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.24. Text Amendment

2.3.24. TEXT AMENDMENT

A. PURPOSE AND INTENT

This section provides a uniform means for amending the text of this Ordinance whenever public necessity, changed conditions, convenience, general welfare, or appropriate land use practices justify or require doing so.

B. APPLICABILITY

1. The standards and requirements of this section shall apply to applications to revise the text of this Ordinance.
2. Applications may be filed by the Planning Director, the Planning Board, the Board of Commissioners, or by another applicant following receipt of a notice of decision on a determination (see Section 2.3.8, Determination).

C. PROCEDURE

The review procedure for a text amendment shall be in accordance with Section §2.2, Application Summary Table, Figure 2.3.24, Text Amendment Procedure, and Section §2.4, Review Procedures.

D. REVIEW BY PLANNING BOARD

1. After conclusion of a public meeting, the Planning Board shall make a recommendation on the application in accordance with Section 2.3.24.F, Review Criteria.
2. In making its recommendation, the Planning Board shall prepare a written statement regarding the application's consistency with the County's adopted policy guidance.

E. DECISION

1. After the conclusion of a legislative public hearing, the Board of Commissioners shall decide the application in accordance with the standards in Section 2.3.24.F, Review Criteria.
2. The decision shall be one of the following:
 - i. Approval of the application;
 - ii. Denial of the application;
 - iii. Approval of a revised application; or
 - iv. Remand of the application to Planning Board for further consideration.
3. The decision shall be based on the legislative discretion of the Board of Commissioners, taking into consideration the recommendation of the Planning Board and the standards Section 2.3.24.F, Review Criteria.
4. In making its decision, the Board of Commissioners shall adopt a written statement of reasonableness and consistency with the County's adopted policy guidance in accordance with Section 160D-605 of the North Carolina General Statutes.

F. REVIEW CRITERIA

FIGURE 2.3.24: TEXT AMENDMENT PROCEDURE

Step	Action
1	Pre-Application Conference Optional See Section 2.4.2, Pre-Application Conference
2	File Application See Section 2.4.3, Application Filing
3	Completeness Determination See Section 2.4.3.F, Determination of Application Completeness
4	Staff Review See Section 2.4.5, Staff Review and Action
5	Planning Board Review and Recommendation See Section 2.4.7, Public Hearings and Meetings
6	Public Hearing Scheduled
7	Public Notification See Section 2.4.6, Public Notice
8	Board of Commissioners Review and Decision See Section 2.3.24.F, Review Criteria
9	Written Notification of Decision If applicant is not the County See Section 2.4.9, Written Notice of Decision

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.24. Text Amendment

The advisability of amending the text of this Ordinance is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny the proposed text amendment, the Board of Commissioners may, but is not required to, consider whether and the extent to which the proposed text amendment:

1. Enhances the public's health, safety, and welfare;
2. Is consistent with the County's adopted policy guidance;
3. Is required by changed conditions;
4. Addresses a demonstrated community need;
5. Addresses an unforeseen matter not present when the Ordinance was adopted;
6. Addresses other factors determined to be relevant by the Board of Commissioners; and
7. Would not result in significantly adverse impacts on the natural environment, including water, air, noise, stormwater management, wildlife, vegetation, and the natural functioning of the environment.

G. EFFECT

The Planning Director shall make changes to the text of this Ordinance promptly after approval of a text amendment application by the Board of Commissioners.

H. AMENDMENT

A text amendment shall not be further amended.

I. EXPIRATION

A text amendment shall not expire.

J. APPEAL

1. The decision of the Board of Commissioners with regard to a text amendment application may be challenged by the filing of a declaratory judgement action in the Superior Court of Edgecombe County.
2. An appellant shall file a petition for review with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.
3. Receipt of written notice provided via first class mail in accordance with Section 160D-403(b) of the North Carolina General Statutes shall be deemed to be received on the third business day following deposit of the notice for mailing with the United States Postal Service.

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.25. Transfer Plat

2.3.25. TRANSFER PLAT

A. PURPOSE AND INTENT

The purpose for this section is to establish a procedure for the review of requests to subdivide land for the purpose of creating one additional lot for conveyance to an immediate family member or for requests to establish a single lot from a larger tract that does not comply with the State's subdivision exemption criteria.

B. APPLICABILITY

1. The standards in this section shall apply to:
 - i. The conveyance of a single lot from one family member to another immediate family member; or
 - ii. The creation of up to four lots (including the originating or "parent" parcel) with no dedication or construction of public streets or public utilities.

(Amended 5-2-22 UDOTA 1-22)

2. For the purposes of this section, immediate family members shall include direct lineal descendants (children and grandchildren), direct lineal ascendants (parents and grandparents), siblings, and adopted or step-relationships.
3. Subdivisions that include the dedication and construction of public streets or other public utilities are preliminary plats (see Section 2.3.17, Preliminary Plat) regardless of the ownership, number, or size of lots created.
4. Other than as permitted for expedited subdivisions, any subdivision of a lot or tract that creates more than four lots beyond the number that existed on November 1, 2021 shall be processed in accordance with Section 2.3.17, Preliminary Plat. (Amended 5-2-22

UDOTA 1-22)

C. PROCEDURE

The review procedure for a transfer plat shall be in accordance with Section §2.2, Application Summary Table, Figure 2.3.25, Transfer Plat Procedure, and Section §2.4, Review Procedures.

D. REVIEW CRITERIA

1. A transfer subdivision shall be approved by the Planning Director if the application complies with the following:
 - i. All lots created from the original tract comply with the minimum dimensional standards for the zoning district where located unless exempted by Section 160D-903 of the North Carolina General Statutes;
 - ii. Each lot that is created shall front a street, be served by an access easement recorded at the Edgecombe County Register of Deeds prior to the transfer plat, or shall be served by an accessway of at least 45 feet in width that provides ingress and egress to a street;
 - iii. Principal uses shall be limited to single-family detached dwellings and customary secondary uses;

FIGURE 2.3.25: TRANSFER PLAT PROCEDURE

Step	Action
1	Pre-Application Conference Optional See Section 2.4.2, Pre-Application Conference
2	File Application See Section 2.4.3, Application Filing
3	Completeness Determination See Section 2.4.3.F, Determination of Application Completeness
4	Staff Review See Section 2.4.5, Staff Review and Action
5	Planning Director Decision Based on Section 2.3.25.D, Review Criteria
6	Written Notification of Decision See Section 2.4.9, Written Notice of Decision
7	Recordation

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.25. Transfer Plat

- iv.** The lot has been certified by the Edgecombe County Health Department as capable of accommodating the wastewater generated from the proposed use, in cases when the lot is not served by a centralized wastewater system;
 - v.** The lot has been certified by the Edgecombe County Health Department or other appropriate agency as served by an acceptable source of potable water;
 - vi.** No single accessway serves more than four lots;
 - vii.** The transfer plat complies with all other applicable requirements in these regulations and the County Code of Ordinances;
 - viii.** In cases where the transfer plat is proposed to allow a transfer of a lot between immediate family members, proof of kinship in the form of a notarized birth certificate is provided and no more than one lot shall be created for each individual immediate family member.
- 2.** If a transfer plat application is denied, then the reasons for denial shall be stated in writing. The applicant may revise and resubmit an application for a transfer plat that has been denied.

E. EFFECT

- 1.** Approval of a transfer plat allows the establishment of a single lot or conveyance of a lot to an immediate family member.
- 2.** When transferred between immediate family members, land subject to a transfer plat shall be titled under the immediate family member's name for a period of at least two years.
- 3.** Building permits may be issued following recordation of the transfer plat.

F. RECORDATION

Once a transfer plat is approved, a signed statement by the Planning Director shall be entered on the face of the plat. The transfer plat may not be recorded without this certification.

G. AMENDMENT

Amendment of a transfer plat may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

H. EXPIRATION

A transfer plat shall be null and void unless it is recorded in the office of the Edgecombe County Register of Deeds within 60 days of approval.

I. APPEAL

- 1.** The decision on a transfer plat application may be challenged by the filing of a declaratory judgement action in the Edgecombe County Superior Court in accordance with Section 160D-1403 of the North Carolina General Statutes.
- 2.** An appellant shall file a petition for review with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.
- 3.** Receipt of written notice provided via first class mail in accordance with Section 160D-403(b) of the North Carolina General Statutes shall be deemed to be received on the third business day following deposit of the notice for mailing with the United States Postal Service.

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.26. Variance

2.3.26. VARIANCE

A. PURPOSE AND INTENT

The purpose of this section is to allow deviations from certain standards of this Ordinance when the landowner demonstrates that, owing to special circumstances or conditions beyond the landowner's control (such as topographical conditions, narrowness, shallowness, or shape of a specific parcel of land), a literal application of the standards would result in undue and unique hardship to the landowner and the deviation would not be contrary to the public interest. This section also includes variance provisions for reasonable accommodation of persons with physical disabilities and variances pertaining to the County's flood protection requirements and watershed protection standards.

B. APPLICABILITY

1. Development that would otherwise be subject to undue and unique hardship from the applications of the standards in this Ordinance may seek relief from the standards in accordance with this section.
2. No variance may be sought that increases development density (e.g., units per acre) beyond that allowed in a base zoning district, or that would permit a use not allowed in a zoning district.
3. Applications seeking variance from the watershed protection standards applicable in the WPO district shall be filed and considered in accordance with this section and Section 3.4.4, Watershed Protection Overlay District.
4. Applications seeking variance from the flood damage prevention standards applicable in the FHO district shall be filed and considered in accordance with this section and Section 3.4.3.I, Variance Procedures.

C. PROCEDURE

The review procedure for a variance shall be in accordance with Section §2.2, Application Summary Table, Figure 2.3.26, Variance Procedure, and Section §2.4, Review Procedures.

D. DECISION

1. The Board of Adjustment, after the conclusion of a quasi-judicial public hearing, shall decide the application for a variance.
2. The decision shall be based on the competent, material, and substantial evidence in the record, as supplemented by the arguments presented at the quasi-judicial hearing, and the applicable standards in Section 2.3.26.E, Review Criteria.
3. The decision shall be one of the following:
 - i. Approval of the variance as proposed;
 - ii. Approval of the variance with revisions; or

FIGURE 2.3.26: VARIANCE PROCEDURE

Step	Action
1	Pre-Application Conference See Section 2.4.2, Pre-Application Conference
2	File Notice of Appeal See Section 2.4.3, Application Filing Within 30 days of receipt of notice of violation or decision being appealed
3	Completeness Determination See Section 2.4.3.F, Determination of Application Completeness
4	Staff Review See Section 2.4.5 Staff Review and Action
5	Public Hearing Scheduled
6	Public Notification See Section 2.4.6, Public Notice
7	Board of Adjustment Review and Decision See Section 2.3.26.E, Review Criteria
8	Written Notification of Decision See Section 2.4.9, Written Notice of Decision
9	Recordation

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.26. Variance

iii. Denial of the variance.

4. The concurring vote of four-fifths of the Board of Adjustment's quorum shall be necessary to grant a variance.
5. Each decision shall be made in writing and reflect the Board of Adjustment's determination of facts and their application to the standards in this Ordinance.
6. The written decision shall be signed by the Chair or other duly authorized member of the Board of Adjustment.
7. The decision of the Board of Adjustment shall be effective upon the filing of the written decision.

E. REVIEW CRITERIA

The standards in this section are organized into the standards applicable to variances from the zoning- and subdivision-related provisions, reasonable accommodations, the flood hazard requirements, and watershed provisions.

1. ZONING- AND SUBDIVISION-RELATED VARIANCE STANDARDS

I. REQUIRED FINDINGS OF FACT

A zoning- or subdivision-related variance shall be approved on a finding the applicant demonstrates all of the following:

- a. Unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- b. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
- c. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of the variance shall not be regarded as a self-created hardship.
- d. The variance approval is the minimum necessary to make possible the reasonable use of the land, building, or structure.
- e. The requested variance is consistent with the spirit, purpose, and intent of the Ordinance, such that public safety is secured, and substantial justice is achieved.

II. OTHER CONSIDERATIONS

In addition to the making the required findings in subsection 2.3.26.E.1 above, the Board of Adjustment may also consider if the variance approval is the minimum necessary to make possible the reasonable use of the land, building, or structure.

III. FACTORS THAT MAY NOT BE CONSIDERED

None of the following may be used as the basis for approving a zoning-related or subdivision-related variance:

- a. Personal circumstances;
- b. A request for a particular use that is expressly, or by inference, prohibited in the zoning district;
- c. Hardships resulting from factors other than application of the relevant standards of this Ordinance;
- d. The fact that land or a structure may be utilized more profitably or be more marketable with a variance;

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.26. Variance

- e. The citing of other conforming or nonconforming uses of land or structures in the same or other zoning districts; or
- f. Financial hardship.

2. REASONABLE ACCOMMODATION

- i. A variance for reasonable accommodation shall be approved upon a finding the proposed accommodation:
 - a. Will be used by an individual or individuals with a disability or handicap protected under federal law;
 - b. Is the minimum needed to provide accommodation; and
 - c. Is reasonable and necessary.
- ii. For the purposes of this section, an accommodation is reasonable if it would not undermine the legitimate purposes of this Ordinance, it does not constitute a substantial alteration of this Ordinance or other County standard, and it will not impose significant financial and administrative burden upon the County.
- iii. For the purposes of this section, an accommodation is necessary if it would provide direct or meaningful improvement of the effects of the particular disability or handicap, and would afford handicapped or disabled persons equal opportunity to use housing in the County.

3. FLOOD HAZARD OVERLAY VARIANCE STANDARDS

Criteria for the consideration of variances from the County's flood hazard overlay standards is in [Section 3.4.3, Flood Hazard Overlay \(FHO\) District](#).

4. WATER SUPPLY WATERSHED PROTECTION

Criteria for the consideration of variance from the County's watershed protection standards are in accordance with [Section 3.4.4.M, Variances](#).

F. CONDITIONS

In granting a variance, the Board of Adjustment may prescribe conditions of approval to ensure compliance with the standards of this section, and to assure that the use of the land to which the variance applies will be compatible with surrounding lands and will not alter the essential character of the neighborhood. Conditions shall be in accordance with the following:

- 1. Conditions must be reasonably related to the variance application.
- 2. A variance granted subject to a condition of approval shall be permitted as long as there is compliance with the condition.
- 3. Violation of a condition of approval shall be deemed a violation of this Ordinance.
- 4. If a violation or invalidation of a condition of approval occurs, the Planning Director may initiate proceedings to revoke the authorization for the development subject to the variance.
- 5. Conditions of approval shall comply with [Section 2.4.8, Conditions of Approval](#).

G. RECORDATION

If a variance application is approved, the notice of decision may be recorded by the applicant in the office of the Edgecombe County Register of Deeds.

H. EFFECT

Approval of a variance authorizes only the particular regulatory relief approved by the Board of Adjustment. It does not exempt the applicant from the responsibility to obtain all other permits or development approvals required by this Ordinance or any other applicable laws, and does not indicate that the development for which the variance is granted should receive other

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.26. Variance

permits or development approvals under this Ordinance unless the relevant and applicable portions of this Ordinance are met.

I. AMENDMENT

A variance shall not expire.

J. EXPIRATION

- 1.** If the Board of Adjustment does not include a time period by which development subject to variance expires, development shall commence within 12 months of the date of issuance of the variance, or the variance shall expire and become null and void.
- 2.** A variance shall expire and become invalid if the property owner changes development on the site such that the extraordinary and exceptional conditions that warranted the hardship and variance no longer do so.

K. APPEAL

- 1.** The decision of the Board of Adjustment with regard to a variance shall be subject to review by the Superior Court of Edgecombe County by proceedings in the nature of certiorari and in accordance with Section 160D-1402 of the North Carolina General Statutes.
- 2.** An appellant shall file a petition for review with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.
- 3.** Receipt of written notice provided via first class mail in accordance with Section 160D-403(b) of the North Carolina General Statutes shall be deemed to be received on the third business day following deposit of the notice for mailing with the United States Postal Service.

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.27. Vested Rights Certificate

2.3.27. VESTED RIGHTS CERTIFICATE

A. PURPOSE

The purpose for this section is to establish a clear procedure for an applicant to request vesting or protection from changes in this Ordinance that take place after approval of the application but prior to completion of an approved site-specific vesting plan.

B. APPLICABILITY

1. A vested right may be established, in accordance with Section 160D-108(d) of the North Carolina General Statutes, and this section.
2. A vested rights certificate shall be limited to development included in a site-specific vesting plan. For the purposes of this section, a site-specific vesting plan shall be one of the following development approvals:
 - i. Conditional rezoning;
 - ii. Planned development;
 - iii. Preliminary plat;
 - iv. Site plan; or
 - v. Special use permit.
3. An application for a vested rights certificate shall be processed concurrently or after the approval of a conditional rezoning application, planned development, preliminary plat, site plan, or special use permit.

C. PROCEDURE

The review procedure for a vested rights certificate shall be in accordance with Section §2.2, Application Summary Table, Figure 2.3.27, Vested Rights Certificate Procedure, and Section §2.4, Review Procedures.

D. DECISION

1. The decision shall be based on the standards in Section 2.3.27.E, Review Criteria.
2. The decision shall be one of the following:
 - i. Approval of the vested rights certificate as proposed;
 - ii. Approval of a revised vested rights certificate; or
 - iii. Denial of the vested rights certificate.
3. The vested rights certificate is deemed established upon the approval by the Board of Commissioners of a qualifying site-specific vesting plan to which the application for a vested rights certificate was attached.

E. REVIEW CRITERIA

An application for a vested rights certificate shall be approved if:

1. The vested rights certificate is for an approved site-specific vesting plan;
2. The development is valid and unexpired;
3. Any required variances have been obtained; and
4. The request is in accordance with Section 160D-108 of the North Carolina General Statutes.

F. EFFECT

FIGURE 2.3.27: VESTED RIGHTS CERTIFICATE PROCEDURE

Step	Action
1	Pre-Application Conference Optional See Section 2.4.2, Pre-Application Conference
2	File Application See Section 2.4.3, Application Filing
3	Completeness Determination See Section 2.4.3.F, Determination of Application Completeness
4	Staff Review and Recommendation See Section 2.4.5, Staff Review and Action
5	Board of Commissioners Review and Decision See Section 2.3.27.E, Review Criteria
6	Written Notification of Decision See Section 2.4.9, Written Notice of Decision

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.27. Vested Rights Certificate

1. A vested rights certificate shall be approved prior to issuance of a building permit.
2. Each document used to establish a site-specific vesting plan shall bear the following notation:

“Approval of this application establishes a zoning vested right under Section 160D-108 of the North Carolina General Statutes, as amended. Unless terminated at an earlier date, the vested right shall be valid until _____(date).”
3. The establishment of a vested right shall not preclude the application of overlay zoning district provisions that impose additional requirements but do not affect the allowable type and intensity of use, or through ordinances that are general in nature and are applicable to all property subject to land use regulation by the County, including, but not limited to: building, fire, plumbing, electrical, and mechanical codes.

G. AMENDMENT

Amendment of vested rights certificate may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

H. DURATION

1. In no instance shall a vested right certificate provide a vested right for a period of longer than five years from the date of approval.
2. A vested right certificate shall expire and become null and void:
 - i. At the end of the applicable vesting period; or
 - ii. If a building permit application for the development subject to the certificate is not submitted within two years of the approval of the vested rights certificate associated with a special use permit, preliminary plat, or site plan, or five years of the approval of a vested rights certificate associated with a conditional rezoning or planned development; or
 - iii. Upon a finding by the Board of Commissioners after public notice and a public hearing, that:
 - a. Natural or man-made hazards on or in the immediate vicinity of the land, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated;
 - b. The landowner or landowner's representative intentionally supplied inaccurate information or made material misrepresentations which affected the approval of the site-specific vesting plan;
 - c. The landowner failed to comply with any condition imposed upon the establishment of the site-specific vesting plan or vested rights certificate; or
 - iv. Upon payment to the affected landowner of compensation for all costs, expenses, and other losses incurred by the landowner, including all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consultant fees incurred after approval of the certificate by the County, together with interest at the legal rate until paid. Compensation shall not include any diminution in the value of the land which is caused by such action; or
 - v. With the written consent of the affected landowner.
3. Upon enactment or promulgation of a State or federal law or regulation that precludes development as contemplated in the site-specific vesting plan, the Board of Commissioners may modify the affected provisions of the certificate by ordinance, if after conducting a hearing, it finds the changed conditions created by the change in the State or federal law have a fundamental effect on the site-specific vesting plan.

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.27. Vested Rights Certificate

I. APPEAL

1. A decision by the Board of Commissioners with regard to a vested rights certificate application may be challenged by an applicant claiming a vested right through the filing of a declaratory judgment action in the Superior Court of Edgecombe County in accordance with Section 160D-1401 of the North Carolina General Statutes.
2. An appellant shall file a petition for review with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.
3. Receipt of written notice provided via first class mail in accordance with Section 160D-403(b) of the North Carolina General Statutes shall be deemed to be received on the third business day following deposit of the notice for mailing with the United States Postal Service.

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.28. Watershed Permit

2.3.28. WATERSHED PERMIT

A. PURPOSE

This section sets out a procedure for the review of development that is located within a Watershed Protection Overlay (WPO) district for the purpose of ensuring that potable water quality is not negatively impacted.

B. APPLICABILITY

The standards in this section shall apply to all development located within the WPO as indicated on the Official Zoning Map or other appropriate map, including the State of North Carolina's Water Supply Watershed Map.

C. PROCEDURE

The review procedure for a watershed permit shall be in accordance with Section §2.2, Application Summary Table, Figure 2.3.28, Watershed Permit Procedure, and Section §2.4, Review Procedures.

D. REVIEW STANDARDS

A watershed permit shall be approved by the Zoning Administrator provided the application complies with the applicable standards in Section 3.4.4, Watershed Protection Overlay District.

E. EFFECT

Approval of a water supply watershed protection permit authorizes an applicant to apply for a building permit.

F. AMENDMENT

Amendment of a watershed permit may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

G. EXPIRATION

If the work authorized by a watershed permit is not commenced within one year from the date of issuance, the permit shall become null and void.

H. APPEAL

Appeal of a decision on a watershed permit shall be reviewed and decided by the Board of Adjustment in the nature of certiorari and in accordance with Section 160D-405 of the North Carolina General Statutes, and Section 2.3.2, Appeal.

FIGURE 2.3.28: WATERSHED PERMIT PROCEDURE

Step	Action
1	Pre-Application Conference Optional See Section 2.4.2, Pre-Application Conference
2	File Application See Section 2.4.3, Application Filing
3	Completeness Determination See Section 2.4.3.F, Determination of Application Completeness
4	Staff Review See Section 2.4.5, Staff Review and Action
5	Zoning Administrator Decision Based on Section 2.3.28.D, Review Standards
6	Written Notification of Decision See Section 2.4.9, Written Notice of Decision

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.29. Zoning Compliance Permit

2.3.29. ZONING COMPLIANCE PERMIT

A. PURPOSE AND INTENT

The purpose of a zoning compliance permit is to ensure no development occurs until there is assurance the development complies with the requirements of this Ordinance and all other applicable requirements.

B. APPLICABILITY

1. A zoning compliance permit shall be required for prior to any of the following:
 - i. Issuance of a building permit;
 - ii. Erection or modification of signage;
 - iii. Establishment of a temporary use or structure;
 - iv. Any change in use within an existing non-residential, multi-family, or mixed-use structure;
 - v. Commencement of activity or development identified on a site plan or a subdivision plat; or
 - vi. Commencement of activity that does not require issuance of a building permit.
2. Nothing shall prevent a zoning compliance permit from being issued concurrently with a building permit.

C. IDENTIFICATION OF SITE FEATURES

1. Applications for a zoning compliance permit shall include a site sketch or plot plan that identifies the lot lines and the outer extents of all of the following features (if present):
 - i. Principal structure(s);
 - ii. Secondary structures;
 - iii. Open-air uses of land;
 - iv. Required setbacks and allowable encroachments, if applicable;
 - v. Existing potable water wells, septic tanks, drain fields, and reserve or back-up drain field locations;
 - vi. Existing tree save or environmental protection areas;
 - vii. Required stormwater control measures; and
 - viii. Any other features identified by the Planning Director as necessary for determining compliance with the requirements of this Ordinance.
2. Site sketches or plot plans are not required to be professionally prepared, or be to scale, but should include verified dimensional distance if not drawn to scale.

D. PROCEDURE

The review procedure for a zoning compliance permit shall be in accordance with Section §2.2, Application Summary Table, Figure 2.3.29, Zoning Compliance Permit Procedure, and Section §2.4, Review Procedures.

E. REVIEW CRITERIA

A zoning compliance permit shall be approved by the Zoning Administrator on a decision the application complies with:

1. All standards or conditions of any prior applicable permits and developments approvals;
2. Any applicable requirements of the Edgecombe County Health Department; and

FIGURE 2.3.29: ZONING COMPLIANCE PERMIT PROCEDURE

Step	Action
1	File Application See Section 2.4.3, Application Filing
2	Completeness Determination See Section 2.4.3.F, Determination of Application Completeness
3	Staff Review See Section 2.4.5, Staff Review and Action
4	Zoning Administrator Decision Based on Section 2.3.29.E, Review Criteria
5	Written Notification of Decision See Section 2.4.9, Written Notice of Decision

ARTICLE 2. APPLICATIONS

§2.3. Application Types - 2.3.29. Zoning Compliance Permit

3. All applicable requirements of this Ordinance and in the County Code of Ordinances.

F. EFFECT

1. Approval of a zoning compliance permit authorizes an applicant to apply for a building permit, commence construction, or proceed with the approved development in cases where a building permit is not required.
2. If the zoning compliance permit application is filed concurrently with a building permit application, approval of the zoning compliance permit authorizes the County to complete its review of the building permit application.

G. AMENDMENT

Amendment of a watershed permit may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

H. EXPIRATION

A zoning compliance permit shall expire and become null and void one year after the date of issuance if the authorized use has not commenced.

I. APPEAL

Appeal of a decision on a zoning compliance permit shall be reviewed and decided by the Board of Adjustment in the nature of certiorari and in accordance with Section 160D-405 of the North Carolina General Statutes, and [Section 2.3.2, Appeal](#).

§2.4. REVIEW PROCEDURES

2.4.1. PURPOSE AND INTENT

- 1.** This section establishes the standard review procedures used by the County for the processing of applications for development permits or approvals.
- 2.** It is the intent of this section to establish a uniform set of processes to foster greater efficiency and predictability for applicants, County residents, County staff, and elected and appointed officials during the review of development applications.
- 3.** These subsections are listed in order of their typical occurrence during the review process instead of in alphabetical order.

2.4.2. PRE-APPLICATION CONFERENCE

A. PURPOSE

The purpose of a pre-application conference is to provide an opportunity for the applicant to learn about the submittal requirements, procedures, and standards applicable to a particular development application. A pre-application conference is also an opportunity for County staff to become familiar with, and offer preliminary comments about the scope, features, and impacts of the proposed development, as it relates to the standards in this Ordinance.

B. APPLICABILITY

1. PRE-APPLICATION CONFERENCE REQUIRED, OPTIONAL, OR NOT APPLICABLE

- i.** A pre-application conference between the applicant and County staff is required before submittal of some applications, in accordance with [Section §2.2, Application Summary Table](#).
- ii.** Pre-application conferences are optional for some applications, in accordance with [Section §2.2, Application Summary Table](#).
- iii.** Some applications do not have a pre-application conference option associated with them, though an applicant may contact County staff with questions about any development application procedure.
- iv.** There are no limits on the number of pre-application conferences that may be conducted, though the County may charge a pre-application fee for the third or any subsequent pre-application conference on the same project or development site.

2. DISCUSSIONS NON-BINDING

Discussions at a pre-application conference are not binding on the County and do not constitute filing or review of an application.

C. SCHEDULING

Applicants shall contact the Planning Director to schedule a pre-application conference.

D. PROCEDURE

Following receipt of a request for a pre-application conference, the Planning Director shall schedule the conference and notify the applicant of the time, location, and any suggested submittal requirements. During the conference, attendees will explain the application review process and any special issues or concerns regarding the subject proposal.

E. SUBMITTAL REQUIREMENTS

- 1.** Pre-application conferences for development applications that include a site plan, subdivision, or master plan shall require the applicant to provide a generalized site sketch or plot plan of the development as part of the request to schedule a pre-application conference.

ARTICLE 2. APPLICATIONS

§2.4. Review Procedures - 2.4.3. Application Filing

2. For other types of development applications, the applicant may submit supplemental information regarding their application, as appropriate, with their request for a pre-application conference, though there is no requirement to submit any material in advance of the conference.
3. No material submitted during a pre-application conference shall be binding on the County or an applicant.

F. EFFECT

1. When required, a completed pre-application conference entitles an applicant to take the next step in the application process. Applications subject to a mandatory pre-application conference will not be considered as complete applications until after the mandatory pre-application conference has been completed.
2. In cases where multi-part applications require more than one pre-application conference, an applicant may choose to conduct a single pre-application conference for all portions of a multi-part application.

2.4.3. APPLICATION FILING

A. AUTHORITY TO FILE APPLICATIONS

1. Unless expressly stated otherwise in this Ordinance, development applications associated with a particular lot or site reviewed under this Ordinance shall be filed by the landowner, a contract purchaser with the owner's consent, or other person having a recognized property interest in the land on which development is proposed with the owner's consent.
2. Applications for amendments to the text of this Ordinance may only be initiated in accordance with [Section 2.3.24, Text Amendment](#).

B. APPLICATION CONTENT

The County shall establish development application content and forms, which shall be maintained by the Zoning Administrator.

C. APPLICATION FEES

1. Review of development applications in accordance with this section shall require the payment of reasonable application fees upon submittal of an application.
2. The Board of Commissioners shall establish application fees, and may amend and update those fees as necessary. Fees shall cover the costs of review, including public notification, as required.
3. No action shall be taken on an application and no application approval shall be issued until all required application fees are paid in full.

D. APPLICATION FILING

1. Applications shall be filed with the County in the form established by the County, along with the appropriate application fee.
2. An application shall not be considered to be submitted until determined to be complete in accordance with [Section 2.4.3.F, Determination of Application Completeness](#).
3. No application shall be reviewed or decided until after it is determined to be complete.

E. BURDEN OF PRESENTING COMPLETE APPLICATION

The burden of presenting and maintaining a complete application shall be solely upon the applicant.

F. DETERMINATION OF APPLICATION COMPLETENESS

Upon development application filing, the Zoning Administrator shall determine, within a reasonable period of time, whether the application is complete or incomplete. A complete application is one that:

ARTICLE 2. APPLICATIONS

§2.4. Review Procedures - 2.4.4. Permit Choice

1. Contains all information and materials identified in this Ordinance and all supporting documentation, as required for submittal of the particular type of application;
2. Is in the form and number of copies required by the County;
3. Is legible and printed to scale, where appropriate;
4. Is signed by the person(s) with the authority to file the application;
5. Includes information in sufficient detail to evaluate whether or not the application complies with the applicable review standards in this Ordinance;
6. Is accompanied by the fee established for the particular type of application;
7. Includes material associated with a pre-application conference, if one is required; and
8. Is not subject to the limitations described in [Section 2.4.14, Reconsideration](#).

G. APPLICATION INCOMPLETE

If the application is incomplete, the Zoning Administrator shall notify the applicant of the deficiencies in writing. The applicant may correct the deficiencies and resubmit the application for completeness determination in accordance with [Section 2.4.3, Application Filing](#).

H. APPLICATION COMPLETE

1. On determining that the application is complete, it shall be considered as submitted, and the County shall notify the applicant and commence review in accordance with the procedures and standards of this Ordinance.
2. Nothing shall preclude the Zoning Administrator or a review authority from re-evaluating an application for completeness in the event application inadequacies are revealed at a date subsequent to an application being declared complete.

I. TIMING

Applications indicated for review by the Planning Board, Board of Adjustment, or Board of Commissioners must be deemed complete at least 20 business days prior to consideration of the application by that board.

2.4.4. PERMIT CHOICE

- A. In cases where the applicable provisions of this Ordinance are amended between the time that a development application is declared complete (see [Section 2.4.3.F, Determination of Application Completeness](#)) and the time written notification of decision on the application is provided (see [Section 2.4.9, Written Notice of Decision](#)), the applicant may choose which version of this Ordinance shall apply to their application, in accordance with Section 143-755 of the North Carolina General Statutes.
- B. The County shall notify applicants, in writing, when a choice under this section is available, and the applicant shall respond, in writing, with their choice of the applicable provisions. The applicant's decision shall be final, and review under a different set of requirements may only be accomplished through a withdrawal and re-submittal of the application.
- C. In cases where an applicant has had an opportunity to exercise permit choice under this section, and subsequently places their application on hold, or fails to respond to requests for further information from the County for a period of six months or more, review of the application shall be discontinued, and the requirements in effect at the time application review recommences shall apply.

2.4.5. STAFF REVIEW AND ACTION

A. INITIAL STAFF REVIEW

1. Following application completeness determination, development application materials shall be distributed by the Zoning Administrator to all appropriate staff and review agencies for review and comment.

ARTICLE 2. APPLICATIONS

§2.4. Review Procedures - 2.4.5. Staff Review and Action

2. Applications shall be reviewed during the review cycle in place when the application is determined to be complete.
3. In considering the application, the Planning Director or other County staff (as appropriate), shall review the application, relevant support material, and any comments or recommendations from other staff and review agencies to which the application was referred.
4. If deficiencies in complying with applicable standards of this Ordinance are identified, the Zoning Administrator shall notify the applicant of such deficiencies in writing and provide the applicant a reasonable opportunity to discuss them and revise the application accordingly.

B. STAFF REPORT AND RECOMMENDATION

1. The Planning Director shall prepare a written staff report on any application to be reviewed or decided by the Planning Board, Board of Commissioners, or the Board of Adjustment.
2. The staff report shall conclude whether the application complies with all applicable review standards of this Ordinance and recommend one of the decisions authorized for the particular type of application, based on the review standards applicable to the application type, in accordance with [Section §2.3, Application Types](#).
3. The staff report shall not include a recommendation from County staff on variance applications or appeals of staff decisions.
4. In cases where the staff finds an application does not comply with the provisions of this Ordinance the staff report shall cite the specific code section(s) in question and the reasons why the application fails to comply.
5. The staff report may identify and recommend modifications to the development proposal that specify how compliance deficiencies might be corrected and how adverse effects of the development application (if any) might be mitigated.
6. A staff report is not required for applications decided by the Planning Director, Zoning Administrator, or the Technical Review Committee, though one may be prepared.

C. DISTRIBUTION OF APPLICATION AND STAFF REPORT

In cases where a staff report is prepared, the Planning Director shall take the following actions within a reasonable time period before the application is scheduled for review:

1. Schedule and ensure any required public notice of the application (if appropriate) is prepared in accordance with [Section 2.4.6, Public Notice](#);
2. Transmit the application, related materials, and staff report to the appropriate review authority (ies);
3. Transmit a copy of the staff report and any related materials to the applicant; and
4. Make the application, related materials, and staff report available for examination by the public.

D. APPLICATIONS SUBJECT TO DECISION BY STAFF

1. In cases where a development application is decided by the Planning Director or other designated County staff member, the appropriate County staff member shall make one of the following decisions, based on the review standards set forth in [Section §2.3, Application Types](#):
 - i. Approve the application;
 - ii. Disapprove the application; or
 - iii. Delay decision making for a specified time to allow the applicant to revise the application for compliance with the requirements in this Ordinance.

ARTICLE 2. APPLICATIONS

§2.4. Review Procedures - 2.4.6. Public Notice

2. In some instances, County staff may decide an application contingent upon further revision by the applicant in accordance with the direction provided in the decision.

E. CONFLICT OF INTEREST

All County staff members making decisions under this UDO shall comply with the applicable standards in Section 1.9.1.D, Conflict of Interest.

2.4.6. PUBLIC NOTICE

A. PUBLIC MEETING DISTINGUISHED

Public meetings conducted in accordance with this Ordinance are not public hearings, and do not require the provision of public notification in accordance with this section.

B. PUBLIC HEARING SCHEDULED

When a development application is subject to a public hearing, the Planning Director shall ensure that the public hearing is scheduled for a regular meeting, or a meeting specially called for that purpose by the review authority.

C. REQUIREMENT SUMMARY

1. All development applications subject to public notification shall comply with the appropriate standards in Sections 160D-406, 160D-601, 160D-602, 160D-1005, and other applicable sections of the North Carolina General Statutes, as appropriate.
2. Section 2.4.6, Public Notice, summarizes the provisions related to public notice. In computing the required time periods, the day the notice is published, mailed, or posted shall not be included, but the day of the hearing shall be included.

TABLE 2.4.6: PUBLIC NOTICE

TYPE OF DEVELOPMENT APPLICATION	TYPE OF NOTICE REQUIRED (R = REQUIRED)		
	PUBLISHED /1/	MAILED /2/	POSTED /3/
Appeal (Amended 5-2-22 UDOTA 1-22)	•	R /4/	R
Conditional Rezoning	R	R	R
Conventional Rezoning	R	R	R
Fee-in-Lieu	R	•	•
Performance Guarantee	R	•	•
Planned Development	R	R	R
Special Use Permit (Amended 5-2-22 UDOTA 1-22)	•	R	R
Street Abandonment/Renaming	R /5/	R /6/	R /7/
Text Amendment	R	•	•
Variance (Amended 5-2-22 UDOTA 1-22)	•	R	R
Vested Rights Certificate	R	R	•

NOTES:

/1/ Published notice shall be provided once a week for two successive calendar weeks, with the first notice published between 10 and 25 days before the public hearing.

/2/ Mailed notice shall be provided to the applicant, affected landowners, and landowners of abutting land between 10 and 25 days before the public hearing.

/3/ Posted notice shall be provided between 10 and 25 days before the public hearing.

/4/ Mailed notice shall only be required in cases where an appeal pertains to a particular lot or site.

/5/ Published notice for street abandonment shall be provided once per week for 4 weeks before the

ARTICLE 2. APPLICATIONS

§2.4. Review Procedures - 2.4.6. Public Notice

TABLE 2.4.6: PUBLIC NOTICE

TYPE OF DEVELOPMENT APPLICATION	TYPE OF NOTICE REQUIRED (R = REQUIRED)		
	PUBLISHED /1/	MAILED /2/	POSTED /3/
hearing. /6/ Mailed notice shall be provided between 10 and 25 days before the first public meeting to all landowners with land abutting the street and the NCDOT. /7/ Posted notice shall be provided in at least two locations along the street no less than 10 days before the hearing			

D. PUBLISHED NOTICE

When the North Carolina General Statutes require that public notice be published, the designated review authority shall publish a notice in a newspaper that is regularly published at least one time per week and that has general circulation in the County.

E. MAILED NOTICE

When the North Carolina General Statutes require that public notice be mailed, the designated review authority shall provide the required mailed public notice in accordance with the following:

1. Mailed notice specified in [Section 2.4.6, Public Notice](#), shall be mailed to:
 - i. The landowner;
 - ii. The applicant, if different from the landowner;
 - iii. Landowners of properties adjacent to the land that is the subject of the application, but located across a street, railroad, or other transportation corridor; and
 - iv. Any others entitled to receive notice in accordance with Section 160D-602 of the North Carolina General Statutes.
2. Notice shall be deemed mailed by its deposit in the United States first class mail, properly addressed, postage paid. The content and form of the notice shall comply with [Section 2.4.6.G, Notice Content](#).
3. A copy of the mailed notice shall be maintained in the offices of the designated review authority for public inspection during normal business hours.
4. Mailed notice shall not be required when a rezoning includes more than 50 lots or tracts owned by at least 50 different landowners, provided the County publishes a map (occupying at least ½ of a newspaper page) showing the boundaries of the affected area in a newspaper of general circulation once a week for two successive calendar weeks between 10 days and 25 days before the public hearing. Affected landowners residing outside the newspaper circulation area shall be notified via first class mail pursuant to [Section 2.4.6.E, Mailed Notice](#).

F. POSTED NOTICE

When the North Carolina General Statutes require that public notice be posted, the Planning Director shall provide the required posted public notice in accordance with the following:

1. A sign (or signs) shall be placed on the subject property in a conspicuous location so as to be clearly visible to the traveled portion(s) of the respective street(s). Where the land subject to the notice does not have frontage on a public street, the sign shall be erected on the nearest street right-of-way.
2. The content and form of the notice shall comply with [Section 2.4.6.G, Notice Content](#).

G. NOTICE CONTENT

ARTICLE 2. APPLICATIONS

§2.4. Review Procedures - 2.4.7. Public Hearings and Meetings

Unless expressly indicated otherwise by the North Carolina General Statutes, all notices by mail or publication shall:

1. Identify the date, time, and place of the public hearing;
2. Describe the land involved by parcel identification number (PIN), street address, or by its relationship to a fronting street and the nearest cross street (if applicable);
3. Describe the nature and scope of the proposed development or action; and
4. Identify the means to contact a County official for further information.

H. CONSTRUCTIVE NOTICE

1. Minor defects in any notice shall not impair the notice or invalidate proceedings if a bona fide attempt is made to comply with applicable notice requirements. Minor defects in notice may include, but are not limited to:
 - i. Errors such as landowner name, title, or address existing in the County tax listing; or
 - ii. Typographical or grammatical errors that do not impede communication of the notice to affected parties.
2. Failure of a party to receive written notice shall not invalidate subsequent action. A posted notice that becomes no longer visible due to weather, theft, or other unintended circumstances shall not invalidate proceedings if a bona fide attempt is made to comply with applicable posted notice requirements. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a public hearing and the location of the subject property shall be strictly adhered to.

2.4.7. PUBLIC HEARINGS AND MEETINGS

A. HEARINGS DISTINGUISHED

Public hearings identified in this Ordinance shall be either legislative or quasi-judicial in nature.

B. LEGISLATIVE PUBLIC HEARING

Section §2.2, Application Summary Table, identifies the kinds of development applications decided following completion of a legislative public hearing, which shall be conducted in accordance with the following requirements:

1. PROCEDURE

- i. Legislative public hearings shall not be conducted until after provision of required public notification in accordance with Section 2.4.6, Public Notice.
- ii. The legislative public hearing shall be open to the public and shall be conducted in accordance with the review authority's adopted rules of procedure for public hearings.
- iii. Attendees shall be afforded the opportunity to comment during a public hearing, as authorized in the adopted rules of procedure.

2. VOTING

- i. The review authority shall consider the application, relevant support materials, staff report, any recommendations, and public comments. After the conclusion of the public hearing, it shall make one of the decisions authorized for the particular type of application based on the review standards applicable to the application type, as set forth in Section §2.3, Application Types.
- ii. A review authority member shall not vote on an application where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member in accordance Section 160D-109 of the North Carolina General Statutes.

ARTICLE 2. APPLICATIONS

§2.4. Review Procedures - 2.4.7. Public Hearings and Meetings

- iii. A review authority member shall not vote on an application where the landowner or applicant is a person with whom the member has a close, familial, business, or other associational relationship.
- iv. A decision of the review authority on an application considered during a legislative public hearing shall be decided by a simple majority of the review authority members, excluding any members who are recused from voting due to a conflict of interest.

3. APPLICATION REVISION

- i. An applicant may revise an application during a legislative public hearing in response to recommendations or suggestions of the review authority.
- ii. In cases where a substantial change to an application is proposed following review by a prior review authority, the review authority deciding the application shall not make a decision on the application until after it is remanded to the prior review authority (ies) for consideration of the substantial change.
- iii. The review authority deciding the application may approve an application modified during a legislative public hearing provided that all changes are properly identified in the motion of approval and that any conditions of approval are consented to, in writing, by the applicant.
- iv. In cases where an application has been modified during a legislative public hearing, the applicant shall submit any necessary site plans, plats, or other documents depicting the modification to the appropriate County staff for consideration and approval prior to issuance of any development permit approvals.

4. REMAND

A review authority may remand the application to a prior review authority or County staff for further consideration of new information or specified issues or concerns, if appropriate.

5. RECORD

- i. A recording may be made of all public hearings and if made, the recordings shall be maintained in accordance with County policy.
- ii. Accurate minutes shall also be kept of all proceedings, but a transcript does need not to be made.

C. QUASI-JUDICIAL PUBLIC HEARINGS

Section §2.2, Application Summary Table, identifies the kinds of development applications decided following a quasi-judicial public hearing, which shall be conducted in accordance with State law, the review authority's rules of procedure, and the following requirements:

1. NOTICE REQUIRED

Quasi-judicial public hearings shall not be conducted until after provision of required public notification in accordance with Section 2.4.6, Public Notice.

2. OPPORTUNITY TO PRESENT TESTIMONY AND EVIDENCE

The applicant, the County, and any party in with standing shall be afforded a reasonable opportunity to present testimony and evidence in support of or in opposition to the application, and to ask questions of or cross examine the applicant, the applicant's representatives, County staff, and the County staff's representatives.

3. LIMITATION ON EVIDENCE

- i. The presiding officer may limit or exclude incompetent evidence, immaterial evidence, repetitive evidence, and personal attacks.
- ii. Decisions shall not be based upon hearsay evidence though such evidence may be entered into the record.

ARTICLE 2. APPLICATIONS

§2.4. Review Procedures - 2.4.7. Public Hearings and Meetings

- iii. Only evidence presented during the public hearing may be relied upon in making a decision on the application.

4. EX PARTE COMMUNICATION

Ex parte communications between an applicant or an affected party and a member of the review authority are prohibited. If it occurs, it shall be disclosed during the quasi-judicial public hearing.

5. VOTING

I. GENERALLY

The review authority shall consider the application, relevant support materials, staff report, any recommendations, and public comments. After the conclusion of the public hearing, it shall make one of the decisions authorized for the particular type of application based on the review standards applicable to the application type, as set forth in Section 6.3: Development Application Procedures.

II. CLEARLY STATE FACTORS FOR DECISION

Unless stated otherwise in this Ordinance, the decision shall reflect the review authority's determination of any contested facts and their application to the applicable standards.

III. CONFLICTS OF INTEREST

- a. A review authority member shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker.
- b. Impermissible violations of due process include but are not limited to: a member having a fixed opinion prior to hearing the matter that is not susceptible to change; an undisclosed ex parte communication; a close familial, business, or other associational relationship with an affected person; or a direct, substantial, and readily identifiable financial impact on the member.
- c. If an objection is raised to a member's participation and that member does not recuse themselves, the remaining members shall, by majority vote, rule on the objection.

6. APPLICATION REVISION

- i. An applicant may revise an application during a quasi-judicial public hearing in response to recommendations or suggestions of the review authority.
- ii. The review authority may approve an application modified during a quasi-judicial public hearing provided all changes are properly identified in the motion of approval by the review authority and that any conditions of approval are consented to, in writing, by the applicant.
- iii. In cases where an application has been modified during a quasi-judicial public hearing, the applicant shall submit any necessary site plans, plats, or other documents depicting the modification to the appropriate County staff prior to issuance of any development permit approvals.

7. DELAY OF DECISION

The review authority may delay a decision on the application if additional information is requested of the applicant.

8. RECORD

- i. A recording may be made of all public hearings and if made, the recordings shall be maintained in accordance with County policy.

ARTICLE 2. APPLICATIONS

§2.4. Review Procedures - 2.4.8. Conditions of Approval

- ii. Accurate minutes shall be kept of all proceedings, but a transcript does need not to be made.

D. PUBLIC MEETINGS

Section §2.2, Application Summary Table, identifies the kinds of development applications subject to a required public meeting, which shall be conducted in accordance with the review authority's rules of procedure and the following requirements:

1. PROCEDURE

- i. Public meetings shall not require prior public notice to the applicant or adjacent landowners, though it may be provided by the County on a case-by-case basis.
- ii. The public meeting shall be open to the public and shall be conducted in accordance with the review authority's adopted rules of procedure for public meetings.
- iii. There is no requirement to allow public comment or testimony during a public meeting, though it may be provided at the Chair or other presiding officer's discretion.

2. VOTING

- i. A decision of a review authority shall be decided by a simple majority of the members present and voting.
- ii. A review authority member shall recuse themselves from voting on an application where:
 - a. The outcome of the matter being considered is reasonably likely to have a direct, substantial, or readily identifiable financial impact on them or a member of their immediate family; or
 - b. In cases where there is a close familial, business, or other associational relationship with the landowner or applicant.

2.4.8. CONDITIONS OF APPROVAL

- A. Conditions of approval applied during the application review process shall be limited to those that address conformance of development and use of the site with County regulations and adopted plans and that address the impacts reasonably expected to be generated by the development or use of the site.
- B. Conditions shall be in writing and may be supplemented with text or plans and maps.
- C. Conditions of approval are typically limited to conditional rezoning and planned development district decisions as well as quasi-judicial decisions.
- D. No condition shall be made part of the application which:
 - 1. Specifies the ownership status, race, religion, or other characteristics of the occupants of housing units;
 - 2. Establishes a minimum size of a dwelling unit;
 - 3. Establishes a minimum value of buildings or improvements;
 - 4. Excludes residents based upon race, religion, or income; or
 - 5. Obligates the County to perform in any manner relative to the approval of the application or the development of the land.
- E. All conditions of approval shall be consented to, in writing, by all owners of land or applicants subject to the conditions.
- F. A stipulation by a review authority for further revision of an application or application materials, or for development to be configured in a certain way upon completion does not constitute a conditional of approval.

2.4.9. WRITTEN NOTICE OF DECISION

ARTICLE 2. APPLICATIONS

§2.4. Review Procedures - 2.4.10. Simultaneous Processing

A. CONTENT

The notification of a decision on a development application shall be issued in the name of the applicant or applicant's agent, as appropriate, directed to the address(es) identified in the application materials, and shall identify the following:

1. The land or matter subject to the application;
2. A reference to any approved plans, as appropriate;
3. The approved use(s), if any; and
4. Any conditions of approval or other applicable requirements.

B. TIMING

Except where otherwise stated in this Ordinance, the Planning Director shall provide the applicant written notification of a decision or action within 10 business days after a final decision on a development application.

C. COPY OF DECISION

1. In addition to providing the notification of a decision on an application to an applicant, the Planning Director shall make a copy of the decision available to anyone who submits a written request prior to the issuance of the decision.
2. The Planning Director shall also make a copy of the notice of decision available to the public in the County offices during normal business hours.

2.4.10. SIMULTANEOUS PROCESSING

- A. Whenever possible, the County shall process related development applications (e.g., a site plan, a zoning compliance permit, and a building permit) simultaneously or concurrently where possible, subject to applicable sequency provisions in [Section §2.3, Application Types](#).
- B. In the event a permit or development approval is a prerequisite to another permit or development approval (e.g., administrative adjustment or variance approval prior to a site plan approval), development may not take place until all prerequisite approvals are obtained. Approval of one development application does not guarantee approval of any subsequent development application.

2.4.11. EFFECT OF DEVELOPMENT APPROVAL

A. ASSIGNMENT

Application approvals under this Ordinance shall run with the land and may be transferred from one owner or assign to another. Any terms, requirements, or conditions shall also run with the land and shall be applicable to any persons who subsequently obtain an interest in all or any part of the land.

B. APPROVAL LIMITED

Approval of a development application in accordance with this Ordinance authorizes only the particular use, plan for development, or other specific activity approved.

C. PERMIT PREREQUISITE

In the event a permit or development approval is a prerequisite to another permit or development approval (e.g., administrative adjustment or variance approval prior to a site plan approval), development may not take place until all prerequisite approvals are obtained. Approval of one development application does not guarantee approval of any subsequent development application.

2.4.12. PHASED DEVELOPMENT

Nothing shall prohibit the construction of development in phases, sections, or portions, provided the development complies with the following:

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§2.4. Review Procedures - 2.4.13. Continuance or Withdrawal

- A.** Applications associated with phased development shall include plans that clearly identify each phase or stage, the location and extent of each phase or stage boundary, and the anticipated schedule of development (e.g., first stage, second stage, third stage, etc.).
- B.** Phased development may provide only the required public infrastructure or other required site features concurrently with the active phase(s) of the development.
- C.** Nothing shall limit the County from requiring the establishment of public infrastructure or required site features in a physical location outside of the active phase(s) of development if such provision is necessary, in the sole discretion of the review authority, for the development to function as required.
- D.** Provision of a performance guarantee (see Section 2.3.15, Performance Guarantee) shall not be sufficient in cases where a review authority determines that required public infrastructure or required site features outside an active phase must be provided to ensure development functionality.

2.4.13. CONTINUANCE OR WITHDRAWAL

An applicant may request that a review authority's consideration of a development application be continued or withdrawn by submitting a written request to the appropriate review authority.

A. PROCEDURE FOR APPLICATIONS SUBJECT TO A PUBLIC HEARING

- 1.** In cases where an applicant seeks a continuance of an application subject to a public hearing, but public notification of the hearing has not yet been provided, the Planning Director shall consider and decide the request.
- 2.** If public notification of the pending public hearing has been provided in accordance with this Ordinance, the request for continuance shall be placed on the public hearing agenda and be considered by the review authority. Additional public notification may be required for a continued application.
- 3.** A request for continuance may be approved in cases where the applicant needs additional time to prepare evidence, secure approval from outside agencies, bring the application into closer alignment with the County's adopted policy guidance or the requirements of this Ordinance, or for good cause, as determined by the review authority.

B. WITHDRAWAL

- 1.** An applicant may withdraw an application at any time.
- 2.** If an applicant withdraws an application for the same land after public notification two times within a single calendar year, the same application may not be resubmitted for a period of one year from the date of the second withdrawal.
- 3.** Application fees for withdrawn applications shall not be refunded.

2.4.14. RECONSIDERATION

A. APPLICATION DENIED

1. LEGISLATIVE DECISIONS

If a development application requiring a legislative public hearing is denied, no application proposing the same or similar development on all or part of the same site shall be submitted within one year after the date of denial unless the review authority approves a reduction in this time limit in accordance with Section 2.4.14.B, Reduction in Time Limit. For the purposes of this section, "the same or similar development" shall mean:

- i.** The same use type(s) in the same approximate location(s) as the denied application; or
- ii.** The same use type(s) in the same approximate building configuration (e.g., building height, floor area, massing) as the denied application.

2. QUASI-JUDICIAL DECISIONS

There is no time limit on resubmitting an application that is denied during a quasi-judicial public hearing provided that any subsequent application may not be similar or substantially similar to the application that was denied, in the sole discretion of the review authority responsible for the decision.

B. REDUCTION IN TIME LIMIT

The owner of land subject to this subsection, or the owner's authorized agent, may submit a written request for reduction of the time limit, along with a fee to defray the cost of processing the request, to the Planning Director, who shall transmit the request to the review authority. The review authority may grant the request only on a finding by two-thirds of its membership that the owner or agent has demonstrated that:

- 1.** There is a substantial change in circumstances relevant to the issues or facts considered during review of the prior application that might reasonably affect the review authority's application of the relevant review standards to the development proposed in the new application; or
- 2.** New or additional information is available that was not available at the time of review of the prior application and that might reasonably affect the review authority's application of the relevant review standards to the development proposed in the new application; or
- 3.** The new application proposed to be submitted is materially different from the prior application; or
- 4.** The final decision on the prior application was based on a material mistake of fact.

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§3.1. ARTICLE INTRODUCTION

3.1.1. ORGANIZATION OF THE DISTRICT STANDARDS

- A.** Section §3.1, Article Introduction, includes general information about the zoning districts in this Ordinance and how they are distinguished from one another as well as details about generally applicable dimensional requirements that are applied to all zoning districts. It also describes how incentives and alternative means of compliance can impact the otherwise applicable dimensional requirements in a particular zoning district.
- B.** Section §3.2, Conventional Zoning Districts, sets out the purpose statements, dimensional requirements, and district-specific standards for each of the nine conventional zoning districts in this Ordinance.
- C.** Section §3.3, Conditional Zoning Districts, describes the relationship between the conventional and conditional zoning districts, and sets out the additional standards applicable in the conditional zoning districts.
- D.** Section §3.4, Overlay Zoning Districts, sets out the applicable overlay districts in this Ordinance, and clarifies how overlay district standards apply in addition to the underlying conventional or conditional requirements.
- E.** Section §3.5, Planned Development District, sets out the district-specific standards applicable to land designated as a planned development in accordance with Section 2.3.16, Planned Development.
- F.** Section §3.6, Zoning Map, explains the process for interpreting and amending the Official Zoning Map.

3.1.2. DISTRICTS DISTINGUISHED

All land within the County's planning jurisdiction shall be in one or more of the following types of zoning districts:

- A.** All land subject to these standards shall be classified into one of the conventional, conditional, or planned development zoning districts identified in Table 3.1.3, Districts Established.
- B.** Land in any conventional, conditional, or planned development zoning district may also be classified into one or more overlay zoning districts.
- C.** In cases where land is within an overlay zoning district, the standards in the overlay district apply in addition to the standards governing development in the underlying conventional or planned development zoning district.
- D.** Conflicts between underlying and overlay zoning districts are addressed in accordance with Section §1.4, Conflict.
- E.** Land in the County's planning jurisdiction shall be classified or reclassified into a conventional, conditional, planned development, or overlay zoning district only in accordance with the procedures and requirements set forth in this Article, Section 2.3.7, Conventional Rezoning, Section 2.3.5, Conditional Rezoning, or Section 2.3.16, Planned Development, as appropriate.

3.1.3. DISTRICTS ESTABLISHED

Table 3.1.3, Zoning Districts Established, sets out the conventional, conditional, planned development, and overlay zoning districts established by this Ordinance.

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§3.1. Article Introduction

TABLE 3.1.3: ZONING DISTRICTS ESTABLISHED

CONVENTIONAL ZONING DISTRICTS		CORRESPONDING CONDITIONAL ZONING DISTRICTS	
ABBR.	DISTRICT NAME	ABBR.	DISTRICT NAME
RESIDENTIAL DISTRICTS			
AR-30	Rural Residential District	AR-30-C	Rural Residential- Conditional District
R-30	Single-Family Residential District	R-30-C	Single-Family Residential- Conditional District
R-20	Mixed Residential District	R-20-C	Mixed Residential- Conditional District
R-10	Multi-Family Residential District	R-10-C	Multi-Family Residential- Conditional District
BUSINESS DISTRICTS			
OI	Office and Institutional District	OI-C	Office and Institutional- Conditional District
B-1	Light Business District	B-1-C	Light Business- Conditional District
B-2	General Business District	B-2-C	General Business- Conditional District
INDUSTRIAL DISTRICTS			
M-1	Light Industrial District	M-1-C	Light Industrial- Conditional District
M-2	General Industrial District	M-2-C	General Industrial- Conditional District
OVERLAY ZONING DISTRICTS			
APO	Airport Overlay District		
FHO	Flood Hazard Overlay District		
WPO	Watershed Protection Overlay District		
PLANNED DEVELOPMENT DISTRICTS			
PD	Planned Development [1]		
NOTES:			
[1] Each development zoned planned development shall unique identifier (such as a number or a letter) to distinguish it from other areas also zoned planned development. No land shall be designated Planned Development (PD) until an application establishing the district is approved in accordance with Section 2.3.16, Planned Development.			

3.1.4. GENERALLY APPLICABLE DIMENSIONAL STANDARDS

The following standards apply to all development in the County unless otherwise indicated in this Ordinance or other applicable County regulations.

A. BUILDINGS

1. MAXIMUM BUILDING HEIGHT EXEMPTIONS

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- i. Except when located within the APO, the following features are exempted from the maximum building height requirements in this ordinance:
 - a) Spires, steeples, minarets, belfries, cupolas, domes, and similar architectural features not intended for human habitation;
 - b) Monuments, observation towers, and flag poles;
 - c) Water tanks, water towers, vent housings, elevator housings, skylights, and equipment covers;
 - d) Chimneys, vent pipes, smokestacks, or mechanical equipment;
 - e) Silos, grain elevators, derricks, and conveyors.
- ii. In the APO, all structures shall be subject to the maximum height limits and shall require a variance in accordance with [Section 2.3.26, Variance](#), when they project above the maximum height limitations or otherwise interfere with aerial navigation.
- iii. Communications towers and ham radio towers shall also be subject to the applicable requirements in [Article 4. Land Uses](#).
- iv. All buildings shall be subject to the requirements in the State Building Code and adopted Fire Codes, to the extent permitted by law.

2. MAXIMUM NUMBER OF PRINCIPAL BUILDINGS PER LOT

In no instance shall there be more than one principal building per lot, except as allowed by the following:

I. NONRESIDENTIAL GROUP DEVELOPMENT

Two or more principal non-residential buildings may be permitted on a single lot as a group development provided the development has been reviewed and approved in accordance with [Section 2.3.19, Site Plan](#) and provided that an access driveway to each building is maintained in passable condition for service and emergency vehicles.

II. MULTI-FAMILY DEVELOPMENT

Two or more principal residential buildings may be permitted on a single lot as a part of a multi-family development subject to the applicable use standards in [Section §4.3, Principal Use Standards](#), and approval of a site plan in accordance with [Section 2.3.19, Site Plan](#). Multi-family development shall be served by an access driveway to each building that is maintained in passable condition for service and emergency vehicles.

III. MANUFACTURED HOME PARK

Five or more principal manufactured home buildings may be permitted in a manufactured home park on a single lot, subject to approval of a site plan (see [Section 2.3.19 Site Plan](#)), and compliance with the standards in [Section 4.3.63, Manufactured Home Park](#).

IV. RESIDENTIAL GROUP DEVELOPMENT

Two or more principal single-family detached dwellings may be permitted on a single lot, provided:

- a) The development is subject to a site plan approval (see [Section 2.3.19, Site Plan](#));
- b) The lot is of sufficient size to allow it to be subdivided and each principal dwelling unit to be located on its own lot meeting the dimensional requirements (including building setbacks) for the zoning district where located; and
- c) The lot has sufficient wastewater treatment capacity as determined by the Edgecombe County Health Department.

V. LOTS WITH PRE-EXISTING SEPTIC SYSTEMS

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Single-family residential lots with pre-existing septic systems that were lawfully established prior to August 2, 1999, may have more than one principal dwelling provided:

- a) The septic or well systems do not require major repair, as defined by the Edgecombe County Health Department, in order to accommodate any of the dwellings; and
- b) The lot meets all other dimensional requirements of the zoning district where located except lot width.

B. LOTS

After November 1, 2021, any building erected or moved shall be located on a buildable lot. This requirement shall not apply to structures located in accordance with [Section 3.1.4.B.2, Special Purpose Lots](#).

1. MINIMUM LOT SIZE

- i. Except for special purpose lots, no lot established after November 1, 2021, shall be reduced in size or dimension such that noncompliance with respect to any dimensional requirement, setback, parking, landscaping, or other development standard is created.
- ii. Except for special purpose lots, all lots created after November 1, 2021, shall meet the minimum lot dimensional requirements for the district where located.
- iii. Corner lots shall be of sufficient size to ensure development may be configured in accordance with the standards in [Section 6.1.5, Sight Distance Triangles](#).

2. SPECIAL PURPOSE LOTS

Zoning district requirements related to street frontage, lot width, minimum lot area, and minimum lot dimensions shall not apply to special purpose lots, which shall be configured in accordance with the following:

I. LOTS DISTINGUISHED

Lots established for the sole purpose of family or church cemeteries, cluster mailbox units, guard houses, wastewater lift stations, wastewater treatment facilities, and similar utility uses shall be considered special purpose lots in accordance with these standards.

II. MINIMUM SIZE

A special purpose lot shall be permitted only after the Zoning Administrator or TRC, as appropriate, has determined if the proposed lot has sufficient dimensions to accommodate the intended use and any additional required elements.

III. ACCESS REQUIRED

If the special purpose lot does not have direct access to a public road, an easement for ingress and egress with a minimum width of ten feet shall be platted.

IV. IDENTIFICATION

The boundaries and purpose for all special purpose lots shall be included on preliminary and final plats.

C. SETBACKS

1. ALLOWABLE ENCROACHMENTS

- i. Features identified in the [Table 3.1.4, Allowable Encroachments](#), may encroach into a required setback or required yard but may not cross a lot line into a lot under separate ownership or a lot included as part of a separate development.
- ii. Regardless of the amount of permitted encroachment, features shall not:
 - a) Obstruct visibility for motorists, pedestrians, or bicyclists at any street, driveway, accessway, or intersection;

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- b) Obstruct access for vehicles, pedestrians, or bicyclists along streets, sidewalks, trails, or internal circulation routes; and
- c) Interfere with the function of infrastructure facilities.

TABLE 3.1.4: ALLOWABLE ENCROACHMENTS

FEATURE	MAXIMUM ALLOWABLE ENCROACHMENT INTO A REQUIRED YARD OR SETBACK
Canopy	May encroach into a required yard or setback, but be no closer than 20 feet from a lot line
Deck	May not encroach into required yards or setbacks
Fence or Privacy Wall	May encroach into required yards or setbacks
Flagpole of 30 feet or less	May encroach into a required yard or setback
Garage or Carport	May not encroach into required yards or setbacks
Landscaping	May encroach into required yards or setbacks
Off-Street Parking Area	May encroach into required yards or setbacks but may not be located within a required landscaping area
Outdoor Storage of Goods for Sale or Raw Materials	May not encroach into required yards or setbacks
Retaining Wall	Walls of five feet in height or less may encroach into required yards or setbacks
Roof Overhang	May encroach up to four feet into a required yard or setback but shall maintain a minimum height of nine feet above any right-of-way
Sign	May encroach into a required yard or setback
Stairs or Ramps	May encroach into required a yard or setback, but be no closer than five feet from the edge of street paving
Underground Structures	May not encroach into required yards or setbacks
Underground Utility Features (water, sewer, septic lines, etc.)	May encroach into required yards or setbacks as approved by the Edgecombe County Health Department
Wooden Walkway	May encroach into required yards or setbacks provided it maintains a maximum height of one foot or less above grade and five feet or less above water

2. GROUP DEVELOPMENTS

- i. Group developments that include multiple principal buildings as part of a single development, such as a multi-family, shopping center, or campus-style development, shall be subject to a perimeter setback from all boundary lot lines and are exempted from setbacks from lot lines internal to the development.
- ii. Individual principal and accessory buildings and structures within a group development shall be set back from one another in accordance with the building separation standards in the zoning district where located.

3. REDUCTIONS PROHIBITED

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Except where reduced as part of an administrative adjustment (see Section 2.3.1, Administrative Adjustment), planned development district (see Section 2.3.16, Planned Development), variance (see Section 2.3.26, Variance), or other authorized flexibility mechanism, setbacks shall be consistent with the standards in this section and the requirements for the zoning district where located.

4. SETBACKS FROM RIGHTS OF WAY

I. PREVAILING STREET SETBACK

Where 50 percent or more of the lots in a recorded subdivision on the same side of the street as the lot in question are developed with less than the required street setbacks for the zoning district where located, the average street setback of the two principal buildings nearest that lot shall be observed as the required minimum street setback.

II. FROM PLANNED BUT NOT COMPLETED STREETS

Where proposed street alignments are established in the County's adopted policy guidance, street setbacks shall be measured from the future or ultimate right-of-way line of the proposed street.

III. FROM PRIVATE STREETS

Street setbacks from private streets shall be measured from the edge of the platted private street right-of-way, platted private street easement, or from the centerline of the street if no right-of-way or easement is platted. When measuring from the centerline of a private street, the minimum setback distance shall be increased by an amount equal to one-half of the minimum right-of-way width associated with a public street of the same street classification in Section §6.4, Infrastructure.

5. STREET SETBACKS ON FLAG LOTS

Street setbacks on flag lots are determined from the lot line at the end of the 'flagpole' lying generally parallel to the road to which the flagpole connects. The 'flagpole' portion of the lot shall not be used to calculate building setbacks.

6. ZERO LOT LINE OPTION

Development comprised of single-family detached dwellings may be configured with zero lot lines in accordance with the following standards:

- i. The development shall be served by public sewer;
- ii. The development includes at least ten contiguous lots;
- iii. Zero setbacks are proposed only on lots bounded on both sides by lots located within the development employing the zero-lot line option;
- iv. The lot abutting a lot using a zero-lot line option includes a maintenance easement of at least five feet if the adjacent structure is one-story tall and ten feet if the adjacent structure is two or more stories in height;
- v. Only one of the two side lot lines is configured with the zero-lot line option; and
- vi. The side lot line on the opposite side of the lot is at least twice the minimum side setback distance.

D. YARDS

1. The land area between a lot line and the boundary of a required setback is considered as a required yard.
2. The location of front, side, street, or rear yards on irregularly shaped lots shall be determined by the Zoning Administrator. Wherever possible, the Zoning Administrator shall interpret these boundaries in ways that minimize nonconformities.

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3. Except where otherwise provided in Section 3.1.4.C.1, Allowable Encroachments, required yards shall not be subject to encroachment by a building, structure, or outdoor use area.

E. ZONING DESIGNATION IS SPLIT

Wherever a single lot is located within two or more different zoning districts, each portion of the lot shall be subject to all the regulations applicable to the zoning district where it is located.

3.1.5. INCENTIVES AND ALTERNATIVES

A. DENSITY BONUS FOR COMPLIANCE WITH DESIGN GUIDELINES

Unless otherwise indicated in this Ordinance, the maximum allowable residential density for single-family detached, single-family attached, and two-family dwellings in a conventional or conditional zoning district may be increased in accordance with the dimensional standards table for the zoning district where located based on voluntary compliance with Section 6.2.3, Single-Family Residential Design Guidelines. Increases in residential densities for compliance with design guidelines may be approved administratively.

B. DENSITY INCREASES FOR CONSERVATION SUBDIVISIONS

The maximum residential density may be increased to twice the maximum residential density of the underlying zoning district administratively. In no instance shall the density exceed the maximum allowable for development located within the Watershed Protection Overlay (WPO) district.

C. DIMENSIONAL STANDARD REVISIONS

Dimensional standards, including setbacks, applied within a particular zoning district may be reduced or revised with the approval of any of the following:

1. Section 2.3.1, Administrative Adjustment;
2. Section 2.3.6, Conservation Subdivision;
3. Section 2.3.26, Variance; or
4. Section 4.3.80, Pocket Neighborhood.

D. OTHER DEVIATIONS

Development standards may be reduced or varied with the approval of any of the following:

1. Section 6.8.8, Parking Flexibility;
2. Section 6.5.13 Planting Flexibility; or
3. Section §3.5, Planned Development District.

ARTICLE 3. DISTRICTS

§3.2. Conventional Zoning Districts

§3.2. CONVENTIONAL ZONING DISTRICTS

3.2.1. GENERAL BUSINESS (B-2) DISTRICT

A. B-2 DISTRICT PURPOSE STATEMENT

The General Business (B-2) district is intended to provide a wide range of general retail, business, and service uses to County residents. B-2 areas are typically located at major street intersections and along primary roadway corridors. Development in the B-2 district is comprised of a mix of individual buildings on individual sites and multi-tenant or multi-building developments. Multi-family and mixed-use forms of development are authorized in the district, and provision on upper floors of mixed-use buildings is encouraged. Uses in the district are subject to standards intended to ensure development is compatible with adjacent residential neighborhoods, ensure that the traffic carrying capacity along the County's major roadways is not impaired due to unsafe turning movements, and that development is well landscaped and aesthetically pleasing. In order to maintain compatibility with surrounding uses and ensure a high quality of development, all activities shall comply with the standards in [Article 6. Standards](#).

B. B-2 EXAMPLE DEVELOPMENT



ARTICLE 3. DISTRICTS

§3.2. Conventional Zoning Districts

C. B-2 DIMENSIONAL REQUIREMENTS

STANDARD	NON-RESIDENTIAL & MIXED-USE DEVELOPMENT	RESIDENTIAL DEVELOPMENT
Max. Residential Density (units/acre) [1]		
Two-Family Dwelling	•	2.9 [2]
Multi-Family Development	•	5
Assisted & Group Living Uses	•	4
Mixed-Use Development [3]	6	•
Minimum Lot Area (sq. ft.) [1]		
Two-Family Dwelling	•	15,000 [4]
1 st Multi-Family Unit	•	20,000
Each Additional Multi-Family Unit	•	6,000
Assisted & Group Living Uses	•	3,000/room
Mixed-Use Development [3]	40,000	•
Non-Residential Use	None Required	•
Minimum Lot Width (linear ft.)		
Two-Family Dwelling	•	125 [5]
Multi-Family Development	•	150 [5]
Assisted & Group Living Uses	•	100 [5]
Mixed-Use Development [3]	75	•
Non-Residential Use	75	•
Maximum Lot Coverage (% of lot area) [1]		
Two-Family Dwelling	•	30
Multi-Family Development	•	30
Assisted & Group Living Uses	•	45
Mixed-Use Development [3]	60; 100 if served by public water and sewer	•
Non-Residential Use		•
Minimum Street Setback (linear feet) [6] [7] [8]		
Two-Family Dwelling	•	25
Multi-Family Development	•	25
Assisted & Group Living Uses	•	25
Mixed-Use Development [3]	25	•
Non-Residential Use	25	•
Minimum Side Setback (linear feet) [6] [9] [10]		
Two-Family Dwelling	•	10
Multi-Family Development	•	12
Assisted & Group Living Uses	•	15
Mixed-Use Development [3]	5	•
Non-Residential Use	None [7]	•

ARTICLE 3. DISTRICTS

§3.2. Conventional Zoning Districts

B-2 DIMENSIONAL REQUIREMENTS (CONTINUED)

STANDARD	NON-RESIDENTIAL & MIXED-USE DEVELOPMENT	RESIDENTIAL DEVELOPMENT
Minimum Rear Yard Setback (linear feet) [6] [9] [10]		
Two-Family Dwelling	•	20
Multi-Family Development	•	20
Assisted & Group Living Uses	•	30
Mixed-Use Development [3]	5	•
Non-Residential Use	None	•
Minimum Perimeter Setback (for multi-building development) [6]		
Multi-Family Development	•	40
Assisted & Group Living Uses	•	40
Mixed-Use Development [3]	40	•
Non-Residential Use	40 [11]	•
Maximum Building Height (feet)		
Residential Development	•	35
Mixed-Use Development	45	•
Non-Residential Use	No Maximum	•

NOTES:

[1] Development located within the Watershed Protection Overlay (WPO) district shall comply with the applicable overlay district standards for density, lot area, and lot coverage.

[2] May be increased by one additional dwelling unit per acre for voluntary compliance with Section 6.2.3, Single-Family Residential Design Guidelines.

[3] Mixed-use development includes residential and non-residential use types on the same lot or within the same building.

[4] May be decreased to 8,140 sf per unit for voluntary compliance with Section 6.2.3, Single-Family Residential Design Guidelines.

[5] Lots bordering principal arterials, minor arterials, and major collectors shall maintain a minimum lot width of 200 linear feet.

[6] In cases where the State Building Code requires a larger setback, the State Building Code requirements shall control.

[7] Street setbacks are measured inwards from the edge of the right-of-way or the edge of pavement from private streets.

[8] In cases where a lot in the B-2 district abuts a residentially zoned lot with a larger setback, the applicable B-2 setback shall be increased to equal or exceed the applicable residential district setback.

[9] May be reduced in accordance with Section 3.1.4.C.4.i, Prevailing Street Setback.

[10] May be reduced in accordance with Section 3.1.4.C.6, Zero Lot Line Option.

[11] Buildings over 50 feet in height shall be setback one foot from side and rear lot lines for each foot of building height above 50 feet.

ARTICLE 3. DISTRICTS

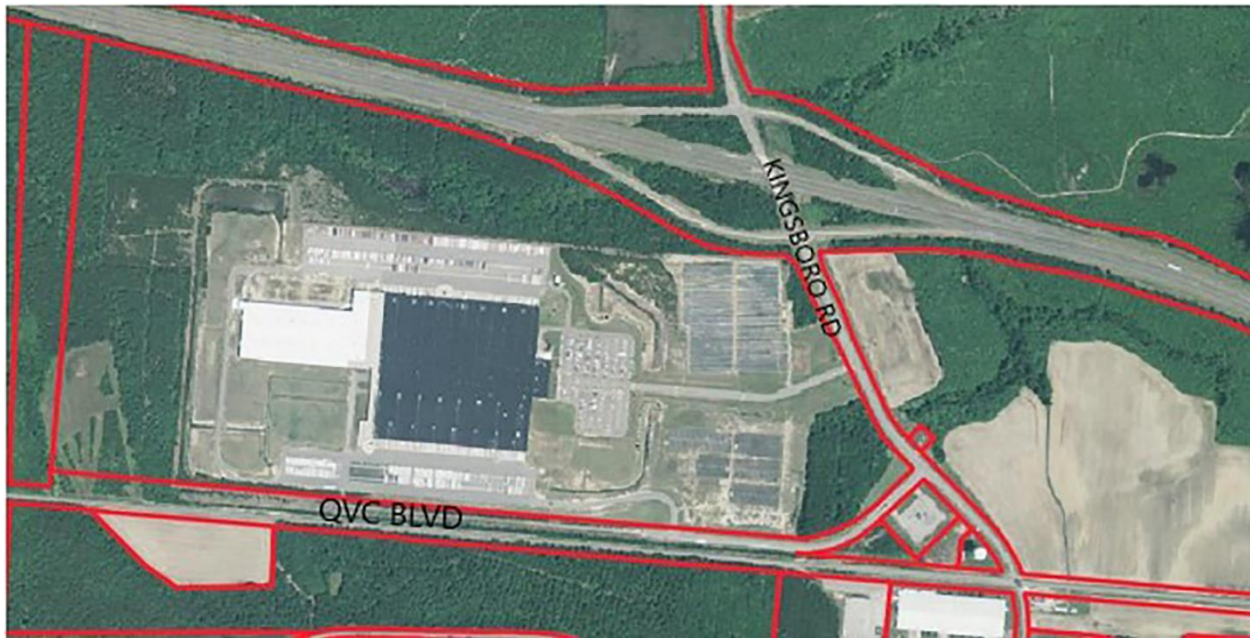
§3.2. Conventional Zoning Districts

3.2.2. GENERAL INDUSTRIAL (M-2) DISTRICT

A. M-2 DISTRICT PURPOSE STATEMENT

The General Industrial (M-2) district is established to accommodate heavy manufacturing, assembly, fabrication, processing, distribution, storage, and research and development. It is typically located in areas with good access to surface transportation by trucks and rail. Development takes place on larger lots and is often enclosed by security fencing. The district accommodates large-scale industrial uses including outdoor operations or storage with extensive movement of vehicles, materials, and goods, truck traffic and greater potential for adverse environmental and visual impacts on neighboring lands. The district also allows limited forms of heavier commercial use types, but residential development is prohibited (except for caretaker quarters as an accessory use). District standards are intended to prevent the establishment of any use types that would interrupt industrial operations. Development shall comply with all applicable standards in Article 6. Standards.

B. M-2 EXAMPLE DEVELOPMENT



ARTICLE 3. DISTRICTS

§3.2. Conventional Zoning Districts

C. M-2 DIMENSIONAL REQUIREMENTS

STANDARD	ALLOWABLE DEVELOPMENT
Max. Residential Density (units/acre) [1]	
Non-Residential Use	N/A
Minimum Lot Area (sq. ft.) [1]	
Non-Residential Use	No minimum
Minimum Lot Width (linear ft.)	
Non-Residential Use	100
Maximum Lot Coverage (% of lot area) [1]	
Non-Residential Use	60
Minimum Street Setback (linear feet) [2] [3] [4]	
Non-Residential Use	35
Minimum Side Setback (linear feet) [2] [5]	
Non-Residential Use	10 [6]
Minimum Rear Yard Setback (linear feet) [2] [5]	
Non-Residential Use	20 [6]
Minimum Perimeter Setback (for multi-building development) [2] [5]	
Non-Residential Use	40 [6]
Maximum Building Height (feet)	
Non-Residential Uses	No Maximum

NOTES:

[1] Development located within the Watershed Protection Overlay (WPO) district shall comply with the applicable overlay district standards for density, lot area, and lot coverage.

[2] In cases where the State Building Code requires a larger setback, the State Building Code requirements shall control.

[3] Street setbacks are measured inwards from the edge of the right-of-way or the edge of pavement from private streets.

[4] May be reduced in accordance with Section 3.1.4.C.4.i, Prevailing Street Setback.

[5] In cases where a lot in the M-2 district abuts a residentially zoned lot with a larger setback, the applicable M-2 setback shall be increased to equal or exceed the applicable residential district setback.

[6] Buildings over 50 feet in height shall be setback one foot from side and rear lot lines for each foot of building height above 50 feet.

ARTICLE 3. DISTRICTS

§3.2. Conventional Zoning Districts

3.2.3. LIGHT BUSINESS (B-1) DISTRICT

A. B-1 DISTRICT PURPOSE STATEMENT

The Light Business (B-1) district is intended for low intensity, neighborhood-serving commercial and mixed-use development around significant roadway intersections located along the edges of neighborhoods. The B-1 district provides employment, shopping, personal service, and entertainment uses for the benefit of nearby residents in a compact context. The district allows offices, personal services, and small-scale retail and a variety of institutional uses. As a means of providing additional housing options, the district allows two-family, multi-family, and upper story residential over ground-floor non-residential uses. Non-residential buildings are small-scale, with small footprints, and with building heights around two stories. Buildings are proximate to the street edge and off-street parking is well-screened from lower intensity uses. Industrial development and higher density residential uses are not permitted. District regulations discourage uses that are too intense or that draw the majority of their patrons from outside the immediate area. In order to maintain compatibility with surrounding uses and ensure a high quality of development, all activities shall comply with the standards in Article 6. Standards.

B. B-1 EXAMPLE DEVELOPMENT



ARTICLE 3. DISTRICTS

§3.2. Conventional Zoning Districts

C. B-1 DIMENSIONAL REQUIREMENTS

STANDARD	NON-RESIDENTIAL & MIXED-USE DEVELOPMENT	RESIDENTIAL DEVELOPMENT
Max. Residential Density (units/acre) [1]		
Two-Family Dwelling	•	2.9 [2]
Multi-Family Development	•	5
Assisted Living Uses	•	4
Mixed-Use Development [3]	6	•
Minimum Lot Area (sq. ft.) [1]		
Two-Family Dwelling	•	15,000 [3]
1 st Multi-Family Unit	•	20,000
Each Additional Multi-Family Unit	•	6,000
Assisted Living Uses	•	3,000/room
Mixed-Use Development [4]	40,000	•
Non-Residential Use	None Required	•
Minimum Lot Width (linear ft.)		
Two-Family Dwelling	•	125 [5]
Multi-Family Development	•	150 [5]
Assisted Living Uses	•	100 [5]
Mixed-Use Development [4]	75	•
Non-Residential Use	75	•
Maximum Lot Coverage (% of lot area) [1]		
Two-Family Dwelling	•	30
Multi-Family Development	•	30
Assisted Living Uses	•	45
Mixed-Use Development [4]	60; 100 if served by public water and sewer	•
Non-Residential Use		•
Minimum Street Setback (linear feet) [6] [7] [8]		
Two-Family Dwelling	•	25
Multi-Family Development	•	25
Assisted Living Uses	•	25
Mixed-Use Development [4]	25	•
Non-Residential Use	25	•
Minimum Side Setback (linear feet) [6] [9]		
Two-Family Dwelling	•	10
Multi-Family Development	•	12
Assisted Living Uses	•	15
Mixed-Use Development [4]	5	•
Non-Residential Use	None [9]	•

ARTICLE 3. DISTRICTS

§3.2. Conventional Zoning Districts

B-1 DIMENSIONAL REQUIREMENTS (CONTINUED)

STANDARD	NON-RESIDENTIAL & MIXED- USE DEVELOPMENT	RESIDENTIAL DEVELOPMENT
Minimum Rear Yard Setback (linear feet) [6] [9]		
Two-Family Dwelling	•	20
Multi-Family Development	•	20
Assisted Living Uses	•	30
Mixed-Use Development [4]	5	•
Non-Residential Use	None [8]	•
Minimum Perimeter Setback (for multi-building development) [6] [9]		
Multi-Family Development	•	40
Assisted Living Uses	•	40
Mixed-Use Development [4]	20	•
Non-Residential Use	20 [10]	•
Maximum Building Height (feet)		
Residential Development	•	35
Mixed-Use Development	45	•
Non-Residential Use	No Maximum	•

NOTES:

[1] Development located within the Watershed Protection Overlay (WPO) district shall comply with the applicable overlay district standards for density, lot area, and lot coverage.

[2] May be increased by one additional dwelling unit per acre for voluntary compliance with [Section 6.2.3, Single-Family Residential Design Guidelines](#).

[3] Mixed-use development includes residential and non-residential use types on the same lot or within the same building.

[4] May be reduced to 8,140 sf per unit for voluntary compliance with [Section 6.2.3, Single-Family Residential Design Guidelines](#).

[5] Lots bordering principal arterials, minor arterials, and major collectors shall maintain a minimum lot width of 200 linear feet.

[6] In cases where the State Building Code requires a larger setback, the State Building Code requirements shall control.

[7] Street setbacks are measured inwards from the edge of the right-of-way or the edge of pavement from private streets.

[8] May be reduced in accordance with [Section 3.1.4.C.4.i, Prevailing Street Setback](#).

[9] In cases where a lot in the B-1 district abuts a residentially zoned lot with a larger setback, the applicable B-1 setback shall be increased to equal or exceed the applicable residential district setback.

[10] Buildings over 50 feet in height shall be setback one foot from side and rear lot lines for each foot of building height above 50 feet.

ARTICLE 3. DISTRICTS

§3.2. Conventional Zoning Districts

3.2.4. LIGHT INDUSTRIAL (M-1) DISTRICT

A. M-1 DISTRICT PURPOSE STATEMENT

The Light Industrial (M-1) district is established to accommodate agricultural and light manufacturing uses, including assembly, fabrication, processing, distribution, storage, and wholesales sale of finished or semi-finished products from previously prepared materials. The district also allows commercial activities intended to serve the primary businesses in the district and their employees. Uses allowed in the district do not require large amounts of land or large building areas for operation nor large yard areas for isolation or protection from adjoining premises or activities. Activities take place almost entirely indoors and result in minimal exterior movement of vehicles, materials, and goods in areas around the district. Buildings are situated so as to have minimal visual impacts and are well-screened from adjacent lower intensity uses. Heavy industrial uses and uses with significant adverse impacts on adjoining lands, residential uses, and other low-intensity uses are prohibited. District standards are intended to prevent the establishment of any use types that would interrupt industrial operations. Development shall comply with all applicable standards in [Article 6. Standards](#).

B. M-1 EXAMPLE DEVELOPMENT



ARTICLE 3. DISTRICTS

§3.2. Conventional Zoning Districts

C. M-1 DIMENSIONAL REQUIREMENTS

STANDARD	ALLOWABLE DEVELOPMENT
Max. Residential Density (units/acre) [1]	
Non-Residential Use	N/A
Minimum Lot Area (sq. ft.) [1]	
Non-Residential Use	No minimum
Minimum Lot Width (linear ft.)	
Non-Residential Use	100
Maximum Lot Coverage (% of lot area) [1]	
Non-Residential Use	60
Minimum Street Setback (linear feet) [2] [3] [4]	
Non-Residential Use	35
Minimum Side Setback (linear feet) [2] [5]	
Non-Residential Use	10 [6]
Minimum Rear Yard Setback (linear feet) [2] [5]	
Non-Residential Use	20 [6]
Minimum Perimeter Setback (for multi-building development) [2] [5]	
Non-Residential Use	40 [6]
Maximum Building Height (feet)	
Non-Residential Uses	No Maximum

NOTES:

[1] Development located within the Watershed Protection Overlay (WPO) district shall comply with the applicable overlay district standards for density, lot area, and lot coverage.

[2] In cases where the State Building Code requires a larger setback, the State Building Code requirements shall control.

[3] Street setbacks are measured inwards from the edge of the right-of-way or the edge of pavement from private streets.

[4] May be reduced in accordance with Section 3.1.4.C.4.i, Prevailing Street Setback.

[5] In cases where a lot in the M-1 district abuts a residentially zoned lot with a larger setback, the applicable M-1 setback shall be increased to equal or exceed the applicable residential district setback.

[6] Buildings over 50 feet in height shall be setback one foot from side and rear lot lines for each foot of building height above 50 feet.

ARTICLE 3. DISTRICTS

§3.2. Conventional Zoning Districts

3.2.5. MIXED RESIDENTIAL (R-20) DISTRICT

A. R-20 DISTRICT PURPOSE STATEMENT

The Mixed Residential (R-20) district has a neighborhood-scale or character with individual developments arranged along major transportation corridors and within designated areas proximate to municipal areas. The district allows a wide variety of dwelling unit types at moderate densities of around two units per acre, though densities may be increased based on open space provision and design quality. Residential neighborhoods include a variety of different lot sizes and housing types to promote diverse housing options for County residents (though some require approval of special use permits). Landscaping and careful siting helps preserve compatibility between different housing types located adjacent to one another. Nonresidential uses are allowed though typically served by public potable water and sanitary wastewater services, and there is a fine-grained network of greenways and sidewalks that allow for mobility within and between neighborhoods. Residential uses maintain modest building heights of between one and three stories. Neighborhood-scale or low-intensity nonresidential and institutional uses like schools, religious institutions, parks, and minor utility uses are permitted to support neighborhood character and convenience. In order to maintain compatibility with surrounding uses and ensure a high quality of development, all activities shall comply with the standards in Article 6. Standards.

B. R-20 EXAMPLE DEVELOPMENT



ARTICLE 3. DISTRICTS

§3.2. Conventional Zoning Districts

C. R-20 DIMENSIONAL REQUIREMENTS

STANDARD	RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
Max. Residential Density (units/acre) [1]		
Single-Family Detached [2]	2.17 [3]	•
Single-Family Attached	3 [3]	•
Two-Family Dwelling	2 [3]	•
Conservation Subdivision	4.34	•
Manufactured Home Park	[4]	
Pocket Neighborhood	[5]	•
Minimum Lot Area (sq. ft.) [1] [6]		
Single-Family Detached [2]	20,000 [7]	•
Single-Family Attached	43,560 [8] [9]	•
Two-Family Dwelling	20,000 [7]	•
Conservation Subdivision	3,000	•
Manufactured Home Park	[4]	
Pocket Neighborhood	[5]	•
Non-Residential Use	•	20,000
Minimum Lot Width (linear ft.) [10]		
Single-Family Detached [2] (Amended 5-2-22 UDOTA 1-22)	125 [11]	•
Single-Family Attached	125 [8]	•
Two-Family Dwelling	125 [8]	•
Conservation Subdivision	125 [8]	•
Manufactured Home Park		
Pocket Neighborhood	125 [8]	•
Non-Residential Use	•	125
Maximum Lot Coverage (% of lot area) [1]		
Single-Family Detached [2]	30	•
Single-Family Attached	30 [8]	•
Two-Family Dwelling	30	•
Conservation Subdivision	90	•
Manufactured Home Park	[4]	
Pocket Neighborhood	[5]	•
Non-Residential Use	•	30
Minimum Street Setback (linear feet) [12] [13] [14]		
Single-Family Detached [2]	50 [15]	•
Single-Family Attached	20 [16]	•
Two-Family Dwelling	25	•
Conservation Subdivision	20 [16]	•
Manufactured Home Park	[4]	
Pocket Neighborhood	[5]	•
Non-Residential Use	•	35 [15]

ARTICLE 3. DISTRICTS

§3.2. Conventional Zoning Districts

R-20 DIMENSIONAL REQUIREMENTS (CONTINUED)

STANDARD	RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
Minimum Side Setback (linear feet) [13] [17]		
Single-Family Detached [2]	12 [18]	•
Single-Family Attached	0 [18]	•
Two-Family Dwelling	20	•
Conservation Subdivision	3	•
Manufactured Home Park	[4]	
Pocket Neighborhood	[5]	•
Non-Residential Use	•	25 [18]
Minimum Rear Yard Setback (linear feet) [13] [17]		
Single-Family Detached [2]	35 [18]	•
Single-Family Attached	0 [19]	•
Two-Family Dwelling	35 [18]	•
Conservation Subdivision	3	•
Manufactured Home Park	[4]	
Pocket Neighborhood	[5]	•
Non-Residential Use	•	35 [18]
Minimum Perimeter Setback (for multi-building development) [13]		
Single-Family Attached	40	•
Conservation Subdivision	40	•
Manufactured Home Park	[4]	
Pocket Neighborhood	40	•
Non-Residential Use	•	35
Maximum Building Height (feet)		
Residential Development	35	•
Non-Residential Use	•	35

NOTES:

[1] Development located within the Watershed Protection Overlay (WPO) district shall comply with the applicable overlay district standards for density, lot area, and lot coverage.

[2] Includes manufactured homes on individual lots.

[3] May be increased by one additional dwelling unit per acre for voluntary compliance with Section 6.2.3, Single-Family Residential Design Guidelines.

[4] See Section 4.3.63, Manufactured Home Park.

[5] See Table 4.3.80.C, Pocket Neighborhood Lot Configuration.

[6] In cases where public water or sewer is not available, the Edgecombe County Health Department may require a larger minimum lot area.

[7] May be decreased to 13,300 sf per unit for voluntary compliance with Section 6.2.3, Single-Family Residential Design Guidelines.

[8] This standard is applied to the development, not individual lots.

[9] Individual lots shall be at least 3,000 sf in area.

[10] Lots bordering principal arterials, minor arterials, and major collectors shall maintain a minimum lot width of 200 linear feet.

ARTICLE 3. DISTRICTS

§3.2. Conventional Zoning Districts

R-20 DIMENSIONAL REQUIREMENTS NOTES (continued):

[11] Lot widths may be reduced to a minimum of 80 feet when located within a subdivision of four or fewer lots and each lot fronts an interior subdivision street.

[12] Street setbacks are measured inwards from the edge of the right-of-way or the edge of pavement from private streets.

[13] In cases where the State Building Code requires a larger setback, the State Building Code requirements shall control.

[14] May be reduced in accordance with Section 3.1.4.C.4.i, Prevailing Street Setback.

[15] May be reduced to 25 feet from an interior subdivision street.

[16] Street setbacks from streets internal to a development may be reduced to five feet when no off-street parking is located on an individual lot. Street setbacks may be reduced to zero when the dwelling abuts a sidewalk.

[17] May be reduced in accordance with Section 3.1.4.C.6, Zero Lot Line Option.

[18] May be reduced to 8 feet when abutting an interior subdivision street.

[19] Buildings along the perimeter of a development shall maintain compliance with the perimeter setback requirements.

ARTICLE 3. DISTRICTS

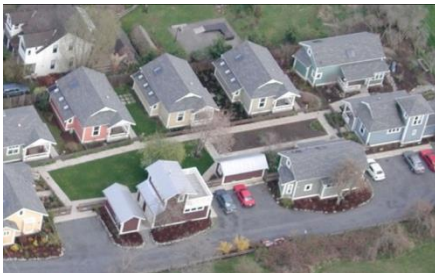
§3.2. Conventional Zoning Districts

3.2.6. MULTI-FAMILY RESIDENTIAL (R-10) DISTRICT

A. R-10 DISTRICT PURPOSE STATEMENT

The Multi-Family Residential (R-10) district is the most dense of the residential districts and allows a broad range of residential use types. The R-10 district is typically configured as a single development on one or two lots, though are also some examples of multiple lot developments throughout the County. Multi-family development is typically more dense than its immediate surroundings, and can also serve as an effective transition between single-family detached development and adjacent commercial or employment uses. Buildings in the R-10 district tend to have shared site access, shared building access, common site features (like recreation space) owned in common, and centralized service functions. Residential densities are slightly higher for most forms of allowable residential development than is permitted in the other residential districts, though multi-family density is double that in the other residential districts. Uses that are potentially detrimental to residential development are generally discouraged in the R-10 district. In order to maintain compatibility with surrounding uses and ensure a high quality of development, all activities shall comply with the standards in [Article 6. Standards](#).

B. R-10 EXAMPLE DEVELOPMENT



ARTICLE 3. DISTRICTS

§3.2. Conventional Zoning Districts

C. R-10 DIMENSIONAL REQUIREMENTS

STANDARD	RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
Max. Residential Density (units/acre) [1]		
Single-Family Detached [2]	4.35 [3]	•
Single-Family Attached	5 [3]	•
Two-Family Dwelling	2.9 [3]	•
Conservation Subdivision	8.70	•
Pocket Neighborhood	[4]	•
Multi-Family Development	5	•
Minimum Lot Area (sq. ft.) [1] [5]		
Single-Family Detached [2]	10,000 [6]	•
Single-Family Attached	43,560 [7] [8]	•
Two-Family Dwelling	15,000 [9]	•
Conservation Subdivision	3,000	•
Pocket Neighborhood	[4]	•
1 st Multi-Family Unit	20,000	•
Each Additional Multi-Family Unit	6,000	•
Non-Residential Use	•	10,000
Minimum Lot Width (linear ft.) [10]		
Single-Family Detached [2] (Amended 5-2-22 UDOTA 1-22)	125 [11]	•
Single-Family Attached	125 [7]	•
Two-Family Dwelling	125	•
Conservation Subdivision	125 [7]	•
Pocket Neighborhood	125 [7]	•
Multi-Family Development	150	•
Non-Residential Use	•	125
Maximum Lot Coverage (% of lot area) [1]		
Single-Family Detached [2]	30	•
Single-Family Attached	30 [7]	•
Two-Family Dwelling	30	•
Conservation Subdivision	90	•
Pocket Neighborhood	[4]	•
Multi-Family Development	30	•
Non-Residential Use	•	30
Minimum Street Setback (linear feet) [12] [13] [14]		
Single-Family Detached [2]	25	•
Single-Family Attached	20 [15]	•
Two-Family Dwelling	25	•
Conservation Subdivision	20 [15]	•
Pocket Neighborhood	[4]	•
Multi-Family Development	25	•
Non-Residential Use	•	35 [16]

ARTICLE 3. DISTRICTS

§3.2. Conventional Zoning Districts

R-10 DIMENSIONAL REQUIREMENTS (CONTINUED)

STANDARD	RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
Minimum Side Setback (linear feet) [12] [17]		
Single-Family Detached [2]	12 [18]	•
Single-Family Attached	0 [19]	•
Two-Family Dwelling	10 [18]	•
Conservation Subdivision	3	•
Pocket Neighborhood	[4]	•
Multi-Family Development	12 [18]	•
Non-Residential Use	•	15 [18]
Minimum Rear Yard Setback (linear feet) [12] [17]		
Single-Family Detached [2]	20 [18]	•
Single-Family Attached	0 [19]	•
Two-Family Dwelling	20 [18]	•
Conservation Subdivision	3	•
Pocket Neighborhood	[4]	•
Multi-Family Development	20 [18]	•
Non-Residential Use	•	30 [18]
Minimum Perimeter Setback (for multi-building development) [12]		
Single-Family Attached	40	•
Conservation Subdivision	40	•
Pocket Neighborhood	40	•
Multi-Family Development	40	•
Non-Residential Use	•	35
Maximum Building Height (feet)		
Residential Development	•	35
Non-Residential Use	35	•

NOTES:

[1] Development located within the Watershed Protection Overlay (WPO) district shall comply with the applicable overlay district standards for density, lot area, and lot coverage.

[2] Includes manufactured homes on individual lots.

[3] May be increased by one additional dwelling unit per acre for voluntary compliance with Section 6.2.3, Single-Family Residential Design Guidelines.

[4] See Table 4.3.80.C, Pocket Neighborhood Lot Configuration.

[5] In cases where public water or sewer is not available, the Edgecombe County Health Department may require a larger minimum lot area.

[6] May be decreased to 8,140 sf per unit for voluntary compliance with Section 6.2.3, Single-Family Residential Design Guidelines.

[7] This standard is applied to the development, not individual lots.

[8] Individual lots shall be at least 2,500 sf in area.

[9] May be decreased to 11,170 sf per unit for voluntary compliance with Section 6.2.3, Single-Family Residential Design Guidelines.

ARTICLE 3. DISTRICTS

§3.2. Conventional Zoning Districts

R-10 DIMENSIONAL REQUIREMENTS NOTES (continued):

[10] Lots bordering principal arterials, minor arterials, and major collectors shall maintain a minimum lot width of 200 linear feet.

[11] Lot widths may be reduced to a minimum of 80 feet when located within a subdivision of four or fewer lots and each lot fronts an interior subdivision street.

[12] In cases where the State Building Code requires a larger setback, the State Building Code requirements shall control.

[13] Street setbacks are measured inwards from the edge of the right-of-way or the edge of pavement from private streets.

[14] May be reduced in accordance with Section 3.1.4.C.4.i, Prevailing Street Setback.

[15] Street setbacks from streets internal to a development may be reduced to five feet when no off-street parking is located on an individual lot. Street setbacks may be reduced to zero when the dwelling abuts a sidewalk.

[16] May be reduced to 25 feet from an interior subdivision street.

[17] May be reduced in accordance with Section 3.1.4.C.6, Zero Lot Line Option.

[18] May be reduced to 8 feet when abutting an interior subdivision street.

[19] Buildings along the perimeter of a development shall maintain compliance with the perimeter setback requirements.

ARTICLE 3. DISTRICTS

§3.2. Conventional Zoning Districts

3.2.7. OFFICE AND INSTITUTIONAL (OI) DISTRICT

A. OI DISTRICT PURPOSE STATEMENT

The Office and Institutional (OI) District is established to accommodate office uses, institutional facilities, educational uses, research and development facilities, corporate headquarters, and residential and mixed uses in high quality single-building and multi-building developments. Buildings have a wide range of sizes and heights, based on their function. The district also accommodates the ancillary service uses necessary to support the predominant office and institutional development but is not intended as a retail district. Retail, personal service, and other commercial uses permitted as accessory to an office or institutional use should not occupy more than ten percent of the floor area and should be configured to minimize visibility from off-site areas. The OI district also serves as a transition area between higher intensity commercial uses and nearby lower density single-family residential neighborhoods. In order to maintain compatibility with surrounding uses and ensure a high quality of development, all activities shall comply with the standards in Article 6. Standards.

B. OI EXAMPLE DEVELOPMENT



ARTICLE 3. DISTRICTS

§3.2. Conventional Zoning Districts

C. OI DIMENSIONAL REQUIREMENTS

STANDARD	NON-RESIDENTIAL & MIXED-USE DEVELOPMENT	RESIDENTIAL DEVELOPMENT
Max. Residential Density (units/acre) [1]		
Single-Family Detached	•	4.35 [2]
Single-Family Attached	•	5 [2]
Two-Family Dwelling	•	2.9 [2]
Pocket Neighborhood	•	[3]
Multi-Family Development	•	5
Assisted & Group Living Uses	•	4
Mixed-Use Development [4]	6	•
Minimum Lot Area (sq. ft.) [1] [5]		
Single-Family Detached	•	10,000 [6]
Single-Family Attached	•	43,560 [7] [8]
Two-Family Dwelling	•	15,000 [9]
Pocket Neighborhood	•	[3]
1 st Multi-Family Unit	•	20,000
Each Additional Multi-Family Unit	•	6,000
Assisted & Group Living Uses	•	3,000/room
Mixed-Use Development [4]	40,000	•
Non-Residential Use	None Required	•
Minimum Lot Width (linear ft.)		
Single-Family Detached (Amended 5-2-22 UDOTA 1-22)	•	125 [10]
Single-Family Attached	•	125 [7] [11]
Two-Family Dwelling	•	125 [11]
Pocket Neighborhood	•	125 [7] [11]
Multi-Family Development	•	150 [11]
Assisted & Group Living Uses	•	100 [7] [11]
Mixed-Use Development [4]	75	•
Non-Residential Use	75	•
Maximum Lot Coverage (% of lot area) [1]		
Single-Family Detached	•	30
Single-Family Attached	•	30 [7]
Two-Family Dwelling	•	30
Pocket Neighborhood	•	[3]
Multi-Family Development	•	30
Assisted & Group Living Uses	•	45
Mixed-Use Development [4]	60; 100 if served by public water and sewer	•
Non-Residential Use		•

ARTICLE 3. DISTRICTS

§3.2. Conventional Zoning Districts

OI DIMENSIONAL REQUIREMENTS (CONTINUED)		
STANDARD	NON-RESIDENTIAL & MIXED-USE DEVELOPMENT	RESIDENTIAL DEVELOPMENT
Minimum Street Setback (linear feet) [12] [13] [114]		
Single-Family Detached	•	25
Single-Family Attached	•	20 [15]
Two-Family Dwelling	•	25
Pocket Neighborhood	•	[3]
Multi-Family Development	•	25
Assisted & Group Living Uses	•	25
Mixed-Use Development [4]	30	•
Non-Residential Use	30	•
Minimum Side Setback (linear feet) [12] [16]		
Single-Family Detached	•	12
Single-Family Attached	•	0 [17]
Two-Family Dwelling	•	10
Pocket Neighborhood	•	[3]
Multi-Family Development	•	12
Assisted & Group Living Uses	•	15
Mixed-Use Development [4]	10	•
Non-Residential Use	12	•
Minimum Rear Yard Setback (linear feet) [12] [16]		
Single-Family Detached	•	20
Single-Family Attached	•	0 [17]
Two-Family Dwelling	•	20
Pocket Neighborhood	•	[3]
Multi-Family Development	•	20 [17]
Assisted & Group Living Uses	•	30 [17]
Mixed-Use Development [4]	20 [17]	•
Non-Residential Use	20 [17]	•
Minimum Perimeter Setback (for multi-building development) [12]		
Single-Family Attached	•	40
Pocket Neighborhood	•	40
Multi-Family Development	•	40
Assisted & Group Living Uses	•	40
Mixed-Use Development [4]	35	•
Non-Residential Use	35	•
Maximum Building Height (feet)		
Residential Development	•	35
Mixed-Use Development	45	•
Non-Residential Use	No Maximum	•

ARTICLE 3. DISTRICTS

§3.2. Conventional Zoning Districts

OI DIMENSIONAL REQUIREMENTS NOTES:

- [1] Development located within the Watershed Protection Overlay (WPO) district shall comply with the applicable overlay district standards for density, lot area, and lot coverage.
- [2] May be increased by one additional dwelling unit per acre for voluntary compliance with Section 6.2.3, Single-Family Residential Design Guidelines.
- [3] See Table 4.3.80.C, Pocket Neighborhood Lot Configuration.
- [4] Mixed-use development includes residential and non-residential use types on the same lot or within the same building.
- [5] In cases where public water or sewer is not available, the Edgecombe County Health Department may require a larger minimum lot area.
- [6] May be decreased to 8,140 sf per unit for voluntary compliance with Section 6.2.3, Single-Family Residential Design Guidelines.
- [7] This standard is applied to the development, not individual lots.
- [8] Individual lots shall be at least 2,500 sf in area.
- [9] May be decreased to 11,170 sf per unit for voluntary compliance with Section 6.2.3, Single-Family Residential Design Guidelines.
- [10] Lot widths may be reduced to a minimum of 80 feet when located within a subdivision of four or fewer lots and each lot fronts an interior subdivision street.
- [11] Lots bordering principal arterials, minor arterials, and major collectors shall maintain a minimum lot width of 200 linear feet.
- [12] In cases where the State Building Code requires a larger setback, the State Building Code requirements shall control.
- [13] Street setbacks are measured inwards from the edge of the right-of-way or the edge of pavement from private streets.
- [14] May be reduced in accordance with Section 3.1.4.C.4.i, Prevailing Street Setback.
- [15] Street setbacks from streets internal to a development may be reduced to five feet when no off-street parking is located on an individual lot. Street setbacks may be reduced to zero when the dwelling abuts a sidewalk.
- [16] In cases where a lot in the OI district abuts a residentially zoned lot with a larger setback, the applicable OI setback shall be increased to equal or exceed the applicable residential district setback.
- [17] Buildings along the perimeter of a development shall maintain compliance with the perimeter setback requirements.

ARTICLE 3. DISTRICTS

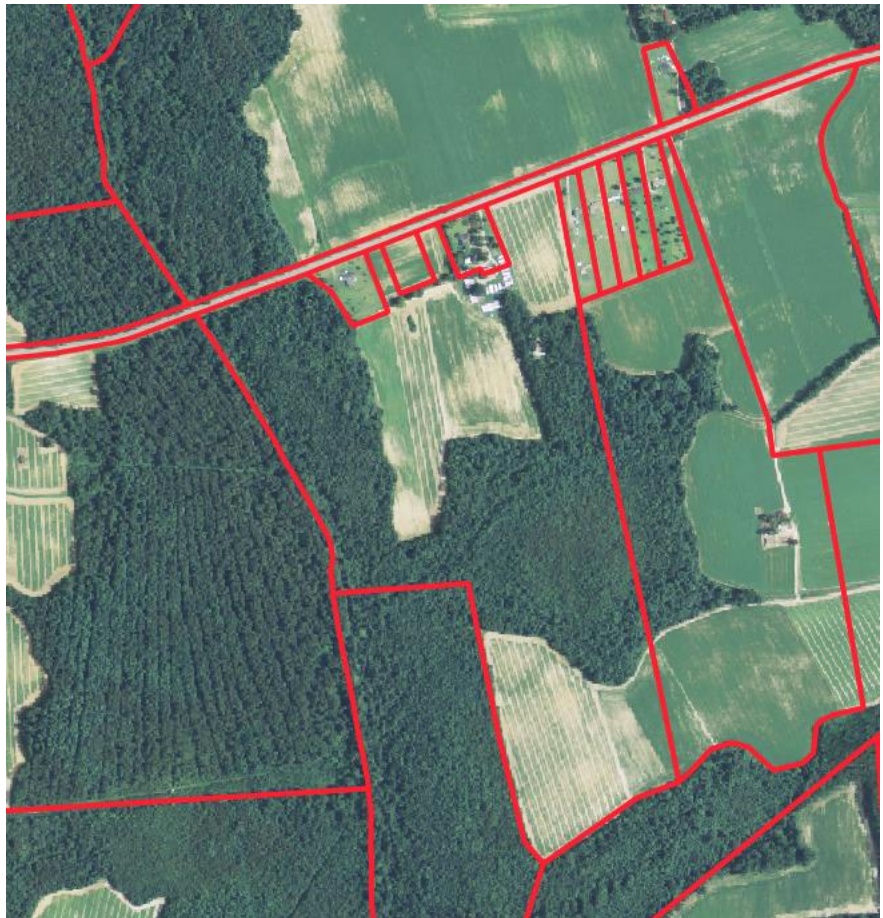
§3.2. Conventional Zoning Districts

3.2.8. RURAL RESIDENTIAL (AR-30) DISTRICT

A. AR-30 DISTRICT PURPOSE STATEMENT

The Rural Residential (AR-30) district is established to protect rural and undeveloped land from premature development at densities that are inconsistent with the County's adopted policy guidance. The district is also intended to protect established and future agricultural and forestry activities. Protection of rural character and appearance is a central goal of the district, and as such, all residential subdivisions of five or more lots are configured as a conservation subdivision (see [Section 2.3.6, Conservation Subdivision](#)) unless each lot in the subdivision is larger than 10 acres in area. A limited range of supporting institutional and agricultural land uses are permitted and uses requiring public utilities like potable water and sewer service are discouraged. All development in the district shall be in accordance with the dimensional requirements in this section and the applicable use standards in Article 4, Land Uses. In order to maintain compatibility with surrounding uses and ensure a high quality of development, all activities shall comply with the standards in [Article 6. Standards](#).

B. AR-30 EXAMPLE DEVELOPMENT



ARTICLE 3. DISTRICTS

§3.2. Conventional Zoning Districts

C. AR-30 DIMENSIONAL REQUIREMENTS		
STANDARD	RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
Max. Residential Density (units/acre) [1]		
Single-Family Detached [2]	1.45 [3]	•
Conservation Subdivision	2.9	•
Assisted & Group Living	2	•
Minimum Lot Area (sq. ft.) [1] [4]		
Single-Family Detached [2]	30,000 [5]	•
Conservation Subdivision	3,000	•
Assisted & Group Living	3,000/room	•
Non-Residential Use	•	30,000
Minimum Lot Width (linear ft.) [6]		
Single-Family Detached [2] (Amended 5-2-22 UDOTA 1-22)	125 [7]	•
Conservation Subdivision	125 [8]	•
Assisted & Group Living	125	•
Non-Residential Use	•	125
Maximum Lot Coverage (% of lot area) [1]		
Single-Family Detached [2]	30	•
Conservation Subdivision	90	•
Assisted & Group Living	30	•
Non-Residential Use	•	30
Minimum Street Setback (linear feet) [9] [10] [11] [12]		
Single-Family Detached [2]	50	•
Conservation Subdivision	20 [13]	•
Assisted & Group Living	40	•
Non-Residential Use	•	35
Minimum Side Setback (linear feet) [9] [14]		
Single-Family Detached [2]	12 [15]	•
Conservation Subdivision	3	•
Assisted & Group Living	12 [15]	•
Non-Residential Use	•	15 [15]
Minimum Rear Yard Setback (linear feet) [9] [14]		
Single-Family Detached [2]	35 [15]	•
Conservation Subdivision	3	•
Assisted & Group Living	35 [15]	•
Non-Residential Use	•	35 [15]
Minimum Perimeter Setback (for multi-building development) [9]		
Assisted & Group Living	40	•
Conservation Subdivision	40	•
Non-Residential Use	•	40
Maximum Building Height (feet)		
Residential Development	35	•
Non-Residential Use	•	35

ARTICLE 3. DISTRICTS

§3.2. Conventional Zoning Districts

AR-30 DIMENSIONAL REQUIREMENTS NOTES:

- [1] Development located within the Watershed Protection Overlay (WPO) district shall comply with the applicable overlay district standards for density, lot area, and lot coverage.
- [2] Includes manufactured homes on individual lots.
- [3] May be increased by one additional dwelling unit per acre for voluntary compliance with Section 6.2.3, Single-Family Residential Design Guidelines.
- [4] In cases where public water or sewer is not available, the Edgecombe County Health Department may require a larger minimum lot area.
- [5] May be decreased to 17,800 sf per unit for voluntary compliance with Section 6.2.3, Single-Family Residential Design Guidelines.
- [6] Lots bordering principal arterials, minor arterials, and major collectors shall maintain a minimum lot width of 200 linear feet.
- [7] Lot widths may be reduced to a minimum of 80 feet when located within a subdivision of four or fewer lots and each lot fronts an interior subdivision street.
- [8] This standard is applied to the development, not individual lots.
- [9] In cases where the State Building Code requires a larger setback, the State Building Code requirements shall control.
- [10] Street setbacks are measured inwards from the edge of the right-of-way or the edge of pavement from private streets.
- [11] May be reduced in accordance with Section 3.1.4.C.4.i, Prevailing Street Setback.
- [12] Street setbacks from streets internal to a development may be reduced to five feet when no off-street parking is located on an individual lot. Street setbacks may be reduced to zero when the dwelling abuts a sidewalk.
- [13] May be reduced to 25 feet from an interior subdivision street.
- [14] May be reduced in accordance with Section 3.1.4.C.6, Zero Lot Line Option.
- [15] May be reduced to 8 feet when abutting an interior subdivision street.

ARTICLE 3. DISTRICTS

§3.2. Conventional Zoning Districts

3.2.9. SINGLE-FAMILY RESIDENTIAL (R-30) DISTRICT

A. R-30 DISTRICT PURPOSE STATEMENT

The Single-Family Residential (R-30) district has a suburban character typically comprised of single-family detached residential uses in numerous locations throughout the County's planning jurisdiction. Allowable residential densities are around one and one-half units an acre but may be increased based on design quality or open space provision. Lot sizes are generally larger than in neighborhoods and more urbanized portions of the County and tend to be landscaped or include undisturbed vegetation. Most uses are not served by public potable water and sanitary wastewater services, though neighborhood-scale water and wastewater facilities may be present. Most buildings are low-rise in height, or between one and three stories tall. Off-street parking is common. Neighborhood-scale or low-intensity nonresidential and institutional uses like schools, religious institutions, parks, and minor utility uses are allowed, provided they do not detract from the quiet, residential character of the district. In order to maintain compatibility with surrounding uses and ensure a high quality of development, all activities shall comply with the standards in [Article 6. Standards](#).

B. R-30 EXAMPLE DEVELOPMENT



ARTICLE 3. DISTRICTS

§3.2. Conventional Zoning Districts

C. R-30 DIMENSIONAL REQUIREMENTS

STANDARD	RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
Max. Residential Density (units/acre) [1]		
Single-Family Detached [2]	1.45 [3]	•
Conservation Subdivision	2.9	•
Pocket Neighborhood	[4]	•
Assisted & Group Living	2	•
Minimum Lot Area (sq. ft.) [1] [5]		
Single-Family Detached [2]	30,000 [6]	•
Conservation Subdivision	3,000	•
Pocket Neighborhood	[4]	•
Assisted & Group Living	3,000/room	•
Non-Residential Use	•	30,000
Minimum Lot Width (linear ft.) [7]		
Single-Family Detached [2]	125 [8]	•
Conservation Subdivision	125 [9]	•
Pocket Neighborhood	125 [9]	•
Assisted & Group Living	125	•
Non-Residential Use	•	125
Maximum Lot Coverage (% of lot area) [1]		
Single-Family Detached [2]	30	•
Conservation Subdivision	90	•
Pocket Neighborhood		•
Assisted & Group Living	30	•
Non-Residential Use	•	30
Minimum Street Setback (linear feet) [10] [11] [12] [13]		
Single-Family Detached [2]	50	•
Conservation Subdivision	20 [14]	•
Pocket Neighborhood	20 [14]	•
Assisted & Group Living	40	•
Non-Residential Use	•	35
Minimum Side Setback (linear feet) [10] [15]		
Single-Family Detached [2]	12 [16]	•
Conservation Subdivision	3	•
Pocket Neighborhood	[3]	•
Assisted & Group Living	12 [16]	•
Non-Residential Use	•	15 [16]
Minimum Rear Yard Setback (linear feet) [10] [15]		
Single-Family Detached [2]	35 [16]	•
Conservation Subdivision	3	•
Pocket Neighborhood	[3]	•
Assisted & Group Living	35 [16]	•
Non-Residential Use	•	35 [16]

ARTICLE 3. DISTRICTS

§3.2. Conventional Zoning Districts

R-30 DIMENSIONAL REQUIREMENTS (CONTINUED)

STANDARD	RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
Minimum Perimeter Setback (for multi-building development) [10]		
Assisted & Group Living	40	•
Conservation Subdivision	40	•
Pocket Neighborhood	40	•
Non-Residential Use	•	40
Maximum Building Height (feet)		
Residential Development	35	•
Non-Residential Use	•	35

NOTES:

[1] Development located within the Watershed Protection Overlay (WPO) district shall comply with the applicable overlay district standards for density, lot area, and lot coverage.

[2] Includes manufactured homes on individual lots.

[3] May be increased by one additional dwelling unit per acre for voluntary compliance with Section 6.2.3, Single-Family Residential Design Guidelines.

[4] See Table 4.3.80.C, Pocket Neighborhood Lot Configuration.

[5] In cases where public water or sewer is not available, the Edgecombe County Health Department may require a larger minimum lot area.

[6] May be decreased to 17,800 sf per unit for voluntary compliance with Section 6.2.3, Single-Family Residential Design Guidelines.

[7] Lots bordering principal arterials, minor arterials, and major collectors shall maintain a minimum lot width of 200 linear feet.

[8] Lot widths may be reduced to a minimum of 80 feet when located within a subdivision of four or fewer lots and each lot fronts an interior subdivision street.

[9] This standard is applied to the development, not individual lots.

[10] In cases where the State Building Code requires a larger setback, the State Building Code requirements shall control.

[11] Street setbacks are measured inwards from the edge of the right-of-way or the edge of pavement from private streets.

[12] May be reduced in accordance with Section 3.1.4.C.4.i, Prevailing Street Setback.

[13] May be reduced to 25 feet from an interior subdivision street.

[14] Street setbacks from streets internal to a development may be reduced to five feet when no off-street parking is located on an individual lot. Street setbacks may be reduced to zero when the dwelling abuts a sidewalk.

[15] May be reduced in accordance with Section 3.1.4.C.6, Zero Lot Line Option.

[16] May be reduced to 8 feet when abutting an interior subdivision street.

ARTICLE 3. DISTRICTS

§3.3. Conditional Zoning Districts

§3.3. CONDITIONAL ZONING DISTRICTS

3.3.1. PURPOSE AND INTENT

The purpose of this conditional zoning districts section is to establish the applicable standards for conditional zoning districts available for establishment in accordance with [Section 2.3.5, Conditional Rezoning](#). More specifically, these standards are intended to:

- A.** Provide an alternative to conventional zoning districts when a conventional zoning district may allow a range of uses that could have adverse impacts on public facilities or surrounding lands;
- B.** Create an adequate amount of flexibility in addressing the standards of this Ordinance to accommodate unique site-specific conditions or contexts;
- C.** Allow a landowner to propose, and the Board of County Commissioners to consider, additional conditions or restrictions on the range of allowable uses, use-specific standards, development intensities, development standards, and other applicable regulations;
- D.** Allow a landowner to propose, and the Board of County Commissioners to consider, a reduction in some development standards that would otherwise apply, in accordance with these standards;
- E.** Identify the range of development standards that may not be reduced or varied as part of a conditional rezoning application; and
- F.** Establish a legislative means to accommodate desirable development while avoiding or addressing anticipated problems that may arise from the proposed development.

3.3.2. CREATION

Land shall be classified into a conditional zoning district only in accordance with the procedures and requirements set forth in [Section 2.3.5, Conditional Rezoning](#).

3.3.3. DISTRICTS ESTABLISHED

The conditional zoning districts, each bearing the designation “C” after the district name, are established in [Table 3.1.3, Districts Established](#), based on a corresponding conventional zoning district in this Ordinance.

3.3.4. CONDITIONS, GENERALLY

Applications for the establishment of a conditional zoning district shall include conditions proposed in accordance with the following standards:

- A.** Conditions associated with a conditional zoning district may be proposed by an applicant or the Board of County Commissioners. Regardless of how proposed, only those conditions agreed to by both the applicant and the Board of County Commissioners shall be included in the approved conditional rezoning.
- B.** Conditions shall be subject to the standards in [Section 2.4.8, Conditions of Approval](#).
- C.** All conditions of approval shall be consented to, in writing, by the applicant, prior to issuance of a zoning compliance permit.
- D.** Conditions associated with a conditional rezoning application may be either more restrictive or less restrictive than the standards applicable to the parallel conventional zoning district, subject to the provisions in [Section 3.3.5, Limitations on Reductions](#).
- E.** In cases where proposed conditions are less restrictive than the applicable requirements for the conventional zoning district, the applicant shall provide an explanation as to why the proposed condition(s) is necessary, and the ways in which approval of the less restrictive condition(s) will result in development that is in closer alignment with the provisions in [Section §1.7, Purpose and Intent](#), and the County’s adopted policy guidance.

ARTICLE 3. DISTRICTS

§3.3. Conditional Zoning Districts

- F.** Applicants are strongly encouraged to provide mitigation for any potential negative impacts anticipated to result from proposed conditions that are less restrictive than the parallel conventional zoning district requirements.

3.3.5. LIMITATIONS ON REDUCTIONS

In no instance shall any of the following standards in this Ordinance be waived or reduced as part of an application for a conditional rezoning:

- A.** Any of the applicable overlay district standards in Section §3.4, Overlay Zoning Districts;
- B.** The maximum allowable residential density, unless the landowner complies with the applicable provisions in Section 3.1.5, Incentives and Alternatives;
- C.** Any applicable conservation subdivision standards in Section 2.3.6, Conservation Subdivision;
- D.** Any applicable design standards or guidelines in Section §6.2, Design Standards and Guidelines; or
- E.** Any applicable standards in Section §6.4, Infrastructure.

3.3.6. CONCEPT PLAN REQUIRED

- A.** All applications to establish a conditional zoning district classification shall include a general written description of the proposed development configuration and associated conditions and be supplemented with one of the following:
 - 1.** A conceptual plan depicting the generalized location of proposed development and site features of sufficient detail to depict the proposed conditions; or
 - 2.** A detailed plan meeting the minimum requirements for a site plan (see Section 2.3.19, Site Plan) that depicts building placement(s) and size(s) as well as the configuration of all site features along with the proposed conditions.
- B.** Development proposed in a conditional rezoning application that does not include a detailed plan described in sub-section (A.2) above shall be subject to the requirements and procedures in Section 2.3.19, Site Plan, prior to the issuance of a zoning compliance permit.
- C.** In cases where the plan associated with a conditional rezoning is detailed and meets the minimum requirements for a site plan in the opinion of the Board of County Commissioners, the applicant shall request, and the Board of County Commissioners may grant an exemption from subsequent site plan review.
- D.** Review of a proposed concept or detailed plan shall take place by the Technical Review Committee to ensure technical feasibility of the development proposal prior to review of the conditional rezoning application by the Planning Board.
- E.** If a site plan review exemption is granted by the Board of County Commissioners, the proposed development shall fully comply with the development configuration depicted in the conditional rezoning application. Failure to comply with the plan approved as part the conditional rezoning shall require an amendment of the conditional rezoning application in accordance with Section 2.3.19.F, Amendment.

3.3.7. COMPLIANCE WITH CONVENTIONAL DISTRICT REQUIREMENTS

Unless specifically modified in accordance with an approved condition, development in a conditional zoning district shall be subject to all the use and development standards and requirements that apply to development in the parallel conventional zoning district.

3.3.8. COMPLIANCE WITH SUBDIVISION REQUIREMENTS

ARTICLE 3. DISTRICTS

§3.3. Conditional Zoning Districts

Conditional rezoning proposals that include the division of land into two or more lots shall be subject to the subdivision standards in Section §6.13, Subdivision Design, and shall be subject to the requirements of Section 2.3.17, Preliminary Plat, and Section 2.3.13, Final Plat, as required by State law prior to the issuance of a building permit.

3.3.9. RELATIONSHIP TO OVERLAY DISTRICT STANDARDS

Regulations governing development in an overlay zoning district shall apply in addition to the regulations governing development in the conditional zoning district.

ARTICLE 3. DISTRICTS

§3.4. Overlay Zoning Districts

§3.4. OVERLAY ZONING DISTRICTS

3.4.1. GENERALLY

A. PURPOSE

Overlay zoning districts are superimposed over either all or a portion of one or more underlying conventional, conditional, or planned development zoning districts with the intent of supplementing generally applicable zoning district regulations with additional requirements that address special area-specific conditions, features, or plans while maintaining the character and purposes of the underlying zoning district.

B. CLASSIFICATION

Land shall be classified or reclassified into an overlay zoning district only in accordance with the procedures and requirements set forth in [Section 2.3.7, Conventional Rezoning](#), and [Section 3.4.1.D, Process for Amendment](#).

C. RELATIONSHIP TO UNDERLYING ZONING DISTRICTS

1. Regulations governing development in an overlay zoning district shall apply in addition to the regulations governing development in the underlying conventional, conditional, or planned development zoning district, unless otherwise expressly stated.
2. Conflicts between underlying and overlay zoning districts are resolved in accordance with [Section §1.4, Conflict](#).
3. Where land is classified into multiple overlay zoning districts and the standards governing one overlay zoning district expressly conflict with those governing another overlay district, the most restrictive standard shall apply.

D. PROCESS FOR AMENDMENT

Overlay zoning district language shall only be amended in accordance with the standards listed in this section.

3.4.2. AIRPORT OVERLAY (APO) DISTRICT

A. PURPOSE

The airport zoning regulations, adopted and prescribed in this Ordinance, are found by the Board of Commissioners to be necessary and appropriate to:

1. Prevent the creation or establishment of obstructions that are a hazard to air navigation;
2. Prevent the types of lighting and markings that are a hazard to air navigation;
3. Prevent the types of electronic impulses or signals that would interfere with radio communications between aircraft and the Tarboro-Edgecombe County Airport; and
4. Restrict the allowable land uses in the immediate vicinity of the approaches and traffic patterns of the Tarboro-Edgecombe County Airport to non-residential uses that do not involve high population concentrations and that are not significantly impacted by high levels of aircraft noise.

B. INTENT

It is the intent of these standards to:

1. Restrain influences which are averse to the airport property and safe conduct of aircraft in the vicinity of the Tarboro-Edgecombe County Airport;
2. Prevent creation of conditions hazardous to aircraft operation;
3. Prevent conflict with land development which may result in loss of life and property; and
4. To encourage development which is compatible with airport use characteristics within the intent and purpose of zoning.

C. DEFINITIONS

ARTICLE 3. DISTRICTS

§3.4. Overlay Zoning Districts

The definitions in Table 3.4.2, APO District Definitions, shall apply to all development located within the APO district. These definitions shall not apply to the same or similar terms as used in areas outside the APO. Rather, definitions in other portions of this Ordinance shall apply.

TABLE 3.4.2: APO DISTRICT DEFINITIONS

TERM	DEFINITION
AIRPORT	Tarboro-Edgecombe County Airport.
AIRPORT ELEVATION	The highest point of the airport's useable landing area measured in feet above mean sea level (52.0').
APPROACH SURFACE	A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope.
APPROACH ZONES	The inner edge approach zone coincides with the width of the primary surface and begins 200 feet from the runway end and is 500 feet wide. The approach zone expands outward uniformly to a width of 2,000 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
CONICAL SURFACE	A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 4,000 feet.
CONICAL ZONE	The conical zone is established on the area that commences at the periphery of the horizontal zone and extends outward therefrom for a distance of 4,000 feet and upward at a slope of 20:1.
HAZARD TO NAVIGATION	An obstruction determined to have a substantial adverse effect on the safety and efficient utilization of the navigable airspace.
HEIGHT	For the purpose of determining the height limits in the airport height restrictive area, the datum shall be mean sea level elevation unless otherwise specified.
HORIZONTAL SURFACE	A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincided with the perimeter of the horizontal zone.
HORIZONTAL ZONE	The horizontal zone is established by swinging arcs of 5,000 feet radii from the center of the end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
LARGER THAN UTILITY RUNWAY	A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.
NONCONFORMING USE	Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Ordinance or an amendment thereto.
NON-PRECISION INSTRUMENT RUNWAY	A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.
OBSTRUCTION	Any structure, growth, or other object, including a mobile object, which exceeds the height limits in this section.

ARTICLE 3. DISTRICTS

§3.4. Overlay Zoning Districts

TABLE 3.4.2: APO DISTRICT DEFINITIONS

TERM	DEFINITION
PERSON	An individual, firm, partnership, corporation, company, association, joint stock association or government entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.
PRECISION INSTRUMENT RUNWAY	A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.
PRIMARY SURFACE	A surface longitudinally centered on a runway. The primary surface extends 200 feet beyond each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is 500 feet.
RUNWAY	A defined area on an airport prepared for landing and takeoff of aircraft along its length.
TRANSITIONAL SURFACES	These surfaces extend outward at right angles (90° angles) to the runway centerline and extend at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.
TRANSITIONAL ZONES	The transitional zones are the areas beneath the transitional surfaces.
TREE	Any object of natural growth.
UTILITY RUNWAY	A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.
VISUAL RUNWAY	A runway intended solely for the operation of aircraft using visual approach procedures.

D. APO DISTRICT SUB-ZONES

Except as otherwise provided in this section, no structure shall be erected, altered, or maintained, and no trees shall be allowed to grow in any zone created by this Ordinance to a height in excess of the applicable height limitations herein established for each zone in questions as follows:

1. APPROACH ZONE (AO-A)

Slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline. The inner dimension is 500 feet, and its outer dimension is 2,000 feet.

2. TRANSITIONAL ZONES (AO-T)

Slopes seven feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface and extending to a height of 150 feet above the airport elevation (or 202 feet above mean sea level). In addition to the foregoing, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface and extending to where they intersect the horizontal surface.

3. HORIZONTAL ZONE (AO-H)

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Established at 150 feet above the airport elevation or at a height of 202 feet above mean sea level.

4. CONICAL ZONE (AO-C)

Slopes twenty feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to an elevation of 402 feet above mean sea level.

E. INTERFERENCE WITH OPERATIONS PROHIBITED

Notwithstanding any other provisions of this section, no use may be made of land or water within any zone established by this section in such a manner as to:

1. Create electrical interference with navigational signals or radio communication between the airport and aircraft;
2. Make it difficult for pilots to distinguish between airport lights and others;
3. Result in glare in the eyes of pilots using the airport;
4. Impair visibility in the vicinity of the airport;
5. Create bird strike hazards; or
6. Otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

F. NONCONFORMITIES MAY REMAIN

1. The regulations in this section shall not be construed to require the removal, lowering, change, or alteration of any structure or tree not conforming to these regulations as of their effective date, or otherwise interfere with the continuance of a nonconforming use.
2. Nothing shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of these standards provided the effort is diligently prosecuted.
3. The owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by Tarboro-Edgecombe County Airport Authority to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the Tarboro-Edgecombe County Airport Authority.

G. DISTRICT REQUIREMENTS

1. ZONING COMPLIANCE PERMIT REQUIRED

- i. The Zoning Administrator shall not issue a zoning compliance permit for development within an AO-A, AO-T, AO-H, or AO-C zone until it has been determined that the proposal is in compliance with these regulations.
- ii. Except as specifically provided in Section 3.4.2.D, APO District Sub-Zones, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefor shall have been applied for and granted.
- iii. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient detail to allow determination of whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.
- iv. No permit for a use inconsistent with the provisions of this section shall be granted unless a variance has been approved in accordance with Section 2.3.26, Variance.

2. PERMIT EXEMPTIONS

ARTICLE 3. DISTRICTS

§3.4. Overlay Zoning Districts

- i. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground except when because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
- ii. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when, because of terrain, land contour or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
- iii. In the areas lying within the limits of the transition zones, no permit shall be required for any tree or structure less than 75 feet above the ground, except when such tree or structure because of terrain, land contour or topographic features, would extend above the height limit prescribed for such transition zones.
- iv. Nothing contained in any of the foregoing exceptions, shall be construed as permitting or intending to permit any construction, alteration of any structure or growth of any tree in excess of any of the height limits established by this section except as set forth in Section 3.4.2.D, APO District Sub-Zones.

3. INCREASING OBSTRUCTION PROHIBITED

No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this section, or any amendments thereto, or than it is when the application for a permit is made.

4. SOME NONCONFORMITIES MAY NOT BE CONTINUED

Whenever the Zoning Administrator determines that a nonconforming tree or structure has been abandoned or more than 60 percent torn down, physically deteriorated or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the regulations of this Ordinance.

5. VARIANCE MAY BE REQUIRED

Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property not in compliance with the regulations prescribed in this Section may apply to the Board of Adjustment for a variance in accordance with the provisions of Section 2.3.26, Variance.

ARTICLE 3. DISTRICTS

§3.4. Overlay Zoning Districts

3.4.3. FLOOD HAZARD OVERLAY (FHO) DISTRICT

A. STATUTORY AUTHORIZATION

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3 and 4 of Article 18 of Chapter 153A; and Part 121, Article 6 of Chapter 153A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare.

B. FINDINGS OF FACT

1. The flood prone areas within the jurisdiction of Edgecombe County are subject to periodic inundation which results in loss of life, property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
2. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

C. STATEMENT OF PURPOSE

It is the purpose of these standards to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

1. Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
4. Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
5. Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters, or which may increase flood hazards to other lands.

D. OBJECTIVES

The objectives of these standards are to:

1. Protect human life, safety, and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business losses and interruptions;
5. Minimize damage to public facilities and utilities (i.e., water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;
6. Help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
7. Ensure that potential buyers are aware that property is in a special flood hazard area.

E. EFFECTIVE DATE

These standards shall become effective on June 2, 2015.

F. DEFINITIONS

ARTICLE 3. DISTRICTS

§3.4. Overlay Zoning Districts

1. Unless specifically defined in Table 3.4.3, FHO District Definitions, words or phrases used in these standards shall be interpreted so as to give them the meaning they have in common usage and to give these standards their most reasonable application.
2. The definitions in Table 3.4.3, FHO District Definitions, shall apply to all development located within the FHO district or other special flood hazard areas. These definitions shall not apply to the same or similar terms as used in areas outside the FHO. Rather, definitions in other portions of this Ordinance shall apply.

TABLE 3.4.3: FHO DISTRICT DEFINITIONS

TERM	DEFINITION
ACCESSORY STRUCTURE (APPURTENANT STRUCTURE)	A structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports, and storage sheds are common accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms and may or may not be located on the same parcel as the farm dwelling or shop building.
ADDITION (TO AN EXISTING BUILDING)	An extension or increase in the floor area or height of a building or structure.
APPEAL	A request for a review of the Floodplain Administrator's interpretation of any provision of these standards.
AREA OF SHALLOW FLOODING	A designated Zone AO on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one to three feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.
AREA OF SPECIAL FLOOD HAZARD	See "Special Flood Hazard Area (SFHA)."
BASE FLOOD	The flood having a one percent chance of being equaled or exceeded in any given year.
BASE FLOOD ELEVATION (BFE)	A determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a special flood hazard area, it may be obtained from engineering studies available from a federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the freeboard, establishes the regulatory flood protection elevation.
BASEMENT	Any area of the building having its floor subgrade (below ground level) on all sides.
BUILDING	See "Structure."
CHEMICAL STORAGE FACILITY	A building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.
DEVELOPMENT	Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

ARTICLE 3. DISTRICTS

§3.4. Overlay Zoning Districts

TABLE 3.4.3: FHO DISTRICT DEFINITIONS

TERM	DEFINITION
DEVELOPMENT ACTIVITY	Any activity defined as development which will necessitate a floodplain development permit.
DIGITAL FLOOD INSURANCE RATE MAP (DFIRM)	The digital official map of a community, issued by the Federal Emergency Management Agency, on which both the special flood hazard areas and the risk premium zones applicable to the community are delineated.
DISPOSAL	As defined in Section 130A-290(a)(6) of the North Carolina General Statutes, the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.
ELEVATED BUILDING	A non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.
ENCROACHMENT	The advance or infringement of uses, fill, excavation, buildings, structures, or development into a floodplain, which may impede or alter the flow capacity of a floodplain.
EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION	A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the initial effective date of the floodplain management regulations adopted by the community.
FLOOD OR FLOODING	A general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland or tidal waters; and/or (2) the unusual and rapid accumulation or runoff of surface waters from any source.
FLOOD BOUNDARY AND FLOODWAY MAP (FBFM)	An official map of a community, issued by the Federal Emergency Management Agency, on which the special flood hazard areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the flood insurance rate map (FIRM).
FLOOD HAZARD BOUNDARY MAP (FHBM)	An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the special flood hazard areas have been defined as Zone A.
FLOOD INSURANCE	The insurance coverage provided under the National Flood Insurance Program.
FLOOD INSURANCE RATE MAP (FIRM)	An official map of a community, issued by the Federal Emergency Management Agency, on which both the special flood hazard areas and the risk premium zones applicable to the community are delineated. (See also "DFIRM.")

ARTICLE 3. DISTRICTS

§3.4. Overlay Zoning Districts

TABLE 3.4.3: FHO DISTRICT DEFINITIONS

TERM	DEFINITION
FLOOD INSURANCE STUDY (FIS)	An examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The flood insurance study report includes flood insurance rate maps (FIRMS) and flood boundary and floodway maps (FBFMs), if published.
FLOOD PRONE AREA	See "Floodplain."
FLOOD ZONE	A geographical area shown on a flood hazard boundary map or flood insurance rate map that reflects the severity or type of flooding in the area.
FLOODPLAIN	Any land area susceptible to being inundated by water from any source.
FLOODPLAIN ADMINISTRATOR	The individual appointed to administer and enforce the floodplain management regulations.
FLOODPLAIN DEVELOPMENT PERMIT	Any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.
FLOODPLAIN MANAGEMENT	The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.
FLOODPLAIN MANAGEMENT REGULATIONS	These regulations. The term describes federal, State, or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.
FLOODPROOFING	Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.
FLOODWAY	The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
FLOODWAY ENCROACHMENT ANALYSIS	An engineering analysis of the impact a proposed encroachment into a floodway or non-encroachment area is expected to have on the floodway boundaries, base flood elevations, and floodway surcharge elevations. The evaluation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and models.
FREEBOARD	The height added to the base flood elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge openings, and the hydrological effect of urbanization of the watershed. The base flood elevation (BFE) plus the freeboard establishes the regulatory flood protection elevation.

ARTICLE 3. DISTRICTS

§3.4. Overlay Zoning Districts

TABLE 3.4.3: FHO DISTRICT DEFINITIONS

TERM	DEFINITION
FUNCTIONALLY DEPENDENT FACILITY	A facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.
HAZARDOUS WASTE MANAGEMENT FACILITY	As defined in Section 130A, Article 9 of the North Carolina General Statutes, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.
HIGHEST ADJACENT GRADE (HAG)	The highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.
HISTORIC STRUCTURE	Any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a local inventory of historic landmarks in communities with a certified local government (CLG) program; or (d) certified as contributing to the historical significance of a historic district designated by a community with a certified local government (CLG) program. Certified local government (CLG) programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

ARTICLE 3. DISTRICTS

§3.4. Overlay Zoning Districts

TABLE 3.4.3: FHO DISTRICT DEFINITIONS

TERM	DEFINITION
LETTER OF MAP CHANGE (LOMC)	<p>An official determination issued by FEMA that amends or revises an effective flood insurance rate map or flood insurance study. Letters of map change include:</p> <p>(a) Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective flood insurance rate map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.</p> <p>(b) Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.</p> <p>(c) Letter of Map Revision Based on Fill (LOIvR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.</p> <p>(d) Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective flood insurance rate map or flood insurance study; upon submission and approval of certified as-built documentation, a letter of map revision may be issued by FEMA to revise the effective FIRM.</p>
LOWEST ADJACENT GRADE (LAG)	The elevation of the ground, sidewalk, or patio slab immediately next to the building, or deck support, after completion of the building.
LOWEST FLOOR	The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of these standards.
MANUFACTURED HOME	A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term manufactured home does not include a recreational vehicle.
MANUFACTURED HOME PARK OR SUBDIVISION	A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
MARKET VALUE	The building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

ARTICLE 3. DISTRICTS

§3.4. Overlay Zoning Districts

TABLE 3.4.3: FHO DISTRICT DEFINITIONS

TERM	DEFINITION
MEAN SEA LEVEL	The North American Vertical Datum (NAVD) as corrected in 1988, to which Base Flood Elevations (BFEs) shown on a DFIRM are referenced. North Carolina uses NAVD 1988.
NEW CONSTRUCTION	Structures for which the start of construction commenced on or after the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures.
NON-ENCROACHMENT AREA	The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot as designated in the flood insurance study report.
POST-FIRM	Construction or other development for which the start of construction occurred on or after the effective date of the initial flood insurance rate map.
PRE-FIRM	Construction or other development for which the start of construction occurred before the effective date of the initial flood insurance rate map.
PRINCIPALLY ABOVE GROUND	A situation where at least 51 percent of the actual cash value of the structure is above ground.
PUBLIC SAFETY AND/OR NUISANCE	Anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.
RECREATIONAL VEHICLE (RV)	A vehicle, which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.
REFERENCE LEVEL	The top of the lowest floor for structures within special flood hazard areas designated as Zone AE, A, A99 or AO.
REGULATORY FLOOD PROTECTION ELEVATION	The base flood elevation plus the freeboard. In special flood hazard areas where base flood elevations (BFEs) have been determined, this elevation shall be the BFE plus two feet of freeboard. In special flood hazard areas where no BFE has been established, this elevation shall be at least two feet above the highest adjacent grade.
REMEDY A VIOLATION	To bring the structure or other development into compliance with State and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.
RIVERINE	Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

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§3.4. Overlay Zoning Districts

TABLE 3.4.3: FHO DISTRICT DEFINITIONS

TERM	DEFINITION
SALVAGE YARD	Any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.
SOLID WASTE DISPOSAL FACILITY	Any facility involved in the disposal of solid waste, as defined in Section 130A-290(a)(35) of the North Carolina General Statutes.
SOLID WASTE DISPOSAL SITE	Any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method as defined in Section 130A-290(a)(36) of the North Carolina General Statutes.
SPECIAL FLOOD HAZARD AREA (SFHA)	The land in the floodplain subject to a one percent or greater chance of being flooded in any given year.
START OF CONSTRUCTION	The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.
STRUCTURE	A walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.
SUBSTANTIAL DAMAGE	Damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred (see the definition of "substantial improvement"). Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

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§3.4. Overlay Zoning Districts

TABLE 3.4.3: FHO DISTRICT DEFINITIONS

TERM	DEFINITION
SUBSTANTIAL IMPROVEMENT	Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (a) any correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or (b) any alteration of a historic structure, provided that the alteration will not preclude the structures continued designation as a historic structure and the alteration is approved by variance issued in accordance with this Ordinance.
VARIANCE	A grant of relief from the requirements of this Ordinance.
VIOLATION	The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in these standards is presumed to be in violation until such time as that documentation is provided.
WATER SURFACE ELEVATION (WSE)	The height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of riverine areas.
WATERCOURSE	A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.
ZONE A	Areas subject to inundation by the one-percent-annual-chance flood event. Because detailed hydraulic analyses have not been performed, no BFEs or flood depths are shown. Mandatory flood insurance purchase requirements apply.
ZONES AE AND A1—A30	Areas subject to inundation by the one-percent-annual-chance flood event determined by detailed methods. BFEs are shown within these zones. Mandatory flood insurance purchase requirements apply. (Zone AE is used on new and revised maps in place of Zones A1—A30.)

G. GENERAL PROVISIONS

1. LANDS TO WHICH THESE STANDARDS APPLY

These standards shall apply to all special flood hazard areas within the planning jurisdiction of Edgecombe County.

2. BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREA

ARTICLE 3. DISTRICTS

§3.4. Overlay Zoning Districts

The special flood hazard areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its FIS dated June 2, 2015, for Edgecombe County and associated DFIRM panels, including any digital data developed as part of the flood insurance study, which are adopted by reference and declared a part of this ordinance. Future revisions to the FIS and DFIRM panels that do not change flood hazard data within the jurisdictional authority of Edgecombe County are also adopted by reference and declared a part of these standards.

3. ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT

A floodplain development permit shall be required in conformance with the provisions of these standards prior to the commencement of any development activities within special flood hazard areas identified in these standards.

4. COMPLIANCE

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of these standards and other applicable regulations.

5. ABROGATION AND GREATER RESTRICTIONS

These standards are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where these standards and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

6. INTERPRETATION

In the interpretation and application of these standards, all provisions shall be:

- i. Considered as minimum requirements;
- ii. Liberally construed in favor of the governing body; and
- iii. Deemed neither to limit nor repeal any other powers granted under State statutes.

7. WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by these standards is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by manmade or natural causes. These standards do not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. These standards shall not create liability on the part of Edgecombe County or by any officer or employee thereof for any flood damages that result from reliance on these standards, or any administrative decision lawfully made hereunder.

8. PENALTIES FOR VIOLATION

Violation of these provisions or failure to comply with any of these requirements, including violation of conditions and safeguards established in connection with approval of a variance, shall constitute a misdemeanor. Any person who violates these standards or fails to comply with any of their requirements shall, upon conviction thereof, be fined not more than \$5,000.00 or imprisoned for not more than 30 days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Edgecombe County from taking such other lawful action as is necessary to prevent or remedy any violation.

H. ADMINISTRATION

1. DESIGNATION OF FLOODPLAIN ADMINISTRATOR

The Planning Director or designee, hereinafter referred to as the Floodplain Administrator, is hereby appointed to administer and implement these provisions.

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2. FLOODPLAIN DEVELOPMENT APPLICATION REQUIREMENTS

Application for a floodplain development permit shall be made to the Floodplain Administrator prior to any development activities located within special flood hazard areas. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:

- i.** A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 - a) The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development
 - b) The boundary of the special flood hazard area as delineated on the FIRM or other flood map as determined in Section 3.4.3.G.2, Basis for Establishing the Special Flood Hazard Area, or a statement that the entire lot is within the special flood hazard area;
 - c) Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Section 3.4.3.G.2, Basis for Establishing the Special Flood Hazard Area;
 - d) The boundary of the floodway(s) or non-encroachment area(s) as determined in Section 3.4.3.G.2, Basis for Establishing the Special Flood Hazard Area;
 - e) The Base Flood Elevation (BFE) where provided as set forth in Section 3.4.3.G.2, Basis for Establishing the Special Flood Hazard Area, Section 3.4.3.H.10, Duties and Responsibilities of The Floodplain Administrator, or Section 3.4.3.K, Standards for Floodplains Without Established Base Flood Elevations;
 - f) The old and new location of any watercourse that will be altered or relocated as a result of proposed development; and
 - g) The certification of the plot plan by a registered land surveyor or professional engineer.
- ii.** Proposed elevation, and method thereof, of all development within a special flood hazard area including but not limited to:
 - a) Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;
 - b) Elevation in relation to mean sea level to which any non-residential structure in Zone AE, A or AO will be floodproofed; and
 - c) Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed.
- iii.** If floodproofing, a floodproofing certificate (FEMA Form 086-0-34 (7/12)) with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.
- iv.** A foundation plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:
 - a) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls); and
 - b) Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with the applicable requirements in Section 3.4.3.J.2.iv, Elevated

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Buildings, when solid foundation perimeter walls are used in Zones A, AO, AE, and A1-30.

- v. Usage details of any enclosed areas below the lowest floor.
- vi. Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.
- vii. Certification that all other local, State, and federal permits required prior to floodplain development permit issuance have been received.
- viii. Documentation for placement of recreational vehicles and/or temporary structures, when applicable, to ensure that the provisions of Section 3.4.3.J.2.vi, Recreational Vehicles, or Section 3.4.3.J.2.vii, Temporary Non-Residential Structures, are met.
- ix. A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

3. FLOODPLAIN DEVELOPMENT PERMIT REQUIREMENTS

The floodplain development permit shall include, but not be limited to:

- i. A description of the development to be permitted under the floodplain development permit.
- ii. The special flood hazard area determination for the proposed development in accordance with available data specified in Section <>, Basis for Establishing the Special Flood Hazard Area.
- iii. The regulatory flood protection elevation required for the reference level and all attendant utilities.
- iv. The regulatory flood protection elevation required for the protection of all public utilities.
- v. All certification submittal requirements with timelines.
- vi. A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.
- vii. The flood openings requirements, if in Zones A, AO, AE or A1-30.
- viii. Limitations of below BFE enclosure uses (i.e., parking, building access and limited storage only), if applicable.

4. ELEVATION CERTIFICATION REQUIREMENTS

- i. An elevation certificate (FEMA Form 086-0-33 (7/12)) is required after the reference level is established. Within seven calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to mean sea level. Any work done within the seven-day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop work order for the project.
- ii. A final as-built elevation certificate (FEMA Form 086-0-33 (7/12)) is required after construction is completed and prior to certificate of compliance/occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a

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certification of final as-built construction of the elevation of the reference level and all data attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

5. FLOODPROOFING CERTIFICATE REQUIREMENTS

- i. If non-residential floodproofing is used to meet the regulatory flood protection elevation requirements, a floodproofing certificate (FEMA Form 086-0-34 (7/12)), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction.
- ii. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.
- iii. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a certificate of compliance/occupancy.

6. MANUFACTURED HOME ENGINEERED FOUNDATION CERTIFICATE REQUIREMENTS

If a manufactured home is placed within Zone A, AO, AE, or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the appropriate provisions of [Section 3.4.3.J.2.iii, Manufactured Homes](#).

7. REPORT ON WATERCOURSE ALTERATION OR RELOCATION REQUIREMENTS

If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

8. FLOODPLAIN CERTIFICATION EXEMPTIONS

The following structures, if located within Zone A, AO, AE, or A1-30, are exempt from the elevation/floodproofing certification requirements in this section:

- i. Recreational vehicles meeting requirements of [Section 3.4.3.J.2.vi, Recreational Vehicles](#);
- ii. Temporary structures meeting requirements of [Section 3.4.3.J.2.vii, Temporary Non-Residential Structures](#); and
- iii. Accessory structures less than 150 square feet meeting requirements of [Section 3.4.3.J.2.viii, Accessory \(Secondary\) Structures](#).

9. DETERMINATIONS FOR EXISTING BUILDINGS AND STRUCTURES

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For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator; in coordination with the Building Official, shall:

- i. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
- ii. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
- iii. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
- iv. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the NC Building Code and this ordinance is required.

10. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

The Floodplain Administrator shall perform, but not be limited to, the following duties:

- i. Review all floodplain development applications and issue permits for all proposed development within special flood hazard areas to assure that the requirements of this ordinance have been satisfied.
- ii. Review all proposed development within special flood hazard areas to assure that all necessary local, State and federal permits have been received, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- iii. Notify adjacent communities and the North Carolina Department of Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- iv. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
- v. Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Section 3.4.3.M, Floodways and Non-Encroachment Areas, are met.
- vi. Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of Section 3.4.3.H.4, Elevation Certification Requirements.
- vii. Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of Section 3.4.3.H.5, Floodproofing Certificate Requirements.
- viii. Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the provisions of Section 3.4.3.H.4, Elevation Certification Requirements.

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- ix.** When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of Section 3.4.3.H.5, Floodproofing Certificate Requirements, and Section 3.4.3.J.2.ii, Non-Residential Construction.
- x.** Where interpretation is needed as to the exact location of boundaries of the special flood hazard areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.
- xi.** When base flood elevation (BFE) data has not been provided in accordance with the provisions of Section 3.4.3.G.2, Basis for Establishing the Special Flood Hazard Area, obtain, review, and reasonably utilize any BFE data, along with floodway or non-encroachment area data available from a federal, State, or other source, including data developed pursuant to the appropriate standards in Section 3.4.3.K, Standards for Floodplains Without Established Base Flood Elevations, in order to administer the provisions of this ordinance.
- xii.** When Base Flood Elevation (BFE) data is provided but no floodway or non-encroachment area data has been provided in accordance with the provisions of Section 3.4.3.G.2, Basis for Establishing the Special Flood Hazard Area, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a federal, State, or other source in order to administer these standards.
- xiii.** When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a special flood hazard area is above the base flood elevation (BFE), advise the property owner of the option to apply for a letter of map amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file.
- xiv.** Permanently maintain all records that pertain to these standards and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.
- xv.** Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of these standards and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.
- xvi.** Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop work order shall be in writing and directed to the person doing or in charge of the work. The stop work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop work order constitutes a misdemeanor.
- xvii.** Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans,

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and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.

xviii. Make periodic inspections throughout the special flood hazard areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

xix. Follow through with corrective procedures of Section 3.4.3.H.11, Corrective Procedures.

xx. Review, provide input, and make recommendations for variance requests.

xxi. Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps and studies adopted in accordance with the provisions of Section 3.4.3.G.2, Basis for Establishing the Special Flood Hazard Area, including any revisions thereto including letters of map change, issued by FEMA. Notify State and FEMA of mapping needs.

xxii. Coordinate revisions to HS reports and FIRMs, including letters of map revision based on fill (LOMR-Fs) and letters of map revision (LOMRs).

11. CORRECTIVE PROCEDURES

I. VIOLATIONS TO BE CORRECTED

When the Floodplain Administrator finds violations of applicable State and local laws, it shall be their duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.

II. ACTIONS IN EVENT OF FAILURE TO TAKE CORRECTIVE ACTION

If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:

- a) That the building or property is in violation of the floodplain management regulations;
- b) That a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
- c) That following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.

III. ORDER TO TAKE CORRECTIVE ACTION

If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of these standards, they shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than 60 calendar days, nor more than 180 calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, they may order that corrective action be taken in such lesser period as may be feasible.

IV. APPEAL

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Any owner who has received an order to take corrective action may appeal the order to the Board of Adjustment by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The Board of Adjustment shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

V. FAILURE TO COMPLY WITH ORDER

If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a misdemeanor and shall be punished at the discretion of the court.

I. VARIANCE PROCEDURES

The Board of Adjustment shall hear and decide requests for variances from the requirements of these flood standards. Any person aggrieved by the decision of the Board of Adjustment may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.

1. ITEMS SUBJECT TO VARIANCE

Variances to these standards may be issued for:

- i.** The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;
- ii.** For the establishment or continued operation of functionally dependent facilities if determined to meet the definition included in this section, provided the applicable conditions for variances have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or
- iii.** any other type of development provided it meets the requirements of this Section.

2. ITEMS FOR CONSIDERATION IN APPROVING A VARIANCE

In passing upon variances, the Board of Adjustment shall consider all technical evaluations all relevant factors, all standards specified in other sections of these standards and:

- i.** The danger that materials may be swept onto other lands to the injury of others;
- ii.** The danger to life and property due to flooding or erosion damage;
- iii.** The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- iv.** The importance of the services provided by the proposed facility to the community;
- v.** The necessity to the facility of a waterfront location as defined as a functionally dependent facility, where applicable;
- vi.** The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- vii.** The compatibility of the proposed use with existing and anticipated development;
- viii.** The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- ix.** The safety of access to the property in times of flood for ordinary and emergency vehicles;
- x.** The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

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- xi.** The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

3. APPLICATION SUBMITTAL

A written report addressing each of the above factors shall be submitted with the application for a variance.

4. CONDITIONS OF APPROVAL

Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this ordinance.

5. NOTIFICATION OF DECISION

- i.** Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage.
- ii.** Such notification shall be maintained with a record of all variance actions, including justification for their issuance.

6. MAINTENANCE OF RECORDS

The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.

7. CONDITIONS FOR VARIANCES

- i.** Variances shall not be issued when the variance will make the structure in violation of other federal, State, or local laws, regulations, or ordinances.
- ii.** Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.
- iii.** Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- iv.** Variances shall only be issued prior to development permit approval.
- v.** Variances shall only be issued upon:
 - a) A showing of good and sufficient cause;
 - b) A determination that failure to grant the variance would result in exceptional hardship; and
 - c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

8. VARIANCES FOR SOLID WASTE FACILITIES

A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.

- i.** The use serves a critical need in the community.
- ii.** No feasible location exists for the use outside the Special Flood Hazard Area.

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- iii. The reference level of any structure is elevated or floodproofed to at least the Regulatory Flood Protection Elevation.
- iv. The use complies with all other applicable federal, State, and local laws.
- v. Edgecombe County has notified the Secretary of the North Carolina Department of Public Safety of its intention to grant a variance at least 30 calendar days prior to granting the variance.

J. PROVISIONS FOR FLOOD HAZARD REDUCTION

1. GENERAL STANDARDS

In all special flood hazard areas, the following provisions are required:

- i. All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
- ii. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- iii. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
- iv. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding to the Regulatory Flood Protection Elevation, these include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.
- v. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- vi. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the system into flood waters.
- vii. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- viii. Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of these standards, shall meet the requirements of "new construction" as contained in this ordinance.
- ix. Nothing in these standards shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of these standards and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the Regulatory Flood Protection Elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.
- x. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in [Section 3.4.3.I.8, Variances for Solid Waste Facilities](#). A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the Regulatory Flood Protection Elevation and certified in accordance with the provisions of [Section 3.4.3.H.4, Elevation Certification Requirements](#).

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- xi.** All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
- xii.** All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- xiii.** All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- xiv.** All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- xv.** When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.
- xvi.** When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest Base Flood Elevation (BFE) shall apply.

2. SPECIFIC STANDARDS

Compliance with the following provisions is required for all development located in a special flood hazard area where Base Flood Elevation (BFE) data has been provided:

I. RESIDENTIAL CONSTRUCTION

New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in this section.

II. NON-RESIDENTIAL CONSTRUCTION

- a) New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation.
- b) Structures located in A, AE, AO, and A1-30 Zones may be floodproofed to the Regulatory Flood Protection Elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Regulatory Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.
- c) For AO Zones, the floodproofing elevation shall be in accordance with **Section 3.4.3.N, Standards For Areas of Shallow Flooding (Zone AO)**. A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in **Section 3.4.3.H.4, Elevation Certification Requirements**, along with the operational plan and the inspection and maintenance plan.

III. MANUFACTURED HOMES

- a) New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the Regulatory Flood Protection elevation, as defined in this section.
- b) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of

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the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above 36 inches in height, an engineering certification is required.

- c) All enclosures or skirting below the lowest floor shall meet the requirements of Section 3.4.3.J.2.iv, Elevated Buildings.
- d) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management Coordinator.

IV. ELEVATED BUILDINGS

Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:

- a) Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;
- b) Shall be constructed entirely of flood resistant materials at least to the Regulatory Flood Protection Elevation;
- c) Shall include, in Zones A, AO, AE, and AI-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:
 - i. A minimum of two flood openings on different sides of each enclosed area subject to flooding;
 - ii. The total net area of all flood openings must be at least one square inch for each square foot of enclosed area subject to flooding;
 - iii. If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
 - iv. The bottom of all required flood openings shall be no higher than one foot above the adjacent grade;
 - v. Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
 - vi. Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

V. ADDITIONS/IMPROVEMENTS

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- a) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - i. Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.
 - ii. A substantial improvement, with modifications /rehabilitations/improvements to the existing structure or the common wall is structurally modified more than installing a doorway, both the existing structure and the addition must comply with the standards for new construction.
- b) Additions to pre-FIRM or post-FIRM structures that are a substantial improvement with no modifications/rehabilitations/improvements to the existing structure other than a standard door in the common wall, shall require only the addition to comply with the standards for new construction.
- c) Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - i. Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction consistent with the code and requirements for the original structure.
 - ii. A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
- d) Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a three-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started must comply with the standards for new construction. For each building or structure the three-year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of these standards. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:
 - i. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions.
 - ii. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

VI. RECREATIONAL VEHICLES

Recreational vehicles shall be configured for either temporary or permanent placement.

- a) Recreational vehicles configured for temporary placement shall be on site for fewer than 180 consecutive days; or be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions)
- b) Recreational vehicles configured for permanent placement shall meet all the requirements for new construction.

VII. TEMPORARY NON-RESIDENTIAL STRUCTURES

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Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:

- a) A specified time period for which the temporary use will be permitted. Times specified may not exceed three (3) months, renewable up to one (1) year;
- b) The name, address, and phone number of the individual responsible for the removal of the temporary structure;
- c) The time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
- d) A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
- e) Designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.

VIII. ACCESSORY (SECONDARY) STRUCTURES

When accessory structures (sheds, detached garages, etc.) are to be placed within a special flood hazard area, the following criteria shall be met:

- a) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
- b) Accessory structures shall not be temperature-controlled;
- c) Accessory structures shall be designed to have low flood damage potential;
- d) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
- e) Accessory structures shall be firmly anchored in accordance with the provisions of Section 3.4.3.J.1, General Standards;
- f) All service facilities such as electrical shall be installed in accordance with the provisions of Section 3.4.3.J.1, General Standards; and
- g) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Regulatory Flood Protection Elevation in conformance with the provisions of Section 3.4.3.J.2.iv, Elevated Buildings.

An accessory structure with a footprint less than 150 square feet or that is a minimal investment of \$5,000 or less and satisfies the criteria outlined above is not required to meet the elevation or floodproofing standards of Section 3.4.3.J.2.ii, Non-Residential Construction. Elevation or floodproofing certifications in accordance with Section 3.4.3.H.4, Elevation Certification Requirements, are required for all other accessory structures exceeding the minimum size or minimal investment.

IX. TANKS

When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

- a) Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty;
- b) Above-ground elevated tanks in flood hazard areas shall be elevated to or above the design flood elevation, securely attached to a supporting structure that is designed

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to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;

- c) Above-ground tanks that are not elevated, do not meet the elevation requirements of [Section 3.4.3.J.2.ii, Non-Residential Construction](#), of this section shall be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
- d) Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:
 - i. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
 - ii. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

X. OTHER DEVELOPMENT

Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:

- a) Fences in regulated floodways and NEAs that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of [Section 3.4.3.M, Floodways and Non-Encroachment Areas](#).
- b) Retaining walls and sidewalks and driveways that involve the placement of fill in regulated flood ways shall meet the limitations of [Section 3.4.3.M, Floodways and Non-Encroachment Areas](#).
- c) Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of [Section 3.4.3.M, Floodways and Non-Encroachment Areas](#).

K. STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in [Section 3.4.3.G.2, Basis for Establishing the Special Flood Hazard Area](#), where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of [Section 3.4.3.J.1, General Standards](#), shall apply:

1. No encroachments, including fill, new construction, substantial improvements, or new development shall be permitted within a distance of 20 feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
2. The BFE used in determining the Regulatory Flood Protection Elevation shall be determined based on the following criteria:

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- i. When Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of these standards and shall be elevated or floodproofed in accordance with standards in Section 3.4.3.J.1, General Standards, and Section 3.4.3.J.2, Specific Standards.
- ii. When floodway or non-encroachment data is available from a federal, State, or other source, all new construction and substantial improvements within floodway and non-encroachment areas shall also comply with the requirements of Section 3.4.3.J.2, Specific Standards, and Section 3.4.3.M, Floodways and Non-Encroachment Areas.
- iii. All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five acres or has more than 50 lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference in accordance with Section 3.4.3.H.3, Floodplain Development Permit Requirements, and utilized in implementing this ordinance.
- iv. When Base Flood Elevation (BFE) data is not available from a federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the Regulatory Flood Protection Elevation, as defined in this section. All other applicable provisions of Section 3.4.3.J.2, Specific Standards, shall also apply.

L. STANDARDS FOR RIVERINE, FLOODPLAINS WITH BASE FLOOD ELEVATIONS BUT WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS

Along rivers and streams where Base Flood Elevation (BFE) data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

1. Standards of Section 3.4.3.J.1, General Standards, and Section 3.4.3.J.2, Specific Standards; and
2. Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

M. FLOODWAYS AND NON-ENCROACHMENT AREAS

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in Section 3.4.3.G.2, Basis for Establishing the Special Flood Hazard Area. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Section 3.4.3.J.1, General Standards, and Section 3.4.3.J.2, Specific Standards, shall apply to all development within such areas:

1. No encroachments, including fill, new construction, substantial improvements, and other developments shall be permitted unless:
 - i. It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and

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- ii. Conditional Letter of Map Revision (CLOMR) has been approved by FEMA A Letter of Map Revision (LOMR) must also be obtained within six months of completion of the proposed encroachment.

2. If sub-section (1) above is satisfied, all development shall comply with all applicable flood hazard reduction provisions of these standards.
3. No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision provided the following provisions are met:
 - i. The anchoring and the elevation standards of Section 3.4.3.J.2.iii, Manufactured Homes; and
 - ii. The encroachment standards of Section <>, Floodways and Non-Encroachment Areas.

Located within the Special Flood Hazard Areas established in Section 3.4.3.G.2, Basis for Establishing the Special Flood Hazard Area, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one-to-three-feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Section 3.4.3.J.1, General Standards, and Section 3.4.3.J.2, Specific Standards, all new construction and substantial improvements shall meet the following requirements:

1. The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of four feet, above the highest adjacent grade; or at least four feet above the highest adjacent grade if no depth number is specified.
2. Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in sub-section (1) above so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with Section 3.4.3.H.4, Elevation Certification Requirements, and Section 3.4.3.J.2.ii, Non-Residential Construction.
3. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

1. EFFECT ON RIGHTS AND LIABILITIES UNDER THE EXISTING FLOOD DAMAGE PREVENTION ORDINANCE

- i. These standards, in part, come forward by re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted August 3, 1981, as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced.
- ii. The enactment of these standards shall not affect any action, suit or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance of Edgecombe County enacted on August 3, 1981, as amended, which are not reenacted herein are repealed.

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Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit has been granted by the Floodplain Administrator or a delegate before the time of passage of these standards; provided, however, that when construction is not begun under such outstanding permit within a period of six months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of these standards.

P. AMENDMENTS TO FLOOD HAZARD STANDARDS AND BOUNDARY MAP

- 1.** All requests for revisions of areas of special flood hazard boundaries and base flood elevations shall be reviewed and approved by the Federal Emergency Management Agency.
- 2.** The existing location of any area of special flood hazard as defined in this section may be amended in cases where:
 - i.** A flood control project of the federal, State, County or municipal government has substantially altered the flood hazard;
 - ii.** Flood data indicates that the boundaries of either of the areas as shown on the official flood boundary and floodway map are no longer correct; or
 - iii.** A private individual, corporation, firm, or municipal agency has submitted plans for a channel improvement or relocation requiring an amendment to the official flood hazard boundary map.
- 3.** Applications for an amendment to the official flood boundary and floodway map shall be processed in the same manner as an amendment to the official zoning map (see [Section <>](#), [2.3.7, Conventional Rezoning](#), or [Section 2.3.24, Text Amendment](#), as appropriate). The applicant shall be responsible for submitting the proposed amendment and supporting documentation to the Federal Emergency Management Agency (FEMA) for its approval. The application for flood zone map amendments shall be deemed incomplete if not accompanied by a letter of approval from FEMA.
- 4.** All amendments to the official flood boundary map and floodway map shall be filed in accordance with NCGS 143-215.56(c).

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§3.4. Overlay Zoning Districts

3.4.4. WATERSHED PROTECTION OVERLAY DISTRICT

A. OVERVIEW

The watershed protection overlay districts are designed to protect designated public water supply watershed from activities that could degrade water quality. These two separate watershed protection overlay districts have been established, both of which are within a public water supply watershed that has been classified by the State of North Carolina as a WS-IV watershed:

B. AREAS DISTINGUISHED

1. The WCA, Watershed Critical Area Overlay District consists of that portion of the Tar River public water supply watershed designated by the NC Environmental Management Commission which is located within the Edgecombe County planning jurisdiction, and which is located one-half mile upstream from a public water supply intake located directly in the Tar River or the ridge line of the watershed, whichever comes first.
2. The WPA, Watershed Protected Area Overlay District consists of that portion of the Tar River public water supply watersheds designated by the NC Environmental Management Commission which are located within the Edgecombe County planning jurisdiction, and which are located within 10 miles upstream from and draining to the public water supply intake on the Tar River or to the ridge line of the watershed, whichever comes first.

C. PURPOSE AND INTENT

These standards are found by the Board of Commissioners to be necessary and appropriate to:

1. Protect those portions of designated public water supply watersheds which lie closest to existing and proposed public water supply sources from activities which could degrade water quality in those water supply sources;
2. Reduce the volume of nutrients and other chemicals that could enter the water supply by reducing the amount of runoff that any given development will generate;
3. Minimize land disturbance to reduce the amount of sediment washing into streams and lakes and to enhance the infiltration of runoff into soil, thus alleviating the sedimentation of water supply sources which reduces their storage capacity, shortens their useful life, and makes them less able to withstand drought;
4. Reduce the probability of the release of harmful chemicals into water supply sources, either through natural catastrophe or human error; and
5. Provide for natural and engineered methods for managing the stormwater that flushes contaminants off of impervious surfaces in the watershed areas and that may reach water supply sources unless controlled.

D. WATERSHED AREA ESTABLISHED

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 Official Watershed Map of Edgecombe County, North Carolina, which is adopted simultaneously herewith. The Watershed Map is hereby made a part of this Ordinance and will be permanently kept on file in the Edgecombe County Planning Office.

E. WATERSHED ADMINISTRATOR

The Watershed Administrator is hereby established to be the same as the Zoning Administrator and will take action on any remedy for violation of any portion of this Ordinance. If a ruling of the Watershed Administrator is questioned, the aggrieved party or parties may appeal such ruling to the Watershed Review Board, hereby established as the Board of Adjustment.

F. GENERAL REQUIREMENTS

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§3.4. Overlay Zoning Districts

1. The regulations delineated in this section are intended to comply with the requirements of NCGS 143-214.5.
2. For land located within the WCA or WPA portions of the WPO, these provisions only apply to new development activities that require an erosion and sedimentation control plan in accordance with the rules established by the North Carolina Sedimentation Control Commission.
3. No structure or land use shall be allowed within the watershed protection overlay districts that pose 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 absence or improper implementation of a spill containment plan for toxic and hazardous materials; the improper management of stormwater runoff; or any other situation found to pose a threat to water quality.

G. WATERSHED CRITICAL AREA (WCA) SUPPLEMENTAL STANDARDS

1. APPLICABILITY

The provisions of this section shall apply only to new development activities and expansion of existing uses that require an erosion and sedimentation control plan in accordance with the rules established by the North Carolina Sedimentation Control Commission.

2. DENSITY AND BUILT-UPON AREA

- i. Single-family residential uses shall not exceed a maximum density of two dwelling units per acre, as defined on a project-by-project basis.
- ii. No single-family residential lot shall be less than 20,000 square feet in area, excluding roadway right-of-way, except within an approved cluster development, in accordance with Section 3.4.4.J, Cluster Development.
- iii. However, where public sewer service is not available, a minimum of 30,000 square feet in lot area shall be required for each single-family residential lot.
- iv. All other types of residential development, and all nonresidential development, shall not exceed 24 percent built-upon area, on a project-by-project basis.
- v. For purposes of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.
- vi. Higher density development using engineered stormwater control devices may be permitted in accordance with Section 3.4.4.N, High Density Development Option.

3. PERMITTED USES

Agricultural uses (subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990 and the rules and regulations of the Soil and Water Conservation Commission) and silvicultural uses (subject to the provisions of the Forest Practices Guidelines Related to Water Quality, 15 NCAC 11.6101-.0209) are permitted with the WCA. Residential and nonresidential uses allowed in the underlying general zoning district, or another applicable overlay district are permitted within the WCA except for uses specified in Section 4.4.2, Prohibited by Overlay District Standards.

4. NON-PERMITTED USES

The following uses are prohibited uses in the WPO:

- i. Sites for land application of residuals or petroleum contaminated soils; and
- ii. New landfills;

H. WATERSHED PROTECTED AREA (WPA) SUPPLEMENTAL STANDARDS

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§3.4. Overlay Zoning Districts

1. APPLICABILITY

The provisions of this sub-section shall apply only to new development activities and expansion of existing uses that requires an erosion and sedimentation control plan in accordance with the rules established by the North Carolina Sedimentation Control Commission.

2. DENSITY AND BUILT-UPON AREA

- i. Single-family residential uses shall not exceed a maximum density of two dwelling units per acre or three dwelling units per acre for projects without a curb and gutter road system, as defined on a project-by-project basis. No single-family residential lot shall be less than 20,000 square feet or 14,500 square feet for projects without a curb and gutter road system, unless located within an approved cluster development in accordance with [Section 3.4.4.J, Cluster Development](#).
- ii. However, where public sewer service is not available, a minimum of 30,000 square feet in lot area shall be required for each single-family residential lot.
- iii. All other types of residential development, and all nonresidential development, shall not exceed 24 percent built-upon area, on a project-by-project basis.
- iv. For projects without a curb and gutter street system, development shall not exceed 36 percent built-upon area on a project-by-project basis.
- v. For purposes of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.
- vi. Higher density development using engineered stormwater control devices may be permitted in accordance with [Section 3.4.4.N, High Density Development Option](#).

3. PERMITTED USES

Agricultural uses (subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990 and the rules and regulations of the Soil and Water Conservation Commission) and silvicultural uses (subject to the provisions of the Forest Practices Guidelines Related to Water Quality, 15 NCAC 11.6101-.0209) are permitted within the WPA. Residential and nonresidential uses allowed in the underlying conventional zoning district, or another applicable overlay district are permitted within the WPA.

I. BEST MANAGEMENT PRACTICES

1. GENERAL

The construction of new roads and bridges and nonresidential development shall minimize built-upon area, divert stormwater away from surface water supply waters as much as possible, and employ best management practices to minimize water quality impacts. To the extent practicable, the construction of new roads in the WCA Overlay District shall be avoided. The NC Department of Transportation shall use best management practices as outlined in its document entitled, Best Management Practices for the Protection of Surface Waters.

2. AGRICULTURAL USES

Agricultural uses are subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990 (Public Law 101- 624) and the rules and regulations of the Soil and Water Conservation Commission.

3. FORESTRY OPERATIONS

Forestry operations, if allowed in the underlying general zoning district, are subject to the provisions of the Forest Practice Guidelines Related to Water Quality (15A NCAC 11.0101-.0209).

J. CLUSTER DEVELOPMENT

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§3.4. Overlay Zoning Districts

1. Cluster development is defined as the grouping of buildings in order to conserve land resources and provide for innovation in the design of the project including minimizing stormwater runoff impacts. This term includes nonresidential development as well as single-family residential and multi-family developments.
2. Cluster development is allowed in all watershed protection overlay districts provided that the following conditions are met:
 - i. Minimum lot sizes may be reduced for single-family cluster development projects; however, the total number of lots shall not exceed the maximum number of lots or the built-upon area allowed for single-family detached developments in [Section 3.4.4.G.2, Density and Built-Upon Area](#), or [Section 3.4.4.H.2, Density and Built-Upon Area](#), as appropriate.
 - ii. All built-upon area shall be designed and located to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow.
 - iii. The remainder of the tract not built upon shall remain in a vegetated or natural state. The title to the reserved open space area shall be conveyed to an incorporated homeowners or property owners' 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, a maintenance agreement shall be filed with the property deeds.

K. BUFFER AREAS

1. A minimum 30-foot vegetative buffer for new development activities is required along all perennial waters indicated on the most recent versions of USGS 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies.
2. A minimum 100-foot vegetative buffer is required for all new development activities that utilize the high-density development option authorized by [Section 3.4.4.N, High Density Development Option](#).
3. Desirable artificial streambank or shoreline stabilization is permitted. See [Section §6.9, Riparian Buffer Protection](#), for additional requirements for buffers. The more stringent rule shall apply.
4. 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 areas, and public projects such as road crossings and greenways where no practicable 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. Desirable artificial streambank or shoreline stabilization is permitted.
5. Whenever the buffer requirements of other portions of this Ordinance are in conflict with the provisions of this section, the more stringent requirement shall apply.
6. For more information on buffers, see the State of North Carolina Department of Environment & Natural Resources, Division of Water Quality, Procedures for Assignment of Water Quality Standards, Section 15 A NCAC 02B .0259 on the Tar-Pamlico River Basin, and where in conflict with the provisions of this section, the stricter rule shall apply.

L. EXISTING DEVELOPMENT

1. Existing development is defined as those projects that are built or those projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of this Ordinance based on at least one of the following criteria:

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- i. Substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project; or
 - ii. Having an outstanding valid building permit in accordance with Section 2.3.3, Building Permit; or
 - iii. Having an approved site-specific vesting plan or multi-phase development plan in accordance with Section §1.12, Vested Rights.
2. Existing development is not subject to the provisions of the watershed overlay district requirements. Redevelopment of and expansion to existing development is allowed as provided for herein.
3. Redevelopment of existing development is allowed if the rebuilding activity does not result in a net increase in built-upon area or if the redevelopment activity includes equal or greater stormwater control than the previous development.
4. However, existing single-family residential development may be redeveloped without any restrictions.
5. Expansions to uses and structures classified as existing development must meet the requirements of this Section provided, however, that the built-upon area of the existing development is not required to be included in the built-upon area calculations. However, existing single-family residential development may be expanded without any restrictions.
6. A Nonconforming Lot is defined as a lot of record that does not conform to the dimensional requirements of the zoning district in which it is located. The nonconformity may result from adoption of this Ordinance or any subsequent amendment.
7. 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.

M. VARIANCES

1. MINOR VARIANCES

- i. A minor variance is defined as a variance from the watershed overlay district requirements that results in a relaxation, by a factor of up to five percent, of any buffer, density or built-upon area requirements delineated in Section 3.4.4.N, High Density Development Option, or Section 3.4.4.O, Stormwater Control Structures, or that results in a relaxation, by a factor of up to ten percent, of any management requirement in Section 3.4.4.G, Watershed Critical Area (WCA) Supplemental Standards, Section 3.4.4.H, Watershed Protected Area (WPA) Supplemental Standards, or Section 3.4.4.L, Existing Development.
- ii. Minor variances to the provisions of this section may be approved by the Board of Adjustment pursuant to the variance procedures outlined for the Board of Adjustment in Section 2.3.26, Variance.
- iii. The Zoning Administrator shall keep a record of all such minor variances and shall submit, for each calendar year, the record to the Water Quality Division of the NC Department of Environment and Natural Resources on or before January 1st of the following year. The record shall include a description of each project receiving a variance and the findings of fact on which the variance is based.

2. MAJOR VARIANCES

- i. A major variance is defined as a variance from the watershed overlay district requirements that results in any one or more of the following:

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- a) The complete waiver of any of the management requirements outlined in Section 3.4.4.G, Watershed Critical Area (WCA) Supplemental Standards, Section 3.4.4.H, Watershed Protected Area (WPA) Supplemental Standards, or Section 3.4.4.L, Existing Development.
 - b) The relaxation, by a factor of greater than ten percent, of any of the above-referenced management requirements.
 - c) Any variation in the design, maintenance or operation requirements of a wet detention pond or other approved stormwater management system.
 - d) The relaxation, by a factor greater than five percent, of any buffer, density or built-upon area requirement under the high-density option.
- ii.** Major variances are reviewed by the Board of Adjustment pursuant to the procedures outlined in this Article and a recommendation prepared for submission to the NC Environmental Management Commission (EMC). The record of a major variance review shall include the following items:
- a) The variance application;
 - b) The hearing notices;
 - c) The evidence presented;
 - d) Motions, offers of proof, objections to evidence, and rulings on them;
 - e) Proposed findings and exceptions; and
 - f) The Board of Adjustment's recommendation, including all conditions proposed to be added to the permit.
- iii.** Upon receiving the record of a major variance review from the Board of Adjustment, the EMC shall:
- a) Review the variance request;
 - b) Prepare a final decision on the request; and
 - c) Forward its decision to the Board of Adjustment.
- iv.** If the EMC approves the variance as proposed, the Board of Adjustment shall prepare a final decision granting the proposed variance. If the EMC approves the variance with conditions and stipulations, the Board of Adjustment shall prepare a final decision, including such conditions and stipulations, granting the proposed variance. If the EMC denies the variance request, the Board of Adjustment shall prepare a final decision denying the variance.

N. HIGH DENSITY DEVELOPMENT OPTION

Upon approval by the Zoning Administrator, a high-density option may be authorized provided that the requirements of this subsection are met.

- 1.** Within the WCA Overlay District, new development may exceed the density and built-upon area standards set forth in Section 3.4.4.G.2, Density and Built-Upon Area, provided that:
 - i.** Engineered stormwater controls are used to control runoff from the first inch of rainfall; and
 - ii.** That the built-upon area does not exceed 50 percent.
- 2.** Within the WPA Overlay District, new development may exceed the density and built-upon area standards set forth in Section 3.4.4.G.2, Density and Built-Upon Area, provided that:
 - i.** Engineered stormwater controls are used to control runoff from the first inch of rainfall; and
 - ii.** That the built-upon area does not exceed 70 percent.

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3. The engineered stormwater controls required in this sub-section shall be designed in accordance with Section 3.4.4.O, Stormwater Control Structures.
4. Financial assurance for the purpose of maintenance, repairs, or reconstruction of stormwater control structures shall be provided pursuant to Section 3.4.4.P, Financial Security for Stormwater Control Structures.
5. Stormwater control structures shall be maintained and inspected in accordance with the provisions of Section 3.4.4.Q, Maintenance and Inspection of Stormwater Control Structures.
6. A certificate of occupancy shall not be issued for any building within the permitted development until the Zoning Administrator has approved the stormwater control structure.
7. All site plans for developments proposing to utilize the high-density option must be reviewed by the Zoning Administrator.
8. All pertinent permits must be acquired from the appropriate agency prior to beginning any work.

O. STORMWATER CONTROL STRUCTURES

1. Developments located within watershed overlay districts that have been approved for the high-density development option authorized in Section 3.4.4.N, High Density Development Option, shall comply with the requirements of this Section.
2. All stormwater control structures shall be designed by a North Carolina professional engineer with qualifications appropriate for the type of system required; these 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 Section 89(C)-3(7) of the North Carolina General Statutes.
3. All stormwater controls shall use wet detention ponds as a primary treatment system unless alternative stormwater management measures, as outlined in sub-section (4) below, are used. Wet detention ponds shall be designed for specific pollutant removal according to modeling techniques approved by the North Carolina Department of Environmental Quality. Specific requirements for these systems shall be in accordance with the following design criteria:
 - i. Wet detention ponds shall be designed to remove 85 percent of total suspended solids in the permanent pool and storage runoff from a one-inch rainfall from the site above the permanent pool;
 - ii. The designed runoff storage volume shall be above the permanent pool;
 - iii. 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 days and that the pond is drawn down to the permanent pool level within at least five days;
 - iv. The mean permanent pool depth shall be a minimum of three feet;
 - v. The inlet structure shall be designed to minimize turbulence using baffles or other appropriate design features; and
 - vi. 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.
 - vii. 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, one-hour intensity with a slope of five percent or less. Vegetation in the filter shall be

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natural vegetation, grasses, or artificially planted wetland vegetation appropriate for the site characteristics.

4. 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:
 - i. The discharge rate following the one-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
 - ii. The post development peak discharge rate shall equal the predevelopment rate for the one-year, 24-hour storm.
5. In addition to the vegetative filters required in sub-section (3)(vi) above, all land areas outside of the pond shall be provided with a ground cover sufficient to restrain erosion within 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 **Section 3.4.4.P, Financial Security for Stormwater Control Structures**.
6. A description of the area containing the stormwater control structure shall be prepared and filed, consistent with **Section 3.4.4.Q, Maintenance and Inspection of Stormwater Control Structures**, as a separate deed with the Edgecombe 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.
7. 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 the built-upon area for any other site or area.

P. FINANCIAL SECURITY FOR STORMWATER CONTROL STRUCTURES

1. GENERALLY

- i. All new stormwater control structures authorized in **Section 3.4.4.O, Stormwater Control Structures**, **Section 6.12.4, Nutrient Control Requirements**, and the Edgecombe County Stormwater Management Program for Nutrient Control, 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.
- ii. Financial assurance shall be in one of forms listed in this sub-section.

2. SURETY PERFORMANCE BOND OR OTHER SECURITY

- i. 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 or other instrument readily convertible into cash at face value payable to Edgecombe County or placed in escrow with a financial institution designated as an official depository of Edgecombe County.
- ii. The bond or other instrument shall be in an amount equal to 1.5 times the total cost of the stormwater control structure, as estimated by Edgecombe County and approved by the Board of Commissioners.

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- iii. 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.
- iv. The costs shall not be prorated as part of a larger project, but rather under the assumption of an independent mobilization.

3. CASH OR EQUIVALENT SECURITY DEPOSITED AFTER THE RELEASE OF THE PERFORMANCE BOND

- i. In accordance with Section 3.4.4.Q, Maintenance and Inspection of Stormwater Control Structures, the permit applicant shall deposit with Edgecombe County either cash or other instrument approved by the Board of Commissioners that is readily convertible into cash at face value.
- ii. The cash or security shall be in an amount equal to fifteen percent of the total cost of the stormwater control structure or the estimated cost of maintaining the stormwater control structure over a ten-year period, whichever is greater.
- iii. 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 Section 3.4.4.Q, Maintenance and Inspection of Stormwater Control Structures.
- iv. The amount shall be computed by estimating the maintenance cost for twenty-five years and multiplying this amount by two fifths or 0.4.

4. AGREEMENT REQUIRED

- i. The permit applicant shall enter into a binding operation and maintenance agreement between Edgecombe County and all interests in the development.
- ii. The agreement shall require the owning entity to maintain, repair and, if necessary, reconstruct the stormwater control structure in accordance with the operation and management plan or manual provided by the developer.
- iii. The operation and maintenance agreement shall be filed with the Edgecombe County Register of Deeds.

5. 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 Board of Commissioners may obtain and use all or any portion of the funds necessary to complete the improvements based on an engineering estimate. The Board of Commissioners shall return any funds not spent in completing the improvements to the owning entity.

6. 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 Board of Commissioners 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 Board of Commissioners shall not return any of the deposited cash funds.

Q. MAINTENANCE AND INSPECTION OF STORMWATER CONTROL STRUCTURES

- 1. An operation and maintenance plan or manual shall be provided by the developer for each stormwater control structure authorized in Section 3.4.4.N, High Density Development

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- Option, indicating what operation and maintenance actions are needed, what specific quantitative criteria will be used for determining when those actions are to be taken and, consistent with the operation and maintenance agreement, who is responsible for those actions. The plan shall clearly indicate the steps that will be taken for restoring a stormwater control structure to design specifications if a failure occurs.
2. Landscaping and grounds management shall be the responsibility of the owning entity. However, vegetation shall not be established or allowed to mature to the extent that the integrity of the control structure is diminished or threatened, or to the extent of interfering with any easement or access to the stormwater control structure.
 3. Except for general landscaping and grounds management, the owning entity shall notify the Zoning Administrator prior to any repair or reconstruction of the stormwater control structure. All improvements shall be made 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 Zoning Administrator 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. The Zoning Administrator may consult with an engineer or landscape architect (to the extent that the General Statutes, Chapter 89A allow) designated by the Board of Commissioners.
 4. Amendments to the plans and specifications of the stormwater control structure and/or the operation and maintenance plan or manual shall be approved by the Board of Commissioners. Proposed changes shall be prepared by a North Carolina professional engineer or landscape architect (to the extent that the General Statutes, Chapter 89A allow) and submitted to and reviewed by the Zoning Administrator prior to consideration by the Board of Commissioners.
 - i. If the Board of Commissioners approves the proposed changes, the owning entity of the stormwater control structure shall file sealed copies of the revisions with the office of the Zoning Administrator.
 - ii. If the Board of Commissioners disapproves the changes, the proposal may be revised and resubmitted to the Board of Commissioners as a new proposal. If the proposal has not been revised and is essentially the same as that already reviewed, it shall be returned to the applicant.
 5. If the Board of Commissioners finds that the operation and maintenance plan or manual is inadequate for any reason, the Board of Commissioners shall notify the owning entity of any required changes and shall prepare and file copies of the revised agreement with the Edgecombe County Register of Deeds, the office of the Zoning Administrator and the owning entity.
 6. Processing and inspection fees shall be submitted in the form of a check or money order made payable to Edgecombe County. Applications shall be returned if not accompanied by the required fee.
 7. A permit and inspection fee schedule, as approved by the Board of Commissioners, shall be posted in the office of the Zoning Administrator.
 8. Inspection fees shall be valid for 60 days. An inspection fee shall be required when improvements are made to the stormwater control structure consistent with sub-section (3). above, except in the case when a similar fee has been paid within the last 60 days.
 9. The stormwater control structure shall be inspected by an engineer or landscape architect designated by the Board of Commissioners, after the owning entity notifies the County that all work has been completed. At this inspection, the owning entity shall provide:

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R. AMENDMENTS TO WATERSHED PROTECTION PROVISIONS

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- 1.** The Zoning Administrator shall keep a record of all text amendments to this Ordinance which involve regulations, standards, or procedures regarding public water supply watersheds as outlined in in this section.
- 2.** Copies of all such amendments shall, upon adoption, be provided to the Supervisor of the Classification and Standards Group, Water Quality Section, N.C. Division of Environmental Management.
- 3.** Under no circumstances shall an amendment be adopted which would cause this Ordinance to violate the public water supply watershed rules as adopted by the N.C. Environmental Management Commission.

§3.5. PLANNED DEVELOPMENT DISTRICT**3.5.1. PURPOSE AND INTENT**

The Planned Development (PD) district is established and intended to encourage innovative land planning and site design concepts that support a high quality of life and achieve a high quality of development, environmental sensitivity, energy efficiency, and other County goals by:

- A.** Reducing or diminishing the inflexibility or uniform design that sometimes results from strict application of zoning and development standards designed primarily for individual lots;
- B.** Allowing greater freedom in selecting the means of providing access, open space, and design amenities;
- C.** Allowing greater freedom in providing a well-integrated mix of residential and non-residential land uses in the same development, including a mix of housing types, lot sizes, and densities;
- D.** Creating a system of incentives for redevelopment and infill in order to revitalize established areas;
- E.** Providing for efficient use of land resulting in smaller networks of utilities and streets and thereby lowering development and housing costs; and
- F.** Promoting quality design and environmentally sensitive development that respects surrounding established land use character and respects and takes advantage of a site's natural and man-made features, such as trees, ridgelines, special flood hazard area, and historic features.

3.5.2. GENERAL STANDARDS FOR ALL PLANNED DEVELOPMENTS**A. HOW ESTABLISHED**

A planned development is established in accordance with the procedures and requirements in this section and Section 2.3.16, Planned Development.

B. MASTER PLAN REQUIRED

All development configured as a PD shall be subject to a master plan submitted and approved as part of the application to establish the district. The master plan shall:

- 1.** Include a statement of planning objectives for the district;
- 2.** Describe the specific ways in which any modifications to the generally applicable standards in this Ordinance will result in a development of higher quality than would have otherwise resulted if the development was established without any proposed modifications to the standards in this Ordinance;
- 3.** Identify the general location of individual development areas, identified by land use(s) and/or development density or intensity;
- 4.** Depict the general configuration and relationship of the principal elements of the proposed development, including general building types;
- 5.** Identify for the entire district and each development area, the acreage, types and mix of land uses, number of residential units (by use type), non-residential floor area (by use type), residential density, and non-residential intensity;
- 6.** Identify the general location, amount, and type (whether designated for active, passive, or urban) of open space;
- 7.** Identify the location of environmentally sensitive lands, wildlife habitat, and resource protection lands;
- 8.** Identify the on-site transportation circulation system, including the general location of all public and private streets, existing or projected transit service, pedestrian and vehicular circulation features, and how they will connect with existing and planned systems;
- 9.** Identify the general location of on-site potable water and wastewater facilities, and how they will connect to existing systems;

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10. Identify the general location of on-site stormwater management facilities, and how they will connect to existing public systems;
11. Identify the general location of all other on-site public facilities serving the development, including but not limited to parks, schools, bus shelters, and facilities for fire protection, police protection, EMS, and solid waste management; and
12. Identify the techniques and methods of preserve compatibility with adjacent land uses and zoning districts that bound the PD district.

3.5.3. COMPLIANCE WITH SUBDIVISION STANDARDS

Planned developments that include the division of land into two or more lots shall be subject to the standards in Section 2.3.17, Preliminary Plat, and Section 2.3.13, Final Plat, prior to the issuance of a building permit.

3.5.4. SITE PLAN REVIEW

- A. The planned development master plan may take the form of a generalized concept plan for development that provides a general indication of building and site feature location, or it may be configured to the level of detail associated with site plans and construction drawings depicting exact building placement, location and profile of public infrastructure, and configuration of site features like parking, landscaping, and similar elements.
- B. In cases where the master plan is more general or conceptual in nature, the development proposed in the planned development designation shall also undergo site plan review in accordance with Section 2.3.19, Site Plan.
- C. In cases where the master plan is detailed and meets the minimum requirements for a site plan in the opinion of the Board of Commissioners, the applicant shall request, and the Board of Commissioners may grant an exemption from subsequent site plan review.
- D. Review of a proposed master plan, whether conceptual or detailed, shall take place by the Technical Review Committee to ensure technical feasibility of the development proposal prior to review of the planned development application by the Planning Board.
- E. If a site plan review exemption is granted by the Board of Commissioners, the proposed development shall fully comply with the development configuration depicted in the planned development master plan. Failure to comply with the approved master plan configuration shall require an amendment of the planned development application in accordance with Section 2.3.16.M, Amendment.

3.5.5. DENSITIES/INTENSITIES

The densities for residential development and the intensities for non-residential development applicable in each development area of a PD district shall be as established in the master plan and shall be consistent with adopted policy guidance.

3.5.6. DIMENSIONAL STANDARDS

The dimensional standards applicable in each development area of a PD district shall be as established in the master plan. The master plan shall include at least the following types of dimensional standards:

1. Minimum lot area;
2. Minimum lot width and frontage;
3. Minimum and maximum setbacks;
4. Maximum lot coverage;
5. Maximum building height;
6. Maximum individual building size;

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7. Floor area ratio; and
8. Minimum setbacks from adjoining residential development or residential zoning districts.

3.5.7. DEVELOPMENT STANDARDS

- A. All development in a PD district shall comply with the development standards of Article 6, Standards, unless modified in accordance with this section.
- B. In no instance shall a planned development district seek to modify, waive, or reduce any of the following standards:
 1. Section §3.4, Overlay Zoning Districts;
 2. Section §6.4, Infrastructure;
 3. Section §6.7, Owners' Associations; and
 4. Section §6.12, Stormwater.
- C. In cases where a planned development district is proposed as part of redevelopment of an existing site and the existing site does not comply with the standards in this Ordinance, the development contemplated in the planned development shall not be required to achieve full compliance but shall not increase the degree to which the development fails to comply with these standards.

3.5.8. CONSISTENCY WITH ADOPTED POLICY GUIDANCE

The PD zoning district designation, the master plan, and the terms and conditions document shall be consistent with the County's adopted policy guidance.

3.5.9. COMPATIBILITY WITH SURROUNDING AREAS

- A. Development along the perimeter of a PD district shall be compatible with adjacent existing or proposed development outside the district.
- B. Where there are issues of compatibility, the master plan shall provide for transition areas at the edges of the PD district that provide for appropriate buffering and/or ensure a complementary character of uses.
- C. Determination of complementary character shall be based on densities/intensities, lot size and dimensions, building height, building mass and scale, hours of operation, exterior lighting, siting of service areas, or other aspects identified by the Board of Commissioners.

3.5.10. DEVELOPMENT PHASING PLAN

If development in the PD district is proposed to be phased, the master plan shall include a development phasing plan that identifies the general sequence or phases in which the district is proposed to be developed, including how residential and non-residential development will be timed, how infrastructure (public and private) and open space will be provided and timed, and how development will be coordinated with the County's capital improvements program.

3.5.11. CONVERSION SCHEDULE

- A. The planned development application may include a conversion schedule that identifies the extent to which one type of residential use may be converted to another type of residential use or one type of non-residential use may be converted to another type of non-residential use (i.e., residential to residential, or non-residential to non-residential). These conversions may occur within development areas and between development areas, as long as they occur within the same development phase, as identified by the approved development phasing plan, and are consistent with established extents of conversion set down in the conversion schedule.

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- B.** In the event an applicant seeks to revise the development in accordance with an approved conversion schedule, the applicant shall provide a revised site plan depicting the proposed conversions to the Technical Review Committee for review and approval prior to commencing any conversions.

3.5.12. ON-SITE PUBLIC FACILITIES

A. DESIGN AND CONSTRUCTION

The master plan shall establish the responsibility of the developer/landowner to design and construct or install required and proposed on-site public facilities in compliance with applicable County, State, and federal regulations.

B. DEDICATION

The master plan shall establish the responsibility of the developer/landowner to dedicate to the public the right-of-way and easements necessary for the construction or installation of required and proposed on-site public facilities in compliance with applicable County, State, and federal regulations.

C. MODIFICATIONS TO STREET STANDARDS

In approving a master plan, the Board of Commissioners may approve modifications or reductions of street design standards—including those for right-of-way widths, pavement widths, required materials, provision of public transit amenities, and turning radii, on finding that:

- 1.** The master plan provides for adequate separation/integration of vehicular, pedestrian, and bicycle traffic;
- 2.** Access for emergency service vehicles is not substantially impaired;
- 3.** Adequate parking is provided for the uses proposed; and
- 4.** Adequate space for public utilities is provided within the street right-of-way.

3.5.13. USES

- A.** The uses allowed in a PD district are identified in Table 4.2.1, Principal Use Table, as allowed subject to a master plan.
- B.** Allowed uses shall be listed in the approved master plan or terms and conditions documents.
- C.** Allowed uses shall be consistent with adopted policy guidance, the purpose of the particular PD district, and subject to any additional limitations or requirements set forth in Section §4.3, Principal Use Standards.
- D.** Nothing shall limit an applicant from seeking to modify an otherwise applicable use-specific standard in accordance with the standards in Section 3.5.2.B, Master Plan Required.

3.5.14. PLANNED DEVELOPMENT TERMS AND CONDITIONS

The terms and conditions document shall incorporate by reference or include, but not be limited to:

- A.** Conditions related to approval of the application for the PD zoning district classification;
- B.** The master plan, including any density/intensity standards, dimensional standards, and development standards established in the master plan;
- C.** Conditions related to the approval of the master plan, including any conditions related to the form and design of development shown in the master plan;
- D.** Provisions addressing how transportation, potable water, wastewater, stormwater management, and other infrastructure will be provided to accommodate the proposed development;
- E.** Provisions related to environmental protection and monitoring;
- F.** The range of allowable principal and accessory uses; and

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- G.** Any other provisions the Board of Commissioners determines are relevant and necessary to the development of the PD in accordance with applicable standards and regulations.

3.5.15. AMENDMENTS TO APPROVED MASTER PLAN

Amendments or modifications to a master plan shall be considered in accordance with the standards in Section 2.3.16, Planned Development.

§3.6. ZONING MAP**3.6.1. GENERALLY**

- A.** The digital Official Zoning Map maintained in the offices of the Planning Department shall be the final authority as to the status of the current zoning district classification of land in the County's planning jurisdiction and shall only be amended in accordance with **Section 3.6.4, Revision**.
- B.** The Official Zoning Map designates the location and boundaries of the conventional, conditional, overlay, and planned development zoning districts established in this Ordinance.
- C.** The Flood Insurance Rate Map (FIRM) shall designate the location and boundaries of the FHO district, as amended by any associated Flood Insurance Studies (FIS).
- D.** The Official Zoning Map shall be maintained in a digital format and paper copies shall be kept on file in the Planning Department and are available for public inspection during normal business hours.
- E.** The Zoning Administrator shall maintain digital copies of superseded versions of the Official Zoning Map for historical reference, as appropriate.
- F.** Copies of the Official Zoning Map may be purchased from the County and paper copies of the map that are certified by the Zoning Administrator in accordance with Section 160A-79 of the North Carolina General Statutes shall be admissible in evidence and have the same force of effect as the original map.

3.6.2. INCORPORATED BY REFERENCE

- A.** The Official Zoning Map, as amended, is hereby incorporated by reference herein and made part of this Ordinance.
- B.** The Flood Insurance Rate Maps (FIRM) prepared by FEMA and the associated Flood Insurance Study (FIS) are hereby incorporated by reference herein and made part of this Ordinance.

3.6.3. INTERPRETATION OF MAP BOUNDARIES

The Zoning Administrator shall be responsible for determination of boundaries on the Official Zoning Map in accordance with the standards in **Section 2.3.8, Determination**, and the following standards:

- A.** Boundaries shown as approximately following a utility line or a street, alley, railroad, or other public accessway shall be interpreted as following the centerline of the right-of-way or easement for the utility line or accessway.
- B.** If a street, alley, railroad, or utility easement forming the boundary between two separate zoning districts is abandoned or removed from dedication, the district boundaries shall be construed as following the centerline of the abandoned or vacated roadbed or utility easement.
- C.** Boundaries shown as approximately following a lot line shall be interpreted as following the lot line as it existed when the boundary was established. If a subsequent minor adjustment (such as from settlement of a boundary dispute or overlap) results in the lot line moving 10 feet or less, the zoning boundary shall be interpreted as moving with the lot line.
- D.** Boundaries shown as approximately following a river, stream, canal, lake, or other watercourse shall be interpreted as following the centerline of the watercourse as it actually exists, and as moving with that centerline to the extent the watercourse moves as a result of natural processes (flooding, erosion, sedimentation, etc.).
- E.** Boundaries shown parallel to or as extensions of features indicated in this subsection shall be interpreted as such.
- F.** Boundaries shown as following the boundary of a corporate limits shall be interpreted as following the boundary of municipal incorporation.

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- G.** If the specific location of a depicted boundary cannot be determined from application of the above standards, it shall be determined by using the Official Zoning Map's scale to determine the boundary's distance from other features shown on the map.
- H.** Where the actual location of existing physical or natural features varies from that shown on the Official Zoning Map, or in other circumstances that are not covered by this subsection, the Planning Director shall have the authority to determine the district boundaries.
- I.** Interpretations of the Flood Hazard Overlay (FHO) district boundary shall be made by the Floodplain Administrator, in accordance with the standards in **Section 2.3.8, Determination**, and **Section 3.4.3, Flood Hazard Overlay (FHO) District**.
- J.** In the case of flood hazard overlay district boundaries, the FEMA work maps, if available, shall be used for scaling.
- K.** In cases where boundaries on the County's Official Zoning Map are based on another official map promulgated by the State or other federal agency and the other State or federal map is amended, the County's maps shall automatically be amended to remain consistent with the officially promulgated State or federal map.

3.6.4. REVISION

- A.** Changes made in zoning district boundaries on the Official Zoning Map shall be considered an amendment to this Ordinance and are made in accordance with **Section 2.3.5, Conditional Rezoning**, **Section 2.3.16, Planned Development**, or **Section 2.3.7, Conventional Rezoning**, as appropriate.
- B.** Changes to the Official Zoning Map approved by the Board of Commissioners shall be entered on the Official Zoning Map by the Zoning Administrator promptly after the approval.
- C.** Where the ordinance enacting a zoning district boundary change contains wording explaining or clarifying the location of the new boundary, the Zoning Administrator shall enter the boundary on the Official Zoning Map.
- D.** Upon entering the most recently approved amendment on the Official Zoning Map, the Zoning Administrator shall also change the date of the map to indicate the date of its latest revision.

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ARTICLE 4. LAND USES

§4.1. Article Introduction

§4.1. ARTICLE INTRODUCTION

4.1.1. LAND USES DISTINGUISHED

Article 4. Land Uses, contains all the standards related to the use of land in the County's planning jurisdiction, and is organized by the three types of land uses: principal, secondary, and temporary.

- A.** Principal uses are the primary, permanent use types proposed on a lot (like a single-family home).
- B.** Secondary (or accessory) uses are secondary or subordinate uses found on the same lot as a principal use (like a detached garage structure serving a single-family home) and may be a structure or an activity.
- C.** Temporary uses are structures or activities permitted for a limited duration of time on a lot (like a portable storage container used for the purposes of storing or moving a household's belongings).

4.1.2. ARTICLE ORGANIZATION

A. PRINCIPAL USES

- 1.** Section 4.1.2.A, Principal Uses, sets out the principal use table, or the master listing of principal use types and the districts where they are allowed. Each principal use listed in the table is defined in Section §8.4, Words Defined.
- 2.** Section §4.3, Principal Use Standards, sets out the requirements applied to designated principal uses, regardless of the zoning district where they might be located.

B. SECONDARY USES

Section §4.5, Secondary Uses, sets out the general standards applicable to all secondary uses as well as any additional standards applicable to specifically designated secondary uses or structures commonly found in the County.

C. TEMPORARY USES

Section §4.6, Temporary Uses, sets out the standards for temporary uses, including the districts where allowed, the maximum allowable duration for the temporary use, and any additional standards applicable to specific temporary uses or activities.

D. PROHIBITED USES

- 1.** Section §4.4, Prohibited Uses, identifies principal and secondary use types that are prohibited throughout the County's planning jurisdiction.
- 2.** In some cases, overlay zoning districts such as the Airport or Flood Hazard Overlay District include prohibitions on certain principal or secondary uses. Information on these use prohibitions is located within the particular overlay district standards (see Section §3.4, Overlay Zoning Districts).

E. UNLISTED USES

Section §4.7, Unlisted Uses, sets out use type classification details for use by the Zoning Administrator in determining how to classify and process a proposed principal or secondary use type that is not listed in this Ordinance.

§4.2. PRINCIPAL USES**4.2.1. PRINCIPAL USE TABLE**

A. TABLE STRUCTURE**1. GENERALLY**

Table 4.2.1, Principal Use Table, lists use categories, principal use types and indicates whether the principal use type is permitted by-right, by a special use permit, or is prohibited in a particular zoning district. It also includes a reference to any applicable use standards that apply to a particular principal use.

2. USE CLASSIFICATIONS

- i. Individual principal uses in the principal use table are organized into one of the following five different use classifications, based upon their characteristics: Agricultural; Commercial; Industrial; Institutional; and Residential.
- ii. Use classifications are more generally described in [Section §4.7, Unlisted Uses](#).

3. USE CATEGORIES

- i. Each of the five use classifications includes a series of use categories. Use categories are groupings of similar use types that are grouped based on similar purposes or functional characteristics.
- ii. Individual use types listed in the table of principal use types are listed in alphabetical order by use category.
- iii. Use categories are more generally described in [Section §4.7, Unlisted Uses](#).

4. USE STANDARDS

The right-most column of the table includes a reference to any applicable use standards associated with a particular use type. Unless otherwise stated in the standards, a use standard applies to a particular use regardless of the zoning district where it is located.

B. USES PERMITTED BY RIGHT

1. A “P” in a cell of the principal use table indicates that the specific use type is permitted by-right in the corresponding zoning district, subject to compliance with any referenced use standards and any other applicable standards in this Ordinance.
2. By-right uses require issuance of a zoning compliance permit or building permit prior to establishment and may also require approval of a site plan (see [Section 2.3.19, Site Plan](#)).

C. USES PERMITTED BY SPECIAL USE PERMIT

An “S” in a cell of the principal use table indicates that the specific use type is permitted in the corresponding zoning district only upon approval of a special use permit in accordance with [Section 2.3.20, Special Use Permit](#). Special uses must also comply with any referenced use standards and any other applicable standards in this Ordinance.

D. USES ALLOWED IN A PLANNED DEVELOPMENT DISTRICT

1. An “A” in a cell of the principal use table indicates that the specific use type is allowable in a planned development district, provided the specific use type is included in the list of potential use types in the master plan or terms and conditions document approved as part of the zoning map amendment establishing the planned development district.
2. Allowed uses are subject to any referenced use standards identified in the principal use table.
3. If a use type is listed as prohibited in a planned development district in the summary use table, it shall not be included in a master plan or terms and conditions document.

E. USES NOT PERMITTED

ARTICLE 4. LAND USES

§4.2. Principal Uses

An “•” symbol in a cell of the summary use table indicates that the specific use type is not permitted in the corresponding zoning district.

F. CHANGE OF USE

1. Several of the provisions in this Ordinance are applied at the time of a change in use. For the purposes of this Ordinance, each of the following shall constitute a “change in use:”
 - i. When an existing principal use is replaced by a new principal use that is of a different use classification, use category, or use type designation (see [Section §4.7, Unlisted Uses](#));
 - ii. When an existing principal use that is conducted entirely indoors becomes conducted entirely outdoors, or vice versa;
 - iii. When an existing use type that is a nonconforming use changes to a different use type that is also nonconforming, regardless of whether the newer nonconforming use is more intense than the prior nonconforming use;
 - iv. Any change in an existing use or development site that triggers the application of a differing set of building code requirements, such as the switch from residential requirements to non-residential or combined use requirements;
 - v. When an existing principal use intensifies or expands (with or without a shift in the use type) in a manner that increases the average daily trips associated with the use by 100 percent or more; and
 - vi. If a combined or multiple principal use is changed in ways where the mixture of use types changes or where the relative proportion of floor area devoted to one of the existing use types is modified to the extent that the total minimum off-street parking standards for the entire development are changed.
2. Conversion from one use type to the same use type under the same or a different owner is not a change in use. Additions or expansions of an existing use may require the need for compliance with development or design standards in this Ordinance.
3. Changes of use type within a planned development district do not constitute a change in use provided the new use types is identified in the planned development terms and conditions document. The addition of a new or unlisted use types within a planned development shall require an amendment to the planned development district.
4. Addition or conversion of secondary uses or the operation of a temporary use does not constitute a change in principal use.

G. COMBINATION OR MULTIPLE PRINCIPAL USES

Developments with combination or multiple principal uses, such as shopping centers, shall:

1. Incorporate only those use types allowed in the applicable zoning district;
2. Comply with all the use standards that apply to each use type in the development; and
3. Comply with the required method of establishment for the use type identified in Table 4.2.1, Principal Use Table.

ARTICLE 4. LAND USES

§4.2. Principal Uses

TABLE 4.2.1: PRINCIPAL USE TABLE

P = Permitted, subject to applicable standards; S = Special use permit required; A = Allowed if included in a planned development terms and conditions document; “•” = Prohibited

Use Category	Use Type	Zoning Districts										Use Standards
		Residential				Business			Ind.		PD	
		AR-30	R-30	R-20	R-10	OI	B-1	B-2	M-1	M-2		
Agricultural Use Classification												
Agricultural Processing	Agricultural Packaging and Processing	P	•	•	•	•	•	•	P	P	A	
	Agricultural Storage and Distribution	P	•	•	•	•	•	P	P	P	A	4.3.2
Agricultural Production	Horticulture or Plant Nursery	P	•	•	•	•	P	P	P	P	A	
	Pick-Your-Own Establishment	P	P	P	•	•	P	P	P	P	A	4.3.79
	Row, Field, and Tree crops	P	P	P	P	P	P	P	P	P	A	
	Silviculture	P	P	P	P	P	P	P	P	P	A	
	Viticulture	P	P	P	P	P	P	P	P	P	A	
Agricultural Support Services	Farm Equipment Sales and Service	P	•	•	•	•	•	P	P	P	A	4.3.35
	Farm Supply Sales	P	•	•	•	•	•	P	P	•	A	4.3.36
Livestock-Related	Animal Husbandry (other than swine)	P	P	•	•	•	•	•	P	P	A	4.3.6
	Aquaculture	P	•	•	•	•	•	•	P	P	A	
	Equestrian Facility	P	P	P	•	•	P	P	•	•	A	4.3.31
	Packaging and Processing	S	•	•	•	•	•	•	•	S	•	4.3.7
	Swine Farm	S	•	•	•	•	•	•	•	•	•	4.3.98
Commercial Use Classification												
Aircraft-Related	Aircraft Parts, Sales, and Maintenance	•	•	•	•	•	•	•	P	P	A	
	Aircraft Storage	P	•	•	•	•	•	•	P	P	A	
Animal-Related	Animal Shelter	S	•	•	•	•	•	•	•	P		4.3.8
	Boarding	P	•	•	•	•	P	P	P	P	A	4.3.4

ARTICLE 4. LAND USES

§4.2. Principal Uses

TABLE 4.2.1: PRINCIPAL USE TABLE

P = Permitted, subject to applicable standards; S = Special use permit required; A = Allowed if included in a planned development terms and conditions document; “•” = Prohibited

Use Category	Use Type	Zoning Districts										Use Standards
		Residential				Business			Ind.		PD	
		AR-30	R-30	R-20	R-10	OI	B-1	B-2	M-1	M-2		
	Grooming	P	•	•	•	•	P	P	P	P	A	4.3.5
	Petting Zoo	P	•	•	•	•	•	•	•	•	A	4.3.77
	Veterinary Services, Large Animal	P	•	•	•	•	•	P	P	P	A	4.3.109
	Veterinary Services, Small Animal	•	•	•	•	P	P	P	P	P	A	4.3.109
	Zoo	•	•	•	•	•	•	S	•	•	A	4.3.113
Eating and Drinking	Bar, Cocktail Lounge, Private Club	•	•	•	•	•	S	P	P	•	A	4.3.12
	Catering Establishment	•	•	•	•	•	P	P	P	•	A	
	Coffee Shop or Bakery	•	•	•	•	•	P	P	•	•	A	4.3.20
	Microbrewery or microdistillery	S	•	•	•	•	S	P	P	P	A	4.3.67
	Restaurant with Indoor or Outdoor Seating	•	•	•	•	P	P	P	P	•	A	4.3.86
	Restaurant with Drive-up/Walk-up Service Only	•	•	•	•	P	P	P	P	•	A	4.3.86
Electronic Gaming Operation	All Use Types	•	•	•	•	•	•	S	•	•	•	4.3.30
Equipment-Related	Heavy Equipment Sales, Rental, & Repair	•	•	•	•	•	•	•	P	P	A	4.3.47
	Light Equipment Sales, Rental, & Repair	•	•	•	•	•	P	P	P	P	A	4.3.59
Event Venue	Event Venue,	P	•	•	•	P	P	P	•	•	A	4.3.32

ARTICLE 4. LAND USES

§4.2. Principal Uses

TABLE 4.2.1: PRINCIPAL USE TABLE

P = Permitted, subject to applicable standards; S = Special use permit required; A = Allowed if included in a planned development terms and conditions document; “•” = Prohibited

Use Category	Use Type	Zoning Districts										Use Standards
		Residential				Business			Ind.		PD	
		AR-30	R-30	R-20	R-10	OI	B-1	B-2	M-1	M-2		
	Indoor Only											
	Event Venue, Indoors or Outdoors	S	•	•	•	P	•	P	•	•	A	4.3.32
Financial Services	Bank or Credit Union	•	•	•	•	P	P	P	P	•	A	
	Financial Office	•	•	•	•	P	P	P	P	•	A	
	Check Cashing/Payday Lending Establishment	•	•	•	•	•	•	S	•	•	•	
Lodging	Bed and Breakfast	P	P	P	P	P	P	P	•	•	A	4.3.13
	Campground	P	•	•	•	•	P	P	•	•	A	4.3.17
	Hotel or Motel	•	•	•	•	P		P			A	4.3.51
	Recreational Vehicle Park	S	•	•	•	•	P	P	•	•	•	4.3.81
Marine-Related	All Use Types	•	•	•	•	•	P	P	P	P	A	4.3.65
Parking-Related	All Use Types	•	•	•	•	P	P	P	P	P	A	4.3.77
Personal Services	Barber or Beauty Shop	•	•	•	•	P	P	P	P	•	A	
	Computer-Related Services	•	•	•	•	•	P	P	P	•	A	
	Day Spa (medical or otherwise)	•	•	•	•	P	P	P	•	•	A	
	Fitness Center	•	•	•	•	•	P	P	P	•	A	
	Funeral-Related Services	•	•	•	•	P	•	P	P	•	A	4.3.41
	Hair, Nails, and Skin-Related Services	•	•	•	•	•	P	P	•	•	A	
	Instructional Services	•	•	•	•	P	P	P	•	•	A	4.3.54
	Laundry and	•	•	•	•	•	P	P	P	•	A	

ARTICLE 4. LAND USES

§4.2. Principal Uses

TABLE 4.2.1: PRINCIPAL USE TABLE

P = Permitted, subject to applicable standards; S = Special use permit required; A = Allowed if included in a planned development terms and conditions document; “•” = Prohibited

Use Category	Use Type	Zoning Districts										Use Standards
		Residential				Business			Ind.		PD	
		AR-30	R-30	R-20	R-10	OI	B-1	B-2	M-1	M-2		
	Cleaning Services											
	Packaging and Shipping	.	.	.	.	P	P	P	P	.	A	
	Repair shop	.	.	.	.	.	P	P	P	P	A	4.3.84
	Tanning Salon	.	.	.	.	.	P	P	.	.	A	
	Tattoo and Piercing Establishment	.	.	.	.	.	.	S	P	.	A	
Office-Related	Co-Working Space	.	.	.	.	P	P	P	.	.	A	4.3.29
	Office, High Intensity	.	.	.	.	P	.	P	P	.	A	4.3.72
	Office, Low Intensity	.	.	.	.	P	P	P	P	.	A	
Recreation-Related	Nightclub or Dance Hall	.	.	.	.	.	S	P	P	.	A	4.3.70
	Indoor Recreation, Commercial	.	.	.	.	.	P	P	P	.	A	4.3.52
	Outdoor Recreation, Commercial	S	.	.	.	.	.	P	P	.	A	4.3.73
	Shooting Range, Indoor	.	.	.	.	.	.	S	S	P	.	4.3.93
	Shooting Range, Outdoor	S	.	.	.	.	.	.	.	S	.	4.3.93
	Theatre, Indoors	.	.	.	.	P	.	P	.	.	A	
	Theatre, Outdoors	.	.	.	.	.	.	S	.	.	A	4.3.100
Retail Sales	Agricultural Product Sales	P	.	.	.	.	P	P	P	.	A	
	Bulky Items Sales	.	.	.	.	.	.	P	P	P	A	4.3.15
	Convenience Store	.	.	.	.	.	P	P	P	P	A	4.3.27
	Flea Market	.	.	.	.	.	P	P	.	.	A	4.3.37

ARTICLE 4. LAND USES

§4.2. Principal Uses

TABLE 4.2.1: PRINCIPAL USE TABLE

P = Permitted, subject to applicable standards; S = Special use permit required; A = Allowed if included in a planned development terms and conditions document; “•” = Prohibited

Use Category	Use Type	Zoning Districts										Use Standards
		Residential				Business			Ind.		PD	
		AR-30	R-30	R-20	R-10	OI	B-1	B-2	M-1	M-2		
	Gasoline Sales	•	•	•	•	•	P	P	P	P	A	4.3.42
	Grocery Store	•	•	•	•	•	P	P	•	•	A	4.3.45
	Pharmacy	•	•	•	•	•	P	P	•	•	A	
	Retail, High Intensity	•	•	•	•	•	S	P	P	•	A	4.3.87
	Retail, Low Intensity	•	•	•	•	S	P	P	P	•	A	
	Retail, Micro	S	•	•	•	P	P	P	P	S	A	4.3.88
Sexually-Oriented Business	All Use Types	•	•	•	•	•	•	S	•	•	•	4.3.92
Storage-Related	Storage, Indoor Only	•	•	•	•	•	P	P	P	P	A	4.3.96
	Storage, Indoor and Outdoor	•	•	•	•	•	•	•	P	P	A	4.3.96
Vehicle-Related	Vehicle Repair and Servicing (without painting/bodywork)	•	•	•	•	•	S	P	P	P	A	4.3.106
	Vehicle Sales or Rentals	•	•	•	•	•	P	P	P	P	A	4.3.107
	Vehicle Painting/ Bodywork	•	•	•	•	•	•	S	P	P	A	4.3.105
	Vehicle Parts and Accessory Sales	•	•	•	•	•	P	P	•	•	A	
	Vehicle Towing and Storage Lot	•	•	•	•	•	P	P	P	P	A	4.3.108
	Vehicle Washing or Detailing	•	•	•	•	•	P	P	P	P	A	
INDUSTRIAL USE CLASSIFICATION												
Energy-Related	Fuel Oil/Bottled Gas Distributor	•	•	•	•	•	•	•	P	P	A	4.3.40
	Level 2 Solar Energy	S	S	S	S	P	P	P	P	P	A	4.3.97

ARTICLE 4. LAND USES

§4.2. Principal Uses

TABLE 4.2.1: PRINCIPAL USE TABLE

P = Permitted, subject to applicable standards; S = Special use permit required; A = Allowed if included in a planned development terms and conditions document; “•” = Prohibited

Use Category	Use Type	Zoning Districts									PD	Use Standards
		Residential				Business			Ind.			
		AR-30	R-30	R-20	R-10	OI	B-1	B-2	M-1	M-2		
	Conversion											
	Level 3 Solar Energy Conversion	S	S	S	S	S	S	S	S	S	A	4.3.97
	Wind Energy Conversion	S	•	•	•	•	•	•	•	S	A	4.3.112
Extractive Industry	All Use Types	S	•	•	•	•	•	•	•	S	•	4.3.33
Flex Space	Business Incubator	•	•	•	•	•	S	P	P	P	A	4.3.16
	Maker Space	•	•	•	•	•	•	P	P	P	A	4.3.61
	Research and Development	•	•	•	•	•	•	•	P	P	A	
Industrial Services	Asphalt or Concrete Plant	•	•	•	•	•	•	•	•	P	•	4.3.9
	Contractor Services/Yard	•	•	•	•	•	•	•	P	P	A	4.3.25
	Electrical, HVAC, or Plumbing Fabrication	•	•	•	•	•	•	S	P	P	A	
	Metal Fabrication	•	•	•	•	•	•	•	P	P	A	4.3.66
Manufacturing	Heavy Manufacturing	•	•	•	•	•	•	•	•	P	•	4.3.48
	Light Manufacturing	•	•	•	•	•	•	•	P	P	A	4.3.60
Utility-Related	Major Utility	S	•	•	•	S	P	P	P	P	A	4.3.104
	Minor Utility	P	P	P	P	P	P	P	P	P	A	
Warehouse-Related	Freight Terminal	•	•	•	•	•	•	•	P	P	A	4.3.39
	Warehouse, Distribution	•	•	•	•	•	•	S	P	P	A	4.3.110
	Warehouse, Storage Only	•	•	•	•	•	P	P	P	P	A	4.3.110
Waste-Related	Land-Application of Wastes	S	•	•	•	•	•	•	•	S	•	4.3.55
	Landfill, LCID	•	•	•	•	•	•	•	S	S	•	4.3.56

ARTICLE 4. LAND USES

§4.2. Principal Uses

TABLE 4.2.1: PRINCIPAL USE TABLE

P = Permitted, subject to applicable standards; S = Special use permit required; A = Allowed if included in a planned development terms and conditions document; “•” = Prohibited

Use Category	Use Type	Zoning Districts										Use Standards
		Residential				Business			Ind.		PD	
		AR-30	R-30	R-20	R-10	OI	B-1	B-2	M-1	M-2		
	Landfill, Sanitary	•	•	•	•	•	•	•	S	S	•	4.3.57
	Recycling Center	•	•	•	•	•	•	•	S	P	A	4.3.82
	Salvage and Junkyard	•	•	•	•	•	•	•	•	S	A	4.3.89
	Transfer Station	S	•	•	•	•	•	S	S	S	A	4.3.101
Wholesale Sales	Indoor Only	S	•	•	•	•	P	P	P	P	A	4.3.111
	Indoor and Outdoor	S	•	•	•	•	•	S	P	P	A	4.3.111
Institutional Use Classification												
Assembly	Auditorium, Coliseum, or Convention Center	•	•	•	•	P	•	P	P	•	A	4.3.11
	Community Center	P	•	•	•	P	P	•	•	•	A	4.3.21
	Fraternal Club or Lodge	P	P	P	P	P	P	P	•	•	A	4.3.38
	Religious Institution	P	P	P	P	P	P	P	•	•	A	4.3.83
Cultural Facility	Library	P	P	P	P	P	P	P	•	•	A	4.3.58
	Museum	P	•	•	•	P	•	P	•	•	A	4.3.69
Day Care	Adult Day Care	S	•	•	•	P	P	P	•	•	A	4.3.1
	Child Day Care	P	P	P	P	P	P	P	•	•	A	4.3.19
Educational	College or University	•	•	•	•	P	•	•	•	•	A	
	School, Elementary or Middle	P	P	P	P	P	P	P	•	•	A	4.3.90
	School, High	P	P	P	P	P	P	P	•	•	A	4.3.91
	School, Vocational	•	•	•	•	P	•	P	P	P	A	
Government-Related	Correctional Facility	•	•	•	•	•	•	•	•	S	•	4.3.28
	Fire/EMS/ Sheriff Station	P	P	P	P	P	P	P	P	P	A	
	Government	•	•	•	•	P	P	P	P	P	A	

ARTICLE 4. LAND USES

§4.2. Principal Uses

TABLE 4.2.1: PRINCIPAL USE TABLE

P = Permitted, subject to applicable standards; S = Special use permit required; A = Allowed if included in a planned development terms and conditions document; “•” = Prohibited

Use Category	Use Type	Zoning Districts										Use Standards
		Residential				Business			Ind.		PD	
		AR-30	R-30	R-20	R-10	OI	B-1	B-2	M-1	M-2		
	Office											
	Government Operations	•	•	•	•	S	•	P	P	P	A	4.3.44
	Post Office	•	•	•	•	P	P	P	P	P	A	
Health Care	Hospital	•	•	•	•	P	P	P	P	P	A	4.3.50
	Laboratory	•	•	•	•	P	•	P	P	P	A	
	Outpatient Facility	•	•	•	•	P	P	P	P	P	A	4.3.75
	Residential Treatment Facility	S	•	•	•	P	P	•	•	•	A	4.3.85
	Urgent Care	•	•	•	•	P	P	P	•	•	A	4.3.103
Open Space	Athletic Field or Court	S	S	•	•	P	P	P	P	•	A	4.3.10
	Cemetery	P	•	•	•	P	•	P	•	•	A	4.3.18
	Community Recreation (private)	P	P	P	P	P	•	•	•	•	A	4.3.22
	Golf Course (public or private)	S	S	S	S	P	•	•	•	•	A	4.3.43
	Park or Playground (public)	P	P	P	P	P	P	P	•	•	A	4.3.76
Recreation	Indoor Recreation, Public	P	P	•	•	P	P	P	P	•	A	4.3.53
	Outdoor Recreation, Public	S	•	•	•	P	P	P	•	•	A	4.3.74
Telecom-munications	Antenna Collocation, Major	S	S	P	P	P	P	P	P	P	A	4.3.99
	Antenna Collocation Minor	P	P	P	P	P	P	P	P	P	A	4.3.99
	Broadcasting Studio	•	•	•	•	•	P	P	P	•	A	

ARTICLE 4. LAND USES

§4.2. Principal Uses

TABLE 4.2.1: PRINCIPAL USE TABLE

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USE CATEGORY	USE TYPE	ZONING DISTRICTS										USE STANDARDS
		RESIDENTIAL				BUSINESS			IND.		PD	
		AR-30	R-30	R-20	R-10	OI	B-1	B-2	M-1	M-2		
	Small Wireless Facility	P	P	P	P	P	P	P	P	P	A	4.3.99
	Telecom-munications Tower, Major (Amended 5-2-22 UDOTA 1-22)	S	•	•	•	•	•	S	P	P	A	4.3.99
	Telecom-munications Tower, Minor	S	•	•	•	P	P	P	P	P	A	4.3.99
Transportation	Airport or Air Strip	S	•	•	•	S	•	S	•	•	A	4.3.3
	Bus Station	•	•	•	•	P	•	P	P	P	A	
	Marina	•	•	•	•	•	P	P	•	•	A	4.3.64
	Rail Yard	•	•	•	•	•	•	P	P	P	•	
RESIDENTIAL USE CLASSIFICATION												
Assisted Living	Congregate Care	•	•	•	•	S	•	S	•	•	A	4.3.23
	Continuing Care Retirement Community	•	•	•	P	P	•	P	•	•	A	4.3.25
	Nursing / Rehabilitation Center	S	S	•	•	P	P	P	•	•	A	4.3.71
Group Living	Boarding House	•	•	•	S	S	•	S	•	•	A	4.3.14
	Family Care Home	P	P	P	P	P	•	•	•	•	A	4.3.34
	Group Home	•	•	•	S	S	•	S	•	•	A	4.3.46
	Homeless Shelter	•	•	•	•	•	•	S	•	•	•	4.3.49
Household Living	Conservation Subdivision	P	P	P	P	•	•	•	•	•	•	4.3.24
	Manufactured Home (Class A - Doublewide)	P	P	P	P	•	•	•	•	•	A	4.3.62
	Manufactured Home (Class B - Singlewide)	P	•	•	•	•	•	•	•	•	•	4.3.62

ARTICLE 4. LAND USES

§4.2. Principal Uses

TABLE 4.2.1: PRINCIPAL USE TABLE

P = Permitted, subject to applicable standards; S = Special use permit required; A = Allowed if included in a planned development terms and conditions document; “•” = Prohibited

USE CATEGORY	USE TYPE	ZONING DISTRICTS										USE STANDARDS
		RESIDENTIAL				BUSINESS			IND.		PD	
		AR-30	R-30	R-20	R-10	OI	B-1	B-2	M-1	M-2		
	Manufactured Home (Class C)	•	•	•	•	•	•	•	•	•	•	4.3.62
	Manufactured Home Park	•	•	S	•	•	•	•	•	•	•	4.3.63
	Multi-Family Dwelling	•	•	•	P	P	P	P	•	•	A	4.3.68
	Pocket Neighborhood	•	S	S	P	P	•	•	•	•	A	4.3.80
	Single-Family Attached Dwelling	•	•	P	P	P	•	•	•	•	A	4.3.94
	Single-Family Detached Dwelling	P	P	P	P	•	•	•	•	•	A	4.3.95
	Two-Family Dwelling	•	•	P	P	P	P	P	•	•	A	
	Upper-Story Residential Dwelling	•	•	•	•	P	P	P	S	•	A	4.3.102

§4.3. PRINCIPAL USE STANDARDS

Principal use standards are the requirements applied to individual principal use types, unless otherwise stated to the contrary in this Ordinance. This section identifies the use standards applied to principal use types identified in Table 4.2.1, Principal Use Table, as subject to "Use Standards." Uses are listed in alphabetical order.

4.3.1. ADULT DAY CARE

- A.** The use shall be certified by the North Carolina Department of Health and Human Services.
- B.** The use shall obtain all required licenses and permits from the State.
- C.** The use includes a pick-up and drop-off area that allows patrons to enter and exit vehicles without crossing a parking lot or vehicular accessway.
- D.** Centers on a site greater than three acres shall have access to a collector or thoroughfare road.

4.3.2. AGRICULTURAL STORAGE AND DISTRIBUTION

- A.** All structures, buildings, or enclosed areas used for the operation shall be a minimum of 100 feet from all lot lines.
- B.** Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.
- C.** All unpaved storage areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.

4.3.3. AIRPORT OR AIR STRIP

- A.** Airports or air strips classified as a Basic Utility Stage 1 facility with a 2,000-foot runway shall require a lot or site size of at least 50 acres.
- B.** Airport, air strip, and heliport size and layout shall conform to FAA Advisory Circular 150/5300-4B, as amended.
- C.** There shall be a minimum 300-foot separation distance between an airport or heliport and the nearest residence.
- D.** Security fencing with a minimum height of six feet shall be provided to control access to runways and taxiways.

4.3.4. ANIMAL BOARDING

No pens or runs may be located outdoors.

4.3.5. ANIMAL GROOMING

- A.** Overnight boarding of animals shall not be permitted.
- B.** No pens may be located outdoors.
- C.** No more than one animal grooming use shall be allowed within a multi-tenant building.

4.3.6. ANIMAL HUSBANDRY (OTHER THAN SWINE)

- A.** There shall be minimum 100-foot distance between manure storage areas, barns or stables, and any adjacent residentially zoned property.
- B.** All unpaved areas shall be maintained in a manner that prevents dust from adversely impacting adjoining properties.

4.3.7. ANIMAL PRODUCTS PACKAGING AND PROCESSING

- A.** All structures, buildings, enclosed areas, and areas of outdoor storage or staging shall be a minimum of 150 feet from all lot lines.

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- B.** Equipment-producing noise or sounds in excess of 70 decibels be located no closer than 100 feet to the nearest residence.
- C.** All unpaved storage areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.
- D.** Security fencing of a minimum height of four feet or other comparable method of enclosure shall be provided around all outside storage and staging areas.
- E.** An application for establishment of this use shall include a truck route plan that designates routes to minimize impacts on residential areas, schools, or other land uses that would be negatively impacted by truck traffic.
- F.** The use shall not generate fumes or odors beyond what normally occurs in the zoning district in which it is located.

4.3.8. ANIMAL SHELTER

All activities associated with the use shall take place within enclosed and soundproofed structures, or the use shall be separated from land in an OI or residential districts by at least 500 feet.

4.3.9. ASPHALT OR CONCRETE PLANT

- A.** An asphalt plant shall be located at least 50 feet from a lot line.
- B.** A security fence, a minimum of six feet in height, shall be provided around the use.
- C.** Within one year of the cessation of the use, all equipment and stockpiles incidental to the operation shall be dismantled and removed by and at the expense of the landowner.
- D.** The site shall be drained to prevent the accumulation of standing water, and channelization of the drainage shall be designed and controlled so as not to cause erosion or silting of neighboring properties or public ways, nor to appreciably increase the turbidity of any natural water course, or to occlude any existing drainage course, except in an instance where redevelopment for another permitted use is in progress.
- E.** Vehicular access shall be constructed with an all-weather surface and be maintained in a dust-free condition.
- F.** Access drives shall be located no closer than 15 feet from a lot line.
- G.** An application for establishment of this use shall include a truck route plan that designates routes to minimize impacts on residential areas, schools, or other land uses that would be negatively impacted by truck traffic.

4.3.10. ATHLETIC FIELD

Athletic fields shall comply with the following standards:

- A.** Athletic fields used for night-time or weekend activities shall be located at least 100 feet from lot lines shared with a residentially zoned land.
- B.** The athletic field shall be surrounded by a fence with a minimum height of four feet, and shall be supplemented with netting or other devices that limit projectiles from travelling off-site, if determined necessary by the Zoning Administrator.
- C.** Exterior lighting for athletic fields shall include aimable LED lights, louvers or glare control shielding, and configured so that the maximum illumination at any lot lines abutting residentially zoned or used lands is a maximum of one footcandle.

4.3.11. AUDITORIUM, COLISEUM, OR CONVENTION CENTER

- A.** The parcel or site shall have an area of at least three acres;
- B.** The building shall be located at least 500 feet from any lot in a single-family residential zoning district; and

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- C. No products shall be sold on-site except those that are clearly incidental and integral to training programs and seminars conducted in the auditorium (e.g., food items, shirts, glasses and mugs, pens and pencils, and similar items bearing the logo of conference or seminar sponsors or participants).

4.3.12. BAR, COCKTAIL LOUNGE, PRIVATE CLUB

- A. No bar, cocktail lounge, private club, or similar venue shall be located within 500 feet of any other bar, cocktail lounge, private club, night club, or dance hall.
- B. No bar or lounge shall be located within 200 feet of a religious institution, elementary or secondary school, public park, or residentially zoned property.
- C. No bar, cocktail lounge, private club, or similar venue, including any outdoor activity areas, shall be located within 75 feet of a public road right-of-way.
- D. Such uses shall have direct access via a collector or higher capacity road.
- E. The main entrance of the building shall face a street. In cases where the building could face more than one street, it shall be configured to face the street with the larger number of non-residential establishments or where the larger number of non-residentially zoned lots are located.
- F. A six-foot-high opaque fence shall be erected along all lot lines shared with a residence.
- G. Off-street parking areas shall be located no closer than 30 feet to the property line of abutting residences.

4.3.13. BED AND BREAKFAST

- A. The use shall be owned and operated by a resident owner.
- B. The use shall be located in a structure that was originally constructed as a residential dwelling.
- C. Meals served on the premises shall be only for guests of the facility.
- D. There shall be no exterior advertising except that which is permitted for a home occupation.
- E. A type C perimeter buffer configured in accordance with [Section 6.5.9, Perimeter Buffers](#), shall be installed all lot lines shared with a residence.

4.3.14. BOARDING HOUSE

- A. The property owner or lessee must reside on the same premise as the boarding house with the structure clearly serving as that person's permanent residence.
- B. No more than five sleeping rooms shall be available for rent.
- C. Separate structures, secondary buildings, and garages are not permitted to be used as boarding rooms.
- D. No separate exterior doorways for individual boarding rooms shall be permitted.
- E. There shall be no exterior advertising except that which is permitted for a home occupation.
- F. Parking for boarders shall not be served by a separate driveway from the driveway serving the principal residential structure and all parking spaces shall be screened from abutting residential uses in accordance with [Section 6.5.8.C, Perimeter Plantings](#).
- G. Prompt disposal of all garbage in a sanitary condition is required.

4.3.15. BULKY ITEMS SALES

- A. All outdoor storage of materials shall be screened from view of adjacent streets and residentially zoned land. This screening requirement shall not apply to the placement of goods or products for sale.
- B. Portable storage containers and dumpsters that are utilized for the purpose of display and any item that exceeds 10 feet in height shall not be placed within required setbacks, parking, or landscape areas; and

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- C. Other bulky items that are less than or equal to 10 feet in height must be located at least 10 feet from any public street and shall not be placed within required parking or landscape areas.

4.3.16. BUSINESS INCUBATOR

- A. A business incubator may be provided as a principal use in its own building, as a tenant in a multi-tenant building, or as a secondary use to an existing office, personal service, or industrial use.
- B. When proposed as a secondary use to an existing business or development, the floor area devoted to the business incubator shall not exceed 25 percent of the building's gross floor area.
- C. Business incubators shall meet the off-street parking requirement for this use type in Table 6.8.4.F, Summary Table of Requirements, not the individual types of uses within the business incubator.
- D. Floor area within a building serving as a business incubator may be used for storage, but no outdoor activity or storage is permitted.

4.3.17. CAMPGROUND

A. GENERAL REQUIREMENTS

1. No campsite shall be used as a permanent place of abode, dwelling, or business for indefinite periods of time. Continuous occupancy extending beyond three months in any 12-month period shall be presumed to be permanent occupancy.
2. Secondary uses shall be so designed and developed so as to blend with the park's design and natural setting. Such uses shall be clearly secondary to the principal use as a campground/recreational vehicle park.
3. Secondary uses shall include management headquarters, recreational facilities, toilets, showers, coin-operated laundry facilities, and other uses and structures customarily incidental to the operation of the park.
4. Conditions of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants.
5. The site shall not be exposed to objectionable smoke, noise, odors, or other adverse influences, and no portion subject to unpredictable and/or sudden flooding, subsidence, or erosion shall be used for any purpose that would expose persons or property to hazards.
6. A soil sedimentation control plan shall be submitted in accordance with Section §6.11, Soil Erosion and Sedimentation Control.
7. Surface drainage plans for the entire tract shall be reviewed by the Zoning Administrator to determine whether the proposed plan is compatible with the surrounding existing drainage pattern and relevant drainage plans, prior to issuance of site plan approval and building permits. No permit shall be issued where it is determined that the plan is incompatible with surrounding areas.

B. DIMENSIONAL REQUIREMENTS

1. Minimum density shall be limited to 15 campsites per net acre, excluding public areas, rights-of-way, watercourses, and other areas as may be set forth.
2. In no case shall any campsite contain less than 1,500 square feet. To the greatest extent possible, campsites shall be developed to preserve their natural character. Campsites shall be level and well-drained.
3. The minimum setback from any private, interior road shall be 20 feet from the edge of pavement.

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4. The minimum exterior side property line setback, when abutting residentially used or zoned areas, shall be 50 feet. In all other cases, the exterior side property line setback shall be at least 20 feet.
5. The minimum exterior rear property line setback, when abutting residentially used or zoned areas, shall be 50 feet. In all other cases, the exterior rear property line setback shall be at least 30 feet.

C. ACCESS AND ROAD REQUIREMENTS

1. Entrance driveways shall be located not closer than 150 feet from the intersection of public roads.
2. Interior access roads not proposed for public dedication shall conform to the construction standards for subdivision roads of NCDOT. However, requirements for minimum rights-of-way and paving widths shall not apply.
3. Plans and profiles shall be submitted for review and approval. In no case shall the road or parking width be less than 10 feet.
4. Entrances and exits to campgrounds shall be designed for safe and convenient movement of traffic into and out of the establishment and to minimize marginal friction with free movement.

D. PARKING REQUIREMENTS

1. There shall be at least three off-street parking spaces designated for each two campsites. At least one space must be provided on each campsite with any residual spaces provided within 100 feet of the site.
2. Each campsite shall contain a stabilized vehicular parking pad of paving or other suitable material.

E. UTILITY REQUIREMENTS

1. No on-site water or sewer facilities shall be permitted on any campsite.
2. Proposals for toilets and restrooms, laundries, and baths shall have the approval and be subject to the requirements of the Edgecombe County Health Department.
3. All community water facilities shall be subject to the requirements of and be approved by the Edgecombe County Health Department or NC Division of Health Services.
4. All sewer facilities improvements shall have the approval of the Edgecombe County Health Department and the NC Division of Environmental Management.
5. All water and sewer improvements shall comply with the NC Building Code for Plumbing.

F. SCREENING REQUIREMENTS

Campgrounds abutting residentially zoned areas shall include a permanent undisturbed perimeter buffer of at least 50 feet in width. A natural, year-round screen of at least eight feet in height at maturity shall be maintained within the buffer.

G. RECREATIONAL SPACE REQUIREMENTS

At least eight percent of the campground area shall be set aside as common use area for open or enclosed recreation facilities.

4.3.18. CEMETERY

- A. All requirements of the North Carolina General Statutes and Edgecombe County concerning the interment of human remains shall be met.
- B. No interment shall take place within five feet of any lot line nor within 50 feet of any public road right-of-way.
- C. A cemetery shall be served by a public street, private street, or driveway located within a minimum 18-foot-wide access easement must be reserved from a public road to the cemetery.

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- D.** Family cemeteries shall be platted and recorded in the offices of the Edgecombe County Register of Deeds.

4.3.19. CHILD DAY CARE

- A.** Child day care centers shall comply with the standards in Article 7, Chapter 110, of the North Carolina General Statutes, as well as the Summary of North Carolina Child Care Laws and Rules pamphlet prepared by the NC Department of Health and Human Services.
- B.** Outdoor activity area(s) shall be located outside of any required street setback and shall be enclosed by a security fence of at least six feet in height.
- C.** Centers on a site greater than three acres shall have access to a collector or thoroughfare road.

4.3.20. COFFEE SHOP OR BAKERY

- A.** To assure provision of adequate parking, the maximum amount of seating and/or square footage of the public floor area in a multi-tenant building shall be specified at the time of site plan approval.
- B.** A coffee shop or bakery shall have a six-foot-high opaque fence or masonry wall along all lot lines abutting a residential district.
- C.** Outdoor seating areas shall be located no closer than 100 feet from any residential zoning district.

4.3.21. COMMUNITY CENTER

- A.** Community centers shall not front on or gain access from a residential local street;
- B.** Outdoor courts, swimming pools, and athletic fields shall be located at least 50 feet from any lot line abutting a single-family residential district; and
- C.** Uses in residential districts shall be on a lot of at least two acres in area.
- D.** A type C perimeter buffer configured in accordance with [Section 6.5.9, Perimeter Buffers](#), shall be installed along all lot lines shared with a residence.

4.3.22. COMMUNITY RECREATION (PRIVATE)

- A.** The minimum area for a community recreation use shall be at least two acres.
- B.** Private community recreation uses shall have direct access to a collector or higher capacity road. However, if the use is intended to serve only a membership that is limited to a residential development, access may be provided from an interior road within the same residential development.
- C.** A minimum distance of at least 50 feet shall be maintained between a clubhouse, swimming pool, lighted tennis court, or golf course tee, green, or fairway and any adjacent residence.
- D.** A type C perimeter buffer configured in accordance with [Section 6.5.9, Perimeter Buffers](#), shall be installed along all lot lines shared with a residence.
- E.** The hours of operation allowed shall be compatible with the land uses adjacent to the facility, the amount of noise generated shall not disrupt the activities of the adjacent land uses.
- F.** Outdoor swimming pools shall be protected by a fence in accordance with the Edgecombe County Health Department's public swimming pool regulations.

4.3.23. CONGREGATE CARE

- A.** The facility shall provide centrally located, shared food preparation, services to residents, and shared dining areas.
- B.** Common recreation, social, and service facilities shall be provided at a minimum rate of 30 square feet per dwelling unit or per rooming unit.
- C.** All facilities shall be solely for the use of residents and their guests.

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- D.** No congregate care facility shall be located within one-half mile (2,640 feet) of another congregate care or nursing home facility.

4.3.24. CONSERVATION SUBDIVISION

- A.** Conservation subdivisions are mandatory for residential subdivisions of more than four lots in the AR-30 zoning district.
- B.** Conservation subdivisions shall be configured in accordance with [Section 2.3.6, Conservation Subdivision](#).

4.3.25. CONTINUING CARE RETIREMENT COMMUNITY

- A.** The maximum development density is based on the number of independent living units only and may not exceed five units per acre for the development site.
- B.** Single-family detached dwellings are not subject to the dimensional standards for the zoning district where located but must maintain 15 feet from each lot line and any other principal structure whether on the same or a different lot.
- C.** In no instance shall any individual site within a CCRC exceed a maximum lot coverage of 70 percent.
- D.** A type B perimeter buffer configured in accordance with [Section 6.5.9, Perimeter Buffers](#), shall be installed around the perimeter of the development.
- E.** To ensure the safety and security of residents within a continuing care retirement community, the development shall be surrounded by a perimeter wall or fence with a minimum height of four feet located internal to the perimeter buffer.
- F.** Access and circulation shall adequately provide for firefighting equipment, service deliveries and refuse collection.
- G.** Pedestrian paths shall form a logical, safe, and convenient system for pedestrian and handicap access to all on-site buildings and facilities as well as major off-site destinations.

4.3.26. CONTRACTOR SERVICES/YARD

- A.** Outdoor storage of equipment, materials, and vehicles shall be screened from view from all adjacent residential uses and public rights-of-way.
- B.** Equipment can exceed the required fence height but shall be stored in a manner that limits visibility from the line of sight from all street rights-of-way.

4.3.27. CONVENIENCE STORE

- A.** Convenience stores shall be limited to a maximum of 3,000 square feet of gross floor area per establishment.
- B.** No outdoor storage shall be permitted.
- C.** There shall be no more than two gasoline service islands.

4.3.28. CORRECTIONAL FACILITY

- A.** All principal and secondary buildings shall be set back at least 100 feet from all lot lines and public road rights-of-way.
- B.** All structures, enclosed areas, and fencing shall be located at least 200 feet from any residential zoning district.
- C.** Principal access shall be from a collector or higher capacity road.

4.3.29. CO-WORKING SPACE

- A.** Use types and activities associated with a co-working space shall be limited to the range of activities typically associated with office uses.

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- B.** Food or beverages produced or sold within the use shall be limited to patrons of co-working space not the general public.
- C.** Delivery of personal services within the co-working space (manicure, massage, education, exercise classes, child care, etc.) shall be limited to patrons of the co-working space.
- D.** Facilities for pets shall be indoors or fully screened from adjacent streets and other uses.

4.3.30. ELECTRONIC GAMING OPERATION

- A.** Such uses shall be separated from the following use types by at least one-half mile (2,640 feet):
 - 1.** A bar, cocktail lounge, private club;
 - 2.** A community/youth/senior center;
 - 3.** An elementary, middle, or high school;
 - 4.** A nightclub or dancehall;
 - 5.** A park (whether public or private);
 - 6.** A religious institution; or
 - 7.** Another commercial operation offering games of skill;
- B.** Such uses shall not operate between the hours of 11:00 PM and 7:00 AM; and
- C.** Such uses shall not include or display electronic sweepstakes.

4.3.31. EQUESTRIAN FACILITY

- A.** There shall be minimum 100-foot distance between manure storage areas, barns or stables and any adjacent residentially zoned or used property.
- B.** All unpaved areas shall be maintained in a manner that prevents dust from adversely impacting adjoining properties.
- C.** Restroom facilities shall be approved by the Edgecombe County Health Department.

4.3.32. EVENT VENUE, INDOORS OR OUTDOORS

- A.** Outdoor activity areas shall be set back from lot lines shared with a residential use by an amount at least twice the minimum rear setback for the district where the use is located.
- B.** The maximum number of guests shall be in accordance with the maximum occupancy of the principal structure as determined by the fire marshal or fire chief.
- C.** Outdoor activities shall not take place between the hours of midnight and 7:00 AM.
- D.** Exterior lighting shall not project into adjoining residential lots. Use of stadium-style or other pole-mounted lighting is prohibited. Lighting of accessible paths may be provided, if necessary.
- E.** The event venue shall provide sufficient on-site trash receptacles and shall ensure that windblown trash or other debris does not accumulate anywhere on the site.
- F.** Event venue uses shall demarcate the boundaries of the event venue site for guests and shall include fences, walls, or other techniques such as landscaping to ensure guests to do not inadvertently trespass on adjacent lots.
- G.** Event venues shall ensure adequate ingress and egress from all buildings and structures to accommodate emergencies.

4.3.33. EXTRACTIVE INDUSTRY

- A.** The edges of any pit where an extractive industry operation is taking place and any equipment used in the processing of rock and gravel, any asphalt plant, or other industrial uses operated in conjunction with the mine or quarry shall be located at least 100 feet from any property line.
- B.** Where the mining operation site is bounded by a railroad right-of-way currently being used for rail service to the mining operation, no setback shall be required between the railroad right-of-way and such operation.

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- C.** All operations involving blasting discernible beyond the external property line on a quarry shall only be conducted between the hours of 7:00 AM and 6:00 PM.
- D.** A valid state-issued mining permit shall be obtained before any land disturbing activity takes place.
- E.** A type C perimeter buffer configured in accordance with **Section 6.5.9, Perimeter Buffers**, shall be installed around the perimeter of the development. In cases where the Board of Commissioners determines that a berm is necessary in addition to any perimeter buffers, the minimum height of the berm shall be six feet.

4.3.34. FAMILY CARE HOME

- A.** Family care homes shall comply with the standards in Section 160D-907 of the North Carolina General Statutes.
- B.** A lot containing a family care home shall not be located within one-half mile (2,640 feet) of another lot containing a family care home, residential treatment facility, or a group home.

4.3.35. FARM EQUIPMENT SALES AND SERVICE

- A.** All outdoor storage of materials and machinery service areas shall be screened from view of adjacent streets and residentially zoned land. This screening requirement shall not apply to the placement of goods or products for sale.
- B.** Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.
- C.** All unpaved storage areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.

4.3.36. FARM SUPPLY SALES

- A.** All outdoor storage of materials shall be screened from view of adjacent streets and residentially zoned land. This screening requirement shall not apply to the placement of goods or products for sale.
- B.** Products for sale shall not be placed within required parking or landscape areas.
- C.** All unpaved storage areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.

4.3.37. FLEA MARKET

- A.** A minimum lot area of two acres shall be required.
- B.** The amount of noise generated shall not disrupt the activities of the adjacent land uses.
- C.** Principal access must be from a collector or higher capacity road.
- D.** The hours of operation allowed shall be compatible with the land uses adjacent to the outdoor flea market.

4.3.38. FRATERNAL CLUB OR LODGE

- A.** Fraternal clubs and lodges located on sites of three acres or more shall have direct access to a collector or higher capacity road.
- B.** The minimum building setback from any adjacent street right-of-way shall be at least 25 feet greater than the corresponding street setback applied to a single-family detached dwelling for the zoning district in which located.
- C.** The minimum side and rear setbacks shall be at least 50 feet unless a larger setback is required by the underlying zoning district.
- D.** A type C perimeter buffer configured in accordance with **Section 6.5.9, Perimeter Buffers**, shall be installed along all lot lines shared with a residence.

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4.3.39. FREIGHT TERMINAL

- A. All unpaved storage areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.
- B. Security fencing of a minimum height of six feet or other comparable method of enclosure shall be provided around all outside storage and staging areas.
- C. An application for establishment of this use shall include a truck route plan that designates routes to minimize impacts on residential areas, schools, or other land uses that would be negatively impacted by truck traffic.
- D. Where the site is bounded by a railroad right-of-way currently being used for rail service to the terminal, no setback shall be required between the railroad right-of-way and such operation.

4.3.40. FUEL OIL/BOTTLED GAS DISTRIBUTOR

Uses engaged in the storage or distribution of flammable materials shall meet the requirements established by the fire prevention code of the National Board of Fire Underwriters and the National Fire Protection Association standards, Flammable and Combustible Liquids Code, NFPA 30 and Standards for the Storage and Handling of Liquefied Petroleum Gases, NFPA 58, as applicable.

4.3.41. FUNERAL-RELATED SERVICES

- A. Crematories shall not be located within a residential zoning district;
- B. All storage shall take place within enclosed buildings; and
- C. Display of headstones or other memorials shall be fully screened from any lot line shared with a lot in a residential zoning district.

4.3.42. GASOLINE SALES

- A. There shall be no more than two gasoline service islands with fuel pumps.
- B. All structures, buildings, and outdoor use areas shall be a minimum of 100 feet from a residentially used or zoned lot.
- C. Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.
- D. All unpaved areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.
- E. The use shall not generate noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the zoning district in which it is located.
- F. Vehicle access to the use shall be provided only by way of a US or NC numbered highway.

4.3.43. GOLF COURSE (PUBLIC OR PRIVATE)

- A. A minimum distance of at least 50 feet shall be maintained between a tee, green, or fairway and any adjacent residence.
- B. Activities like driving ranges and similar features shall incorporate fencing, netting, or other control measures around the perimeter of the activity area to ensure projectiles do not leave the area and endanger off-site areas.

4.3.44. GOVERNMENT OPERATIONS

- A. Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.
- B. All unpaved areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.
- C. The use shall not generate noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the zoning district in which it is located.

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- D.** Vehicle access to the use shall be provided only by way of a US or NC numbered highway.

4.3.45. GROCERY STORE

- A.** Outdoor displays shall be configured to permit safe pedestrian access along the front of the building.
- B.** Outdoor storage shall not take place within a required parking or landscaping area.

4.3.46. GROUP HOME

- A.** A lot containing a group home shall not be located within one-half mile (2,640 feet) of another lot containing a family care home, residential treatment facility, or another group home.
- B.** The use shall be operated in a manner that is compatible with the surrounding neighborhood and shall not be detrimental to adjacent lands as a result of traffic, noise, refuse, parking, loitering, or other activities.
- C.** A type B perimeter buffer configured in accordance with [Section 6.5.9, Perimeter Buffers](#), shall be installed along all lot lines shared with a residence.
- D.** The number of occupants in a group home shall be limited to the maximum number that may be accommodated while at the same time complying with all applicable County regulations and State requirements.
- E.** The use shall maintain a residential appearance compatible with its surroundings when proposed in a residential district.
- F.** The use shall meet all State requirements, as well as all applicable housing and building code requirements.

4.3.47. HEAVY EQUIPMENT SALES, RENTAL, & REPAIR

- A.** All outdoor storage of materials and machinery service areas shall be screened from view of adjacent streets and residentially zoned land.
- B.** Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.
- C.** All unpaved storage areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.

4.3.48. HEAVY MANUFACTURING

- A.** Manufacture of ammunition and explosives be located at least 500 linear feet from any residential or OI zoning district and at least 150 feet from all lot lines and shall meet all applicable requirements for Hazardous Occupancy under the State Building Code.
- B.** Storage tanks and loading facilities associated with petroleum products shall be located a minimum of 500 feet from any residentially zoned property.
- C.** All other heavy manufacturing activities, structures, buildings, and outdoor use areas shall be a minimum of 100 feet from any residentially used or zoned property.
- D.** The manufacturing facility, including areas of outdoor storage and processing, shall be surrounded by security fencing of at least six feet in height.
- E.** The use shall not generate noise, vibration, glare, fumes, odors, or electrical interference beyond what can be expected to occur normally in the zoning district where it is located.
- F.** Above-ground outdoor storage tanks shall be subject to the following standards:
- 1.** They shall be located at least 200 feet from any lot line;
 - 2.** Tanks or groups of tanks shall be diked to prevent the spread of liquid onto other property, waterways, or drainageways. The volumetric capacity of the diked area shall not be less than the capacity of the largest tank within the diked area.

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3. Dikes or retaining walls shall be of earth, steel, concrete, or solid masonry designed and constructed to be liquid tight and to withstand a full hydraulic head.
 4. Earthen dikes three feet or more in height shall have a flat section at the top not less than two feet in width. The slope shall be consistent with the angle of repose of the material of which the dikes are constructed.
 5. Dikes shall be restricted to an average height of not more than six feet above the exterior grade unless means are available for extinguishing a fire in any tank. Dikes enclosing such tanks shall be provided at the top with a flareback section designed to turn back a boil-over wave. A flareback section shall not be required for dikes and walls enclosing approved floating roof tanks. No loose combustible material, empty or full drums or barrels, shall be permitted within the diked area.
 6. Where provision is made for draining rainwater from diked areas, such drains shall normally be kept closed and shall be designed that when in use they will not permit flammable liquids to enter natural watercourses, public sewers, or public drains. Where pumps control drainage from the diked area, they shall not be self-starting.
- G.** Uses engaged in the storage or distribution of flammable materials shall meet the requirements established by the fire prevention code of the National Board of Fire Underwriters and the National Fire Protection Association standards, Flammable and Combustible Liquids Code, NFPA 30 and Standards for the Storage and Handling of Liquefied Petroleum Gases, NFPA 58, as applicable.

4.3.49. HOMELESS SHELTER

- A.** A lot containing a homeless shelter shall not be located within one-half mile (2,640) feet of another lot containing another homeless shelter, bar, cocktail lounge, nightclub, or sexually-oriented business.
- B.** The use shall meet all State requirements, as well as all applicable housing and building code requirements.

4.3.50. HOSPITAL

- A.** A hospital shall be located on a site or parcel with an area of at least five acres that fronts or has direct access to a collector or thoroughfare street.
- B.** The emergency vehicle entrance shall only be accessed via a collector or thoroughfare street and shall not be located across a street from a residential zoning district.

4.3.51. HOTEL OR MOTEL

Restaurants, bars, and night clubs approved as a secondary to a hotel or motel use shall be subject to the principal use standards for these use types.

4.3.52. INDOOR RECREATION, COMMERCIAL

The hours of operation allowed shall be compatible with the land uses adjacent to the facility, the amount of noise generated shall not disrupt the activities of the adjacent land uses.

4.3.53. INDOOR RECREATION, PUBLIC

The hours of operation allowed shall be compatible with the land uses adjacent to the facility, the amount of noise generated shall not disrupt the activities of the adjacent land uses.

4.3.54. INSTRUCTIONAL SERVICES

Instructional service uses with outdoor activity shall be surrounded by a type C perimeter buffer configured in accordance with [Section 6.5.9, Perimeter Buffers](#), along all lot lines shared with a residentially zoned or used lot.

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4.3.55. LAND-APPLICATION OF WASTES

- A.** The minimum lot area shall be 20 acres.
- B.** A valid NCDEQ application and permit for soil remediation through land application must be filed with the Edgecombe County Planning Department at appropriate time.
- C.** Soil application site shall comply with the setback requirements of the North Carolina Administrative Code 15A NCAC 02T. 1506.
- D.** Access to the site shall be controlled with gates, chains, fences, ditches, and/or vegetation to prevent unregulated dumping.
- E.** No remediation of soils containing hazardous or radioactive contaminants. No dumping or spreading of soils is permitted in the 100-year floodplain of any stream.
- F.** All unpaved areas shall be maintained in a manner that prevents dust from leaving the property.
- G.** The hours of operation shall be compatible with the land uses adjacent to the proposed site.
- H.** A type C perimeter buffer configured in accordance with [Section 6.5.9, Perimeter Buffers](#), shall be installed around the perimeter of the development. In cases where the Board of Commissioners determines that a berm is necessary in addition to any perimeter buffers, the minimum height of the berm shall be six feet.
- I.** Soil remediation sites shall be closed in accordance with the requirements of the requirements of the North Carolina Administrative Code 15A NCAC 02T.1507.

4.3.56. LANDFILL, LCID

- A.** No areas of disturbance shall be located closer than 50 feet from any lot line and at least 300 feet from any residence.
- B.** Access to the landfill shall be controlled with gates, chains, fences, ditches, and/or vegetation to prevent unregulated dumping.
- C.** All unpaved areas shall be maintained in a manner that prevents dust from leaving the property.
- D.** No filling shall take place within the 100-year floodplain or within any utility easements.
- E.** Upon closure, landfills shall be surfaced with a minimum of two feet of clean soil, graded to a maximum slope of 3:1 and stabilized with vegetation or in accordance with
- F.** current State standards.
- G.** An entrance sign shall be posted and maintained which lists the name and phone number of the current operator, the types of material accepted, the hours of operation, tipping charges and any other pertinent information.

4.3.57. LANDFILL, SANITARY

- A.** A minimum of 50 acres shall be required to establish a sanitary landfill facility.
- B.** All structures, buildings, and landfiling operations shall be a minimum of 300 feet from a residentially zoned or used lot.
- C.** Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.
- D.** Access to the facility shall be by way of a collector or higher classified road.
- E.** Entrances shall be controlled to prevent unregulated access to the facility.
- F.** Access roads leading to any part of the facility shall be constructed with a gravel or crushed stone surface and maintained in a dust-free manner.
- G.** No part of access roads shall be located closer than 15 feet to an external property line other than a limited access highway or railroad right-of-way line.

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- H.** An application for establishment of this use shall include a truck route plan that designates routes to minimize impacts on residential areas, schools, or other land uses that would be negatively impacted by truck traffic.
- I.** The siting and design of the facility shall comply with the applicable requirements of the NC Solid Waste Management Rules.
- J.** The operation of the facility shall be in compliance with the State of North Carolina's operation, maintenance, and monitoring regulations for solid waste disposal facilities.

4.3.58. LIBRARY

Libraries shall have direct access to a collector or higher classified road.

4.3.59. LIGHT EQUIPMENT SALES, RENTAL, & REPAIR

- A.** All structures, buildings, or enclosed areas used for the operation shall be a minimum of 100 feet from any residentially used or zoned property.
- B.** The use shall not generate noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the zoning district in which it is located.

4.3.60. LIGHT MANUFACTURING

- A.** All structures, buildings, or enclosed areas used for the operation shall be a minimum of 100 feet from any residentially used or zoned property.
- B.** The use shall not generate noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the zoning district in which it is located.
- C.** Above-ground outdoor storage tanks shall be subject to the following standards:
 - 1.** They shall be located at least 200 feet from any lot line;
 - 2.** Tanks or groups of tanks shall be diked to prevent the spread of liquid onto other property, waterways, or drainageways. The volumetric capacity of the diked area shall not be less than the capacity of the largest tank within the diked area.
 - 3.** Dikes or retaining walls shall be of earth, steel, concrete, or solid masonry designed and constructed to be liquid tight and to withstand a full hydraulic head.
 - 4.** Earthen dikes three feet or more in height shall have a flat section at the top not less than two feet in width. The slope shall be consistent with the angle of repose of the material of which the dikes are constructed.
 - 5.** Dikes shall be restricted to an average height of not more than six feet above the exterior grade unless means are available for extinguishing a fire in any tank. Dikes enclosing such tanks shall be provided at the top with a flareback section designed to turn back a boil-over wave. A flareback section shall not be required for dikes and walls enclosing approved floating roof tanks. No loose combustible material, empty or full drums or barrels, shall be permitted within the diked area.
 - 6.** Where provision is made for draining rainwater from diked areas, such drains shall normally be kept closed and shall be designed that when in use they will not permit flammable liquids to enter natural watercourses, public sewers, or public drains. Where pumps control drainage from the diked area, they shall not be self-starting.
- D.** Uses engaged in the storage or distribution of flammable materials shall meet the requirements established by the fire prevention code of the National Board of Fire Underwriters and the National Fire Protection Association standards, Flammable and Combustible Liquids Code, NFPA 30 and Standards for the Storage and Handling of Liquefied Petroleum Gases, NFPA 58, as applicable.

4.3.61. MAKER SPACE

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- A. No outdoor storage or activity shall be permitted.
- B. The use shall include adequate ventilation and equipment for the dispersal of vapors, dust, or airborne contaminants created within the structure.
- C. The use shall include a fire suppression system as required by the North Carolina Fire Code and associated appendices.
- D. The use shall not operate between the hours of 11:00 PM and 7:00 AM.
- E. Incidental sale of products created on site is permitted.

4.3.62. MANUFACTURED HOME (CLASS A AND B)

A manufactured dwelling shall comply with Section 160D-910 of the North Carolina General Statutes, and the following standards:

- A. It shall be located on its own individual lot unless located within a manufactured home park;
- B. It shall be occupied only as a single-family dwelling;
- C. It shall be configured in accordance with the standards established by the North Carolina Department of Insurance and the most current version of the State of North Carolina Regulations for Manufactured Homes;
- D. It shall maintain a minimum width of 16 feet;
- E. It shall be oriented with the longest axis parallel to the lot frontage, to the maximum extent practicable;
- F. The towing apparatus, wheels, axles, and transporting lights shall be removed;
- G. It shall include a continuous, permanent masonry foundation and a curtain wall of solid brick, brick veneer, or vinyl material installed under the perimeter and unpierced except for required ventilation and access. This standard shall not apply to manufactured homes located within a manufactured home park;
- H. It shall include stairs, porches, entrance platforms, ramps, and other means of entrance and exit that are installed or constructed in accordance with the standards set by the North Carolina Building Code. They shall be attached firmly to the primary structure and anchored securely to the ground;
- I. It shall maintain exterior siding comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction, which consists of one or more of the following: vinyl or aluminum lap siding (whose reflectivity does not exceed that of flat white paint); cedar or other wood siding; stucco siding; or brick or stone siding;
- J. It shall maintain a roof pitch with a minimum vertical rise of three feet for each 12 feet of horizontal run;
- K. It shall include a roof finished with a Class C or better roofing material that is commonly used in standard residential construction;
- L. It shall provide an eave projection of no less than six inches, which may include a gutter; and
- M. Storage of an unlicensed (no license plate) or inoperable vehicle or trailer is prohibited outside or an enclosed building or opaque fence or wall that fully screens the vehicle or trailer from all off-site views.

4.3.63. MANUFACTURED HOME PARK

A. GENERAL REQUIREMENTS

1. A manufactured home park shall include at least five individual home spaces.
2. A manufactured home park shall be separated from the perimeter of a different mobile home park by at least 2,640 linear feet.

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3. The transfer of a deed to an individual manufactured home space or spaces either by sale or by any other manner is prohibited within a manufactured home park as long as the home park is in operation.
4. Prefabricated structures specifically designed for manufactured dwelling extensions and any other addition meeting the State Building Code may be added to a manufactured home provided that all set back requirements are met and a building permit is obtained prior to placement.
5. Up to one manufactured home may be used as an administrative office.
6. The Edgecombe County Environmental Health Section, the Edgecombe County Building Inspector, and the Zoning Administrator are authorized to make inspections as are necessary to determine satisfactory compliance with this Section. The owners and occupants of manufactured home parks shall ensure free access to the premises for inspection at reasonable times.
7. The owner or operator shall notify park occupants of all applicable provisions in this Section and inform them of their duties and responsibilities under this Section.

B. MANUFACTURED HOME SPACE REQUIREMENTS

1. Each manufactured home shall be located on its own individual manufactured home space, and no more than one manufactured home shall be located within any single space.
2. All mobile home spaces shall be served by either a municipal or community potable water or municipal or community sanitary sewer system.
3. Spaces served by municipal water and sewer systems or by community water and sewer systems shall have at least 5,000 square feet of lot area.
4. Spaces served by either a municipal or community sewer system, but not served by a municipal or community water system shall have at least 20,000 square feet of lot area or a larger area if determined necessary by the Edgecombe County Health Department.
5. Spaces served by a municipal or a community water system but not served by a municipal or a community sewer system shall have at least 20,000 square feet of lot area or a larger area if determined necessary by the Edgecombe County Health Department per manufactured home unit, and in no instance shall there be more than one manufactured home serviced by a single septic tank.
6. Except when located within a planned development, conservation subdivision, or pocket neighborhood configuration, individual spaces shall not be less than 100 feet in width at the setback line.
7. Each manufactured home space shall be clearly defined by means of concrete or iron pipe markers placed at all corners and each space shall clearly display a street address as assigned by the County.
8. Each manufactured home space shall be located so as not to be susceptible to flooding and shall be graded so as to prevent any water from ponding or accumulating on the premises.
9. Each manufactured home shall be located at least 20 feet from any other manufactured home, at least 20 feet from the perimeter of the mobile home park development, and at least 15 feet from the edge of the right-of-way of any private interior road. The setback from a public road right-of-way shall be the same as that required for the zoning district in which the manufactured home park is located.

C. ROAD AND ACCESS REQUIREMENTS

1. No manufactured home space shall have direct vehicular access to a public road.
2. Convenient access to each manufactured home space shall be provided by roads with a minimum right-of-way of 50 feet for a residential collector road and 45 feet for a local

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residential road as defined by the North Carolina Department of Transportation Subdivision Roads Minimum Construction Standards Manual.

3. The required travel way or pavement width is 20 feet for a 50-foot right-of-way and 18 feet for a 45-foot right-of-way.
4. Private roads within manufactured home parks shall conform to the construction standards for public roads.
5. Proper sight lines shall be maintained at all road intersections in accordance with the current NCDOT requirements for sight clearances.
6. New road names shall not duplicate or be similar to existing road names in the County and shall be subject to approval by the County.
7. Automobile parking spaces shall be provided adjacent to each manufactured home space but shall not be located within any public right-of-way nor within any road in the park.
8. The manufactured home park owner shall be responsible for the continued maintenance of private roads within the mobile home park.

D. UTILITY REQUIREMENTS

1. An accessible, adequate, and potable supply of water shall be provided in each manufactured home park. Where a municipal water supply is available, connection shall be made used exclusively. When a municipal water supply is not available, a community water supply shall be developed and used exclusively in accordance with the standards of the NC Division of Health Services.
2. Placement of water improvements to manufactured home spaces shall comply with the NC Building Code for Plumbing.
3. Adequate and safe sewage disposal facilities shall be provided in all manufactured home parks. Collection systems and sewage treatment plants meet the approval of the NC Division of Environmental Management shall be provided.
4. Individual septic tank systems can be considered, if soil, topography, and ground water conditions are favorable and approval from the Edgecombe County Health Department is obtained.
5. Placement of sewer improvements to manufactured home spaces shall comply with the State Building Code for Plumbing.
6. Provision shall be made for plugging the sewer pipe when a manufactured home does not occupy a space. Surface drainage shall be diverted away from the rise. The rim of the riser pipe shall extend at least 4 inches above ground elevation.

E. SOLID WASTE DISPOSAL AND SANITATION REQUIREMENTS

1. The storage, collection, and disposal of solid waste in a manufactured home park shall be in accordance with the requirements of the Edgecombe County Health Department.
2. Grounds, buildings, and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the Edgecombe County Health Director.
3. Manufactured home parks shall be maintained from an accumulation of debris which may provide rodent harborage or breeding places for flies, mosquitoes, and other pests.
4. Storage areas shall be so maintained as to prevent rodent harborage. Lumber, pipe, and other building materials shall be stored at least one foot above the ground.
5. Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.

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6. The growth of brush, weeds and grass shall be controlled to prevent harborage of ticks, chiggers, and other noxious insects. Parks shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac, and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.
- F. STREET LIGHTING REQUIREMENTS**
All roads in a manufactured home park shall be adequately illuminated from sunset to sunrise. The minimum size streetlight shall be a 175-watt mercury-vapor (approximately 7,000 lumen class), or its equivalent, spaced at intervals of not more than 300 feet.
- G. ELECTRICAL SERVICE REQUIREMENTS**
Minimum electrical service of 200 ampere, 120/240 volt single phase shall be provided to each manufactured home space. The service panel and location as well as all wiring shall be in accordance with the National Electrical Code.
- H. SCREENING REQUIREMENTS**
A type C perimeter buffer configured in accordance with [Section 6.5.9, Perimeter Buffers](#), shall be installed around the perimeter of the development.
- I. RECREATIONAL SPACE REQUIREMENTS**
1. Each manufactured home park shall provide 400 square feet of open space set aside configured for active recreation for each manufactured home space.
 2. Recreational areas shall not be located in an area utilized for septic tank fields.

4.3.64. MARINA

- A.** The marina shall have access to a collector or higher classified road.
- B.** There shall be a minimum 50 feet distance between any buildings, structures, or outdoor use areas associated with the marina and any adjacent residentially used or zoned lot.
- C.** Any unpaved areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.
- D.** Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.

4.3.65. MARINE-RELATED USES

- A.** All structures, buildings, or enclosed areas used for the operation shall be a minimum of 100 feet from any residentially used or zoned property.
- B.** The use shall not generate noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the zoning district in which it is located.
- C.** Dry storage of boats shall not exceed a height of 35 feet.

4.3.66. METAL FABRICATION

The use shall not generate noise, vibration, glare, fumes, or odors on adjacent residentially zoned or used property.

4.3.67. MICROBREWERY OR MICRODISTILLERY

A microbrewery or microdistillery use shall comply with the use standards in this section for a bar, cocktail lounge, or private club.

4.3.68. MULTI-FAMILY DWELLING

- A. BUILDING PLACEMENT**
1. Buildings shall be setback from one another in accordance with the North Carolina State Building Code.

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2. Buildings must be set back from private drives and parking lots a minimum of ten feet as measured from back of curb or edge of pavement, if no curb is provided.
3. Buildings shall be setback from public streets in the development in accordance with the street setbacks for the district where located.

B. BUILDING LENGTH

1. The maximum length of a multi-family building shall be 250 linear feet.
2. No maximum building length shall be applied if the building is designed for occupancy by the elderly and it has central facilities for dining and recreation.
3. In no instance shall the provision of a firewall between different building sections constitute two separate buildings for the purpose of meeting the building length requirement.

C. DESIGN

Multi-family development shall comply with the applicable design standards in [Section 6.2.2, Multi-Family Design Standards](#).

D. RECREATION FACILITIES

Active recreation facilities must be placed a minimum of 50 feet from adjacent land used for single-family detached residential purposes.

E. UTILITIES

All electric, communications, water and sewer utility lines shall be installed underground.

F. CONDOMINIUMS

Multi-family development configured as condominiums shall comply with the following standards:

1. Condominiums shall conform to the use and development requirements of this Ordinance for the zoning district(s) where located.
2. Condominiums shall conform to the requirements of the North Carolina Condominium Act, in Chapter 47C of the North Carolina General Statutes.
3. Condominium ownership may be created by the owner or co-owners of a structure(s) by an express declaration of their intention to submit such property to the provisions of the North Carolina Condominium Act, which declaration shall be subject to approval by the Board of Commissioners and recorded in the office of the Edgecombe County Register of Deeds.

G. SCREENING

Utility areas such as clothes drying yards and outdoor storage areas shall be fully screened from public streets and adjacent lots zoned for single-family detached residential dwellings.

4.3.69. MUSEUM

- A. Museums and galleries shall be located on sites of two acres or more and shall have direct access to a collector or higher capacity road.
- B. The minimum building setback from any adjacent street right-of-way shall be at least 25 feet greater than the corresponding street setback applied to a single-family detached dwelling for the zoning district in which located.
- C. The minimum side and rear setbacks shall be at least 50 feet unless a deeper setback is required.

4.3.70. NIGHTCLUB OR DANCE HALL

- A. No night club, dance hall, or similar venue shall be located within 500 feet of any other night club, dance hall, bar, cocktail lounge, or private club.
- B. No night club or dance hall shall be located within 200 feet of a religious institution, elementary or secondary school, public park, or residentially zoned property.

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- C. No night club, dance hall, or similar venue, including any outdoor activity areas, shall be located within 75 feet of a public road right-of-way.
- D. Such uses shall have direct access via a collector or higher capacity road.
- E. The main entrance of the building shall face a street. In cases where the building could face more than one street, it shall be configured to face the street with the larger number of non-residential establishments or where the larger number of non-residentially zoned lots are located.
- F. A six-foot-high opaque fence shall be erected along all lot lines shared with a residence.
- G. Off-street parking areas shall be located no closer than 30 feet to the property line of abutting residences.

4.3.71. NURSING / REHABILITATION CENTER

- A. No building shall be located closer than 50 feet to any lot line abutting a residence.
- B. There shall be at a minimum 50 feet of road frontage.
- C. The facility shall provide food preparation, medical care, and social service facilities for residents.
- D. All facilities shall be solely for the use of residents and their guests.
- E. No nursing home or rehabilitation center shall be located within one-half mile (2,640 feet) of another congregate care or nursing home facility.
- F. Adequate provisions shall be made for service and medical vehicles with access to the building at a side or rear entrance, and without backing onto rights-of-way to exit the development.
- G. A type C perimeter buffer configured in accordance with [Section 6.5.9, Perimeter Buffers](#), shall be installed along all lot lines shared with a residence.

4.3.72. OFFICE, HIGH INTENSITY

A high intensity office use shall not include more than 4,000 gross square feet of floor area.

4.3.73. OUTDOOR RECREATION, COMMERCIAL

- A. Go cart racing and any other racing establishments shall be located at least 500 feet away from any OI or residentially zoned property. Security fencing with a minimum height of six feet shall be provided along the entire boundary of the raceway.
- B. An automobile race track shall be located on site of 40 acres or more.
- C. No buildings or structures, temporary or otherwise, shall be located within 50 feet of any exterior lot line.
- D. Any commercial outdoor recreation facility shall be sited and operated so as not to produce noise or sound that would adversely impact adjoining and surrounding properties.
- E. Activities like batting cages, driving ranges, and similar features shall incorporate fencing, netting, or other control measures around the perimeter of the activity area to ensure projectiles do not leave the area and endanger other lands.
- F. All unpaved areas shall be maintained in a manner that prevents dust from adversely impacting adjoining properties.
- G. No use that adjoins residentially used or zoned property shall conduct business between the hours of 10 PM and 8 AM.

4.3.74. OUTDOOR RECREATION, PUBLIC

- A. Such uses may only take place on lots or sites of five acres in area or more.
- B. No buildings or structures, temporary or otherwise, shall be located within 50 feet of any exterior lot line.

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- C.** No amusement equipment, machinery, or mechanical device of any kind may be operated within 200 feet of any residentially used or zoned property.
- D.** Activities like batting cages, driving ranges, and similar features shall incorporate fencing, netting, or other control measures around the perimeter of the activity area to ensure projectiles do not leave the area and endanger other lands.
- E.** Security fencing with a minimum height of six feet shall be provided along the entire perimeter of the lot or site.
- F.** The hours of operation shall be compatible with adjacent land uses and in no instance shall outdoor activities take place between the hours of midnight and 7:00 AM.

4.3.75. OUTPATIENT FACILITY

An outpatient facility located on a site or parcel with an area of at least five acres shall front and have direct access to a collector or thoroughfare street.

4.3.76. PARK OR PLAYGROUND (PUBLIC)

- A.** The hours of operation allowed shall be compatible with the land uses adjacent to the facility.
- B.** The amount of noise generated shall not disrupt the activities of the adjacent land uses.
- C.** Principal access must be from a collector or higher capacity road for any facility greater than three acres in size or that generates an average daily traffic volume of over 200 or more trips per day.
- D.** Outdoor swimming pools shall be protected by a fence in accordance with the Edgecombe County Health Department's public pool regulations.

4.3.77. PARKING-RELATED USE

- A.** A parking lot that is a principal use shall comply with the parking lot configuration requirements in [Section 6.8.6, Parking Lot Configuration](#).
- B.** Temporary parking shall be the principal use of the parking lot.
- C.** Parking spaces may be rented for parking, or otherwise used in accordance with an approved temporary use permit or other permit, but no other business of any kind shall be conducted on the lot, including repair service, washing, display, or storage of vehicles or other goods.

4.3.78. PETTING ZOO

A petting zoo shall be on a site of at least 10 acres in size and shall comply with the following requirements:

- A.** The owner(s) shall provide written evidence of USDA Certification.
- B.** In addition to those items required on the site plan, all areas to be used for purposes of a petting zoo, whether or not located within a structure shall be identified.
- C.** Any animals or areas deemed dangerous, or potentially dangerous, to the public shall be easily identified through signage and other necessary measures.
- D.** The owner(s) shall ensure that the facility remains in compliance with local, State, and federal regulations regarding permitting and containment of exotic animals. If at any time the facility is not in compliance, the facility shall not allow entrance by the public.
- E.** There shall be a minimum 30-foot buffer area (applies to front, side, and rear property lines) between the use and the nearest residentially zoned lot.
- F.** An opaque fence with a minimum height of six feet or a berm shall be located within the required 30-foot buffer area.
- G.** The facility shall be subject to random inspections by the Edgecombe County Planning Department and Edgecombe County Animal Control to ensure compliance with applicable local ordinances.

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4.3.79. PICK-YOUR-OWN ESTABLISHMENT

All parking spaces shall be screened from abutting residential uses in accordance with Section 6.5.8.C, Perimeter Plantings.

4.3.80. POCKET NEIGHBORHOOD

A. PURPOSE AND INTENT

A pocket neighborhood is a group of smaller single-family detached dwellings (including manufactured dwellings) built in close proximity to one another around a small green or commonly owned open space with off-street parking areas to the rear or in common areas. These use types are intended to provide a wider range of housing options (see Figure 4.3.80 Pocket Neighborhood Design).

FIGURE 4.3.80, POCKET NEIGHBORHOOD



B. SITE CONFIGURATION

1. DEVELOPMENT SIZE

A pocket neighborhood shall be located on a parcel of land at least three acres but not greater than nine acres in area.

2. ALLOWABLE USES

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- i. Pocket neighborhoods shall be limited to single-family detached dwellings and secondary uses.
- ii. Manufactured homes are a permitted form of detached dwelling.
- iii. Secondary uses may include common open space, a common building for the purposes of storage or recreation, outdoor recreational features, and garages.

3. NUMBER OF DWELLINGS

A pocket neighborhood shall include at least four dwellings but no more than 12 dwellings.

4. COMMON OPEN SPACE

- i. A pocket neighborhood shall include common open space that comprises at least 40 percent of the total site and includes improved pedestrian walkways that provide pedestrian access to each dwelling, shared parking areas (if provided), common buildings (if provided), and connections to the public sidewalk network (if sidewalks are adjacent to the development). The common open space shall include a central green, lawn, or garden area fronting the dwellings and a perimeter buffer area that incorporates landscaping materials, existing vegetation, or other features to buffer the pocket neighborhood from adjacent development.
- ii. The central green or lawn area shall include at least 300 square feet of area for each dwelling in the development.
- iii. A common building located within the common open space area may be included as a secondary use, but in no instance shall the common building exceed 1,500 square feet or serve as a permanent dwelling unit.

5. LOT FRONTAGE

- i. At least 60 percent of the individual building lots shall front the common open space area, not a street or alley.
- ii. Up to 40 percent of the lots may front a street. Homes on street-facing lots shall include a front porch and shall not include an attached garage that faces the street.

6. SURFACE PARKING

- i. Pocket neighborhoods are exempt from the off-street parking standards in [Table 6.8.4.F, Summary Table of Requirements](#), but shall include at least one parking space for each dwelling unit plus one designated guest parking space for every four dwelling units.
- ii. The pocket neighborhood may include a shared parking area that accommodates resident and guest parking.
- iii. Provision of resident parking spaces within a shared parking area is not required in cases where resident parking is provided through individual driveways or by parking spaces along alleys.
- iv. In no instance shall parking areas be more than 500 linear feet from the dwelling it serves.
- v. In no instance shall a parking area be located between a dwelling and the central green or lawn area.

7. DETACHED SHARED GARAGES

If provided, detached garages serving more than one dwelling shall be accessed via a private drive or alley. A garage shall not exceed five car bays or include individual garage doors wider than 12 feet each.

8. STORAGE SPACE

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Each individual dwelling shall have at least 40 square feet of covered storage space outside the heated floor area. Storage space may be located on an individual lot or on common land adjacent to or within a common building.

9. PERIMETER BUFFER

A pocket neighborhood shall incorporate a Type B perimeter buffer along all lot lines shared with existing single-family detached dwellings.

10. PRIVATE ACCESS

Vehicular entryways into pocket neighborhoods and accessways serving off-street parking areas and individual dwelling lots shall be configured as private driveways instead of as streets.

C. POCKET NEIGHBORHOOD LOT CONFIGURATION

Table 4.3.80.C, Pocket Neighborhood Lot Configuration, sets out the dimensional requirements for individual lots. In the event of conflict between these standards and the dimensional requirements in the underlying zoning district, these standards shall control.

TABLE 4.3.80.C: POCKET NEIGHBORHOOD LOT CONFIGURATION	
FEATURE	REQUIREMENT
Minimum lot size (sq. ft.)	3,000
Maximum lot coverage (%)	75
Minimum lot width (ft.)	20
Minimum front setback (ft.)	10 from open space; zoning district requirement from street /1/
Minimum side setback (ft.)	3 one side; 15 other side /1/
Minimum rear setback (ft.)	None /2/
NOTES:	
/1/ Porch steps, ramps, fences, and walkways may encroach into the front setback in accordance with Section §8.3, Measurement, but no other structures shall be permitted to encroach into the required setback.	
/2/ When an individual lot includes a driveway, the minimum rear setback shall be 20 feet.	

D. DWELLING UNIT CONFIGURATION

1. MAXIMUM HEIGHT

A dwelling unit shall not exceed 1½ stories, or 24 feet, above grade.

2. DWELLING SIZE

- i. A dwelling unit shall not be more than 2,000 square feet in floor area.
- ii. At least two dwellings in a pocket neighborhood shall maintain a total square footage that differs by at least 200 square feet in floor area from the average square footage of all other dwellings. Nothing shall prohibit a configuration where all dwellings are different sizes.

3. FENCES

Fences in pocket neighborhoods shall comply with the following:

- i. Fences within front yards or side yards forward of the front façade plane shall not exceed three feet in height;
- ii. Fences in rear yards or side yards behind the front facade plane shall not exceed six feet in height; and

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iii. In no instance shall a fence be placed within a use or access easement.

E. HOMEOWNER'S ASSOCIATION

A pocket neighborhood shall include a homeowners' or property owners' association that maintains control of common areas and takes responsibility for maintenance of common features in the neighborhood established and configured in accordance with Section §6.7, Owners' Associations.

4.3.81. RECREATIONAL VEHICLE PARK

A. GENERAL REQUIREMENTS

1. No recreational vehicle space shall be used as a permanent place of abode, dwelling, or business for indefinite periods of time. Continuous occupancy extending beyond three months in any 12-month period shall be presumed to be permanent occupancy.
2. Any action toward removal of wheels of a travel trailer except for temporary purposes of repair or to attach the trailer to the ground for stabilizing purposes shall be prohibited.
3. Secondary uses shall be so designed and developed so as to blend with the park's design and natural setting. Such uses shall be clearly secondary to the principal use as a recreational vehicle park. Secondary uses shall include management headquarters, recreational facilities, toilets, dumping stations, showers, coin-operated laundry facilities, and other uses and structures customarily incidental to the operation of the park.
4. Conditions of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors, or other adverse influences, and no portion subject to unpredictable and/or sudden flooding, subsidence, or erosion shall be used for any purpose that would expose persons or property to hazards.
5. Exposed ground surfaces in all parts of the recreational vehicle park shall be paved, or covered with stone screenings, or other solid materials, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.
6. A soil sedimentation control plan shall be submitted in accordance with Section §6.11, Soil Erosion and Sedimentation Control, of this Ordinance.
7. Surface drainage plans for the entire tract shall be reviewed by the Zoning Administrator to determine whether the proposed plan is compatible with the surrounding existing drainage pattern and relevant drainage plans, prior to issuance of site plan approval and building permits. No permit shall be issued where it is determined that the plan is incompatible with surrounding areas.

B. DIMENSIONAL REQUIREMENTS

1. Minimum density shall be limited to 15 sites per net acre, excluding public areas, rights-of-way, watercourses, and other areas as may be set forth.
2. In no case shall any site contain less than 1,500 square feet. To the greatest extent possible, sites shall be developed to preserve their natural character. Sites shall be level and well-drained.
3. Recreational vehicles shall be separated from each other and from other structures within the RV park by at least 10 feet. Any secondary structures such as attached awnings, carports, or individual storage facilities shall, for the purpose of this separation requirement, be considered part of the recreational vehicle.
4. Recreational vehicle sites and off-street parking spaces shall not be within the setback areas required for main buildings or principal structures.

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5. Setback areas for recreational vehicle sites shall contain natural vegetation or be landscaped and shall be used for no other purposes.
6. The minimum setback of any building, structure, or recreational vehicle site from a public road right-of-way shall be the same as that required for the zoning district in which the park is located.
7. The minimum setback from any private, interior road shall be 20 feet from the edge of pavement.
8. The minimum exterior side property line setback, when abutting residentially used or zoned areas, shall be 50 feet. In all other cases, the exterior side property line setback shall be at least 20 feet.
9. The minimum exterior rear property line setback, when abutting residentially used or zoned areas, shall be 50 feet. In all other cases, the exterior rear property line setback shall be at least 30 feet.

C. ACCESS AND ROAD REQUIREMENTS

1. Entrance driveways shall be located not closer than 150 feet from the intersection of public roads.
2. Interior access roads not proposed for public dedication shall conform to the construction standards for subdivision roads of NCDOT. However, requirements for minimum rights-of-way and paving widths shall not apply.
3. Plans and profiles shall be submitted for review and approval. In no case shall the road or parking width be less than 10 feet.
4. Entrances and exits to RV parks shall be designed for safe and convenient movement of traffic into and out of the park and to minimize marginal friction with free movement of traffic into and out of the park. No entrance or exit shall require a turn at an acute angle for vehicles moving in the direction intended. Radii of curbs and pavements at intersections shall be such as to facilitate easy turning movements for vehicles with trailers attached.
5. No impediment to visibility shall be created or maintained which obscures the view of an approaching driver in the right lane of the road within:
 - i. 100 feet where the speed limit is 45 mph or, less or
 - ii. Within 150 feet where the speed limit is over 45 mph or any portion of the approach lane of the access way within 25 feet of its intersection with the right hand of the lane.

D. PARKING REQUIREMENTS

1. There shall be at least three off-street parking spaces designated in a RV park for each two sites. At least one space must be provided on each campsite with any residual spaces provided within 100 feet of the site.
2. Each site shall contain a stabilized vehicular parking pad of paving or other suitable material.

E. UTILITY REQUIREMENTS

1. No on-site water or sewer facilities shall be permitted on any site.
2. Proposals for toilets and restrooms, laundries, and baths shall have the approval and be subject to the requirements of the Edgecombe County Health Department.
3. All community water facilities shall be subject to the requirements of and be approved by the Edgecombe County Health Department or NC Division of Health Services.
4. All sewer facilities improvements shall have the approval of the Edgecombe County Health Department and the NC Division of Environmental Management.
5. All water and sewer improvements shall comply with the NC Building Code for Plumbing.

F. SCREENING REQUIREMENTS

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Campgrounds abutting residentially zoned areas shall include a permanent undisturbed perimeter buffer of at least 50 feet in width. A natural, year-round screen of at least eight feet in height at maturity shall be maintained within the buffer.

G. RECREATIONAL SPACE REQUIREMENTS

At least eight percent of the campground area shall be set aside as common use area for open or enclosed recreation facilities.

4.3.82. RECYCLING CENTER

- A.** Recycled batteries must be stored in non-porous containers;
- B.** All loading and storage areas shall be diked to prevent runoff/spill contamination; and
- C.** Recycled motor oil and grease shall be stored in above-ground tanks in accordance with the NC Fire Code and associated appendices.

4.3.83. RELIGIOUS INSTITUTION

- A.** Religious institutions located on sites of three acres or more shall have direct access to a collector or higher capacity road.
- B.** The minimum building setback from any adjacent street right-of-way shall be at least 25 feet greater than the corresponding street setback applied to a single-family detached dwelling for the zoning district in which located.
- C.** The minimum side and rear setbacks shall be at least 50 feet unless a larger setback is required by the underlying zoning district.
- D.** The use shall incorporate a type C opaque buffer configured in accordance with **Section 6.5.9, Perimeter Buffers**, along all lot lines shared with a residence.

4.3.84. REPAIR SHOP

No activity or storage of parts or materials shall take place outdoors.

4.3.85. RESIDENTIAL TREATMENT FACILITY

- A.** A lot containing a group home shall not be located within one-half mile (2,640 feet) of another lot containing a family care home or another group home.
- B.** The use shall be operated in a manner that is compatible with the surrounding neighborhood and shall not be detrimental to adjacent lands as a result of traffic, noise, refuse, parking, loitering, or other activities.
- C.** A type B perimeter buffer configured in accordance with **Section 6.5.9, Perimeter Buffers**, shall be installed along all lot lines shared with a residence.
- D.** The number of occupants in a group home shall be limited to the maximum number that may be accommodated while at the same time complying with all applicable County regulations and State requirements.
- E.** The use shall maintain a residential appearance compatible with its surroundings when proposed in a residential district.
- F.** The use shall meet all State requirements, as well as all applicable housing and building code requirements.

4.3.86. RESTAURANTS

All restaurant use types shall comply with the following requirements:

- A.** A restaurant shall have a six-foot-high opaque fence or masonry wall along all lot lines abutting a residential district;

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- B.** Restaurants having outdoor seating (including, but not limited to, seating for dining or listening to live or recorded acoustic or amplified entertainment outside of the building) shall comply with the following standards:
- 1.** The outdoor seating area shall be located no closer than 100 feet from any single-family residential zoning district; and
 - 2.** The outdoor seating area shall not obstruct the movement of pedestrians along sidewalks or through areas intended for public use.

4.3.87. RETAIL, HIGH INTENSITY

High intensity retail uses shall be on lots or site of at least three acres in size and shall be served by a collector or thoroughfare street.

4.3.88. RETAIL, MICRO

Micro retail uses shall be limited to no more than four separate establishments per lot, and no individual establishment shall exceed 500 square feet of gross floor area.

4.3.89. SALVAGE AND JUNKYARD

A. GENERAL REQUIREMENTS

- 1.** The minimum area required to establish a salvage and junkyard shall be five acres.
- 2.** The operations of salvage and junkyards shall not be any closer than 300 feet to any residential lot line, school, hospital, nursing home, congregate care home, or day care facility.

B. SCREENING

- 1.** Salvage and junkyards shall be enclosed by a sight-obstructing screen of at least six feet in height adjacent to public roads and eight feet in height when adjacent to residential, educational, or institutional properties.
- 2.** All screening shall be maintained in a sound and stable manner for the life of the operation.
- 3.** If State or federal requirements for screening are more stringent, then those standards shall control.
- 4.** Entrances and exits shall be secured when the salvage yard is closed.

C. NOISE

- 1.** Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 400 feet to the nearest residence.
- 2.** Operations that produce noise that is audible on off-site areas shall not take place on Sundays, holidays, or at any time between the hours of 6:00 PM and 7:00 AM.

D. VIBRATION

No vibration shall be produced which is transmitted through the ground and which is discernable without the aid of instruments at or beyond the lot line; nor will any vibration produce a particle velocity of 2.0 inches per second measured at or beyond the property line.

E. DUST AND PARTICULATES

- 1.** Emissions of dust and particulates shall be in accordance with the State of North Carolina rules and regulations governing air contamination and air pollution.
- 2.** Particulate matter emission from materials and products subject to becoming windborne shall be kept to a minimum by paving, sodding, oiling, wetting, covering, or other means such as to render the surface wind resistant.
- 3.** Points of ingress and egress shall be paved or hard surfaced with either concrete or asphalt.

F. SMOKE AND BURNING

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Emissions of smoke and burning of non-vegetative matter shall not be permitted on the site of a salvage yard.

G. TRASH AND GARBAGE

Disposal of trash and garbage shall be in an approved container and be regularly maintained. Open dumping of trash or garbage shall be prohibited.

H. DISPOSAL OF TOXIC/HAZARDOUS MATTER

Disposal of toxic/hazardous matter on any salvage and junkyard site is prohibited.

I. STORAGE OF FUELS

- 1.** Storage of fuels shall be contained in below ground tanks meeting the requirements of the State of North Carolina.
- 2.** No fuel storage shall be within 1,000 feet of any residential, educational, or institutional structure.
- 3.** Location of fuel storage tanks shall be so designed as to prevent leakage or spillage into any stream.
- 4.** Gasoline and oil shall be removed from scrap engines or vehicles on the premises and adequately stored for disposal.

J. DRAINAGE

Salvage and junkyard sites shall be adequately drained to assure that no standing water shall exist that might provide breeding habitation for insects.

K. WEEDS AND VEGETATION

Weeds and vegetation on the premises, other than trees, shall be kept at a height of not more than six inches.

L. STORAGE

Salvage materials shall be stored in piles not exceeding 10 feet in height and shall be arranged as to permit easy access to all such salvage for firefighting purposes.

M. PERMIT REQUIREMENTS

The facility shall obtain all applicable State and federal permits prior to commencing operations.

4.3.90. SCHOOL, ELEMENTARY OR MIDDLE

- A.** Elementary and middle schools located on sites of three acres or more shall have direct access to a collector or higher capacity road.
- B.** The minimum building setback from any adjacent street right-of-way shall be at least 25 feet greater than the corresponding street setback applied to a single-family detached dwelling for the zoning district in which located.
- C.** The minimum side and rear setbacks shall be at least 50 feet unless a larger setback is required by the underlying zoning district.
- D.** The use shall incorporate a Type C opaque buffer along all lot lines shared with a residence.

4.3.91. SCHOOL, HIGH

- A.** High schools located on sites of three acres or more shall have direct access to a collector or higher capacity road.
- B.** The minimum building setback from any adjacent street right-of-way shall be at least 25 feet greater than the corresponding street setback applied to a single-family detached dwelling for the zoning district in which located.
- C.** The minimum side and rear setbacks shall be at least 50 feet unless a larger setback is required by the underlying zoning district.

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- D.** The use shall incorporate a Type C opaque buffer along all lot lines shared with a residence.

4.3.92. SEXUALLY-ORIENTED BUSINESS

- A.** No sexually-oriented business shall locate within 2,640 feet of any other sexually-oriented business.
- B.** No sexually-oriented business shall locate within 1,000 feet of a religious institution, school, day care center, public park, or residentially-zoned or used property.
- C.** Except for adult motels, no sexually-oriented business shall have sleeping quarters.
- D.** There shall not be more than one sexually-oriented business in the same building, structure, or portion thereof. No other principal or secondary use may occupy the same building, structure, property, or portion thereof with any sexually-oriented business.
- E.** Except for a wall sign permitted in accordance with Section §6.10, Signage, no other exterior advertising, promotional materials, or signage that is visible to the public from a road, sidewalk, or walkway shall be permitted.
- F.** The hours of operation shall be compatible with the land uses adjacent to the proposed site.

4.3.93. SHOOTING RANGE, INDOOR OR OUTDOOR

- A.** Indoor shooting range facilities shall be designed to absorb sound.
- B.** Outdoor shooting ranges shall maintain a minimum 300 feet between the range and the closest exterior property line.
- C.** Access shall be controlled to prevent unregulated entrance to the firing area.
- D.** Security fencing shall be provided as part of an outdoor shooting range to prevent an individual from crossing the property downrange.
- E.** An outdoor shooting range shall incorporate a backstop designed in accordance with the National Rifle Association standards.

4.3.94. SINGLE-FAMILY ATTACHED DWELLING

- A.** A minimum ten feet of separation shall be maintained between all individual principal and secondary buildings in the development.
- B.** Buildings must be set back from private drives and parking lots a minimum of ten feet as measured from back of curb or edge of pavement, if no curb is provided.
- C.** Buildings shall be set back from public streets in the development in accordance with the street setbacks for the district where located.
- D.** Single-family attached developments shall abut a public street.
- E.** Individual single-family attached lots need not abut a public street provided that every dwelling unit shall be provided access to their property via either a public right-of-way or a private vehicular or pedestrian way owned by the individual lot owner in fee or in common ownership with other property owners in the development.
- F.** Each dwelling unit within an attached single-family dwelling development shall have a right of access through common areas containing vehicular use areas or driveways.
- G.** Adequate access shall be provided for firefighting equipment, service deliveries, and refuse collection.
- H.** Single-family attached development may comply with applicable design standards in Section 6.2.2, Multi-Family Design Standards, with the consent of the landowner(s) at the time of application to establish the development.
- I.** Active recreation facilities must be placed a minimum of 50 feet from adjacent land used for single-family detached residential purposes.
- J.** All electric, communications, water and sewer utility lines shall be installed underground.

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- K.** Single-family attached development configured as condominiums shall comply with the following standards:
- 1.** Condominiums shall conform to the use and development requirements of this Ordinance for the zoning district(s) where located.
 - 2.** Condominiums shall conform to the requirements of the North Carolina Condominium Act, in Chapter 47C of the North Carolina General Statutes.
 - 3.** Condominium ownership may be created by the owner or co-owners of a structure(s) by an express declaration of their intention to submit such property to the provisions of the North Carolina Condominium Act, which declaration shall be subject to approval by the Board of Commissioners and recorded in the office of the Edgecombe County Register of Deeds.

4.3.95. SINGLE-FAMILY DETACHED DWELLING

- A.** Single-family detached residential subdivisions shall be subject to the open space set-aside and parkland dedication standards in Section §6.6, Open Space Set-Aside and Parkland.
- B.** Modular homes shall comply with the standards in Section 160D-911 of the North Carolina General Statutes and shall be treated as site-built single-family detached structures.
- C.** Single-family detached development may comply with applicable design guidelines in Section 6.2.3, Single-Family Residential Design Guidelines, with the consent of the landowner(s) at the time of application to establish the development.

4.3.96. STORAGE, INDOOR AND OUTDOOR

- A.** The use shall be located on a lot or site of at least two acres in area.
- B.** No more than 50 percent of the total site may be occupied by buildings.
- C.** External-access only storage buildings shall not exceed 20 feet or one story in height.
- D.** No activity other than storage shall take place within a storage unit.
- E.** Storage of hazardous, toxic, or explosive substances shall be prohibited.

4.3.97. SOLAR ENERGY CONVERSION

A. PURPOSE

- 1.** The purpose of these standards is to facilitate the construction, installation, and operation of solar energy conversion uses in Edgecombe County in a manner that promotes economic development and ensures the protection of health, safety, and welfare while also avoiding adverse impacts to important areas such as agricultural lands, endangered species habitats, conservation lands, and other sensitive lands.
- 2.** It is the intent of these standards to encourage the development of solar energy conversion uses that reduce reliance on foreign and out-of-state energy resources, bolster local economic development and job creation, support the diversification of the State's energy portfolio, strengthen energy and grid security, reduce greenhouse gas emissions, reduce local air and water pollution, and aid North Carolina in meeting its Renewable Portfolio Standard.
- 3.** These standards are not intended to abridge safety, health, or environmental requirements contained in other applicable codes, standards, or ordinances. These provisions shall not nullify any local, State, or federal laws.

B. APPLICABILITY

- 1.** The standards in this section apply to the construction of any new level 2 or level 3 solar energy conversion use established after November 1, 2021.

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§4.3. Principal Use Standards

2. Modifications to an existing solar energy conversion use that increases its total area by more than 5 percent of the original footprint or changes the solar panel type (e.g., photovoltaic to solar thermal) shall be to these standards.
3. Maintenance or repair of an existing solar energy conversion use is not subject to these standards.

C. ADDITIONAL PERMITS REQUIRED

1. Nothing in these standards modifies already established building code standards required to construct a solar energy conversion use and building and electrical permits are required.
2. Nothing in these standards modifies already established Department of Health and Human Services requirements, and a solar energy conversion use shall not be constructed over an onsite wastewater system unless approved by the Department of Health and Human Services.
3. Stormwater permit approval is required prior to Special Use Permit application submittal. Nothing in these standards modifies the requirements or exempts a solar energy conversion use from complying with the various stormwater jurisdictions and regulations established by the Department of Environmental Quality.

D. SETBACKS

1. Except for any security fencing, all solar energy conversion uses shall be setback at least 100 feet from any residence. The 100-foot setback requirement shall not apply in cases where the solar energy conversion use is on a working farm and the use is within 100 feet of a different lot containing the principal residential structure associated with the farm.
2. Level 2 solar energy conversion use equipment shall not be located within a required front yard or sight distance triangle.
3. Level 3 solar energy conversion equipment shall comply with the required setbacks in the table below:

TABLE 4.3.97: LEVEL 3 SOLAR ENERGY CONVERSION USE REQUIRED SETBACKS			
ZONING DISTRICT	FRONT SETBACK (FEET)	SIDE SETBACK (FEET)	REAR SETBACK (FEET)
AR-30	30	12	25
R-30	50	50	50
R-20	In Accordance with Zoning District Requirements		
R-10	In Accordance with Zoning District Requirements		
OI	30	15	25
B-1	30	15	25
B-2	30	15	25
M-1	30	15	25
M-2	30	15	25

E. HEIGHT LIMITATIONS

The height of solar energy conversion uses shall be measured from the highest natural grade below each solar panel and shall not exceed 25 feet above grade.

F. AVIATION NOTIFICATION

Any level 2 or level 3 solar energy conversion use over one half of an acre in size shall comply with the following notification requirements:

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1. An application for the establishment of a solar energy conversion use shall include a map showing a radius of five nautical miles from the center of the use with any airport operations highlighted.
2. Written notification of the intention to request a solar energy conversion use permit shall be provided by the applicant to North Carolina Commanders Council for consideration of potential impacts to low altitude military flight paths. Notice shall be provided at 30 days prior to the hearing for a special use permit or 45 days prior to construction in cases where a special use permit is not required. Notification shall include the location of the use (i.e., a map, coordinates, address, or parcel ID), the proposed technology (i.e., roof-mounted PV, ground-mounted fixed PV, tracked PV, solar thermal, etc.), and the size of the use in acres. Proof of delivery of notification and date of delivery shall be submitted with permit application.

G. SOLAR GLARE HAZARD TO AVIATION ANALYSIS

1. The applicant shall prepare an analysis of the glare hazard from the solar energy conversion use in accordance with the latest version of the Solar Glare Hazard Analysis Tool (SGHAT).
2. The full report for each flight path and observation point, as well as the contact information for the Zoning Administrator, shall be sent to the following authorities by the applicant at least 30 days prior to the hearing for a special use permit or 45 days prior to construction in cases where a special use permit is not required:
 - i. The appropriate airport operations official at the airport in the National Plan of Integrated Airport Systems (NPIAS) within five nautical miles of the proposed solar energy conversion use;
 - ii. The Federal Aviation Administration's (FAA) Airport District Office (ADO) with oversight of North Carolina; and
 - iii. The appropriate airport operations official at any airport not in the NPIAS, including military airports, within five nautical miles within five nautical miles of the proposed solar energy conversion use.
3. Proof of delivery of notification and date of delivery shall be submitted with permit application.
4. Any applicable design changes (e.g., module tilt, module reflectivity, etc.) after initial submittal shall be rerun in the SGHAT tool and a new report shall be sent without undue delay to the parties identified above for accurate records of the as-built system.

H. SOLAR ENERGY CONVERSION USE REQUIREMENTS

These requirements are in addition to height, setback, aviation notification and applicable district standards.

1. SITE PLAN

A site plan shall be submitted to the Zoning Administrator demonstrating compliance with:

- i. All applicable setback and height limitations;
- ii. Applicable zoning district requirements such as lot coverage;
- iii. Applicable solar requirements in these standards; and
- iv. Notification of intent to relevant utility.

2. VISIBILITY

- i. A solar energy conversion use shall be surrounded by a type C opaque buffer regardless of the district it is located in.
- ii. Signage shall be limited solely to security and safety signage.
- iii. Any exterior lighting shall be limited to security lighting and shall be motion sensor controlled.

ARTICLE 4. LAND USES

§4.3. Principal Use Standards

3. DECOMMISSIONING

- i.** A decommissioning plan, signed by the party responsible for decommissioning and the landowner (if different), shall be submitted with permit application, and shall address the following:
 1. The conditions upon which decommissioning will be initiated (i.e., end of land lease, no power production for 12 months, etc.);
 2. The removal of all non-utility owned equipment, conduit, structures, fencing, roads and foundations;
 3. The restoration of property to condition prior to development of the use;
 4. The timeframe for completion of decommissioning activities;
 5. A description of any agreement (such as a lease) with landowner regarding decommissioning;
 6. An identification of the party currently responsible for decommissioning; and
 7. Plans for updating this decommissioning plan.
- ii.** Before final electrical inspection, the applicant or landowner, as appropriate, shall provide evidence that the decommissioning plan is recorded with the Edgecombe County Register of Deeds.
- iii.** Prior to the issuance of a building permit, the landowner shall provide a performance guarantee in favor of Edgecombe County in an amount equal to the estimated removal cost of the solar collectors, cabling, electrical components, and any other associated facilities, less the salvage value of the equipment prior to dismantling, unless it can be shown that the salvage value will exceed the estimated removal cost. If the landowner elects to use a letter of credit, it shall be issued by a federally chartered bank with a branch office located in Edgecombe County. The bond or letter of credit shall remain in full force and effect until any necessary site restoration is completed to restore the site to a condition comparable to that which existed prior to its construction.

4. ABANDONMENT

- i.** A solar energy conversion use that ceases to produce any energy on a continuous basis for 12 months will be considered abandoned unless the current responsible party (or parties) with ownership interests in the use provides substantial evidence (updated every six months after 12 months of no energy production) to the Zoning Administrator of the intent to maintain and reinstate the operation of that facility.
- ii.** Upon determination of abandonment, the Zoning Administrator shall notify the party (or parties) responsible they must remove the use and restore the site to its pre-development condition within 120 days of notice by the Zoning Administrator.
- iii.** It is the responsibility of the responsible party (or parties) to remove all equipment and facilities and restore the site to its pre-development condition.
- iv.** If the responsible party (or parties) fails to comply, the Zoning Administrator may remove the use, sell any removed materials, and initiate judicial proceedings or take any other steps legally authorized against the responsible parties to recover the costs required to remove the use and restore the site to its pre-development condition.

I. VEGETATIVE BUFFER REQUIRED

- 1.** A solar energy conversion use adjacent to a residential zoning district shall maintain fencing and a vegetated buffer along the perimeter of the site adjacent to the residential district.
- 2.** In cases where a solar energy conversion use is visible from a road, the use shall maintain fencing and a vegetated buffer along the entire length of the associated road frontage except as necessary for a driveway or site ingress/egress.

ARTICLE 4. LAND USES

§4.3. Principal Use Standards

3. The vegetative buffer shall be configured in accordance with the following:
 - i. Plant material shall be evergreen, a minimum of 30" in height at time of planting and shall reach a minimum height of at least eight feet within three years of planting.
 - ii. The evergreen vegetative buffer shall consist of a double row of evergreen shrubs with a triangular spacing no more than four feet apart and a maximum of four feet distance between each row.
 - iii. The buffer shall include a green chain link fence with slats or other fencing yielding an equivalent level of opacity located between the plant material and the solar energy conversion equipment.
 - iv. The closest row of vegetation shall be no more than six feet from the fence.
4. Failure to maintain the evergreen buffer shall constitute a violation of the Unified Development Ordinance
5. The evergreen vegetative buffer shall be maintained until the solar energy system is decommissioned and removed from the parcel or parcels of land which it is constructed.

J. INSPECTION

1. Each solar energy conversion use shall be required to have the facility inspected quarterly by the Zoning Administrator or a designee following the issuance of the zoning compliance permit to verify continued compliance with this Ordinance.
2. Additional inspections shall be conducted as necessary in the event of complaints.

4.3.98. SWINE FARM

The use shall conform with the standards in Section 106-803 of the North Carolina General Statutes, the Swine Farm Siting Act, which delineates requirements for the siting of swine houses, lagoons, and the land area onto which waste is applied.

4.3.99. TELECOMMUNICATIONS FACILITIES

A. PURPOSE AND INTENT

(Amended 5-2-22 UDOTA 1-22)

This section establishes general standards for the siting of wireless telecommunications facilities that will provide for the public health, safety, and welfare. The standards are intended to ensure that residents, businesses, and public safety operations in the County's planning jurisdiction have reliable access to wireless communications services. More specifically, the provisions of this section are intended to:

1. Ensure adequate protection of residential areas and uses from potential adverse impacts of wireless communications facilities, and to generally encourage the location of these facilities in areas where adverse impact on the community is minimal;
2. Encourage the placement of wireless telecommunications facilities in non-residential areas;
3. Create conditions where wireless telecommunications service providers are able to provide wireless telecommunications services effectively and efficiently in accordance with State and federal law;
4. Strongly encourage the joint use or collocation of new and existing wireless telecommunications facilities so as to minimize the number of new telecommunications towers throughout the County;
5. Establish collocation and concealed towers as the preferred options for the accommodation of wireless telecommunications equipment; and
6. Ensure that wireless telecommunications facilities located within the public right of way do not obstruct sight distance triangles or create safety hazards for pedestrians or bicyclists.

B. APPLICABILITY

ARTICLE 4. LAND USES

§4.3. Principal Use Standards

The standards in this section shall apply to all wireless telecommunications facilities except for the following, which are exempted from these standards but remain subject to all other applicable standards in this Ordinance:

1. Removal of antennas, antenna support structures, or wireless telecommunications equipment on an existing telecommunications tower, utility pole, vertical projection, or equipment compound that does not result in a substantial modification;
2. The operation of a small wireless facility solely within the interior of a structure, stadium, or athletic facility;
3. Routine maintenance on an existing wireless telecommunication facility;
4. Installation, modification, or operation of a micro-wireless facility, receive-only television antenna, or receive-only radio antenna for noncommercial use;
5. Installation, modification, or operation of FCC-licensed amateur ("ham") radio equipment; and
6. Dish antenna or earth stations.

C. RETENTION OF EXPERT ASSISTANCE AND REIMBURSEMENT BY APPLICANT

The County may hire any consultant and/or expert necessary to assist the County in reviewing and evaluating application for a wireless telecommunications facility, including the construction and modification of the site, in accordance with these standards.

1. Upon filing an application, an applicant shall deposit with the County funds sufficient to reimburse the county for all reasonable costs of consultant and expert evaluation and consultation to the county in connection with the review of any application, including the construction and modification of the site, once permitted.
2. The initial deposit shall be in the amount set forth in the adopted fee schedule and shall be paid at the time the application is submitted. The County will maintain a separate escrow account for all such funds.
3. The County's consultants/experts shall invoice the County for its services in reviewing the application, including the construction and modification of the site, once permitted.
4. If at any time during the process this escrow account has a balance less than an amount set forth in the adopted fee schedule, the applicant shall immediately, upon notification by the County, replenish the escrow account so that it maintains the minimum required balance. Any additional escrow funds shall be deposited with the County before any further action or consideration is taken on the application.
5. In the event that the amount held in escrow by the County is more than the amount of the actual invoicing at the conclusion of the project, the remaining balance shall be promptly refunded to the applicant.

D. WIRELESS TELECOMMUNICATIONS FACILITIES DISTINGUISHED

The following use types and configurations are considered to be wireless telecommunications facilities subject to these requirements:

1. New and replacement major telecommunication towers of 50 feet in height or taller;
2. New and replacement minor telecommunication towers of up to 50 feet in height;
3. Stealth or concealed telecommunication towers, antennae, or wireless telecommunications equipment;
4. Major collocations of antennae and associated equipment on existing towers, buildings, or other vertical projections;
5. Minor collocations of antennae and associated equipment on existing towers, buildings, or other vertical projections; and

ARTICLE 4. LAND USES

§4.3. Principal Use Standards

6. The installation of small wireless telecommunications facilities on land outside a public street right-of-way.

E. **GENERAL STANDARDS APPLICABLE TO ALL TYPES OF WIRELESS TELECOMMUNICATIONS FACILITIES**

The following requirements shall apply to all new wireless telecommunications facilities and any modifications to an existing wireless telecommunications facility that exceeds the scope of routine maintenance, as defined in this section.

1. BUILDING PERMIT REQUIRED

Prior to installation or modification exceeding the scope of routine maintenance, all wireless telecommunications facilities shall receive a building permit in accordance with the requirements in this Ordinance.

2. COMPLIANCE WITH FEDERAL AND STATE REGULATIONS

All wireless telecommunication facilities shall comply with or exceed current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and any other agency of the federal government that regulates telecommunications facilities. In addition to federal requirements, all wireless telecommunication facilities shall comply with or exceed current standards and regulations of the State of North Carolina pertaining to wireless telecommunications facilities Sections 160D-930 through 160D-934 of the North Carolina General Statutes.

3. INTERFERENCE

No wireless communication facility shall disturb, diminish, or interfere with public safety, radio, television, or other wireless telecommunications signals in accordance with FCC requirements.

4. STRUCTURALLY SOUND

All elements of a wireless telecommunication facility shall demonstrate, to the satisfaction of the County, that the equipment and the structure supporting the equipment is structurally sound and can accommodate the proposed equipment and appurtenances.

5. SIGHT DISTANCE AT INTERSECTIONS

All elements of a wireless telecommunication facility shall be located outside of, and shall in no way obstruct, required sight distance triangles. This requirement shall apply to existing streets as well as to future street intersections that have been designed or where right-of-way is currently being protected by the County or the State.

6. ACCESSORY EQUIPMENT

Accessory equipment, including any buildings, cabinets, or shelters, shall be used only for the purposes of housing wireless telecommunications equipment and other supplies in direct support of the operation of the wireless telecommunications facility. Any equipment or materials not used in direct support of such operation shall not be stored on the site.

7. OBSTRUCTION LIGHTING

Lighting of a wireless telecommunications facility shall be limited to that required for compliance with FAA minimum standards. Any lighting required by the FAA must be of the minimum intensity and number of flashes per minute (i.e., the longest duration between flashes) allowable by the FAA. Nighttime strobing or flashing lights are prohibited, unless required by the FAA.

8. SIGNAGE

ARTICLE 4. LAND USES

§4.3. Principal Use Standards

Signage shall be limited to safety or informational signage identifying the party responsible for the operation and maintenance of the facility and any additional security or safety signs, as necessary, in the opinion of the Zoning Administrator.

9. ACCOMMODATIONS OF PUBLIC COMMUNICATIONS EQUIPMENT

Telecommunications facilities and vertical structures used to accommodate telecommunications facilities are strongly encouraged to provide physical space and structural capacity for the placement of governmental communications equipment needed to ensure public safety.

10. UNAUTHORIZED ACCESS PROHIBITED

Telecommunications towers and vertical projections with wireless telecommunications equipment with a height of 30 feet above grade or more shall be designed or configured to prevent unauthorized persons from climbing on the wireless telecommunication facility whether through use of walls or fencing with a minimum height of six feet above adjacent grade, or anti-climbing devices.

11. NONCONFORMING WIRELESS TELECOMMUNICATIONS FACILITIES

- i.** Lawfully established wireless telecommunications facilities in operation prior to November 1, 2021, that do not comply with these standards may remain and operate as nonconforming uses.
- ii.** In the event of conflict between these standards and the standards for nonconforming situations in [Article 5. Nonconformities](#), the standards in this section shall control with respect to wireless communications facilities.
- iii.** Ordinary and routine maintenance may be performed on a nonconforming wireless telecommunications facility.
- iv.** Minor collocation of antennae, antenna-support structures, and related wireless telecommunications equipment is allowed, provided that the overall height of the existing nonconforming wireless telecommunications facility remains unchanged or is reduced.
- v.** In no instance shall a collocation resulting in an increased overall height or a requiring substantial modification, as defined in this section and Section 160D-932 of the North Carolina General Statutes, be permitted on a nonconforming wireless telecommunications facility.
- vi.** In the event a nonconforming telecommunications tower is removed, it shall not be replaced with another nonconforming wireless telecommunications tower.

12. CESSATION

- i.** A wireless telecommunication facility shall be considered to have ceased operation if the County receives written notice from a wireless services provider that it intends to cease operations at a particular wireless telecommunication facility, or a wireless telecommunications facility ceases to transmit a wireless telecommunications signal for a period of 30 consecutive days or longer.
- ii.** Upon receipt of a written notice from a wireless services provider or upon determination that a wireless communication facility has ceased operation, the County shall forward written documentation of the cessation to the wireless services provider, or the owner of the land, if different.

13. ABANDONMENT

- i.** The wireless telecommunications facility shall be deemed abandoned if wireless telecommunications signals do not resume for a period of 180 consecutive days or longer from the date the written documentation of cessation is filed.

ARTICLE 4. LAND USES

§4.3. Principal Use Standards

- ii. Upon making a determination that a wireless telecommunications facility has been abandoned, the County shall forward written documentation of the abandonment to the wireless services provider, or the owner of the land, if different.

14. REMOVAL

- i. The County may require the wireless services provider or the owner of the land, if different, to remove an abandoned wireless telecommunications facility within 30 days of the date it is deemed abandoned.
- ii. Should the wireless services provider, or the owner of the land, if different, fail to remove the abandoned telecommunications facility within 30 days of the date that notice of abandonment is filed, the County may cause the wireless telecommunications facility to be removed and may recover the actual cost of such removal, including legal fees, if any, from the wireless services provider, or the owner of the land, if different.

15. LIABILITY INSURANCE

- i. The permit holder for wireless telecommunications facilities shall secure and at all times maintain public liability insurance for personal injuries, death, and property damage, and umbrella insurance coverage, until the tower is removed from the site, in amounts as set forth below:
 - a. Commercial general liability covering personal injuries, death, and property damage: \$1,000,000 per occurrence/\$2,000,000 aggregate;
 - b. Automobile coverage: \$1,000,000 per occurrence/\$2,000,000 aggregate; and
 - c. Worker's compensation and disability: statutory amounts.
- ii. The commercial general liability insurance policy shall specifically include the County and consultants as an additional named insured.
- iii. The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the state and with a Best's rating of at least A.
- iv. The insurance policies shall contain an endorsement obligating the insurance company to furnish the county with at least 30 days' prior written notice in advance of the cancellation of the insurance.
- v. Renewal or replacement policies or certificates shall be delivered to the County at least 15 days before the expiration of the insurance that such policies are to renew or replace.
- vi. Before construction of a permitted wireless telecommunications facility is initiated, but in no case later than 15 days after issuance of the zoning compliance permit, the permit holder shall deliver to the County a copy of each of the policies or certificates representing the insurance in the required amounts.

F. STANDARDS FOR COLLOCATION OF ANTENNAE

1. COLLOCATIONS DISTINGUISHED

All collocations shall be classified as either a major collocation or a minor collocation in accordance with Section §8.4, Words Defined, and the following:

- i. A major collocation includes placement of antennas, antenna-support structures, and related wireless telecommunications equipment on any of the following: a building's roof; a building's wall; a vertical projection such as a water tank, electric transmission tower, or similar vertical projection not constructed for the sole purpose of providing wireless telecommunications services; or an existing or replacement telecommunications tower where the collocation requires a substantial modification, as defined in these standards and Section 160D-931 of the North Carolina General Statutes.

ARTICLE 4. LAND USES

§4.3. Principal Use Standards

- ii. A minor collocation includes placement of antennas, antenna-support structures, and related wireless telecommunications equipment on an existing or replacement telecommunications tower, provided no substantial modification, as defined in these standards and Section 160D-931 of the North Carolina General Statutes, is required. A minor collocation may also be referred to as an “eligible facility,” as defined in these standards and Section 160D-931 of the North Carolina General Statutes.
- iii. In addition to the placement of antennas and antenna-support structures, collocations may also include the placement of wireless telecommunications equipment on a telecommunications tower, on a vertical projection, on the ground in close proximity to a telecommunications tower or vertical project, within an equipment compound, within an equipment cabinet, within a building, or on a building’s roof. Nothing shall prohibit the replacement of an existing telecommunications tower or activities that increase the overall height of an existing telecommunications tower in order to accommodate a proposed collocation.

2. SUBSTANTIAL MODIFICATION

Collocations on an existing or replacement telecommunications tower that require or result in any of the following shall be considered a substantial modification:

- i. Increasing the existing overall height of the telecommunications tower by the greater of: 20 feet or more than ten percent; or
- ii. Adding an appurtenance (excluding cabling supports) to the body of an existing telecommunications tower that protrudes horizontally from the edge of the tower by the greater of: more than the width of the telecommunications tower at the height of the appurtenance; or more than 20 feet from the edge of the tower; or
- iii. Increasing the square footage of an existing equipment compound by more than 2,500 square feet.
- iv. Substantial modifications that require an increase in the overall height of an existing telecommunications tower or require a replacement tower that exceeds the height of the existing telecommunications tower by more than 40 feet shall require review as a new telecommunication tower.

3. MAXIMUM HEIGHT

Antennae, antenna-support structures, or other wireless telecommunications equipment, associated with a major collocation on a building wall or roof shall not project more than ten feet above the highest point of the building’s roof or parapet wall.

4. METHOD OF ATTACHMENT

Antennae, antenna-support structures, or other wireless telecommunications equipment, associated with a collocation shall be mechanically fastened to the building, roof, vertical projection, or telecommunications tower in a manner that minimizes the potential for structural failure or endangerment of the public from falling wireless telecommunications equipment. The Zoning Administrator shall require an applicant for a collocation to furnish evidence from a professional engineer licensed in the State of North Carolina that the proposed collocation meets the applicable State and local building and fire code requirements.

5. APPEARANCE WHEN CONCEALED

When a collocation is proposed on a concealed telecommunications tower, the collocation shall be configured in the manner necessary to ensure the tower’s concealment is not compromised or negatively impacted.

6. SETBACKS

ARTICLE 4. LAND USES

§4.3. Principal Use Standards

In cases where an existing telecommunication tower's height is increased or where an existing telecommunications tower is replaced in order to accommodate a collocation, the existing or replacement tower shall be set back at least one foot from the front, side, and rear lot lines for each foot of overall wireless telecommunications facility height, to the maximum extent practicable. Secondary structures, including equipment cabinets, guy wire anchors, and other ground-based equipment shall conform with the applicable dimensional requirements for the zoning district where located.

G. STANDARDS FOR TELECOMMUNICATIONS TOWER, MAJOR

1. TOWERS DISTINGUISHED

A new or replacement telecommunications tower with a height of 50 feet or more above grade is a major telecommunications tower subject to these standards. A new or replacement telecommunications tower with a height less than 50 feet above grade shall be considered a minor telecommunications tower.

2. SETBACKS

Towers and their associated antennas shall be set back at least one foot from the front, side, and rear lot lines for each foot of overall wireless telecommunications facility height. In cases where an existing telecommunication tower's height is increased or where an existing telecommunications tower is replaced in order to accommodate a major or minor collocation, the existing or replacement tower shall comply with the setback requirements, to the maximum extent practicable.

3. MAXIMUM HEIGHT

The maximum height (including antenna and other appurtenances) for any new, replaced, or collocated wireless telecommunication tower is 300 feet, as measured from the adjacent pre-construction grade to the top of the highest appurtenance on the tower. In no instance shall the collocation of an eligible facility or a collocation that constitutes a substantial modification result in a telecommunication tower with a height that exceeds 300 feet above the adjacent pre-construction grade. In cases where a telecommunications tower is mounted to or on top of a building, the overall height of the building and the attached tower shall not exceed 300 feet from the adjacent preconstruction grade. The adjacent pre-construction grade shall be the grade at the base of the building closest to the tower.

4. COLLOCATION REQUIRED

Telecommunications towers shall be designed to accommodate the present and future needs of the owner and as well as the collocation of additional equipment, in accordance with the following standards:

- i.** Towers of 50 to 80 feet in height shall be configured to accommodate the collocation of at least two wireless telecommunications service provider's equipment.
- ii.** Towers of 81 to 130 feet in height shall be configured to accommodate the collocation of at least three wireless telecommunications service provider's equipment.
- iii.** Towers of 131 feet in height or higher shall be configured to accommodate the collocation of at least four wireless telecommunications service provider's equipment.

H. STANDARDS FOR TELECOMMUNICATIONS TOWER, MINOR

1. TOWERS DISTINGUISHED

A concealed telecommunications tower is a telecommunications tower and associated equipment that is designed to appear as something other than a traditional wireless communications facility. A minor wireless telecommunications tower is a use that is designed to appear as a traditional wireless communications facility except that the maximum height of the tower portion of the facility is less than 30 feet above grade.

ARTICLE 4. LAND USES

§4.3. Principal Use Standards

2. APPEARANCE OF A CONCEALED TELECOMMUNICATIONS TOWER

A concealed telecommunications tower shall be configured to conceal the presence of the tower, antennas, antenna-support structures, and related wireless telecommunications equipment in order to obscure its purpose as a wireless telecommunications facility, to the maximum extent practicable. Allowable configurations include, but are not limited to: bell towers, clock towers, water towers, silos, chimneys, steeples, light poles, flag poles, or evergreen trees. Antennae, antenna support structures, cabling, and related appurtenances shall be enclosed, camouflaged, screened, or otherwise obscured so that they are not readily identifiable as wireless telecommunications equipment to the casual observer (see Figure 4.3.99.H, Concealed Facilities).

FIGURE 4.3.99.H, CONCEALED FACILITIES



ARTICLE 4. LAND USES

§4.3. Principal Use Standards

3. SETBACKS

Concealed and minor telecommunications towers and associated secondary structures, including equipment cabinets, shall comply with the applicable dimensional requirements for non-residential uses in the zoning district where located. In no instance shall a concealed or minor telecommunications tower be exempted from the minimum applicable setback requirements for non-residential uses. In cases where an existing concealed telecommunication tower's height is increased or where an existing concealed telecommunications tower is replaced in order to accommodate a major or minor collocation, the existing or replacement concealed telecommunications tower shall comply with the setback requirements above, to the maximum extent practicable.

4. MAXIMUM HEIGHT

The maximum height for any concealed wireless telecommunication tower is 200 feet, as measured from the adjacent pre-construction grade to the top of the highest appurtenance on the tower. In no instance shall a collocation of an eligible facility or work associated with a substantial modification result in a concealed telecommunication tower with a height that exceeds 200 feet above the adjacent pre-construction grade. The maximum height for a minor telecommunications tower is less than 50 feet from the adjacent pre-construction grade to the top of the highest appurtenance on the tower.

5. COLLOCATION

Concealed and minor telecommunications towers are encouraged (but not required) to accommodate the collocation of other antennae. Collocations of equipment on a minor telecommunications tower (whether a major or minor collocation) shall not increase the overall height of the tower by more than 10 feet beyond the initially approved height of the minor telecommunications tower. Actions that result in an increase in tower height by more than 10 feet shall require the minor telecommunications tower to undergo review as a major telecommunications tower. Any collocated equipment on a concealed telecommunications tower must maintain the appearance of the facility as a concealed telecommunications tower. In no instance shall a concealed telecommunications tower be replaced with a telecommunications tower that is not concealed in order to accommodate a collocation.

I. STANDARDS FOR WIRELESS COMMUNICATIONS FACILITIES, SMALL

1. CONSOLIDATED APPLICATION

An applicant may file a single consolidated application for up to 25 separate small wireless facilities at one time, but the County may choose to issue separate decisions on one or more of the facilities included within a consolidated application.

2. LOCATED WITHIN PUBLIC RIGHT-OF-WAY

In cases where a small wireless facility is proposed within a public right-of-way, the small wireless facility shall comply with all standards applicable to the right-of-way.

3. TIMEFRAME FOR REVIEW

Applications for establishment of a small wireless facility shall be processed and decided within 45 days from the date the application is determined to be complete. Nothing shall prohibit the County and the applicant from mutually agreeing to a longer review period.

4. TIMING FOR OPERATION

Construction of a small wireless facility shall commence within six months of its approval and the small wireless facility shall be activated for use within one year from the permit issuance date, unless delayed by a lack of commercial power at the site.

5. MAXIMUM EQUIPMENT SIZE

ARTICLE 4. LAND USES

§4.3. Principal Use Standards

In no instance shall a small wireless facility exceed the following maximum size limitations; a small wireless facility that exceeds these maximum size limitations shall be reviewed in accordance with the standards for a collocation.

- i. Each antenna, and any exposed elements, shall be capable of fitting within an enclosure of six cubic feet, or less.
- ii. All other wireless equipment associated with the small wireless facility shall maintain a maximum cumulative volume of 28 cubic feet, or less. The following types of ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, vertical cable runs for the connection of power and other services, or the support structure.

6. MAXIMUM HEIGHT

No new structure intended to support a small wireless facility shall be taller than 50 feet above the adjacent pre-construction grade. An existing structure (such as a utility pole, light standard, sign, etc.) may be replaced in order to accommodate a small wireless facility, but the replacement structure shall not exceed the height of the original structure being replaced. In no instance shall the antennae or equipment associated with a small wireless facility project more than ten feet above the height of the structure the small wireless facility is mounted on. In cases where a new structure installed to serve a small wireless facility exceeds 50 feet in height, the structure shall be reviewed and decided in accordance with the standards for a telecommunications tower. In cases where a replacement structure intended to serve a small wireless exceeds the height of the original structure, the replacement structure shall be reviewed and decided in accordance with the standards for a collocation.

7. PLACEMENT

A small wireless facility, including the support structure and all other equipment, shall not obstruct the safe passage of vehicles, pedestrians, or bicycles.

8. METHOD OF ATTACHMENT

Antennae, antenna-support structures, or other wireless communications equipment, associated with a small wireless facility shall be mechanically fastened to the supporting structure in a manner that minimizes the potential for structural failure or endangerment of the public from falling wireless telecommunications equipment. The Zoning Administrator shall require an applicant for a small wireless facility to furnish evidence from a professional engineer licensed in the State of North Carolina that the proposed wireless telecommunications facility meets the applicable State and local building and fire code requirements.

9. APPEARANCE

The portion of a small wireless facility attached to the support structure shall match the color of the support structure, to the maximum extent practicable. In cases where an applicant proposes inclusion of a small wireless facility on a decorative support structure, sign, or other existing structure not constructed solely for the purposes of providing wireless telecommunications services, the County may require the small wireless facility to be configured or concealed to ensure compatibility with the structure.

10. ELECTRICAL SERVICE

In cases where a small wireless facility is proposed in areas where electrical service is underground, all electrical service to the small wireless facility shall also be underground.

4.3.100. THEATRE, OUTDOORS

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§4.3. Principal Use Standards

- A. The hours of operation allowed shall be compatible with the land uses adjacent to the outdoor theater.
- B. The amount of noise generated shall not disrupt the activities of the adjacent land uses.
- C. Principal access must be from a collector or higher capacity road.
- D. No part of any theater screen, projection booth, or other building shall be located closer than 500 feet to any residentially used or zoned property or any closer than 50 feet to any other property line or public road right-of-way.
- E. No parking space shall be located closer than 100 feet to any residentially- sed or zoned property.
- F. The theater screen shall not face a road or highway.

4.3.101. TRANSFER STATION

- A. All structures, buildings, and landfilling operations shall be a minimum of 300 feet from a residentially zoned or used lot.
- B. Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.
- C. Access to the facility shall be by way of a collector or higher classified road.
- D. Entrances shall be controlled to prevent unregulated access to the facility.
- E. Access roads leading to any part of the facility shall be constructed with a gravel or crushed stone surface and maintained in a dust-free manner.
- F. No part of access roads shall be located closer than 15 feet to an external property line other than a limited access highway or railroad right-of-way line.
- G. An application for establishment of this use shall include a truck route plan that designates routes to minimize impacts on residential areas, schools, or other land uses that would be negatively impacted by truck traffic.
- H. The siting and design of the facility shall comply with the applicable requirements of the NC Solid Waste Management Rules.
- I. The operation of the facility shall be in compliance with the State of North Carolina's operation, maintenance, and monitoring regulations for solid waste disposal facilities.

4.3.102. UPPER-STORY RESIDENTIAL DWELLING

- A. Upper-story residential dwelling units shall occupy the second or higher floor of a building with a non-residential use on the ground floor.
- B. Upper-story residential units configured as condominiums shall comply with the standards in Section 4.3.68.F, Condominiums.

4.3.103. URGENT CARE

- A. Such uses shall have direct access via a collector or higher capacity road.
- B. A six-foot-high opaque fence shall be erected along all lot lines shared with a residence.
- C. Off-street parking areas shall be located no closer than 30 feet to the property line of abutting residences.

4.3.104. UTILITY, MAJOR

- A. All structures, buildings, or enclosed areas used for the operation of a wastewater treatment facility shall be a minimum of 300 feet from a residentially used or zoned lot.
- B. Equipment producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.
- C. Security fencing, a minimum of six feet in height, shall be provided around the perimeter of the use.

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§4.3. Principal Use Standards

- D.** Areas of outdoor storage shall be screened by a type C perimeter buffer configured in accordance with **Section 6.5.9, Perimeter Buffers**, from residentially used or zoned property.

4.3.105. VEHICLE PAINTING/ BODYWORK

- A.** a. The use shall be located at least 250 feet from any residential district, school (except vocational schools), or child day care center;
- B.** b. Vehicles shall not be parked or stored as a source of parts; and
- C.** c. Repair and storage of all vehicles shall occur within an enclosed building. Temporary outdoor vehicle storage may be allowed in an outdoor storage area that is no larger than 25 percent of the buildable area of the lot, located behind or to the side of the principal structure, and fully screened by an opaque fence or wall of at least six feet in height.

4.3.106. VEHICLE REPAIR AND SERVICING (WITHOUT PAINTING/ BODYWORK)

- A.** Air compressors, hydraulic hoists, pits, repair equipment, greasing and lubrication equipment, auto washing equipment, and similar equipment shall be entirely enclosed within a building.
- B.** Outdoor storage areas and all other built-upon areas shall not exceed 24 percent of the total lot or site area. The number of vehicles stored outdoors shall not exceed the number of service bays at the establishment.
- C.** No outdoor disassembly or salvaging shall be permitted.
- D.** Any outdoor storage area shall be screened with a 6-foot-high opaque fence or wall in addition to any landscaping or screening required by this Ordinance.
- E.** All unpaved storage areas shall be maintained in a manner so as to limit dust from leaving the storage area.

4.3.107. VEHICLE SALES OR RENTALS

- A.** Vehicle display areas shall be surfaced with concrete, asphalt, or crushed stone.
- B.** No vehicles or other similar items shall be displayed on the top of a building.
- C.** Repair and service functions are permitted as a secondary use provided all repair-related activities take place within an enclosed building.

4.3.108. VEHICLE TOWING AND STORAGE LOT

- A.** A maximum of no more than 50 vehicles at any one time shall be stored on the property.
- B.** All towed vehicles must be stored in an approved vehicle towing and storage area.
- C.** A chain link fence, a minimum of six feet in height, shall be provided around all accessible sides of the storage area.
- D.** All entrances to and from the storage area shall be secured and locked whenever an employee is not present on the property.
- E.** Storage of motor vehicles shall comply with the applicable standards in **Section 6.5.12, Screening**.
- F.** The storage area shall be paved with asphalt or concrete to minimize dust emissions and the buildup of dirt, mud, and other debris.
- G.** No storage area shall be permitted within 100 feet of any residentially zoned property or within any required front yard.
- H.** All buildings used to protect stored motor vehicles shall be located on the same lot.

4.3.109. VETERINARY SERVICES, LARGE AND SMALL ANIMAL

No pens or runs may be located within 500 feet of any residentially zoned or used property.

4.3.110. WAREHOUSE, DISTRIBUTION OR STORAGE

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§4.3. Principal Use Standards

- A.** All non-paved storage areas shall be maintained in a manner so as to limit dust from leaving the storage area.
- B.** Vehicle access to the use shall be provided only by way of a US or NC numbered highway, or by an access road serving a larger industrial area.
- C.** No part of an access road shall be located closer than 15 feet to an external lot line other than a limited access highway or railroad right-of-way line.
- D.** An application for establishment of this use shall include a truck route plan that designates routes to minimize impacts on residential areas, schools, or other land uses that would be negatively impacted by truck traffic.
- E.** Uses engaged in the storage or distribution of flammable materials shall meet the requirements established by the fire prevention code of the National Board of Fire Underwriters and the National Fire Protection Association standards, Flammable and Combustible Liquids Code, NFPA 30 and Standards for the Storage and Handling of Liquefied Petroleum Gases, NFPA 58, as applicable.

4.3.111. WHOLESALE SALES, INDOOR AND OUTDOOR

- A.** Except for above-ground storage tanks, outdoor storage areas shall be no closer than 50 feet to any adjoining OI or residentially used or zoned property.
- B.** Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.
- C.** All non-paved storage areas shall be maintained in a manner so as to limit dust from leaving the storage area.
- D.** Vehicle access to the use shall be provided only by way of a US or NC numbered highway, or by an access road serving a larger industrial area.
- E.** No part of an access road shall be located closer than 15 feet to an external lot line other than a limited access highway or railroad right-of-way line.
- F.** An application for establishment of this use shall include a truck route plan that designates routes to minimize impacts on residential areas, schools, or other land uses that would be negatively impacted by truck traffic.
- G.** Uses engaged in the storage or distribution of flammable materials shall meet the requirements established by the fire prevention code of the National Board of Fire Underwriters and the National Fire Protection Association standards, Flammable and Combustible Liquids Code, NFPA 30 and Standards for the Storage and Handling of Liquefied Petroleum Gases, NFPA 58, as applicable.
- H.** Above-ground outdoor storage tanks shall be subject to the following standards:
 - 1.** They shall be located at least 200 feet from any lot line;
 - 2.** Tanks or groups of tanks shall be diked to prevent the spread of liquid onto other property, waterways, or drainageways. The volumetric capacity of the diked area shall not be less than the capacity of the largest tank within the diked area.
 - 3.** Dikes or retaining walls shall be of earth, steel, concrete, or solid masonry designed and constructed to be liquid tight and to withstand a full hydraulic head.
 - 4.** Earthen dikes three feet or more in height shall have a flat section at the top not less than two feet in width. The slope shall be consistent with the angle of repose of the material of which the dikes are constructed.
 - 5.** Dikes shall be restricted to an average height of not more than six feet above the exterior grade unless means are available for extinguishing a fire in any tank. Dikes enclosing such tanks shall be provided at the top with a flareback section designed to turn back a boil-over wave. A flareback section shall not be required for dikes and walls enclosing approved

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§4.3. Principal Use Standards

floating roof tanks. No loose combustible material, empty or full drums or barrels, shall be permitted within the diked area.

6. Where provision is made for draining rainwater from diked areas, such drains shall normally be kept closed and shall be designed that when in use they will not permit flammable liquids to enter natural watercourses, public sewers, or public drains. Where pumps control drainage from the diked area, they shall not be self-starting.

4.3.112. WIND ENERGY CONVERSION

1. LOCATION

- i. No tower associated with a large wind energy facility shall be located within 1,000 feet of land in a residentially zoned district or a public park.
- ii. All ground-based equipment buildings shall be located under the blade sweep area, to the maximum extent practicable.

2. SETBACKS

- i. All towers associated with a large wind energy facility shall be set back a distance equal to one-and-one-half times the overall height of the tower and associated wind turbine blade.
- ii. All associated facilities other than towers and associated wind turbines shall be subject to the setback standards for the district where located.

3. TOWER STRUCTURE

Large wind energy facilities shall utilize monopole or self-supporting towers.

4. COMMON CONFIGURATION

All towers and turbines within a single large wind energy facility shall maintain uniform design in terms of the following features:

- i. Tower type;
- ii. Tower, turbine, and blade colors;
- iii. The number of blades per turbine; and
- iv. The direction of blade rotation.

5. HEIGHT

The maximum height of a large wind energy system (including the tower and extended blades) shall be 450 feet.

6. BLADE CLEARANCE

The blade tip or vane of any large wind energy facility shall have a minimum ground clearance of 75 feet above grade, as measured at the lowest point of the arc of the blades. No blades shall extend over public rights-of-way.

7. UNAUTHORIZED ACCESS

All large wind energy facilities shall incorporate anti-climbing devices to prevent unauthorized climbing.

8. UTILITIES

Except for transmission lines, all utilities associated with a large wind energy facility shall be located underground.

9. APPEARANCE

The wind turbine and tower shall be painted or finished in the color originally applied by the manufacturer, or a matte neutral color (e.g., gray, white, or galvanized steel).

10. LIGHTING

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No illumination of the turbine or tower shall be allowed, unless required by the (FAA). In the event obstruction lighting is required by the FAA, it shall be of the lowest intensity allowed, and strobes or blinking lights shall be avoided, to the maximum extent practicable.

11. SIGNAGE PROHIBITED

Signage visible from any public street or off-site area shall be limited to the manufacturer's or installer's identification, appropriate warning signs, or owner identification.

12. SOUND

The noise at the lot line produced by the wind energy conversion facility during operation shall not exceed 55 dBA. This standard shall not apply during power outages, windstorms, or other conditions beyond the owner's control.

13. SHADOW FLICKER

Shadows cast by the rotating blade of a large wind energy facility shall not fall upon off-site areas.

14. INTERFERENCE

The owner shall take all reasonable steps to prevent or eliminate interference with transmission of communications signals (e.g., radio, television, telephone, etc.) resulting from a wind energy conversion facility.

15. ABANDONMENT

- i.** On determining that a large wind energy conversion facility has been inoperable for 180 days or more, the Zoning Administrator may issue a Notice of Abandonment to the facility owner.
- ii.** The facility owner shall restore operation of the wind energy conversion facility within 30 days of receipt of the Notice of Abandonment, or file a Notice of Termination with the Zoning Administrator.
- iii.** The wind energy conversion facility shall be removed from the site within three months of the filing of a Notice of Termination.
- iv.** Removal of a wind energy conversion facility shall include removal of the towers, turbines, above-ground equipment, outdoor storage, foundations to a depth of four feet below grade, and any hazardous material associated with the facility.

4.3.113. ZOO

A zoo shall be on a site of at least 50 acres in area.

§4.4. PROHIBITED USES**4.4.1. PROHIBITED EVERYWHERE**

- A.** The following use types are not listed in Table 4.2.1, Principal Use Table, and are prohibited throughout the County's jurisdiction in all zoning districts.
- B.** In cases where one or more of these uses is lawfully established and in operation prior to November 1, 2021, the use shall be subject to the provisions in Section §1.11, Transitional Provisions.

1. AGRICULTURAL USES

- i.** Slaughterhouses.

2. COMMERCIAL USES

- i.** Outdoor advertising or billboards, except where prohibition is preempted by State or federal law. Outdoor advertising lawfully established prior to November 1, 2021, may be permitted to continue as a nonconforming use only in accordance with Article 5. Nonconformities, and Section 160D-912 of the North Carolina General Statutes.

3. INDUSTRIAL USES

- i.** Acetylene gas manufacture;
- ii.** Acid manufacture;
- iii.** Ammonia, bleaching powder, or chlorine manufacture;
- iv.** Biohazard or infectious waste storage or incineration;
- v.** Cellophane manufacture;
- vi.** Creosote manufacture or treatment plants;
- vii.** Distillation of bones, coal, petroleum, refuse, tar, or wood;
- viii.** Glue and size manufacture;
- ix.** Hazardous or radioactive materials handling or storage;
- x.** Nitrogenous tankage, fish meal or manufacture of any fertilizer materials carrying an objectionable odor;
- xi.** Oilcloth or linoleum manufacture;
- xii.** Ore reduction;
- xiii.** Paper manufacturing;
- xiv.** Pulp mills; and
- xv.** Vinegar manufacturing.

4. RESIDENTIAL USES

- i.** Use of a boat, houseboat, or other floating structure as a temporary or permanent residence (this shall not prevent the overnight occupancy of a vessel temporarily moored while in transit on navigable waters);
- ii.** Use of a tiny home that does not comply with the State Building Code requirements as a permanent residence; and
- iii.** Use of a recreational vehicle as a permanent residence.

4.4.2. PROHIBITED BY OVERLAY DISTRICT STANDARDS

Regardless of how a use type is permitted or prohibited in Table 4.2.1, Principal Use Table, if a lot or tract is located within one or more overlay zoning districts, any use type limitations in this section or the overlay district standards (see Section §3.4, Overlay Zoning Districts) shall control.

A. WCA PORTION OF WATERSHED PROTECTION OVERLAY DISTRICT

The following uses are prohibited:

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§4.4. Prohibited Uses

1. New demolition or sanitary landfills;
2. New sites for land application of residuals; and
3. New sites for land application of petroleum-contaminated soils.

B. FLOOD HAZARD OVERLAY DISTRICT

1. The following uses are prohibited in designated floodways:
 - i. Buildings, including manufactured homes; and
 - ii. Any use that would cause any increase in base flood levels.
2. The following development is prohibited in designated floodplains due to the North Carolina Flood Act of 2000:
 - i. New solid waste disposal facilities;
 - ii. New hazardous waste management facilities;
 - iii. New salvage or junkyards; and
 - iv. New chemical storage facilities.

§4.5. SECONDARY USES

4.5.1. PURPOSE AND INTENT

This section authorizes the establishment of secondary uses and structures that are incidental and subordinate to principal uses. The purpose of this section is to allow a broad range of secondary uses and structures, provided they comply with the standards set forth in this section in order to reduce potentially adverse impacts on surrounding lands.

4.5.2. ORGANIZATION OF THESE STANDARDS

These provisions set out the configuration standards and allowable locations for secondary uses and structures in the County's planning jurisdiction, and are generally organized into the following structure:

- A.** The procedure for establishing a secondary use or structure;
- B.** The general standards applicable to all secondary uses and structures under this Ordinance;
- C.** A summary table of common secondary uses and the zoning districts where they are permitted; and
- D.** Additional standards applied to specific secondary use types, where identified in the summary table.

4.5.3. PROCEDURE FOR ESTABLISHMENT

- A.** Secondary uses or structures may be approved in conjunction with the approval of the principal use or subsequently following the establishment of the principal use through the approval of a zoning compliance permit or special use permit, as appropriate. Except as permitted in the AR-30 zoning district, no secondary use or structure shall be approved, established, or constructed before a principal use is approved in accordance with this Ordinance.
- B.** Applications to establish a planned development district shall be supplemented by a site plan showing proposed secondary uses or by a written list of proposed secondary uses included in the terms and conditions documents.
- C.** Table 4.5.5, Common Secondary Use Table, may not be inclusive of all possible secondary uses, and in the event a secondary use is proposed that is not listed in the table, the Zoning Administrator shall consult Table 4.2.1, Principal Use Table, to determine if the proposed secondary use corresponds to a listed principal use. Any permitted principal use in a zoning district is also permitted as secondary use. In no instance shall a secondary use be permitted in a zoning district where it is prohibited as a principal use.
- D.** In the event a proposed secondary use is not listed in Table 4.5.5, Common Secondary Use Table, and there is no corresponding principal use, the Zoning Administrator shall determine how to treat the secondary use in accordance with Section §4.7, Unlisted Uses.

4.5.4. GENERAL STANDARDS FOR ALL SECONDARY USES, STRUCTURES, AND OPEN AIR USES OF LAND

A. PERMITTED SECONDARY USES, STRUCTURES, AND OPEN AIR USES OF LAND

Permitted secondary uses, structures, and open air uses of land shall comply with the following:

- 1.** Are clearly incidental to an allowed principal use or structure;
- 2.** Are subordinate to and serve an allowed principal use or structure;
- 3.** Are subordinate in area, extent, and purpose to the principal use or structure;
- 4.** Contribute to the comfort, convenience, or needs of occupants associated with the principal use or structure; and

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5. Are customary or typically-associated with the principal use and do not include an activity that is prohibited in the zoning district where proposed.

B. LOCATION OF SECONDARY USES, STRUCTURES, AND OPEN AIR USES

1. WITHIN REQUIRED LANDSCAPING BUFFERS

Except for fences and walls contributing to the screening function of a landscaping buffer, no secondary use, structure, or open air use of land shall be located within a required landscaping buffer except in accordance with [Section §6.5, Landscaping and Screening](#).

2. WITHIN A REQUIRED SETBACK

No secondary use, structure, or open air use of land may be located in a required setback except as permitted by [Table 3.1.4.C.1, Allowable Encroachments](#).

3. WITHIN OTHER AREAS ON A SITE

No secondary use, structure, or open air use of land shall:

- i. Be within five feet of a lot line, except as authorized by [Table 3.1.4.C.1, Allowable Encroachments](#);
- ii. Be located within a designated fire lane;
- iii. Obstruct required sight distance triangles;
- iv. Impede ingress or egress to a lot, site, or principal structure;
- v. Be located above or beneath public utilities (except for fences or walls);
- vi. Interfere with drainage or stormwater control measures; or
- vii. Be within an emergency access route designated on an approved site plan.

4. WITHIN AN EASEMENT

Except for authorized stormwater control measures within a drainage easement, no secondary use, structure, or open air use of land shall be located within any platted or recorded easement without the prior written consent of the landowner.

C. STRUCTURE HEIGHT

Secondary structures shall comply with the height requirements for the zoning district where located.

D. MAXIMUM NUMBER OF STRUCTURES, USES, OR OPEN AIR USE OF LAND

1. RESIDENTIAL ZONING DISTRICTS

In no instance shall a residential lot contain more than three separate secondary structures, uses, or open air use of land.

2. ALL OTHER ZONING DISTRICTS

There is no limit to the number of separate secondary structures, uses, or open air use of land on a lot provided the development complies with the standards in [Section 4.5.4.E, Maximum Structure or Use Size](#).

E. MAXIMUM STRUCTURE OR USE SIZE

1. RESIDENTIAL ZONING DISTRICTS

I. AR-30 ZONING DISTRICTS

- a) In no instance shall the total floor area of any individual secondary structure or use on a lot exceed the total floor area of the principal structure. In cases where there is more than one principal structure on a lot, the total floor area of the smallest principal structure shall be used for this calculation.
- b) The combined cumulative floor area of all secondary structures or uses on a lot shall not exceed the total floor area of the principal structure. In cases where there

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is more than one principal structure on a lot, the total floor area of the smallest principal structure shall be used for this calculation.

II. R-30, R-20, AND R-10 DISTRICTS

- a) In no instance shall the total floor area of any individual secondary structure or use on a lot exceed the total floor area of the principal structure by more than 50 percent. In cases where there is more than one principal structure on a lot, the total floor area of the smallest principal structure shall be used for this calculation.
- b) The combined cumulative floor area of all secondary structures or uses shall not exceed 50 percent of the total floor area of the principal structure. In cases where there is more than one principal structure on a lot, the total floor area of the smallest principal structure shall be used for this calculation.

2. ALL OTHER ZONING DISTRICTS

Except for agricultural uses, no secondary structure or use shall exceed 50 percent of the floor area associated with the principal structure it serves.

F. STRUCTURE OR USE TIMING

1. Except on lots within the AR-30 zoning district, no secondary structure or use shall be established on a lot prior to the principal use.
2. Lots of five acres in area or larger and located in the AR-30 zoning district may accommodate up to one secondary structure or use prior to the establishment of a principal structure, subject to the following requirements:
 - i. The secondary structure shall comply with all applicable dimensional requirements;
 - ii. The secondary structure shall not exceed 2,000 square feet; and
 - iii. The secondary structure shall not be used for residential occupancy.

G. COMPLIANCE WITH OTHER ORDINANCE REQUIREMENTS

Secondary structures, uses, or open air uses of land shall conform to the applicable requirements of this Ordinance, including this section, the district standards in [Article 3. Districts](#), and the development standards in [Article 6. Standards](#).

H. COMPLIANCE WITH DESIGN STANDARDS

1. Secondary structures and uses serving principle uses that are subject to the design standards in [Section §6.2, Design Standards and Guidelines](#), shall comply with the design standards applied to the principal use they serve or shall employ exterior materials, colors, and architectural details that are configured to be complimentary to the principal use.
2. The degree to which proposed exterior materials, colors, and architectural details are configured in a complimentary manner to a principal use shall be in the sole opinion of the review authority deciding the application.

4.5.5. COMMON SECONDARY USE TABLE

[Table 4.5.5, Common Secondary Use Table](#), is established as a guide to identify the appropriateness of the more common secondary uses in each zoning district.

- A. If a specific secondary use is allowed by-right, the cell underneath the zoning district is marked with a "P".
- B. If a specific secondary use is allowed subject to a special use permit, the cell underneath the zoning district is marked with a "S".
- C. If the secondary use or structure is not allowed in a zoning district, the cell is marked with an "X".

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- D.** In the case of planned development districts, if a secondary use is allowable, it is marked with an "A", and the secondary use must be set out in the approved master plan or terms and conditions document.
- E.** If there is a reference contained in the column entitled "Use Standards," refer to the cited section(s) for additional standards that apply to the specific secondary use.

TABLE 4.5.5: COMMON SECONDARY USE TABLE

P = Permitted, subject to applicable standards; S = Special use permit required; A = Allowed if included in a planned development terms and conditions document; "." = Prohibited

USE TYPE	ZONING DISTRICTS										USE STANDARDS
	RESIDENTIAL				BUSINESS			IND.		PD	
	AR-30	R-30	R-20	R-10	OI	B-1	B-2	M-1	M-2		
Accessory Dwelling Unit	P	P	P	P	•	•	•	•	•	A	4.5.6.A
Amateur Ham Radio	P	P	P	P	P	P	P	P	P	A	4.5.6.B
Athletic Field	P	S	S	S	P	P	P	•	•	A	4.5.6.C
Automated Teller Machine	•	•	•	•	•	P	P	P	P	A	4.5.6.D
Caretaker Dwelling	P	P	P	P	P	P	P	P	P	A	4.5.6.E
Cemetery	P	P	P	•	P	•	•	•	•	A	4.5.6.F
Child Care, Incidental	P	P	P	P	P	•	•	•	•	A	4.5.6.G
Drive Through	•	•	•	•	S	P	P	P	S	A	4.5.6.H
Family Health Care Structure	P	P	P	P	P	•	•	•	•	A	4.5.6.I
Home Occupation, Level 1	P	P	P	P	P	P	P	•	•	A	4.5.6.J
Home Occupation, Level 2	S	•	•	•	•	•	•	•	•	A	4.5.6.K
Outdoor Display/Sales	•	•	•	•	•	P	P	P	•	A	4.5.6.L
Outdoor Storage	P	•	•	•	S	P	P	P	P	A	4.5.6.M
Play Equipment	P	P	P	P	P	•	•	•	•	A	4.5.6.N
Produce Stand	P	P	•	•	P	P	P	P	•	A	4.5.6.O
Recreational Vehicle	P	P	P	P	•	•	•	•	•	•	4.5.6.P
Satellite Dish Antenna	P	P	P	P	P	P	P	P	P	A	4.5.6.Q
Solar Energy Conversion, Level 1	P	P	P	P	P	P	P	P	P	A	4.5.6.R
Swimming Pool	P	P	P	P	•	•	•	•	•	A	4.5.6.S
Tool/Storage Shed	P	P	P	P	P	P	P	P	P	A	4.5.6.T
Underground Storage Tank	P	•	•	•	•	•	P	P	P	A	4.5.6.U

4.5.6. SPECIFIC STANDARDS FOR SELECTED SECONDARY USES

This section sets out the specific standards for some of the common secondary uses listed in the summary table.

A. ACCESSORY DWELLING UNITS

1. GENERALLY

- i.** No more than one accessory dwelling unit is permitted on the same lot with a principal dwelling unit.

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- ii. No accessory dwelling unit shall be permitted on the same buildable lot with a two-family dwelling, a multi-family dwelling, or family care home.

2. ACCESSORY DWELLING UNIT WITHIN A SEPARATE SECONDARY STRUCTURE

- i. Accessory dwelling units in a separate structure with a gross floor area of less than 600 square feet shall be located at least 10 feet from side and rear lot lines.
- ii. Accessory dwelling units in a separate structure with a gross floor area of 600 square feet or greater shall meet the setback requirements of the principal building.
- iii. Accessory dwelling units shall be located behind and at least 20 feet from the principal dwelling.
- iv. A detached accessory dwelling unit may be a manufactured home in districts which permit manufactured homes provided the manufactured home complies with the maximum unit size provisions in this section.
- v. An accessory dwelling unit may be part of an accessory garage or other free-standing structure meeting the State Building Code for residential occupancy.
- vi. An accessory dwelling unit in a separate structure shall have no more than 50 percent of the gross floor area of the principal building.

3. ACCESSORY DWELLING UNIT WITHIN A PRINCIPAL SINGLE-FAMILY DWELLING

- i. The principal building shall not be altered in any way so as to appear from a public or private road to be multi-family housing. Prohibited alterations include, but are not limited to: multiple entranceways or multiple mailboxes.
- ii. Access to the accessory dwelling unit shall be by means of an existing side or rear door, except where a new entrance is required by the State Building Code.
- iii. Exterior stairways to upper floors are prohibited from attaching to structure sides facing a public or private road.
- iv. An accessory dwelling unit shall occupy no more than 25 percent of the heated floor area of the principal building. The sum of all secondary uses (including home occupations) in a principal building shall not exceed 25percent of the total floor area.

B. AMATEUR HAM RADIO

Amateur radio antennas shall comply with Section 160D-905 of the North Carolina General Statutes and the following:

- 1. Towers associated with an amateur ham radio operator or private television antenna shall not exceed 100 feet above grade;
- 2. Towers or antennas attached to a principal structure shall be located on a side or rear elevation; and
- 3. Freestanding towers or antennas shall be located behind the principal structure.

C. ATHLETIC FIELD

Secondary athletic fields shall comply with the standards for athletic fields as a principal use.

D. AUTOMATED TELLER MACHINE

- 1. An ATM designed for walk-up use and located in the exterior wall of a building or a parking area shall be designed to avoid obstructions to pedestrian movement along sidewalks, through public use areas, or between parking areas and building entrances, or vehicular movement in front of buildings or through parking areas.

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§4.5. Secondary Uses

2. If an ATM is designed for use by customers in their vehicles, it shall comply with the secondary use standards (including districts where permitted) in **Section 4.5.6.H, Drive Through**.

E. CARETAKER DWELLING

1. A building permit for the principal structure must be obtained or the principal use must be initiated prior to occupancy.
2. No more than one caretaker dwelling unit shall be permitted per lot.
3. A caretaker dwelling may be a manufactured home in nonresidential districts.
4. In residential districts, a caretaker dwelling may only be a manufactured home in the zoning districts that permit a manufactured home.
5. A caretaker dwelling shall:
 - i. Have an approved sewage disposal connection or system;
 - ii. Meet all setbacks applicable to the principal building or use;
 - iii. Be erected in accordance with the NC Building Code.
 - iv. Be located on a lot which has sufficient lot area to meet the minimum lot area requirements for both the principal use and a single-family residence.
 - v. In nonresidential districts a minimum of 10,000 square feet is required for a caretaker dwelling in addition to the minimum lot area required for the principal use.

F. CEMETERY

1. Cemeteries are permitted only as a secondary use to a religious institution.
2. Cemeteries may include mausoleums and columbaria but shall not include facilities for cremation or embalming of remains.
3. Graves, headstones, and memorials shall be at least 20 feet from any lot line under separate ownership.
4. The cemetery portion of a lot shall be screened from all adjacent residentially zoned lands with a type C opaque buffer.
5. The cemetery use shall accommodate required parking, though parking may take place along accessways instead of in a centralized location.
6. The area shall be maintained free from trash and windblown debris.

G. CHILDCARE, INCIDENTAL

An incidental childcare or home day care for three or more children is permitted as a secondary use to an occupied residential dwelling unit if it complies with Article 7 of Chapter 110 of the North Carolina General Statutes, and the Summary of North Carolina Child Care Laws and Rules pamphlet prepared by the NC Department of Health and Human Services.

H. DRIVE THROUGH

Drive-through facilities shall comply with the following standards:

1. Outdoor speakers associated with a drive-through shall be at least 50 feet from any residentially zoned lot;
2. Drive-through facilities shall be designed so as not to obstruct the movement of pedestrians along sidewalks, through areas intended for public use, or between the building entrance and customer parking spaces; and
3. Canopies or other features installed over a drive through window shall maintain common roof lines and materials with the principal structure.

I. FAMILY HEALTH CARE STRUCTURE

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§4.5. Secondary Uses

Up to one family health care structure is permitted on a lot with a single-family detached dwelling, in accordance with the standards in Section 160D-915 of the North Carolina General Statutes, and the following:

1. STRUCTURE

A family health care structure is one that:

- i.** Is transportable and primarily assembled at a location other than the site of installation;
- ii.** Is located on a lot with an existing single-family detached dwelling;
- iii.** Is limited to one occupant who is a mentally or physically impaired person related to the caregiver;
- iv.** Is used by a caregiver or legal guardian in providing care for one mentally or physically impaired person on property owned or occupied as the caregiver's or guardian's residence;
- v.** Has no more than 300 square feet of gross floor area;
- vi.** Is connected with water, wastewater, and electrical systems by branching service from the single-family detached dwelling;
- vii.** Has the same street address and mailbox as the existing single-family detached dwelling;
- viii.** Uses the same driveway as the existing single-family dwelling, unless the structure is accessed from a right-of-way not used by the dwelling (e.g., a rear alley or separate street access on a corner or through lot);
- ix.** Meets the dimensional standards of the zoning district for a single-family detached dwelling; and
- x.** Meets the applicable provisions in the North Carolina Building Code; however, is not located on a permanent foundation.

2. NEED AND RELATIONSHIP

- i.** The occupant of the structure must be a mentally or physically impaired person that is a resident of the State who requires assistance with two or more activities of daily living (bathing, dressing, personal hygiene, ambulation or locomotion, transferring, toileting, and eating) as certified in writing by a physician licensed to practice in North Carolina.
- ii.** The caregiver must be an individual 18 years of age or older who provides care for the mentally or physically impaired person and is a first or second degree relative of the impaired person. A first or second degree relative is a spouse, lineal ascendant, lineal descendant, sibling, uncle, aunt, nephew or niece, including half, step, and in-law relationships.

3. PERMIT CONDITIONS

- i.** Once the applicant provides sufficient proof that the family health care structure meets all standards, then the structure shall be permitted for a period of 12 months.
- ii.** The applicant may renew the prior approval for a 12-month period and continue to renew it provided the applicant provides evidence of continued need and compliance with these standards.
- iii.** The County may make periodic inspections of the family health care structure at reasonable times convenient to the applicant.
- iv.** No signage shall be permitted on the exterior of the structure or on the lot that identifies or promotes the existence of the structure.
- v.** The structure shall not be subdivided or otherwise separated in ownership from the single-family detached dwelling.

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- vi.** The structure shall be removed within 60 days if the impaired occupant is no longer receiving or in need of assistance.
- vii.** The approval may be revoked or other enforcement actions taken if these standards are violated.

J. HOME OCCUPATION, LEVEL 1

- 1.** The area set aside for a home occupation shall occupy no more than 25 percent of the gross floor area of a dwelling unit or of a secondary structure or 500 square feet, whichever is less.
- 2.** No outside storage or display of materials, animals, or items associated with the home occupation is permitted. Nothing shall limit storage of such items within enclosed structures.
- 3.** No goods, stock-in-trade, or other commodities shall be displayed.
- 4.** The home occupation shall be conducted entirely within a dwelling unit or secondary structure. It must be a use that is clearly incidental and secondary to the use of the dwelling unit for residential purposes and does not change the character of the residence.
- 5.** Permitted home occupations include, but are not limited to:
 - i.** Offices;
 - ii.** Personal services;
 - iii.** Day care;
 - iv.** Catering;
 - v.** Tailoring; and
 - vi.** Handcrafting, and similar vocations.
- 6.** No on-site retail sales, except for goods made on the premises, are allowed. Nothing shall prohibit the digital sale of material for delivery off-site.
- 7.** Activities shall not generate traffic, noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the zoning district in which it is located.
- 8.** No home occupation shall involve the use of electrical or mechanical equipment that would change the fire rating of the structure in which the home occupation is located.
- 9.** Only one person may be employed who is not an occupant of the residence.
- 10.** Instruction in music, dancing, art, or similar subjects shall be limited to no more than five students at one time.
- 11.** Signs for home occupations shall be limited to incidental signs permitted in residential zoning districts (see [Section §6.10, Signage](#)).

K. HOME OCCUPATION, LEVEL 2

- 1.** The level 2 home occupation must be located on a tract of two acres or more.
- 2.** A portion of the tract that is at least 100 wide and 30,000 square feet in area shall be reserved exclusively for residential use.
- 3.** The total floor area of all buildings occupied by the home occupation shall not exceed 5,000 square feet.
- 4.** The maximum land area that may be used in conjunction with the home occupation is 15,000 square feet.
- 5.** All operations associated with the home occupation shall maintain a minimum 50-foot setback from all lot lines.
- 6.** All operations associated with the home occupation shall be located behind the rear building line of the principal residence.
- 7.** All operations associated with the home occupation, including parking areas, shall be screened from all side and rear lot lines by a type c opaque buffer.

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8. The Edgecombe County Environmental Health Division shall evaluate each home occupation request to determine the occupation's impact on the surrounding area with respect to excessive noise, dust, air emissions, odors, and surface or groundwater discharge. A written evaluation of these potential impacts by the Environmental Health Division is required prior to the consideration of a special use permit. The home occupation application shall include mitigation of these impacts or other environmental concerns identified by the Environmental Health Division.
9. The home occupation shall be owned by the landowner, who shall reside on the property.
10. No more than five persons shall be employed other than those residing on the property.
11. The applicant shall indicate on the site plan the location of outside storage, if any, and the proposed number of vehicles to be parked on the lot.
12. The home occupation shall not be operated between the hours of 9 PM to 6 AM.
13. Permitted uses shall be limited to those products assembled or manufactured on-site for resale elsewhere, professional and business services, or stock-in-trade clearly incidental to such services.
14. Commercial retail or wholesale operations which bring to the site goods specifically for the purpose of resale shall be prohibited.

L. OUTDOOR DISPLAY/SALES

The outdoor display and sale of goods shall be limited to a commercial or mixed-use development and shall comply with the following standards:

1. An outdoor display/sales area shall not be located within a required front yard or street setback;
2. Outdoor display/sales areas shall not be located any closer than five feet from any lot line;
3. Outdoor display/sales areas shall not be located within any local or State site easement; and
4. Outdoor display areas shall maintain at least five feet of space along the side of the display free of obstruction to allow for pedestrian and handicap movement, such that pedestrians do not have to step off the sidewalk or enter the drive aisle to see the merchandise.

M. OUTDOOR STORAGE

The following standards shall apply to all outdoor storage areas other than uses where outdoor storage is the principal use of land (see Table 4.2.1, Principal Use Table):

1. The extent of the outdoor storage area shall be clearly delineated on a site plan;
2. Outdoor storage areas shall comply with the minimum setback standards applicable in the zoning district where the outdoor storage area is located;
3. Outdoor storage areas are prohibited between the development's principal structure(s) and an arterial or collector street;
4. Outdoor storage areas shall be fully screened in accordance with the applicable standards in Section §6.5, Landscaping and Screening;
5. No outdoor storage area shall be located within a required landscaping area;
6. Stored goods, materials, and equipment shall be limited to those goods, materials, and equipment associated with the principal use or uses of the lot;
7. No materials shall be stored in areas intended for vehicular or pedestrian circulation; and
8. No materials shall be stored on any potable or non-potable water easement, stormwater easement, or sanitary sewer easement.

N. PLAY EQUIPMENT

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Play equipment shall comply with the setback requirements for the zoning district where located, though it may encroach into setbacks in accordance with [Table 3.1.4.C.1, Allowable Encroachments](#).

O. PRODUCE STAND

The sale of fresh vegetables and produce from curbside stands or in a similar fashion shall:

1. Be located on the same lot as a principal use;
2. Be limited to retail sale of agricultural or horticultural products grown on-site or in agricultural facilities under the same ownership as the produce stand;
3. Be located outside sight distance triangles or other areas that may result in visual obstructions to drivers;
4. Not exceed 1,000 square feet in area; and
5. Provide safe ingress/egress and off-street parking, in the opinion of the Zoning Administrator.

P. RECREATIONAL VEHICLE

1. No recreational vehicle shall be used as a permanent residence or business.
2. Nothing in this section shall preclude a RV owner from parking the RV on a parcel of land they own provided the RV is not used as an occupied dwelling or business.
3. Recreational vehicles shall meet the setbacks of a single-family dwelling in the zoning district in which it is located.
4. A minimum of 1,500 square feet shall be designated for the RV.
5. The RV must be at least ten feet from any other structures and shall not be located between a principal structure and a street.
6. Sewer or water connections are not permitted.
7. Any source of electricity must be solely intended for the RV and be on the same parcel of land as the RV.
8. Removal of wheels of a recreational vehicle except for temporary repairs or to attach the vehicle to the ground for stabilizing purposes shall be prohibited.
9. Any RV subject to these standards must be capable of moving within 48 hours.
10. These standards shall not apply to RVs located within a lawfully established and operating recreational vehicle park.

Q. SATELLITE DISH ANTENNA

1. All supporting cables and anchors shall be contained on the property.
2. In residential and OI districts, satellite dish antennas shall not be located or placed within any road right-of-way building setback or side building setback.

R. SOLAR ENERGY CONVERSION, LEVEL 1

A level 1 solar energy conversion use shall comply with the standards in Section 160D-914 and the following:

1. Solar energy conversion equipment may be roof-mounted, attached to a principle or secondary structure, be ground-mounted, or placed over a parking or other hard-surface area;
2. The footprint of a ground-mounted solar energy conversion use shall not exceed 50 percent of the floorplate of the principal structure, or one acre, whichever is less;
3. The use shall comply with the dimensional requirements for the district where located, as modified by [Section 4.5.4, General Standards for All Secondary Uses, Structures, and Open Air Uses of Land](#);
4. Solar energy conversion equipment shall not obscure required sight distance triangles;

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5. Solar energy conversion systems shall not be placed over or within two feet of an on-site wastewater system, including drain fields.
6. Solar energy conversion equipment may be placed within a required landscaping area provided it does not compromise the screening objective of the landscaping;
7. Ground-mounted solar energy conversion facilities shall not exceed 20 feet in height above adjacent pre-construction grade.

S. SWIMMING POOL

1. The regulations of this section shall be applicable to swimming pools located on private property which are under the control of a homeowner and the use of which is limited to the family members and invited guests.
2. Pools shall be located so as to comply with the minimum setback requirement for secondary structures for the district in which it is located.
3. Pools which are not an integral part of the principal building shall be located a minimum of 10 feet from the principal building.
4. Swimming pools located outdoors shall be protected by a fence in accordance with the Edgecombe County Health Department's public swimming pool regulations.

T. TOOL/STORAGE SHED

1. Tool or storage sheds shall comply with the dimensional requirements for the zoning district where located.
2. Tool or storage sheds may not be located within required landscaping areas, within ten feet of an on-site wastewater facility (including drain fields).
3. Tool or storage sheds shall be required to secure a zoning compliance permit prior to construction or installation.

U. UNDERGROUND STORAGE TANK

Underground storage tanks shall comply with the following requirements:

1. Underground storage tanks shall not be located within required setbacks, easements, or beneath public rights-of-way;
2. Underground storage tanks shall be installed and operated only in accordance with the North Carolina Building Code and all applicable Fire Code requirements; and
3. Underground storage tanks shall be depicted on site plans and as-builts.

§4.6. TEMPORARY USES

4.6.1. PURPOSE

This section allows for the establishment of specific temporary uses of limited duration, provided that such uses do not negatively affect adjacent land, and provided that such temporary uses are discontinued upon the expiration of a set time period. Temporary uses shall not involve the construction or alteration of any permanent building or structure.

4.6.2. APPLICABILITY

The standards in this section apply to non-permanent uses that take place on a temporary basis whether on the same site or in different locations in the jurisdiction. The activities listed in this section require the issuance of a temporary use permit, except as exempted, in accordance with the standards in Section 2.3.23, Temporary Use Permit, and compliance with the standards in Section 4.6.3, General Standards for All Temporary Uses and Structures, and Section 4.6.4, Standards for Specific Temporary Uses and Structures, as applicable.

4.6.3. GENERAL STANDARDS FOR ALL TEMPORARY USES AND STRUCTURES

All temporary uses and structures shall comply with the following general standards, unless otherwise specified in this Ordinance:

A. GENERAL REQUIREMENTS

An applicant proposing a temporary use or structure shall:

1. Secure written permission from the landowner;
2. Obtain the appropriate permits and licenses from the County and other agencies;
3. Comply with the applicable requirements for signs in Section §6.10, Signage, if signage is proposed;
4. Meet public utility requirements for proper connection to water, sewer, electrical and other utility service connections, as applicable;
5. Not violate the applicable conditions of approval that apply to a site or use on the site;
6. Not result in a situation where the principal use, if present, fails to comply with the standards of this Ordinance;
7. Ensure the site of a temporary use or structure contains sufficient land area for the temporary use and for the parking and traffic movement associated with the temporary use, without impacting environmentally sensitive lands;
8. Ensure temporary uses remain in place no longer than 90 days if located within a special flood hazard area;
9. Provide adequate on-site restroom facilities (as appropriate); and
10. Cease all outdoor activities within 500 feet of a residential use by 10:00 PM.

B. GENERAL CONDITIONS

In approving a temporary use permit, the Zoning Administrator is authorized to impose any of the following general conditions upon the premises benefited by the permit as may be necessary to reduce or minimize any potential adverse impacts upon other property in the area, as long as the condition relates to a situation created or aggravated by the proposed temporary use. The Zoning Administrator is authorized, where appropriate, to require:

1. Provision of temporary parking facilities, including vehicular access and egress;
2. Control of nuisance factors, such as but not limited to, the prevention of glare or direct illumination of adjacent properties, noise, vibrations, smoke, dust, dirt, odors, gases, and heat;
3. Prohibition of the storage or use of hazardous materials;

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4. Regulation of placement, height, size, and location of equipment;
5. Provision of sanitary and medical facilities;
6. Provision of solid waste collection and disposal;
7. Provision of security and safety measures;
8. Use of an alternate location or date;
9. Modification or elimination of certain proposed activities;
10. Regulation of operating hours and days, including limitation of the duration to a shorter time period than requested or specified in this subsection; and
11. Submission of a performance guarantee to ensure that any temporary use will be removed from the lot or site within a reasonable time and the lot or site will be restored to its former condition.

C. DURATION

Temporary uses and structures subject to the standards in this section shall comply with the maximum duration requirements in the table below:

TABLE 4.6.3: MAXIMUM DURATION OF TEMPORARY USES OR STRUCTURES	
TEMPORARY USE OR STRUCTURE	MAXIMUM DURATION
Food Truck	Must be removed each day
Horse or Pet Show	Limited to 48 hours per parcel for up to 3 times per year
Itinerant Merchant Sale	45 days per development per year
Outdoor Seasonal Sales	45 days per development per year
Portable Storage Containers	90 days per parcel per year
Special Event	7 days per parcel per year
Temporary Disaster Housing	Up to 18 months
Temporary Dwelling	12 months [1]
Temporary Real Estate Office	Completion of sales
Temporary Shelter	6 months
Temporary Wireless Communications Facility	14 days [1]
Turkey Shoot	90 days per parcel per year
NOTES: [1] Permit is renewable, for good cause shown. An example of good cause for a temporary dwelling is that the permanent dwelling is not yet completed. Use of an RV as a temporary recreational dwelling shall be limited to a maximum period of up to 180 days over a calendar year.	

4.6.4. STANDARDS FOR SPECIFIC TEMPORARY USES AND STRUCTURES

A. FOOD TRUCK

1. LOCATION

- i. Food trucks and push carts may only be operated in the OI, B-1, B-2, M-1, and PD districts.
- ii. Food trucks and push carts shall be parked on private property with the property owners' permission and shall not be parked within any public street, right-of-way, or sidewalk unless the street has been closed for a special event.

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- iii.** A food truck or push cart shall be removed after operating hours or a special event and be stored in a legally permissible location.
- iv.** Food trucks may park on the street, however only one truck per block shall be permitted. For the purpose of this section, a “block” includes both sides of the street.
- v.** Food trucks operating between the hours of 8 AM and 5 PM shall not be parked on the street for more than two consecutive hours unless the street has been closed for a special event.
- vi.** The customer access for food sales shall be from the side of the food truck facing the sidewalk not the street.
- vii.** Food sales shall not impede pedestrian traffic along the sidewalk.
- viii.** No food truck or pushcart vendors shall operate within 100 feet of any school, religious institution, or cemetery.
- ix.** No food truck shall operate within 75 feet from the main entrance of any restaurant during business hours, unless authorized by a restaurant.

2. OPERATION

- i.** The food truck or pushcart owner or a designee shall be present at all times except in case of an emergency.
- ii.** The hours of operation shall be between the hours of 7:00 AM and 9:00 PM except for special events.
- iii.** A food truck shall either sell food or beverage that is exempt from health department regulation, or obtain approval from the Edgecombe County Health Department where food sales take place.
- iv.** Food truck operators and push cart vendors are responsible for the proper disposal of waste and trash associated with the operation. Public trash receptacles are not to be used for this purpose. Operators and vendors shall remove all waste and trash from their location at the end of each day or as needed to maintain the health and safety of the public.
- v.** The vendor shall keep all areas within ten feet of the truck or cart clean of grease, trash, paper, cups, or cans associated with the operation. No liquid waste or grease is to be disposed into tree pits, storm drains, or onto the sidewalks, streets, or other public locations. Under no circumstances shall grease be released into a sanitary sewer system.

3. ASSOCIATED FEATURES

- i.** There shall be no audio amplifier or similar device to attract the attention of the public.
- ii.** No tables, chairs, or other structures shall be allowed outside of the food truck or around a push cart.
- iii.** Advertising consisting of business name, logo, and items available for sale may be displayed on the food truck or push cart. No other form of advertising shall be permitted.

B. HORSE OR PET SHOW

- 1.** The hours of operation allowed shall be compatible with the land uses adjacent to the proposed site.
- 2.** The amount of noise generated shall not disrupt the activities of the adjacent land uses.
- 3.** The Zoning Administrator shall not grant the permit unless it is determined that the parking generated by the show can be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners.

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C. ITINERANT MERCHANT SALES

Itinerant merchant sales, not including food truck vendors, are permitted on lots in non-residential and planned development districts, subject to the following standards:

1. The sale of merchandise, products, or material must be a permitted principal use in the zoning district where the sales are temporarily located;
2. Itinerant merchants shall file an indemnification form with the County when engaged in open air sales;
3. Itinerant merchant sales shall be located outside of street rights-of way, required sight distance triangles, required landscape areas, vehicular circulation areas, and areas where pedestrian access is needed to ensure safe movement through or across a site;
4. All merchandise and related materials shall be removed from the site following the sale; and
5. The maximum period of operation of itinerant merchant sales shall be from 8:00 AM to 11:00 PM.

D. OUTDOOR SEASONAL SALES

Outdoor seasonal sales are permitted on a lot in all zoning districts, subject to the following standards:

1. Seasonal sales shall be limited to seasonal agricultural products such as Christmas trees, pumpkins, and living plants;
2. The maximum hours of operation of an outdoor seasonal sales use shall be from 8:00 AM to 11:00 PM, except when located in a residential district, then the seasonal sales use shall cease by 9:00 PM;
3. Exterior lighting shall comply with the requirements in [Section §6.3, Exterior Lighting](#);
4. One recreational vehicle is allowed as a temporary dwelling for security purposes in association with the seasonal sales use, provided it meets the general standards of [Section 4.6.4.H, Temporary Dwelling](#), and is removed at the end of the sales; and
5. The on-site secondary sale of seasonal products by an agricultural use or retail sales use is not considered outdoor seasonal sales and is not subject to these standards.;

E. PORTABLE STORAGE CONTAINERS

Portable storage containers may be permitted as a temporary use to a single-family detached, single-family attached, or two-family dwelling, subject to the following standards.

1. TYPES DISTINGUISHED

Portable storage containers shall take one of the following three forms:

- i. A container used for the purposes of storage of personal property such as household items being temporarily stored or relocated;
- ii. A roll-off box, bin, or construction dumpster used for the collection and hauling of waste or debris; or
- iii. A fully-enclosed, non-motorized, trailer (commonly known as a semi-trailer) with wheels intended to be towed to a site for the purpose of storage or transport of goods, materials, or equipment.

2. PERMIT REQUIRED

A building permit shall not be required for a portable storage container, but a temporary use permit issued in accordance with [Section 2.3.23, Temporary Use Permit](#), is required.

3. EXEMPTIONS

The standards in this section shall not apply to portable storage containers used as temporary construction trailers, construction dumpsters, or construction materials recycling facilities, provided construction on the site is on-going.

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4. MAXIMUM SIZE

Containers shall be no larger in dimension than eight feet in height, eight feet in width, or 20 feet in length.

5. MAXIMUM NUMBER

- i. No more than two portable storage containers shall be located on a single lot or parcel of land.
- ii. No other type of container or shipping container shall be located on the same lot or parcel of land when one or two portable shipping containers are in place.

6. HAZARDOUS SUBSTANCES

Portable storage containers shall not be used to store or transport non-residential materials and substances, including but not limited to the following: solid waste, hazardous materials, explosives, or unlawful substances and materials.

7. LOCATION

- i. A portable storage container may be located in a driveway, a designated parking area, or behind a dwelling.
- ii. If site conditions make placement of the portable storage container behind a dwelling, on a driveway, or in a designated parking area impossible, then the portable storage container may be located immediately adjacent to the driveway or designated parking area.
- iii. A portable storage container shall not be located between the front of a dwelling and the street it faces unless any other placement is impossible due to site conditions.
- iv. In no instance shall a portable storage container be located within a street right-of-way, or in a location that poses a threat to public health or safety.

8. MAXIMUM NUMBER

In no instance shall these standards be construed to allow placement of one or more portable storage containers on a single site for more than 90 days in any single calendar year.

F. SPECIAL EVENT

A special event is permitted in the AR-30 district, a non-residential district, or a planned development district, subject to the following standards:

1. A special event includes, but is not limited to arts and crafts shows, cultural events, musical events, concerts and stage shows, celebrations, festivals, fairs, carnivals, circuses, or outdoor religious events;
2. The principal access to the event location must be from a collector or higher capacity road;
3. The hours of operation allowed shall be compatible with the land uses adjacent to the event;
4. The amount of noise generated shall not disrupt the activities of the adjacent land uses; and
5. The parking generated by the event can be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners.

G. TEMPORARY DISASTER HOUSING

1. RECREATIONAL VEHICLES

- i. A property owner may be issued a zoning certificate for a recreational vehicle to be used as temporary disaster housing provided by the Federal Emergency Management Agency (FEMA), or other governmental agency to be placed temporarily on a lot with an

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existing detached dwelling unit, provided that the recreational vehicle is occupied by residents of the on-site house which is under repair.

- ii. The recreational vehicle may not be occupied until an electrical inspection has taken place.

2. MANUFACTURED HOMES

- i. Permits for temporary disaster housing provided by Federal Emergency Management Agency (FEMA), or other governmental agency may be issued for the placement of manufactured homes on lots with an existing detached dwelling unit regardless of zoning district.
- ii. Application for the permit will only be accepted after it has been determined that the lot is buildable (for units to be occupied by primary residents of the lot).
- iii. Whether the damaged single-family home is rental or homeowner occupied is irrelevant, as long as the property owner or licensed contractor requests the permit for the manufactured home.
- iv. Manufactured homes must meet HUD-code requirements.
- v. Manufactured homes must be placed in the rear yard unless placement in the front yard is approved by the Zoning Administrator and the placement does not violate front yard setbacks, restrict sufficient driveway access, or is over existing septic systems or drain fields.
- vi. Maximum manufactured home size is Class B & C (single or double)
- vii. Homeowner must be unable to live in their permanent home during the repair period. Manufactured homes must be removed from the property within 45 days of re-occupancy of the permanent home.
- viii. An application must be accompanied by a determination that the unit will be connected to county water or certification from the county health department that the well and/or septic system is functional and not contaminated.
- ix. No manufactured home may be located within a floodway and if it is to be located in a 100-year floodplain, it may be required to be elevated above base flood elevation.

H. TEMPORARY DWELLING

A temporary dwelling is permitted on a lot in a residential or planned development district, subject to the following standards:

1. GENERAL STANDARDS

- i. A temporary dwelling may be either a dwelling that meets all applicable North Carolina Building Code requirements for a dwelling or a recreational vehicle.
- ii. The temporary dwelling shall be located on a lot and meet the dimensional standards of the zoning district, to the maximum extent practicable.
- iii. Temporary emergency dwellings operated by a religious institution, governmental agency, or nonprofit organization may be located to provide emergency shelter where fire, flood, or other natural disaster has displaced persons.
- iv. Both a manufactured home and a recreational vehicle may be used as a temporary dwelling provided, they comply with the applicable standards in this sub-section and provided they do not become permanent residences unless otherwise allowed by this Ordinance.

2. TEMPORARY CONSTRUCTION DWELLING

- i. One temporary dwelling may be used to house occupants of the principal dwelling under construction or subject to repair or casualty damage.

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- ii. Temporary dwellings may be used on a construction site and occupied by persons having construction or security responsibilities over such construction site.
- iii. Temporary dwellings shall be located on the same lot as the structure under construction.
- iv. The temporary use permit shall not be issued until a site plan approved or a building permit is issued for a principal structure.
- v. A temporary dwelling shall be removed within 30 days of issuance of a certificate of occupancy for the structure, or removed immediately if the building permit expires or is revoked.
- vi. A temporary dwelling shall be limited in duration to a maximum of six months, except that the temporary use permit may be renewed for good cause shown.

3. TEMPORARY HARDSHIP DWELLING

Prior to issuing a permit for a temporary hardship dwelling, the Zoning Administrator shall make the following findings of fact:

- i. That the person(s) occupying the temporary hardship dwelling is physically dependent upon the person or persons occupying all or a portion of the principal dwelling or the person(s) occupying all or a portion of the principal dwelling is physically dependent upon the person(s) occupying the proposed temporary hardship dwelling; and
- ii. That financial conditions or other extenuating circumstances regarding the person(s) occupying the proposed temporary hardship dwelling and/or the principal dwelling necessitate the request for locating the temporary manufactured home on the same lot as the principal dwelling; and
- iii. That the proposed location of the temporary hardship dwelling will not create unhealthy or unreasonable living conditions.
- iv. A temporary hardship dwelling shall conform to the principal building setback requirements of the zoning district in which it is located.
- v. When the hardship justifying the temporary hardship dwelling is removed, the temporary hardship dwelling shall be removed within 30 days.

4. USE OF A RECREATION VEHICLE AS A TEMPORARY RECREATIONAL DWELLING

A recreational vehicle may be located on a vacant lot and used as a temporary recreational dwelling only in accordance with the following requirements:

- i. A temporary use permit shall be required prior to establishment of the temporary recreational dwellings, and shall be renewed each year the recreational dwelling is on the lot.
- ii. The occupation of a recreational vehicle as a temporary recreational dwelling may take place for a maximum period of up to 180 consecutive continuous or non-continuous days each calendar year.
- iii. In no instance shall a recreational vehicle be occupied as a temporary recreational dwelling on a lot, tract, or site, for more than 180 days during any calendar year.
- iv. Water or sewer service shall not be extended or connected to a recreational vehicle.
- v. Electrical service may be connected, subject to an approved building permit.
- vi. No permanent structures shall be attached to a recreational vehicle.

I. TEMPORARY REAL ESTATE OFFICE

A temporary real estate office is permitted on a lot in a residential, non-residential or planned development district, subject to the following standards:

- 1. The office is located on a lot that is part of the real estate development being sold or leased;

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2. Signage complies with the applicable standards of Section §6.10, Signage;
3. The office complies with the dimensional standards of the zoning district in which it is located;
4. The temporary office is converted into a dwelling or removed within 30 days after all units are sold or leased; and
5. In the event a temporary real estate office is a trailer, it shall be removed within 30 days after all units are sold or leased.

J. TEMPORARY SHELTER

1. The facility shall be contained within the building of and operated by a government agency or nonprofit organization.
2. A minimum floor space of 50 square feet shall be provided for each individual sheltered.
3. The facility shall provide continuous on-site supervision during the hours of operation.

K. TEMPORARY WIRELESS COMMUNICATIONS FACILITY

A temporary wireless telecommunications facility shall comply with the following standards:

1. A temporary wireless telecommunications facility may be allowed on a lot after a disaster or other emergency for a period not to exceed 14 days, except that the temporary use permit may be renewed for good cause shown;
2. A temporary wireless telecommunications facility may be allowed on a lot to evaluate the technical feasibility of a site for a period not to exceed 14 days, except that the temporary use permit may be renewed for good cause shown;
3. A temporary wireless telecommunications facility may be allowed on a lot in association with an event where the anticipated demand cannot be handled by existing facilities for a period not to exceed 14 days;
4. A temporary wireless telecommunications facility may be allowed on a lot with an existing permanent wireless telecommunications facility where the permanent structure is undergoing reconstruction or maintenance and the temporary facility is needed to maintain sufficient levels of service. The temporary facility shall be removed after reconstruction or maintenance is complete and service restored on the permanent structure; and
5. All temporary wireless telecommunications facilities, including all supporting cables and anchors, shall be contained on the lot.

L. TURKEY SHOOT

1. WHERE PERMITTED

Turkey shoots are permitted as temporary uses in the AR-30, B-1, and B-2 districts.

2. SETBACKS

- i. No turkey shoot shall be allowed within a required setback.
- ii. All turkey shoots shall be established with the line of fire perpendicular to and away from a road right-of-way. The line of fire is a line that passes through the firing point and bisects the target. The backstop or target area shall be located not less than 500 feet from the road right-of-way.
- iii. Sites adjacent to more than one road right-of-way must designate the higher classified road as the front and set the line of fire perpendicular thereto. Any resultant line of fire parallel to a road must be a minimum distance of 200 feet from and parallel to the road right-of-way.
- iv. All backstops shall be constructed a minimum of 500 feet from a residence located to the rear and/or side of the backstop. The design of the backstop shall be as approved by the National Rifle Association.

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3. PARKING

An off-street parking area adequate in size to park two cars for every backstop shall be provided.

4. OPERATION

- i. Backstops shall be constructed of a material that will allow the shot to penetrate and not pass through. It shall be of a minimum thickness of two feet and maintained at a height of four feet above the target.
- ii. The firearms used in turkey shoots shall be limited to shotguns firing shots no larger than number eight. No firearms may be used which have been altered from manufacturer's specifications.
- iii. The operators of the turkey shoot shall be responsible for maintaining adequate fire protection by notifying the local fire department as to the dates and times of the turkey shoot.
- iv. Turkey shoots shall be limited to Thursdays, Friday, Saturdays, and be in operation no later than 10:00 PM.
- v. Provisions for sanitation and refuse disposal must be made in accordance with health standards.

5. PERMIT REVIEW

The Zoning Administrator shall coordinate the review of a request for a turkey shoot with the Edgecombe County Health Department, Sheriff's Department, and Emergency Management Service.

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4.7.1. PROCEDURE

- A.** In the event that a proposed principal or secondary use type is not listed in Table 4.2.1, Principal Use Table, or Table 4.5.5, Common Secondary Use Table, and such land use is not listed in Section §4.4, Prohibited Uses, or is not otherwise prohibited by law, the Zoning Administrator shall determine whether a materially similar land use exists in this Ordinance.
- B.** The Zoning Administrator shall determine whether or not an unlisted use is similar to an existing use type based on the definitions in Section §8.4, Words Defined, the standards for unlisted uses in Section 2.3.8, Determination, and the table in Section 4.7.2, Use Categories. Nothing shall limit the Zoning Administrator from seeking input from County staff, the Planning Board, or Board of Commissioners in making a determination of how to categorize an unlisted use.
- C.** Should the Zoning Administrator determine that a materially similar land use does exist, the regulations governing that land use shall apply to the unlisted use type and the Zoning Administrator's determination shall be recorded in writing.
- D.** In cases where a proposed unlisted use type is not found to be similar to an existing use type, the Zoning Administrator may, but shall not be required to, initiate a text amendment application to revise the text of this Ordinance to add the use type in accordance with Section 2.3.24, Text Amendment.

4.7.2. USE CATEGORIES

A. AGRICULTURAL USES

Table 4.7.2.A, Agricultural Use Categories, sets out the use categories included in the agricultural use classification in Table 4.2.1, Principal Use Table. It also describes the characteristics and examples of the use types in each use category.

TABLE 4.7.2.A: AGRICULTURAL USE CATEGORIES

USE CATEGORY	CHARACTERISTICS
	EXAMPLES
Agricultural Processing	The Agricultural Processing Use Category is characterized by uses engaged in the storage, distribution, refinement, packaging, and transport of agricultural products and by-products.
	Example use types include grain and feed elevators, processing, caning, and dehydration plants, as well as storage facilities. Processing of animal products is an industrial use.
Agricultural Production	The Agricultural Production Use Category is characterized by general agricultural activities, including the cultivation and production of orchard, garden, or nursery crops on a small or large scale, the production of field grown crops, specialty crops, flowers, fruit, grapes, market gardening, nursery stock, nuts, ornamental plants, sod, vegetables, and similar horticultural uses. The use category also includes agronomy, aquaculture, biotechnical agriculture (including education parks for biotechnical agriculture or a demonstration farm), fisheries, honey production, and similar uses. Secondary uses may include offices, storage areas and repair facilities related to agriculture uses.
	Example use types include agronomy, aquaculture, biotechnical, crop farming, fisheries, apiculture, silviculture, plant nurseries, and similar uses.

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TABLE 4.7.2.A: AGRICULTURAL USE CATEGORIES

USE CATEGORY	CHARACTERISTICS
	EXAMPLES
Agricultural Support Services	The Agricultural Support Services Use Category is characterized by commercial establishments engaged in the sales, repair, rental, and storage of tools, equipment, supplies, and machinery in support of farms, farming, agriculture, or horticulture.
	Example use types include farm equipment sales, sales of farming supplies, establishments engaged in repair, refurbishment, servicing of farm equipment (whether on-site or in a centralized location), agricultural research facilities, and similar uses.
Livestock-Related	The Livestock-Related Use Category is characterized by the commercial and non-commercial propagation, rearing, exercising, feeding, milking, housing, controlling, handling, or general care of living animals and livestock.
	Example use types include the raising and production of cattle (beef and dairy), pigs, mules, ducks, horses, goats, poultry, sheep, and similar livestock or domesticated animals. Breeding and rearing of animals typically thought of as household pets (e.g., dogs, cats, small rodents, etc.) is not animal husbandry.

B. COMMERCIAL USES

Table 4.7.2.B, Commercial Use Categories, sets out the use categories included in the commercial use classification in Table 4.2.1, Principal Use Table. It also describes the characteristics and examples of the use types in each use category.

TABLE 4.7.2.B: COMMERCIAL USE CATEGORIES

USE CATEGORY	CHARACTERISTICS
	EXAMPLES
Aircraft- Related	The Aircraft-Related Use Category is characterized by commercial establishments engaged in the care, upkeep, and operation of aircraft and flying-related activities.
	Example use types include aircraft repair, fuel sales, storage, and component sales.
Animal- Related	The Animal-Related Use Category is characterized by uses related to the provision of medical services and treatment to animals, including veterinary services, animal hospitals, and the boarding of animals related to the provision of these services.
	Examples use types include animal shelters, animal grooming, kennels (outdoor and indoor), animal hospitals, and veterinary clinics.
Eating and Drinking	The Eating and Drinking Use Category includes use types that prepare and sell food and beverages for immediate or direct on- or off-premise consumption. Secondary uses may include bars or cocktail lounges associated with the establishment, decks and patios for outdoor seating, drive-through facilities, facilities for live entertainment or dancing, customer and employee parking areas, and valet parking facilities.
	Example use types include restaurants (including brewpubs) with indoor and outdoor seating, bars or nightclubs, caterers, restaurants with drive-through service, specialty eating establishments (ice cream parlors, bakery shops, dessert shops, juice or coffee houses). Secondary uses may include bars or cocktail lounges associated with the establishment, decks and patios for outdoor seating, drive-through facilities, facilities for live entertainment or dancing, customer and

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TABLE 4.7.2.B: COMMERCIAL USE CATEGORIES

USE CATEGORY	CHARACTERISTICS
	EXAMPLES
	employee parking areas, and valet parking facilities.
Electronic Gaming Operation	The Electronic Gaming Operation Use Category is characterized by uses engaged in games of chance and games of skill where some form of reward is available for participants.
	Example use types include internet sweepstakes uses and similar establishments offering games of chance or games of skill.
Equipment-Related	The Equipment-Related Use Category is characterized by commercial establishments engaged in the rental and repair of large and small equipment, tools, tables, chairs, party supplies, plants, and similar features available for short term rental for consideration.
	Example use types include tool rental, party supply stores, and equipment repair/refurbishment uses.
Event Venue	The Event Venue Use Category is characterized by establishments that provide gathering spaces and facilities available for conducting events, receptions, and similar shared experiences. Such facilities are rented hourly or by the day, and may include dining, catering, and activity areas. Secondary uses may include classrooms, accommodations, and equipment storage.
	Example use types include conference halls, conference centers, retreats, wedding venues, and similar spaces.
Financial Services	The Financial Services Use Category includes use types engaged in the provision of financial advice, savings, making of loans, and secure storage of currency or similar valuables.
	Example use types include banks, credit unions, investment offices, payday loan establishments, and credit counselling. Pawn shops are considered retail sales uses.
Lodging	The Lodging Use Category includes use types that provide lodging units or space for short-term stays for rent, lease, or interval occupancy. Secondary uses may include pools and other recreational facilities, limited storage, restaurants, bars, supporting commercial, meeting facilities, offices, and parking.
	Example use types include hotels, motels, bed and breakfast inns, extended stay facilities, and hunting lodges.
Marine-Related	The Marine-Related Use Category is characterized by commercial establishments engaged in the sales, rental, repair, construction, storage, and upfit of boats, personal watercraft, and related vehicles and equipment.
	Example use types include marinas, boat repair yards, dry-dock facilities, boat and vessel sales, fuel sales, and provisioning establishments.
Parking-Related	The Parking-Related Use Category includes uses engaged in the provision of short-term, temporary off-site parking for automobile, trucks, motorcycles, battery-powered vehicles, and similar vehicles intended for personal transport. Such uses may or may not permit the temporary storage of trailers and similar vehicle-related appurtenances.
	Example use types include parking lots and parking structures. Uses engaged in sales or rental are vehicle-related uses.

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TABLE 4.7.2.B: COMMERCIAL USE CATEGORIES

USE CATEGORY	CHARACTERISTICS
	EXAMPLES
Personal Services	The Personal Service Use Category is characterized by use types related to the provision of services or product repair for consumers. Personal services use types meet frequent or recurrent service needs of a personal nature, including the repair of small personal items such as shoes, watches, jewelry, and clothing.
	Example use types include financial institutions like check cashing establishments or payroll lenders, laundromats, laundry and dry-cleaning drop-off establishments, photographic studios, mailing or packaging services, photocopy and blueprint services, locksmiths, hair salons and barber/beauty shops, tanning and nail salons, tattoo parlors and body piercing establishments, massage therapy and day spas, dance or music instruction, and psychics or mediums.
Office-Related	The Office Use Category includes use types that provide for activities that are conducted in an office setting and generally focus on business, professional, or financial services. Secondary uses may include cafeterias, day care facilities, recreational or fitness facilities, parking, supporting commercial, or other amenities primarily for the use of employees in the business or building.
	Example use types include business and sales offices (such as lenders, banks, brokerage houses, tax preparers, and real estate agents), and professional services (such as lawyers, accountants, engineers, or architects). Offices that are part of and located with a principal use in another use category are considered secondary to the establishment's primary activity. Contractors and others who perform services off-site are included in the Offices Use Category if equipment and materials are not stored outside and no fabrication, services, or similar work is carried on at the site. Government offices are classified as Civic uses. Medical and dental clinics, medical or dental labs, and blood collection facilities are classified as Health Care uses. Financial institutions offering drive-through or walk-up service to patrons (branch banks or credit unions) are classified as Personal Services.
Recreation-Related	The Recreation-Related Use Category is characterized by use types that provide recreational, amusement, and entertainment opportunities that are privately-owned and commercial in nature. Uses may be either indoors, outdoors, or both.
	Example use types include recreational uses occurring outdoors (private golf driving ranges and privately-owned miniature golf facilities; go-cart racing, race-track, or dirt-track facilities; water parks, and amusement parks; and privately-owned active sports facilities, billiard halls, indoor commercial recreation uses, bowling alleys, movie theatres, dance and yoga studios, fitness centers, sports instructional schools, martial arts instruction, and similar uses.
Retail Sales	The Retail Sales Use Category includes use types involved in the sale, lease, or rent of new or used products primarily intended for the general public. Secondary uses may include offices, storage of goods, limited assembly, processing, or repackaging of goods for on-site sale, concessions, ATM machines, outdoor display/sales areas, and parking. Use types within this use category are categorized based on their intensity, scale, and function.
	Example use types include stores selling, leasing, or renting consumer, home, and business goods, whether new or used, including art and art supply stores, audio/video stores, bicycle sales, book stores, clothing stores, convenience stores, department stores, dry good sales, electronic equipment stores, fabric shops,

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TABLE 4.7.2.B: COMMERCIAL USE CATEGORIES

USE CATEGORY	CHARACTERISTICS
	EXAMPLES
	furniture stores, florist shops, garden supply centers, gift shops, grocery stores, hardware stores, stores that sell household products, jewelry stores, office supply stores, pet and pet supply stores, and pharmacies. Secondary uses may include storage of products for sale, offices, concessions, seating areas, areas for testing of products prior to purchase, and provision of product-related service or repair.
Sexually-Oriented Business	An adult use as defined in Section 14-202.10(2) of the North Carolina General Statutes.
Storage-Related	The Storage-Related Use Category includes uses engaged in the temporary short-term storage of goods, personal property, vehicles, and similar aspects in off-site areas. Storage of goods can take place in indoor and outdoor facilities.
	Example use types include self-storage facilities.
Vehicle-Related	The Vehicle-Related Use Category includes use types involving the direct sale; rental; storage; and servicing of automobiles, trucks, boats, motorcycles, recreational vehicles, and other consumer motor vehicles intended to transport persons or goods over land or water or through the air, whether for recreation, commerce, or personal transport. Secondary uses may include offices, sales of parts, maintenance facilities, parking, outdoor display, and vehicle storage.
	Example use types include vehicle sales or rentals; automotive repair and servicing; automotive painting/bodywork; boat and marine sales or rental; aircraft parts, sales, and maintenance; transmission shops; automotive wrecker services; oil change, state vehicle inspection, and muffler shops; automotive parts sales and maintenance; car wash and auto detailing; and tire sales and mounting services.

C. INDUSTRIAL USES

Table 4.7.2.C, Industrial Use Categories, sets out the use categories included in the industrial use classification in [Table 4.2.1, Principal Use Table](#). It also describes the characteristics and examples of the use types in each use category.

TABLE 4.7.2.C: INDUSTRIAL USE CATEGORIES

USE CATEGORY	CHARACTERISTICS
	EXAMPLES
Energy-Related	The Energy-Related Use Category is characterized by establishment engaged in the industrial-scale production of energy (electricity).
	Example use types include solar energy conversion, wind energy conversion, geothermal, and gas energy conversion activities, as well as coal-fired plants, natural gas plants, and hydro-electric facilities.
Extractive Industry	The Extractive Industry Use Category includes use types involving the extraction, removal, or basic processing of minerals, liquids, gases, or other natural resources. Such uses also include quarrying, well operation, drilling, mining, or other procedures typically done at an extraction site. Secondary uses may include offices, limited wholesale sales, security or caretaker's quarters, outdoor storage, and maintenance facilities.

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TABLE 4.7.2.C: INDUSTRIAL USE CATEGORIES

USE CATEGORY	CHARACTERISTICS
	EXAMPLES
	Examples use types include quarries, borrow pits, mining, and sand and gravel operations.
Flex Space	The Flex Space Use Category includes uses engaged in the provision of covered floor area available for short-term or long-term rental for the conduct of light industrial, assembly, storage, office, and related functions.
	Example use types include industrial floor area that is available for rental and configuration as a wide variety of use types.
Industrial Services	The Industrial Services Use Category includes use types involving the repair or servicing of industrial, business, or consumer machinery equipment, products, or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site. Secondary activities may include limited retail or wholesale sales, offices, parking, warehousing, and outdoor storage.
	Example use types include machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; heavy equipment sales, rental, or storage; heavy equipment servicing and repair; building, heating, plumbing, or electrical contractors; fuel oil or bottled gas distributors; research and development facilities; laundry, dry-cleaning, and carpet cleaning plants; and general industrial service uses. Contractors and others who perform services off-site are included in the Offices Use Category if equipment and materials are not stored outside and no fabrication, services, or similar work is carried on at the site.
Manufacturing	The Manufacturing Use Category includes use types involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. The use category also includes custom industries (establishments primarily engaged in the on-site production of goods by use of hand tools and small-scale equipment). Goods are generally not displayed or sold on site, but if so, such sales are a subordinate part of total sales. Relatively few customers come to the manufacturing site. Secondary uses may include retail or wholesale sales, offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, fueling facilities, security and caretaker's quarters.
	Manufacturing uses include, but are not limited to: manufacture or assembly of machinery, equipment, instruments, vehicles, appliances, communications equipment, computer or electronic equipment, precision items and other electrical items; the processing of food and related products; lumber mills, pulp and paper mills, the manufacture of other wood products; production or repair of small machines or electronic parts and equipment; and similar uses.
Utility-Related	The Utility-Related Use Category is characterized by governmental or institutional activities associated with the provision of a utility or infrastructure-related service such as electricity distribution, potable water treatment, storage, or delivery, wastewater collection, storage, or treatment. Facilities are classified as major or minor depending upon their impacts or scale.

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TABLE 4.7.2.C: INDUSTRIAL USE CATEGORIES

USE CATEGORY	CHARACTERISTICS
	EXAMPLES
	Example use types include potable water treatment plants, utility equipment and storage yards, utility substations, water towers, pump stations, stormwater management facilities, telephone exchanges, and facilities serving transit.
Warehouse-Related	The Warehouse-Related Use Category includes use types involving the storage or movement of goods for themselves or other firms or businesses. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present. Secondary uses include offices, truck fleet parking, outdoor storage, and maintenance areas.
	Example use types include separate storage warehouses (used for storage by retail stores such as furniture and appliance stores); distribution warehouses (used for distribution by trucking companies; cold storage plants; and outdoor storage (as a principal use). Self-storage is a commercial use type.
Waste-Related	The Waste-Related Use Category includes use types that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material or processing of scrap or waste material. This use category also includes use types that receive wastes from others. Secondary uses may include offices, outdoor storage, recycling of materials, and repackaging and trans-shipment of by-products.
	Example use types include recycling and salvage centers, convenience centers, transfer stations, land clearing and construction debris landfills, tire disposal or recycling, waste composting, incinerators, energy recovery plants, salvage yards and junkyards, and recycling drop-off centers.
Wholesale Sales	The Wholesale Use Category includes use types involving the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or taking of orders and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer. Secondary uses may include offices, product repair, warehouses, minor fabrication services, outdoor storage, and repackaging of goods.
	Example use types include sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment and store fixtures; mail order houses; and wholesalers of food, clothing, plants and landscaping materials, auto parts, and building hardware.

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D. INSTITUTIONAL USES

Table 4.7.2.D, Institutional Use Categories, sets out the use categories included in the institutional use classification in Table 4.2.1, Principal Use Table. It also describes the characteristics and examples of the use types in each use category.

TABLE 4.7.2.D: INSTITUTIONAL USE CATEGORIES

USE CATEGORY	CHARACTERISTICS
	EXAMPLES
Assembly	The Assembly Use Category is characterized by uses and facilities that bring people together for the purposes of learning or discussion, worship, recreation, or as part of a fraternal organization. Secondary uses may include entertainment or recreation facilities, day care, food preparation facilities, offices, parking, and similar features.
	Example use types include auditoriums, community centers, fraternal clubs, lodges, and religious institutions. Schools are educational facilities.
Cultural Facility	The Cultural Facility Use Category includes use types of a public, nonprofit, or charitable nature that provide government services, cultural amenities, public safety services, and educational services. Services and facilities typically include meeting areas, display areas, recreational features, as well as indoor facilities used primarily for business or professional conferences, seminars, and training programs. Generally, such uses are open to or provide services to members of the general public. Secondary uses may include parking, training facilities, kitchens/cafeterias, recreation areas, offices, meeting rooms, storage, food sales or consumption.
	Example use types include community centers, museums, libraries, senior centers, youth clubs, and art galleries.
Day Care	The Day Care Use Category includes use types that provide care, protection, and supervision for children or adults on a regular basis away from their primary residence, and for less than 24 hours a day. Care can include education and development activities. Care can be provided during daytime or nighttime hours. Secondary uses include offices, food preparation, recreation areas, and parking.
	Example use types day care centers, nurseries, nursery schools, adult day care facilities. Home day care is considered a secondary use. Drop-in or short-term day care provided in connection with employment or at a shopping center, recreational facility, religious institution, hotel, or other principal uses are not included in the Day Care Use Category.
Educational	The Educational Use Category is characterized by uses engaged in the provision of educational services to children and adults, whether through public or private learning institutions. Secondary uses include living quarters, food preparation facilities, recreational facilities, offices, gathering spaces, and related activities.
	Example use types include primary and secondary schools, colleges, vocational schools, and establishments engaged in providing training whether for profit or as a community service.
Government-Related	The Government-Related Use Category includes facilities and establishments engaged in governance and the provision of governing-related services, public safety, and operations.

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TABLE 4.7.2.D: INSTITUTIONAL USE CATEGORIES

USE CATEGORY	CHARACTERISTICS
	EXAMPLES
	Example use types include governmental offices, governmental maintenance facilities, post offices, law enforcement facilities, fire stations, and similar uses.
Health Care	The Health Care Use Category includes use types that provide medical or surgical care and treatment to patients as well as laboratory services. Secondary uses may include offices, laboratories, laundry facilities, teaching facilities, meeting areas, cafeterias, parking, maintenance facilities, housing for staff or trainees, and limited accommodations for family members.
	Example use types include hospitals, outpatient medical facilities, urgent care providers, medical offices (doctors, dentists, radiologists, etc.), clinics, congregate care, memory care, drug and alcohol treatment facilities, psychiatric treatment facilities, and blood/tissue collection facilities.
Open Space	The Open Space Use Category includes use types that focus on open space areas largely devoted to vegetative landscaping or outdoor recreation and that tend to have few structures. Secondary uses may include club houses, recreational structures, statuary, fountains, maintenance facilities, concessions, parking, and columbaria and mausoleums (as secondary to cemeteries).
	Example use types include arboretums or botanical gardens, parks, community gardens, areas of undisturbed vegetation on land owned by the public or a conservation entity, and cemeteries
Recreation	The Recreation Use Category includes active and passive recreation uses and facilities (whether indoor or outdoor) that are available for use by the general public or by the residents of a neighborhood or community.
	Example use types include athletic fields or courts, swim clubs, country clubs, golf courses, indoor recreation uses, and similar facilities.
Telecommunications	The Telecommunications Use Category is characterized by uses and facilities engaged in the provision of wireless telecommunication signals and information.
	Example use types include telecommunications antennae, signal processing equipment, and antenna supporting structures.
Transportation	The Transportation Use Category includes use types that provide for the landing and takeoff of airplanes and helicopters, and passenger terminals for surface transportation. Secondary uses may include freight handling areas, concessions, offices, parking, maintenance, and fueling facilities.
	Example use types include airports, helicopter landing facilities, and passenger terminals for ground transportation (train, bus). Transit route facilities such as bus stops, bus shelters, and park-and-ride facilities are classified as Utilities.

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§4.7. Unlisted Uses

E. RESIDENTIAL USES

Table 4.7.2.E, Residential Use Categories, sets out the use categories included in the residential use classification in Table 4.2.1, Principal Use Table. It also describes the characteristics and examples of the use types in each use category.

TABLE 4.7.2.E: RESIDENTIAL USE CATEGORIES

USE CATEGORY	CHARACTERISTICS
	EXAMPLES
Assisted Living	The Assisted Living Use Category is characterized by establishment providing residential occupancy to unrelated individuals in need of care, treatment, or assistance. Assistance may take the form of daily life care, specialized medical care, counselling, addiction, or fostering services.
	Example use types include congregate care, nursing homes, rehabilitation centers, and retirement communities.
Group Living	The Group Living Use Category includes use types that provide for the residential occupancy of a structure by a group of people who do not meet the definition of “household.” The size of the group may be larger than the average size of a household. Tenancy is typically arranged on a monthly or longer basis. Generally, group living structures have a common eating and or congregating area for residents. The residents may receive care, training, or treatment. Secondary uses include recreational facilities, dining facilities, and parking of vehicles for occupants and staff.
	Example use types include dormitories, family care homes, group homes, rooming, boarding houses, and similar uses. Facilities for rehabilitation or the treatment of addiction are considered assisted living facilities.
Household Living	The Household Living Use Category includes use types that provide for the residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month or longer basis. Secondary uses commonly associated with household living are recreational activities, raising of pets, hobbies, and parking of the occupants’ vehicles. Home occupations are secondary uses that are subject to additional regulations.
	Example use types include detached residential dwellings like single-family detached dwellings or manufactured homes, attached residential structures like townhouses, multi-family uses, upper story dwellings, and similar uses.

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ARTICLE 5. NONCONFORMITIES

§5.1. Nonconformities, Generally

§5.1. NONCONFORMITIES, GENERALLY

5.1.1. PURPOSE AND INTENT

There are existing structures, uses of land, lots of record, and development sites that were lawfully established before the effective date of this Ordinance or a subsequent amendment thereto, that now do not conform to standards and requirements of this Ordinance. Such uses, structures, lots, and sites are collectively referred to as “nonconformities.” The purpose and intent of this Article is to allow nonconformities to continue to exist, but to regulate and limit their expansion so as to bring them into conformity with these standards to the extent that is reasonably practicable.

5.1.2. DETERMINATION OF NONCONFORMING STATUS

In all cases, the burden of establishing that a nonconformity lawfully exists shall be the responsibility of the landowner of the land on which the alleged nonconformity is located.

5.1.3. CONTINUATION AND MAINTENANCE ALLOWED

A. CONTINUATION

Nonconformities are allowed to continue in accordance with the requirements of this Article.

B. COMPLETION

Nonconforming projects incomplete as of November 1, 2021, shall only be completed in accordance with this Article and Section §1.11, Transitional Provisions. Nothing in these standards shall require a change in approved plans or approved uses for development upon which construction was lawfully commenced prior to November 1, 2021. For the purposes of this section, commencement of construction shall mean excavation or demolition, permanent placement of construction materials on site, or the permanent fastening of building materials.

C. MAINTENANCE ALLOWED

Nonconformities are allowed and encouraged to receive minor repairs and routine maintenance that are necessary to maintain the nonconformity and its surroundings in a safe condition and to protect against health hazards.

D. STRENGTHENING ALLOWED

Nothing in this Ordinance shall prevent the strengthening or restoration to a safe or lawful condition of any part of any building or structure declared unsafe or unlawful by a duly authorized County official.

5.1.4. CHANGE OF TENANCY OR OWNERSHIP

No change in tenancy or ownership of land shall limit the continuance of a lawfully established nonconformity.

§5.2. NONCONFORMING LOTS OF RECORD

5.2.1. APPLICABILITY

Lawfully established nonconforming lots of record may be developed in accordance with the standards in this section.

5.2.2. NONCONFORMING LOT WIDTH OR SIZE

A. LOTS WITH CONTIGUOUS FRONTAGE UNDER SINGLE OWNERSHIP

When two or more adjoining lots with contiguous frontage are under common ownership and one or more of the lots are nonconforming in terms of width or area, such lots shall be combined prior to filing a development application to create one or more lots, each of which

ARTICLE 5. NONCONFORMITIES

§5.2. Nonconforming Lots of Record

conforms to the applicable dimensional requirements of the district prior to the commencement of development.

B. SINGLE LOT OF RECORD IN RESIDENTIAL DISTRICT

When development is proposed on a lot in a residential zoning district that has an area or width which does not conform to the dimensional requirements of the district where it is located but was lawfully established on or before November 1, 2021, a single-family detached dwelling may be built on the lot, subject to compliance with applicable setbacks. Approval of an administrative adjustment (see Section 2.3.1, Administrative Adjustment) or a variance (see Section 2.3.26, Variance) is required in cases when the proposed development cannot meet the setback requirements for the district where located.

C. SINGLE LOT OF RECORD IN NON-RESIDENTIAL DISTRICT

When development is proposed on a lot in a non-residential district that has an area or width which does not conform to the dimensional requirements of the district where it is located but was lawfully established on or before November 1, 2021, the development may be permitted only subject to compliance with all applicable dimensional, development, design, and use-specific standards.

D. ADDITION OF LAND ENCOURAGED

Landowners seeking to develop a nonconforming lot of record are strongly encouraged to investigate if adjacent landowners will consider transferring land to the nonconforming lot in order to reduce or remove the nonconforming lot situation.

5.2.3. NONCONFORMITY AFFECTS SETBACKS

- A.** In cases where the size or shape of a nonconforming lot inhibits the ability of a use to comply with required setbacks, an applicant may apply to reduce the setback requirements by the minimum amount necessary in accordance with the standards and requirements in Section 2.3.1, Administrative Adjustment.
- B.** Administrative adjustments of more than 10 percent of a required setback may be granted when it is demonstrated that:
 - 1.** The lot cannot be reasonably developed for proposed use without such adjustment; and
 - 2.** The adjustment is necessitated by the size or shape of the lot, environmental conditions, or its topography; and
 - 3.** The lot may be developed as proposed with the adjustment without any significant adverse impact on adjacent lots or public health or safety.

5.2.4. FURTHER SUBDIVISION LIMITED

The boundaries, shape, or size of a nonconforming lot may be modified through a lot line adjustment, boundary adjustment, recombination, consolidation, or other form of subdivision provided the action reduces the extent of the nonconformity.

5.2.5. GOVERNMENTAL ACQUISITION OF LAND

Conforming lots subject to governmental acquisition of a portion of the lot for a public purpose that results in the lot becoming nonconforming because it no longer complies with lot area, width, or depth standards of the zoning district where located shall be deemed conforming, provided the development complies with the following:

A. COMPLIES WITH USE TABLE

The development proposed complies with the requirements in Table 4.2.1, Principal Use Table; and

B. COMPLIES WITH DIMENSIONAL STANDARDS

ARTICLE 5. NONCONFORMITIES

§5.3. Nonconforming Signs

With the exception of the lot area requirements for the district where located, the development proposed shall comply with all other dimensional standards and other requirements of the district where located.

5.2.6. SPECIAL PURPOSE LOTS

Lots indicated on a preliminary or final plat as a special purpose lot and used for the documented purpose shall not be considered nonconforming lots.

§5.3. NONCONFORMING SIGNS

5.3.1. APPLICABILITY

A sign that was legally in existence on November 1, 2021, and was constructed in accordance with the applicable laws and ordinances in effect on the date of construction, but by reason of its size, height, location, design, or construction is no longer in compliance with the requirements of this Ordinance, shall be deemed a nonconforming sign subject to the standards in this section.

5.3.2. PROHIBITED ACTIONS

The following actions associated with a nonconforming sign shall be prohibited:

A. ENLARGEMENT OR ALTERATION

Structural alteration, enlargement, or extension of a nonconforming sign or sign structure shall not be permitted; however, nothing shall limit the ability to modernize an outdoor advertising use in accordance with Section 136.131.2 of the North Carolina General Statutes; and

B. RELOCATION

Relocation of a nonconforming sign upon the premises, unless the relocation meets the requirements of this Ordinance is prohibited, however, nothing shall limit the ability to modernize an outdoor advertising use in accordance with Section 136.131.2 of the North Carolina General Statutes.

5.3.3. MAINTENANCE OF NONCONFORMING SIGNAGE ALLOWED

A nonconforming sign may remain in place and be maintained, subject to the following standards:

A. MAINTENANCE ACTIONS

Normal maintenance of a nonconforming sign shall be allowed, and shall be limited to the following:

1. Nonstructural repairs, such as repainting or electrical repairs;
2. Incidental alterations which do not increase the degree or extent of the nonconformity; and
3. Changing of copy, as provided in this section.

B. CHANGE OF SIGN COPY

Nonconforming signs may change copy in the form of replacement panels or replacement lettering, provided such change does not worsen the degree of nonconformity.

5.3.4. REPLACEMENT OF NONCONFORMING SIGNAGE

A. REMOVAL

Any nonconforming sign that is removed for any reason shall only be replaced with a sign that complies with the provisions of this Ordinance.

B. DAMAGE

1. If damage to a nonconforming sign from any cause is less than 50 percent of its replacement cost, the sign may be rebuilt or repaired to its original condition in its original location and may continue to be displayed as long as the use it serves remains in operation.

ARTICLE 5. NONCONFORMITIES

§5.4. Nonconforming Sites

2. If damage from any cause to a nonconforming sign equals or exceeds 50 percent of its replacement cost, the nonconforming sign, including sign supports and mounting hardware, may only be replaced with a sign that complies with the provisions of this Ordinance.

5.3.5. REMOVAL OF NONCONFORMING SIGNAGE

A. ADVERTISED BUSINESS DISCONTINUED FOR LESS THAN 180 DAYS

If the business activity on the premises where a nonconforming sign is located is discontinued for a continuous period of less than 180 days, then the nonconforming sign may remain.

B. ADVERTISED BUSINESS DISCONTINUED FOR 180 DAYS OR MORE

- i. If the business activity on the premises where a nonconforming sign is located is discontinued for a continuous period of 180 days or more, then the nonconforming sign must be removed or replaced by a sign conforming to the standards of this Ordinance within 30 days of notice by the Zoning Administrator.
- ii. In cases where the sign is nonconforming due to its height, face area, or location, then the sign, including the sign supports, shall be modified or removed as necessary in order to conform with the applicable requirements of this Ordinance.
- iii. No nonconforming portion of a sign or portion of a sign that would result in replacement sign face area that is nonconforming shall be retained following discontinuance.

§5.4. NONCONFORMING SITES

5.4.1. APPLICABILITY

- A. For purposes of this section, the term “nonconforming site features” includes the following:
 1. Nonconforming off-street parking;
 2. Nonconforming landscaping;
 3. Nonconforming screening; and
 4. Nonconforming exterior lighting.
- B. Changes of use and expansion of existing buildings or structures on nonconforming sites shall comply with the standards in this section.

5.4.2. DETERMINATION OF COST AND ASSESSED VALUE

- A. For purposes of determining if upgrading of nonconforming site features is required by this subsection, the cost of the expansion shall be as shown on the approved building permit application.
- B. Assessed value shall be based on the most recently available tax records from Edgecombe County.

5.4.3. CHANGE OF USE

Changes in use shall comply with the following requirements:

- A. In cases where an existing use is replaced by another use type of the same or lesser intensity (as measured by number of vehicular trips generated, hours of operation, number of on-site visitors, or other metric as determined by the Zoning Administrator), then compliance with site features requirements shall be in accordance with the standards in [Section 5.4.4, Expansion of Buildings or Structures](#).

ARTICLE 5. NONCONFORMITIES

§5.4. Nonconforming Sites

- B.** In cases where an existing use is replaced by a more intense use type (as measured by number of vehicular trips generated, hours of operation, number of on-site visitors, or other metric as determined by the Zoning Administrator full compliance with all applicable provisions in this section is required.

5.4.4. EXPANSION OF BUILDINGS OR STRUCTURES

If a building permit is required for expansion of the building or structure, the expansion shall require correction of existing on-site nonconforming off-street parking, landscaping, screening, wall or fencing, and exterior lighting in accordance with this section.

A. 25 PERCENT OR LESS OF STRUCTURE VALUE

Expansions in any continuous one-year period that costs 25 percent or less of the current assessed value of the structure shall not require any correction to nonconforming site aspects.

B. MORE THAN 25 PERCENT BUT LESS THAN 75 PERCENT OF STRUCTURE VALUE

Expansions in any continuous one-year period that costs more than 25 percent but less than 75 percent of the current assessed value of the structure shall require that a corresponding percentage of the off-street parking, landscaping, screening, wall or fencing, and exterior lighting standards of this Ordinance be installed or upgraded on the site, until the site achieves 100 percent compliance.

Example: A hypothetical building is required to provide at least 40 off-street parking spaces, but the building site only includes 20 spaces. If the building is remodeled such that the cost of remodeling equals 30 percent of the building's assessed value, the remodeling project must add 12 parking spaces (30% x 40 required spaces). This increases the development's degree of compliance with off-street parking standards from 50 percent (20 of 40 required spaces) to 80 percent (32 of 40 required spaces).

C. 75 PERCENT OR MORE OF ASSESSED VALUE

Expansion projects that cost 75 percent or more of the current assessed value of the structure shall require 100 percent compliance with the off-street parking, landscaping, screening, wall or fencing, and exterior lighting standards of this Ordinance.

5.4.5. ADDITION OF OUTDOOR ACTIVITY

When only outdoor operations/storage/display areas are being added or increased on a site, the percentage increase in outdoor operations area shall require a corresponding percentage increase in perimeter buffers and screening. Perimeter buffer and screening augmentation shall be located so as to achieve the performance objectives in [Section §6.5, Landscaping and Screening](#), with priority given to screening the impacts of outdoor operations.

5.4.6. TWO OR FEWER ADDITIONAL PARKING SPACES

When two or fewer additional off-street parking spaces are required under this subsection as a result of an expansion project, such additional off-street parking is not required to be installed, but the applicant may install a comparable number of bicycle parking spaces.

5.4.7. PHYSICALLY-CONSTRAINED PROPERTIES

Lands that are physically constrained due to limited size, topography, or other environmental considerations may seek a reduction to these standards in accordance with [Section 2.3.1, Administrative Adjustment](#), or [Section 2.3.26, Variance](#).

ARTICLE 5. NONCONFORMITIES

§5.5. Nonconforming Structures

§5.5. NONCONFORMING STRUCTURES

5.5.1. APPLICABILITY

Nonconforming principal and accessory structures shall be subject to the standards in this section.

5.5.2. CONTINUATION AND REPLACEMENT

A. CONTINUATION

A nonconforming structure may be continued in accordance with [Section 5.1.3, Continuation and Maintenance Allowed](#).

B. REPLACEMENT

1. A nonconforming structure may be replaced provided the nonconformity is not extended, expanded, enlarged, or the use is altered in any way that increases the degree of nonconformity.
2. Nothing shall limit activities that increase habitable space of a nonconforming residential structure to a height above the regulatory flood elevation.

C. RELOCATION

A nonconforming structure shall not be moved, in whole or in part, to another location on the parcel of land on which it is located, unless the relocation removes or reduces the nonconformity.

5.5.3. ALTERATION AND EXPANSION

- A. No nonconforming structure may be altered in any way which increases the nonconformity; however, any nonconforming structure or portion thereof may be altered to decrease the degree of nonconformity.
- B. Nothing shall limit the elevation of a structure as necessary to ensure habitable floor area is outside the regulatory flood elevation.

5.5.4. COMPLIANCE WITH DESIGN STANDARDS

- A. Structures constructed prior to (insert the effective date of this ordinance) that do not comply with applicable design requirements shall not be considered non-conforming.
- B. In cases where an existing structure does not comply with applicable design requirements and an addition or expansion to the structure is proposed, the addition or enlarged portion of the structure shall comply with the applicable design standards to the extent practicable unless compliance would result in an unsafe structure. The Zoning Administrator is authorized to consider alternatives to compliance with design standards such as screening or other alternative forms of compliance.

ARTICLE 5. NONCONFORMITIES

§5.6. Nonconforming Uses

§5.6. NONCONFORMING USES

5.6.1. DECLARED INCOMPATIBLE

All nonconforming uses are hereby declared generally incompatible with the permitted uses in the district in which they are located and with the provisions of this Ordinance.

5.6.2. CONTINUATION ALLOWED

The lawful nonconforming use of a structure, land, or water existing as of November 1, 2021, may only be continued in accordance with the standards in this section.

5.6.3. INCREASING ELEVATION

Nothing in this section shall limit the increase in elevation of an existing or damaged building or structure in the special flood hazard area to a height above the regulatory flood elevation.

5.6.4. EXTENSION OR EXPANSION

A nonconforming use shall not be extended or expanded to occupy more space or altered in any way that increases the degree of nonconformity, except in accordance with the following standards:

A. SINGLE-FAMILY DETACHED DWELLINGS

Except for manufactured or mobile homes, a nonconforming residential use may not be extended, expanded, enlarged, or altered in any way that increases the degree of nonconformity.

B. MANUFACTURED OR MOBILE HOMES

An existing nonconforming manufactured or mobile home may be replaced with another nonconforming manufactured home provided the replacement manufactured home complies with the standards in [Section 4.3.62, Manufactured Home \(Class A and B\)](#).

C. ALL OTHER USES

A nonconforming use may not be extended, expanded, enlarged, or altered in any way that increases the degree of nonconformity.

D. RENOVATION

A nonconforming use may be renovated provided the renovation does not extend, expand, or enlarge the nonconformity or create a new nonconforming use.

5.6.5. CONVERSION

No nonconforming use shall be converted to another nonconforming use.

5.6.6. RESTORATION FOLLOWING CASUALTY DAMAGE

A. SIGNIFICANT DAMAGE

1. Except for single-family dwellings, a nonconforming use that is damaged by fire, explosion, flood, or other calamity in an amount equal to 51 percent or more of the use's current assessed value or total square footage may not be restored or reconstructed, except as a conforming use.
2. Nonconforming single-family dwellings damaged by fire, explosion, flood, or other calamity in an amount equal to 51 percent or more of the use's current assessed value or total square footage may be restored or reconstructed to their pre-damage condition. In no instance shall the degree of nonconformity be extended, expanded, enlarged, or the use be altered in any way that increases the degree of nonconformity.

B. INSIGNIFICANT DAMAGE

If a nonconforming use is damaged by fire, explosion, flood, or other calamity to an extent less than 51 percent of its current assessed value or square footage, it may be restored to its pre-

ARTICLE 5. NONCONFORMITIES

§5.6. Nonconforming Uses

damage condition, provided the degree of nonconformity is not extended, expanded, enlarged, or the use is altered in any way that increases the degree of nonconformity.

5.6.7. CESSATION

- A.** In the event a nonconforming use is discontinued or abandoned for a period of more than 180 consecutive days, the nonconforming use may only be replaced by a use permitted in the district where located.
- B.** In cases where a lawfully established use is rendered nonconforming due to the establishment of a newer use in a location closer than the minimum required separation distance standards, the pre-existing use rendered nonconforming has a discontinuance or abandonment period of 365 consecutive days.
- C.** Any time a nonconforming use is converted to a conforming use, the conforming use shall not revert to the former nonconforming use or any other nonconforming use.

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§6.1. ACCESS AND CIRCULATION

6.1.1. PURPOSE AND INTENT

The purpose of this section is to ensure the safe and efficient movement of vehicles, bicyclists, pedestrians, and deliveries on development sites in the County's jurisdiction. More specifically, these standards are intended to:

- A.** Protect the health and safety of residents and visitors;
- B.** Ensure pedestrian accessibility is included in site planning;
- C.** Protect the safety of motorists, pedestrians, and bicyclists from traffic entering or exiting the street system; and
- D.** Encourage alternative forms of transportation.

6.1.2. APPLICABILITY

A. GENERAL

Except where otherwise expressly stated, the standards in this section apply to all new development in the County's jurisdiction, including single-family residential development.

B. EXISTING DEVELOPMENT

Compliance with these standards shall also apply to redevelopment of an existing structure, building, or use when it is expanded, enlarged, moved, or otherwise modified in any way where such activity has a value (including materials and labor) that exceeds 50 percent of the current development's assessed value.

C. CONFLICT

- 1.** In the event of conflict or overlap with the standards in this section and the standards in Section 6.4.3, Streets, the standards in Section 6.4.3, Streets shall control.
- 2.** Some use types have specific standards for access as identified in Section 4.2.1, Principal Use Table. In cases where use standards conflict with these standards, the more restrictive standard shall control.

6.1.3. ACCESS TO LOTS

Except where authorized in accordance with Section 6.1.3.B, Alternative Access, all development shall comply with the following standards:

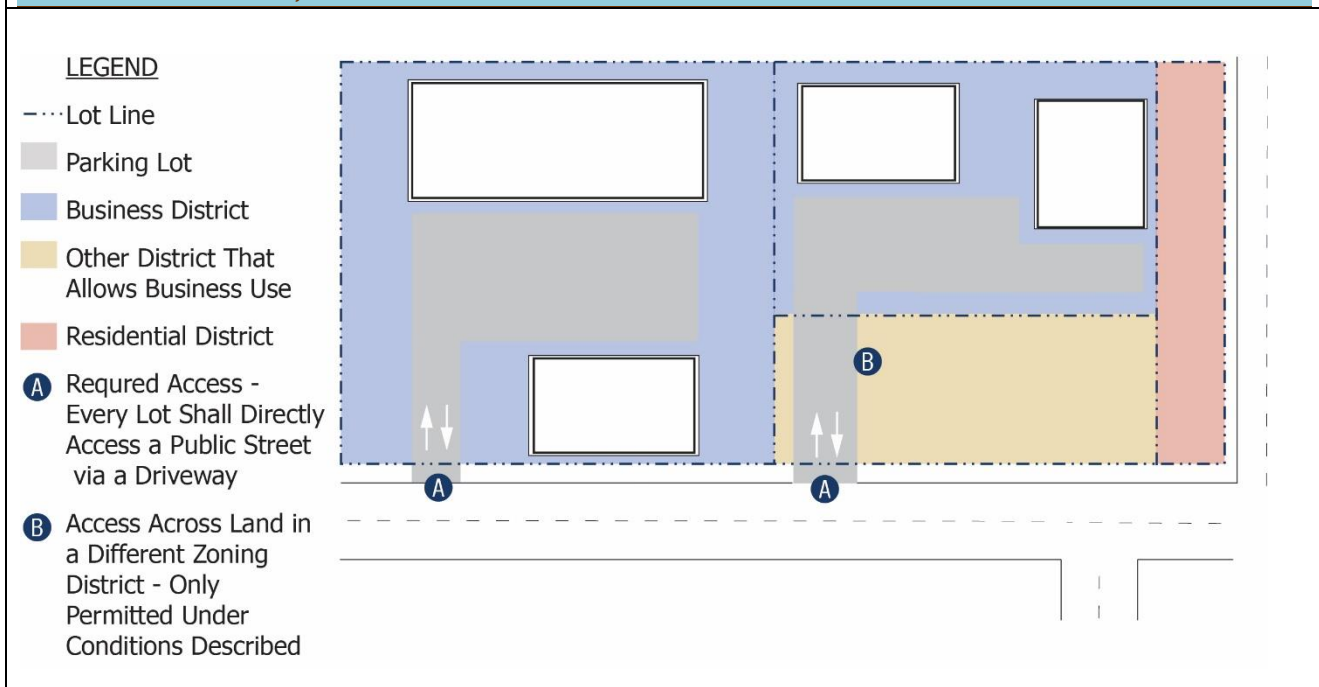
A. GENERAL REQUIREMENTS

- 1.** Every lot shall abut or have direct access, via a driveway, to a publicly maintained street or a private street built to public street standards.
- 2.** No building or structure shall be constructed or placed on a lot that does not abut or have direct access to a publicly maintained street or a private street built to public street standards.
- 3.** Direct access to a publicly maintained street shall not extend through or across land in a different zoning district than the lot being served by the access (see Figure 6.1.3.A, Lot Access). This requirement is waived when the land in the different zoning district:
 - i.** Is classified as a business district; or
 - ii.** Allows the use being served by the direct access; or
 - iii.** Provides the sole means of access for the use.

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§6.1. Access and Circulation

FIGURE 6.1.3.A, LOT ACCESS



B. ALTERNATIVE ACCESS

As an alternative to compliance with the general standards in subsection (A) above, development may incorporate one of the following alternative street access standards (see Figure 6.1.3.B, Alternative Lot Access):

1. MULTIPLE RESIDENTIAL LOT DEVELOPMENT

Up to a maximum of four individual residential lots configured with single-family detached or two-family dwellings may establish access across one or more different lots via a single shared driveway provided the shared driveway:

- Is located within a recorded access easement configured in accordance with Section 6.1.3.B, Alternative Access;
- Is configured in accordance with Section 6.1.4, Driveways; and
- Connects to a publicly maintained or a private street built to public street standards.

2. SINGLE RESIDENTIAL LOT OF RECORD

A vacant single-family lot of record established prior to November 1, 2021, that does not abut a publicly maintained street may establish access across another lot provided the driveway:

- Does not serve more than four single-family or two-family dwellings on the same or different lots;
- Is located within a recorded access easement configured in accordance with Section 6.1.3.B.4, Access Easement;
- Is configured in accordance with Section 6.1.4, Driveways; and
- Connects to a publicly maintained or a private street built to public street standards.

3. DRIVEWAYS SERVING MORE THAN FOUR LOTS

Driveways serving more than four single-family or two-family residential lots shall be configured as a public or private street in accordance with the applicable standards in this Ordinance.

ARTICLE 6. STANDARDS

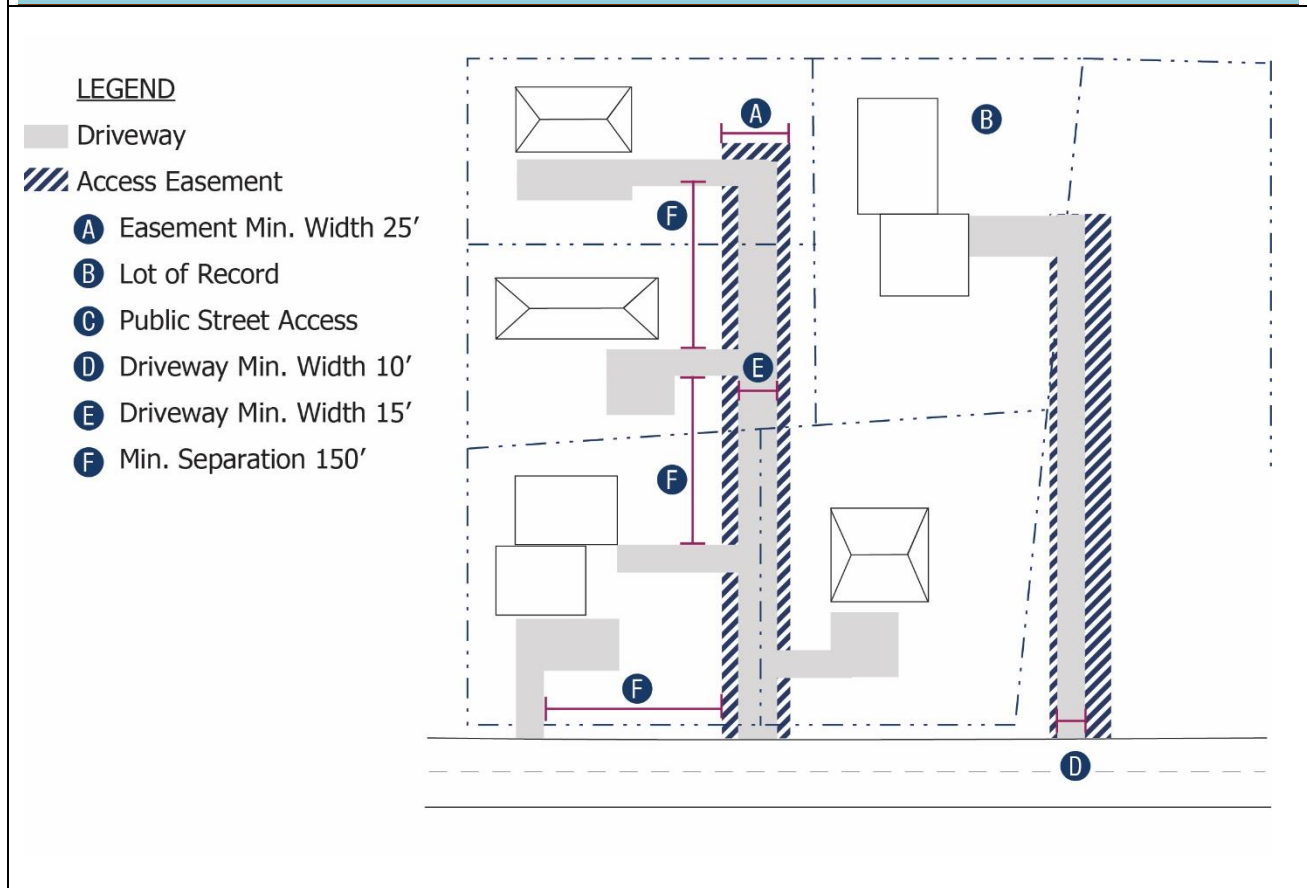
§6.1. Access and Circulation

4. ACCESS EASEMENT

Driveways serving development utilizing these alternative access provisions shall be located within an access easement configured in accordance with the following:

- i. The easement shall maintain a minimum width of at least 25 feet;
- ii. There shall be a minimum separation between the easement and any other platted access or right-of-way of at least 150 feet;
- iii. The location of the easement shall be recorded on a plat; and
- iv. The easement shall be configured to permit safe ingress, egress, regress, and necessary utilities to serve the lot, in the opinion of the Zoning Administrator.

FIGURE 6.1.3.B, ALTERNATIVE LOT ACCESS



5. MAINTENANCE

The landowners who benefit from the access and easement shall be responsible for maintenance of the access and access easement. In no instance shall the County be responsible for maintenance of driveways or access easements.

6.1.4. DRIVEWAYS

A. CONFIGURATION

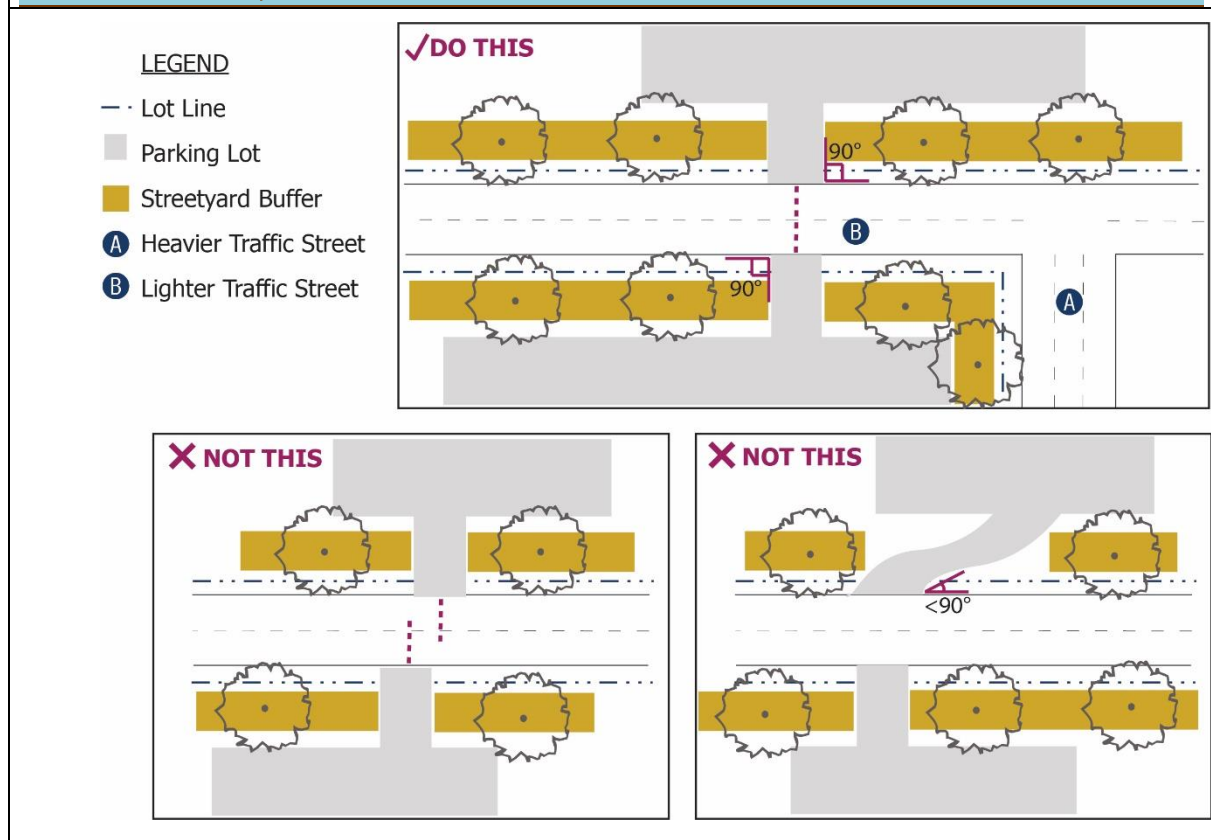
1. Driveways providing ingress or egress to a state-maintained or private street shall be placed and constructed in accordance with the "Policy on Street and Driveway Access to North Carolina Highways" adopted by the North Carolina Department of Transportation (NCDOT), as amended.

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§6.1. Access and Circulation

2. All new driveways connecting to State-maintained streets shall obtain a driveway permit from NCDOT prior to the construction.
3. Vehicles can enter and exit from a lot without posing any substantial danger to themselves, pedestrians, bicycles, or vehicles traveling on abutting streets.
4. Interference with the free and convenient flow of traffic on abutting or surrounding streets is minimized.
5. Driveway radii shall be designed in accordance with the NCDOT's or the County's specifications and shall not extend beyond side lot lines.
6. No driveway serving an off-street parking area or providing on-site circulation is permitted within any required landscaping area, but driveways may be installed across these areas.
7. Driveways shall be as nearly perpendicular to the street right-of-way as possible (see Figure 6.1.4, Driveway Configuration).
8. Driveways shall line up with other driveways/streets across the street, where practicable.
9. Driveways on corner lots shall provide access from the street with less traffic, to the maximum extent practicable.

FIGURE 6.1.4, DRIVEWAY CONFIGURATION



B. SPACING

1. No portion of any driveway leading from a street shall be closer than 100 feet to the corner of any adjacent street intersection measured from the edge of the right-of-way.
2. On lots with less than 100 feet of lot width, the driveway shall be located as far as practicable from the adjacent street intersection.
3. Except when configured as paired driveways, driveways serving individual single-family detached dwellings, individual single-family attached dwellings, or two-family dwellings shall be located at least 20 linear feet from any other driveway on the same or different lot. For

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§6.1. Access and Circulation

the purposes of this section, paired driveways are up to two driveways, whether on the same or different lots, where one side of a driveway is within five feet of the side of the other driveway.

4. No two driveway access points, whether on the same or different lots, shall be located within 50 feet of each other, to the maximum extent practicable.

C. SURFACING

1. New driveways established after the effective date of these standards that abut a paved street shall be surfaced with asphalt, concrete, or crushed stone for a distance of at least five feet from the edge of the right-of-way or the driveway radius point, whichever is greater.
2. In cases where an accessways serves four or fewer lots, the surfacing requirements are not applied to portions of the accessway located five or more feet from a public or private street they connect with.

D. MINIMUM DRIVEWAY WIDTH

Driveways shall be configured in accordance with the following table:

TABLE 6.1.4: MINIMUM DRIVEWAY WIDTH			
USE TYPE		MINIMUM DRIVEWAY WIDTH (LINEAR FEET) [1] [2]	
Single-Family and Two-Family Development	Single driveway serving one single-family detached or one two-family home	10	
	Shared driveway serving from two to four single-family dwellings or two-family homes	15	
All Other Forms of Residential Development		One-Way	12
		Two-Way	18 [3]
Mixed-Use and Non-Residential Development		One-Way	12
		Two-Way	24 [3]
NOTE:			
[1] Drive aisles within parking lots shall comply with the standards in Section 6.8.6, Parking Lot Configuration.			
[2] Driveways that cross lot lines under separate ownership shall be located within access easements and in no instance shall any portion of the driveway be located outside of the platted access easement.			
[3] Travel lane widths on two-way driveways may differ when required by County staff.			

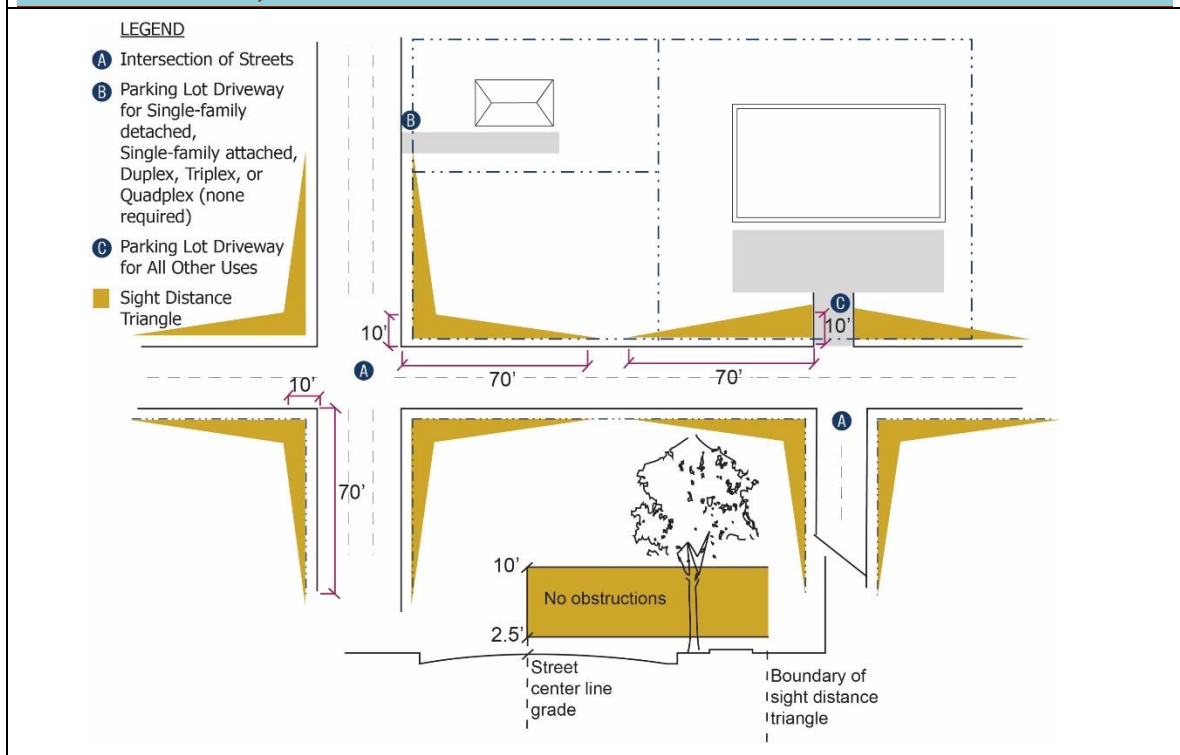
6.1.5. SIGHT DISTANCE TRIANGLES

- A. Corner lots and lots with driveways, alleys, or other methods of ingress/egress to a street shall include sight distance triangles to ensure visibility for drivers and pedestrians moving through or in an intersection. Required sight distance triangles shall be configured in accordance with this section and Figure 6.1.5, Sight Distance Triangles.
- B. No planting, structure, fence, wall, slope, embankment, parked vehicle, or other obstruction to vision between the heights of two-and-one-half feet and ten feet above the centerline grades of intersecting streets or accessways may be located within a required sight distance triangle.

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FIGURE 6.1.5, SIGHT DISTANCE TRIANGLE



6.1.6. PARKING LOT CONNECTIONS

A. PURPOSE AND INTENT

The intent of this section is to provide for parking lot connections between comparable commercial, mixed-use, and multi-family land uses that front arterial and collector streets so that vehicles leaving one lot may access the adjoining lot without having to re-enter the street system.

B. APPLICABILITY

The standards in this section shall apply to lots abutting arterial and collector streets that contain any of the following uses:

1. Uses in the commercial uses classification in Table 4.2.1, Principal Use Table;
2. Mixed-use development; and
3. Multi-family development.

C. EXEMPTIONS

Parking lot connections are not required when any of the following conditions are present:

1. Adjacent lots do not have common frontage along an arterial or collector street;
2. Significant topographical differences in existing or proposed conditions are present;
3. Significant natural features exist in the only viable location for parking lot connections;
4. Vehicular safety factors exist or would be created including, but not limited to, unsafe turning movements or pedestrian conflicts;
5. Sufficient access already exists without need for additional parking lot connections;
6. Residential, institutional, or other incompatible land uses are present on adjacent lots;
7. Existing infrastructure obstructions; or
8. Other safety or security factors, in the opinion of the Zoning Administrator or Planning Director.

ARTICLE 6. STANDARDS

§6.1. Access and Circulation

D. CONFIGURATION

Parking lot connections shall join parking lots on two or more different lots (see Figure 6.1.6, Parking Lot Connections) subject to these standards:

1. A parking lot connection shall be included on at least two sides of a lot except when conditions prevent connections in accordance with **Section 6.1.6.C, Exemptions**;
2. Parking lot connections shall be paved with asphalt, concrete, or pavers and shall maintain a minimum width of 12 feet for one-way traffic and 18 feet for two-way traffic;
3. All parking lot connections shall be built to the lot line, to the maximum extent practicable; and
4. A minimum distance of 40 feet shall be required between a parking lot connection and an intersection or driveway entrance.

E. IMPACT ON REQUIRED SITE FEATURES

1. Where a required parking lot connection eliminates a required landscape planting area, the landscaping requirements shall be reduced to accommodate the cross-accessway and replacement landscaping shall not be required.
2. When a required parking lot connection eliminates required off-street parking spaces, replacement parking spaces shall not be required.

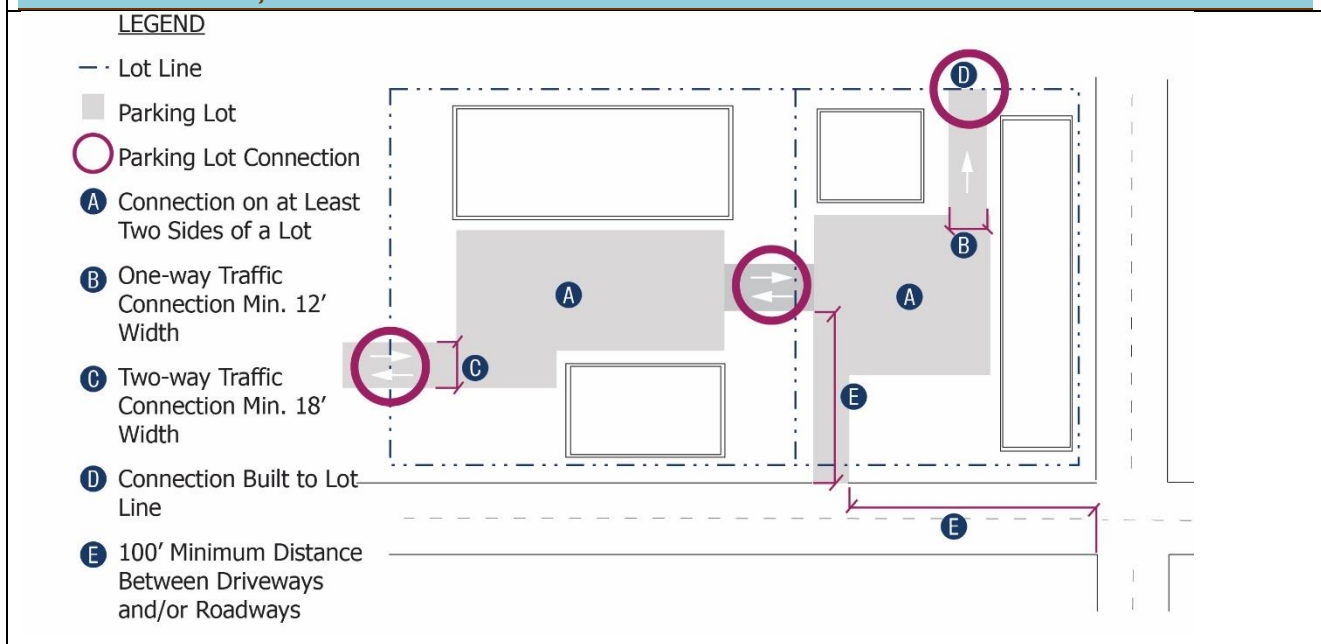
F. EASEMENT REQUIRED

A parking lot connection easement shall be recorded on the final plat for property involving a subdivision, or recorded by separate instrument, when no plat is proposed.

G. CONNECTION REQUIRED

Development subject to these standards shall install parking lot connections to the shared property line. However, if the abutting landowner that does not already have a parking lot connection stub, or the land is vacant and the abutting landowner is unwilling to allow the connection to be built to the shared property line due to the impact of the grading equipment or other construction activity on their property, then the Zoning Administrator shall notify the abutting property owner that they will be responsible for completing the entire parking lot connection when their vacant property is developed.

FIGURE 6.1.6, PARKING LOT CONNECTIONS



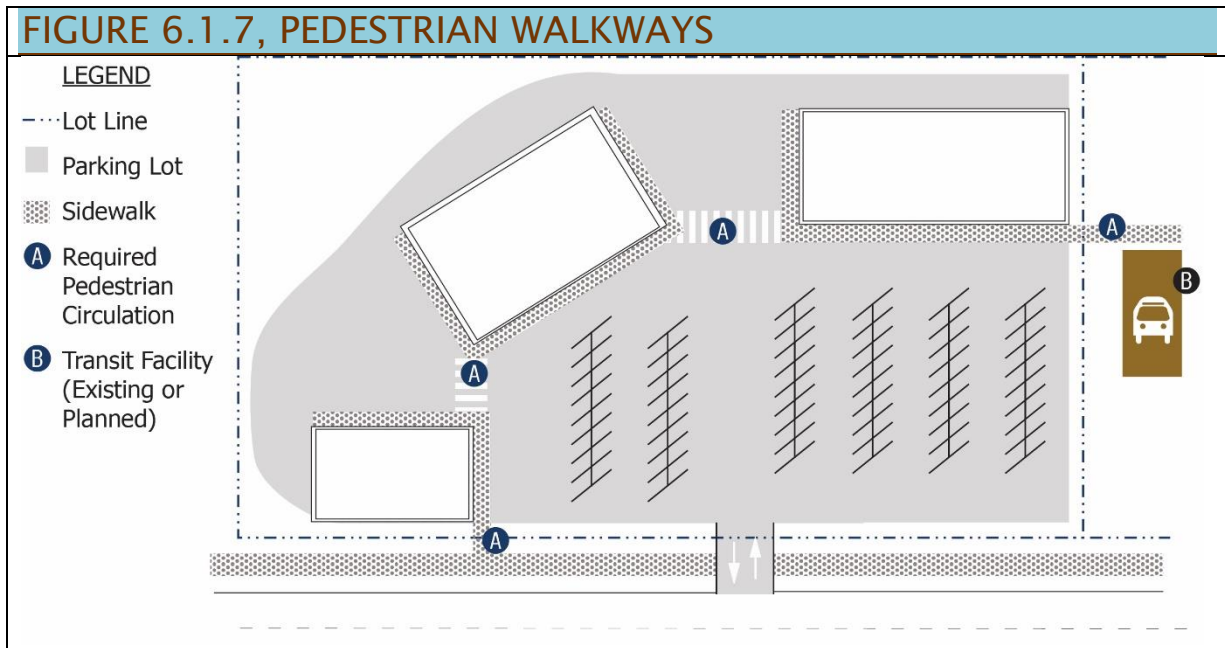
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§6.1. Access and Circulation

6.1.7. ON-SITE PEDESTRIAN CIRCULATION

On-site pedestrian walkways that minimize conflict between pedestrians and vehicles shall be provided on all non-residential, mixed-use, and multi-family development sites, and shall be configured in accordance with the following standards:

- A.** On-site pedestrian walkways shall connect building entrances to off-street parking areas and to other building entrances on the same site (see Figure 6.1.7, Pedestrian Walkways);
- B.** Development subject to these standards shall provide at least one connection to an existing or planned public sidewalk or existing greenway via an on-site pedestrian walkway, configured in accordance with these standards;
- C.** On-site pedestrian walkways shall be paved with asphalt, concrete, or other all-weather material, and shall be of contrasting color or materials when crossing drive aisles;
- D.** On-site pedestrian walkways shall be positively drained and configured to avoid areas of pooling water; and
- E.** On-site pedestrian walkways shall be in compliance with applicable State and federal requirements, including ADA requirements.



§6.2. DESIGN STANDARDS AND GUIDELINES

6.2.1. COMMERCIAL BUILDING DESIGN STANDARDS

A. PURPOSE AND INTENT

These commercial design standards supplement the applicable zoning district and use specific standards of this Article and provide minimum requirements for the design of commercial development. These standards are intended to provide clarity on the County's expectations for new commercial development quality and appearance. More specifically, the purpose of these standards is to:

1. Implement the policy guidance from the comprehensive plan regarding protection of the desired community character;
2. Assure a fair and consistent application of the commercial design standards to new development and redevelopment;
3. Foster increased compatibility between commercial development and nearby residences;
4. Encourage the maintenance of a village atmosphere; and
5. Promote property values and protect existing public and private investment.

B. APPLICABILITY

The standards in this section shall be applied to the following forms of development and land use activities:

1. NEW COMMERCIAL DEVELOPMENT

The establishment of new principal structures containing or intended for a commercial, office, personal service, retail, restaurant, or light industrial use type, as identified in the principal table of uses found in this Article.

2. CHANGES IN USE

Changes in use of an existing principal building or development site where the new use is subject to these commercial design standards, but no additions or expansions are proposed shall comply with the requirements in [Section 6.2.1.D, Commercial Site Configuration Standards](#), but are not required to comply with the standards in [Section 6.2.1.E, Commercial Building Configuration Standards](#).

3. ADDITIONS AND EXPANSIONS TO EXISTING DEVELOPMENT

Increases in an existing commercial building's floor area or a commercial site's impervious surface by 51 percent or more beyond that in existence on the effective date of these standards shall require full compliance with these provisions.

4. RECONSTRUCTION OF EXISTING BUILDINGS

Reconstruction of an existing commercial building shall be treated as new development for the purposes of these standards.

C. EXEMPTIONS

The standards in this section shall not apply to the following forms of development:

1. Commercial development existing prior to effective date of these standards unless subject to a change in use, reconstruction, addition, or expansion;
2. Commercial development taking place as part of a bona fide farm;
3. Commercial development subject to a historic landmark designation or subject to standards applicable in a local historic district; and
4. Development of civic, religious, or fraternal organization use types.

D. COMMERCIAL SITE CONFIGURATION STANDARDS

Development subject to these commercial design standards shall comply with the following:

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1. BUILDING PLACEMENT

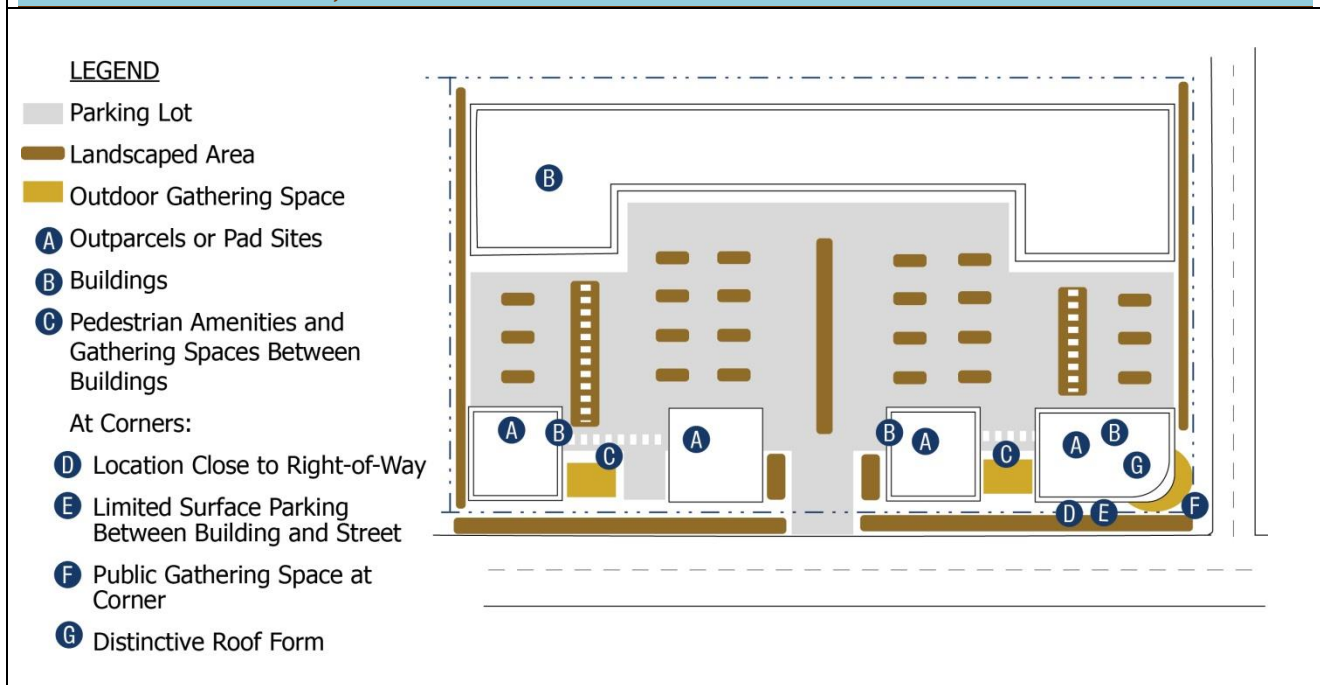
- i. All principal and accessory buildings shall be set back at least 20 linear feet from the ultimate right-of-way boundary of any adjacent street. The ultimate right-of-way boundary location shall be as indicated in the County's adopted policy guidance, the applicable comprehensive transportation plan as indicated by the NCDOT. In cases where the ultimate right-of-way boundary is not identified, the building setback shall be measured from the centerline of the existing right-of-way outwards for a minimum distance corresponding to one-half of the currently specified right-of-way width plus 20 feet.
- ii. All development subject to these standards shall have a maximum setback of 50 feet from the ultimate right-of-way boundary of any adjacent street.

2. OUTPARCEL DEVELOPMENT

Development on outparcels or pad sites associated with a commercial development shall comply with the following requirements (see Figure 6.2.1.D.2, Outparcel Development):

- i. Spaces between buildings on outparcels or pad sites shall include pedestrian amenities such as plazas, seating areas, and gathering places in addition to off-street parking spaces.
- ii. Outparcel buildings on lots at street corners shall be located and configured to define the corner through a combination of locating the building as close to the rights-of-way as is practicable; limiting surface parking between the building and the streets; providing a public gathering space adjacent to the corner; and distinctive roof form or other pedestrian features such as porches, canopies, or arcades.

FIGURE 6.2.1.D.2, OUTPARCEL DEVELOPMENT



3. SERVICE AREAS

- i. Off-street loading areas, service areas, refuse/recycling collection areas, and outdoor storage of equipment or raw materials shall be located to the side or rear of a principal building. In addition, such features shall be screened through the use of an opaque

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§6.2. Design Standards and Guidelines

fence or wall of a minimum height necessary to obscure views from on-site and off-site locations.

- ii. Outdoor display of products available for sale may be located in front of a principal building and are not required to be screened provided these areas are physically accessible to patrons. Areas utilized for the display of products for sale that are not physically accessible to patrons shall be considered areas of outdoor storage and shall be located and screened in accordance with these standards.

4. EQUIPMENT SCREENING

- i. All ground-based and roof-mounted equipment shall be fully screened from view from adjacent streets, parks, open space, and residentially used lots (see Figure 6.2.1.D.4 Rooftop Screening).
- ii. Wall-mounted mechanical equipment mounted at heights over 36 inches from grade and measuring 16 inches or more in any dimension shall be fully screened, concealed, or camouflaged to minimize its appearance from adjacent streets, parks, open space, and residentially used lots.

FIGURE 6.2.1.D.4, ROOFTOP SCREENING



5. STORMWATER CONTROL MEASURES

- i. Stormwater control measures, including, but not limited to, retention ponds and detention basins, shall either be configured as site amenities or be fully screened from view on all sides by evergreen opaque vegetation reaching a minimum height of six feet above grade within three years of planting.
- ii. Stormwater control measures (SCMs) shall be considered as site amenities when all of the following are present:
 - a) They are not surrounded by a fence intended to exclude pedestrians;
 - b) Finished grades around the SCM do not inhibit walking;
 - c) They include landscaping features such as trees and shrubs;
 - d) There is some form of central feature or focal point such as a fountain;
 - e) Seating or a walking path is provided adjacent to the SCM; and
 - f) Stormwater control measures shall comply with all applicable Edgecombe County requirements.

E. COMMERCIAL BUILDING CONFIGURATION STANDARDS

Buildings subject to these commercial design standards shall comply with the following:

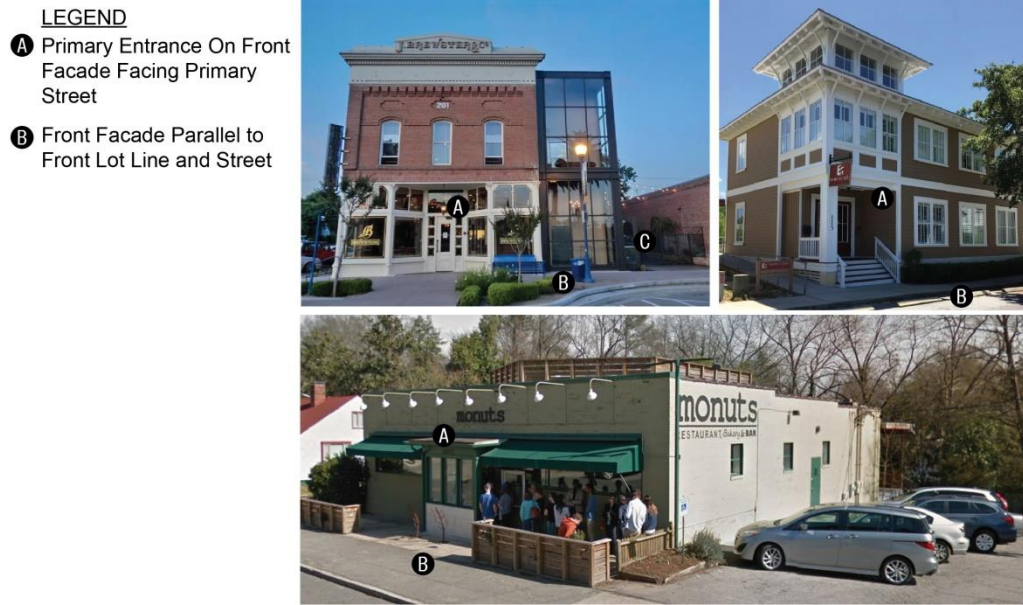
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§6.2. Design Standards and Guidelines

1. ORIENTATION

- i. The primary entrance shall be architecturally and functionally designed on the front façade facing the primary street (see Figure 6.2.1.E.1, Building Orientation).
- ii. Except for multi-building developments such as shopping centers or campus-style developments, the front façade of the principal structure shall be parallel to the front lot line and street.
- iii. Nothing shall limit a secondary entrance from facing an off-street parking lot.

FIGURE 6.2.1.E.1: BUILDING ORIENTATION



2. PRIMARY ENTRANCE

- i. Building entrances shall be designated as a primary or a secondary entrance by the applicant, but each principal building shall have at least one primary entrance. Nothing shall limit a building from having multiple primary entrances.
- ii. Primary building entrances shall be visually prominent and shall include at least three of the following features (see Figure 6.2.1.E.2, Primary Building Entrances):
 - a) Changes in building material or color;
 - b) Changes in paving or walking surface materials;
 - c) A significant architectural feature that extends above the primary roof height;
 - d) A projection or recess of at least five feet beyond the adjacent wall plane;
 - e) Outdoor pedestrian gathering or seating areas capable of serving at least five people at the same time;
 - f) A canopy, awning, portico, archway, arcade, or other covering that extends outwards from the building wall by at least five feet;
 - g) Glazing that extends upwards for at least 75 percent of the building's height proximate to the entrance door(s);
 - h) Architectural detailing around the entryway such as tilework, entablature, or integrated moldings; or

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- i) Fountains, artwork, or landscaping plantings in raised planters immediately adjacent to the entrance door(s).

FIGURE 6.2.1.E.2: PRIMARY ENTRANCES



LEGEND

- | | |
|---|---|
| A Change in Building Material or Color | E Canopy, Gallery or Arcade |
| B Change in Paving Material | F Architectural Detail Such as Tile Work |
| C Significant Architectural Feature | G Landscaping Planter |
| D Projections or Recesses | H Outdoor Pedestrian Gathering Area |

3. EXTERIOR MATERIALS

I. PROHIBITED MATERIALS

The following materials shall be prohibited on any primary or secondary building façade walls:

- a) Untextured tilt-up concrete panels;
- b) Pre-fabricated steel panels;
- c) Corrugated sheet metal;
- d) Smooth-face concrete blocks;
- e) Vinyl siding, soffit, or fascia;
- f) Synthetic stucco within two feet of the grade; or
- g) Asphalt siding.

II. COLORS

- a) Overly bright, neon, or "day-glow" colors shall not be used as primary exterior building colors. Nothing shall limit traditional community material colors.
- b) Building trim and accent areas may feature brighter colors, including primary colors, but these colors may not comprise more than 15 percent of any building façade.

III. COMPATIBILITY IN MULTI-BUILDING DEVELOPMENTS

Buildings on outparcels or pad sites shall incorporate materials that are similar to and compatible with those used on the primary buildings in the development. Corporate or prototypical architecture shall be reconfigured as necessary in order to comply with this standard.

ARTICLE 6. STANDARDS

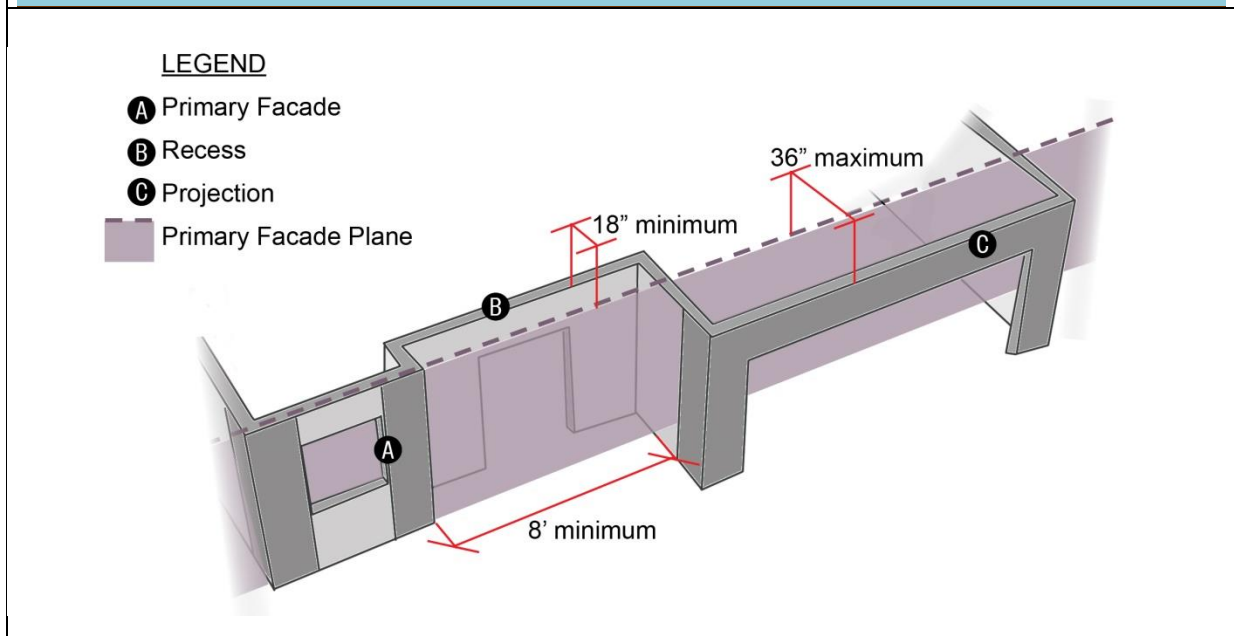
§6.2. Design Standards and Guidelines

4. BUILDING ARTICULATION

Buildings subject to these standards shall be configured so that no single façade visible from a street shall extend for longer than 35 linear feet without inclusion of one or more of the following features:

- a) The use of projections or recesses in the building façade wall with a depth of between 18 inches and 36 inches from the primary façade plane and a minimum span of eight feet (see Figure 6.2.1.E.4, Commercial Building Articulation);
- b) The use of columns, pilasters, or other architectural detail harmonious with the general design of the structure with a minimum width of eight inches and spaced no less than every ten feet on-center;
- c) Distinct changes in building materials or colors from grade to the roof; or
- d) A single vertical accent or focal point extending well above the primary roofline,
- e) such as a tower feature, located on a prominent building corner.

FIGURE 6.2.1.E.4: COMMERCIAL BUILDING ARTICULATION



5. CANOPIES

Except for canopies associated with fuel sales, overhead canopies intended to cover the vehicles of patrons shall be configured in accordance with the following standards:

- i. The total number of canopies shall be limited to three per lot;
- ii. The canopy shall be located to the side or rear of the structure, or configured so that it has the appearance of being enclosed by building walls on at least two sides;
- iii. The canopy shall be configured of consistent or complimentary materials and colors as the primary exterior materials, including canopy supports;
- iv. The canopy shall be subject to maximum height standards for buildings in the zoning district where located; and
- v. Any exterior lighting from under the canopy shall be configured so that the source of illumination (the bulb) is recessed into the canopy and is not visible from off-site areas.

6.2.2. MULTI-FAMILY DESIGN STANDARDS

A. PURPOSE AND INTENT

These multi-family residential design standards supplement the applicable zoning district and use-specific standards of this Article by providing the minimum requirements for design and configuration of multi-family development within the County's jurisdiction. They are intended to:

- 1.** Ensure multi-family development takes place in a manner consistent with the context, scale, and proportion of its surroundings;
- 2.** Promote greater compatibility between new multi-family development and other allowable use types, particularly adjacent residential single-family detached dwellings;
- 3.** Establish expectations for minimum level of quality for multi-family development;
- 4.** Encourage creativity in design and promote individual project identity;
- 5.** Create neighborhoods with enhanced architectural and visual interest; and
- 6.** Preserve property values and protect public and private investment.

B. APPLICABILITY

Except where expressly exempted in writing in this Article, the standards in this section shall apply to the following forms of development:

- 1.** New multi-family dwellings;
- 2.** New multi-unit residential structures within a continuing care retirement community use type; and
- 3.** New congregate care and nursing homes.

C. EXEMPTIONS

The following forms of development shall be exempted from these standards:

- 1.** Single-family attached development, unless subject to voluntary consent by the landowner;
- 2.** Two-family dwellings, unless subject to voluntary consent by the landowner;
- 3.** Renovation or redevelopment of existing multi-family structures; and
- 4.** Routine maintenance and repairs.

D. MULTI-FAMILY SITE DESIGN REQUIREMENTS**1. STREET NETWORK**

- i.** On sites including new streets, an interconnected network of streets shall be provided, to the maximum extent practicable, and streets shall connect to adjacent existing streets outside of the development.
- ii.** Vehicular driveways into a development with ten or more dwelling units shall be at least 100 feet away from any major intersection to the maximum extent practicable.
- iii.** Driveways shall be consolidated in order to reduce curb cuts, to the maximum extent practicable.

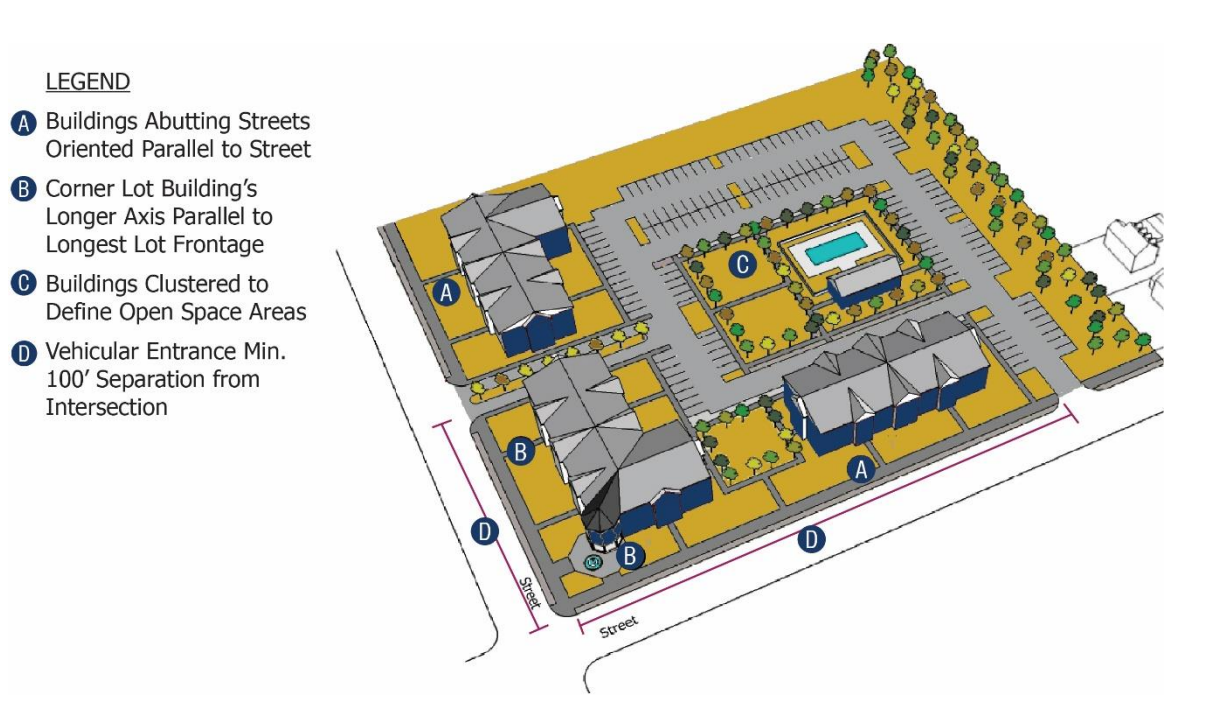
2. BUILDING ORIENTATION

- i.** Buildings that abut streets shall be oriented parallel to the street they front rather than being oriented at an angle to the street.
- ii.** On corner lots, the long axis of the building shall be parallel to the longest lot frontage unless such orientation is incompatible with adjacent, existing development along the same street (see Figure 6.2.2.D.2, Multi-family Building Orientation).
- iii.** Buildings within multiple-building developments shall be clustered in order to define open space recreation areas and development entry points.

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FIGURE 6.2.2.D.2, MULTI-FAMILY BUILDING ORIENTATION



3. SECONDARY STRUCTURES

Secondary uses and structures associated with a development subject to these standards shall comply with the following:

- i. Street-facing detached garages on corner lots shall be located to the side or rear of buildings.
- ii. Access to secondary structures (such as garages, carports, storage areas, etc.) shall be provided from alleys or secondary streets to the maximum extent practicable.
- iii. Secondary buildings shall include exterior materials, colors, and roof form designed to be consistent with the principal structure.
- iv. Secondary structures shall not physically obstruct pedestrian entrances.
- v. Centralized refuse collection containers, if provided, shall be located in an enclosed area located to the rear of principal buildings.

4. SITE FEATURES

- i. Except for congregate care, development subject to these standards shall not include a gate or obstruction that blocks access to the site for vehicles, bicycles, or pedestrians.
- ii. Off-street parking serving guests shall be evenly distributed throughout the development.
- iii. Shared solid waste facilities shall be evenly distributed throughout the development or be centrally located and fully screened from all on-site and off-site views.
- iv. Detached garages or carports shall not be located between a principal building and the street it faces.
- v. New utilities shall be provided underground, and utility vaults shall be clustered in areas outside of required landscaping.

E. MULTI-FAMILY BUILDING DESIGN REQUIREMENTS

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§6.2. Design Standards and Guidelines

1. BUILDING ENTRANCES

- i. The façades of buildings abutting streets shall be configured so that entryways to individual dwelling units or shared entrances face the street.
- ii. Access to upper-floor dwelling units shall be obtained from shared internal entries. In no instance shall walkways to individual upper-story dwelling units take place on the exterior of the building.
- iii. Individual ground-floor and shared entryways shall be sheltered from the weather either by:
 1. Recessing the entrance at least three feet to the inside of the primary ground floor façade plane; or
 2. Inclusion of an overhead architectural treatment that extends outward at least three feet from the primary façade plane.

2. BUILDING FAÇADES

- i. Buildings subject to these standards shall maintain a consistent level of architectural detailing and composition on each building façade facing a street.
- ii. Building façades facing streets shall provide a minimum of three of the following architectural elements (see Figure 6.2.2.E.2, Multi-family Building Façades):
 1. A covered porch or terrace;
 2. One or more dormer windows or cupolas;
 3. Eyebrow windows;
 4. Awnings or overhangs;
 5. Decorative moldings;
 6. Shutters;
 7. Pillars, posts, or pilasters;
 8. One or more bay windows with a minimum 12-inch projection from the façade plane;
 9. Multiple windows with a minimum of four-inch-wide trim;
 10. Corniced parapets;
 11. Eaves with a minimum of four-inch-wide trim; or
 12. Integral planters that incorporate landscaped areas and/or places for sitting.
 13. Garage entries, loading and service entries, utility rooms, stairs, elevators, or similar features shall not occupy more than 20 percent of the width of a building façade facing a street.
 14. Attached street-facing garages serving individual dwelling units shall be recessed at least three feet inwards from the primary first floor façade plane or be associated with an upper-story projection that exists above the garage.
 15. Developments with three or more principal buildings shall provide variation in building size, shape, height, color, and roofline in a manner that allows different buildings to be distinguished from one another.

ARTICLE 6. STANDARDS

§6.2. Design Standards and Guidelines

FIGURE 6.2.2.E.2, MULTI-FAMILY BUILDING FACADES

LEGEND

- A** Covered Porch or Terrace
- B** Dormer Windows or Cupolas
- C** Eyebrow Windows
- D** Awnings or Overhangs
- E** Decorative Moldings
- F** Shutters
- G** Pillars, Posts, or Pilasters
- H** Bay Window(s) (Min. 12" Projection)
- I** Windows With Minimum 4" Wide Trim
- J** Corniced Parapets
- K** Eaves With Min. 4" Wide Trim
- L** Integral Planters or Seating Areas



3. BUILDING MASSING

- i. Upper story façade walls shall not project beyond the ground floor footprint except to accommodate bump-outs with windows.
- ii. In the case of two-story buildings, the exterior façade walls of the second floor shall be in line with or setback from the first floor façade walls (see Figure 6.2.2.E.3, Multi-Family Building Massing).

ARTICLE 6. STANDARDS

§6.2. Design Standards and Guidelines

FIGURE 6.2.2.E.3, MULTI-FAMILY BUILDING MASSING

LEGEND

- A** Upper Story Facade May Only Project Beyond Ground Floor Footprint With Window Bump-Outs

Two Story Building Options:

- B** Second Story In Line With Facade of First Story
- C** Second Story Setback from First Story Facade

Three or More Story Buildings:

- D** Upper Story Facades Setback from Second or First Floor Facades



4. BUILDING ARTICULATION

- i. Street-facing building façades shall be articulated with wall offsets, in the form of recesses or projections from the primary façade plane, of at least two feet for every 35 linear feet of façade frontage (see Figure 6.2.2.E.4, Multi-family Façade Articulation).
- ii. Where provided, projections or recesses shall extend from the grade to the top of the highest story in line with the ground-floor footprint.

FIGURE 6.2.2.E.4, MULTI-FAMILY FACADE

LEGEND

- A** Primary Facade
- B** Minimum 2' Articulation Every 35 Linear Feet
- C** Projections Extend to Top of Highest Story
- D** Not a Projection Because Does Not Extend to Highest Story



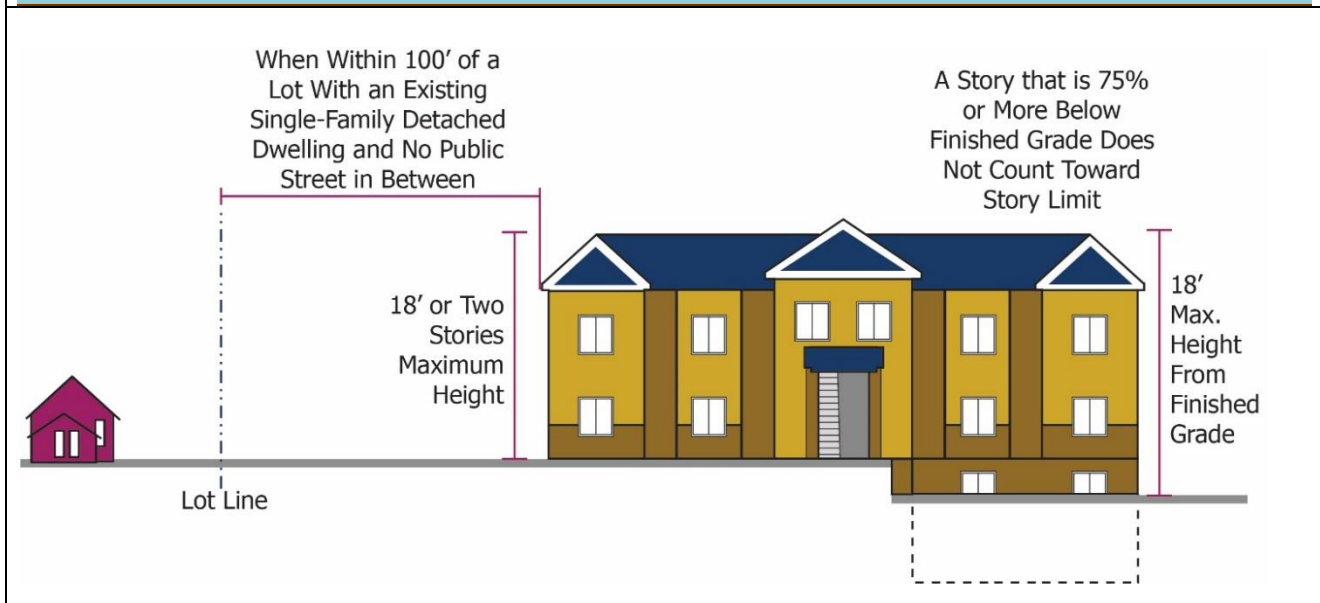
ARTICLE 6. STANDARDS

§6.2. Design Standards and Guidelines

5. BUILDING HEIGHT

- i. Buildings subject to the standards of this section shall have a maximum height of two stories or 18 feet within 100 feet of a lot with an existing single-family detached residential dwelling, without an intervening street (see Figure 6.2.2.E.5, Multi-family Building Height).
- ii. Building stories that are 75 percent or more below the finished grade at the front of the lot shall not be counted towards the number of allowable stories.

FIGURE 6.2.2.E.5, MULTI-FAMILY BUILDING HEIGHT



6. ROOF FORM

- i. Development shall incorporate roof pitches between 3:12 and 12:12 or shall incorporate parapet walls with a dimensional cornice around a flat roof.
- ii. Alternative roof forms or pitches are encouraged for small roof sections over porches, entryways, or similar features.
- iii. Buildings with eaves shall be configured such that no single horizontal eave continues for more than 60 linear feet without being broken up by a gable, building projection, and articulation feature.
- iv. Buildings with overhanging eaves and roof rakes shall extend at least six inches past supporting walls.

7. BUILDING MATERIALS AND COLORS

I. CONFIGURATION

1. Buildings subject to these standards shall include at least two primary exterior materials on any single building.
2. Changes in colors and materials shall take place at internal corners or in logical locations, such as: building wings, bays, bump-outs, or recesses (see Figure 6.2.2.E.7, Multi-family Building Materials). In no instance shall exterior materials or colors change at outside corners.
3. Heavier or more bulky exterior materials shall be located beneath or below lighter materials.

II. PROHIBITED MATERIALS

ARTICLE 6. STANDARDS

§6.2. Design Standards and Guidelines

The following materials shall be prohibited on any façade facing a street, open space, or district intended primarily for single-family detached development:

1. Smooth-faced concrete block;
2. Corrugated metal siding; or
3. Synthetic stucco within two feet of the grade.

FIGURE 6.2.2.E.7, MULTI-FAMILY BUILDING MATERIALS

LEGEND

- A** Minimum Two Primary Exterior Materials on Each Building
- B** Material Changes at Logical Locations
(Internal Corners, Wings, Bays, Bump-outs, or Recesses)
- C** Heavier Materials Below Lighter Materials



ARTICLE 6. STANDARDS

§6.2. Design Standards and Guidelines

6.2.3. SINGLE-FAMILY RESIDENTIAL DESIGN GUIDELINES

A. STATEMENT OF NEED

The County strongly encourages new single-family detached, attached, and two-family development to include high-quality design. To those ends, these residential design guidelines are established as a means of guiding applicants towards development that complies with the County's desires.

B. PURPOSE AND INTENT

These residential design guidelines are proposed as suggestions for ways to ensure that new single-family detached, duplex, and attached single-family development maintains or exceeds the existing quality of development in its surroundings. More specifically, these guidelines are intended to:

1. Ensure single-family detached, single-family attached, and two-family structures maintain consistent exterior materials and architectural treatments on the front and sides of buildings;
2. Establish guidance regarding changes of exterior finishes and materials on individual facades;
3. Avoid garage-dominated street fronts in residential neighborhoods;
4. Promote aesthetically-pleasing residential development; and
5. Enhance and protect property values and investment by homeowners.

C. APPLICABILITY

1. Single-family detached, single-family attached, and two-family dwellings shall comply with these guidelines in the following instances:
 - i. When proposed development is subject to a signed statement of consent in accordance with [Section 6.2.3.G, Compliance Voluntary](#); and
 - ii. When compliance with these guidelines is included as a condition of approval associated with a development application in [Section §2.3, Application Types](#).
2. Single-family detached, single-family attached, and two-family dwellings not subject to a statement of consent are not required to comply with these guidelines, though conformance is strongly encouraged.

D. STANDARDS

1. SITE CONFIGURATION

- i. Structures shall be sited to avoid lands with steep slopes or geological hazards, to the maximum extent practicable.
- ii. Detached secondary structures such as garages, tool sheds, greenhouses, gazebos, carports, and similar structures shall be located to the side or the rear of the principal structure. In no instance shall a detached secondary structure be located between the front façade of a dwelling and the street it is addressed from unless topographic limitations make compliance with these standards impossible.
- iii. Lots shall provide pedestrian access to the street, the sidewalk system (if present), and to an adjacent trail or greenway. Vehicular driveways are sufficient for compliance with this requirement.
- iv. Retaining walls shall be terraced and configured such that no single portion of the wall has a height exceeding four feet.
- v. In areas where the prevailing development is single-story, new residential development shall step back any upper stories along the street frontage to maintain compatibility with the single-story character along the street.

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§6.2. Design Standards and Guidelines

- vi.** In hillside areas, buildings shall be designed to step down the hillside, following the slope of the land, rather than having tall down-slope walls that are highly visible from surrounding properties (see Figure 6.2.3.D.1, Site Configuration).
- vii.** New overhead utilities serving individual dwelling units shall be underground.

FIGURE 6.2.3.D.1, SITE CONFIGURATION



2. BUILDING ORIENTATION

Buildings shall be oriented so that the primary entrance faces and is visible from the street that provides the dwelling its street address (see Figure 6.2.3.D.2, Building Orientation). This requirement may be waived on lots where topographic conditions, existing vegetation, or physical distance obscures the primary entrance.

FIGURE 6.2.3.D.2, BUILDING ORIENTATION



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§6.2. Design Standards and Guidelines

3. FOUNDATIONS

- i. Poured concrete foundations, concrete block foundations, or smooth-faced concrete masonry unit foundations shall be covered by decks, porches, or be clad in face brick, stone, stucco, or some other masonry material accurately imitating these materials (see Figure 6.2.3.D.3, Foundations). In no instance shall poured concrete, concrete block, or smooth-faced concrete masonry unit foundations be visible on a street-facing facade.
- ii. In cases where a dwelling includes a finished or unfinished basement, the exterior basement walls on the rear or on sides not visible from streets are exempted from these standards.

FIGURE 6.2.3.D.3, FOUNDATIONS



DON'T DO THIS



DO THIS



OR DO THIS

4. BUILDING FACADES

- i. Although the front facade of a principal building is expected to be the primary focal point in terms of architectural character and features, all sides of a building shall incorporate architectural detailing and windows that complement the front facade and provide visual interest.
- ii. Blank walls void of windows, doors, or architectural detailing are prohibited when adjacent to and visible from a street (see Figure 6.2.3.D.4, Building Facades).

FIGURE 6.2.3.D.4, BUILDING FACADES



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§6.2. Design Standards and Guidelines

5. BUILDING HEIGHT AND FORM

New buildings shall be respectful of adjacent buildings and create transitions of appropriate height and scale through one or more of the following design strategies (see Figure 6.2.3.D.5, Building Form):

- i. Locate upper stories in the center of the property;
- ii. Step back the upper stories from the stories below;
- iii. Tuck the upper stories inside a pitched roof; or
- iv. Use pitched roofs with dormer windows for upper story rooms.

FIGURE 6.2.3.D.5, BUILDING FORM

LEGEND

- A** Upper Stories Centered
- B** Step-back Upper Stories
- C** Upper Stories Inside Pitched Roof
- D** Second-Story Dormers



6. ARTICULATION

Structures subject to these standards shall incorporate at least three of the following features, consistent in design style, to provide articulation and design interest consistently throughout the structure:

- i. Decorative trim elements that add detail and articulation, such as door surrounds with at least a two-inch depth, decorative eave detailing, or belt courses;
- ii. Pitched or variegated roof forms;
- iii. Roof overhangs at least 18 inches deep;
- iv. Variety in use of materials, especially at ground level stories, for detailing at porches / entry areas, paneling at bays, or at special parts of the building;
- v. A building base (typically the bottom three feet) that is faced with a stone or brick material, or is delineated with a channel or projection; or
- vi. Railings with a design pattern and materials such as wood, metal, or stone which reinforces the architectural style of the building.

7. PRIMARY ENTRANCES

- i. The primary entrance shall incorporate a landing, stoop, patio, deck, or porch (covered or uncovered) or other feature with an all-weather surface of sufficient size to accommodate outward door swing (see Figure 6.2.3.D.7, Primary Entrances).
- ii. Covered primary entrances are strongly encouraged.

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FIGURE 6.2.3.D.7, PRIMARY ENTRANCES



8. GROUND-BASED MECHANICAL EQUIPMENT

Ground-based mechanical equipment, including but not limited to: HVAC condensers, generators, and similar appurtenances, shall not be located between the primary building façade and the street it fronts.

9. WINDOWS

Structures subject to these standards shall incorporate at least one of the following window features throughout the structure (see Figure 6.2.3.D.9, Windows):

- i. Minimum depth of at least two inches from glass to exterior of trim;
- ii. Decorative trim elements that add detail and articulation, such as window surrounds with at least a two-inch depth that are designed as an integral part of the structure so as to not appear “tacked-on;” and
- iii. Use contrasting color of window trim or shutters.

FIGURE 6.2.3.D.9, WINDOWS



10. ROOF FORMS

- i. Flat or monopitch roofs shall be configured to conceal the view of roof-mounted equipment such as vents, antennas, or HVAC equipment from view from adjacent streets.
- ii. Pitched roofs shall incorporate an eave or overhang of at least 12 inches.

11. GARAGES

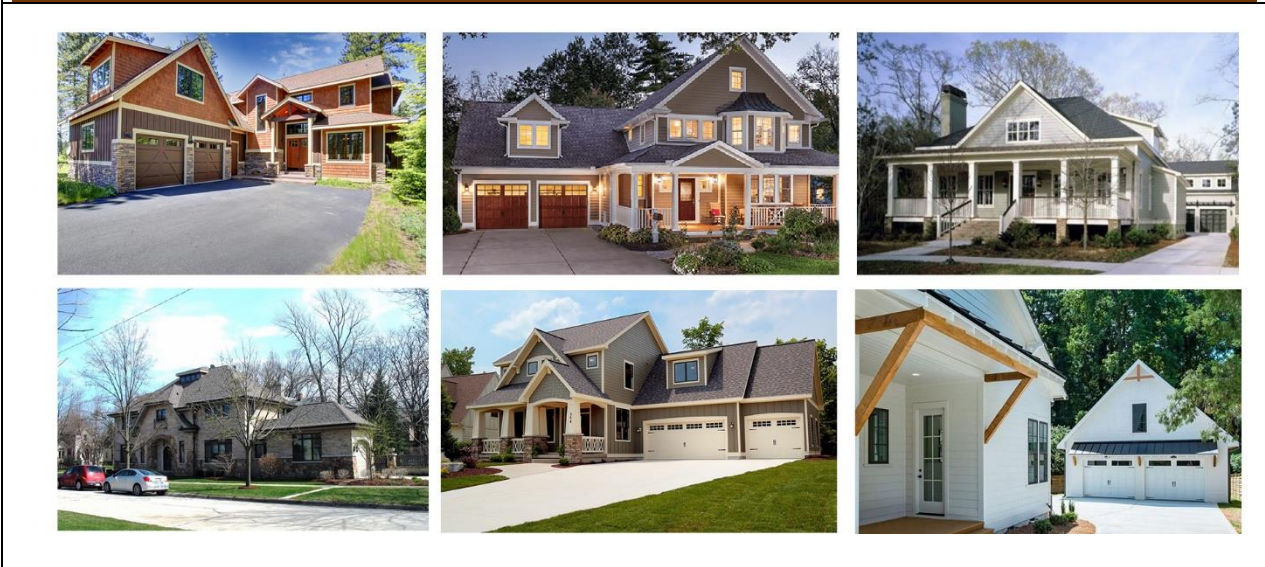
Structures with garages shall configure the garage in accordance with one of the following options (see Figure 6.2.3.D.11, Garages):

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- i. The garage is side entry, so garage doors are perpendicular or radial to the street facing the front facade.
- ii. The garage is front-entry and set back at least ten feet from the front facade plane of the dwelling.
- iii. The garage is located behind the rear facade of the dwelling, may be detached or attached to the principal structure, and the garage doors may face any direction.
- iv. The garage is rear entry, so garage doors are on the opposite side of the house from the front facade.

FIGURE 6.2.3.D.11, GARAGES



12. MATERIALS

- i. Exterior materials on the front façade shall not change at outside corners, but shall continue along the side or rear facades for a minimum distance of at least six feet. Wherever possible, materials shall continue to a logical termination point such as a change in roof line or where a separate wing meets the main body of the dwelling.
- ii. Exterior material changes shall take place along a horizontal line where two forms meet, such as the wall and the foundation, the first and second stories, or the wall and roof. It is acceptable for material changes to be configured as architectural accents in areas around windows, doors, cornices, at corners, or in a repeating pattern across a façade (see Figure 6.2.3.D.12, Materials).
- iii. Where two or more exterior materials meet or are combined, the heavier or more massive material shall be located below the lighter element(s). For example, brick below wood siding, stone below brick, wood siding below stucco, etc.
- iv. It is acceptable for heavier materials to be used as accents around doors, windows, and corners.

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FIGURE 6.2.3.D.12, MATERIALS

LEGEND

- A Exterior Materials Continue
- B Change in Logical Location
- C Changes at Horizontal Lines
- D Heavier Material Below Lighter
- E Heavy Materials as Accents



E. ADDITIONAL GUIDELINES FOR SINGLE-FAMILY ATTACHED DEVELOPMENT

1. MAXIMUM NUMBER OF DWELLINGS PER STRUCTURE

In no instance shall an individual structure contain more than six single-family attached dwelling units in a side-by-side configuration.

2. GARAGES

Garages serving individual single-family attached residential dwelling units shall be detached or shall be rear loaded.

3. GUEST PARKING

Guest parking spaces required by Section §6.8, Parking and Loading, shall be identified and shall be dispersed throughout the development.

4. SHARED REFUSE COLLECTION AREAS

Shared refuse collection areas shall be screened in accordance with Section 6.5.12, Screening, and shall be either centrally located or dispersed throughout the development.

F. ADDITIONAL GUIDELINES FOR TWO-FAMILY DEVELOPMENT

1. Utilities and ground-based mechanical equipment shall be consolidated or located in a central location, to the maximum extent practicable.

2. Ground-based mechanical equipment, including but not limited to: HVAC condensers, generators, and similar appurtenances, shall not be located between the primary building façade and the street it fronts.

G. COMPLIANCE VOLUNTARY

1. Compliance with the design guidelines in this section is voluntary and at the discretion of the landowner seeking to have development approved. In cases where a landowner chooses to comply with the guidelines in this section, the landowner shall sign the following

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statement of consent and include it with the application for a preliminary plat, special use permit, site plan, zoning compliance permit, or planned development, as appropriate.

The single-family detached dwellings, single-family attached dwellings, or duplex dwellings depicted on the attached site plan, subdivision plat, or other development approval is subject to the Edgecombe County's Residential Design Guidelines in place at the time the application for this development was determined to be complete. I understand that by consenting to follow these design guidelines, they become mandatory and failure to comply with them is a violation of the Unified Development Ordinance. I am authorized to, and do hereby voluntarily consent to, the application of these design guidelines to the land and development in question. I understand that the applicability of these guidelines shall run with the land regardless of changes in ownership as long as the land is used for single-family detached, single-family attached, or duplex dwellings.

Landowner Signature

Date

2. In the event an applicant seeking to establish single-family attached development desires to follow the multi-family design standards in Section 6.2.2, Multi-Family Design Standards, instead of the residential guidelines for attached residential dwellings in this section, the following statement of consent shall be signed and included with the application for a preliminary plat, special use permit, site plan, or zoning compliance permit, as appropriate.

The single-family attached dwellings depicted on the attached site plan, subdivision plat, or other development approval is subject to the Edgecombe County's Multi-Family Residential Design Standards in place at the time the application for this development was determined to be complete. I understand that by consenting to follow these design standards, they become mandatory and failure to comply with them is a violation of the Unified Development Ordinance. I am authorized to, and do hereby voluntarily consent to, the application of these design standards to the land and development in question. I understand that the applicability of these standards shall run with the land regardless of changes in ownership as long as the land is used for single-family attached dwellings.

Landowner Signature

Date

3. Proof of recording of the signed statement of consent in the office of the Register of Deeds for Edgecombe County shall be required prior to issuance of a zoning compliance permit.

§6.3. EXTERIOR LIGHTING

6.3.1. PURPOSE AND INTENT

The purpose of these standards is to control light trespass and glare so as not to adversely affect motorists, pedestrians, or adjacent properties. Lighting intensities should be controlled to assure public health, safety, and welfare. Further, it is the intent of this section to:

- A.** Maintain the minimal amounts of exterior lighting needed for night-time safety, security, commerce, and enjoyment;
- B.** Minimize the adverse off-site impacts of light pollution such as glare, and light trespass, and obtrusive light;
- C.** Promote the conservation of energy;
- D.** Help protect the natural environment from the adverse effects of nighttime lighting; and
- E.** Provide adequate lighting for pedestrian and bicycle safety.

6.3.2. APPLICABILITY

A. GENERALLY

The provisions of this section shall apply to all multi-family, single-family attached residential, mixed-use, and non-residential development unless exempted in accordance with **Section 6.3.3, Exemptions**.

B. SINGLE-FAMILY DETACHED RESIDENTIAL DEVELOPMENT

Single-family detached residential development shall comply with the standards in **Section 6.3.4, Prohibited Lighting**, and **Section 6.3.7, Glare**, but shall be exempted from the rest of the standards in this section.

C. EXPANSION OR REMODELING

All expansions or remodeling of principal buildings, parking areas, or open uses of land shall comply with these standards, subject to the requirements in **Section §5.4, Nonconforming Sites**.

6.3.3. EXEMPTIONS

The following forms of exterior lighting or activities are exempt from the requirements of this section:

- A.** Special events and holiday displays;
- B.** FAA-required lighting on buildings, towers, or other structures;
- C.** Interior lighting for stadiums, arenas, and similar facilities;
- D.** Security lighting that is shielded or aimed towards the ground, that are controlled and activated by motion sensor devices, and that remains lit for a duration of 10 minutes or less; and
- E.** Temporary lighting necessary for construction or emergencies, when used by construction workers or emergency personnel.

6.3.4. PROHIBITED LIGHTING

The following forms of exterior lighting shall be prohibited:

A. TRAFFIC CONTROL SIGNALS

- 1.** Lighting that imitates an official highway or traffic control light or sign;
- 2.** Lighting in the direct line of sight with any traffic control light or sign;

B. FLASHING OR REVOLVING

Lights that flash, move, revolve, rotate, sparkle, blink, flicker, vary in intensity or color, or use intermittent electrical pulsation;

C. HIGH INTENSITY LIGHTING

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§6.3. Exterior Lighting

1. High intensity light beams, such as searchlights or laser lights, except when used by federal, State, or local authorities; or
2. High intensity LED or neon lighting fixtures mounted around the interior or exterior of a window, door, or other architectural feature on a structure.

D. LUMINOUS TUBE LIGHTING

Luminous tube lighting (e.g., neon, rope lighting, LED strip, etc.) is prohibited on building exteriors and in configurations where it outlines a window or glass door from the inside of a structure.

6.3.5. LIGHTING PLAN

A. APPLICABILITY

1. An exterior lighting plan shall be required for development that includes a total illuminated area exceeding 10,000 square feet in area.
2. Projects with multiple areas proposed to be illuminated (such as separate parking lots) shall submit a site lighting plan if the sum of the illuminated areas exceeds 10,000 square feet.

B. ELEMENTS TO INCLUDE

In cases where an exterior lighting plan is not required or prepared, a site plan, if required, must indicate the following:

1. Exterior lighting fixture type;
2. Exterior lighting pole height;
3. Exterior lighting fixture shielding; and
4. A statement by the applicant that any proposed exterior lighting complies with the applicable requirements in this section.

C. CERTIFICATION REQUIRED

Certification must be provided by the person preparing a lighting plan that the proposed development complies with the exterior lighting standards of this section.

6.3.6. EXTERIOR LIGHTING STANDARDS

A. GENERAL STANDARDS

All exterior lighting shall comply with the following general standards:

1. Vehicular areas such as exterior parking lots and driveways shall maintain a minimum threshold of ambient lighting in accordance with [Table 6.3.9, Maximum Illumination Levels](#), so that all light produced is as unobtrusive as possible, while also meeting functional needs such as safe circulation and protection of people and property.
2. Building entrances and public gathering areas shall utilize lighting that defines, high-lights, or enhances the space without glare or light trespass onto neighboring properties.
3. The style of light standards and fixtures shall be consistent with the style and character of architecture proposed on the site.
4. Shielded floodlights, spotlights, or any other similar lighting may be used to accent architectural elements but shall not be used to illuminate entire building facades.

B. SHIELDING

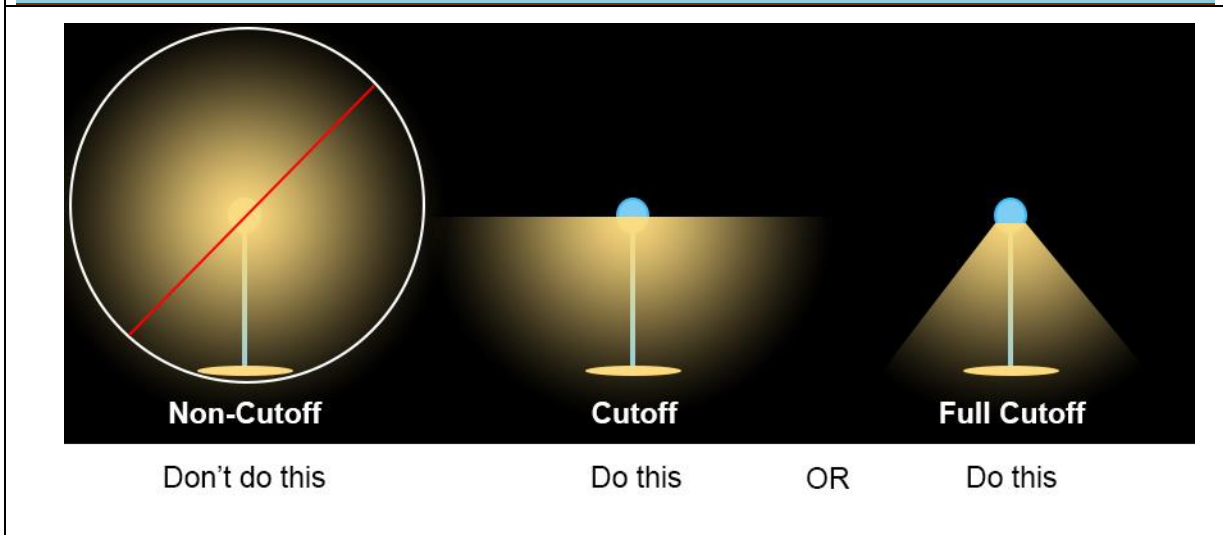
1. Overhead lighting fixtures shall be designed to prevent light from emitting upwards towards the sky.
2. Under canopy lighting fixtures should be completely recessed within the canopy so that no source of illumination is visible except from directly underneath the light fixture.

ARTICLE 6. STANDARDS

§6.3. Exterior Lighting

3. Wall packs shall be full cut-off and wall-mounted floodlights shall be shielded (e.g., true cut-off type bulb or light source not visible from off-site) to direct light downward (see Figure 6.3.6, Shielding).
4. No unshielded exterior light shall be installed with a light output of greater than 1,100 lumens.

FIGURE 6.3.6, SHIELDING



C. FIXTURE HEIGHT

1. Lighting fixtures shall be a maximum of 30 feet in height within the parking lot and shall be a maximum of 15 feet in height within non-vehicular pedestrian areas.
2. All light fixtures located within 50 feet of any single-family detached or duplex dwelling located in a residential zoning district shall not exceed 15 feet in height.

D. LAMP TYPE

1. Incandescent, florescent, metal halide, light-emitting diode (LED), or color corrected high-pressure sodium lamps are permitted.
2. Non-color-corrected high pressure sodium lamps are prohibited.
3. Other lamp types are allowed when the color emitted is similar to the permitted lamp types.
4. The same lamp type must be used for the same or similar types of lighting throughout a development.

E. MOUNTING LOCATION

Exterior lighting shall be mounted and configured in such a manner so that the cone of illumination is contained on-site and does not cross any lot line around the perimeter of the site.

F. APPEARANCE

1. Exterior lighting fixtures shall be designed as an integral element that complements the design of the project through compatible style, material, and color.
2. Exterior lighting fixtures shall be designed in a consistent and coordinated manner for the entire site.

6.3.7. GLARE

Exterior lighting fixtures located on private property and visible from a residential land use shall be configured so that the source of illumination (the bulb) is not visible from the residential land use (see Figure 6.3.7, Glare).

ARTICLE 6. STANDARDS

§6.3. Exterior Lighting

FIGURE 6.3.7, GLARE

LEGEND

- A** Overhead Lighting Designed to Direct Light Downward
- B** Under Canopy Fixture Completely Recessed
- C** Wall Packs Cut-Off
- D** Flood Lights Directed Downward
- E** Light Source Not Visible From Residential Uses



6.3.8. ADDITIONAL STANDARDS FOR RECREATIONAL LIGHTING

Ball fields, basketball courts, tennis courts, swimming pools, outdoor performance areas, and similar recreational uses shall meet the following standards:

- A.** Outdoor recreational lighting shall not exceed a maximum permitted post height of 30 feet within non-residential and mixed-use districts and 20 feet in residential districts.
- B.** Lights shall be shielded and positioned so as not to shine onto adjacent roadways or adjacent lots.
- C.** No overhead lights shall be left turned on when the recreational area is not in use or no later than 10:00 PM.
- D.** Poles shall be matte or low-gloss finish to minimize glare from the light source.

6.3.9. MAXIMUM ILLUMINATION LEVELS

A. REQUIREMENTS

Exterior lighting serving development subject to these standards shall be designed and located such that the maximum illumination measured in lumens shall not exceed the standards in Table 6.3.9, Maximum Illumination Levels.

B. MEASUREMENT

Measurement of exterior illumination shall be in accordance with Section 8.3.13, Exterior Lighting.

C. NONCONFORMING LIGHTING

- 1.** Lighting fixtures that do not comply with these standards that were lawfully established as of November 1, 2021, may remain, and shall be considered nonconforming structures.
- 2.** Any modifications, replacement, or expansions to the exterior lighting facilities serving a development shall conform to the standards of this Ordinance.

ARTICLE 6. STANDARDS

§6.3. Exterior Lighting

TABLE 6.3.9: MAXIMUM ILLUMINATION LEVELS

TYPE OF ABUTTING USE OR ZONING DISTRICT	MAXIMUM ILLUMINATION LEVEL AT THE LOT LINE (LUMENS/SF)
Single-family residential or duplex use or land zoned for single-family development	0.5
Multi-family or mixed-use development or land zoned for multi-family or mixed-use development	1.0 /2/
Mixed-use development or land zoned for non-residential development	1.5 /2/
Institutional use or land zoned for institutional development	2.0 /2/
Commercial or industrial use or land zoned for uses other than residential	3.0 /2/
Public or private street right-of-way	5.0 /3/

NOTES:

/1/ 1 lumen per square foot is equivalent to 1 footcandle.

/2/ In cases where a single development occupies multiple lots, the lot line shall be the lot line(s) around the perimeter of the project.

/3/ Parking lots, vehicular accessways, and driveways serving multi-family, non-residential, and mixed-use development shall maintain a minimum ambient lighting level of 0.5 lumens or more in all locations, though minimum ambient lighting levels may be lower as necessary to comply with applicable maximum illumination levels at lot lines.

§6.4. INFRASTRUCTURE**6.4.1. APPLICABILITY**

- A.** The standards in this section shall apply to the construction, installation, and maintenance of public and private utilities located in a public street right-of-way, private street right-of-way, or utility easement located outside of a street right-of-way.
- B.** These standards shall apply to any development consisting of a subdivision, site plan, planned development, special use permit, or development subject to a building permit.
- C.** Required infrastructure located in the special flood hazard area shall also comply with the applicable standards in Section 3.4.3, Flood Hazard Overlay (FHO) District.

6.4.2. GENERALLY**A. CONSISTENCY WITH ADJACENT DEVELOPMENT**

Whenever it can reasonably be anticipated that utility facilities constructed in one development will be extended to serve other adjacent or nearby developments, the utility facilities (such as water or sewer lines) shall be located and constructed in accordance with the standards in this section so that extensions can be made conveniently and without undue burden or expense or unnecessary duplication of service.

B. AS-BUILT PLANS REQUIRED

- 1.** Whenever a developer installs or causes to be installed any water, sewer, or other infrastructure, the developer shall, as soon as practicable after installation is complete, and before acceptance, furnish the County with an as-built plan prepared by a professional engineer that shows the exact location and configuration of the utility. Nothing shall limit the depiction of more than one type of utility on the same as-built plan sheet.
- 2.** The as-built plan must be verified as accurate by the utility service provider. Compliance with this requirement shall be a condition of the continued validity of the permit authorizing the development.
- 3.** As-built plans shall be prepared and verified prior to issuance of a certificate of occupancy, commencement of operation, approval of a final plat, or release of a performance guarantee, as appropriate.

C. MAINTENANCE REQUIRED

- 1.** Required infrastructure installed or caused to be installed by a developer and intended for ownership or operation by another entity shall be maintained by the developer until such time as the infrastructure is accepted by the entity who will own or operate it.
- 2.** All utility facilities shall be constructed in a manner as to minimize interference with pedestrian or vehicular traffic and to facilitate maintenance without undue damage to improvements or facilities located within the development.

D. DEDICATION AND ACCEPTANCE**1. STREETS AND ASSOCIATED FACILITIES**

- i.** The subdivider or developer shall install all streets in accordance with all NCDOT standards, the standards in this Ordinance, and any applicable State or federal requirements.
- ii.** The County shall not accept dedication of rights-of-way or maintenance responsibilities for streets and associated facilities (including curb and gutter, streetlights, street signs, traffic control devices, and stormwater management facilities within a street right-of-way).

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- iii. Streets or roads and their associated infrastructure shall remain under private ownership or be dedicated to the NCDOT, in accordance with NCDOT requirements.

2. POTABLE WATER

- i. The subdivider or developer shall install all potable water supply lines and meters in accordance with the standards in this Ordinance, all applicable County requirements, water service provider standards, and other State or federal requirements.
- ii. Potable water supply lines, including water tanks, distribution lines, water mains, and laterals shall be dedicated to the entity providing potable water for maintenance and operation. Supply lines serving individual lots or uses beyond the water meter shall not be the responsibility of the County or other entity providing potable water.

3. WASTEWATER SYSTEM

- i. In cases of development being served by a public or central private sewage systems, the subdivider or developer shall install all sewer lines in accordance with the standards in this Ordinance, the wastewater service provider, and other State or federal requirements.
- ii. Sanitary sewage lines, including pump stations and treatment facilities shall be dedicated to the wastewater service provider for maintenance and operation. Sewer lines serving individual lots or uses prior to their connection to the central collection system shall not be the responsibility of the County.
- iii. Centralized private sewage systems shall be offered for dedication to the County, who may choose to accept the system in the sole discretion of the Board of County Commissioners.

4. STORMWATER MANAGEMENT FACILITIES

- i. The subdivider or developer shall install all stormwater management facilities in accordance with the standards in this Ordinance and any applicable State or federal requirements.
- ii. The County shall not accept dedication of land occupied by a stormwater management facility or maintenance responsibilities, though the County shall require posting of a performance guarantee for stormwater management facility maintenance in accordance with [Section §6.12, Stormwater](#).
- iii. The County may require granting and recordation of an access and maintenance easement to allow the County or its designated representatives to access and maintain a stormwater management facility required by this Ordinance.

5. PUBLIC PARKLAND

- i. Land designated as public parkland on a final plat shall be considered to be offered for dedication until such offer is accepted by the County. The offer may be accepted through conveyance of fee simple marketable title (unencumbered financially and environmentally) of the land to the County at the time of final plat recordation.
- ii. Until such offer of dedication is accepted by the County, land offered for dedication may be used for open space purposes by the landowner or by the owners' association. Land offered for dedication shall not be used for any purpose inconsistent with the proposed public use.

6.4.3. STREETS

A. ALL STREETS AND RIGHTS-OF-WAY TO MEET STATE REQUIREMENTS

- 1. All streets and rights-of-way shall be designed, constructed, and maintained in accordance with the standards established for the particular type of street in question by the NCDOT,

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unless a higher or more restrictive standard is established by this Ordinance, in which case the street shall meet that higher or more restrictive standard.

2. When a municipality providing the proposed subdivision with utility service(s) requires that its public road standards be adhered to and where those standards exceed the NCDOT road standards, the municipality's road standards shall control.

B. CONSTRUCTION STANDARDS FOR ROADS DEDICATED TO THE STATE

1. All streets intended for dedication to the State shall have rights-of-way and construction meeting the standards contained in the Subdivision Roads, Minimum Construction Standards Handbook, as revised, published by the NCDOT. The District Highway Engineer shall approve the plat with respect to road construction, road width, and right-of-way prior to recording. Without the approval, the plat cannot be recorded.
2. Once the development meets the minimum housing requirements for state road acceptance, the developer shall petition NCDOT for state road acceptance. After inspection and upon receipt of outcome of the inspection, the developer shall have 12 months to turn over roads to NCDOT.

C. CONFORMANCE WITH THOROUGHFARE PLANS

1. The location and design of roads shall be in conformance with any applicable, adopted Thoroughfare Plan. Where conditions warrant, right-of-way widths and pavement widths in excess of the minimum road standards may be required.
2. The final determination of the classification of roads in a proposed subdivision shall be made by the County.

D. GENERAL LAYOUT OF STREETS

1. Streets shall be related appropriately to the topography and designed to facilitate the drainage and storm water runoff.
2. Street grades shall be governed by DOT requirements and shall conform as closely as practicable to the original topography.
3. Half streets (such as streets of less than the full required right-of-way and pavement width) shall not be permitted, except where the streets, when combined with a similar street, developed previously or simultaneously, on property adjacent to the subdivision, creates or comprises a street that meets the right-of-way and pavement requirements of this Ordinance.

E. PUBLIC STREET DESIGN CRITERIA

Public streets shall be designed in accordance with the North Carolina Department of Transportation (NCDOT) Subdivision Roads; Minimum Construction Standards.

F. COMPLIANCE WITH ACCESS AND CIRCULATION STANDARDS

New streets and changes to existing streets located within a single lot or tract or unified development shall also be subject to the standards in [Section §6.1, Access and Circulation](#).

G. STREET INTERSECTIONS

Street intersections shall be configured in accordance with the following standards:

1. Not more than two streets shall intersect at any one point unless the NCDOT certifies that such an intersection can be constructed with no extraordinary danger to public safety.
2. Streets shall intersect at right angles to the maximum extent practicable, and no two streets shall intersect at less than 75 degrees.
3. Whenever possible, proposed intersections along one side of a street shall coincide with existing or proposed intersections on the opposite side of the street.

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4. Where a street center line offset (jog) occurs at an intersection, the distance between centerlines of the intersecting streets shall be not less than 150 feet.
5. Except when no other alternative is practicable or legally possible, no two streets may intersect with any other street on the same side at a distance of less than 200 feet measured from centerline to centerline of the intersecting street. When the intersected street is an arterial, the distance between intersecting streets shall be at least 1,000 feet, unless no other alternative is practicable.
6. The grade on streets approaching an intersection where stopping a vehicle may be required shall not exceed five percent for a distance of not less than 100 feet from the centerline of the intersection, unless topographical conditions dictate otherwise.

H. TURN LANES REQUIRED

Turn lanes for either or both left and right turns into a commercial or residential subdivision driveway may be necessary for safety when there are high roadway and/or turning volumes or traffic, when the roadway speeds are moderate or high, or where needed due to limited sight distance. When provided, turn lanes shall be configured in accordance with the following:

1. The final determination for the need, location, and design of a turn lane is the responsibility of the NCDOT.
2. Left and right turn lanes shall be constructed in accordance with NCDOT standards and specifications.
3. Right-turn lanes shall be constructed entirely within the frontage of the property being served, since an adjacent development might subsequently require an entrance that would otherwise encroach into the turn lane.
4. The NCDOT may require an undivided highway to be widened when the median has an inadequate width for a left turn lane.

I. DECELERATION LANES ON MAJOR ARTERIAL STREETS REQUIRED

1. Any use capable of generating more than 60 trips per peak hour, as estimated by using NCDOT guidelines or the Institute of Traffic Engineers Trip Generation Manual, shall provide at least one deceleration lane per street front in accordance with NCDOT standards when the use is located along a major arterial street.
2. Deviations from these requirements may only be authorized when the NCDOT indicates that a particular development design or technique can still achieve a satisfactory level of access control consistent with the objectives of this section.

J. CONFORMANCE WITH ADJOINING STREET SYSTEMS

The planned road layout of a proposed subdivision shall be compatible with existing or proposed streets and their classifications on adjoining or nearby tracts.

K. DEVELOPMENT ENTRY POINTS

1. Except for conservation subdivisions, all residential subdivisions with 20 or more lots shall be served by at least two vehicular development entry points, to the maximum extent practicable.
2. If the subdivision contains less than 20 lots, but the parent tract includes sufficient land to potentially accommodate 20 or more lots, then easements for future ingress and egress in accordance with [Section 6.4.3.L](#), Coordination and Continuation of Streets, may be required.
3. Development shall be exempted from these standards if it is demonstrated the following conditions apply:
 - i. No other street access points can be located due to existing lot configurations, absence of connecting streets, environmental, or topographic constraints;
 - ii. NCDOT will not authorize the required number of entrances; or

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- iii. Alternative access can be provided in a manner acceptable to the County that is supported by a transportation impact analysis.

L. COORDINATION AND CONTINUATION OF STREETS

1. The arrangement of streets in a development shall provide for the alignment and continuation of existing or proposed streets into adjoining lands in those cases in which the adjoining lands are undeveloped and deemed appropriate for future development or in which the adjoining lands are developed and include opportunities for such connections.
2. Street rights-of-way shall be extended to or along adjoining property boundaries such that a roadway connection or street stub shall be provided for development where practicable and feasible in each direction (north, south, east, and west) for development which abuts vacant lands. In cases where the property boundary is within a drainage swale, the roadway connection or street stub shall terminate at the edge of the swale, and the developer shall post a performance guarantee with the County to ensure funds are available to complete the street connection.
3. When adjacent property is landlocked, the subdivider shall be required to provide an access easement for a future road to access such property in a location that is practical and allows for a logical extension of the street network and maximizes the efficient use of land. The subdivider shall grant an easement for the road to the benefit of the adjacent property. The easement shall:
 - i. Be labeled "RESERVED FOR FUTURE ROAD" on all plats, and must have setbacks on that side treated as a street setback; and
 - ii. Give the current and future owner(s) of the adjacent property the right to construct the road as either a public or private road and to dedicate the easement as a public or private road right of way if the road is constructed as a public or private road; and
 - iii. Have a width sufficient to allow the construction of a public or private road meeting the standards of this Ordinance.
4. Arterial and collector streets shall intersect with surrounding collector or arterial streets at safe and convenient locations, as determined by the NCDOT and Zoning Administrator.
5. At all locations where streets terminate with no street connection, but a future connection is planned or accommodated, a sign shall be installed at the location with the words "FUTURE ROAD CONNECTION" to inform property owners.
6. The final plat shall identify all stub streets and include a notation that all street stubs are intended for connection with future streets on adjoining undeveloped or underdeveloped lands.
7. The use of residential strips of land in order to prevent the extension of proposed or existing streets or access thereto is prohibited.
8. Where access to a subdivision site is by a street that does not meet State standards, that street shall be improved by the developer in order to meet current State standards.

M. CUL-DE-SAC STREET DESIGN

All dead-end streets (excluding temporary dead-end streets) shall be designed as cul-de-sacs, in accordance with the following standards:

1. No cul-de-sac or dead-end street shall exceed 1,000 feet in length nor be less than 100 feet in length, as measured from the closest street intersection centerline.
2. Cul-de-sacs shall be designed and constructed to meet State standards and National Fire Protection Association standards.
3. The entrance into a cul-de-sac shall be flared by sufficient width to ensure proper turning radius for emergency vehicles upon entering and exiting the cul-de-sac.

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4. Streets that include roundabouts shall not be considered cul-de-sacs or dead-end streets.

N. CURB AND GUTTER

Curbs and gutters, if provided, shall be constructed in conformance with the design criteria of the NCDOT.

O. VEHICULAR GATES

1. For the purposes of preserving access to public and private lands by citizens, utility companies, and emergency service providers, vehicular gates, barriers, or other devices intended to obstruct vehicular traffic along a public street right-of-way are prohibited.
2. Vehicular gates are allowed on private streets and accessways serving up to four lots, provided the gate is equipped with County-approved devices that allow emergency services to gain access to the street and it meets all requirements set forth in the currently adopted version of the North Carolina Fire Code.

P. STREET NAMES

1. Streets which are obviously in alignment with existing streets shall generally bear the name of the existing street.
2. Street names shall not duplicate or closely approximate phonetically the names of existing streets in Edgecombe County or municipalities in close proximity.
3. Street names shall include a suffix such as, circle, court, place, loop, street, road, or other typical suffix. Street suffixes and addresses shall conform to the standards established by Edgecombe County.
4. In assigning new street names, duplication of existing names shall be avoided and in no case shall the proposed name be phonetically similar to existing names irrespective of the use of a suffix such as street, road, drive, place, court, or similar terms.

Q. STREET NAME SIGNS AND TRAFFIC CONTROL SIGNALS

1. Road name and traffic control signs which meet Edgecombe County and NCDOT specifications shall be placed at all road intersections.
2. The developer shall purchase all road signs through the County according to a fee schedule established by the Board of Commissioners.
3. The developer shall be responsible for installing all traffic control signs.
4. The maintenance of signs on private roads, drives, or lanes shall be the responsibility of the owner or of an Owners' Association, as applicable.

R. PRIVATE ROAD DESIGN CRITERIA

1. WHERE PERMITTED

- i. Private roads shall be permitted in developments with Owners' Associations and in unified developments, provided that the private road meets the applicable standards for a public street.
- ii. All private roads will be indicated as such on the preliminary and final plats.

2. MINIMUM DESIGN AND CONSTRUCTION

- i. Private roads shall comply with the minimum NCDOT construction standards for subdivision roads except as expressly permitted in this subsection.
- ii. The area of the private road right-of-way provided for travel shall either be stoned or paved. In the event that a stone surface is applied, it shall be crusher run compacted to a minimum depth of six inches. In locations where soil conditions require additional stone to attain a stable road bed, the developer shall add the required amount of stone before procuring approval of the final plat. Paved private streets shall be designed by a professional engineer or a registered land surveyor.

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iii. All private roads shall have a minimum right-of-way width of at least 50 feet. The minimum travel width shall be 12 feet for private roads that provide access to no more than three dwellings and 18 feet for private streets that provide access to four or more dwellings or to non-residential uses.

iv. The design of stormwater drainage systems shall be prepared by a professional engineer or a registered land surveyor.

3. OWNERS' ASSOCIATIONS REQUIRED

An owners' association is required to own and maintain all private roads allowed under this Ordinance.

4. PRIVATE THROUGH ROADS

No through road in a residential area connecting two public streets can be designated as a private road, unless approved by the Board of Commissioners.

5. CONNECTIONS TO PUBLIC STREETS

All private roads, connecting with public streets, require an approved driveway application from the NCDOT.

6. DISCLOSURE STATEMENT

A disclosure statement in accordance with Section 136-102.6 of the North Carolina General Statutes shall be recorded simultaneously with the plat and referenced on the final plat. The disclosure statement must contain the provision(s) for construction and/or maintenance of the private road.

6.4.4. BRIDGES

All roads crossing natural areas, wetlands, or stream buffers must cross at or as near to 90 degrees as possible within topographic limits.

6.4.5. SIDEWALKS

In the event sidewalks are constructed along or within a public or private street right-of-way or easement, the minimum width shall be at least four feet, and they shall be configured in accordance with accepted standards for sidewalk construction.

6.4.6. DRAINAGE FACILITIES

- A. An adequate drainage system, including necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., shall be provided for the proper drainage of all surface water. Banks of ditches shall be immediately seeded upon grading and installation of utilities and the ditch itself shall be improved with appropriate vegetative cover to retard erosion.
- B. The storm drainage system shall follow existing topography as nearly as practical, shall divert stormwater away from surface waters, and shall incorporate stormwater Best Management Practices to minimize adverse water quality impacts.

6.4.7. POTABLE WATER

A. GENERALLY

- 1. Every lot within a subdivision or subject to a site plan (see [Section 2.3.19, Site Plan](#)) shall be served by a means of a potable water supply that is adequate to accommodate the reasonable needs of the use or subdivision lot(s).
- 2. The County may, before issuing any approval under this Ordinance, make the investigation and require the developer to submit the information as appears reasonably necessary to ensure that the developer or a successor will be able to comply with the potable water supply requirements of this Ordinance.

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B. CONNECTION TO WATER SYSTEM REQUIRED

1. Connection of each lot to a municipal potable water supply system shall be mandatory if any portion of the development is or will be within 300 linear feet of a municipal water line that is adequate to serve the proposed development.
2. This requirement may be waived, on a case-by-case basis when existing geographic or topographic features make such connection infeasible.
3. In cases where connection a municipal water supply system is infeasible, but the development is served by a community-level water supply system, connection to the community system shall be required for all lots in the development.
4. In cases where no municipal or community-level water supply system is proposed, on-site potable water may be provided in accordance with all applicable Edgecombe County standards.

C. CONFIGURATION

All materials, pipes, and fixtures shall meet or exceed the requirements established by State law or water provider requirements for the potable water system.

6.4.8. WASTEWATER TREATMENT

A. GENERALLY

1. Every lot within a subdivision intended to be developed or lot subject to a site plan (see Section 2.3.19, Site Plan) shall be served by a wastewater disposal system that is adequate to accommodate the reasonable needs of the use or subdivision lot and that complies with all applicable County, service provider, and State or federal requirements.
2. The County may, before issuing any approval under this Ordinance, make the investigation and require the developer to submit the information as appears reasonably necessary to ensure that the developer or a successor will be able to comply with the wastewater treatment requirements of this Ordinance.
3. No wastewater treatment system that discharges into surface waters shall be allowed.

B. CONNECTION TO WASTEWATER SERVICE REQUIRED

1. Connection of each lot to a municipal sanitary sewer system shall be mandatory if any portion of the development is or will be within 300 linear feet of a gravity-fed municipal sewer line that is adequate to serve the proposed development.
2. This requirement may be waived, on a case-by-case basis when existing geographic or topographic features make such connection infeasible.
3. In cases where connection a municipal sewer system is infeasible, but the development is served by a community-level wastewater treatment system, connection to the community system shall be required for all lots in the development.
4. All materials and pipes for the sanitary sewer system shall meet or exceed the requirements established by the service provider or State law.
5. In cases where no connection to a municipal system or community-level treatment system is proposed, an on-site wastewater treatment system may be provided in accordance with the standards in this Ordinance.

C. ON-SITE WASTEWATER SERVICE

1. In cases where on-site wastewater service is anticipated, lots shall be evaluated, at the developer's expense, in accordance with Laws and Rules for Sanitary Sewage Collection, Treatment, and Disposal in 15 A NCAC 18 A 1990.
2. Prior to the approval of a site plan or subdivision with development to be served by on-site wastewater service, the applicant shall obtain a soils report prepared for the Edgecombe

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County Health Department or shall obtain approval of each lot by the Edgecombe County Health Department.

3. In no instance shall a final plat be recorded for lots served by on-site wastewater service with approval of each lot by the Edgecombe County Health Department.
4. In cases where lots proposed for on-site wastewater service have been denied by the Edgecombe County Health Department, the final plat shall label such lots with crosshatch and the phrase: "NO IMPROVEMENT PERMIT HAS BEEN ISSUED FOR THIS LOT."

6.4.9. FIRE PROTECTION

- A. Every subdivision or development subject to a site plan (see Section 2.3.19, Site Plan) that is served by a public water system with at least six-inch water lines shall include a system of fire hydrants configured in accordance with these standards.
- B. Fire hydrants must be located so that not more than 400 linear feet, measured along the centerline of the street right-of-way, separates a property within the development and a fire hydrant. However, the County or water service provider may require a deviation from the standards in this section if a different configuration is warranted.
- C. Local fire officials shall determine the precise location of all fire hydrants.
- D. Fire hydrants shall be placed six feet behind the curb line of publicly dedicated streets that have curb and gutter and placed within ten feet of the edge of a street without curb and gutter.
- E. Additional lots subdivided from the same parent parcel/tract of land shall comply with these fire hydrant standards.

6.4.10. UNDERGROUND UTILITIES

- A. All new electric, telephone, and other utilities established to serve new development created after November 1, 2021, shall be placed underground.
- B. All utilities located within a County-maintained right-of-way shall be subject to the County's applicable requirements.

6.4.11. EASEMENTS

Easements for drainage or utilities may be required where necessary, and shall be provided in accordance with the following:

A. LOCATIONS

1. Easements shall be provided for electrical, telephone, natural gas, cable television, water, and sewer utilities where necessary to serve every platted lot.
2. The developer and the utility provider(s) shall agree on the location and the width of the easements.
3. Additional easement width may be required by the County due to topography or other physical features.
4. Where a conservation subdivision or other development concept is approved with zero lot lines, alternative easement locations may be considered.
5. Any easements for subsurface sewage disposal systems shall be delineated on the final plat and described by bearings and distances.
6. Easements for water and sewer service within a subdivision shall be extended to any lot line shared with vacant land unless the vacant land cannot be served by public water or sewer service due to topographic constraints, public ownership, or other limiting factors as determined under the sole discretion of the Board of County Commissioners.

B. EASEMENT OWNERSHIP

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1. In cases where a developer intends that utility facilities be owned, operated, or maintained by a public utility or any entity other than the developer, the developer shall transfer to the utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain the facilities.
2. In addition, the developer shall dedicate sufficient easement rights to accommodate the extension of utility service to adjacent or nearby properties whenever it can reasonably be anticipated.

6.4.12. STREET AND UTILITY CONSTRUCTION

A. PLANS

1. Construction plans for all street facilities shall be submitted to the NCDOT before development plan approval.
2. Construction plans for all water and sanitary sewer facilities shall be submitted to the appropriate utility provider before development plan approval.
3. For each subdivision section, the street and utility construction plans shall include all improvements lying within or adjacent to that section as well as all water and sanitary sewer lines lying outside that section and being required to serve that section.

B. NO CONSTRUCTION WITHOUT PLAN APPROVAL

1. No street improvements shall be constructed until the street construction plans have been reviewed and approved by the NCDOT.
2. No utility improvements shall be constructed until the utility construction plans have been reviewed and approved by the appropriate utility provider.

C. INSPECTION

Work performed pursuant to approved road and utility construction plans shall be inspected and approved by the NCDOT and the appropriate utility provider.

§6.5. LANDSCAPING AND SCREENING

6.5.1. PURPOSE AND INTENT

The purpose of these provisions is to establish minimum requirements for the provision and maintenance of functionally adequate, attractive screening and buffering of buildings, site features, and off-street parking areas. These standards are intended to:

- A.** Promote and increase design compatibility between different land uses, while ensuring attractive views from streets and adjacent properties;
- B.** Assist in delineating separations of spaces, structures, uses, and activities on a site, or between adjacent sites;
- C.** Shield adjacent properties from potentially adverse external impacts of adjacent land uses and activities;
- D.** Abate glare and moderate temperatures of impervious areas;
- E.** Help filter air of fumes and dust;
- F.** Provide shade;
- G.** Reduce noise;
- H.** Reduce the visual impact of large expanses of pavement;
- I.** Encourage the preservation of existing trees and vegetation;
- J.** Promote energy conservation;
- K.** Reduce the amount and rate of stormwater runoff and erosion;
- L.** Improve stormwater runoff quality;
- M.** Increase in the capacity for groundwater recharge; and
- N.** Safeguard and enhance property values;
- O.** Enhance the appearance and value of both residential and non-residential development; and
- P.** Enhance the County's competitive position in economic development and tourism by improving views, particularly along streets.

6.5.2. APPLICABILITY

The standards in this section apply to the following forms of development:

- A. NEW PRINCIPAL BUILDINGS OR USES**
New principal buildings or open uses of land, including publicly-owned buildings or sites, constructed, reconstructed, or established after November 1, 2021.
- B. IMPROVEMENTS AND EXPANSIONS**
All improvements, including expansions of principal buildings, parking areas, or open uses of land lawfully-established before November 1, 2021, shall comply with **Section §5.4, Nonconforming Sites**.
- C. MULTI-PHASE DEVELOPMENT**
Multi-family, non-residential, and mixed-use development that is planned and developed in phases shall be required to install landscaping that is associated with the active phase or phases only, unless an alternative arrangement is otherwise agreed to by the Zoning Administrator and the developer. An active phase of a development is the one that is subject to permitted and on-going development activity.

6.5.3. EXEMPTIONS

The following forms of development are exempted from these standards:

- A.** Changes to an existing or development of a new individual single-family detached or two-family dwelling on a residentially-zoned lot;
- B.** Routine maintenance of existing vegetation, such as watering and fertilizing;

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- C.** The removal of dead trees and shrubs, or trees and shrubs that have been diagnosed and determined to be diseased beyond treatment, provided the screening function of the landscaping is maintained or re-established. Failure to maintain the screening function of a required landscaping area is a violation of this Ordinance;
- D.** Pruning of vegetation, provided the screening function of the required landscaping is maintained. Severe pruning is a violation of this Ordinance, and shall require replacement of required vegetation; and
- E.** Repaving or restriping of a parking lot, provided there is no increase in parking lot size or the number of parking spaces, which would impact landscaping requirements.

6.5.4. LANDSCAPING PLAN REQUIRED

A. GENERALLY

- 1.** A landscape plan depicting how required landscaping will be planted in accordance with these standards shall be included with an application for site plan, preliminary plat, planned development master plan, special use permit, or building permit, as appropriate, to ensure compliance with this section.
- 2.** The landscape plan shall be approved prior to, or concurrent with, the approval of a site plan, preliminary plat, planned development master plan, special use permit, or the issuance of a building permit.
- 3.** A landscape plan shall contain, at a minimum, the following:
 - i.** Location of required planting material;
 - ii.** Grouping or clusters of planting material, if proposed;
 - iii.** Identification of required plants, including their scientific names;
 - iv.** Minimum and maximum dimensions of all planting yard areas;
 - v.** Calculations determining the number of canopy trees, understory trees, and shrubs required;
 - vi.** Locations, species, sizes, and methods of protection during construction for existing vegetation to be retained and counted towards minimum landscaping requirements; and
 - vii.** Existing topography, or proposed topography where site grading is proposed to occur.

B. PHASED DEVELOPMENT

Development subject to these standards that is planned in phases may submit a landscape plan for the entire development, or separate landscape plans for each phase, which shall be approved prior to approval of the final plat.

C. LANDSCAPING IN A STORMWATER RETENTION POND

If trees or shrubs are proposed on or within 20 feet of the embankment of a stormwater retention pond, a landscape plan showing the retention pond and surrounding landscaping must be submitted for review to determine that the safety and functionality of the device will not be compromised by the trees or shrubs.

6.5.5. PLANT MATERIAL SPECIFICATIONS

A. CANOPY TREE SIZE

- 1.** Canopy trees shall have a minimum height at maturity of 40 feet and a minimum crown width of 30 feet (see Figure 6.5.5, Plant Material Specifications).
- 2.** All canopy trees shall have a minimum height of eight feet, or more, and a minimum caliper size of two inches, or more, at planting (see [Section 8.3.11.A, Tree Size at Time of Planting](#)).
- 3.** Evergreen trees shall be a minimum of six feet in height at planting.

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§6.5. Landscaping and Screening

B. UNDERSTORY TREE SIZE

1. Understory trees shall have a minimum height at maturity of 15 to 40 feet, except that trees to be placed below overhead utility lines may not exceed a mature height of 20 feet (see Figure 6.5.5, Plant Material Specifications).
2. All understory trees shall have a minimum height of four feet, or more, and a minimum caliper size of one-and-one-half (1½) inches, or more, at planting (see Section 8.3.11.A, Tree Size at Time of Planting).
3. Drought tolerant understory trees shall have a minimum caliper size of one inch at planting.
4. Nothing shall limit the use of multi-stemmed understory trees provided that 25 percent or more of the leaders meet the requirements in Section 8.3.11.A, Tree Size at Time of Planting.

C. SHRUB SIZE

1. All shrubs shall be at least a three-gallon size and have a minimum height or spread of 18 inches at the time of planting (see Figure 6.5.5, Plant Material Specifications).
2. Shrubs shall reach a minimum height of 36 inches and a spread of 30 inches within three years of planting.
3. Decorative grasses may be proposed as a substitute for shrubs, provided the grasses meet the screening objectives and are approved by the Zoning Administrator.
4. Shrubs or grasses used to screen off-street parking areas shall be evergreen or retain their leaves/blades throughout the year.

D. SPECIES

1. Required landscaping materials shall be cold-hardy for the location where planted.
2. Plant species used in required landscaping areas must be native species or species of a locally-adapted nature. Other species require approval by the Zoning Administrator.

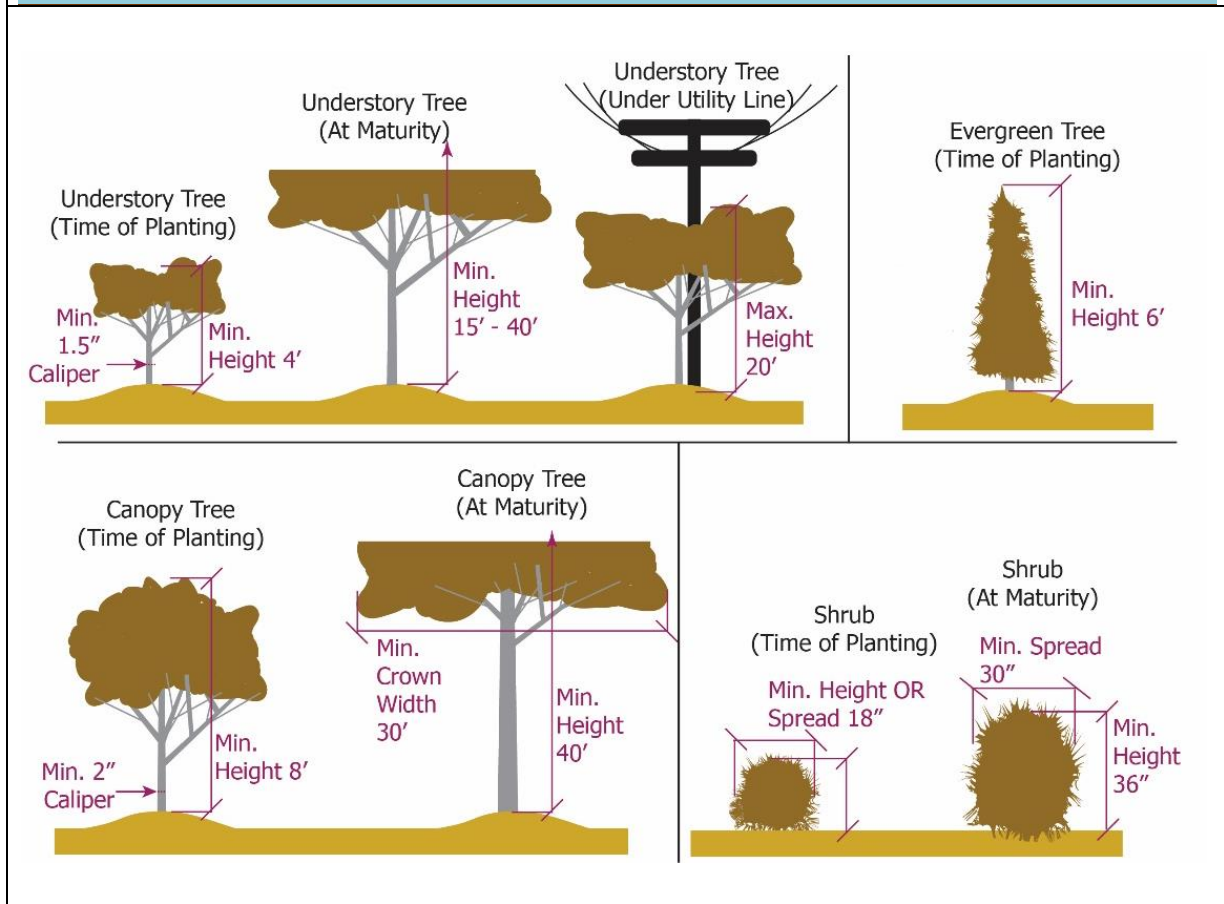
E. STABILIZATION

1. Required landscaping areas shall be stabilized and maintained with vegetative cover, mulch, decorative gravel, cinders, or other approved materials to prevent soil erosion and allow rainwater infiltration.
2. Required landscaping areas with slopes of 15 percent or more shall be stabilized with vegetative cover (not mulch or gravel) designed to minimize erosion. Required vegetative cover shall be established and functional prior to issuance of a certificate of occupancy.
3. Use of landscape fabric on slopes of 15 percent or more is discouraged.

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§6.5. Landscaping and Screening

FIGURE 6.5.5, PLANT MATERIAL SPECIFICATIONS



6.5.6. PLACEMENT

A. OUTSIDE PUBLIC STREET RIGHTS-OF-WAY

1. Except for street trees, required landscaping material shall not be located within a street right-of-way.
2. Where provided, street trees shall be configured in accordance with Section 6.5.11, Street Trees.

B. GROUPING OF PLANT MATERIAL

1. Except for street trees, vegetation within a Type A perimeter buffer, shrubs around a parking lot, or when vegetation is included as a screening device in accordance with Section 6.5.12, Screening, required plant material may generally be grouped or clustered, however, the overall screening intent must be adequately addressed.
2. Required plant material in a Type A perimeter buffer may not be grouped, and shall be planted according to the required on-center spacing in Table 6.5.9.C, Buffers Distinguished.
3. Street trees shall maintain on-center spacing requirements in Section 6.5.11, Street Trees.
4. Shrubs intended to screen features in accordance with Section 6.5.12, Screening, may not be grouped if such grouping results in the failure to meet the minimum screening standards of this Ordinance.

C. MULTIPLE-LOT DEVELOPMENT

ARTICLE 6. STANDARDS

§6.5. Landscaping and Screening

A multiple-lot development is not required to provide perimeter buffers along lot lines internal to the development, but the perimeter of the development shall be subject to the standards in [Section 6.5.9, Perimeter Buffers](#).

D. EASEMENTS

1. Trees and shrubs may be located within a required easement on a case-by-case basis with the permission of the easement holder.
2. When landscaping is within an easement, the landowner is responsible for replacement of any required vegetation if maintenance or other actions result in its removal.
3. When landscaping is planted in a drainage easement, it shall not impact the easement design or impede the flow of water through the easement.
4. Where an easement and a required landscape area coincide and there is a prohibition on planting within the easement, then the required landscaping area shall be located outside the easement.

E. SETBACK SMALLER THAN REQUIRED LANDSCAPING AREA

In cases where a required setback is smaller or narrower than a required landscaping area, the landscaping area width or size shall not be reduced except as authorized by any of the following:

1. An alternative landscape plan;
2. An administrative adjustment;
3. A conditional rezoning approval; or
4. d. An approved planned development master plan.

F. FIRE PROTECTION SYSTEM

Minimum clear separation distances required by the current adopted version of the North Carolina Fire Code shall be maintained for landscaping near a fire protection system.

G. LANDSCAPING IN BIO-RETENTION CELLS

Trees and shrubs used in bio-retention cells or rain gardens located in parking lots or within landscape yards may be counted toward tree or shrub requirements of this Ordinance, provided they meet the minimum specifications in [Section 6.5.5, Plant Material Specifications](#).

H. PERMITTED ENCROACHMENTS

1. The following features may be located entirely within required landscaping areas, provided the screening function of the landscaping is maintained and provided any encroachments into a required setback are in accordance with [Table 3.1.4.C.1, Allowable Encroachments](#):
 - i. Principal buildings, provided the minimum setbacks of the zoning district where located, are maintained;
 - ii. Landscaping features such as, ornamental pools, planting boxes, sculpture, arbors, trellises, and birdbaths;
 - iii. Pet shelters, well houses, and mechanical enclosures;
 - iv. On-grade patios, steps, benches, outdoor fireplaces, playground equipment serving an individual dwelling unit, accessibility ramps, roof overhangs, and fire escapes;
 - v. Ornamental entry columns, gates, fences, walls, and retaining walls;
 - vi. Flagpoles of 30 feet in height or less;
 - vii. Lamp and address posts;
 - viii. Utility cabinets of four feet in height or less;
 - ix. Mailboxes; and
 - x. Signage.

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§6.5. Landscaping and Screening

2. The following features may cross a required landscaping area in a manner that minimizes the impact to the required landscaping:
 - i. Driveways, sidewalks, pedestrian walkways, greenways, or multi-use trails;
 - ii. Utilities; and
 - iii. Stormwater management facilities.

I. PROHIBITED FEATURES

The following features shall not be located within a required landscaping area:

- i. A secondary structure or open air use;
- ii. Off-street parking or loading areas; or
- iii. Outdoor storage or display of products for sale.

6.5.7. FEATURES ALLOWED WITHIN LANDSCAPING AREAS

A. BERMS

Berms may be used independently, or in conjunction with a wall or fencing, to meet the screening intent of a perimeter buffer or other required screening when configured in accordance with the following:

1. Berms shall have a minimum height of three feet, a minimum crown width of at least three feet, and a slope of no greater than 3:1;
2. Berms shall be no taller than twelve feet above the toe of the berm;
3. Berms shall be stabilized with vegetation and ground cover;
4. A berm may not damage the roots of existing healthy vegetation being preserved for credit towards the landscaping requirements in this Ordinance. Suffocation of existing roots by deposition of fill in excess of 12 inches shall be considered damage to existing tree roots; and
5. A berm shall not interfere with a required sight distance triangle (see [Section 6.1.5, Sight Distance Triangles](#)).

B. FENCES AND WALLS

1. Opaque fences or walls, a minimum of four feet in height, constructed within required landscaping areas may reduce the minimum and average perimeter buffer width requirement in accordance with [Table 6.5.9.C, Buffers Distinguished](#).
2. If utilized, fences or walls shall be located within the required landscaping area and all required shrubs shall be planted between the fence or wall and the lot line.
3. Required trees may be planted either in front of or behind the fence or wall.

C. PLANTERS

1. Planters, if provided, shall be constructed of masonry, stone, or pressure treated lumber stamped for ground contact. Other materials may be approved, based upon their durability, by the Zoning Administrator.
2. Planters shall maintain a minimum height of 30 inches and have an effective planting area of seven feet (measured in any direction) if trees are to be planted and an effective planting area of four feet (measured in any direction) if no trees are to be included.
3. The minimum height of shrubs in the planter, except for ground cover, shall be six inches at the time of planting

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6.5.8. PARKING LOT LANDSCAPING

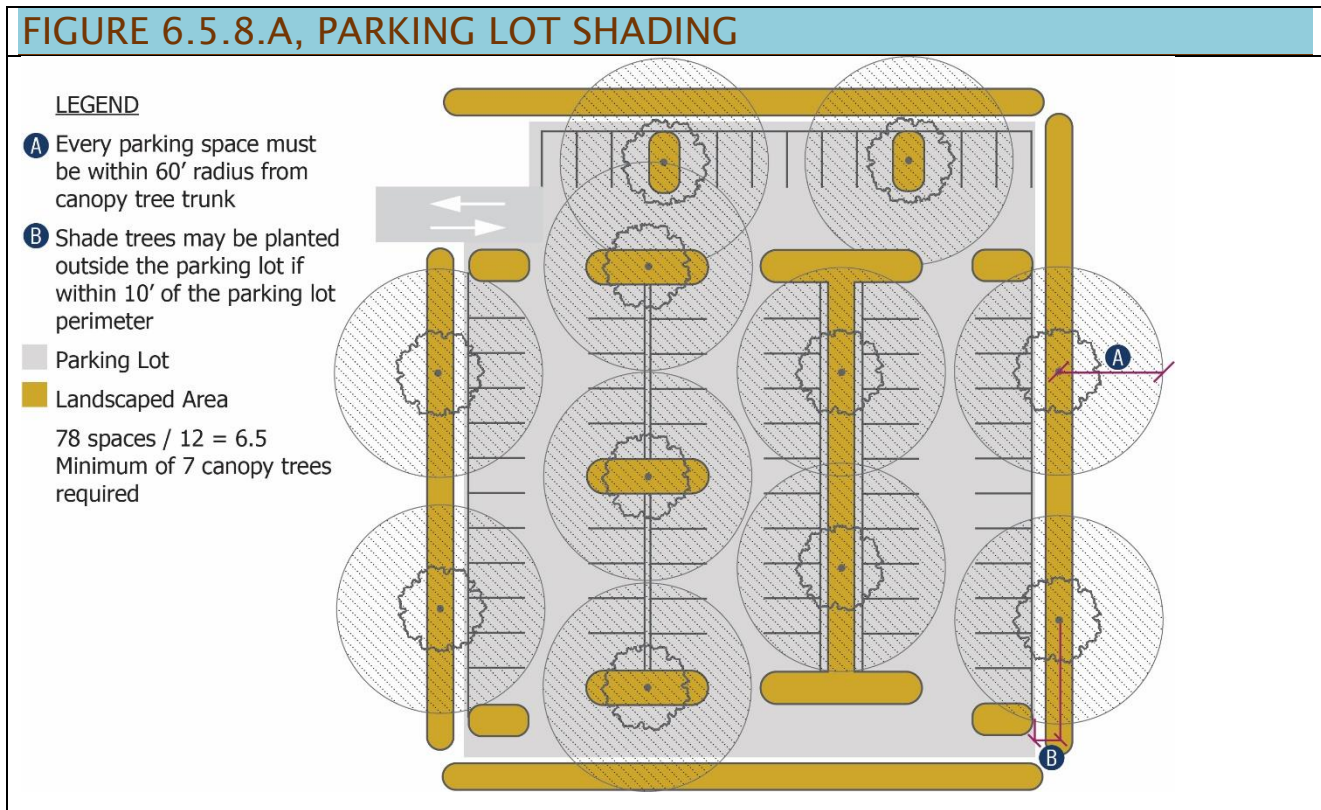
All parking lots serving multi-family, mixed-use, and non-residential developments shall comply with the following parking lot landscaping standards:

A. SHADE TREES

All parking lots shall be served by shade trees to reduce the heat island effect and soften the appearance of the parking lot, in accordance with the following standards:

1. Parking lots subject to these standards shall include at least one canopy tree for every 12 off-street parking spaces provided;
2. Required canopy trees may be placed around, in, or near the parking lot provided that no parking space is more than 60 feet from the trunk of a canopy tree (see Figure 6.5.8.A, Parking Lot Shading); and
3. Required canopy trees shall be distributed throughout parking areas and may be located in landscape islands, between rows of parking, in driveway medians, and within ten feet of the perimeter of the parking lot.

FIGURE 6.5.8.A, PARKING LOT SHADING



B. INTERIOR PLANTINGS

1. AREA TO BE LANDSCAPED

For the purposes of this section, the interior of a parking lot shall be all of the area within the outer boundary of the parking lot including interior and corner landscape islands intended to fulfill the interior parking lot landscaping requirements, but not including landscaping planted around the perimeter of the parking lot (see Figure 6.5.8.B, Parking Lot Interior Plantings).

2. LANDSCAPING ISLANDS AND STRIPS

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A parking aisle with more than 12 vehicle spaces in a single row shall provide and maintain landscaping islands at each end, or provide landscaping strips along the full length of the row, in accordance with the following standards:

- i. Islands shall have a minimum dimension of nine feet and a minimum area of 200 square feet, including the curb (if curbing is provided);
- ii. Landscape islands that do not contain canopy trees shall contain three or more shrubs and also may contain understory trees;
- iii. Landscaping islands intended for the placement of canopy or understory trees shall maintain a minimum width of nine feet;
- iv. Landscape strips between adjoining rows of parking spaces or serving as driveway medians shall have a minimum dimension of nine feet, including the curb (if provided). Landscape strips that do not have canopy trees shall include shrubs planted no more than five feet on-center; and
- v. Landscaping strips running the full length of a row of parking spaces shall be provided so that no more than six rows of parking spaces are provided without a landscaping strip.

3. SEPARATION OF LIGHT POLES AND TREES

In order to prevent the need to excessively trim required trees within landscape areas and to maintain the effectiveness of parking area exterior lighting, light poles shall be spaced at least ten linear feet from a canopy tree trunk to the maximum extent practicable.

4. PROTECTION OF LANDSCAPE ISLANDS

- i. Landscape islands shall be protected from vehicle damage by the installation of curbing, wheel stops, or other comparable methods.
- ii. The placement of plant material within landscape islands shall allow for a two-and-one-half-foot vehicle overhang from the face of the curb or wheel stop.

5. PROTECTION FROM PEDESTRIAN WALKWAYS

In cases where a pedestrian walkway must be located within five feet of a tree trunk, wooden walkways, pervious pavers, or other methods shall be used to ensure the required tree is not damaged by the walkway.

6. STORMWATER MANAGEMENT

A landscape island may be designed to function as a stormwater control measure, provided its landscaping performance function is maintained.

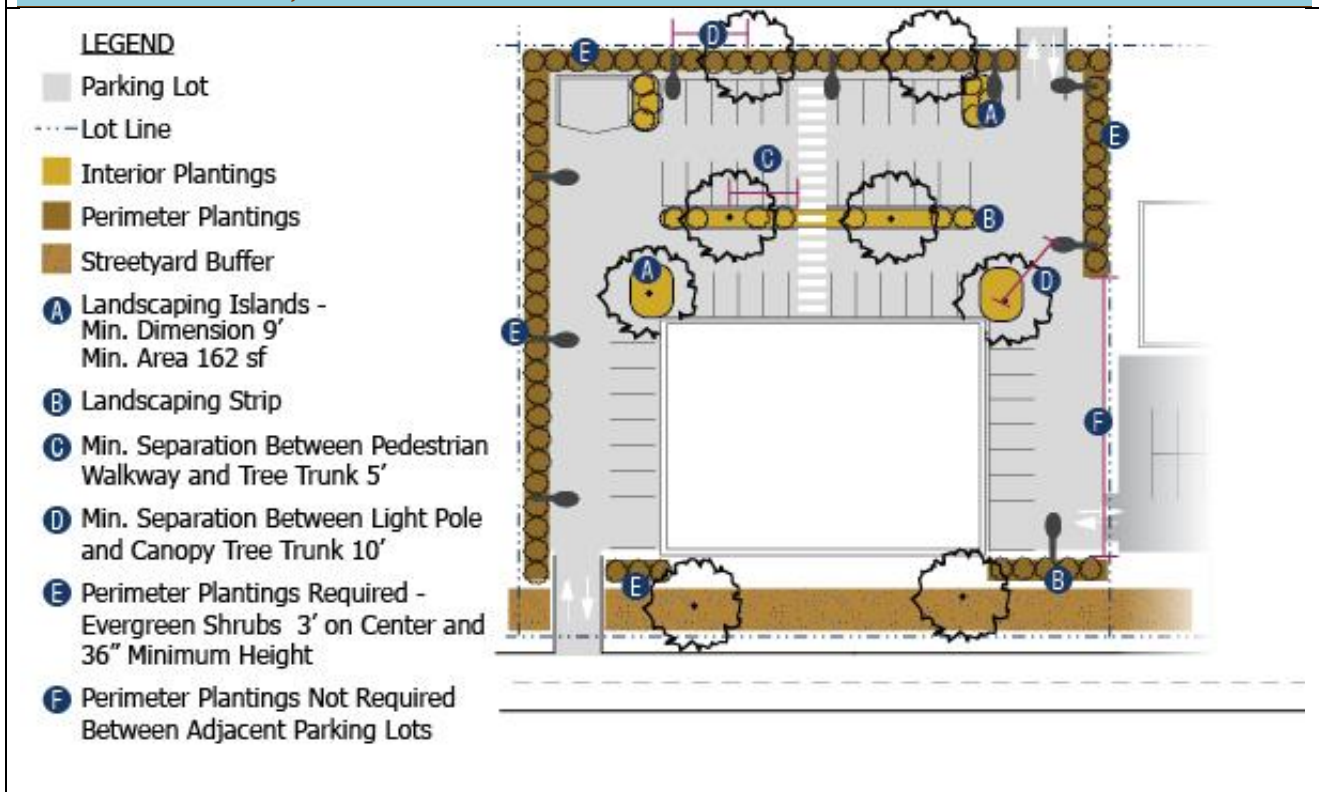
7. STRUCTURAL SOIL REQUIRED

Landscaping islands and strips located within a parking lot shall be comprised of properly-prepared structural soil that has been amended and cultivated to support healthy vegetation.

ARTICLE 6. STANDARDS

§6.5. Landscaping and Screening

FIGURE 6.5.8.B, PARKING LOT INTERIOR PLANTINGS



C. PERIMETER PLANTINGS

1. INTENT

Parking lot perimeter landscaping shall be designed to soften the view of the parking lot from an abutting street or development and to filter spillover light from vehicle headlights. Required plant material shall be planted in such a way as to best achieve this intent.

2. LOCATION

Required plant material shall be placed adjacent to the perimeter of the parking lot.

3. PLANTING RATE

Parking lot perimeter landscaping shall consist of a single continuous row of evergreen shrubs planted no greater than three feet on-center and within five feet of the parking lot edge.

4. SIZE OF PLANT MATERIAL

- Shrubs used for parking lot perimeter landscaping shall be of a minimum size necessary to achieve a maximum height of 36 inches above grade within three years of planting.
- In cases when vegetation provided as perimeter plantings around a parking lot grow to a height exceeding 48 inches above grade, they shall be trimmed or pruned as necessary to maintain a minimum height of 36 inches.
- It shall be a violation of this Ordinance to remove or severely prune shrubs required as parking lot perimeter vegetation to a height of less than 36 inches.

5. CREDIT TOWARDS REQUIRED PERIMETER BUFFERS

Perimeter parking lot landscaping may be credited towards the perimeter buffer requirements in this Ordinance in cases where it meets the locational requirements of this section and is also located within an adjacent perimeter landscaping buffer.

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§6.5. Landscaping and Screening

6. ALTERNATIVES

Perimeter parking lot plantings may be supplemented or replaced through use of a vegetated berm configured in accordance with Section 6.5.7.A, Berms, or an opaque fence or wall that meets the screening objective of this section.

7. EXEMPTIONS

- i. Where off-street parking lots are adjacent to one another, but on different lots, perimeter plantings or other forms of screening are not required along the common boundary between the two parking lots.
- ii. Developments consisting of multiple lots that are planned and developed as a single, unified, or consolidated project may be configured so that perimeter plantings are only located around the perimeter of the entire development instead of between parking lots and buildings located within the development.

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§6.5. Landscaping and Screening

6.5.9. PERIMETER BUFFERS

A. PURPOSE AND INTENT

These standards are proposed to eliminate or minimize potential nuisances, such as dirt, litter, noise, glare of lights, signs, and unsightly buildings or parking areas through physical and visual separation between land uses in separate zoning districts.

B. APPLICABILITY

1. All development shall comply with the perimeter buffer standards in this section.
2. Development shall provide perimeter buffers along the side and rear lot lines in accordance with Table 6.5.9.D, Buffer Determination.
3. Lot lines abutting street rights-of-way shall comply with the standards in Section 6.5.10, Streetscape Buffers.

C. BUFFERS DISTINGUISHED

Table 6.5.9.C, Buffers Distinguished, establishes the standards for perimeter buffers, including the minimum requirements for each of the following buffer types:

1. Type A, Intermittent Buffer;
2. Type B, Semi-Opaque Buffer; and
3. Type C, Opaque Buffer.

D. BUFFER DETERMINATION

1. The lot or site being developed is the one responsible for providing the required perimeter buffer, which shall be located solely upon the lot or site being developed.
2. Landscaping material located on an adjacent lot may not be credited towards these perimeter buffer requirements.
3. The type of perimeter buffer required is based upon the zoning district designation of the land being developed as well as the zoning district designation of the abutting lots (see Table 6.5.9.D, Buffer Determination).

E. USE STANDARDS

1. Some use types have perimeter buffer requirements regardless of the zoning district where they are located.
2. In cases where the standards in Section §4.3, Principal Use Standards, conflicts with the standards in this section, the more restrictive standard shall govern.

F. BUFFER LOCATION

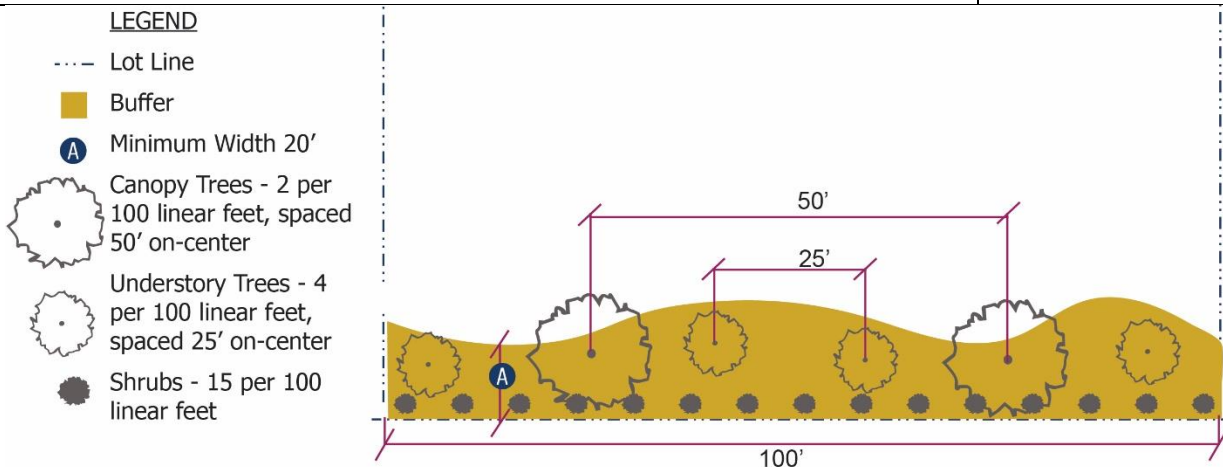
1. Perimeter buffers required by this section shall be located along the outer perimeter of the lot and shall extend to the connecting lot lines.
2. In cases where the lot line is within a drainage swale, the perimeter buffer shall extend to the edge of the swale instead of the lot line.
3. A perimeter buffer may be located along shared access easements between parcels in non-residential developments.

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TABLE 6.5.9.C: TYPE A INTERMITTENT PERIMETER BUFFER CONFIGURATION



Objective: The Type B Intermittent perimeter buffer functions as an intermittent visual screen from the ground to a height of five feet. It is intended to partially block visibility between different uses but not totally obstruct visual contact from one use to another. The image below shows an approximation of this buffer type at maturity.



BUFFER CONFIGURATION	REQUIREMENT
Buffer width (feet)	20
Required canopy trees per every 100 linear feet (#) / Maximum on-center spacing (feet)	2 / 50
Required understory trees per every 100 linear feet (#) / Maximum on-center spacing (feet)	4 / 25 [1]
Shrubs per every 100 linear feet (#) / Maximum on-center spacing (feet) [2]	15 / None [1]
Minimum evergreen shrub percentage (%)	60

NOTES:

[1] Grouping of trees or shrubs is permitted provided there is no un-vegetated portion of the buffer exceeding 20 feet in length.

[2] In the event a fence or wall is provided, shrubs shall be planted between the fence or wall and the lot line. Shrubs shall be no closer than 3 feet to the lot line.

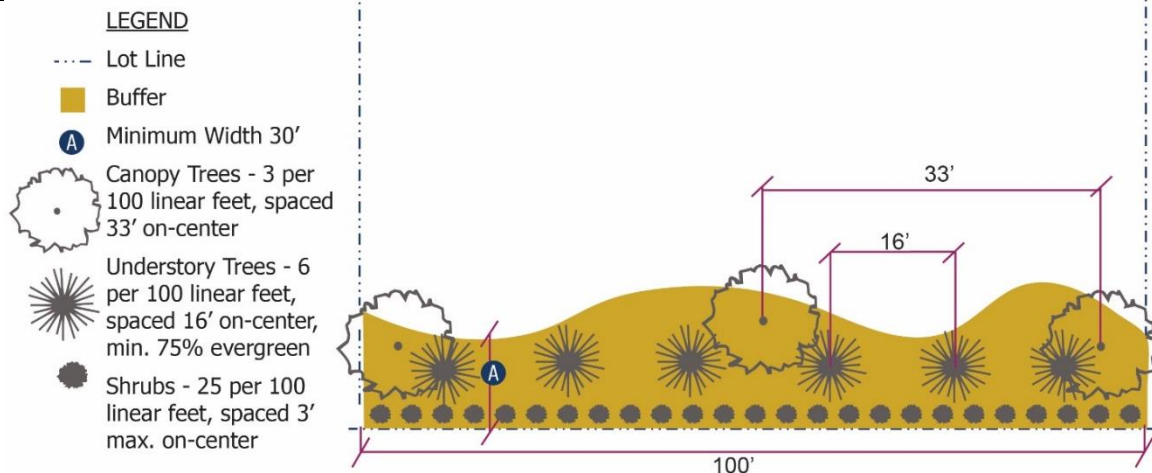
ARTICLE 6. STANDARDS

§6.5. Landscaping and Screening

TABLE 6.5.9.C: TYPE B SEMI-OPAQUE PERIMETER BUFFER CONFIGURATION



Objective: The Type C Semi-Opaque perimeter buffer functions as a partially opaque screen from the ground to a height of six feet. This type of buffer prevents visual contact between uses but not total obstruction from one use to another. The buffer creates a sense of visual separation but provides only minor acoustic separation. The image below shows an approximation of this buffer type at maturity.



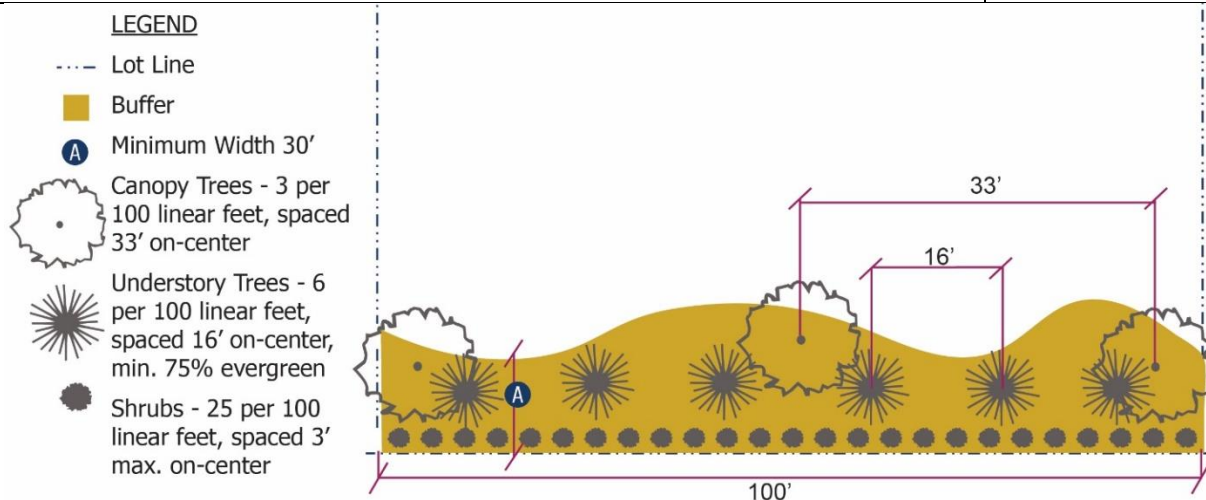
BUFFER CONFIGURATION	REQUIREMENT
Minimum buffer width (feet) [1] [2]	30
Required canopy trees per every 100 linear feet (#) / Maximum on-center spacing (feet)	3 / 33
Required understory trees per every 100 linear feet (#) / Maximum on-center spacing (feet)	6 / 16 [3]
Shrubs per every 100 linear feet (#) / Maximum on-center spacing (feet) [2]	25 / 4 [3]
Minimum evergreen shrub percentage (%)	75
NOTES: [1] Provision of a semi-opaque fence or wall allows the buffer width to be reduced by 5 feet. [2] Provision of a fully-opaque fence, wall, or berm allows the buffer width to be reduced by 10 feet. [3] Grouping of trees or shrubs is permitted within 20 feet of the edge of a street right-of-way provided there is no un-vegetated portion of the buffer exceeding 10 feet in length. [4] In the event a fence or wall is provided, shrubs shall be planted between the fence or wall and the lot line. Shrubs shall be no closer than 3 feet to the lot line.	

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TABLE 6.5.9.C: TYPE C OPAQUE PERIMETER BUFFER CONFIGURATION



Objective: The Type D Opaque perimeter buffer functions as a fully opaque screen from the ground to a height of eight feet. This type of buffer provides a strong sense of visual and acoustic separation between uses. The image below shows an approximation of this buffer type at maturity.



BUFFER CONFIGURATION	REQUIREMENT
Minimum buffer width (feet) [1] [2]	40
Required canopy trees per every 100 linear feet (#) / Maximum on-center spacing (feet)	4 / 25
Required understory trees per every 100 linear feet (#) / Maximum on-center spacing (feet)	8 / 15
Shrubs per every 100 linear feet (#) / Maximum on-center spacing (feet) [2]	75
Minimum evergreen shrub percentage (%)	35 / 3
NOTES: [1] Provision of a semi-opaque fence or wall allows the buffer width to be reduced by 5 feet. [2] Provision of a fully-opaque fence, wall, or berm allows the buffer width to be reduced by 10 feet. [3] In the event a fence or wall is provided, shrubs shall be planted between the fence or wall and the lot line. Shrubs shall be no closer than 3 feet to the lot line.	

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G. BUFFER APPLICATION

Table 6.5.9.D, Buffer Application, specifies the type of perimeter buffer that development shall provide between it and adjacent land, based on the zoning district of the development site and that of the adjacent land. The buffer type is indicated by a letter corresponding to one of the three buffer types described in Table 6.5.9.C, Perimeter Buffer Configuration.

TABLE 6.5.9.D: BUFFER APPLICATION

ZONING DISTRICT OF DEVELOPING LAND /1/	ZONING DISTRICT OF LAND ADJACENT TO PROPOSED DEVELOPMENT /2/ /3/ /4/ /5/					
	AR-30	R-30 & R-20	R-10	OI & B-1	B-2 & M-1	M-2
AR-30	None	None	None	A	B	B
R-30 & R-20	C	A	A	None	A	A
R-10	C	B	A	None	None	A
OI & B-1	C	B	B	A	None	None
B-2 & M-1	C	C	B	A	None	None
M-2	C	C	C	B	A	None

NOTES:

[1] Development in PD district is subject to the perimeter buffer configurations proposed in the applicable planned development master plan.

[2] A Type A or B perimeter buffer shall not be required when the lot line abuts unbuildable land within a riparian buffer, a designated tree-save area, or other County-designated conservation area where existing vegetation will not be removed.

[3] In cases where a Type C perimeter buffer is required but the lot line abuts unbuildable land within a riparian buffer or other County-designated conservation area where existing vegetation will not be removed, the required perimeter buffer width and amount of required landscaping material may be reduced by 50 percent (see Table 6.5.9.C, Perimeter Buffer Configuration).

[4] Lot lines abutting arterial or collector street rights-of-way shall be subject to the standards in Section 6.5.10, Streetscape Buffers.

[5] A Type A buffer shall be provided along all lot lines bordering the County's jurisdiction.

H. EXEMPTIONS

Unified developments are subject to the standards in Section §6.14, Unified Developments.

ARTICLE 6. STANDARDS

§6.5. Landscaping and Screening

6.5.10. STREETSCAPE BUFFERS

A. PURPOSE AND INTENT

Streetscape buffers are proposed to soften the view of development from the arterial and collector street rights-of-way, and are intended to:

1. Enhance pedestrian orientation and encourage pedestrian travel;
2. Address urban heat islands by providing shade for streets and sidewalks;
3. Provide shade on pavement;
4. Support property values by enhancing the aesthetic character of the community; and
5. Provide habitat for flora and fauna.

B. APPLICABILITY

1. The standards in this section shall apply to all lot lines bounded by the following features, whether existing or identified in the County's adopted policy guidance.
 - i. Collector streets; and
 - ii. Arterial streets.
2. In cases where a future street is planned but its approximate location is not indicated on an adopted or approved County map or plan, streetscape buffering shall not be required on lots abutting the future street alignment.

C. EXEMPTION

1. Streetscape buffers are not required along lot lines abutting the following features:
 - i. Driveways, private drives, or alleys;
 - ii. Lot lines abutting platted street rights-of-way that are or have remained unopened for at least 15 years; or
 - iii. Lot frontages where the entirety of the lot frontage is within a required sight distance triangle.
2. Development providing street trees in accordance with [Section 6.5.11, Street Trees](#), is not required to provide streetscape buffers.

D. REQUIRED PLANT MATERIAL

Streetscape buffers shall be configured in one of the following three ways (see Figure 6.5.10, Streetscape Buffer Configuration):

1. Three canopy trees for every 100 linear feet of lot frontage; or
2. Two canopy trees and two understory trees for every 100 linear feet of lot frontage; or
3. Four understory trees for every 100 linear feet, where overhead utilities are present.

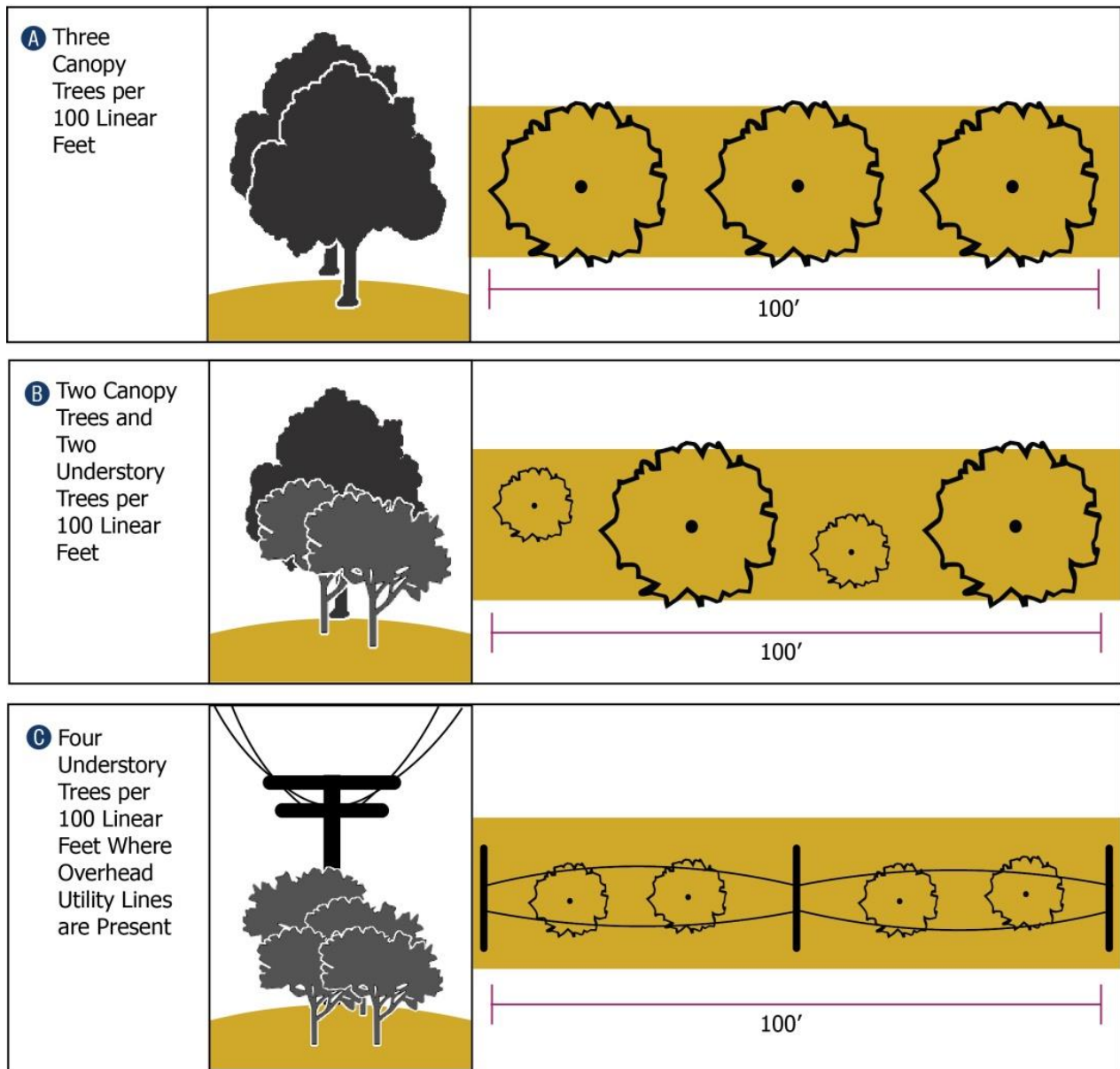
E. PLACEMENT

1. Vegetation required as part of a streetscape buffer shall be located outside the street right-of-way.
2. Canopy trees shall be located within ten feet of the right-of-way edge.
3. Understory trees shall be located within five feet of the right-of-way edge.
4. An alternative location may be approved by the Zoning Administrator in cases where underground utilities, drainage easements, topography, or other obstructions make placement of streetscape buffer vegetation in accordance with these standards impractical.

F. PROHIBITED FEATURES

Off-street parking, off-street loading, merchandise display, or outdoor storage shall not take place within a required streetscape buffer.

FIGURE 6.5.10, STREETSCAPE BUFFER CONFIGURATION



6.5.11. STREET TREES

As an alternative to compliance with Section 6.5.10, Streetscape Buffers, an applicant may request and the Board of County Commissioners may grant the ability to establish street trees instead of streetscape buffers, subject to the following requirements.

A. WHERE REQUIRED

Street trees shall be located within tree pits or planting strips within the street right-of-way (see Figure 6.5.11, Street Tree Configuration).

B. LOCATION

1. WITHIN TREE PITS

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In cases where sidewalks, boardwalks, or paving are located in the right-of-way, street trees shall be located within tree pits, configured in accordance with the following standards:

- i. Tree pits shall have a minimum planting area of at least 25 square feet per tree pit;
- ii. Tree pits shall be covered or configured with ground covering at the same general height as the pedestrian walkway to avoid being a tripping hazard; and
- iii. Tree pits shall include structural soils or screened backfill to ensure appropriate drainage and backfill.

2. WITHIN PLANTING STRIPS

In cases where sidewalks are not present or where a portion of the right-of-way is not paved, street trees may be placed within planting strips, configured in accordance with the following standards:

- i. Tree planting strips shall be configured parallel to the street;
- ii. Tree planting strips shall maintain a minimum width of five feet; and
- iii. Tree planting strips shall be raised above the grade or include edging that prevents pedestrians from walking in the planting strip.

C. TREE PLACEMENT

1. Street trees, when located within tree pits or planting strips, shall be located so that the trunk is at least two-and-one-half feet from the back of the curb or the edge of the pavement.
2. Street trees shall not be located within sight distance triangles (see [Section 6.1.5, Sight Distance Triangles](#)).

D. TYPES OF TREES

1. Except in areas underneath existing overhead utilities or upper story encroachments into the right-of-way, street trees shall be canopy trees that meet the standards in Figure 6.5.5, Plant Material Specifications.
2. In areas beneath existing overhead utilities or upper story encroachments into the right-of-way, street trees shall be understory trees that meet the standards in Figure 6.5.5, Plant Material Specifications.

E. ON-CENTER SPACING

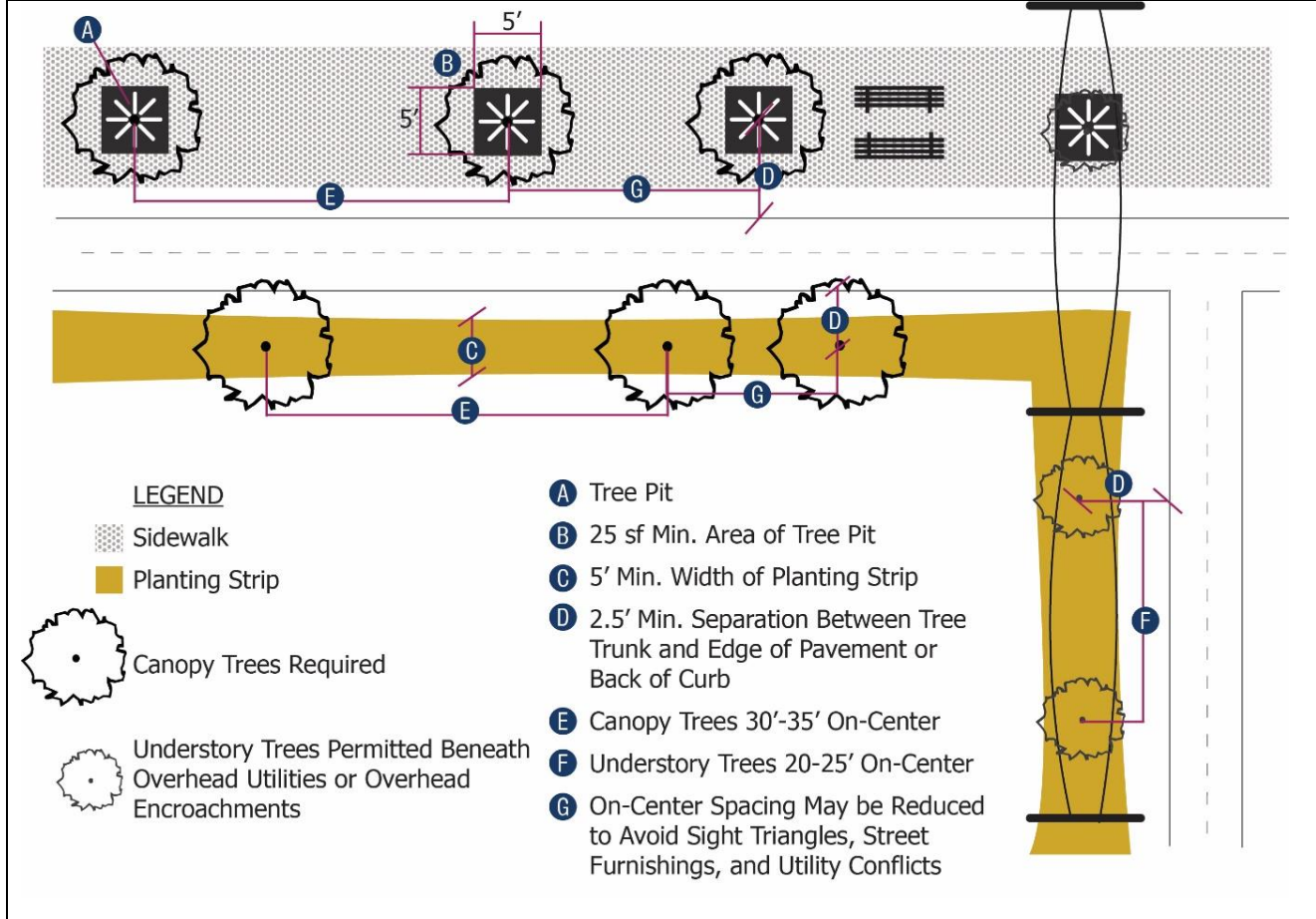
1. Canopy trees shall be planted 30 to 35 feet on-center.
2. Understory trees shall be planted 20 to 25 feet on-center.
3. Grouping or clustering of street trees shall be prohibited, but on-center spacing may be reduced as necessary to avoid sight distance triangles, street furnishings, or other utility conflicts.

F. COMPLIANCE WITH NCDOT STANDARDS

In cases where street trees are located within street rights-of-way maintained by the NCDOT, street tree configuration shall be in accordance with NCDOT standards in addition to the standards in this section. In the event the standards in this section conflict with applicable NCDOT standards, the NCDOT standards shall control.

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FIGURE 6.5.11, STREET TREE CONFIGURATION



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§6.5. Landscaping and Screening

6.5.12. SCREENING

A. PURPOSE AND INTENT

These standards are intended to reduce the visual impact of solid waste collection structures, service areas, and mechanical equipment upon the public realm and adjacent lots as well as to enhance the aesthetics of development in the County.

B. APPLICABILITY

Unless exempted in accordance with **Section 6.5.12.C, Exemptions**, the standards in this section apply to the following:

1. Principal buildings constructed or open uses of land established after the effective date of these standards;
2. Changes in use;
3. Expansions of principal building floor area 1,000 or more square feet or expansions of off-street parking of 2,000 or more square feet;
4. Solid waste collection dumpsters, bins, and compactors;
5. Recycling facilities (including cardboard recycling);
6. Ground-based climate control equipment;
7. Ground-based mechanical equipment (including electrical generators);
8. Above ground storage tanks; and
9. Loading equipment.

C. EXEMPTIONS

Solid waste collection facilities and mechanical equipment serving single-family detached and two-family dwellings shall be exempted from these standards, but these standards shall apply within manufactured home parks.

D. GENERAL STANDARDS

1. LOCATION

No site features subject to these standards shall be located between the principal structure and the street it fronts.

2. SCREENING REQUIRED

Site features subject to these standards shall be screened from view from streets, public parks, urban open space set-asides, single-family detached residential dwellings, and duplex dwellings.

3. SCREENING METHODS.

- i. Site features subject to these standards shall be screened by any of the following methods, in single use or in combination (see Figure 6.5.12, Screening Methods):
 1. Evergreen vegetation configured to provide a fully-opaque screen to a minimum height of six feet within four years of planting;
 2. .Vegetated berms supplemented with plantings as necessary to provide a fully-opaque screen to a minimum height of six feet within three years of planting;
 3. An opaque fence constructed of treated wood, rot-resistant wood (such as cypress or redwood), plastic, or vinyl;
 4. A masonry wall constructed of brick, textured concrete masonry units, or stuccoed block; or
 5. Walls of a principal or secondary structure.
- ii. In no instance shall a chain link fence with plastic slats or attached fabric meet the opacity requirements for screening in this Article.

ARTICLE 6. STANDARDS

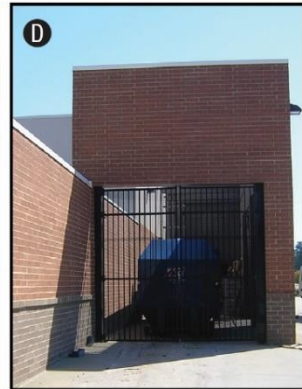
§6.5. Landscaping and Screening

- iii. Screening techniques shall be of sufficient height and design to effectively screen the facility from the view from adjacent properties and streets.

E. SPECIFIC STANDARDS FOR SOLID WASTE AND RECYCLING FACILITIES EXCEEDING 100 GALLONS OF CAPACITY

1. Solid waste and recycling receptacles shall be so located so as to be convenient for collection and shall be appropriate to the type and size of the development or use being served.
2. All trash and recycling receptacles shall meet the minimum setback requirements of the underlying zoning district.
3. All required dumpster, recycling, and trash handling facilities shall be designed with appropriate means of access to a street or alley in a manner that will least interfere with traffic movement and will most facilitate the service of the facilities.
4. Space allocated to any trash handling facilities shall not be used to satisfy the space requirements for off-street parking or loading facilities, nor shall any parking or loading spaces be used to satisfy the space requirements for any dumpster or trash handling facility.

FIGURE 6.5.12, SCREENING METHODS



- A Evergreen Vegetation
- B Vegetated Berm
- C Opaque Fence
- D Wall of Principal Structure
- E Masonry Wall
- F Wall of Accessory Structure



6.5.13. PLANTING FLEXIBILITY

A. CREDIT FOR EXISTING VEGETATION

1. In order to encourage the preservation of established, healthy vegetation, credit shall be given towards the landscaping requirements in this section for preservation of existing trees that are pre-existing within required landscaping areas at a rate of 1.25 times the amount of existing, healthy vegetation to be retained.
2. Vegetation to be credited towards these requirements shall be protected in by County-approved tree protection methods before and during development of the site and maintained thereafter in a healthy growing condition.

B. REVISIONS TO APPROVED LANDSCAPE PLANS

Due to seasonal planting problems and/or a lack of plant availability, approved landscape plans may require minor revisions. Minor revisions to planting plans may be approved by the Zoning Administrator if:

1. There is no reduction in the quantity of plant material;
2. There is no significant change in size or location of plant materials; and
3. The new plants are of the same general category (i.e., canopy tree, understory tree, evergreen, or shrub) and have the same general design characteristics (mature height, crown spread, etc.) as the materials being replaced.

C. ALTERNATIVE LANDSCAPE PLANS

An alternate landscape plan that allows modifications to the requirements of this section may be approved by the Zoning Administrator in accordance with the following.

1. CONDITIONS JUSTIFYING ALTERNATIVE LANDSCAPE PLAN

Any of the following natural physical conditions may be used as a justification for an alternative landscape plan:

- i. Wetland areas;
- ii. Topography;
- iii. Non-arable soils;
- iv. Difficult or unusual lot configuration;
- v. Utility, access, drainage, or maintenance easements;
- vi. A desire to retain existing on-site vegetation;
- vii. Natural rock formations;
- viii. Required landscaping areas that are shaded; and
- ix. Impractical situations that would result from application of this section.

2. INTENT

To be approved, any alternative landscape plan shall meet the intent of the applicable planting area(s) and the purpose and intent of the landscaping standards of this section.

3. ALLOWABLE MODIFICATIONS

- i. The following landscape standards may be modified by an alternate landscape plan:
 1. The location of required plant materials;
 2. The width of required planting areas;
 3. The configuration of required plant materials; and
 4. The number of required plant materials.
- ii. The alternative landscape plan shall include justification for the modifications requested, based upon but not limited to, the following:
 1. The presence or planned location of public utilities, infrastructure, or easements;

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2. The location of existing healthy vegetation or other beneficial site features to be retained after development;
3. The size, shape, or topographic elevation of the site relative to the street(s) it abuts; and
4. The need to protect solar access or avoid permanently shaded areas on the site.

6.5.14. TIME OF INSTALLATION

- A. A certificate of occupancy shall not be issued, until all required plant materials have been placed in accordance with the approved site plan and requirements of this section.
- B. A temporary certificate of occupancy may be issued for a period of 180 days under circumstances that would affect the seeding and planting of the site, or until the proper planting season is reached to complete the landscaping requirements, and may be extended up to 90 days upon request to the Zoning Administrator.
- C. In cases where a temporary certificate of occupancy is requested, the applicant shall furnish the following:
 1. A signed contract for the installation of all required landscape materials; and
 2. A performance guarantee for the amount of the contract configured in accordance with the standards in [Section 2.3.15, Performance Guarantee](#).

6.5.15. REQUIRED MAINTENANCE

A. RESPONSIBILITY

1. The responsibility for maintenance of required landscaping areas shall remain with the owner of the property, their successors, heirs, assignees or any consenting grantee.
2. Maintenance is required in order to ensure the proper functioning of the plantings as a landscaped area which reduces or eliminates nuisance and/or conflict.
3. Failure to adequately maintain required landscaping material is a violation of this Ordinance subject to the remedies and penalties in Article 7. Violations.

B. MAINTENANCE

1. All plantings shall be maintained in an attractive and healthy condition. Maintenance shall include, but not be limited to: watering, mulching, fertilizing, pest management, mowing, weeding, removal of litter and dead plant material, and necessary pruning and trimming.
2. Necessary pruning and trimming shall be accomplished in accordance with the Tree Care Industry Association (TCIA) Standards for the Professional Arborist, and shall not include:
 - i. The topping of trees;
 - ii. Removal of 30 percent or more of the crown material in one calendar year;
 - iii. Removal of the central leader; or
 - iv. Any other similarly severe procedures that may cause irreparable harm to the natural form of the tree.
3. Dead or diseased plantings shall be removed. Unless specifically exempted (such as understory trees shaded by canopy trees), replacement plantings shall be provided for any dead, diseased, or removed vegetation when such replacement plantings are necessary to meet the standards or this Ordinance or maintain the screening objective of the landscaping material.
4. Landscape structural features such as walls, fences, berms, or water features shall be maintained in a structurally safe and attractive condition.
5. Where other uses, including pedestrian and bicycle accessways, are allowed within a required landscaping area, these uses shall be maintained to provide for their safe use.

C. EXCESSIVE PRUNING OR TRIMMING

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§6.5. Landscaping and Screening

Pruning or trimming exceeding the TCIA standards or activities exceeding necessary pruning or trimming as identified in subsection (B.2) above shall be a violation of this Ordinance, and shall require replacement of damaged vegetation in accordance with Section 6.5.17, Replacement of Required Vegetation.

D. FAILURE TO MAINTAIN

Failure to maintain required landscaping areas is a violation of this Ordinance, in accordance with Article 7. Violations.

6.5.16. SITE INSPECTION

A. POST CONSTRUCTION INSPECTION

1. A permanent certificate of occupancy for any development shall not be issued unless the landscaping required under this section is installed in accordance with these standards and in accordance with the approved site plan, preliminary plat, planned development master plan, or building permit, as appropriate.
2. No person shall refuse entry or access to any staff or authorized representative of the County who requests entry for the purpose of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper, or interfere with that representative while in the process of carrying out official duties.

B. FOLLOW-UP INSPECTION

The Zoning Administrator shall inspect the site one year after the issuance of a permanent certificate of occupancy in order to ensure compliance with this Ordinance.

C. PERIODIC INSPECTION

1. The Zoning Administrator may periodically inspect sites subject to the provisions of this Ordinance. If, through inspection, it is determined that a site does not comply with the approved site plan, preliminary plat, planned development master plan, or building permit, a notice to comply shall be served upon the landowner by registered mail with return receipt or other means by the County.
2. The notice shall set forth that which will be necessary to comply with the Ordinance.
3. The County shall have the power to conduct investigations as it may reasonably deem necessary to carry out its duties as prescribed in this Ordinance and for this purpose may enter at reasonable times upon the property, public or private, for the purpose of inspecting the site(s) subject to the provisions of this Ordinance.

6.5.17. REPLACEMENT OF REQUIRED VEGETATION

A. DAMAGE OR REMOVAL OF VEGETATION IS A VIOLATION

The damage, disturbance, or removal of any landscaping area or vegetation required by this section shall constitute a violation of this Ordinance subject to the remedies described in Article 7. Violations.

B. REPLACEMENT REQUIRED

1. Any disturbed landscaping areas, areas of preserved existing vegetation, or required plant material shall be replaced in accordance with the approved development application and these standards.
2. Trees or vegetation that die within one year of construction completion shall be removed and replaced with new vegetation of equal or greater size.
3. Replacement trees shall be planted within 180 days of removal of required vegetation.

C. REVEGETATION PLAN REQUIRED

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§6.5. Landscaping and Screening

In cases where required landscaping or existing vegetation required to be preserved is damaged, disturbed, or removed, a revegetation plan shall be submitted for review and approval by the Zoning Administrator, in accordance with the following standards:

1. Any tree with a caliper of at least eight inches that is damaged or removed shall be replaced with one or more trees that have a caliper of at least two and one-half (2½) inches and a cumulative caliper equal to or greater than the original tree.
2. Trees damaged or destroyed less than eight inches in diameter shall be replaced to satisfy the performance criteria of this section.
3. Shrubs may also be required to restore the landscaping performance criteria for the disturbed area.

D. LOCATION OF REPLACEMENT TREES AND VEGETATION

1. Replanting shall be located within the vicinity of the violation.
2. If the area is too small for sufficient growth, a more suitable location on the site may be selected, as permitted by the Zoning Administrator.

§6.6. OPEN SPACE SET-ASIDE AND PARKLAND**6.6.1. OPEN SPACE SET-ASIDE**

A. PURPOSE AND INTENT

The purpose of this section is to help ensure the provision and maintenance of open space resources that encourage recreation and the gathering of County residents and visitors. These standards are further intended to:

- 1.** Establish the standards under which residential, mixed-use, and non-residential development shall set aside a portion of the development area as open space;
- 2.** Distinguish between the characteristics, requirements, and appropriate locations for open space set-asides, based on the zoning district designation; and
- 3.** Establish minimum ownership and maintenance standards for homeowner and property owner associations related to open space set-asides.

B. APPLICABILITY

- 1.** Unless exempted by this section, the standards in this section shall apply to all new residential and mixed-use development.
- 2.** Redevelopment of the use types listed in (a) above conducted November 1, 2021, shall comply with the standards in this section, to the maximum extent practicable, and shall provide its pro rata share of open space set-aside.

C. EXEMPTIONS

The following forms of development shall be exempted from the standards in this section:

- 1.** Non-residential development;
- 2.** Development of an individual single-family detached dwelling (including manufactured homes) on its own lot;
- 3.** Duplex dwellings on a single lot or on two separate lots;
- 4.** Subdivisions intended for single-family detached residential dwellings comprised solely of four or fewer lots; and
- 5.** Developments of four or fewer acres in total area.

D. MINIMUM OPEN SPACE SET-ASIDE REQUIREMENTS**1. AMOUNT**

- i.** All development subject to these standards shall set aside 15 percent of the development's total area for use as open space set-aside.
- ii.** Nothing shall limit the provision of a greater minimum percentage or other type of open space set-aside, provided the minimum requirements in this section are met.
- iii.** Land dedicated for parkland and for shared use paths or trails shall be credited toward open space set-aside requirements.
- iv.** Conservation subdivisions shall set aside at least 40 percent of the development's total area as a conservation area.

2. TYPE

- i.** Except for conservation subdivisions, development subject to these standards shall configure at least 45 percent of the open space set-aside for active recreation in accordance with Section 6.6.1.E.1, Active open space set-aside. The balance of the open space set-aside shall be configured for passive recreation in accordance with Section 6.6.1.E.2, Passive open space set-aside.

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§6.6. Open Space Set-Aside and Parkland

Example: a 100-acre single-family residential subdivision is required to set aside 15% (15 acres or 653,400 square feet) of its total land area as open space. At least 45% of the 15-acre-open space set-aside (6.75 acres or 294,030 square feet) must be configured to accommodate active recreation facilities or activities.

- ii. Nothing shall prevent more than 45 percent of the open space set-aside from being configured for active recreational uses.
- iii. Open space set-aside provided as part of a conservation subdivision may be configured as conservation land or for passive recreation and is not required to configure any of the open space set-aside area for active recreation.
- iv. Applicants may request payment of a fee-in-lieu (see [Section 2.3.12, Fee-in-Lieu](#)) for some or all of the portion of the open space set-aside area to be established for active recreation.
- v. Only conservation subdivisions of 20 or fewer dwelling units are authorized to request a payment of a fee-in-lieu for provision of open space set-aside.

E. OPEN SPACE SET-ASIDE CONFIGURATION

Open space set-asides shall be configured in accordance with the following standards (see Figure 6.6.1, Open Space Set-Aside Configuration).

1. ACTIVE OPEN SPACE SET-ASIDE

Active open space set-asides provide for active recreational needs of the residents or visitors they serve. Active features include fields and courts as well as built structures. Active open space set-asides shall meet the following standards:

I. CONFIGURATION

- 1. Lands set aside as active open space set-aside shall be compact and contiguous unless the land is used as a continuation of an existing trail, or specific natural or topographic features require a different configuration.
- 2. Active open space set-aside areas shall be located so as to be readily accessible and useable by residents and users of the development.
- 3. Where possible, a portion of the open space set-aside should provide focal points for the development.
- 4. Where the development site is adjacent to existing or planned trails, parks, or other public open area land, the open space set-aside shall, to the maximum extent practicable, be located to adjoin, extend, and enlarge the trail, park, or other open area.

II. ALLOWABLE FEATURES

The following types of features are allowable in and credited towards active open space set-asides:

- 1. Lands dedicated for public parks or greenways when not already credited towards urban open space set-asides;
- 2. Swimming pools, splash pads, and areas devoted to water play for children;
- 3. Athletic fields and courts;
- 4. Boat launches and swimming platforms;
- 5. Club houses;
- 6. Playgrounds and play structures for children; and
- 7. Obstacle courses and exercise trails.

2. PASSIVE OPEN SPACE SET-ASIDE

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§6.6. Open Space Set-Aside and Parkland

Passive open space set-asides are intended to provide land area that is undeveloped, or that is developed with low-intensity recreational features (such as those for walking or sitting), landscaping, replacement trees, or stormwater control measures that are configured as a site amenity.

3. ALLOWABLE FEATURES

- i. The land area occupied by any of the following types of features is credited towards required passive open space set-aside:
 - 1. Walking, bicycling, and equestrian trails;
 - 2. Boardwalks;
 - 3. Gardens and greenway trails;
 - 4. Benches and seating areas;
 - 5. Tables, shelters, grills, and related picnicking facilities;
 - 6. Lawn areas and community greens;
 - 7. Lakes, ponds, wetlands, swamps, canals, and streams;
 - 8. Piers and docks for fishing or viewing wildlife; and
 - 9. Undisturbed land subject to a deed restriction or conservation easement.

4. SITE FEATURES CREDITED TOWARDS PASSIVE OPEN SPACE SET-ASIDE REQUIREMENTS

- i. The following site features shall be credited towards passive open space set-aside requirements:
 - 1. Lands dedicated for public parks or greenways, when not already credited towards active or urban open space set-asides;
 - 2. Required landscaping areas;
 - 3. Tree save areas;
 - 4. U.S. Army Corps of Engineers designated 404 wetlands;
 - 5. Riparian buffer areas;
 - 6. Natural heritage areas; and
 - 7. Land area occupied by stormwater control measures, including retention ponds, fully vegetated detention basins, and other bio-retention devices, provided these facilities are treated as a site amenity.
- ii. In order to be considered a site amenity that is credited towards passive open space set-aside requirements, stormwater control measures shall include all the following:
 - 1. Pedestrian access to the facility;
 - 2. Gentle slopes of three-to-one (3:1) or less;
 - 3. Pedestrian elements such as paths, benches, and similar aspects to and around the facility; and
 - 4. Vegetation, whether planted or retained.

F. ACCESS TO OPEN SPACE

All open space must be pedestrian accessible. Open space not contiguous to a proposed subdivision street must have a minimum of a 20-foot fee-simple access.

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§6.6. Open Space Set-Aside and Parkland

FIGURE 6.6.1, OPEN SPACE SET-ASIDE CONFIGURATION



G. OWNERSHIP OF OPEN SPACE SET-ASIDES

Open space set-asides are intended to remain under private ownership while being available for use by residents and visitors in the development where located. Ownership of open space set-asides shall remain with the owner of the land, except in the following circumstances:

1. OWNERS' ASSOCIATION

All open space set-aside areas may be owned jointly or in common by the owners of the development through a recognized homeowners' or property owners' association, which shall be established in accordance with [Section §6.7, Owners' Associations](#).

2. NONPROFIT ORGANIZATION

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§6.6. Open Space Set-Aside and Parkland

The landowners may decide to convey an open space set-aside to a nonprofit organization such as a land trust or land conservancy for management and maintenance if the County is provided adequate assurance the set-aside will be properly managed and maintained.

3. DEDICATED TO COUNTY OR OTHER PUBLIC AGENCY

In some cases, certain lands designated as open space set-asides, such as wildlife habitat or greenways, may be dedicated to the County or other public agency during the development review process. The Board of Commissioners shall determine which lands and under what conditions open space set-asides may be dedicated to the County or other public agency.

H. MAINTENANCE OF OPEN SPACE SET-ASIDES.

1. The owner of the land shall be responsible for maintenance of all open space set-aside areas (including land, vegetation, private infrastructure, and other features) in accordance with this Ordinance and any conditions of approval associated with the development.
2. Failure to maintain open space set-aside areas is a violation of this Ordinance subject to the remedies and penalties in Article 7. Violations.

I. PAYMENTS IN LIEU OF PROVISION

1. In lieu of providing or dedicating open space set-aside required pursuant to this section, an applicant/developer may choose to make a payment to the County. If the required open space to be provided is less than one acre, then fee-in-lieu shall be required.
2. The County shall use such fees only for the acquisition or development of open space, recreation, or park sites to serve residents of the County.
3. The amount of the fee-in-lieu shall be the product of the total number of proposed dwelling units proposed multiplied by the fee established in the County's adopted fee schedule. The applicant/developer shall make the payment before occupancy or approval of a final plat, as appropriate. The Zoning Administrator may allow phasing of payments consistent with the approved phasing of the development.

6.6.2. PARKLAND DEDICATION

Subdivisions of land for five or more single-family residential lots (including detached or attached units) shall be required to dedicate a portion of the land, or pay a fee-in-lieu thereof, for public parkland, in accordance with the standards of this section.

A. DEDICATION AMOUNT

1. Single-family residential subdivisions of five or more lots shall dedicate 500 square feet of land per residential lot to the County for its use in developing public parkland.
2. No credit towards required parkland dedication is given for lands mandated for preservation by State or federal requirements.
3. No more than 25 percent of the total dedication requirement may be met through dedication of water areas.

B. PROCEDURE FOR DEDICATION OR PAYMENT OF FEE-IN-LIEU

1. The developer shall identify land proposed for dedication or propose payment of a fee-in-lieu as part of the application for approval.
2. The County shall review the proposed application and determine if it complies with the standards in this section. The decision to accept dedication or payment of a fee-in-lieu is up to the sole discretion of the Board of Commissioners.
3. In the event a request for payment of fee-in-lieu is made, the request shall be accompanied by the following:
 - i. The assessed value of the land indicated for dedication and how the assessed value amount was determined; and

§6.6. Open Space Set-Aside and Parkland

- ### C. NATURE OF AREA TO BE DEDICATED

1. UNITY

2. USABILITY

3. SHAPE

4. LOCATION

- LAST AMENDED**
5.2.22

ARTICLE 6. STANDARDS

§6.6. Open Space Set-Aside and Parkland

- ii. The Board of Commissioners may require that the land dedicated be located on the periphery of the development in order to allow enlargement by combining the recreation and park area with adjacent development or park facilities, existing or planned.

5. ACCESS

- i. All dwelling units in the subdivision and residents in the immediate area shall have access to and from the parkland provided by means of streets and public walkways or trails.
- ii. Rights-of-way for this access shall be shown on the preliminary and final plats.
- iii. All dedicated lands shall have access by way of a street. Such access can be provided when the dedicated land is adjacent to existing or proposed public parkland with street access.

§6.7. OWNERS' ASSOCIATIONS

6.7.1. PURPOSE

The purpose of this section is to set out the requirements for establishment of a homeowners' or property owners' association (hereinafter "association") that shall be responsible for the long-term maintenance of common areas, common features, and private infrastructure in a subdivision. This section also sets out the requirements associated with transfer of subdivision control and maintenance responsibility from the subdivider to the association.

6.7.2. APPLICABILITY

The standards in this section shall apply to subdivisions with open space set-aside(s), lands held under common ownership, or with shared responsibility for common infrastructure including, but not limited to:

- A.** Stormwater control measures;
- B.** Private community-level potable water systems;
- C.** Private community-level sewage system features (such as pump stations serving only the development where located);
- D.** Cluster mailbox units;
- E.** Commonly-held off-street parking facilities; and
- F.** Open space set-asides.

6.7.3. CREATION REQUIRED

- A.** A homeowners' or property owners' association shall be established in areas that have private common open space or shared private infrastructure. Associations are required to accept ownership and maintenance responsibility of all open space set-aside(s), shared infrastructure, or common areas within a development.
- B.** Associations are also required in order to fulfill the requirements of Chapter 47C (the "Condominium Act") of the North Carolina General Statutes, or the requirements of Chapter 47F (the "Planned Community Act") of the North Carolina General Statutes.
- C.** The association shall be in legal existence prior to the conveyance, lease-option, or other long-term transfer of control of any unit or lot in the development, though maintenance responsibility shall only transfer from the developer to the association in accordance with **Section 6.7.8, Transfer of Maintenance Responsibility**.

6.7.4. RESPONSIBILITIES

Upon transfer of maintenance responsibility, the association shall be responsible for:

- A.** Liability insurance and payment of premiums for liability insurance and local taxes;
- B.** Maintenance of all common elements including, but not limited to, stormwater control measures, private utilities, private drives, private sidewalks and trails, private streetlights, and private common recreation facilities shown on the preliminary and final plats;
- C.** Maintenance of public streets until such time as the NCDOT agrees to accept the responsibility for street maintenance;
- D.** Maintenance of an escrow account intended for the maintenance and repair of community facilities; and
- E.** Payment of system development fees for public and private improvements made to or for the benefit of the common elements.

6.7.5. PROCEDURE FOR ESTABLISHMENT

ARTICLE 6. STANDARDS

§6.7. Owners' Associations

- A. Documents for the creation of the association shall be submitted to the County for review and approval prior to approval of the final plat (see Section 2.3.13, Final Plat). Documentation shall include, but not be limited to the information in Section 6.7.6, Documentation Requirements.
- B. The association shall be established by the subdivider prior to the sale of the first lot in the subdivision.
- C. The association documents shall establish that the subdivider shall maintain the common area, common facilities, and infrastructure at least until 75 percent of the lots are sold.
- D. Responsibility for maintaining the subdivision's common areas, common facilities, and private infrastructure shall be transferred in accordance with the standards in Section 6.7.8, Transfer of Maintenance Responsibility.
- E. Nothing shall prevent the subdivider from retaining maintenance responsibility after more than 75 percent of the lots are sold.

6.7.6. DOCUMENTATION REQUIREMENTS

- A. The association documents submitted to the County for review and approval shall include, but not be limited to, the following:
 - 1. A declaration of all restrictive covenants;
 - 2. A declaration of all deed restrictions;
 - 3. A declaration that the association is responsible for liability insurance and all applicable taxes;
 - 4. A declaration of common ownership and maintenance responsibilities of all on-site improvements not dedicated to a local or State agency, including but not limited to drainage systems, wastewater systems, open space set-aside areas, recreational facilities, and private infrastructure;
 - 5. A description of the structural organization and operating procedures of the association;
 - 6. Association by-laws;
 - 7. A legal description of all open space set-asides and other lands owned in common;
 - 8. Provisions establishing the legal authority of the association to maintain control over all common areas, common features, and private infrastructure in the subdivision, following transfer of control by the subdivider;
 - 9. Provisions authorizing the association to compel contributions from owners in the development to cover their proportionate share of maintenance costs associated with common areas, common features, and private infrastructure;
 - 10. Provisions authorizing the association to increase the amount of mandatory fees or assessments, when necessary, for the continued maintenance of common areas, common features, or private infrastructure;
 - 11. Provisions authorizing the association to convert any member's unpaid assessments into a lien on real property; and
 - 12. Evidence related to the establishment of a reserve fund under the sole control of the association to support the continued maintenance and upkeep of common areas, common features, and private infrastructure.
- B. Following approval of the required documentation by the County, the subdivider shall record all required documentation with the Edgecombe County Register of Deeds.

6.7.7. MEMBERSHIP REQUIREMENTS

- A. Following establishment of the association by the subdivider, membership in the association shall be automatic and mandatory for all purchasers of land within the subdivision and their successors in title.

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§6.7. Owners' Associations

- B.** All members of an association shall be responsible for contributions to the association's reserve fund to cover their proportionate share of maintenance costs associated with common areas, common features, and private infrastructure.

6.7.8. TRANSFER OF MAINTENANCE RESPONSIBILITY

- A.** The subdivider shall be responsible for maintenance of all common areas, common features, and private infrastructure until maintenance responsibility is transferred to the association in accordance with the standards in this subsection.
- B.** Maintenance responsibility shall not be transferred from the subdivider to the association until all of the following occur:
- 1.** The subdivider commissions a report prepared by a professional engineer licensed in North Carolina indicating that all common areas, common features, and infrastructure elements comply with the minimum standards in this Ordinance and the County Code of Ordinances. The report shall also include verification of the reserve fund balance in accordance with the standards in this section; and
 - 2.** County staff reviews and approves the report prepared by the professional engineer; and
 - 3.** A reserve fund dedicated to the continued maintenance and upkeep of common areas, common features, and private infrastructure is established in the name of the association that contains a minimum balance sufficient to cover the following:
 - i.** Ten percent of the construction costs of common features and private infrastructure;
 - ii.** Liability insurance and taxes (if applicable) for two years; and
 - iii.** Facilities, stormwater, and landscaping maintenance costs for two years.
 - 4.** In the event the association has not collected sufficient assessment funds from the lot owners in the subdivision to meet the minimum balance requirements of the reserve fund, the subdivider shall be responsible for the difference needed to meet the minimum balance requirements.

6.7.9. FAILURE TO MAINTAIN IS A VIOLATION

Failure to maintain common areas, common features, or infrastructure is a violation of this Ordinance and is subject to the penalties and remedies in [Article 7. Violations](#).

§6.8. PARKING AND LOADING

6.8.1. PURPOSE AND INTENT

The purpose of this section is to ensure provision of off-street parking and loading facilities in proportion to the generalized parking, loading, and transportation demand of the different uses allowed by this Ordinance. The standards are further intended to:

- A.** Provide for adequate off-street parking, off-street loading, and safe movement of vehicles into, out of, and through parking areas;
- B.** Allow for flexibility to accommodate alternative solutions to off-street parking and loading needs (including shared parking), where such flexibility is consistent with the County's adopted policy guidance;
- C.** Reduce the aesthetic impact of surface parking lots along major roadways through standards addressing on-site parking lot locations;
- D.** Minimize the potential for conflict with traffic on streets;
- E.** Avoid excessive paved surface areas and the resulting problems associated with stormwater runoff and heat islands; and
- F.** Protecting compatibility between adjacent uses of land.

6.8.2. APPLICABILITY

The standards in this section shall apply to all development in the County's planning jurisdiction, unless exempted in accordance with [Section 6.8.3, Exemptions](#).

A. GENERALLY

Whenever a building is constructed, an open-air use of land is conducted, or a principal or secondary use is established, the development shall meet the requirements of this section.

B. ADDITIONS AND EXPANSIONS

Whenever an existing building, open air use of land, or principal or secondary use is enlarged or increased in capacity after November 1, 2021, the development shall comply with the requirements in [Section 5.4, Nonconforming Sites](#).

C. CHANGES IN USE

- 1.** If the principal use changes, then the new principal use shall meet the requirements of this section, except that if the use change results in an increase of less than five percent in the required number of parking spaces, or less than two additional parking spaces, no additional parking spaces are required.
- 2.** In cases where an existing parking lot does not comply with the parking lot configuration requirements of this section, changes in use shall require the parking lot's configuration to be brought into compliance with these standards, to the maximum extent practicable.

D. PRE-EXISTING DEVELOPMENT

Lawfully established off-street parking and loading areas established prior to November 1, 2021, that do not comply with these standards shall be subject to the applicable standards in Article 5. Nonconformities.

6.8.3. EXEMPTIONS

The following forms of development are exempt from the requirements of this section:

- A.** Lawfully established lots of record existing prior to November 1, 2021, that are 33 feet wide or less, contain a single-family detached residential structure, and are not served by an alley; and
- B.** Re-striping an existing parking lot which does not create a deficient number of parking spaces or a nonconforming situation.

ARTICLE 6. STANDARDS

§6.8. Parking and Loading

6.8.4. OFF-STREET PARKING REQUIREMENTS

Off-street parking shall be provided on every lot on which any uses are hereafter established. The number of spaces provided shall equal or exceed the number shown in this section.

A. PARKING PLAN REQUIRED

Every application for a site plan or zoning compliance permit shall include a parking plan or plot plan drawn to scale and fully dimensioned as necessary in order to demonstrate compliance with the standards in this Ordinance.

B. USE TYPE NOT LISTED

1. For use types that do not correspond to the use types listed in Table 6.8.4.F, Summary Table of Requirements, any one of the following actions may be taken as part of determining the applicable off-street parking requirements:
 - i. The applicant may provide a parking study for the use(s) prepared by a professional engineer licensed by the State of North Carolina;
 - ii. The applicant may propose a text amendment to this Ordinance in accordance with Section 2.3.24, Text Amendment;
 - iii. The applicant may request a formal determination of these off-street parking standards in accordance with Section 2.3.8, Determination; or
 - iv. The Zoning Administrator may determine the minimum parking space requirement based on a similar use in accordance with the standards of this Ordinance.
2. In cases where the applicant desires the Zoning Administrator to make a determination, the application shall provide adequate information for review, which includes, but is not limited to, the type of use(s), number of employees, the availability of transit, the occupancy of the building, square feet of sales, service and office area, parking spaces proposed, and hours of operation.

C. DEVELOPMENTS WITH MULTIPLE USE TYPES

1. Development containing more than one principal use shall provide the minimum number of off-street parking spaces in an amount equal to the total required for all individual principal uses in the development, except as allowed by Section 6.8.8, Parking Flexibility.
2. Developments consisting of multiple lots that are planned and developed as a single, unified, or consolidated project may be configured to locate a portion of the required parking for one lot on another in the same development as allowed by Section 6.8.8, Parking Flexibility.

D. USE OF REQUIRED PARKING SPACES

1. Off-street parking areas used for any of the following vehicles are not credited towards the minimum number of required off-street parking spaces in Table 6.8.4.F, Summary Table of Requirements, and such vehicles shall be located outside required off-street parking spaces and any street right-of-way:
 - i. Vehicles for sale or lease;
 - ii. Vehicles being stored, serviced, or repaired; or
 - iii. Vehicles belonging to the use, such as company vehicles.
2. Required off-street parking spaces shall not be used for any purpose other than the temporary parking of operable vehicles.
3. In no instance shall motor vehicle servicing or repair of a vehicle take place within a required off-street parking space except for washing and emergency service necessary to start the vehicle.

E. DRIVEWAYS USED TO MEET REQUIREMENTS

ARTICLE 6. STANDARDS

§6.8. Parking and Loading

1. Driveways and off-street parking areas shall be used to accommodate required off-street parking spaces for residential uses. On-street parking shall not be credited towards residential parking requirements.
2. Driveways shall be of sufficient size to accommodate all the off-street parking spaces required by Table 6.8.4.F, Summary Table of Requirements. In no instance shall accommodation of vehicle parking in accordance with this subsection result in parked vehicles protruding into or over street rights-of-way, sidewalks, greenways, required sight distance triangles, areas used for refuse collection, or required landscaping areas.

F. SUMMARY TABLE OF REQUIREMENTS

TABLE 6.8.4.F: MINIMUM OFF-STREET PARKING REQUIREMENTS	
USE TYPE	MINIMUM NUMBER OF PARKING SPACES REQUIRED [1] [2]
AGRICULTURAL USES	
Agricultural Packaging and Processing [3]	1 per every 1,500 sf
Agricultural Storage and Distribution [3]	1 per every 6,000 sf
Animal Husbandry (other than swine) [3]	1 per every 2,000 sf
Aquaculture [3]	1 per every employee on the largest shift
Equestrian Facility	1 per every stall + 2
Farm Equipment Sales and Service	1 per every 300 sf
Farm Supply Sales	1 per every 300 sf
Horticulture or Plant Nursery [3]	1 per every 1,500 sf
Packaging and Processing	1 per every 400 sf
Pick-Your-Own Establishment	1 per every 1,500 sf
Row, Field, and Tree crops [3]	None
Silviculture	None
Swine Farm [3]	1 per employee on the largest shift
Viticulture	None
COMMERCIAL USES	
Agricultural Product Sales	1 per every 200 sf of display area
Aircraft Parts, Sales, and Maintenance	1 per every 600 sf
Aircraft Storage	1 per every storage bay + 1
Animal Boarding	1 per every 200 sf used by public + 1 per every 600 sf not used by the public
Animal Grooming	1 per every 200 sf used by public + 1 per every 600 sf not used by the public
Animal Shelter	1 per every 200 sf used by public + 1 per every 600 sf not used by the public
Bank or Credit Union	1 per every 200 sf used by public + 1 per every 600 sf not used by the public
Bar, Cocktail Lounge, Private Club	1 per every 150 sf
Barber or Beauty Shop	1 per every 200 sf
Bed and Breakfast	2 + 1 per every rental unit
Bulky Items Sales	1 per every 600 sf
Campground	1 + 1 per every camping space

ARTICLE 6. STANDARDS

§6.8. Parking and Loading

TABLE 6.8.4.F: MINIMUM OFF-STREET PARKING REQUIREMENTS

USE TYPE	MINIMUM NUMBER OF PARKING SPACES REQUIRED [1] [2]
Catering Establishment	1 per every 300 sf
Check Cashing/Payday Lending Establishment	1 per every 150 sf
Coffee Shop or Bakery	1 per every 150 sf
Computer-Related Services	1 per every 200 sf
Convenience Store	1 per every 200 sf
Co-Working Space	2 + 1 per every 250 sf
Day Spa (medical or otherwise)	1 per every 150 sf
Electronic Gaming Operation	1 per every 150 sf
Event Venue, Indoor Only	1 per every 150 sf
Event Venue, Indoors or Outdoors	1 per every 150 sf
Financial Office	1 per every 300 sf
Fitness Center	1 per every 150 sf
Flea Market	1 per every 200 sf
Funeral-Related Services	Greater of: 1 per every 200 sf used by public, or 1 per every 4 seats in chapel
Gasoline Sales	1 per every 200 sf
Grocery Store	1 per every 250 sf
Hair, Nails, and Skin-Related Services	1 per every 200 sf
Heavy Equipment Sales, Rental, & Repair	1 per every 600 sf
Hotel or Motel	5 + 1 per every rental unit
Indoor Recreation, Commercial	1 per every 150 sf
Indoor Shooting Range	1 per every 200 sf used by the public
Instructional Services	1 per every 200 sf
Laundry and Cleaning Services	1 per every 200 sf used by the public
Light Equipment Sales, Rental, & Repair	1 per every 500 sf
Marine Related	1 per every 300 sf
Microbrewery or Microdistillery	1 per every 150 sf
Nightclub or Dance Hall	1 per every 150 sf
Office, High Intensity	1 per every 200 sf
Office, Low Intensity	1 per every 200 sf used by public + 1 per every 600 sf not used by the public
Outdoor Advertising	None
Outdoor Recreation, Commercial	1 per every 1,000 sf of activity area (including building sf)
Outdoor Shooting Range	1 per employee on largest shift + 1 per shooting station
Packaging and Shipping	1 per every 200 sf
Parking Related	None
Petting Zoo	1 per every 200 sf of indoor area + 1 per every 500 sf of outdoor area
Pharmacy	1 per every 200 sf
Recreational Vehicle Park	5 + 1 per every vehicle storage space
Repair shop	1 per every 600 sf

ARTICLE 6. STANDARDS

§6.8. Parking and Loading

TABLE 6.8.4.F: MINIMUM OFF-STREET PARKING REQUIREMENTS

USE TYPE	MINIMUM NUMBER OF PARKING SPACES REQUIRED [1] [2]
Restaurant with Drive-up/Walk-up Service Only	1 per employee on largest shift + 1 per every two outdoor seating locations
Restaurant with Indoor or Outdoor Seating	1 per every 4 seats
Retail, High Intensity	1 per every 150 sf
Retail, Low Intensity	1 per every 200 sf
Retail, Micro	1 per employee on the largest shift
Sexually-Oriented Business	1 per every 150 sf
Storage, Indoor and Outdoor	1 + 1 per employee on largest shift
Storage, Indoor Only	1 per every 5,000 sf
Tanning Salon	1 per every 200 sf
Tattoo and Piercing Establishment	1 per every 600 sf
Theatre, Indoors	Greater of: 1 per every 4 seats or 1 per every 40 sf of seating area with moveable seating
Theatre, Outdoors	1 per employee on largest shift
Vehicle Painting/ Bodywork	2 + 1 per every service bay
Vehicle Parts and Accessory Sales	1 per every 200 sf
Vehicle Repair and Servicing (without painting/ bodywork)	2 + 1 per every service bay
Vehicle Sales or Rentals	1 per every 200 sf
Vehicle Towing and Storage Lot	1 + 1 per employee on largest shift
Vehicle Washing or Detailing	2 per every washing bay
Veterinary Services, Large Animal	2 per every doctor + space for trailers and transportation vehicles
Veterinary Services, Small Animal	4 per every doctor
Zoo	1 per every employee on largest shift + 1 per every 200 sf of indoor area + 1 per every 500 sf of outdoor area
INDUSTRIAL USES	
Asphalt or Concrete Plant	2 per every 3 employees on the largest shift
Business Incubator	1 per every 450 sf
Contractor Services/Yard	Greater of: 1 per every 300 sf or 1 per every 1,000 sf of outdoor area
Electrical, HVAC, or Plumbing Fabrication	2 per every 3 employees on largest shift
Extractive Industry	1 + 1 per employee on largest shift
Freight Terminal	2 per every 3 employees on largest shift
Fuel Oil/Bottled Gas Distributor	1 per every 200 sf used by public + 1 per employee on largest shift
Heavy Manufacturing	2 per every 3 employees on largest shift
Land-Application of Wastes	None
Landfill, LCID	2+ 1 per employee on largest shift
Landfill, Sanitary	2+ 1 per employee on largest shift
Level 2 Solar Energy Conversion	None
Level 3 Solar Energy Conversion	None

ARTICLE 6. STANDARDS

§6.8. Parking and Loading

TABLE 6.8.4.F: MINIMUM OFF-STREET PARKING REQUIREMENTS

USE TYPE	MINIMUM NUMBER OF PARKING SPACES REQUIRED [1] [2]
Light Manufacturing	2 per every 3 employees on largest shift
Major Utility	1 per every 1,500 sf
Maker Space	1 per every 400 sf
Metal Fabrication	Greater of: 1 per every 300 sf or 1 per every 1,000 sf of outdoor area
Minor Utility	None
Recycling Center	1 per every 1,000 sf (min. of 2 spaces)
Research and Development	1 per every 300 sf of office area + 1 per every 500 sf of other floor area
Salvage and Junkyard	3+ 1 per employee on the largest shift
Transfer Station	10 + 1 per employee on the largest shift
Warehouse, Distribution	2 per every 3 employees on largest shift
Warehouse, Storage Only	2 per every 3 employees on largest shift
Wholesale, Indoor and Outdoor	1 per every 900 sf + 1, per every 5,000 sf of outdoor area
Wholesale, Indoor Only	1 per every 900 sf
Wind Energy Conversion	None
INSTITUTIONAL USES	
Adult Day Care	1 + 1 per every employee on largest shift
Airport or Air Strip	1 per every 200 sf used by public + 1 per every 600 sf not used by the public [4]
Antenna Collocation	None
Athletic Field or Court	1 per every 1,000 sf of use area
Auditorium, Coliseum, or Convention Center	Greater of: 1 per every 4 seats or 1 per every 40 sf of seating area with moveable seating
Broadcasting Studio	1 per every 2 employees
Bus Station	2 + 1 per every employee on largest shift
Cemetery	1 per employee on the largest shift
Child Day Care	1 per every employee + 1 per every 10 children
College or University	5 per every classroom and office
Community Center	1 per every 300 sf
Community Recreation (private)	1 per every 1,000 sf of activity area (including building sf)
Correctional Facility	10 + 1 per employee on the largest shift
Fire/EMS/ Sheriff Station	1 per every 200 sf used by public + 1 per every 600 sf not used by the public
Fraternal Club or Lodge	1 per every 300 sf
Golf Course (public or private)	1 per every 4 persons of design capacity
Government Office	1 per every 200 sf used by public + 1 per every 600 sf not used by the public
Government Operations	1 per every 200 sf used by public + 1 per every 600 sf not used by the public
Hospital	1 per every 2 beds + 1 per every doctor and nurse + 1 per every 4 other employees

ARTICLE 6. STANDARDS

§6.8. Parking and Loading

TABLE 6.8.4.F: MINIMUM OFF-STREET PARKING REQUIREMENTS

USE TYPE	MINIMUM NUMBER OF PARKING SPACES REQUIRED [1] [2]
Indoor Recreation, Public	1 per every 200 sf
Laboratory	2 per every 3 employees on largest shift
Library	1 per every 200 sf used by public + 1 per every 600 sf not used by the public
Marina	2 + 1 per every employee on largest shift
Museum	1 per every 200 sf used by public + 1 per every 600 sf not used by the public
Outdoor Recreation, Public	1 per every 1,000 sf of activity area (including building sf)
Outpatient Facility	1 per every 200 sf
Park or Playground (public)	1 per employee on largest shift + 1 per acre
Post Office	1 per every 200 sf used by public + 1 per every 600 sf not used by the public
Rail Yard	1 per employee on largest shift
Religious Institution	Greater of: 1 per every 6 seats or 1 per every 50 sf of floor area in main assembly room
Residential Treatment Facility	2 + 1 per every 3 patient beds
School, Elementary or Middle	Greater of: 1 per employee or 5 per every classroom and office
School, High	5 per every classroom and office
School, Vocational	5 per every classroom and office
Small Wireless Facility	None
Telecommunications Tower	None
Urgent Care	1 per employee on the largest shift + 1 per every 300 sf
RESIDENTIAL USES	
Boarding House	2 + 1 per each rental room
Congregate Care	1 per employee on largest shift + 0.25 per bed
Continuing Care Retirement Community	1.5 per every individual dwelling unit + 1 per every employee on the largest shift + per every 200 sf used by the public
Family Care Home	2 + 1 per bedroom
Group Home	2 + 1 per bedroom
Homeless Shelter	1 per employee on the largest shift + 1
Manufactured Home (Class A)	2 per dwelling
Manufactured Home (Class B)	2 per dwelling
Manufactured Home (Class C)	2 per dwelling
Manufactured Home Park	2 per every home site + 1 per every 300 sf of an office or administrative building
Multi-Family Dwelling	1.5 per every dwelling unit + 0.25 guest spaces per unit
Nursing / Rehabilitation Center	1 per employee on largest shift + 0.25 per bed
Pocket Neighborhood	1 per every dwelling unit + 0.25 guest spaces per dwelling unit

ARTICLE 6. STANDARDS

§6.8. Parking and Loading

TABLE 6.8.4.F: MINIMUM OFF-STREET PARKING REQUIREMENTS

USE TYPE	MINIMUM NUMBER OF PARKING SPACES REQUIRED [1] [2]
Single-Family Attached Dwelling	2 per every dwelling unit + 0.25 guest spaces per unit
Single-Family Detached Dwelling	2 per dwelling unit
Two-Family Dwelling	2 per every dwelling unit
Upper-Story Residential Dwelling	1 per every dwelling unit
SECONDARY USES	
Accessory Dwelling Unit	1 per attached unit; 2 per detached unit
Caretaker Dwelling	2 per dwelling
Home Occupation Level 1	1 + requirements for principal use
Home Occupation Level 2	2 + 1 per employee + requirements for principal use
NOTES: [1] See Section 8.3.9, Parking Space Computation, for details on how required parking spaces are computed. [2] "sf" means square feet. [3] Excludes bona fide farms, raw land in agricultural production, and other non-habitable agricultural buildings. [4] Does not include parking for long term travelers.	

6.8.5. STACKING SPACES

A. GENERAL

Uses with drive-through facilities and other auto-oriented uses where vehicles queue up to access a service shall provide adequate stacking spaces on-site for the uses or buildings in accordance with Table 6.8.5, Stacking Spaces Required.

TABLE 6.8.5: STACKING SPACES REQUIRED

USE OR ACTIVITY	MINIMUM NUMBER OF STACKING SPACES REQUIRED	ORIGIN POINT OF MEASUREMENT FOR STACKING SPACES
Assisted living facility and nursing home	3	Building entrance adjacent to stacking spaces
Automated teller machine (drive through)	2	Teller machine
Automobile repair and servicing/Automotive painting or body shop	1 per bay	Bay entrance
Car wash or automobile detailing	1 per bay for manual car washes, otherwise 3	Bay/wash process entrance
Child day care center	2	Building entrance adjacent to stacking spaces

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§6.8. Parking and Loading

TABLE 6.8.5: STACKING SPACES REQUIRED

USE OR ACTIVITY	MINIMUM NUMBER OF STACKING SPACES REQUIRED	ORIGIN POINT OF MEASUREMENT FOR STACKING SPACES
Coffee shop with a drive through	[1]	[1]
Convenience store with gasoline sales	1	Each end of the outermost gas pump
Equipment and tool rental	2	Security gate
Financial services with a drive through	3 per lane	Agent window
Funeral-related service	2	Building entrance adjacent to stacking spaces
Gasoline sales, whether as a principal or accessory use	1	Each end of the outermost gas pump
Heavy equipment sales, rental, and repair	2 [2]	Security gate
Hospital	4	Building entrance adjacent to stacking spaces
Hotel or motel	2	Building entrance adjacent to stacking spaces
Laundry and cleaning service with a drive through	3	Agent window or door intended for service to vehicles
Outpatient treatment facility	4	Building entrance adjacent to stacking spaces
Pharmacy with a drive through	3 per lane	Agent window
Post office	2	Each mailbox intended for access via automobile
Public convenience center/transfer station	5	Front edge of scale
Restaurant with a drive through	[1]	[1]
School (elementary, middle, or high school)	3	Building entrance adjacent to stacking space
Truck of freight terminal	1 [3]	Security gate

NOTES:

[1] Stacking spaces shall be provided in accordance with a stacking space needs study prepared for the specific use type proposed and in accordance with the business model and local experience of similar establishments and authored by professional engineer licensed by the State of North Carolina.

[2] Each stacking space shall be at least 50 feet long.

[3] The stacking space shall be of sufficient length to accommodate a trailer attached to a cab.

[4] Subject to the standards for gasoline sales if provided to individual passenger automobiles.

B. DESIGN

Stacking spaces are subject to the following design and layout standards:

1. Stacking spaces shall be a minimum of nine feet wide and 25 feet long.

ARTICLE 6. STANDARDS

§6.8. Parking and Loading

2. Required stacking spaces shall not impede vehicular traffic movements or movements into or out of parking spaces, whether on-site or off-site.
3. Required stacking spaces shall not impede on-site or off-site bicycle or pedestrian traffic movements, whether on-site or off-site.

6.8.6. PARKING LOT CONFIGURATION

Except for driveways credited towards these parking standards in Section 6.8.4.E, Driveways Used to Meet Requirements, or parking areas subject to an approved alternative parking plan (see Section 6.8.8, Parking Flexibility), all parking lots shall comply with the following standards:

A. GENERALLY

1. All required off-street parking spaces shall be located on the same lot as the principal use they serve, except as allowed in Section 6.8.8, Parking Flexibility.
2. Required off-street parking shall be maintained for the duration of the principal use and shall not be reduced unless the principal use ceases or changes.
3. Except where allowed by this Ordinance, off-street parking spaces shall not be located in any required landscaping or stormwater management area.
4. Off-street parking spaces shall not protrude into any street, fire lane, drive aisle, sidewalk, greenway, or pedestrian connection.

B. PARKING SPACE ACCESS

1. All off-street parking spaces shall be accessed directly from drive aisles or private driveways and not directly from arterial or collector streets.
2. All off-street parking areas shall be designed with an appropriate means of vehicular access to a street or alley in a manner that allows for safe vehicular movements.

C. VEHICLE BACKING

Vehicular use areas shall be designed so that a vehicle is not required to back onto a street to enter or exit the parking lot, a parking space, or a stacking space.

D. DIMENSIONAL STANDARDS FOR SPACES AND AISLES

Off-street parking spaces and drive aisles serving them shall comply with the minimum dimensional standards established in Table 6.8.6, Dimensional Standards for Off-Street Parking Spaces.

TABLE 6.8.6: DIMENSIONAL STANDARDS FOR OFF-STREET PARKING SPACES

TYPE OF PARKING SPACE [1]	MINIMUM WIDTH (FEET)	MINIMUM DEPTH (FEET)	MINIMUM AISLE WIDTH (FEET) [2]	
			ONE-WAY	TWO-WAY [3]
Parallel (0°)	10	23	12	24
Angled (30°)	10	18.2	11	24
Angled (45°)	10	20.5	13	24
Angled (60°)	10	21	18	24
Perpendicular(90°)	10	19	20	24

NOTES:

[1] All off-street parking spaces shall remain unobstructed from grade level to a height of at least 6½ feet above the parking space's grade level.

[2] Minimum aisle width shall be measured from edge-of-pavement to edge-of-pavement and shall not include gutters or curbing.

ARTICLE 6. STANDARDS

§6.8. Parking and Loading

TABLE 6.8.6: DIMENSIONAL STANDARDS FOR OFF-STREET PARKING SPACES

TYPE OF PARKING SPACE [1]	MINIMUM WIDTH (FEET)	MINIMUM DEPTH (FEET)	MINIMUM AISLE WIDTH (FEET) [2]	
			ONE-WAY	TWO-WAY [3]
[3] The County may require one direction of travel to maintain a wider width than the other direction.				

E. SURFACING

1. Except for off-street parking areas serving single-family detached dwellings, all off-street parking spaces, accessible parking spaces, drive aisles, and vehicular use areas shall be paved and maintained with concrete, asphalt, or gravel, similar material of sufficient thickness and consistency to support anticipated traffic volumes and weights.
2. The use of pervious or semi-pervious materials may be approved as part of an alternative parking plan (see Section 6.8.8, Parking Flexibility), provided it is demonstrated that the materials will function in a similar fashion as required materials.
3. Configuration of parking lots in accordance with low impact development practices is encouraged, but not required.

F. GRADING AND DRAINAGE

1. The parking lot shall be graded, properly drained, stabilized, and maintained to minimize dust and erosion.
2. Parking lots shall not impound stormwater unless surface impoundment is required as an approved stormwater control measure. However, in no instance shall surface impoundment result in a fewer number of parking spaces than required by Table 6.8.4.F, Summary Table of Requirements.
3. Parking lots shall not drain onto or across public sidewalks, or into adjacent property except into a natural watercourse or a drainage easement unless alternative

G. MARKINGS

All parking spaces and lanes in parking lots shall be clearly delineated with paint lines, curbs, wheel stops, or other treatment.

H. SEPARATION FROM FIRE PROTECTION

1. No required off-street parking space shall be located within 15 feet of a fire hydrant or other fire protection facility.
2. Parking shall not take place within designated fire lanes or other areas demarcated for fire protection.

6.8.7. ACCESSIBLE PARKING SPACES

Accessible parking spaces for the disabled are required for all forms of development except single-family detached dwellings, and shall meet the following criteria:

A. CONFIGURATION

Handicapped parking spaces shall be in accordance with the regulations set forth by the Americans with Disabilities Act and the North Carolina Building Code.

B. NUMBER PROVIDED

The number of accessible (handicapped) parking spaces provided shall be in accordance with the North Carolina Building Code requirements.

6.8.8. PARKING FLEXIBILITY

A. DEVIATION FROM REQUIRED MINIMUM

An applicant may propose a reduced rate of provision for off-street parking less than that specified in Table 6.8.4.F, Summary Table of Requirements, in accordance with a parking study prepared by a professional engineer licensed by the State of North Carolina. The parking study shall document why fewer spaces than required will be adequate while still protecting the public's health, safety, and welfare.

B. OFF-SITE PARKING

1. Up to 50 percent of off-street parking space requirements may be met by locating required parking in an off-site location, in accordance with the following standards:
 - i. The off-site parking is located within 1,000 feet from the use it serves, as measured from the entrance of the use to the farthest off-site parking space;
 - ii. A sidewalk or improved pedestrian walkway is provided to the off-site parking area from the use;
 - iii. In cases where the off-site parking is located on land under separate ownership from the use it serves, the off-site parking shall be subject to a written agreement executed by the owners involved and filed with the Zoning Administrator prior to the use of off-site parking facilities. The agreement shall guarantee the long-term availability of the off-site parking in question; and
 - iv. Should an off-site parking agreement cease, then the use shall be considered a nonconformity subject to the standards in Article 5. Nonconformities, unless the use is brought into compliance with the minimum off-street parking requirements of this section.
2. Off-site parking physically located within the boundaries of a uniform development that solely serves uses also within the same unified development are exempted from these requirements.

C. SHARED PARKING

The required off-street parking for a use may be met with shared use of the required off-street parking spaces of another use, only in accordance with the following standards:

1. The use of shared off-street parking spaces shall be subject to a shared parking agreement executed by the landowners of the uses involved, approved by the Zoning/Subdivision Administrator, and recorded in the office of the Register of Deeds for the county where the development is located;
2. The shared parking agreement shall guarantee the long-term availability of the shared parking spaces in question. Nothing shall limit the percentage of required off-street parking spaces that may be provided through a shared parking agreement;
3. The shared parking is located within 1,000 feet, as measured from the entrance of the use to the nearest shared parking space;
4. A sidewalk or paved pedestrian walkway is provided to the shared parking area from the use;
5. The uses served by the shared parking must have different peak parking demands, differences in hours or days of operation, or otherwise operate such that the uses sharing parking have access to the required minimum number of off-street parking spaces when in operation; and
6. Should the shared parking agreement cease, then the use(s) formerly served by shared parking shall be considered a nonconformity subject to the standards in Article 5.

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§6.8. Parking and Loading

Nonconformities, unless the use(s) is brought into compliance with the minimum off-street parking requirements of this section.

D. ALTERNATIVE SURFACING

The use of pervious or semi-pervious parking area surfacing materials—including, but not limited to, “grass-crete,” “turfstone,” cellular reinforced paving systems, porous concrete, crushed stone, or recycled materials such as glass, rubber, used asphalt, brick, block, and concrete—may be proposed for required off-street parking spaces, drive aisles, or vehicular surface areas on a site, provided such areas are properly maintained. Where possible, such materials should only be used in areas proximate to and in combination with on-site stormwater control measures or tree protection measures.

E. COMPACT SPACES

Up to 20 percent of the total number of off-street parking spaces provided may be compact parking spaces, provided the spaces comply with the following requirements:

1. Compact spaces shall be no smaller than eight feet wide and 18 feet long;
2. Compact spaces shall be signed or otherwise indicated; and
3. Compact spaces shall be no closer to the primary entrance than required accessible parking spaces.

6.8.9. OFF-STREET LOADING

A. WHEN REQUIRED

Every application for a non-residential use shall ensure that adequate off-street loading facilities are provided so that loading vehicles do not occupy required off-street parking spaces, block vehicular access, or prevent appropriate on-site maneuvering.

B. CONFIGURATION

1. A minimum number of off-street loading spaces is not established; however, if off-street loading spaces or loading docks are provided, they shall be provided and maintained in sufficient numbers to adequately handle the needs of a non-residential use.
2. Failure to provide or maintain off-street loading facilities when they are necessary to serve the development is a violation of this Ordinance.
3. In no instance shall an off-street loading space occupy a required off-street parking space or interrupt the safe operation of vehicles or circulation of pedestrian or bicycles.
4. Each off-street loading facility shall be designed with an appropriate means of vehicular access to a street or alley in a manner that will least interfere with traffic circulation.

C. LOCATION

No off-street loading facility shall be located within a required setback or within 30 feet of a street intersection.

D. DIMENSIONAL STANDARDS

When off-street loading facilities are provided, they shall comply with the following minimum requirements:

1. Except for loading facilities used by semi-tractor trailers, off-street loading spaces shall be at least 10 feet wide and at least 30 feet long;
2. Off-street loading facilities used by semi-tractor trailers shall be at least 70 feet long;
3. Overhead clearance for an off-street loading facility shall be at least 15 feet; and
4. Off-street loading facilities shall be designed so that no backing onto or from a public street is necessary.

§6.9. RIPARIAN BUFFER PROTECTION

6.9.1. AUTHORITY

- A.** This section is adopted pursuant to the authority vested in Edgecombe County by the General Statutes of North Carolina and the North Carolina Administrative Code, particularly:
 - 1.** Section 15A NCAC 02B.0734 of the North Carolina Administrative Code;
 - 2.** Sections 153A-121 and 153A-140 of the North Carolina General Statutes;
 - 3.** Chapter 160D of the North Carolina General Statutes; and
 - 4.** Any special legislation enacted by the General Assembly for Edgecombe County.
- B.** The Stormwater Administrator shall interpret this section in accordance with **Section 2.3.8, Determination**, and shall maintain a record of all written determinations of this section.

6.9.2. PURPOSE AND INTENT

This section is adopted to protect and preserve existing riparian buffers throughout the Tar-Pamlico River Basin as generally described in Rule 15A NCAC 02B .0734, in order to maintain their nutrient removal and stream protection functions. Further, this section is intended to:

- A.** Help protect the water supply uses and designated water supplies throughout the Tar-Pamlico Watershed;
- B.** Enhance and protect the natural ecology of stream systems;
- C.** Protect water quality through bank stabilization, shading, and nutrient removal;
- D.** Minimize flood damage in flood prone areas;
- E.** Help to remove nitrogen from surface waters; and
- F.** Prevent sediment and sediment-bound pollutants such as phosphorous from reaching the streams.

6.9.3. GENERAL REQUIREMENTS

- A.** Except where exempted in accordance with **Section 6.9.6, Exemptions**, the standards in this section shall apply to all development and related activities located within the riparian buffer.
- B.** No new clearing, grading, or development (including issuance of a building permit) shall take place within a riparian buffer in violation of the standards in this section.
- C.** The riparian buffer boundary includes all the land area within 50 linear feet directly adjacent to either bank the surface waters of the Tar-Pamlico River Basin (see **Section 6.9.6.D, Zones of the Riparian Buffer**).
- D.** For the purposes of these standards, the surface waters of the Tar Pamlico River Basin include the Tar River and all intermittent streams, perennial streams, lakes, ponds, reservoirs, and estuaries that drain directly or indirectly to the Tar-Pamlico River Basin.
- E.** Wetlands within the affected boundary are considered as a part of the riparian buffer but are regulated in accordance with 15A NCAC 02H. 0506 not these standards.
- F.** Stormwater runoff from activities conducted outside the riparian buffer shall comply with the standards in **Section 6.9.7, Stormwater Runoff Through the Riparian Buffer**.

6.9.4. DETERMINATION OF RIPARIAN BUFFER BOUNDARY

A surface water shall be subject to these standards if it is approximately shown on any of the following references:

- A.** The most recent version of the published manuscript of the soil survey map that shows stream layers prepared by the Natural Resources Conservation Service of the United States Department of Agriculture;
- B.** The United States Geologic Survey's (USGS) National Map, available online at: <https://www.usgs.gov/core-science-systems/national-geospatial-program/national-map>; or

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§6.9. Riparian Buffer Protection

- C.** Other maps approved by the Environmental Management Commission as more accurate than those identified in sub-sections (A) and (B) above. Other maps shall use a hydrography dataset developed using hydrography specifications and standard metadata approved by the Geographic Information Coordinating Council (GICC) and maintained on a GICC list of the best available hydrography. Edits, deletions and additions to the hydrography dataset shall follow GICC approved standards and specifications, per stewardship governance. Other maps shall have their hydrography dataset and procedures for edits, deletions, and additions reviewed and approved by the GICC. Other maps shall be submitted to the Division for review and recommendation to the Environmental Management Commission. Prior to recommendation to the Environmental Management Commission, the Division shall issue a 30-calendar day public notice through the Division's Mailing List in accordance with 15A NCAC 02H .0503. Division staff shall present recommendations including comments received during the public notice period to the Environmental Management Commission for a final decision. Maps approved under this sub-section shall not apply to projects that are existing and ongoing in accordance with **Section 6.9.6, Exemptions**.

6.9.5. ON-SITE DETERMINATION OF BUFFER BOUNDARY

- A.** When a landowner or other affected party believes that the maps in **Section 6.9.4, Determination of Riparian Buffer Boundary**, have inaccurately depicted surface waters, they shall consult the Stormwater Administrator.
- B.** Upon request, the Stormwater Administrator, or a designee, who has successfully completed the North Carolina Division of Water Resources' Surface Water Identification Training Certification course, its successor, or other equivalent training curriculum approved by the Division, shall make an on-site determination.
- C.** The Stormwater Administrator may also accept the results of site assessments made by other parties who have successfully completed such training.
- D.** Any disputes over on-site determinations shall be referred to the Director of the Division of Water Resources in care of the 401 Oversight Express Permitting Unit, or its successor, in writing.
- E.** A determination of the Director as to the accuracy or application of the maps is subject to review as provided in Articles 3 and 4 of Chapter 150B of the North Carolina General Statutes.

6.9.6. EXEMPTIONS

A. EXEMPTION BASED ON ON-SITE DETERMINATION

- 1.** Surface waters that appear on the maps identified in **Section 6.9.4, Determination of Riparian Buffer Boundary**, shall not be subject to these riparian buffer requirements if a site evaluation reveals that they are:
 - i.** Ditches or manmade conveyances other than modified natural streams, unless constructed for navigation or boat access;
 - ii.** Manmade ponds and lakes, including ponds that are not fed by an intermittent or perennial stream nor have a direct discharge point to an intermittent or perennial stream;
 - iii.** Ephemeral streams; or
 - iv.** Lacking a corresponding perennial waterbody, intermittent waterbody, lake, pond or estuary.

B. EXEMPTION FOR AGRICULTURAL PURPOSES

The standards in this section shall not apply to a freshwater pond if all of the following conditions are met:

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§6.9. Riparian Buffer Protection

1. The property on which the pond is located is used for agriculture as that term is defined in Section 106-581.1 of the North Carolina general Statutes;
2. The use of the property is in compliance with all other water quality and water quantity statutes and rules applicable to the property before January 1, 2000; and
3. The pond is not a component of an animal waste management system as defined in Section 143-215.10B(3) of the North Carolina General Statutes.

C. EXEMPTION BASED ON PRE-EXISTING ONGOING USES

1. The standards in this section shall not apply to portions of the riparian buffer where a use is existing and ongoing. A use shall be considered existing if:
 - i. It was present within the riparian buffer as of January 1, 2000, and has continued to exist since that time; or
 - ii. It is a deemed allowable activity in Table 6.9.9, Table of Uses in Riparian Buffers; or
 - iii. It was conducted and maintained pursuant to an authorization certificate or variance issued by the County.
2. Existing and ongoing uses shall include, but not be limited to,
 - i. Agriculture;
 - ii. Buildings;
 - iii. Industrial facilities;
 - iv. Commercial areas;
 - v. Transportation facilities;
 - vi. Maintained lawns (i.e., can be mowed without a chainsaw or bush-hog);
 - vii. Existing utility line maintenance corridors that include periodic management or displacement of vegetation by structures or regular activity; or
 - viii. An on-site sanitary sewage system that includes periodic management or displacement of vegetation by structures or regular activity.
3. Only the portion of the riparian buffer that contains the footprint of the existing and ongoing use shall be exempted from these standards.
4. Activities necessary to maintain existing and ongoing uses are allowed provided that the site remains similarly vegetated, no built upon area is added within the riparian buffer where it did not exist prior to January 1, 2000, and the site shall maintain compliance with Section 6.9.7, Stormwater Runoff Through the Riparian Buffer.
5. In cases where an existing and ongoing use that is exempted from these standards is changed to a new or different use, these standards shall then apply. In no instance shall a change of ownership through purchase or inheritance be considered a change of use.

D. ZONES OF THE RIPARIAN BUFFER

The protected riparian buffer shall have two zones as follows (see Figure 6.9.6, Riparian Buffer Zones Figure):

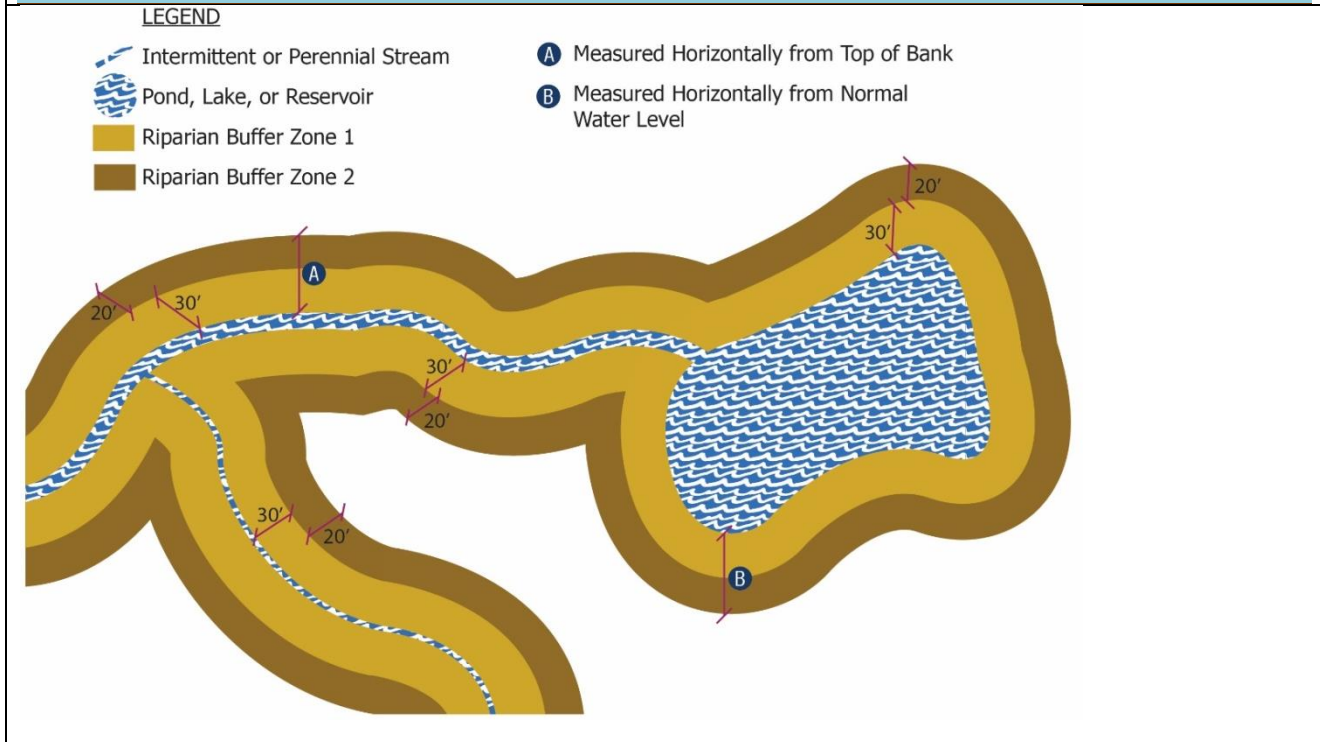
1. Zone One shall consist of a vegetated area that is undisturbed except for uses provided for in Table 6.9.9, Table of Uses in Riparian Buffers. The location of Zone One shall be as follows:
 - i. For intermittent and perennial streams, Zone One shall begin at the top of the bank and extend landward a distance of 30 feet on all sides of the surface water, measured horizontally on a line perpendicular to a vertical line marking the top of the bank.
 - ii. For ponds, lakes and reservoirs located within a natural drainage way, Zone One shall begin at the normal water level and extend landward a distance of 30 feet, measured horizontally on a line perpendicular to a vertical line marking the normal water level.

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2. Zone Two shall consist of a stable, vegetated area that is undisturbed except for uses provided for in Table 6.9.9, Table of Uses in Riparian Buffers. Grading and revegetating in Zone Two is allowed provided that the health of the vegetation in Zone One is not compromised. Zone Two shall begin at the outer edge of Zone One and extend landward 20 feet as measured horizontally on a line perpendicular to the surface water. The combined width of Zones One and Two shall be 50 feet on all sides of the surface water.

FIGURE 6.9.6, RIPARIAN BUFFER ZONES



6.9.7. STORMWATER RUNOFF THROUGH THE RIPARIAN BUFFER

A. ALLOWABLE

The following stormwater conveyances through a riparian buffer are deemed allowable as defined in Section 6.9.8, Use Establishment, provided that they do not erode through the riparian buffer and do not cause erosion to the receiving waterbody:

1. New drainage conveyances from a primary SCM, as defined in 15A NCAC 02H .1002, when the primary SCM is designed to treat the drainage area to the conveyance and that comply with a stormwater management plan reviewed and approved under a State stormwater program or Edgecombe County's stormwater provisions; and
2. New stormwater flow to existing drainage conveyances provided that the addition of new flow does not result in the need to alter the conveyance.

B. ALLOWABLE WITH AUTHORIZATION

The following stormwater conveyances through a riparian buffer are deemed allowable with authorization as defined in Section 6.9.8, Use Establishment, provided that they do not erode through the riparian buffer and do not cause erosion to the receiving waterbody:

1. New drainage conveyances from a primary SCM as defined in 15A NCAC 02H .1002 when the primary SCM is provided to treat the drainage area to the conveyance but are not

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required to be approved under a State stormwater program or Edgecombe County's stormwater provisions;

2. New drainage conveyances when the drainage area to the conveyance is demonstrated via approved nutrient calculation methodologies to meet the nutrient loading goals in 15A NCAC 02H .0731(e)(1);
3. New drainage conveyances when the flow rate of the conveyance is less than 0.5 cubic feet per second during the peak flow from the 0.75 inch per hour storm;
4. New stormwater runoff that has been treated through a level spreader-filter strip that complies with 15A NCAC 02H .1059;
5. Realignment of existing roadside drainage conveyances applicable to publicly funded and maintained linear transportation facilities when retaining or improving the design dimensions provided that no additional travel lanes are added and the minimum required roadway typical section is used based on traffic and safety considerations;
6. Realignment of existing drainage conveyances retaining or improving the design dimensions provided that the size of the drainage area and the percent built-upon area within the drainage area remain the same;
7. New or altered drainage conveyances applicable to publicly funded and maintained linear transportation facilities provided that SCMs, or BMPs from the NCDOT Stormwater Best Management Practices Toolbox, are employed;
8. New drainage conveyances applicable to publicly funded and maintained linear transportation facilities that do not provide a stormwater management facility due to topography constraints provided other measures are employed to protect downstream water quality to the maximum extent practical; and
9. New drainage conveyances where the drainage area to the conveyance has no new built-upon area as defined in 15A NCAC 02H .1002 and the conveyance is necessary for bypass of existing drainage only.

C. ALLOWABLE WITH EXCEPTION

All other stormwater conveyances through a riparian buffer are allowable with exception as defined in [Section 6.9.8, Use Establishment](#).

D. OTHER REQUIREMENTS

1. Stormwater runoff into the riparian buffer shall meet dispersed flow as defined in 15A NCAC 02H .1002 except where otherwise required by this sub-section.
2. Drainage conveyances include drainage ditches, roadside ditches, and stormwater conveyances.

6.9.8. USE ESTABLISHMENT

Uses allowable within the riparian buffer, or outside the riparian buffer but with hydrological impacts on the riparian buffer, shall be designated in accordance with the following. Specific uses and development activities are further enumerated in [Table 6.9.9, Table of Uses in Riparian Buffers](#).

A. DEEMED ALLOWABLE

1. Uses designated as deemed allowable by these standards may occur within the riparian buffer provided such uses are designed, constructed, and maintained to minimize vegetation and soil disturbance and to provide the maximum water quality protection practicable, including construction, monitoring, and maintenance activities.
2. Allowable uses shall meet the requirements for the specific use listed in [Table 6.9.9, Table of Uses in Riparian Buffers](#).

B. ALLOWABLE UPON AUTHORIZATION

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1. Uses designated as allowable upon authorization by these standards are permitted, provided there are no practical alternatives to the requested use pursuant to 15A NCAC 02H .0611.
2. Uses allowable upon authorization require a written authorization certificate from the County in accordance with Section 6.9.11.A, Determination of No Practical Alternatives/Request for Authorization Certificate, for impacts within the riparian buffer prior to establishment.

C. ALLOWABLE WITH MITIGATION UPON AUTHORIZATION

Uses designated as allowable with mitigation upon authorization by these standards are permitted, provided that:

1. There are no practical alternatives to the requested use pursuant to 15A NCAC 02H .0611;
2. The use obtains a written authorization certificate from Edgecombe County in accordance with Section 6.9.11.A, Determination of No Practical Alternatives/Request for Authorization Certificate for impacts within the riparian buffer; and
3. An appropriate mitigation strategy has received written approval in accordance with Section 6.9.10, Mitigation.

D. PROHIBITED

1. Uses designated as prohibited may not proceed within the riparian buffer unless a Variance is granted pursuant to 15A NCAC 02H .0226.
2. Mitigation may be required as a condition of variance approval.

6.9.9. TABLE OF USES IN RIPARIAN BUFFERS

The following table sets out potential new uses within the riparian buffer, or outside the riparian buffer with impacts on the buffer, and categorizes them as allowable, allowable upon authorization, allowable with mitigation upon authorization. All uses not categorized as allowable, allowable upon authorization, allowable with mitigation upon authorization are considered prohibited.

TABLE 6.9.9: TABLE OF USES IN RIPARIAN BUFFERS				
TYPE OF USE OR ACTIVITY	CHARACTERISTICS	HOW ADDRESSED		
		ALLOWABLE	ALLOWABLE UPON AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION
Airport facilities	Vegetation removal activities necessary to comply with Federal Aviation Administration requirements (e.g., line of sight requirements) provided the disturbed areas are stabilized and revegetated	X		
	Airport facilities that impact equal to or less than one-third of an acre of riparian buffer		X	
	Airport facilities that impact greater than one-third of an acre of riparian buffer			X
Archaeological activities		X		

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TABLE 6.9.9: TABLE OF USES IN RIPARIAN BUFFERS

TYPE OF USE OR ACTIVITY	CHARACTERISTICS	HOW ADDRESSED		
		ALLOWABLE	ALLOWABLE UPON AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION
Bridges	Impact equal to or less than one-tenth of an acre of riparian buffer	X		
	Impact greater than one-tenth of an acre of riparian buffer		X	
Dam maintenance activities	Dam maintenance activities that do not cause additional riparian buffer disturbance beyond the footprint	X		
	Dam maintenance activities that do cause additional riparian buffer disturbance beyond the footprint of the existing dam		X	
Drainage of a pond subject to on-site determination provided that a new riparian buffer is established by natural regeneration or planting, within 50 feet of any stream which naturally forms or is constructed within the drained pond area [1]		X		
Fences	Fencing livestock out of surface waters	X		
	Installation does not result in removal of trees from Zone 1	X		
	Installation results in removal of trees from Zone 1		X	
Fertilizer application	One-time fertilizer application at agronomic rates in the riparian buffer to establish replanted vegetation [2]	X		
	Ongoing fertilizer application	Prohibited		
Forest harvesting		See 15A NCAC 02H .0612		
Grading only in Zone 2 provided that the health of existing vegetation in Zone 1 is not compromised, the grading complies with Section 6.9.7, Stormwater Runoff Through the Riparian Buffer, and disturbed areas are stabilized and revegetated		X		
Greenways, trails, sidewalks, or linear pedestrian/bicycle transportation systems	In Zone 2 provided that no built upon area is added within the riparian buffer	X		
	In Zone 1 provided that no built upon area is added within the riparian buffer and the installation does not result in the removal of tree(s)	X		

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§6.9. Riparian Buffer Protection

TABLE 6.9.9: TABLE OF USES IN RIPARIAN BUFFERS

TYPE OF USE OR ACTIVITY	CHARACTERISTICS	HOW ADDRESSED		
		ALLOWABLE	ALLOWABLE UPON AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION
	When built upon area is added to the riparian buffer, equal to or less than 10 feet wide with 2-foot-wide shoulders [3]		X	
	When built upon area is added to the riparian buffer, greater than 10 feet wide with 2-foot-wide shoulders [3]			X
Historic preservation		X		
New Landfills as defined by G.S. 130A-290		Prohibited		
Maintenance access on modified natural streams or canals: a grassed travel way on one side of the waterbody when less impacting alternatives are not practical. [4]			X	
Mining activities	Mining activities that are covered by the Mining Act provided that new riparian buffers that meet the requirements of these standards are established adjacent to any relocated channels		X	
	Mining activities that are not covered by the Mining Act or where new riparian buffers that meet the requirements of these standards are not established			X
	Wastewater or mining dewatering wells with approved NPDES permit	X		
On-site sanitary sewage systems that use ground absorption		Prohibited		
Pedestrian access trail and associated steps leading to a surface water, dock, canoe or kayak access, fishing pier, boat ramp or other water dependent structure	Equal to or less than six feet wide that does not result in the removal of tree(s) within the riparian buffer and does not result in the addition of built upon area to the riparian buffer	X		
	Equal to or less than six feet wide that results in the removal of tree(s) or the addition of built upon area to the riparian buffer		X	
	Greater than six feet wide			X

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TABLE 6.9.9: TABLE OF USES IN RIPARIAN BUFFERS

TYPE OF USE OR ACTIVITY	CHARACTERISTICS	HOW ADDRESSED		
		ALLOWABLE	ALLOWABLE UPON AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION
Playground equipment	Playground equipment on single-family lots provided that installation and use does not result in removal of vegetation	X		
	Playground equipment on single-family lots where installation or use results in the removal of vegetation		X	
	Playground equipment installed on lands other than single-family lots		X	
Ponds created or modified by impounding streams subject to the riparian buffers standards and not used as stormwater control measures	New ponds provided that a riparian buffer is established adjacent to the pond		X	
	New ponds where a riparian buffer is NOT established adjacent to the pond			X
Protection of existing structures and facilities, when this requires additional disturbance to the riparian buffer			X	
Public Safety - publicly owned spaces where it has been determined by the head of local law enforcement that the riparian buffers pose a risk to public safety [5]		X		
Removal of previous fill or debris subject to compliance with Section 6.9.7, Stormwater Runoff Through the Riparian Buffer, and any vegetation removed is restored		X		
Residential properties where these standards preclude construction or expansion of a single-family residence and necessary infrastructure, the single-family residence may encroach in the riparian buffer if all of the following conditions are met: (1) the residence is set back the maximum feasible distance from the top of the bank, rooted herbaceous vegetation, normal high-water level, or normal water level, whichever is applicable, on the existing lot; (2) the residence is designed to minimize encroachment into the riparian buffer; (3) the residence complies Section 6.9.7, Stormwater Runoff Through the Riparian Buffer; and (4) if the residence will be served by an on-site wastewater system, no part of the septic tank or drain field encroaches into the riparian buffer				
	The residence or necessary infrastructure only impact Zone 2		X	

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§6.9. Riparian Buffer Protection

TABLE 6.9.9: TABLE OF USES IN RIPARIAN BUFFERS

TYPE OF USE OR ACTIVITY	CHARACTERISTICS	HOW ADDRESSED		
		ALLOWABLE	ALLOWABLE UPON AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION
	The residence or necessary infrastructure impact Zone 1			X
	Impacts other than the residence or necessary infrastructure			X
Restoration or enhancement (wetland, stream) as defined in 33 CFR Part 332 [6]	Wetland or stream restoration that is part of a compensatory mitigation bank, nutrient offset bank or the In Lieu Fee program	X		
	Wetland or stream restoration other than those listed above		X	
Road, driveway, or railroad - impacts other than perpendicular crossings of streams and other surface waters subject to these standards				X
Road, driveway, or railroad perpendicular crossings of streams and other surface waters subject to these standards	Impact equal to or less than one-tenth of an acre of riparian buffer	X		
	Impact greater than one-tenth of an acre but equal to or less than one-third of an acre of riparian buffer		X	
	Impact greater than one-third of an acre of riparian buffer			X
	Driveway crossings in a residential subdivision that cumulatively impact equal to or less than one-third of an acre of riparian buffer		X	
	Driveway crossings in a residential subdivision that cumulatively impact greater than one-third of an acre of riparian buffer			X
	Farm roads and forest roads that are exempt from permitting from the U.S. Army Corps of Engineers per Section 404(f) of the Federal Clean Water Act	X		
Road relocation of existing private access roads associated with public road projects where necessary for public safety	Less than or equal to 2,500 square feet of riparian buffer impact		X	
	Greater than 2,500 square feet of riparian buffer impact			X
Scientific studies and stream gauging			X	

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§6.9. Riparian Buffer Protection

TABLE 6.9.9: TABLE OF USES IN RIPARIAN BUFFERS

TYPE OF USE OR ACTIVITY	CHARACTERISTICS	HOW ADDRESSED		
		ALLOWABLE	ALLOWABLE UPON AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION
Slatted uncovered decks, including steps and support posts, which are associated with a dwelling, that meets the standards in Section 6.9.7, Stormwater Runoff Through the Riparian Buffer	Installation does not result in removal of vegetation in Zone 1		X	
	Installation results in removal of vegetation in Zone 1			X
Stormwater Control Measure (SCM) as defined in 15A NCAC 02H .1002	In Zone 2 in accordance with Section 6.9.7, Stormwater Runoff Through the Riparian Buffer		X	
	In Zone 1			X
Streambank or shoreline stabilization			X	
Temporary roads, provided that the disturbed area is restored to pre-construction topographic and hydrologic conditions and replanted with comparable vegetation within two months of when construction is complete [7]				
	Less than or equal to 2,500 square feet of riparian buffer disturbance	X		
	Greater than 2,500 square feet of riparian buffer disturbance		X	
	Associated with culvert installation or bridge construction or replacement		X	
Temporary sediment and erosion control devices provided that the disturbed area is restored to preconstruction topographic and hydrologic conditions and replanted with comparable vegetation within two months of when construction is complete. [7]				
In Zone 2 provided that ground cover is established within the timeframes required by the Sedimentation and Erosion Control Act, vegetation in Zone 1 is not compromised, and that discharge is released in accordance with Section 6.9.7, Stormwater Runoff Through the Riparian Buffer		X		
In Zones 1 and 2 to control impacts associated with uses identified in this table or that have received an authorization certificate with exception provided, that sediment and erosion control for upland areas is addressed outside the riparian buffer			X	
In-stream temporary erosion and sediment control measures for work within a stream channel that is authorized under Sections 401 and 404 of the Federal Clean Water Act		X		

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TABLE 6.9.9: TABLE OF USES IN RIPARIAN BUFFERS

TYPE OF USE OR ACTIVITY	CHARACTERISTICS	HOW ADDRESSED		
		ALLOWABLE	ALLOWABLE UPON AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION
Utility lines - streambank stabilization for the protection of publicly owned utility lines (not including new line installation)	Less than 150 feet of streambank disturbance	X		
	Greater than 150 feet of streambank disturbance		X	
Utility lines – sanitary sewer overflows	Emergency sanitary sewer overflow response activities, provided that the disturbed area within the riparian buffer outside of the existing utility line maintenance corridor is the minimum necessary to respond to the emergency overflow, is restored to pre-construction topographic and hydrologic conditions, and is replanted with comparable vegetation (e.g., grass with grass, hardwoods with hardwoods) within two months of when disturbance is complete	X		
	Emergency sanitary sewer overflow response activities that do not meet the listing above. For any new proposed permanent impacts that are not a "Deemed Allowable Activity", an application for an Authorization Certificate shall be submitted to the Authority no later than 30 calendar days of conclusion of the emergency response activities		X	
Utility lines – sewer lines - vegetation maintenance	Zone 2 impacts	X		

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TABLE 6.9.9: TABLE OF USES IN RIPARIAN BUFFERS

TYPE OF USE OR ACTIVITY	CHARACTERISTICS	HOW ADDRESSED		
		ALLOWABLE	ALLOWABLE UPON AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION
activities that remove forest vegetation from existing sewer utility right of ways (not including new line installation) outside of the existing utility line maintenance corridor	Zone 1 impacts: For lines that have not been maintained, the vegetation can be mowed, cut, or otherwise maintained without disturbance to the soil structure for a maintenance corridor that is equal to or less than 30 feet wide	X		
	Zone 1 impacts other than those listed above		X	
Utility lines – sewer lines - replacement/rehabilitation of existing sewer lines within, or adjacent to, an existing right of way but outside of an existing utility line maintenance corridor provided that comparable vegetation (e.g., grass with grass, hardwoods with hardwoods) is allowed to regenerate in disturbed riparian buffers outside of the permanent maintenance corridor and riparian buffers outside of the permanent maintenance corridor are not maintained:				
Permanent maintenance corridor equal to or less than 30 feet wide provided there is no grading and/or grubbing within 10 feet of the top of bank when the sewer line is parallel to the stream		X		
Grading and/or grubbing within 10 feet of the top of bank when the sewer line is parallel to the stream and permanent maintenance corridor equal to or less than 30 feet wide			X	
Permanent maintenance corridor greater than 30 feet wide. For impacts other than perpendicular crossings, mitigation is only required for Zone 1 impacts. For perpendicular crossings that disturb equal to or less than 40 linear feet, no mitigation is required. For perpendicular crossings that disturb greater than 40 linear feet, mitigation is only required for Zone 1 impacts				X
Utility lines – sewer lines - new line construction/installation activities – perpendicular crossings of streams and other surface waters subject to this Rule or perpendicular entry into the riparian buffer that does not cross a stream or other surface water subject to this Rule provided that vegetation is allowed to regenerate in disturbed areas outside of the permanent maintenance corridor				
Construction corridor of less than or equal to 40 linear feet wide and a permanent maintenance corridor that is equal to or less than 30 feet wide		X		
Construction corridor of greater than 40 linear feet wide and less than or equal to 150 linear feet wide and a permanent maintenance corridor that is equal to or less than 30 feet wide			X	

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TABLE 6.9.9: TABLE OF USES IN RIPARIAN BUFFERS

TYPE OF USE OR ACTIVITY	CHARACTERISTICS	HOW ADDRESSED		
		ALLOWABLE	ALLOWABLE UPON AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION
Construction corridor of greater than 150 linear feet wide and a permanent maintenance corridor that is equal to or less than 30 feet wide				X
Permanent maintenance corridor greater than 30 linear feet wide. For impacts other than perpendicular crossings, mitigation is only required for Zone 1 impacts. For perpendicular crossings that disturb equal to or less than 40 linear feet, no mitigation is required. For perpendicular crossings that disturb greater than 40 linear feet, mitigation is only required for Zone 1 impacts				X
Utility lines – sewer lines - new line construction/installation activities – perpendicular crossings of streams and other surface waters subject to these standards or perpendicular entry into the riparian buffer that does not cross a stream or other surface water subject to these standards provided that vegetation is allowed to regenerate in disturbed areas outside of the permanent maintenance corridor				
Construction corridor of less than or equal to 40 linear feet wide and a permanent maintenance corridor that is equal to or less than 30 feet wide		X		
Construction corridor of greater than 40 linear feet wide and less than or equal to 150 linear feet wide and a permanent maintenance corridor that is equal to or less than 30 feet wide			X	
Construction corridor of greater than 150 linear feet wide and a permanent maintenance corridor that is equal to or less than 30 feet wide				X
Permanent maintenance corridor greater than 30 linear feet wide. For impacts other than perpendicular crossings, mitigation is only required for Zone 1 impacts. For perpendicular crossings that disturb equal to or less than 40 linear feet, no mitigation is required. For perpendicular crossings that disturb greater than 40 linear feet, mitigation is only required for Zone 1 impacts				X
Utility lines – sewer lines - new line construction/ installation activities – impacts other than perpendicular crossings provided, that vegetation is allowed to regenerate in disturbed areas outside of the permanent maintenance corridor	Zone 2 impacts	X		
	Zone 1 impacts to less than 2,500 square feet when impacts are solely the result of tying into an existing utility line and when grubbing or grading within 10 feet immediately adjacent to the surface water is avoided		X	
	Zone 1 impacts other than those listed above			X

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§6.9. Riparian Buffer Protection

TABLE 6.9.9: TABLE OF USES IN RIPARIAN BUFFERS

TYPE OF USE OR ACTIVITY	CHARACTERISTICS	HOW ADDRESSED		
		ALLOWABLE	ALLOWABLE UPON AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION
Utility lines – non-sewer underground lines – vegetation maintenance activities that remove forest vegetation from existing utility right of ways (not including new line installation) outside of the existing utility line maintenance corridor	Zone 2 impacts	X		
	Zone 1 impacts: For lines that have not been maintained, the vegetation can be mowed, cut or otherwise maintained without disturbance to the soil structure for a maintenance corridor that is equal to or less than 30 feet wide	X		
	Zone 1 impacts other than those listed above		X	
Utility lines – non-sewer underground lines - Perpendicular crossings of streams and other surface waters subject to these standards or perpendicular entry into the riparian buffer that does not cross a stream or other surface water subject to these standards provided, that vegetation is allowed to regenerate in disturbed areas outside of the permanent maintenance corridor				
Construction corridor of less than or equal to 50 linear feet wide and a permanent maintenance corridor that is equal to or less than 30 feet wide		X		
Construction corridor of greater than 50 linear feet wide and less than or equal to 150 linear feet wide and a permanent maintenance corridor that is equal to or less than 30 feet wide			X	
Construction corridor of greater than 150 linear feet wide and a permanent maintenance corridor that is equal to or less than 30 feet wide				X
Permanent maintenance corridor that is greater than 30 linear feet wide (mitigation is required only for Zone 1 impacts)				X
Utility lines – non-sewer underground lines – impacts other than perpendicular crossings provided that vegetation is allowed to regenerate in disturbed areas outside of the permanent maintenance corridor	Zone 2 impacts	X		
	Zone 1 impacts to less than 2,500 square feet when impacts are solely the result of tying into an existing utility line and when grubbing or grading within 10 feet immediately adjacent to the surface water is avoided		X	
	Zone 1 impacts other than those listed above			X

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§6.9. Riparian Buffer Protection

TABLE 6.9.9: TABLE OF USES IN RIPARIAN BUFFERS

TYPE OF USE OR ACTIVITY	CHARACTERISTICS	HOW ADDRESSED		
		ALLOWABLE	ALLOWABLE UPON AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION
Utilities – non-sewer aerial lines - perpendicular crossings of streams and other surface waters subject to these standards or perpendicular entry into the riparian buffer that does not cross a stream or other surface water subject to these standards	Disturb equal to or less than 150 linear feet wide of riparian buffer provided that a minimum zone of 10 feet wide immediately adjacent to the waterbody is managed such that only vegetation that poses a hazard or has the potential to grow tall enough to interfere with the line is removed, that no land grubbing or grading is conducted in Zone 1, and that poles or aerial infrastructure are not installed within 10 feet of a waterbody	X		
	Disturb greater than 150 linear feet wide of riparian buffer		X	
Utilities – non-sewer aerial lines - impacts other than perpendicular crossings of streams and other surface waters subject to these standards or perpendicular entry into the riparian buffer that does not cross a stream or other surface water subject to these standards	Impacts in Zone 2 only	X		
	Impacts in Zone 1 provided that a minimum zone of 10 feet wide immediately adjacent to the waterbody is managed such that only vegetation that poses a hazard or has the potential to grow tall enough to interfere with the line is removed, that no land grubbing or grading is conducted in Zone 1, and that poles or aerial infrastructure are not installed within 10 feet of a waterbody		X	
Vegetation management	Emergency fire control measures provided that topography is restored	X		
	Periodic mowing and harvesting of plant products only in Zone 2	X		
	Placement of mulch ring around restoration plantings for a period of five years from the date of planting	X		
	Planting non-invasive vegetation to enhance the riparian buffer	X		

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§6.9. Riparian Buffer Protection

TABLE 6.9.9: TABLE OF USES IN RIPARIAN BUFFERS

TYPE OF USE OR ACTIVITY	CHARACTERISTICS	HOW ADDRESSED		
		ALLOWABLE	ALLOWABLE UPON AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION
	Pruning forest vegetation provided that the health and function of the forest vegetation is not compromised	X		
	Removal of individual trees, branches or limbs, which are in danger of causing damage to dwellings, existing utility lines, other structures or human life, or are imminently endangering stability of the streambank provided that the stumps are left or ground in place without causing additional land disturbance	X		
	Removal of individual trees that are dead, diseased, or damaged	X		
	Removal or poison ivy, oak, or sumac [8]	X		
	Removal of understory nuisance vegetation as defined in: Smith, Cherri L. 2008. Invasive Plants of North Carolina. Dept. of Transportation. Raleigh, NC [9] [8]	X		
	Removal of woody vegetation in Zone 1 subject to compliance with Section 6.9.7, Stormwater Runoff Through the Riparian Buffer			X
Vehicle access roads and boat ramps (excluding parking areas) leading to surface water, docks, fishing piers, and other water dependent activities	Single vehicular access road and boat ramp to the surface water but not crossing the surface water that are restricted to the minimum width practicable not to exceed 15 feet wide		X	
	Vehicular access roads and boat ramps to the surface water but not crossing the surface water that are restricted to the minimum width practicable and exceed 15 feet wide			X
Water dependent structures (except for boat ramps) as defined in 15A NCAC 02H .0202			X	

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TABLE 6.9.9: TABLE OF USES IN RIPARIAN BUFFERS

TYPE OF USE OR ACTIVITY	CHARACTERISTICS	HOW ADDRESSED		
		ALLOWABLE	ALLOWABLE UPON AUTHORIZATION	ALLOWABLE WITH MITIGATION UPON AUTHORIZATION
Water supply reservoirs	New reservoirs provided that a riparian buffer that meets the requirements of Section 6.9.7, Stormwater Runoff Through the Riparian Buffer, is established adjacent to the reservoir		X	
	New reservoirs where a riparian buffer that meets the requirements of that meets the requirements of Section 6.9.7, Stormwater Runoff Through the Riparian Buffer, is NOT established adjacent to the reservoir			X
Water wells		X		
Wildlife passage structures			X	

NOTES:

[1] Drained ponds shall be allowed to naturalize for a minimum of six months from completion of the draining activity before a stream determination is conducted pursuant to Section 6.9.5, On-Site Determination of Buffer Boundary.

[2] No runoff from this one-time application in the riparian buffer is allowed in the surface water.

[3] Shall be located outside Zone 1 unless there is no practical alternative.

[4] Maintenance access on modified natural streams or canals: a grassed travel way on one side of the waterbody when less impacting alternatives are not practical. The width and specifications of the travel way shall be only that needed for equipment access and operation. The travel way shall be located to maximize stream shading.

[5] The head of the local law enforcement agency shall notify the local government with land use jurisdiction over the publicly owned space and the Division of Water Resources of any such determination in writing.

[6] Available at: http://water.epa.gov/lawsregs/guidance/wetlands/wet-landsmitigation_index.cfm.

[7] Tree planting may occur during the dormant season. At the end of five years, any restored wooded riparian buffer shall comply with the restoration criteria in 15A NCAC 02H .0295(i).

[8] Removal can include application of pesticides within the riparian buffer if the pesticides are certified by EPA for use in or near aquatic sites and are applied in accordance with the manufacturer's instructions. If removal is significant, then the riparian buffer shall be replanted with non-invasive species.

[9] Available at http://portal.ncdenr.org/c/document_library/get_file?uuid=0acc6377-ea07-42dc-bb27-45a78d1c7ebe&groupId=38364.

6.9.10. MITIGATION

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§6.9. Riparian Buffer Protection

Persons who wish to undertake uses designated as allowable with mitigation upon authorization as defined Table 6.9.9, Table of Uses in Riparian Buffers, shall meet the following requirements in order to proceed with their proposed use:

- A.** Obtain a Determination of No Practical Alternatives/Request for Authorization Certificate in accordance with Section 6.9.11, Permits Procedures, Requirements, and Approvals; and
- B.** Obtain written approval for a mitigation proposal in accordance with Section 6.9.11, Permits Procedures, Requirements, and Approvals.

6.9.11. PERMITS PROCEDURES, REQUIREMENTS, AND APPROVALS

A. DETERMINATION OF NO PRACTICAL ALTERNATIVES/REQUEST FOR AUTHORIZATION CERTIFICATE

- 1.** Persons who wish to undertake uses designated as allowable or allowable with mitigation shall submit a request for a "no practical alternatives" determination to the Stormwater Administrator. The applicant shall certify that the project meets all the following criteria for finding "no practical alternatives:"
 - i.** The basic project purpose cannot be practically accomplished in a manner that would better minimize disturbance, preserve aquatic life and habitat, and protect water quality;
 - ii.** The use cannot practically be reduced in size or density, reconfigured, or redesigned to better minimize disturbance, preserve aquatic life and habitat, and protect water quality; and
 - iii.** Best management practices shall be used if necessary, to minimize disturbance, preserve aquatic life and habitat, and protect water quality.
- 2.** The applicant shall also submit at least the following information in support of their assertion of "no practical alternatives:"
 - i.** The name, address, and phone number of the applicant;
 - ii.** The nature of the activity to be conducted by the applicant;
 - iii.** The location of the activity, including the jurisdiction;
 - iv.** A map of sufficient detail to accurately delineate the boundaries of the land to be utilized in carrying out the activity, the location and dimensions of any disturbance in riparian buffers associated with the activity, and the extent of riparian buffers on the land;
 - v.** An explanation of why this plan for the activity cannot be practically accomplished, reduced, or reconfigured to better minimize disturbance to the riparian buffer, preserve aquatic life and habitat, and protect water quality; and
 - vi.** Plans for any best management practices proposed to be used to control the impacts associated with the activity.
- 3.** Within 60 days of a submission that addresses sub-section (2) above, the Stormwater Administrator shall review the entire project and make a finding of fact as to whether the criteria in sub-section (1) above have been met. A finding of "no practical alternatives" shall result in issuance of an authorization certificate. Failure to act within 60 days shall be construed as a finding of "no practical alternatives" and an authorization certificate shall be issued to the applicant unless one of the following occurs:
 - i.** The applicant agrees, in writing, to a longer period;
 - ii.** The Stormwater Administrator determines that the applicant has failed to furnish requested information necessary to the Stormwater Administrator's decision;
 - iii.** The final decision is to be made pursuant to a public hearing; or

§6.9. Riparian Buffer Protection

- ## B. VARIANCES

C. MITIGATION

2. ISSUANCE OF THE MITIGATION APPROVAL

3. OPTIONS FOR MEETING THE MITIGATION REQUIREMENT

iii. Restoration or enhancement of a non-forested riparian buffer pursuant to the requirements of Section 6.9.11.C.7, Riparian Buffer Restoration or Enhancement.

4. THE AREA OF MITIGATION

- i. The impacts in square feet to each zone of the riparian buffer shall be determined by the Stormwater Administrator by adding the following:
 - a) The area of the footprint of the use causing the impact to the riparian buffer;
 - b) The area of the boundary of any clearing and grading activities within the riparian buffer necessary to accommodate the use; and

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- c) The area of any ongoing maintenance corridors within the riparian buffer associated with the use.
- ii. The required area of mitigation shall be determined by applying the following multipliers to the impacts determined in [Section 6.9.11.C.4, The Area of Mitigation](#), to each zone of the riparian buffer:
 - a) Impacts to Zone One of the riparian buffer shall be multiplied by three;
 - b) Impacts to Zone Two of the riparian buffer shall be multiplied by one and one-half; and
 - c) Impacts to wetlands within Zones One and Two of the riparian buffer that are subject to mitigation under 15A NCAC 2H .0506 shall comply with the mitigation ratios in 15A NCAC 2H .0506.

5. THE LOCATION OF MITIGATION

- i. For any option chosen, the mitigation effort shall be located within the Tar-Pamlico River Basin and the same distance from the surface waters as the proposed impact, or closer to the surface waters than the impact, and as close to the location of the impact as feasible.
- ii. Alternatively, the applicant may propose mitigation anywhere within the same Tar-Pamlico River Basin, provided that the mitigation proposal accounts for differences in delivery of nutrients to the affected arm of surface waters resulting from differences between the locations of the buffer impact and mitigation.
- iii. Additional location requirements for the property donation option are enumerated in [Section 6.9.11.C.6, Donation of Property](#).

6. DONATION OF PROPERTY

Persons who choose to satisfy their mitigation determination by donating real property or an interest in real property shall meet the following requirements:

- i. The donation of real property interests may be used to either partially or fully satisfy the payment of a compensatory mitigation fee to the Riparian Buffer Restoration Fund pursuant to 15A NCAC 02B .0273. The value of the property interest shall be determined by an appraisal. The donation shall satisfy the mitigation determination if the appraised value of the donated property interest is equal to or greater than the required fee. If the appraised value of the donated property interest is less than the required fee calculated pursuant to 15A NCAC 02B .0273, the applicant shall pay the remaining balance due.
- ii. The donation of conservation easements to satisfy compensatory mitigation requirements shall be accepted only if the conservation easement is granted in perpetuity.
- iii. Donation of real property interests to satisfy the mitigation determination shall be accepted only if such property meets all of the following requirements:
 - a) The property shall contain riparian buffers not currently protected by the State's riparian buffer protection program that are in need of restoration as defined in [Section 6.9.11.C.7, Riparian Buffer Restoration or Enhancement](#);
 - b) The restorable riparian buffer on the property shall have a minimum length of 1,000 linear feet along a surface water and a minimum width of 50 feet as measured horizontally on a line perpendicular to the surface water;
 - c) The size of the restorable riparian buffer on the property to be donated shall equal or exceed the area of mitigation responsibility determined pursuant to [Section 6.9.11.C.4, The Area of Mitigation](#);
 - d) Restoration shall not require removal of man-made structures or infrastructure;

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- e) The property shall be suitable to be successfully restored, based on existing hydrology, soils, and vegetation;
 - f) The estimated cost of restoring and maintaining the property shall not exceed the value of the property minus site identification and transaction costs;
 - g) The property shall not contain any building, structure, object, site, or district that is listed in the National Register of Historic Places established pursuant to Public Law 89-665, 16 U.S.C. 470 as amended;
 - h) The property shall not contain any hazardous substance or solid waste;
 - i) The property shall not contain structures or materials that present health or safety problems to the general public. If wells, septic, water or sewer connections exist, they shall be filled, remediated or closed at owner's expense in accordance with state and local health and safety regulations;
 - j) The property and adjacent properties shall not have prior, current, and known future land use that would inhibit the function of the restoration effort; and
 - k) The property shall not have any encumbrances or conditions on the transfer of the property interests.
- iv.** At the expense of the applicant or donor, the following information shall be submitted to the County with any proposal for donations or dedications of interest in real property:
- a) Documentation that the property meets the requirements laid out in **Section 6.9.11.C.6, Donation of Property**;
 - b) US Geological Survey 1:24,000 (7.5 minute) scale topographic map, county tax map, USDA Natural Resource Conservation Service County Soil Survey Map, and county road map showing the location of the property to be donated along with information on existing site conditions, vegetation types, presence of existing structures and easements;
 - c) A current property survey performed in accordance with the procedures of the North Carolina Department of Administration, State Property Office as identified by the State Board of Registration for Professional Engineers and Land Surveyors in Standards of Practice for Land Surveying in North Carolina;
 - d) A current appraisal of the value of the property performed in accordance with the procedures of the North Carolina Department of Administration, State Property Office as identified by the Appraisal Board in the Uniform Standards of Professional North Carolina Appraisal Practice; and
 - e) A title certificate.

7. RIPARIAN BUFFER RESTORATION OR ENHANCEMENT

Persons who choose to meet their mitigation requirement through riparian buffer restoration or enhancement shall meet the following requirements:

- i.** The applicant may restore or enhance a non-forested riparian buffer if either of the following applies:
 - a) The area of riparian buffer restoration is equal to the required area of mitigation determined pursuant to **Section 6.9.11.C.4, The Area of Mitigation**; or
 - b) The area of riparian buffer enhancement is three times larger than the required area of mitigation determined pursuant to **Section 6.9.11.C.4, The Area of Mitigation**;
- ii.** The location of the riparian buffer restoration or enhancement shall comply with the requirements in **Section 6.9.11.C.5, The Location of Mitigation**;

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- iii. The riparian buffer restoration or enhancement site shall have a minimum width of 50 feet as measured horizontally on a line perpendicular to the surface water;
- iv. Enhancement and restoration shall both have the objective of establishing a forested riparian buffer according to the requirements of this section. Enhancement shall be distinguished from restoration based on existing buffer conditions. Where existing trees are sparse, that is greater than or equal to 100 trees per acre but less than 200 trees per acre, a buffer may be enhanced. Where existing woody vegetation is absent, that is less than 100 trees per acre, a buffer may be restored;
- v. The applicant shall first receive an authorization certificate for the proposed use according to the requirements of Section 6.9.11.A, Determination of No Practical Alternatives/Request for Authorization Certificate. After receiving this determination, the applicant shall submit a restoration or enhancement plan for approval by the Stormwater Administrator. The restoration or enhancement plan shall contain the following:
 - a) A map of the proposed restoration or enhancement site;
 - b) A vegetation plan. The vegetation plan shall include a minimum of at least two native hardwood tree species planted at a density sufficient to provide 320 trees per acre at maturity;
 - c) A grading plan. The site shall be graded in a manner to ensure diffuse flow through the riparian buffer;
 - d) A fertilization plan;
 - e) A schedule for implementation;
 - f) A monitoring plan to document whether the site is expected to meet the final performance standards as defined in Section 6.9.11.C.7, Riparian Buffer Restoration or Enhancement, and other anticipated benefits to the adjacent water. The plan shall include a proposed schedule and method for monitoring the vegetative status of the restoration or enhancement site for five years, including the health and average stem densities of native hardwood tree or tree and shrub species that are to be counted toward the final performance standard;
- vi. Within one year after the Stormwater Administrator has approved the restoration or enhancement plan, the applicant shall present proof to the Stormwater Administrator that the riparian buffer has been restored or enhanced. If proof is not presented within this timeframe, then the person shall be in violation of both the State's and the County's riparian buffer protection program;
- vii. The mitigation area shall be placed under a perpetual conservation easement that will provide for protection of the property's nutrient removal functions; and
- viii. The applicant shall submit annual reports for a period of five years after the restoration or enhancement showing that the trees planted have survived and that diffuse flow through the riparian buffer has been maintained. The applicant shall replace trees that do not survive and restore diffuse flow if needed during that five-year period.

6.9.12. COMPLIANCE AND ENFORCEMENT

A. SITE INSPECTIONS

1. GENERALLY

- i. Agents, officials, or other qualified persons authorized by the County may periodically inspect riparian buffers to ensure compliance with this section.

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§6.9. Riparian Buffer Protection

- ii. Notice of the right to inspect shall be included in the letter of approval of each variance and buffer authorization.

2. AUTHORITY TO ENTER PROPERTY AND CONDUCT INVESTIGATIONS AND INSPECTIONS

- i. Authorized agents, officials, or other qualified persons shall have the authority, upon presentation of proper credentials, to enter and inspect at reasonable times any property, public or private, for the purpose of investigating and inspecting the site of any riparian buffer.
- ii. No person shall willfully resist, delay, or obstruct an authorized representative, employee, or agent of the County, including the Stormwater Administrator, while that person is inspecting or attempting to inspect a riparian buffer nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out their official duties.
- iii. The Stormwater Administrator shall have the power to conduct such investigations as deemed reasonably necessary to carry out the duties as prescribed in this Ordinance.

3. NOTICE OF VIOLATION

- i. If it is determined that a person has failed to comply with the requirements of this section, or rules, or orders adopted or issued pursuant to this Ordinance, a notice of violation shall be served upon that person. The notice may be served by any means authorized under Section 1A-1, rule 4 of the North Carolina General Statutes. In the event service cannot be accomplished by registered or certified mail, it may be accomplished in any manner provided in rule (4)j of the North Carolina Rules of Civil Procedure.
- ii. The notice shall specify the violation and inform the person of the actions that need to be taken to comply with this Ordinance, or rules or orders adopted pursuant to this Ordinance. The notice shall direct the person to correct the violation within a specified reasonable time. The notice shall inform the person that any person who violates or fails to act in accordance with any of the provisions of this Ordinance or rules or orders adopted or issued pursuant to this Ordinance is subject to the civil and criminal penalties and other enforcement actions as provided in this Ordinance.

4. POWER TO REQUIRE STATEMENTS

The County shall also have the power to require written statements, or the filing of reports under oath, with respect to pertinent questions relating to land-disturbing activities.

B. CIVIL PENALTIES

1. ASSESSMENT OF PENALTIES

- i. Any person who violates or fails to act in accordance with any of the provisions of this section or rules or orders adopted or issued pursuant to these standards shall be subject to a civil penalty.
- ii. A civil penalty for a violation may be assessed in an amount not to exceed \$10,000 per day.
- iii. If any violation for which a penalty may be assessed is continuous, a civil penalty may be assessed for each day of the violation in an amount not to exceed \$25,000 per day for as long as the violation occurs.
- iv. Each day of a continuing violation shall constitute a separate violation under [Section 6.9.12.B.1, Assessment of Penalties](#).

2. NOTICE OF CIVIL PENALTY ASSESSMENT

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- i. The Stormwater Administrator shall provide written notice of the civil penalty amount and the basis for the assessment to the person assessed.
- ii. The notice of civil penalty assessment shall be served by any means authorized under Section 1A-1, Rule 4, of the North Carolina General Statutes and shall direct the violator to either pay the assessment or contest the assessment, within 30 days after receipt of the notice of assessment by written demand for a hearing.

3. HEARING

A hearing on the civil penalty shall be conducted by the Board of Commissioners within 45 days after the date the written demand for the hearing is received by the County.

4. FINAL DECISION

- i. The Board of Commissioners shall issue a final decision on the civil penalty within 20 days of the recommended decision.
- ii. A copy of the final decision shall be served on the violator by hand, or first class mail and certified mail, return receipt requested.

C. APPEAL OF FINAL DECISION

1. The decision of the Board of Commissioners with regard to a civil penalty assessment may be challenged by the filing of a declaratory judgement action in the Edgecombe County Superior Court.
2. An appellant shall file a petition for review with the Clerk of Court within 30 days of the date the decision is filed in the office of the appropriate review authority and delivered by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective.
3. Receipt of written notice provided via first class mail in accordance with Section 160D-403(b) of the North Carolina General Statutes shall be deemed to be received on the third business day following deposit of the notice for mailing with the United States Postal Service.

D. DEMAND FOR PAYMENT OF PENALTY

An assessment that is not contested is due when the violator is served with a notice of assessment. The civil penalty must be paid within 30 days of the assessment, if not appealed, or within 30 days after the conclusion of the administrative or judicial review of the assessment. If payment is not received within 30 days after demand for payment is made, the County may institute a civil action to recover the amount of the assessment. The civil action may be brought in the Superior Court where the violation occurred, or the violator's residence or principal place of business is located. Such civil actions must be filed within three years of the date the assessment was due.

E. USE OF PENALTIES

Civil penalties collected pursuant to this section shall be credited to the general fund of the County as non-tax revenue.

F. CRIMINAL PENALTIES

Any person who negligently, knowingly, or willingly violates any provision of this section or a rule or an order adopted pursuant to this section, shall be subject to the provisions of Section 14-4 of the North Carolina General Statutes.

G. INJUNCTIVE RELIEF

1. CIVIL ACTION IN SUPERIOR COURT

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Whenever the governing body of the County has reasonable cause to believe that any person is violating or threatening to violate this section or any rule or order adopted or issued pursuant to this Ordinance, it may, either before or after the institution of any other action or proceeding authorized by this Ordinance, institute a civil action in the name of the County for injunctive relief to restrain the violation or threatened violation. The action shall be brought in the Superior Court of Edgecombe County where the violation occurred.

2. ORDER TO CEASE VIOLATION

Upon determination by a court that an alleged violation is occurring or is threatened, the court shall enter any order or judgment that is necessary to abate the violation, to ensure that restoration is performed, or to prevent the threatened violation. The institution of an action for injunctive relief under this section shall not relieve any party to the proceedings from any civil or criminal penalty prescribed for violations of this Ordinance.

3. COMPLIANCE WITH REQUIREMENTS

Any person engaged in new activities as defined by this section who fails to meet the requirements of this section shall be deemed in violation of this Ordinance.

§6.10. SIGNAGE

6.10.1. PURPOSE AND INTENT

This section provides guidance and standards for signage across the County's planning jurisdiction. The erection and maintenance of signs is controlled and regulated in order to promote the health, safety, welfare, convenience, and enjoyment of travel on streets. These provisions are also intended to balance between the promotion of beneficial commerce, protection of free speech, and the protection of community character. More specifically, these standards are intended to:

- A.** Promote traffic safety;
- B.** Avoid interference with protected free speech;
- C.** Regulate the content of signs to the least extent possible and only when absolutely necessary to protect public health and safety;
- D.** Regulate off-premise signage in accordance with State law and federal jurisprudence;
- E.** Ensure that any content-based signage standards serve a compelling public purpose and are as narrowly-tailored as possible;
- F.** Promote economic development and beneficial commerce;
- G.** Ensure residents and visitors can locate desired goods, services, and destinations;
- H.** Avoid conflicts between advertising and public safety signage;
- I.** Reflect the aesthetic character and design quality anticipated in the County's adopted policy guidance; and
- J.** Minimize any detrimental effects of signage on adjacent properties.

6.10.2. APPLICABILITY

Except for the sign types exempted from these standards identified in Section <>, Exclusions, all signs shall be constructed, erected, affixed, placed, posted, painted, repainted, hung, or otherwise established only in accordance with the standards in this section.

6.10.3. EXCLUSIONS

The following forms of signage shall not be subject to these signage standards but may be subject to other applicable standards in this Ordinance, such as the requirement to obtain a building permit. Applicants shall be responsible for securing all required permits prior to erecting or modifying any of the following forms of excluded signage:

- A.** Fence-wrap signs affixed to fences surrounding a construction site in accordance with the standards in Section 160D-908 of the North Carolina General Statutes;
- B.** Legal notices required by governmental bodies, public utilities, or civic associations;
- C.** Governmental signage, including flags, street signs, traffic warning signs, and other signage provided solely by governmental agencies for public health and safety;
- D.** Building cornerstones, historical plaques, or grave markers;
- E.** Signage associated with public transit stops;
- F.** Holiday displays on lots within all zoning districts;
- G.** Historic markers;
- H.** Signage that is not visible from any off-site areas (e.g., entirely enclosed by opaque walls that prevent the visibility of signage from any off-site areas); and
- I.** Signage associated with off-street parking spaces or the prohibition of parking in certain locations like fire lanes, bus lanes, or loading zones.

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§6.10. Signage

6.10.4. PROHIBITED TYPES OF SIGNS

(Amended 5-2-22 UDOTA 1-22)

The following signs, sign construction, and displays are prohibited throughout the County's jurisdiction:

- A.** Feather flags, bow signs, pennants, and streamers;
- B.** Moving signs, excluding flags, banners, and clocks;
- C.** Flashing, scrolling, twirling, or blinking signs;
- D.** Gas- or air-filled balloons, figures, and other inflatable signs;
- E.** Signs on the roof or above the parapet of a building;
- F.** Any sign which the Zoning Administrator determines obstructs the view of bicyclists, pedestrians, or motorists using any street, approach to any street intersection, sidewalk, public trail, or which interferes with the effectiveness of or obscures any traffic sign, device, or signal;
- G.** Signs, lights, rotating features, words, and other devices, which resemble or may be erroneously construed as traffic signals, traffic signs, or emergency vehicle lights;
- H.** Illuminated or highly reflective signs that law enforcement determines hampers the vision of motorists, pedestrians, or bicyclists;
- I.** Any sign which interferes with free passage from or obstructs any fire escape, downspout, door, stairway, ladder, or opening intended as a means of ingress or egress;
- J.** Any sign placed on a utility pole, street signpost, traffic signal support, hydrant, bridge, tree, aspect of public infrastructure, or street paving that is not installed or approved by an appropriate governmental agency;
- K.** Signage affixed to a stationary motor vehicle, boat, trailer, or other wheeled contrivance that remains in the same or essentially the same location for more than 30 days; and
- L.** Signs with speakers intended for audio playback.

6.10.5. NON-CONFORMING SIGNS

Nonconforming signage shall be subject to the standards in [Section §5.3, Nonconforming Signs](#).

6.10.6. GENERAL STANDARDS APPLICABLE TO ALL SIGNS

A. PERMIT REQUIRED

Unless prohibited in accordance with [Section 6.10.4, Prohibited Types of Signs](#), or exempted from these standards in accordance with [Section 6.10.3, Exclusions](#), all signage shall obtain approval of a sign permit (see [Section 2.3.18, Sign Permit](#)) prior to establishment or modification.

B. LOCATION AND PLACEMENT

All signs shall conform to these standards:

- 1.** Permitted signs shall be located outside of the street right-of-way, behind sidewalks, and outside of required sight distance triangles, except where encroachments are specifically permitted by the provisions of this Ordinance.
- 2.** All attached signs shall be mounted and attached to buildings in a secure manner and shall be maintained in good repair for safety and appearance.
- 3.** No person other than persons authorized by the County shall damage, trim, destroy, or remove trees, shrubs, or other vegetation located within the public right-of-way of any street or road for the purpose of placing a sign or increasing or enhancing the visibility of a sign; nor shall such work be performed on property that is not under the ownership or control of the person performing or responsible for such work, unless done pursuant to the express authorization of the person owning the property where such trees or shrubs are located.

C. MEASUREMENT

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Sign face area, maximum sign height, and other measurement standards pertaining to signage are determined in accordance with the standards in [Section 8.3.10, Signage Measurement](#).

D. MATERIAL AND STRUCTURAL REQUIREMENTS

All signs shall conform to these standards:

1. All signs, except those protected by glass or other transparent cover, shall be constructed of materials that are permanent in nature and that will not rapidly deteriorate, fade, fall apart, or in any way become a hazard to the public health, safety, and general welfare.
2. All permanently installed signs shall be able to resist normal loads from positive and negative wind pressure, snow, and other conditions as required by the State Building Code.
3. The Zoning Administrator may require sign load calculations and attachment design from a professional engineer licensed by the State and require the same engineer to certify the sign's installation in accordance with all applicable specifications.

E. SIGN ILLUMINATION

Where authorized, signs may only be illuminated in accordance with the following standards:

1. GENERALLY

- i. Illuminated signs shall obtain a building permit and be configured in accordance with North Carolina Building Code, applicable electric code, and the adopted fire code.
- ii. All wiring to ground, pole, or other freestanding signs erected after November 1, 2021, shall be located underground.

2. INTERNAL ILLUMINATION

Internally illuminated signs are prohibited within all residential districts.

3. INDIRECT OR EXTERNAL ILLUMINATION

- i. All external or indirectly illuminated signs shall illuminate only the face of the sign and shall not shine directly into or create glare on a right-of-way or residential use.
- ii. Indirect or externally illuminated signs shall comply with the standards in [Section 6.3.9, Maximum Illumination Levels](#).

4. FLASHING OR INTERMITTENT LIGHTS PROHIBITED

- i. Flashing lights and intermittent illumination are prohibited.
- ii. Sign illumination shall not vary in degrees of brightness or intensity.

F. CHANGEABLE COPY

Areas devoted to changeable copy on a sign shall be subject to the following standards:

1. Changeable copy areas may only be located on ground, pole, or wall signs;
2. Except for outdoor advertising signs, no more than 50 percent of the sign face area may be devoted to changeable copy area; (Amended 5-2-22 UDOTA 1-22)
3. As a means of avoiding distractions for drivers, bicyclists, and pedestrians, the display of changeable copy shall not change more than once per minute;
4. Up to 100 percent of the sign face area associated with an outdoor advertising sign may include areas devoted to changeable copy; (Amended 5-2-22 UDOTA 1-22)
5. Signage copy shall not be animated, and shall not blink, scroll, flash, or have other moving effects. This provision shall not restrict the copy from changing from one message to another or prohibit clocks.

G. SIGN MAINTENANCE

1. All signs and sign supports shall be maintained in good repair.
2. All signs shall be kept free from defective or missing parts or peeling paint.

- 3.** The Zoning Administrator may require the painting, repair, or alteration of a sign, at the owner's expense, if such sign constitutes a hazard to the public health, safety, or general welfare by reason of inadequate maintenance, dilapidation, or obsolescence.
- 4.** In the event a sign or sign support is poorly maintained or becomes unsafe, the Zoning Administrator shall notify the sign owner of the condition in writing, and the sign owner shall take whatever action is required to maintain public safety.
- 5.** Written notice of such repair shall be given to the owner in accordance with the procedures in Article 7. Violations.
- 6.** Failure to correct the unsafe condition is a violation of this Ordinance and shall be subject to the remedies in Article 7. Violations.

H. INSPECTIONS

- 1.** All signs for which a permit is required shall be subject to inspection by the County.
- 2.** The Zoning Administrator or a designee shall be authorized to enter at all reasonable times upon any property or premises to ascertain whether the provisions of this Ordinance are being obeyed.

I. SIGN REMOVAL

The following signs may be removed by the County:

1. SUBSTANDARD SIGNS

The owners of any sign judged to be substandard by a County Building Inspector shall be notified in writing and shall have 30 days in which to make repairs. Failure to comply with such notification within 30 days is a violation of this Ordinance and the County may remove such sign at the expense of the owner or lessee thereof plus administrative fees.

2. SIGNS ON PUBLIC PROPERTY

Any non-governmental sign installed or placed on public property or within a public right-of-way is subject to confiscation and disposal. The County shall have the right to recover the full costs of removal and disposal from the person placing such a sign.

3. ILLEGAL TEMPORARY SIGNS



Any illegal temporary is subject to confiscation and disposal. The County shall have the right to recover the full costs of removal and disposal from the person placing such a temporary sign.

ARTICLE 6. STANDARDS

§6.10. Signage

6.10.7. SIGN STANDARDS BY SIGN TYPE


A. AWNING SIGN

1. EXAMPLES	<div></div> <div></div>									
2. DESCRIPTION	A sign that is part of or attached to an awning, canopy, or other protective canvas, plastic, or metal cover affixed to a building and located over a door, entrance, window, or other outdoor area. Colors, stripes, or patterns on an awning's surface shall not be considered as signage.									
3. ZONING DISTRICTS WHERE ALLOWED	AR-30	R-30	R-20	R-10	OI	B-1	B-2	M-1	M-2	PD
	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
4. MAXIMUM # OF SIGNS PER LOT	1 per every ten linear feet of building façade facing a street [1]									
5. MAXIMUM SIGN FACE SIZE (PER SIGN)	25 percent of the awning area upon which it is located, including the drip flap, if provided									
6. MAXIMUM SIGN FACE SIZE (PER LOT)	5 percent of the total building façade located behind the awning [1]									
7. MINIMUM SETBACK FROM LOT LINES	10 feet									
8. MAXIMUM SIGN HEIGHT	Under the roof or top of a parapet wall [2]									
9. OTHER STANDARDS	<div>i. Signage may be located on the drip flap, subject to the maximum sign face area standards.</div> <div>ii. No awnings above the 3rd building story may be internally illuminated.</div>									
NOTES:										
<div>[1] Signage on umbrellas or shade structures associated with an outdoor dining area are not counted as awning signs and are exempted from the awning sign number and face area standards.</div> <div>[2] Awning signs shall maintain a minimum height of at least eight feet above grade.</div>										

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§6.10. Signage

B. CANOPY SIGN

1. EXAMPLES										
2. DESCRIPTION	Text, graphics, or symbols permanently affixed or painted on to the fascia or uprights of a free-standing or attached canopy structure that is designed to provide shade, weather protection, or nighttime illumination. Colors or bands of color are not considered as canopy signs unless colors are configured in a manner intended to portray a message to viewers. Signs with messages that change, like gasoline prices, are considered incidental signs.									
3. ZONING DISTRICTS WHERE ALLOWED	AR-30	R-30	R-20	R-10	OI	B-1	B-2	M-1	M-2	PD
	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes
4. MAXIMUM # OF SIGNS PER LOT	1 per canopy side facing a street; maximum of 4 total per lot, regardless of number of canopies [1] [2]									
5. MAXIMUM SIGN FACE SIZE (PER SIGN)	On Fascia			35 percent of the total canopy fascia area on the side of the canopy where the sign is located [3]						
	On Upright Support			45 percent the total area of an individual support or upright where the sign is located [3]						
6. MINIMUM SETBACK FROM LOT LINES	Same as the canopy structure									
7. MAXIMUM SIGN HEIGHT	No higher than the top of the canopy									
8. OTHER STANDARDS	i. Canopy signs extending below the underside of the canopy shall maintain a minimum clearance of at least nine feet above grade.									
NOTES: [1] Unified developments or non-residential developments with two or more buildings per lot may have up to four canopy signs per use. [2] Residential structures shall not include a canopy sign. [3] In no instance shall a canopy sign be permitted on both the fascia and a canopy upright that faces the same street or lot line.										

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§6.10. Signage



C. DEVELOPMENT SIGN

1. EXAMPLES										
	A ground or pole sign located at the entrance to a subdivision or multi-tenant development.									
2. DESCRIPTION										
3. ZONING DISTRICTS WHERE ALLOWED	AR-30	R-30	R-20	R-10	OI	B-1	B-2	M-1	M-2	PD
	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
4. MAXIMUM # OF SIGNS PER DEVELOPMENT	1 per street frontage [1]									
5. MAXIMUM SIGN FACE SIZE (PER SIGN)	300 square feet [2]									
6. MINIMUM SETBACK FROM LOT LINES	10 feet									
7. MAXIMUM SIGN HEIGHT	20 feet [3]									
8. OTHER STANDARDS	i. Development signs are not permitted for single-tenant developments located on a single lot.									
	ii. Must be located within 100 feet of a development entrance.									
iii. Development signs shall be located at least 10 feet from any other habitable structure.										
NOTES:										
[1] Excluding alleys or streets internal to a development.										
[2] The support structure for a subdivision sign configured as a ground sign shall not be included with the calculation of the maximum allowable sign face area.										
[3] Maximum sign height may be increased by one foot for every additional foot of setback from a lot line up to a maximum height of 35 feet.										

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D. FLAGS

1. EXAMPLES										
2. DESCRIPTION	A piece of cloth or similar material, typically rectangular or square in shape, that is attached to a pole or rope along the shorter side of the material. Flags flown by a governmental agency, located on land owned or operated by a governmental agency, or on a building owned or operated by a governmental agency are exempted from these standards.									
3. ZONING DISTRICTS WHERE ALLOWED	AR-30	R-30	R-20	R-10	OI	B-1	B-2	M-1	M-2	PD
	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
4. MAXIMUM # OF FLAGS PER LOT	3									
5. MAXIMUM SIZE PER FLAG	24 square feet									
6. MAXIMUM NUMBER OF FLAGS PER POLE	2									
7. MINIMUM SETBACK FROM LOT LINES	The height of the flagpole from street setback lines; otherwise, 10									
8. MAXIMUM MOUNTING HEIGHT	25 feet above grade or 25 feet above the highest point of a building if building-mounted [1]									
9. OTHER STANDARDS	i. Feather flags and bow signs are prohibited.									
	ii. Flags affixed to two or more poles at the same time are banners and shall be subject to these standards.									
NOTES:										
[1] In cases where a flag projects out into a street right-of-way, the flag shall maintain a minimum vertical clearance of 18 feet above the street pavement and 9 feet above a sidewalk.										

ARTICLE 6. STANDARDS

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E. GROUND SIGNS

1. EXAMPLES										
2. DESCRIPTION	Any sign, other than a pole sign, that is attached directly to the ground by means of a supporting system comprised of a solid pedestal, or other bracing system where there is no open space between the bottom of the sign face area and the ground. Ground signs are configured so that the base of the sign support structure is at least as wide as the sign face area. Ground signs may also be referred to as “pedestal” signs or “monument” signs. Any sign with an opening between the bottom of the sign’s face area and ground or where the sign face area is wider than the sign support structure shall be considered as a pole sign.									
3. ZONING DISTRICTS WHERE ALLOWED	AR-30	R-30	R-20	R-10	OI	B-1	B-2	M-1	M-2	PD
	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
4. MAXIMUM # OF SIGNS PER LOT	Single-tenant building				One per roadway frontage [1]					
	Multi-tenant building				None					
5. MAXIMUM SIGN FACE SIZE (PER SIGN)	200 square feet									
6. MINIMUM SETBACK FROM LOT LINES	10 feet									
7. MAXIMUM SIGN HEIGHT	15 feet [2]									
8. OTHER STANDARDS	i. A ground sign shall be located at least 50 feet away from any other ground sign, pole sign, or development sign on an adjacent lot.									
NOTES:										
[1] Ground signs serving single-tenant buildings in a unified or multi-building development with a development sign shall have no more than one ground sign per lot.										
[2] The support structure shall be included within the measurement of the sign’s maximum height.										

ARTICLE 6. STANDARDS

§6.10. Signage

F. INCIDENTAL SIGNS



1. EXAMPLES												
2. DESCRIPTION	A permanent sign that only provides directional details, safety information, ideologic, or other information intended for the public. Examples of incidental signs include address numbers, entrance/exit signs, high voltage or beware of dog signs, or similar signs that are comprised of permanent materials and intended for longer than temporary display.											
3. ZONING DISTRICTS WHERE ALLOWED	AR-30	R-30	R-20	R-10	OI	B-1	B-2	M-1	M-2	PD		
	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes		
4. MAXIMUM # OF SIGNS PER LOT [1]	Single-family residential				Greater of: 1 per principal structure or 1 per dwelling unit							
	Multi-family residential				1 per building + 4							
	Non-residential & Mixed-use				[2]							
5. MAXIMUM SIGN FACE SIZE (PER SIGN)	1½ square feet per sign [3]											
6. MAXIMUM SIGN FACE SIZE (PER LOT OR DEVELOPMENT)	20 square feet total for all incidental signs in non-residential or mixed-use developments											
7. MINIMUM SETBACK FROM LOT LINES	10 feet											
8. MAXIMUM SIGN HEIGHT	Residential district				6 feet							
	Non-residential districts				12 feet							
9. OTHER STANDARDS	i. No sign permit shall be required for the establishment of incidental signs, but all incidental signage shall comply with the standards in this section.											
NOTES:												
[1] Incidental signs that exceed the maximum height of sign face size shall be considered as a wall sign, ground sign, or pole sign, as appropriate.												
[2] See maximum sign face area per lot or development.												
[3] Up to two incidental signs on any single lot may be up to 3 square feet in sign face size.												

ARTICLE 6. STANDARDS

§6.10. Signage

G. OUTDOOR ADVERTISING SIGNS

(Amended 5-2-22 UDOTA 1-22)

1. EXAMPLES	<div></div> <div></div>									
2. DESCRIPTION	A sign, configured for viewing primarily by persons travelling in an automobile on an interstate or primary commercial highway. Outdoor advertising directs attention to a business, commodity, service, or entertainment that is conducted, sold, or offered either on the premises or off the premises where the sign is located. Only outdoor advertising signs are permitted to be off-premise, or located on a lot or site that differs from the locations where products are services are made available.									
3. ZONING DISTRICTS WHERE ALLOWED	AR-30	R-30	R-20	R-10	OI	B-1	B-2	M-1	M-2	PD
	Yes, with special use permit	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
	Outdoor advertising is only permitted within 660 linear feet of an interstate or limited access highway right-of-way.									
4. MAXIMUM # OF SIGNS PER LOT	One; an outdoor advertising sign may have two faces, but they must be back-to-back, identical in size and shape, and aligned horizontally and vertically.									
	A lot may have more than one outdoor advertising sign only in cases where the minimum separation distance between outdoor advertising signs can be maintained.									
5. MAXIMUM SIGN FACE SIZE (PER SIGN)	500 square feet									
6. MINIMUM SEPARATION	2,500 linear feet from any other outdoor advertising sign, regardless of the jurisdiction where located.									
7. MINIMUM SETBACK FROM LOT LINES	As required by the zoning district where located.									
8. MAXIMUM SIGN HEIGHT	35 feet [3]									
9. CHANGEABLE COPY	Changeable copy may occupy up to 100% of the sign face area.									
	The minimum static hold time between different messages shall be no less than 60 seconds.									
	The maximum transition time between different messages shall be no greater than 2 seconds.									
10. OTHER STANDARDS	All outdoor advertising signs shall operate in compliance with applicable State or Federal laws.									

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§6.10. Signage

H. POLE SIGNS

1. EXAMPLES										
2. DESCRIPTION	Any sign, other than a ground sign, that is attached directly to the ground by means of one, two, or more poles, uprights, or other vertical bracing system where there is open space between the bottom of the sign face area and the ground. Any sign with an opening between the bottom of the sign's face area and ground or where the sign face area is wider than the sign support structure shall be considered as a pole sign Pole signs may also be referred to as "free-standing" signs or "pylon" signs.									
3. ZONING DISTRICTS WHERE ALLOWED	AR-30	R-30	R-20	R-10	OI	B-1	B-2	M-1	M-2	PD
	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes
4. MAXIMUM # OF SIGNS PER LOT	Single-tenant building				One per roadway frontage [1]					
	Multi-tenant building				None					
5. MAXIMUM SIGN FACE SIZE (PER SIGN)	200 square feet [2]									
6. MINIMUM SETBACK FROM LOT LINES	10 feet									
7. MAXIMUM SIGN HEIGHT	35 feet [3]									
8. OTHER STANDARDS	i. A pole sign shall be located at least 50 feet away from any other pole sign, ground sign, or development sign on an adjacent lot.									
NOTES:										
[1] Ground signs serving single-tenant buildings in a unified or multi-building development with a development sign shall have no more than one ground sign per lot.										
[2] Support structures shall be included in the determination of a sign's face area.										
[3] The support structure shall be included within the sign's height.										

ARTICLE 6. STANDARDS

§6.10. Signage




I. POLITICAL SIGNS

1. EXAMPLES										
2. DESCRIPTION	Any sign that advocates for a particular political candidate, party, position, or political action that is made available for view by the public before and during the portion of a calendar year when elections are underway as described in Section 136-32 of the North Carolina General Statutes. Political signs are also referred to as “campaign” signs or “election” signs. Signs of a political nature that are placed on private property outside the period of time when elections are underway shall be considered as an incidental or temporary sign.									
3. ZONING DISTRICTS WHERE ALLOWED	AR-30	R-30	R-20	R-10	OI	B-1	B-2	M-1	M-2	PD
	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
4. MAXIMUM # OF SIGNS PER LOT	3 [1]									
5. MAXIMUM SIGN FACE SIZE (PER SIGN)	In a right-of-way				6 square feet per sign					
	On a lot				32 square feet per sign					
6. MINIMUM SETBACK FROM LOT LINES	None									
7. MAXIMUM SIGN HEIGHT	In a right-of-way				42 inches					
	On a lot				60 inches					
8. OTHER STANDARDS	i. No political sign shall be placed in a manner that obstructs the view of another political sign.									
NOTES: [1] There is no limit on the number of political signs that may be placed within the right-of-way in front of a lot during the portion of the year when elections are underway provided the owner of the sign obtains the consent of the lot’s owner to place the sign in front of the lot.										

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J. TEMPORARY SIGNS

1. EXAMPLES										
2. DESCRIPTION	Any sign that is not permanently affixed to the ground or a building which can be removed without special handling and that may be located on a lot or site in addition to other forms of signage.									
3. ZONING DISTRICTS WHERE ALLOWED	AR-30	R-30	R-20	R-10	OI	B-1	B-2	M-1	M-2	PD
	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
4. MAXIMUM # OF SIGNS PER LOT	Residential					1 per lot				
	Non-residential		Single-tenant			1 per lot				
			Multi-tenant			1 per tenant				
5. MAXIMUM SIGN FACE SIZE (PER SIGN)	Residential districts					6 square feet				
	All other districts					20 square feet				
6. MINIMUM SETBACK FROM LOT LINES	10 feet									
7. MAXIMUM SIGN HEIGHT [1]	Residential districts					6 square feet				
	All other districts					20 square feet				
8. OTHER STANDARDS	i. Temporary signs shall not require issuance of a sign permit but shall comply with these standards. ii. Temporary signs shall not have a maximum duration. iii. Signs visible through a window or door shall be treated as a window sign. iv. Temporary signs may not be illuminated. v. Temporary signage associated with a temporary use shall be removed when the temporary use ends.									
NOTES: [1] Sign support structures shall be included in maximum sign height and face area.										

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K. WALL SIGNS

1. EXAMPLES										
2. DESCRIPTION	Any sign, other than a projecting sign, that is mounted to or painted on an exterior building wall. Wall signs have only one sign face and are configured to be parallel to the building wall upon which they are located. Signs mounted perpendicular to a wall are “projecting” signs. Signs mounted from the ceiling of a building’s canopy or overhang are “suspended” signs. Signs made of fabric or other material that moves are or “flags.” Signs visible through a window are “window” signs.									
3. ZONING DISTRICTS WHERE ALLOWED	AR-30	R-30	R-20	R-10	OI	B-1	B-2	M-1	M-2	PD
	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
4. MAXIMUM # OF SIGNS PER LOT	Single tenant building					1				
	Multi-tenant building					1 per tenant				
5. MAXIMUM SIGN FACE SIZE (PER SIGN)	Lesser of 1 square foot per linear foot of building wall or 32 square feet									
6. MAXIMUM SIGN FACE SIZE (PER LOT)	Single tenant building					32 square feet				
	Multi-tenant building					32 square feet per tenant				
7. MINIMUM SETBACK FROM LOT LINES	Same as the building									
8. MAXIMUM SIGN HEIGHT	No wall sign shall extend above, below, or beyond the building wall to which it is attached									
9. OTHER STANDARDS	i. Wall signs shall not project outwards from the wall by more than 12 inches. ii. Wall signs shall not be mounted above the third floor. iii. Any electrical wiring shall be located within the sign or the wall it is affixed to.									

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L. WINDOW SIGNS

1. EXAMPLES										
2. DESCRIPTION	A sign affixed to or visible through the surface of a window or glass door that is intended to be visible to the public from outside the building. Signs painted on glass and etched or frosted glass that includes text or symbols shall be considered as a window sign. Signs not visible from off-site areas are exempted from these standards. Signs mounted to a building's exterior wall are "wall" signs.									
3. ZONING DISTRICTS WHERE ALLOWED	AR-30	R-30	R-20	R-10	OI	B-1	B-2	M-1	M-2	PD
4. MAXIMUM # OF SIGNS PER LOT	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
5. MAXIMUM SIGN FACE SIZE (PER SIGN) [1]	25% of the outer extent of any single window or door [2]									
8. MAXIMUM SIGN HEIGHT	Window signs are not permitted above the second story or higher than 25 feet above ground level									
9. OTHER STANDARDS	i. Window signs may not be externally illuminated. ii. Material used to block views into a vacant building (such as brown paper) is not considered to be a window sign. iii. Blinds, shades, or curtains bearing symbols or text that is visible from off-site areas shall be considered to be a window sign subject to these standards.									
NOTES: [1] Groups of multiple windows or doors within six inches of one another on the same building façade shall be considered as one window or door for the purposes of sign face area calculation. [2] Window signs shall not be located or configured in ways that prevent patrons operating doors safely.										

6.10.8. UNIFORM SIGN PLAN

A. WHEN REQUIRED

1. A uniform sign plan shall be required for all unified developments.
2. A uniform sign plan may be prepared for a planned development or a multi-building development on two or more lots.
3. In cases where a uniform sign plan is approved by the County, all owners, tenants, subtenants and purchasers of individual units within the development shall comply with the approved uniform sign plan.

B. RELATIONSHIP TO OTHER STANDARDS

Requirements in a unified sign plan may be more restrictive than the otherwise applicable signage standards in this section but shall not be less restrictive.

The uniform sign plan may include any form of allowable sign in this section, but shall not include sign types that are not permitted by this Ordinance.

C. REQUIRED ELEMENTS

A uniform sign plan shall address all the following aspects of signage within the development:

1. The total number of proposed and allowable signs;
2. The types of proposed and allowable signs;
3. The location of all proposed and allowable signs;
4. The materials, size, and color of all proposed and allowable signs; and
5. Details associated with sign illumination.

D. CONSISTENCY IN SIGNAGE

1. Consistent sign types, color patterns, and materials shall be used on buildings with a uniform façade style.
2. Up to two sign styles or color options may be introduced on buildings with architecturally distinct building segments. Signs within each sign style shall be constructed of similar materials.
3. Ground signs within a multi-building development shall incorporate one or more unifying elements, such as style, illumination, colors, or materials.

E. ALLOCATION OF SIGN AREA IN MULTI-TENANT DEVELOPMENTS

Unless specified otherwise in the uniform sign plan, permanent sign area for a multi-tenant development shall be allocated in proportion to the frontage each tenant controls on the applicable wall.

F. AMENDMENT PROCEDURES

A uniform sign plan may only be amended by filing a new uniform sign plan and application with the Zoning Administrator.

1. The application may be filed only by the owner of the land affected by the proposed change, or an agent, lessee or contract purchaser specifically authorized by the owner. Before filing the application, all landowners affected by the proposed change must give written authorization. If a governing board for the property affected exists, then the governing board may provide written authorization for all landowners affected.
2. Any new or amended uniform sign plan shall include a schedule that requires bringing all permanent signs not conforming to the proposed plan into conformance within 90 days of approval.

G. EFFECT

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§6.10. Signage

1. After approval of an amendment to a uniform sign plan, no permanent sign shall be erected, placed, painted, or maintained except in accordance with the plan, and the plan may be enforced in the same way as any provision of this Ordinance.
2. In the case of any conflict between a provision of a lawfully approved uniform sign plan and a provision of this section, the uniform sign plan shall control.

§6.11. SOIL EROSION AND SEDIMENTATION CONTROL

- A.** No zoning compliance permit, special use permit or preliminary plat approval may be given for a development that causes land-disturbing activity until:
 - 1.** An erosion control plan for the proposed development has been approved by the North Carolina Sedimentation Control Commission in accordance with Section 113A-57(4) of the North Carolina General Statutes; or
 - 2.** The North Carolina Sedimentation Control Commission certifies that the Commission has examined the preliminary plans for the development and it reasonably appears that an erosion control plan can be approved upon submission by the developer of more detailed construction or design drawings.
- B.** In no instance shall a building permit be issued or shall development activity commence until the North Carolina Sedimentation Control Commission has approved an erosion control plan if one is required.
- C.** For purposes of this section, 'land disturbing activity' means any use of the land by any person in residential, industrial, educational, institutional or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation except activities that are exempt under Section 113A-52(6)) of the North Carolina General Statutes.
- D.** For the purposes of this section, 'sedimentation' occurs whenever solid particulate matter, mineral or organic, is transported by water, air, gravity, or ice from the site of its origin.

§6.12. STORMWATER

6.12.1. APPLICABILITY

The general standards contained in this section shall apply throughout the planning jurisdiction. However, developments located within the Watershed Protection Overlay shall also comply with the applicable standards in **Section 3.4.4, Watershed Protection Overlay District**.

6.12.2. NATURAL DRAINAGE SYSTEM UTILIZED TO EXTENT FEASIBLE

- A.** To the extent practicable, all development shall conform to the natural contours of the land and natural and pre-existing man-made drainage ways shall remain undisturbed.
- B.** To the extent practicable, lot boundaries shall be made to coincide with natural and pre-existing man-made drainage ways within subdivisions to avoid the creation of lots that can be built upon only by altering such drainage ways.

6.12.3. DEVELOPMENTS MUST DRAIN PROPERLY

- A.** All developments shall be provided with a drainage system that is adequate to prevent the undue retention of surface water on the development site. Surface water shall not be regarded as unduly retained if:
 - 1.** The retention results from a technique, practice, or device deliberately installed as part of an approved sedimentation or storm water runoff control plan; or
 - 2.** The retention is not substantially different in location or degree than that experienced by the development site in its pre-development stage, unless such retention presents a danger to health or safety.
- B.** No surface water may be channeled or directed into a sanitary sewer.
- C.** Whenever practicable, the drainage system of a development shall coordinate with and connect to the drainage systems or drainage ways on surrounding properties or roads.
- D.** All developments shall be constructed and maintained so that adjacent properties are not unreasonably burdened with surface waters as a result of such developments. More specifically:
 - 1.** No development may be constructed or maintained so that such development unreasonably impedes the natural flow of water from higher adjacent properties across such development, thereby unreasonably causing substantial damage to such higher adjacent properties; and
 - 2.** No development may be constructed or maintained so that surface waters from such development are unreasonably collected and channeled onto lower adjacent properties at such locations or at such volumes as to cause substantial damage to such lower adjacent properties.

6.12.4. NUTRIENT CONTROL REQUIREMENTS

A. APPLICABILITY

- 1.** The nutrient control regulations of this section shall apply to all areas of the County outside of any municipal boundary or its extraterritorial jurisdiction, with the following exclusions: federal, State, and local governments (including their agencies) unless intergovernmental agreements have been established giving Edgecombe County enforcement authority.
- 2.** The regulations of this subsection are intended to comply with the requirements of the Tar-Pamlico Stormwater Rule (15A NCAC 2B .0258) and the Edgecombe County Stormwater Management Program for Nutrient Control.

B. GENERAL REQUIREMENTS

ARTICLE 6. STANDARDS

§6.12. Stormwater

1. NEW DEVELOPMENT

Applicants proposing new development shall submit a stormwater management plan, signed, and sealed by a qualified professional, that complies with the following criteria in accordance with Section 2 of the Edgecombe County Stormwater Management Program for Nutrient Control:

- i. The nitrogen load contributed by the new development shall not exceed 4.0 pounds per acre per year and the phosphorus load shall not exceed 0.4 pounds per acre per year.
- ii. The nitrogen and phosphorus exports must be calculated in accordance with Section 2-C and 2-D of the Edgecombe County Stormwater Management Program for Nutrient Control.
- iii. If the computed export loads exceed those required in sub-section (i) above, options exist for lowering the export loads through onsite or offsite measures or some combination thereof as described in Sections 2-D, 2-F, and 2-G of the Edgecombe County Stormwater Management Program for Nutrient Control.

2. EROSION OF SURFACE WATER CONVEYANCES

- i. All new development must not cause erosion of surface water conveyances. At a minimum, post-development peak flows leaving the site may not exceed pre-development for the 1-year, 24-hour storm event. Peak runoff must be calculated in accordance with Section 2-E of the Edgecombe County Stormwater Management Program for Nutrient Control.
- ii. Exceptions to peak flow attenuation requirements are described in Section 2-E of the Edgecombe County Stormwater Management Program for Nutrient Control.

C. REQUIREMENTS OF BMP MAINTENANCE

1. If Best Management Practices (BMPs) are used to achieve the nitrogen and phosphorus loading and flow attenuation requirements, they must be designed in accordance with the requirements of Section 2-D of the Edgecombe County Stormwater Management Program for Nutrient Control, and an operation and maintenance plan for the BMPs shall be submitted by the applicant and approved by the County in accordance with the requirements of Section 2-H of the Edgecombe County Stormwater Management Program for Nutrient Control.
2. Owners' Associations created to ensure maintenance of BMPs shall be established in accordance with the requirements of [Section §6.7, Owners' Associations](#).
3. Financial Security for Stormwater Control Structures shall be established in accordance with the requirements of [Section 2.3.15, Performance Guarantee](#).
4. A legal stormwater maintenance agreement, as delineated in Appendix D, of the Edgecombe County Stormwater Management Program for Nutrient Control, shall be submitted to and approved by Edgecombe County. The agreement must be recorded in the Edgecombe County Register of Deeds prior to final approval or the certificate of occupancy the structure.
5. Annual inspections of all BMPs shall be in accordance with the provisions of Section 2-H of the Edgecombe County Stormwater Management Program for Nutrient Control.

D. APPEALS AND VARIANCES

1. An appeal from any order of the Stormwater Administrator may be taken to the Board of Adjustment in accordance with the provisions of [Section 2.3.2, Appeal](#).
2. An application for a variance from the provisions of the Stormwater Management Provisions may be filed with the Stormwater Administrator in accordance with the provisions of [Section 2.3.26, Variance](#).

ARTICLE 6. STANDARDS

§6.12. Stormwater

E. ENFORCEMENT

Violations of the provisions of this Section shall be subject to the enforcement remedies and penalties in accordance with Article 7. Violations.

6.12.5. ILLEGAL DISCHARGES / CONNECTIONS

- A.** No person shall cause or allow the discharge, emission, disposal, pouring, or pumping directly or indirectly to any stormwater conveyance, the waters of the State, or upon the land in such proximity to the same (such that the substance is likely to reach a stormwater conveyance or the waters of the State), any fluid, solid, gas, or other substance which is defined as an illegal discharge in Section 3-B of the Edgecombe County Stormwater Management Program for Nutrient Control. No person shall cause or allow an illegal connection, as defined in this Ordinance.
- B.** Procedures for identifying and removing illegal discharges / connections are delineated in Sections 3-D, 3-E, and 3-F of the Edgecombe County Stormwater Management Program for Nutrient Control.
- C.** Violations of the provisions of this Section shall be subject to the enforcement remedies and penalties in accordance with Article 7. Violations.

6.12.6. AMENDMENTS TO STORMWATER PROVISIONS

- A.** Any and all amendments which involve regulations, standards, or procedures regarding stormwater management shall be approved by the North Carolina Department of Environmental Quality, Division of Water Quality, prior to adoption.
- B.** Under no circumstances shall an amendment be adopted which would cause this Ordinance to violate the minimum standards of the stormwater rule, 15A NCAC 2B .0258 Tar-Pamlico River Basin – Nutrient Sensitive Waters Management Strategy: Basinwide Stormwater Requirements, as adopted by the North Carolina Environmental Management Commission.

§6.13. SUBDIVISION DESIGN

6.13.1. PURPOSE AND INTENT

These subdivision design standards are proposed to:

- A.** Promote orderly growth and development;
- B.** Maintain conditions essential to the public's health, safety, and welfare;
- C.** Facilitate the further re-subdivision of larger tracts into smaller parcels of lands and individual lots, where appropriate;
- D.** Ensure lots and public infrastructure are configured in ways that ensure public safety, easy maintenance, and good planning practice;
- E.** Encourage design that is protective of environmental quality;
- F.** Provide for the dedication or reservation of recreation, park, and greenway areas; and
- G.** Provide proper land records for the convenience of the public and for better identification and permanent location of real property boundaries.

6.13.2. APPLICABILITY

Unless exempted in accordance with Section 6.13.3, Exemptions, any division of land consistent with the definition of a subdivision in Section §8.4, Words Defined, that is located within the County's planning jurisdiction shall comply with the requirements of this section.

6.13.3. EXEMPTIONS

The following divisions of land shall be exempt from these subdivision design standards:

- A.** Expedited subdivisions configured in accordance with Section 2.3.11, Expedited Subdivision;
- B.** Subdivisions exempted in accordance with Section 160D-802 of the North Carolina General Statutes; and
- C.** Court-ordered subdivisions that comply with Chapter 29 of the North Carolina General Statutes.

6.13.4. APPROVAL OF PLATS REQUIRED

Any subdivision in Edgecombe County's Planning Jurisdiction shall not be completed and occupied or lots conveyed unless and until all required plats have been approved in accordance with this ordinance.

6.13.5. SUBDIVISION NAME

Every subdivision shall be given a name that shall not duplicate or be similar to that of any other subdivision existing or previously planned within the County's jurisdiction or within a municipality located within one mile or less from the proposed subdivision.

6.13.6. REASONABLE RELATIONSHIP

- A.** All required improvements, easements, and rights-of-way (other than required reservations) shall substantially benefit the development or bear a reasonable relationship to the need for public facilities attributable to the new development.
- B.** Whenever a tract to be subdivided includes or adjoins any part of a thoroughfare or collector road as designated by an officially adopted County Thoroughfare Plan, that part of such proposed public right-of-way shall be dedicated as public right-of-way within the subdivision plat in the location and to the width recommended by the Thoroughfare Plan or this Article.

6.13.7. LOT CONFIGURATION

A. DIMENSIONAL REQUIREMENTS

- 1.** The size, width, depth, shape, orientation, and minimum setback lines of lots shall be as required for the zoning district where located in accordance with the standards in Article 3, Districts.

ARTICLE 6. STANDARDS

§6.13. Subdivision Design

2. All lots created after November 1, 2021, shall have sufficient area, dimensions, and access to allow a principal building to be erected on it in compliance with the requirements of this Ordinance.
3. Lots intended for non-residential development shall be of an adequate size and shape to accommodate required off-street parking, loading, screening, landscaping, and on-site circulation features.
4. Except for special purpose lots, every lot shall maintain the lesser of:
 - i. 40 percent of its minimum required area of contiguous buildable area outside the floodplain; or
 - ii. 3,000 square feet of contiguous buildable area outside the floodplain.

B. LOT LINES

1. Side lines of lots should be at or near right angles or radial to street lines.
2. Where side lot lines intersect at the rear of the lot, the angle of intersection shall not be less than 60 degrees.
3. Lot lines shall coincide with natural and pre-existing man-made drainageways, to the maximum extent practicable.

C. FLAG LOTS

1. A flag lot shall contain only one single-family dwelling and any accessory structures.
2. Flag lots may be permitted as a more reasonably suitable alternative to extending a road or a more conventional lot design when justified by topographic and natural features;
3. The maximum flag lot size in areas with public sewer shall be one acre.
4. The maximum flag lot size without public sewer shall be three acres.
5. The 'flagpole' portion of the lot is not used to calculate area, width, depth, coverage, and setbacks of the lot or to provide off-street parking.
6. The "pole," arm," or "pan handle" portion of a flag lot shall maintain a minimum width of at least 25 feet;
7. The maximum flagpole length shall be 300 feet;
8. The minimum separation between the 'flagpole' portion of the lot and that of another flag lot shall be 150 feet;
9. Where public sewer is available, occupied buildings on the flag lot shall have a gravity service line, or the sewer pump requirements shall be noted on the plat; and
10. Use of a single driveway to serve an adjoining flag lot or to serve a flag lot and an adjoining conventional lot is encouraged. In the case of a driveway shared with a conventional lot, the preferred location for the driveway is on the flagpole portion of the flag lot, with the conventional lot granted an access easement over the flagpole.

D. DOUBLE AND REVERSE FRONTAGE LOTS

1. Double frontage (or "through" lots) shall be prohibited except where essential to provide separation of residential development from traffic arteries or to overcome specific challenges of topography and orientation.
2. In cases where a double frontage lot abuts a thoroughfare or boulevard street, access to the lot shall be provided from the street with the lowest average daily trips. This requirement may be waived by the Zoning Administrator in cases where compliance with this standard will likely result in dramatic increases in traffic within residential areas.
3. A double frontage lot shall include an easement of at least ten feet in width across the rear of the lot which shall prohibit access to the abutting street.

E. DRAINAGE AND FLOOD PREVENTION

ARTICLE 6. STANDARDS

§6.13. Subdivision Design

New subdivisions shall comply with the applicable requirements for drainage in Section §6.11, Soil Erosion and Sedimentation Control, stormwater management in Section §6.12, Stormwater, and flood damage prevention standards in Section 3.4.3, Flood Hazard Overlay (FHO) District.

6.13.8. BLOCK CONFIGURATION

- A.** The width of the block shall normally be sufficient to allow two tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic or nonresidential uses.
- B.** Blocks intended for business or industrial use shall be of such width as to be considered most suitable for their respective use, including adequate space for off-street parking and deliveries.
- C.** Intersecting streets shall be laid out at such intervals that block lengths are not more than 1,800 feet nor less than 400 feet except where existing conditions justify a modification of this requirement in the sole discretion of the Planning Board.
- D.** Pedestrian ways or cross walks, not less than ten feet in width, shall be provided near the center and entirely across any block 1,800 feet or more in length or at the end of cul-de-sacs, where deemed essential, in the opinion of the Planning Board, to provide adequate pedestrian circulation or access to schools, shopping areas, churches, parks, playgrounds, transportation or other similar facilities.

6.13.9. MONUMENTS

Monuments shall be included as part of any subdivision, and shall be configured in accordance *The Standards of Practice for Land Surveying in North Carolina, as adopted by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors*, and the following:

- A.** Markers shall be set at all lot corners, points of curvature, points of tangency, and at all points with a change in bearings; and
- B.** The location and type of all markers used shall be indicated on the final plat.

6.13.10. CLUSTER MAILBOXES

New residential subdivisions shall include cluster mailbox units in accordance with U.S. Postal Service guidelines and the following:

- A.** Wherever possible, cluster mailboxes shall be located in a centralized location, within an open space set-aside, served by pedestrian access, and served by two or more off-street parking spaces.
- B.** In cases where the cluster mailboxes must be placed within a public right-of-way, the mailbox unit(s) shall be located and configured in accordance with the latest revision of the NCDOT policy guidance on the placement cluster box units (CBUs), including provision of a vehicular turnout.
- C.** Cluster mailbox units placed on a private street shall comply with NCDOT policy guidance on the placement of cluster box units (CBUs) on State-maintained streets.

§6.14. UNIFIED DEVELOPMENTS

6.14.1. DEFINED

A unified development is a development of residential, non-residential, or mixed uses occupying two or more lots that is planned, designed, constructed, and operated as a single unit, development, or entity. Lots within a unified development may or may not be under common ownership. Unified developments are treated as a singular lot or development site with respect to many of the standards in Article 6. Standards.

6.14.2. DESIGNATION

The establishment of a unified development must be requested by all owners of land within the proposed boundary of the development and the designation of a unified development may only be made by the Zoning Administrator in accordance with the standards in this Ordinance.

6.14.3. IDENTIFIED ON PLAT

- A.** If the owner(s) of a development elects to organize it as a unified development, a plat shall be recorded displaying a prominent note identifying it as such and explaining that the property must be developed with common driveways and off-road parking and be subject to a common signage plan and a common landscaping plan.
- B.** The notation on the plat shall further state that should the property cease to function as a unified development, the property will then be in violation of this Ordinance and shall be retrofitted with conventional parking and landscaping, even if doing so requires the removal of previously installed improvements.

6.14.4. PERMITS AND APPLICATIONS

Regardless of designation as a unified development, permits and development approvals issued under this Ordinance shall only apply to the lots identified in the written notice of decision issued by the County.

6.14.5. RELATIONSHIP TO DIMENSIONAL REQUIREMENTS

Unless subject to an administrative adjustment, variance, or other allowable alternative authorized by this Ordinance, each lot, yard, and structure located within a unified development shall comply with the dimensional requirements for the zoning district where located.

6.14.6. ACCESS AND CIRCULATION

Lots and structures located within a unified development shall be accessed by shared or common driveways. In no instance shall ingress or egress from a unified development be limited to a specific lot, use, or structure.

6.14.7. EXTERIOR LIGHTING

The standards in Section 6.3.9, Maximum Illumination Levels, shall not apply to lot lines bounded on two or more sides by the same unified development. The standards do apply to lot lines along the perimeter of the unified development.

6.14.8. LANDSCAPING

Parking lots abutting lot lines of lots also located within the same unified development are exempted from the standards in Section 6.5.8.C, Perimeter Plantings, and Section 6.5.9, Perimeter Buffers, but shall be subject to the standards in Section 6.5.10, Streetscape Buffers.

6.14.9. PARKING

ARTICLE 6. STANDARDS

§6.15. Wetlands

The off-street parking requirements in Table 6.8.4.F, Summary Table of Requirements, shall be applied to the unified development as a whole rather than to individual lots within the development.

6.14.10. SIGNAGE

Signage located within a unified development shall comply with the standards in Section 6.10.8, Uniform Sign Plan.

6.14.11. REMOVAL OF UNIFIED DEVELOPMENT DESIGNATION

- A. In the event the unified development designation is removed then each lot within the former unified development shall be required to comply with the applicable standards in this Ordinance, and failure to comply shall be a violation subject to the standards and remedies in Article 7. Violations.
- B. The necessity for removal and reconstruction of existing site features in order to reach compliance with this Ordinance following removal of a unified development designation shall not be used as a justification for failing to comply with all applicable Ordinance requirements.

§6.15. WETLANDS

- A. If a developer, corporation, landowner, or other person proposes to perform construction/filling activities in or near a lake, stream, creek, tributary, or any unnamed body of water and its adjacent wetlands, permit authorization may be required from the US Army Corps of Engineers for 404 wetlands or from the North Carolina Department of Environmental Quality for 401 wetlands prior to commencement of earth-disturbing activities.
- B. The applicant shall be responsible for contacting all applicable State or federal agencies and securing all required approvals associated with the proposed development.

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ARTICLE 7. VIOLATIONS

§7.1. Purpose and Intent

§7.1. PURPOSE AND INTENT

This section establishes procedures through which the County ensures compliance with the provisions of this Ordinance and obtains corrections for Ordinance violations. It also sets forth the remedies and penalties that apply to violations of this Ordinance. The provisions of this section are intended to encourage the voluntary correction of violations, where possible.

§7.2. COMPLIANCE REQUIRED

Compliance with all the procedures, standards, and other provisions of this Ordinance is required by all persons owning, developing, managing, using, or occupying land or structures in the County's planning jurisdiction.

§7.3. DESCRIPTION OF VIOLATIONS

Any of the following shall be a violation of this Ordinance and shall be subject to the remedies and penalties provided by this Ordinance and by State law:

7.3.1. DEVELOPMENT WITHOUT AUTHORIZATION

Engaging in any development, use, construction, land disturbance, or other activity of any nature upon land or improvements thereon subject to the jurisdiction of this Ordinance without all required plans, permits, certificates, or other forms of authorization as set forth in this Ordinance;

7.3.2. DEVELOPMENT INCONSISTENT WITH AUTHORIZATION

Engaging in any development, use, construction, land disturbance, or related activity of any nature in any way inconsistent with any approved plan, permit, certificate, or other form of authorization granted for such activity;

7.3.3. VIOLATION BY ACT OR OMISSION

Violating, by act or omission, any term, variance, modification, adjustment, condition, requirement, or qualification placed upon any required plan, permit, certificate, or other form of authorization for the development, use, construction, land disturbance, or other activity upon land or improvements thereon;

7.3.4. USE IN VIOLATION

Erecting, constructing, altering, repairing, maintaining, or using any building or structure, or use of any land in violation of this Ordinance or any regulation made under the authority conferred thereby;

7.3.5. SUBDIVISION OF LAND IN VIOLATION

Subdividing land in violation of this Ordinance, or transferring land by reference to a plat or map showing a subdivision of land before the plat or map has been properly approved under this Ordinance and recorded in the office of the Edgecombe County Register of Deeds; and

7.3.6. CONTINUING OR REPEATING A PRIOR VIOLATION

Continuing with or repeating a violation of this Ordinance or other development approval following receipt of notice in accordance with this Article.

§7.4. ENFORCEMENT PROCEDURE

When the Zoning Administrator, or other County official, finds a violation of this Ordinance, they shall proceed in accordance with the following:

7.4.1. INVESTIGATION

ARTICLE 7. VIOLATIONS

§7.5. Remedies

- A.** The County will investigate complaints or claims of violations that are properly filed with County officials and may further investigate potential violations based on visual or other evidence collected by County personnel.
- B.** If, upon investigation, a violation is identified, the Zoning Administrator or other appropriate County official shall prepare a written notice of violation.

7.4.2. WRITTEN NOTICE OF VIOLATION

A written notice of violation shall be prepared and shall include all of following:

- A.** That the land, building, structure, sign, use, or activity is in violation of this Ordinance;
- B.** The nature of the violation, and citation of the section(s) of this Ordinance violated;
- C.** The measures necessary to remedy the violation;
- D.** The time period in which the violation must be corrected;
- E.** That penalties or remedies may be assessed; and
- F.** That the party cited has the right to appeal the notice in accordance with [Section 2.3.2, Appeal](#).

7.4.3. DELIVERY OF WRITTEN NOTICE

- A.** The notice of violation shall be delivered to the holder of the development approval and to the landowner of the property involved, if the landowner is not the holder of the development approval, by personal delivery, electronic delivery, or first-class mail and may be provided by similar means to the occupant of the property or the person undertaking the work or activity.
- B.** The notice of violation may be posted on the property.
- C.** The County official providing the notice of violation shall certify that the notice was provided, and the certificate shall be deemed conclusive in the absence of fraud.

7.4.4. REMEDY UPON NOTICE

Upon delivery of a written notice of a violation, the landowner or any other responsible person shall remedy the violation within the allowable time period.

7.4.5. FAILURE TO COMPLY WITH ORDER

If the landowner, occupant, or any other responsible person fails to comply with a notice of violation from which no appeal has been taken, or a final decision by the Board of Adjustment following an appeal, the landowner or occupant shall be subject to such remedies and penalties as may be provided for by State law or [Section §7.5, Remedies](#).

7.4.6. EACH DAY A SEPARATE VIOLATION

Each day a violation continues following notice or failure to comply is considered a separate and distinct offense.

§7.5. REMEDIES

7.5.1. CONDITIONED PERMIT OR CERTIFICATE

- A.** A review authority may condition the authorization of any permit, certificate, or other approval for land, subdivision, building, structure, sign, use, or development activity with a violation or outstanding, but still authorized enforcement action, upon the correction of the violation, payment of civil penalties within a specified time, or the posting of a compliance guarantee approved by the appropriate governmental authority.
- B.** In no instance shall the authorization of any permit, certificate, or approval for one property with a violation or outstanding enforcement action be conditioned with the correction of a violation, payment of civil penalties within a specified time, or the posting of a compliance guarantee for a different property.

ARTICLE 7. VIOLATIONS

§7.5. Remedies

7.5.2. STOP WORK ORDERS

A. GENERAL

Whenever the Zoning Administrator or a designee determines that a person is engaged in doing work that constitutes, creates, or results in a violation of this Ordinance and that irreparable injury will occur if the violation is not terminated immediately, that official may order the specific part of the work that constitutes, creates, or results in a violation of this Ordinance to be immediately stopped.

B. ORDER IN WRITING

1. The stop work order shall be in writing and directed to the landowner, and the occupant or person doing the work.
2. The stop work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed.
3. A copy of the order shall be delivered to the holder of the development approval and to the owner of the property involved (if that person is not the holder of the development approval) by personal delivery, electronic delivery, or first-class mail.
4. The County official delivering the notice shall certify that the order was delivered and that certificate shall be deemed conclusive in the absence of fraud.

C. APPEAL

Any person aggrieved by the issuance of a stop work order may appeal the issuance of the order to the Board of Adjustment in accordance with [Section 2.3.2, Appeal](#). No further work or activity shall take place in violation of a stop work order pending a ruling on the appeal.

D. COMPLIANCE REQUIRED

Neither the responsible person nor a landowner upon whom a stop work order is served shall continue with work in violation of the stop work order while it remains in effect, unless the order is stayed in accordance with subsection (C) above.

7.5.3. REVOCATION OF PERMITS

- A. The Zoning Administrator may revoke and require the return of a permit by notifying the permit holder in writing, stating the reason for the revocation.
- B. Building permits may be revoked, in accordance with Section 160D-1115 of the North Carolina General Statutes, for any of the following:
- C. Any substantial departure from the approved application, plans, or specifications;
- D. Refusal or failure to comply with the requirements of State or local laws; or
- E. For making false statements or misrepresentations in securing the permit, certificate, or approval.
- F. Any permit or certificate mistakenly issued in violation of an applicable State or County law may also be revoked.
- G. Revocation of a permit or approval shall be processed in the same manner as the permit or approval was granted.

7.5.4. CRIMINAL PENALTIES

A. VIOLATION OF EROSION AND SEDIMENTATION CONTROL

Any person who knowingly or willfully violates any soil erosion and sedimentation control provision of this Ordinance, or rule or order adopted or issued pursuant to the soil erosion and sedimentation control provisions, or who knowingly or willfully initiates or continues a land-disturbing activity for which a soil erosion and sedimentation control plan is required, except in

ARTICLE 7. VIOLATIONS

§7.6. Statute of Limitations

accordance with the terms, conditions, and provisions of an approved plan, shall be guilty of a Class 2 misdemeanor that may include a fine not to exceed five thousand dollars (\$5,000).

7.5.5. INJUNCTIVE RELIEF

A. ACTION BY BOARD OF COMMISSIONERS

Whenever the Board of Commissioners has reasonable cause to believe that any person is violating or threatening to violate this Ordinance, or any rule or order adopted or issued pursuant to this Ordinance, or any term, condition, or provision of an approved development plan, or soil erosion and sedimentation control plan, it may, either before or after the institution of any other action or proceeding authorized by this Ordinance, institute a civil action in the name of the County, for injunctive relief to restrain, correct, abate, mandate, or enjoin the violation or threatened violation.

B. SUPERIOR COURT

The action shall be brought in the Superior Court of Edgecombe County. Upon determination by a court that an alleged violation is occurring or is threatened, it shall enter such orders or judgments as are necessary to abate the violation or to prevent the threatened violation.

7.5.6. ORDER OF ABATEMENT

In addition to an injunction, the County may apply for and the court may enter an Order of Abatement as part of the judgment in the case. An Order of Abatement may direct any of the following actions:

- A. That buildings or other structures on the property be closed, demolished, or removed;
- B. That fixtures, furniture, or other moveable property be moved or removed entirely;
- C. That improvements, alterations, modifications, or repairs be made; or
- D. That any other action be taken as necessary to bring the property into compliance with this Ordinance.

7.5.7. EQUITABLE REMEDY

The County may apply to a court of law for any appropriate equitable remedy to enforce the provisions of this Ordinance. The fact that other remedies are provided under general law or this Ordinance shall not be used by a violator as a defense to the County's application for equitable relief.

7.5.8. STATE AND COMMON LAW REMEDIES

In addition to other enforcement provisions contained in this section, the Board of County Commissioners may exercise any and all enforcement powers granted to it by state law or common law.

7.5.9. PREVIOUS ENFORCEMENT

Nothing in this Ordinance shall prohibit the continuation of previous enforcement actions.

7.5.10. REMEDIES; CUMULATIVE AND CONTINUOUS

All such remedies provided herein shall be cumulative. To the extent that North Carolina law may limit the availability of a particular remedy set forth herein for a certain violation or a part thereof, such remedy shall remain available for other violations or other parts of the same violation.

§7.6. STATUTE OF LIMITATIONS

Enforcement of violations of this Ordinance shall be in accordance with Section 1-49(3) and Section 1-51(5) of the North Carolina General Statutes.

ARTICLE 7. VIOLATIONS

§7.7. Assessment of Civil Penalties

§7.7. ASSESSMENT OF CIVIL PENALTIES

7.7.1. RESPONSIBLE PARTIES

Any person who violates any provision of this Ordinance, including the owner or occupant of any land, building, structure, sign, use of land, or part thereof, may be held responsible for the violation and subject to the penalties and remedies provided in this Ordinance.

7.7.2. NOTICE

A. NOTIFICATION REQUIRED

Civil penalties may not be assessed until the responsible person in violation has been notified in accordance with Section §7.4, Enforcement Procedure.

B. CIVIL PENALTY IMPOSED

If after receiving a written notice of violation under Section §7.4, Enforcement Procedure, the person fails to take corrective action or file an appeal, a civil penalty may be imposed in accordance with this section.

C. NOTICE OF PENALTY ASSESSMENT

Notice of the civil penalty assessment shall be served in the same manner as a notice of violation.

D. ASSESSMENT CONTENTS

The assessment notice shall state the nature of the violation, the civil penalty to be imposed upon the violator, and shall direct the violator to pay the civil penalty within 30 days of the date of the notice.

E. SEPARATE NOTICES

Separate notices must be provided for the first or second violations. The County may, in its discretion, treat the first notice for a violation as the final notice for chronic violators.

F. ASSESSMENT UNTIL COMPLIANCE

Civil penalties may be assessed until compliance is achieved.

7.7.3. CONTINUING VIOLATION

For each day the violation is not corrected, the violator will be guilty of an additional and separate offense and subject to additional civil penalty.

7.7.4. DEMAND FOR PAYMENT

If compliance is not achieved, then the County shall make written demand for payment of penalties that have accrued while the property has been in violation. The demand for payment shall be sent to the responsible person in violation and must include a description of the violation for which the civil penalties have been imposed.

7.7.5. NONPAYMENT

If payment is not received or equitable settlement reached within 30 days after demand for payment is made, the County may recover any unpaid civil penalty by filing a civil action in the nature of debt.

7.7.6. PENALTIES

Any person who violates any provision of this Ordinance shall be subject to assessment of a civil penalty for each succeeding violation over the course of a calendar year.

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ARTICLE 8. WORD USAGE

§8.1. Abbreviations

§8.1. ABBREVIATIONS

The following table sets out the abbreviations used in this Ordinance.

TABLE <>: ABBREVIATIONS	
ABBREVIATION	TERM
ADU	Accessory dwelling unit
ANSI	American National Standards Institute
AO-A	Approach Zone
AO-T	Transitional Zone
AO-H	Horizontal Zone
AO-C	Conical Zone
APO	Airport Overlay District
AR-30	Rural Residential
ATM	Automated teller machine
AVE	Avenue
B-1	Light Business
B-2	General Business
BFE	Base flood elevation
BMP	Best management practice
BOA	Board of Adjustment
BOC	Board of Commissioners
CLG	Certified Local Government
CBU	Cluster box unit
CLOMR	Conditional Letter of Map Revision
DBH	Diameter at breast height
DFIRM	Digital Flood Insurance Rate Map
EMC	Environmental Management Commission
EV	Electrical vehicle
FAA	Federal Aviation Administration
FBFM	Flood Boundary and Floodway Maps
FEMA	Federal Emergency Management Agency
FHBM	Flood Hazard Boundary Map
FHO	Flood Hazard Overlay
FIRM	Flood Insurance Rate Map
FIS	Flood Insurance Study
HAG	Highest Adjacent Grade
LAG	Lowest Adjacent Grade
LCID	Land Clearing and Inert Debris
LOMA	Letter of Map Amendment
LOMR	Letter of Map Revision
M-1	Light Industrial
M-2	General Industrial
NAVD	North American Vertical Datum
NCAC	North Carolina Administrative Code

ARTICLE 8. WORD USAGE

§8.1. Abbreviations

TABLE <>: ABBREVIATIONS	
ABBREVIATION	TERM
NCDEQ	North Carolina Department of Environmental Quality
NCDOT	North Carolina Department of Transportation
NCGS	North Carolina General Statutes
NFIP	National Flood Insurance Program
NFPA	National Fire Protection Association
NPIAS	National Plan of Integrated Airport Systems
OI	Office and Institutional
PD	Planned Development
R-10	Multi-Family Residential
R-20	Mixed Residential
R-30	Single-Family Residential
ROW	Right-of-Way
SCM	Stormwater Control Measure
SES	Solar Energy System
SF	Square feet
SFHA	Special Flood Hazard Area
TCIA	Tree Care Industry Association
TRC	Technical Review Committee
UDO	Unified Development Ordinance
USDA	United States Department of Agriculture
USGS	United States Geologic Survey
WPO	Watershed Protection Overlay
WSE	Water Surface Elevation
WSW	Water Supply Watershed
Zone AO	Area of Shallow Flooding

§8.2. LANGUAGE CONSTRUCTION

The following rules shall apply for construing or interpreting the terms and provisions of this Ordinance.

8.2.1. MEANINGS AND INTENT

- A.** All provisions, terms, phrases, and expressions contained in this Ordinance shall be interpreted in accordance with the general purposes set forth in **Section §1.7, Purpose and Intent**, and the specific purpose statements set forth throughout this Ordinance.
- B.** When a specific section of these regulations gives a different meaning than the general definition provided in **Section §8.4, Words Defined**, the specific section's meaning and application of the term shall control.
- C.** Terms that are not defined are subject to their common or customary meaning.

8.2.2. HEADINGS, ILLUSTRATIONS, AND TEXT

- A.** In the event of a conflict or inconsistency between the text of this Ordinance and any heading, caption, figure, illustration, table, or map, the text shall control.
- B.** Graphics and other illustrations are provided for informational purposes only and should not be relied upon as a complete and accurate description of all applicable regulations or requirements.

8.2.3. LISTS AND EXAMPLES

Unless otherwise specifically indicated, lists of items or examples that use terms like "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

8.2.4. COMPUTATION OF TIME

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the County, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the County.

8.2.5. TIME-RELATED LANGUAGE

- A.** Whenever certain hours are named, they shall mean standard time or daylight savings time as may be in current use by the County.
- B.** The term "day" means a calendar day, or any day during a week, including business days and weekend days.
- C.** The term "holiday" means a legal holiday recognized by the County.
- D.** The term "week" means five business days and two weekend days. Weeks commence on a Monday.
- E.** The term "month" means a calendar month.
- F.** The term "year" means a calendar year.
- G.** The term "temporary" shall mean a condition lasting for only a limited period of time; not permanent.

8.2.6. REFERENCES TO THIS ORDINANCE

A reference to an article, section, sub-section, or paragraph means an article, section, sub-section, or paragraph of this Ordinance, unless otherwise specified.

8.2.7. REFERENCES TO OTHER ORDINANCES OR PUBLICATIONS

ARTICLE 8. WORD USAGE

§8.2. Language Construction

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition or adopted version of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

8.2.8. REFERENCES TO NORTH CAROLINA GENERAL STATUTES

Whenever any provision of this Ordinance refers to or cites a section of the North Carolina General Statutes and that section is later amended or superseded, this Ordinance shall be deemed amended to refer to the amended section.

8.2.9. DELEGATION OF AUTHORITY

Whenever a provision of this Ordinance requires or authorizes an officer or employee of the County to do some act or perform some duty, the officer or employee may designate, delegate, or authorize subordinates to perform the act or duty unless the terms of the provision specifically provide otherwise.

8.2.10. JOINT AUTHORITY

All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

8.2.11. TECHNICAL AND NON-TECHNICAL TERMS

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

8.2.12. PUBLIC OFFICIALS AND AGENCIES

All public officials, bodies, and agencies to which references are made are those of Edgecombe County, unless otherwise indicated.

8.2.13. MANDATORY AND DISCRETIONARY TERMS

The words "shall," "must," and "will" are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words "may," "can," and "should" are permissive in nature.

8.2.14. CONJUNCTIONS

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- A. "And" indicates that all connected items, conditions, provisions or events apply.
- B. "Or" indicates that one or more of the connected items, conditions, provisions, or events apply.

8.2.15. TENSES, PLURALS, AND GENDER

- A. Words used in the past or present tense include the future tense as well as the past and present.
- B. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise.
- C. Words used in the masculine gender include the feminine gender and the neuter, and vice versa.

8.2.16. OATH

The term "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in like cases the terms "swear" and "sworn" shall be equivalent to the terms "affirm" and "affirmed."

8.2.17. TERM NOT DEFINED

If a term used in any article of this Ordinance is not defined, the Zoning Administrator is authorized to interpret the term in accordance with **Section 2.3.8, Determination**, based upon the definitions used in professionally accepted sources.

§8.3. MEASUREMENT

This is a new section that describes how measurements are determined.

8.3.1. PURPOSE

The purpose of this section is to clarify the rules of measurement and exemptions that apply to all principal and accessory uses allowed in this Ordinance. These standards may be modified by other applicable sections of this Ordinance.

8.3.2. MEASUREMENT, GENERALLY

A. STRAIGHT LINES

Unless otherwise stated in this Ordinance, distances specified in this Ordinance are to be measured as the length of an imaginary straight line joining two points.

B. ROUNDING

Unless otherwise provided in this section or elsewhere in this Ordinance, numerical operations that result in fractions shall be rounded upwards or downwards in accordance with this section:

1. DENSITY

When the determination of the number of dwelling units permitted on a lot results in a fraction of a dwelling unit, any fractional component shall be disregarded and rounded down to the nearest whole number.

2. ALL OTHER INSTANCES

All calculations that result in a fractional unit or part of a whole number, a fraction of one-half or more shall be rounded up to the next highest whole unit and a fraction of less than one-half shall be disregarded.

C. IRREGULAR SHAPES

In cases where an irregular shape complicates the application of these standards, the Zoning Administrator shall determine the applicable dimensional, setback, or bulk standards in accordance with the standards in this section and **Section 2.3.8, Determination**.

D. SEPARATION

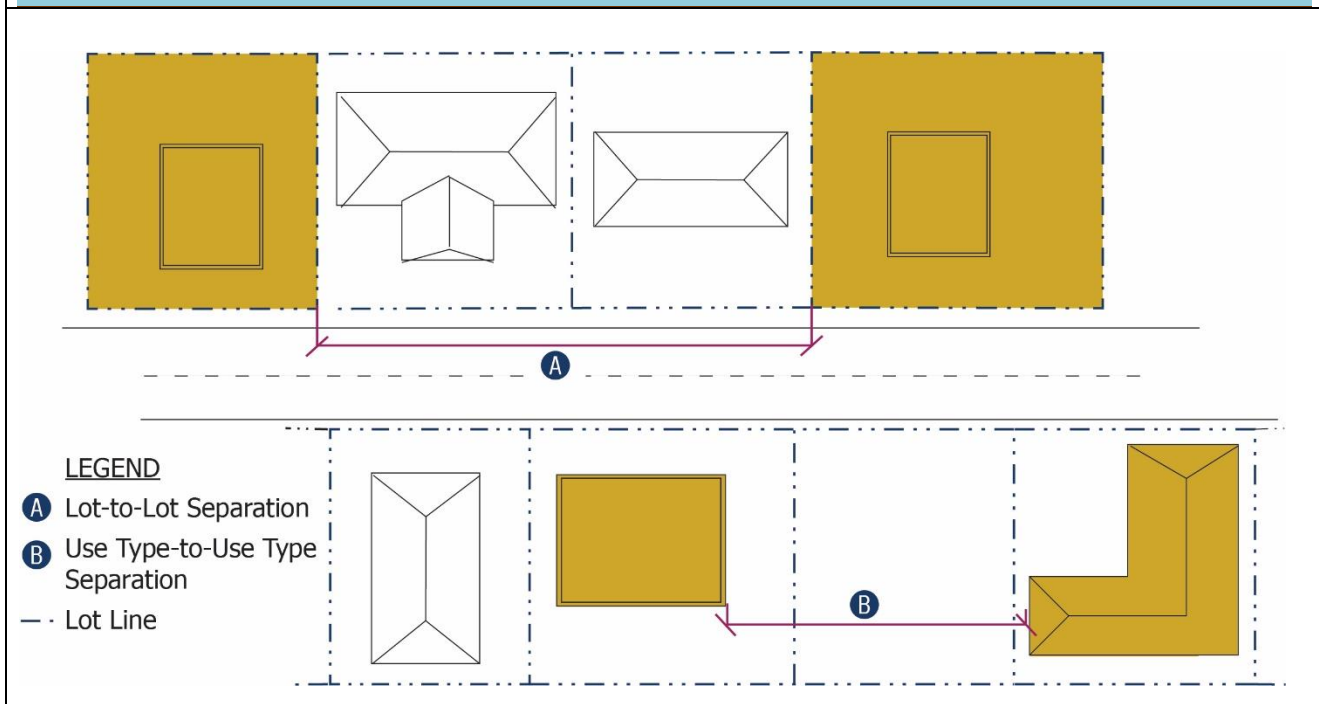
1. LOT TO LOT

When the provisions of this Ordinance require separation between two or more lots, or a lot and another feature, separation shall be measured by drawing straight lines from the nearest point of one lot line to the nearest point of the lot line subject to the separation requirement (see Figure 8.3.2.D, Separation).

2. USE TYPE TO USE TYPE

When the provisions of this Ordinance require one use type to be separated from another use type, separation shall be measured by drawing straight lines from the nearest point of the wall of one existing or proposed principal structure to the nearest point of the wall of another existing or proposed structure subject to the separation requirement.

FIGURE 8.3.2: SEPARATION



E. ABUTTING VS. ADJACENT

1. ABUTTING

The term abutting describes a condition where two or more features (a lot line, building, driveway, etc.) are immediately beside or next to one another either on the same lot or on different lots sharing a common lot line.

2. ADJACENT

The term adjacent describes a condition where two or more similar features (a lot line, building, use type, structure, site feature, etc.) are proximate to one another, but are separated by some form of intervening feature, such as a street, alley, water feature, railroad, lot or property under separate ownership, or natural feature of sufficient size so as to prevent direct site visibility or impede the movement of sound from one feature to another.

8.3.3. LOT DIMENSIONS

A. TYPES OF MEASUREMENTS

1. ACREAGE

The total number or gross number of acres on a tract or site.

2. LOT DEPTH

The dimension measured from the front of the lot to the extreme rear line of the lot. In case of irregularly shaped lots, the mean depth shall be taken (see Figure 8.3.3.A, Lot Measurements).

3. LOT WIDTH

The width of a lot is measured at right angles to its depth at the edge of the street setback or at a proposed building setback line, whichever is further from the street right-of-way.

4. MINIMUM LOT AREA

ARTICLE 8. WORD USAGE

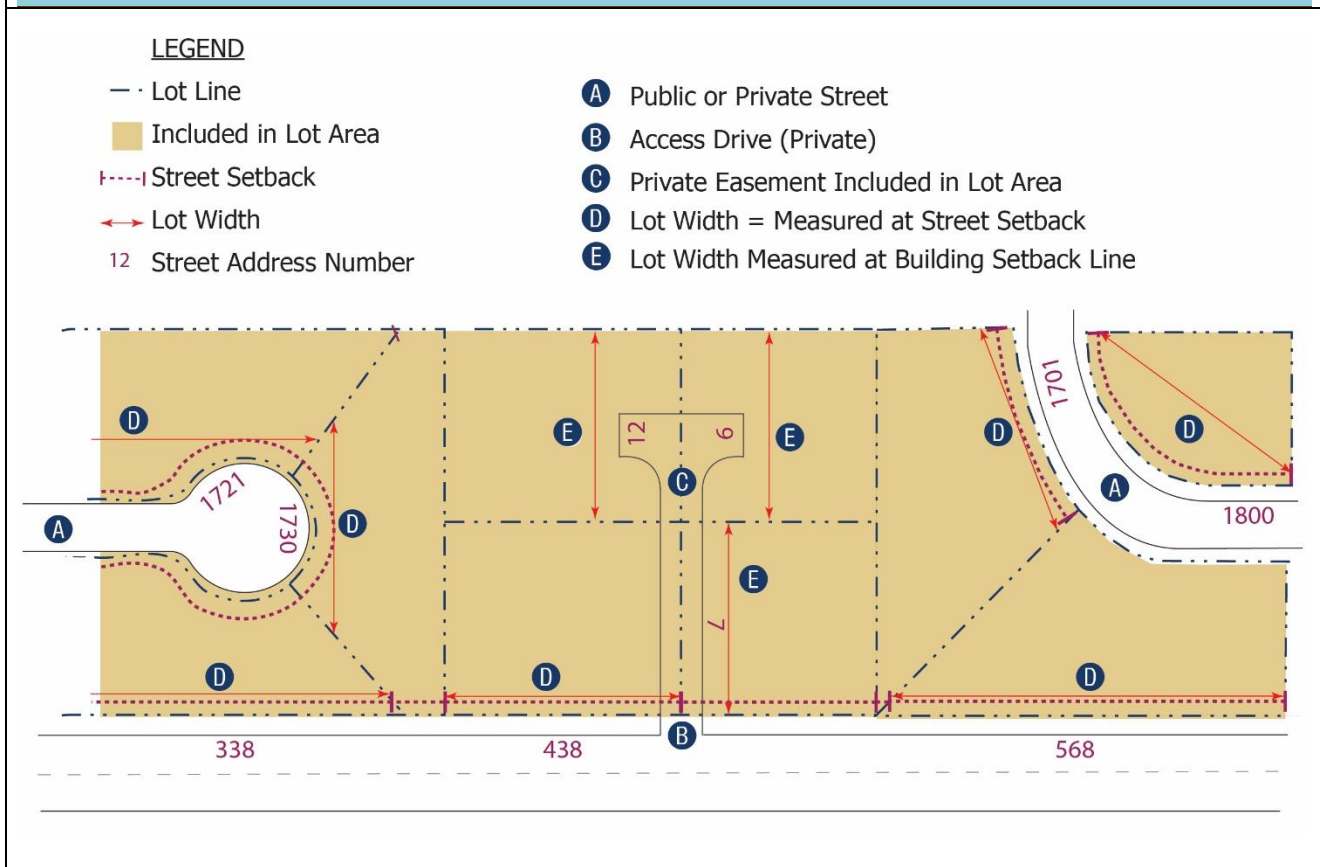
§8.3. Measurement

The minimum amount of required land area, measured horizontally, that must be included within the lines of a lot. Lands located within any private easements shall be included within the lot area.

5. STREET FRONTAGE

The length of the lot line of a single lot abutting a public or existing private street right-of-way.

FIGURE 8.3.3.A: LOT MEASUREMENTS



B. LOT LINES

A lot line is a line of record bounding a lot which separates one lot from another lot or separates that lot from a public or private street or any other public space. The following terms describe differing types of lot lines (see Figure 8.3.3.B, Lot Lines):

1. FRONT LOT LINE

The lot line that fronts or that is parallel and proximate to the street from which the lot's street address is derived. A front lot line does not have to border a street right-of-way line.

2. REAR LOT LINE

The lot line opposite and most distant from the front lot line.

3. SIDE LOT LINE

The lot line connecting the front and rear lot lines regardless of whether it abuts a right-of-way or another lot line. Side lot lines abut other lots, easements, public trust lands, or rights-of-way other than a street right-of-way.

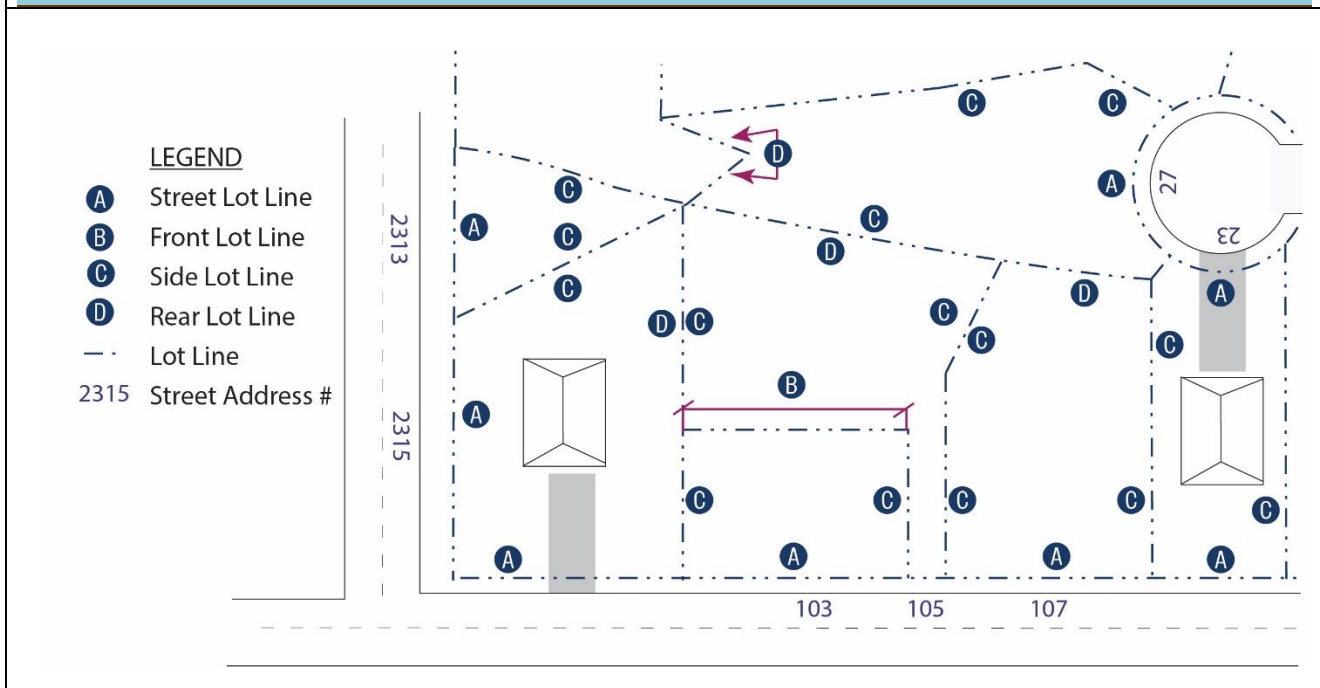
4. STREET LOT LINE

ARTICLE 8. WORD USAGE

§8.3. Measurement

A lot line that borders a platted street right of way, whether or not the street is actually constructed or open to vehicles or pedestrians.

FIGURE 8.3.3.B: LOT LINES



C. LOT TYPES

1. CORNER LOT

A lot which occupies the interior angle at the intersection of two street lines or a single street which make(s) an angle of more than 45 degrees and less than 135 degrees. The front of the lot is the lot line adjacent to the street from which the lot obtains its street address (see Figure 8.3.3.C, Lot Types).

2. FLAG LOT

A lot having shape and configuration so that it connects to street frontage by an extension and/or arm of the main portion of the lot.

3. INTERIOR LOT

A lot other than a corner lot with only one frontage on a street.

4. LOT OF RECORD

A lot that is a part of a subdivision, a plat of which has been recorded in the office of the Edgecombe County Register of Deeds, or a lot described by metes and bounds, the description of which has been recorded with the Edgecombe County Register of Deeds.

5. THROUGH LOT (DOUBLE FRONTAGE LOT)

A lot which fronts upon two parallel streets, and/or which fronts upon two streets which do not intersect at the boundaries of the lot.

6. LOTS SERVING CONDOMINIUM USE TYPES

Individual condominium uses, whether residential or non-residential, are exempted from minimum lot area requirements in this Ordinance but shall be located on a larger site or parent tract that meets the standards for the zoning district where located.

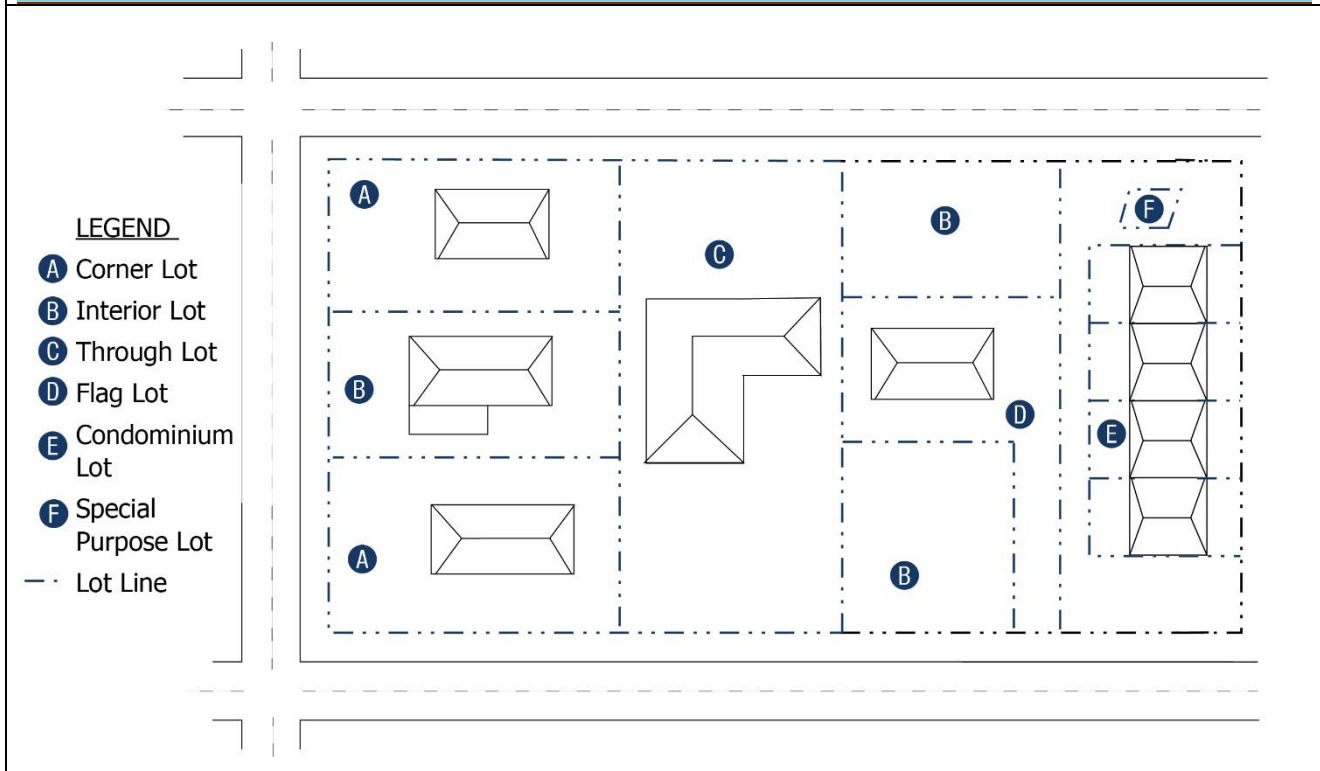
ARTICLE 8. WORD USAGE

§8.3. Measurement

7. SPECIAL PURPOSE LOT

A lot established for the purpose of community level infrastructure, open space, landscaping, or other purpose except for use as a building lot for a residential, non-residential, or mixed principal use.

FIGURE 8.3.3.C, LOT TYPES



8.3.4. DENSITY

Residential density is the maximum allowable number of residential dwelling units permitted on a particular site, tract, lot, or other unit of land area, typically expressed as a maximum number of residential units per acre.

A. CALCULATION

1. Maximum residential density is calculated by dividing the square footage of a lot by the number of square feet in an acre (43,560), then multiplying the maximum number dwelling units allowed in the zoning district and rounding the product downwards to remove any fractions.

Example:

Lot size: 52,000 square feet / 43,560 = 1.19 acres.

Zoning district maximum density is 1.08 units per acre: 1.19 x 1.08 = 1.28.

Maximum number of residential units = 1.0 (fractions are rounded downwards).

2. Riparian buffers shall be included in the calculation of the square footage of a tract or site for the purposes of determining the maximum residential density.
3. Land area associated with floodplains shall not be included in the calculation of the square footage of a tract or site for the purposes of determining the maximum residential density.

ARTICLE 8. WORD USAGE

§8.3. Measurement

4. Land area located within a right-of-way shall not be included in the calculation of allowable density.
5. Maximum residential density in a particular zoning district may be increased beyond the amount indicated in the underlying zoning district, in accordance with the standards in Section 3.1.5, Incentives and Alternatives.

B. DENSITY EQUIVALENCE

1. Accessory dwelling units associated with a single-family residential principal use shall be counted towards the maximum allowable residential density.
2. When calculating the density for a private dormitory associated with an educational use, two bedrooms in a private dormitory shall be equivalent to one regular dwelling unit.
3. Maximum density amounts do not apply to student housing or lodging on college or university campuses when the housing is owned or operated by the college or university. In these instances, residential land uses are considered as an accessory to the college or university principal use.

8.3.5. SETBACKS

A setback is the horizontal distance from a lot line or street right-of-way line to the nearest part of the applicable building, structure, sign, or activity, measured perpendicularly to the line (see Figure 8.3.5, Setbacks).

A. PERIMETER

Setbacks applied to multiple building developments or multiple lot developments that apply only to the outermost buildings along the perimeter of a development. A perimeter setback does not apply along streets, where the minimum or maximum required street setback shall prevail.

B. REAR

A setback from an interior lot line lying on the opposite side of the lot from the street setback.

C. SIDE

Any interior property line setback other than a rear setback.

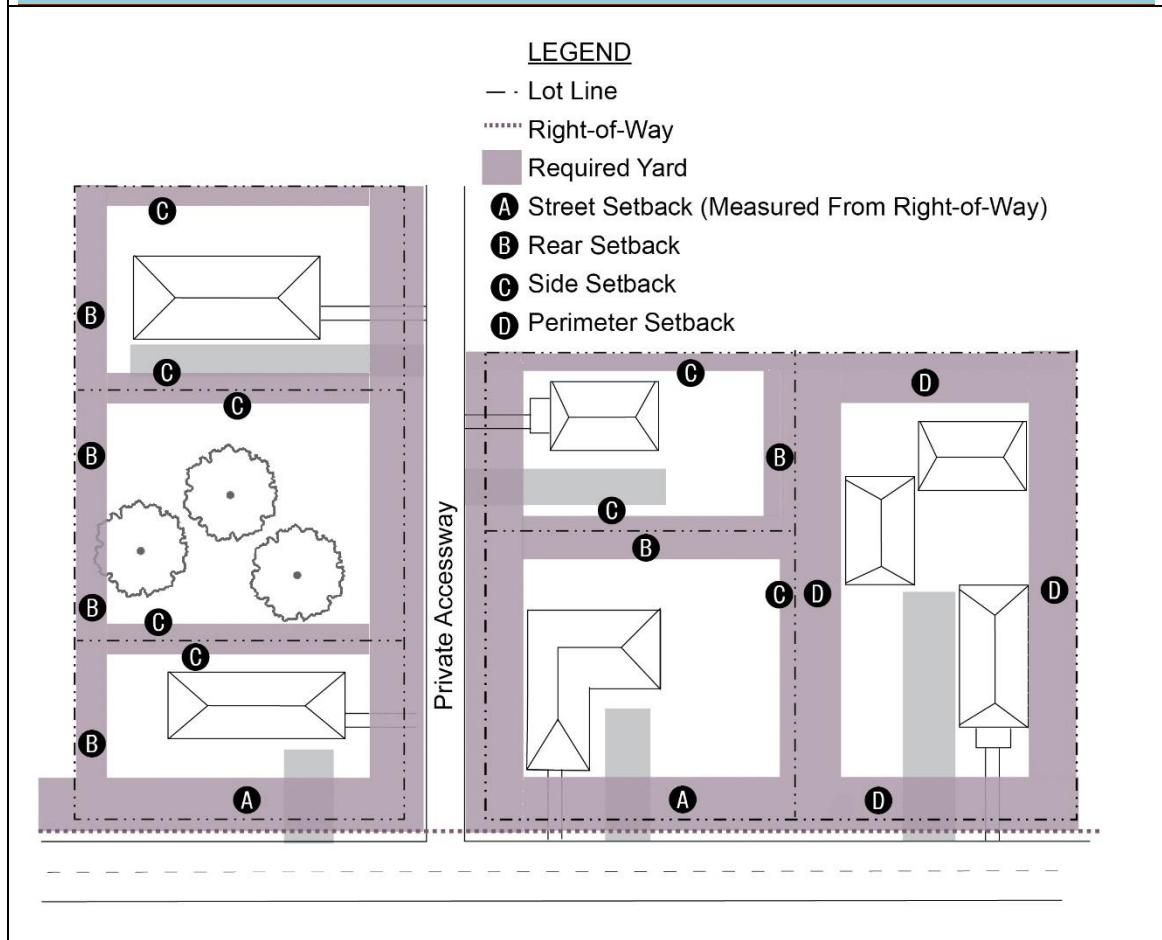
D. STREETS

1. A street setback measured from the right-of-way edge associated with a public street or existing private street.
2. The street setback is a minimum setback, and nothing shall prohibit a building from being located farther from the street right-of-way, except where a maximum street setback is specifically identified by this Ordinance or a condition of approval.
3. In cases where the street right-of-way edge is not readily identifiable, the location of the right-of-way edge shall be determined by measuring outwards from the street centerline one-half of the total right-of-way width. The right-of-way edge location shall be certified by a professional engineer or land surveyor licensed by the State of North Carolina.
4. Lots shall provide a street setback from all lot lines abutting a street. The County may require a deeper setback from lot lines abutting a street in cases when the ultimate street-right-of-way width has not yet been acquired.

ARTICLE 8. WORD USAGE

§8.3. Measurement

FIGURE 8.3.5, SETBACKS



8.3.6. LOT COVERAGE

Lot coverage is the percentage of a lot or development site that is covered by buildings or roof structures, excluding allowed projecting eaves and balconies.

8.3.7. HEIGHT

A. MEASUREMENT

Building height shall be measured from the finished or established grade elevation following any land disturbing activities (see Figure 8.3.7, Height).

B. MAXIMUM

Building height is the vertical distance from a point established as the mean elevation of the finished grade along the front façade of a building to any of the following points:

1. The highest point of a flat roof (excluding coping or parapet walls shorter than five feet above the roof deck);
2. The deck line of a mansard roof;
3. The mid-point of the roof between the ridge and the eaves for a gable, hip, or gambrel roof; or
4. To the highest point of a dome, shed, or cricket-style roof.

C. STORY

ARTICLE 8. WORD USAGE

§8.3. Measurement

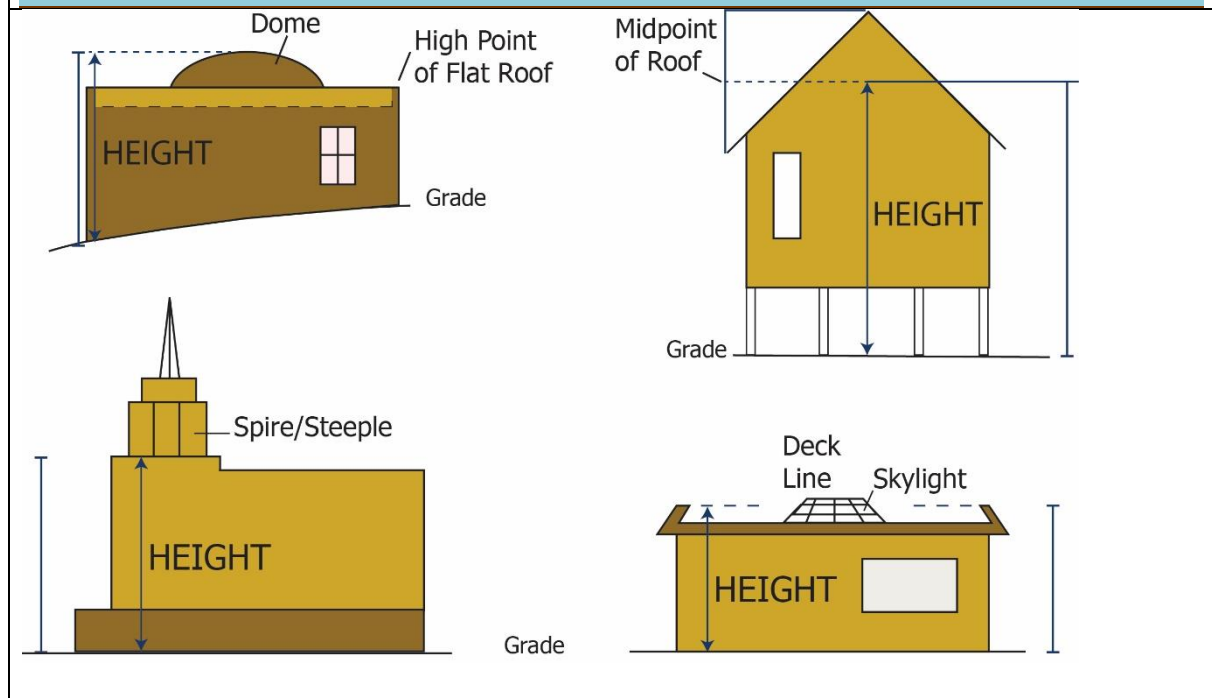
A building story is the portion of a building where all rooms share the same floor and ceiling level.

1. A crawlspace or basement with an average ceiling height of less than seven feet is not considered as a story.
2. An attic with an average ceiling height of less than six feet is not considered a story.

D. EXCEPTIONS

See Section 3.1.4.A.1, Maximum Building Height Exemptions.

FIGURE 8.3.7: HEIGHT



8.3.8. SLOPE AND ELEVATION

A. SLOPE

The degree of deviation of the ground surface from a flat, horizontal elevation, usually expressed in percent or degrees of deviation from horizontal (see Figure 8.3.8, Slope). The slope of a lot may be determined using the following approach:

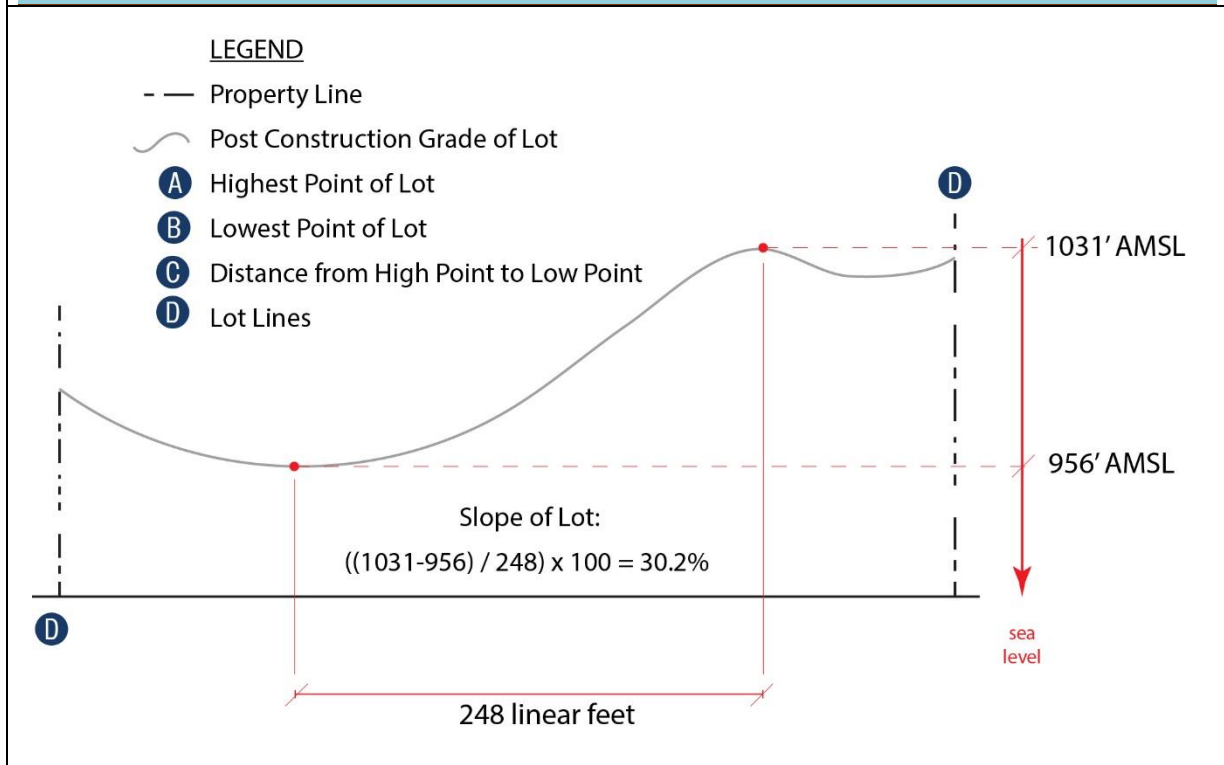
B. FINISHED GRADE

The established grade following grading, excavation, or other land-disturbing activity.

C. NATURAL GRADE

The level of the ground elevation prior to the commencement of development or land disturbing activity.

FIGURE 8.3.8: SLOPE



D. BASE FLOOD ELEVATION

1. A determination of the water surface elevations of the base flood as published in the flood insurance study.
2. When the BFE has not been provided for land within the special flood hazard area, it may be obtained from engineering studies available from a federal, State, or other source using FEMA approved engineering methodologies. This elevation establishes the Regulatory Flood Protection Elevation.

8.3.9. PARKING SPACE COMPUTATION

A. ROUNDING

When computation of the number of required parking spaces results in a fraction, the fraction shall be rounded downwards to the previous whole number.

B. MULTIPLE USES

Unless otherwise approved, development containing more than one principal use shall provide off-street parking in an amount equal to the total requirements of all individual uses, unless the Zoning Administrator determines that a lower standard would be adequate because of differences in peak operating hours.

C. SEAT-BASED STANDARDS

Where the minimum number of off-street parking spaces is based on the number of seats, all computations shall be based on the number of seats provided, including outdoor and waiting areas.

D. EMPLOYEE-BASED STANDARDS

ARTICLE 8. WORD USAGE

§8.3. Measurement

When the minimum number of off-street parking spaces is based on the number of employees, the computations shall be based on the number of employees on the largest shift.

E. FLOOR AREA-BASED STANDARDS

Where the minimum number of off-street parking spaces is based on square feet of floor area, all computations shall be based on gross floor area. For the purposes of this section, gross floor area shall also include outdoor use area.

8.3.10. SIGNAGE MEASUREMENT

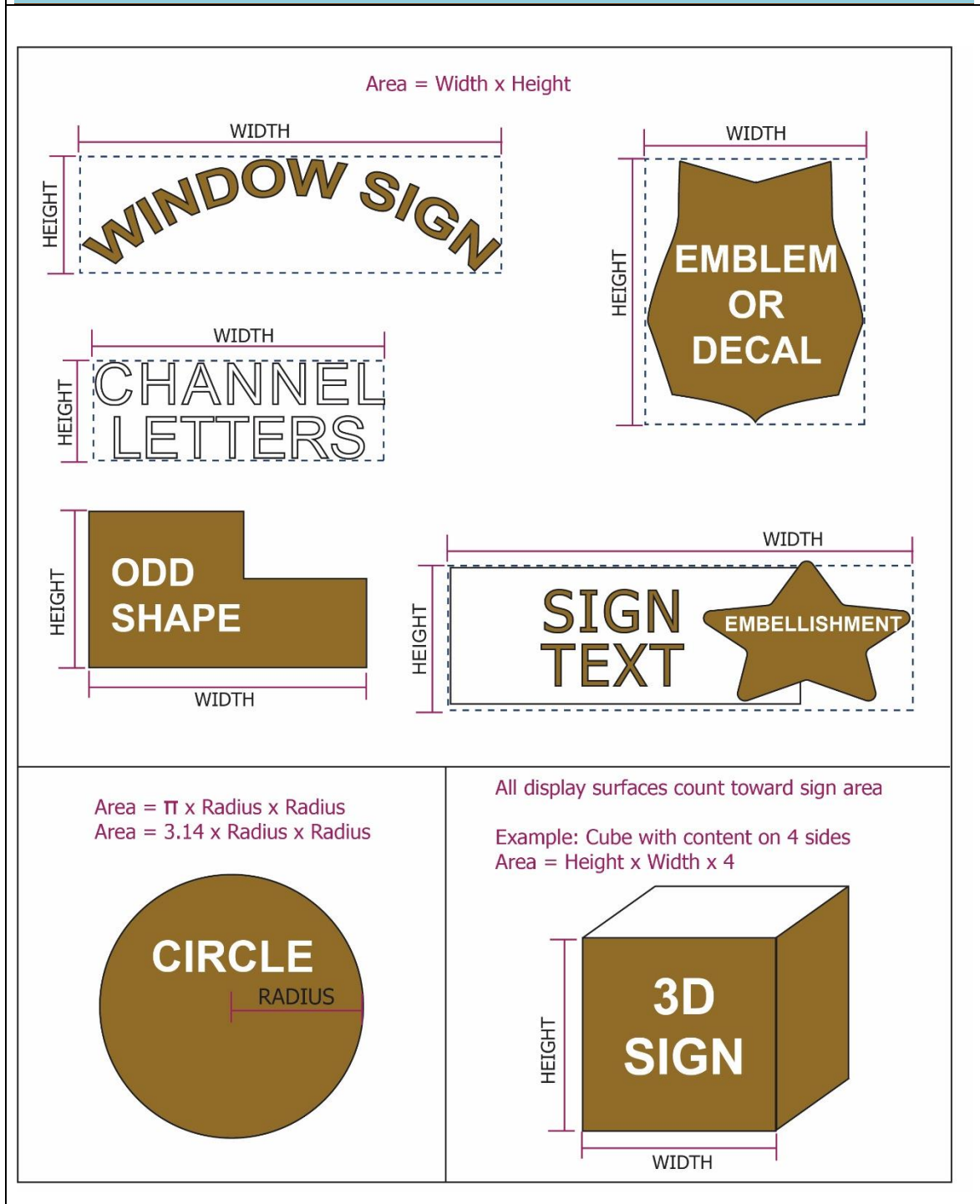
A. SIGN AREA DETERMINATION

- 1.** The surface area of a sign is computed as including the entire area within a parallelogram, triangle, circle, semi-circle, or other regular geometric figure, including all of the elements of the display, including incidental or changeable copy signage, frames, display of identification or licensing officially required by any governmental body, and structural elements (see Figure 8.3.10.A, Sign Measurement).
- 2.** The supporting structure for a projecting sign shall not be included within the calculation of the surface area of a sign unless otherwise indicated in this Ordinance.
- 3.** In the case of signs mounted back-to-back, only one side of the sign is to be included in the calculation of sign face area. Otherwise, the surface area of each sign is to be separately computed.
- 4.** When two identical sign faces are placed back-to-back so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.
- 5.** For multi-faced signs, the sign area shall be computed by including all sign faces visible from any one point.
- 6.** In the case of cylindrical signs, signs in the shape of cubes, or other signs, which are substantially three-dimensional with respect to their display surfaces, the entire display surface or surfaces, is included in computations of area.
- 7.** Embellishments such as display portions of signs extending outside the general display area, incidental signage, changeable copy, or supplemental signage affixed to or included on a sign or sign support structure shall be computed as part of the total surface area of the sign, unless otherwise indicated in this Ordinance.
- 8.** If a sign is attached to an entrance wall or fence, only that portion of that wall or fence on which the sign face or letters are placed shall be calculated in the sign area.

ARTICLE 8. WORD USAGE

§8.3. Measurement

FIGURE 8.3.10.A: SIGN MEASUREMENT



B. SIGN HEIGHT DETERMINATION

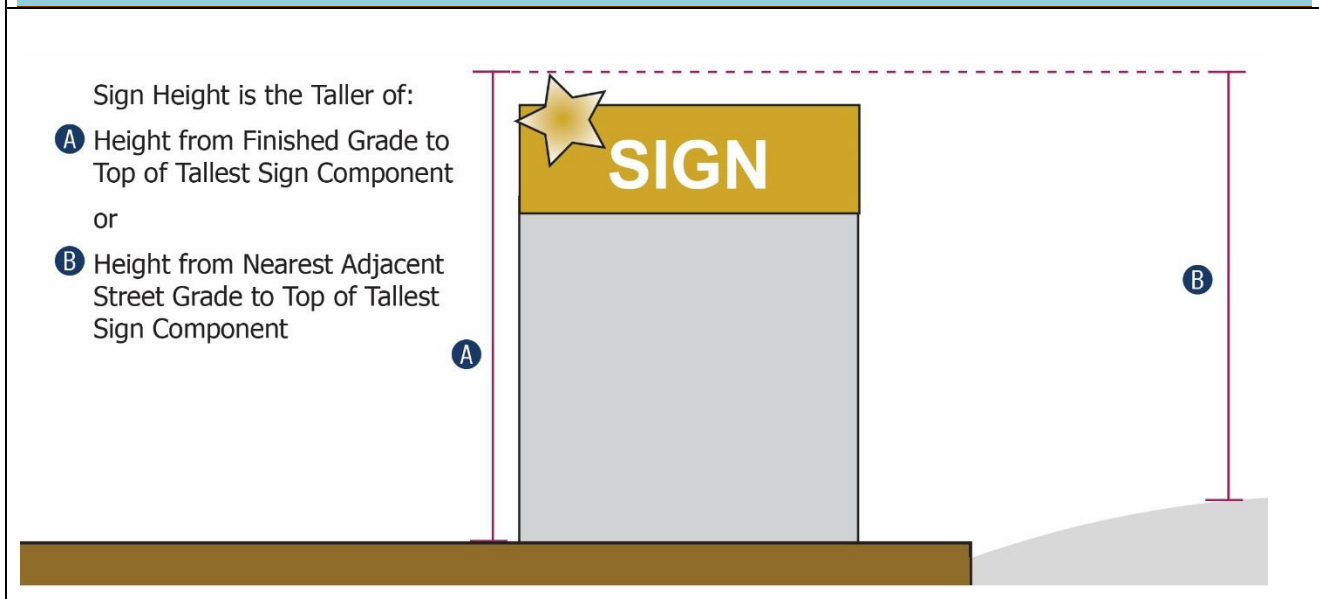
1. Sign height shall be computed as the distance from the base of the sign at the finished grade or from the nearest adjacent street grade to which the sign is oriented and on which the lot has frontage, whichever is higher, to the top of the highest component of the sign.

ARTICLE 8. WORD USAGE

§8.3. Measurement

2. Finished grade shall be the grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

FIGURE 8.3.10.B: SIGN HEIGHT



C. WALL AREA

For the purposes of determining allowable sign area, a wall is the vertical exterior surface of a building, the area of which shall be determined as follows:

1. The area of all parallel vertical surfaces along a single building elevation regardless of offsets shall be counted as one wall.
2. The front of each unit of a multiple tenant commercial building shall be counted as a separate wall.
3. The area of an angled wall surface shall be counted as part of whichever adjoining wall surface it is most parallel with.
4. A 45-degree angled wall may be counted as part of the area of either adjoining wall, but not as a part of both.

8.3.11. LANDSCAPING COMPUTATION

A. TREE SIZE AT TIME OF PLANTING

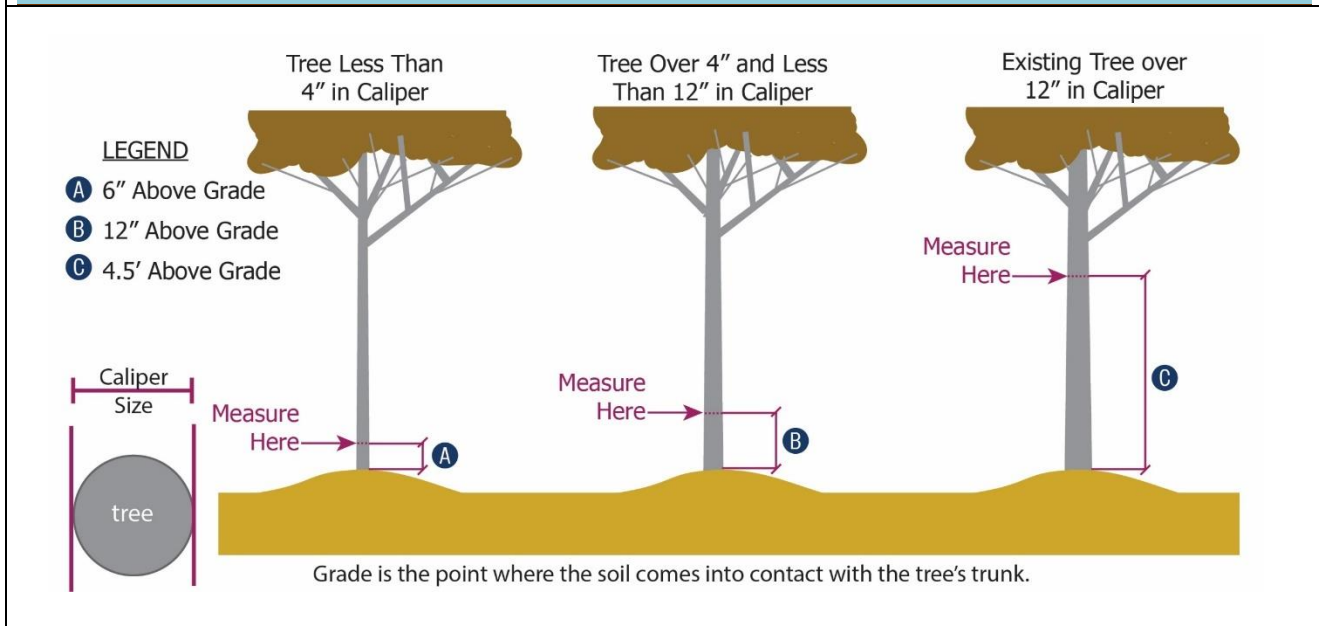
1. TREES UNDER FOUR INCHES IN CALIPER

Minimum size at time of planting shall be determined by taking a measurement of the girth or circumference of the tree trunk, in inches, at a height of six inches above the bole, or the location where tree trunk meets the soil it is planted in (see Figure 8.3.11, Landscaping Calculation).

2. TREES OVER FOUR, BUT LESS THAN TWELVE INCHES, IN CALIPER

Minimum size at time of planting shall be determined by taking a measurement of the girth or circumference of the tree trunk, in inches, at a height of 12 inches above the bole, or the location where tree trunk meets the soil it is planted in.

FIGURE 8.3.11: LANDSCAPING CALCULATION



B. DETERMINING TREE SIZE OF EXISTING TREES

- Existing tree size shall be determined by taking a measurement of the girth or circumference of the tree trunk, in inches, at a height of four-and-one-half feet above the bole, or the location where tree trunk meets the soil it is planted in.
- In the case of a multi-stemmed tree, the cumulative DBH shall be the square root of the sum of all the individual stem diameters squared. As an alternative, the tree's basal area is the sum of the diameters of all tree stems.

C. ROUNDING

When computation of the amount of landscaping material to be provided results in a fraction, the minimum number of shrubs or trees to be provided shall be rounded upwards to the next highest whole number.

D. CALCULATION OF REQUIRED YARD AREAS

- In cases where a driveway, sidewalk, or greenway trail intersects a required landscaping area or yard, the width of these features shall be subtracted from the yard or area distance.
- In cases where an easement that prohibits the placement of landscaping material intersects a required landscaping yard or area, the width of the easement shall not be subtracted from the required yard or area distance. Required plant material shall be located outside the easement but within the required landscaping area or yard.

8.3.12. FENCE AND WALL HEIGHT

A. MEASUREMENT LOCATION

- In cases where a fence or wall is located within a required setback or required yard, fence height shall be determined along the grade of the adjacent lot or street.
- In cases where a fence or wall is located outside a required setback or yard, the height shall be determined based on the finished grade.
- In cases where a fence or wall is placed on a berm, the maximum fence or wall height shall include the height of the berm, as measured from the toe of the slope.

ARTICLE 8. WORD USAGE

§8.3. Measurement

4. Fence height shall be measured at the highest point above grade (not including columns or fence posts) on the portion of the fence nearest an abutting or adjacent lot or street right-of-way.

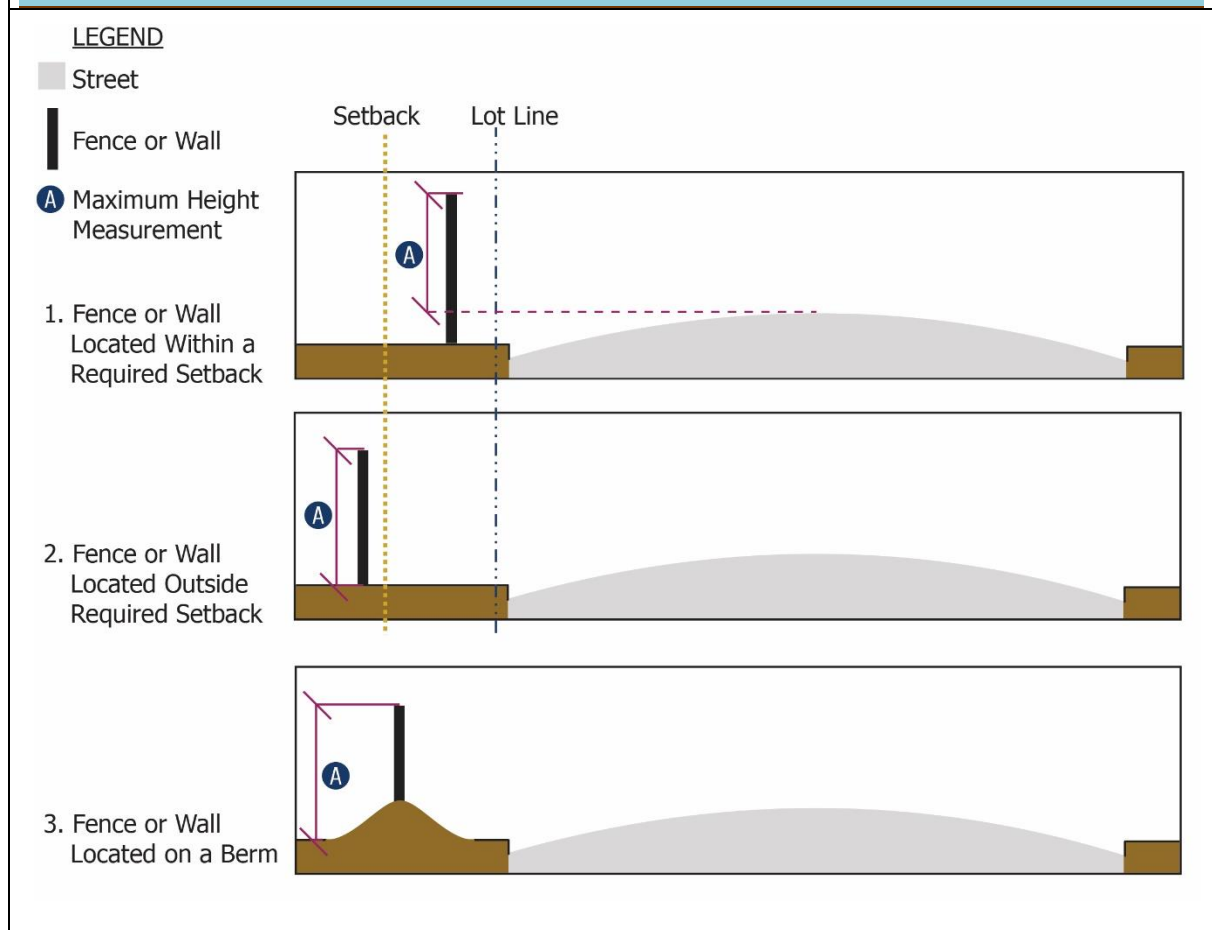
B. COLUMNS AND POSTS

Columns or posts shall not exceed a height 18 inches above the built height of the fence.

C. RAILINGS

Safety railings required by the North Carolina Building Code shall not be included in wall height measurements.

FIGURE 8.3.12: FENCE AND WALL HEIGHT



8.3.13. EXTERIOR LIGHTING

A. MEASURED AT LOT LINE

Light level measurements shall be made at the lot line of the land upon which light to be measured is being generated. If measurement on private property is not possible or practical, light level measurements may be made at the boundary of the public street right-of-way that adjoins the land.

B. MEASURED AT FINISHED GRADE

Measurements shall be made at finished grade (ground level), with the light-registering portion of the meter held parallel to the ground pointing up. The meter shall have cosine and color correction and have an accuracy tolerance of no greater than plus or minus five percent.

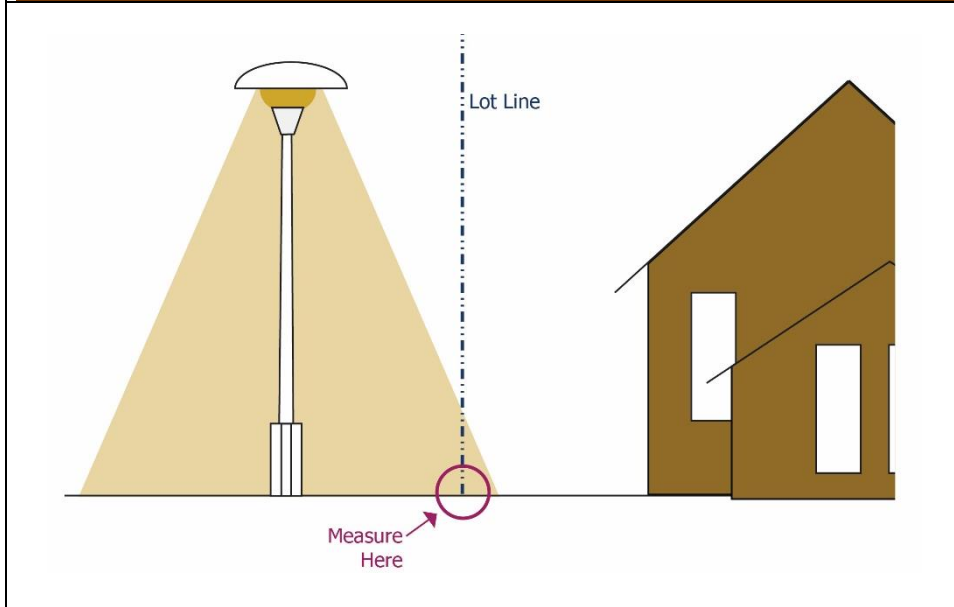
ARTICLE 8. WORD USAGE

§8.3. Measurement

C. DETERMINATION OF GLARE

Measurements shall be taken with a light meter that has been calibrated within the year the measurement was taken.

FIGURE 8.3.13: EXTERIOR LIGHTING MEASUREMENT



ARTICLE 8. WORD USAGE

§8.4. Words Defined

§8.4. WORDS DEFINED

- A.** This section includes definitions of terms used throughout this Ordinance. Some multi-word terms may include commas or be structured differently than used in the text of the Ordinance.
- B.** Terms associated with overlay zoning districts are defined within the appropriate sub-section of Section §3.4, Overlay Zoning Districts.

WORDS DEFINED	
A	
ABANDONMENT	The relinquishment of property or a cessation of the use of the property for a continuous period.
ABROGATE	To abolish or annul.
ABUTTING	See Section 8.3.2.E, Abutting vs. Adjacent.
ACCENT	The use of an alternate material or color to a detail that is emphasized by contrasting with its surroundings.
ACCESS EASEMENT	An easement which grants the right to cross land.
ACCESSIBLE PARKING SPACE	An off-street parking space provided for the exclusive use of vehicles serving disabled persons.
ACCESSORY DWELLING UNIT	A secondary dwelling unit established in conjunction with and clearly subordinate to a principal dwelling unit but located in a detached structure or within the same structure as the principal dwelling unit.
ACCESSWAY	A paved or unpaved travel way intended to serve vehicles for the purposes of obtaining ingress, egress, or circulation around a lot or site. Subdivisions of up to four lots may be served by a vehicular accessway.
ADDITION	An extension or increase in the floor area or height of an existing building or structure.
ADDRESS POST	A vertical projection that bears the street address of a lot. An address post may also include other features such as a mailbox.
ADJACENT	See Section 8.3.2.E, Abutting vs. Adjacent.
ADMINISTRATIVE ADJUSTMENT	A request by an applicant to deviate from a specified numerical standard of this UDO by a specified percentage, subject to consistency with applicable review criteria.
ADMINISTRATIVE SEARCH WARRANT	An order signed by a court of competent jurisdiction authorizing a County official to enter land or a structure for the purposes of inspection for compliance with the requirements of this Ordinance.
ADOPTED POLICY GUIDANCE	The combined future land-use policy guidance provided by the adopted comprehensive plan, area plans prepared for specific parts of the County, and system plans related to the County's infrastructure systems.
ADVISORY OPINION	An oral or written interpretation of a provision in this Ordinance, a boundary on the Official Zoning Map, or a prior development approval that is not binding on the County or the County official making the interpretation.
AFFECTED PARTY	Owners of land adjoining the land subject to an application and any other person who could suffer an adverse effect to a property interest from a proposed development.

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
AGGRIEVED PARTY	A person, with a legally recognized interest (i.e., fee simple ownership) and standing to appeal, that is injuriously affected by a decision from any decision-making body of the County, including any officer or agent of the County.
AGRICULTURAL PACKAGING AND PROCESSING	A commercial establishment engaged in the preparation, processing, and packaging of agricultural products.
AGRICULTURAL PRODUCT SALES	A commercial establishment engaged in the wholesale or retail sale of produce or other agricultural products. Such uses do not include farms or places of production.
AGRICULTURAL STORAGE AND DISTRIBUTION	Commercial establishments devoted to the assembly, storage, and shipment of produce and agricultural products. Such uses do not include farms or places of production.
AIRCRAFT PARTS, SALES, MAINTENANCE	The use of land for the display and sale of, or general repair, rebuilding, or reconditioning of any contrivance used for navigation of or flight in the air.
AIRCRAFT STORAGE	An area devoted to the indoor or outdoor storage of aircraft or aircraft related materials, not including fuel.
AIRPORT OR AIR STRIP	Any area of land designed and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing, fueling, and maintenance of aircraft.
ALL WEATHER SURFACE	Paving or surface treatment to a walkway or vehicular use area that is capable of withstanding adverse weather while still maintaining its regular or typical surface characteristics.
ALLEY	See "Street, Alley."
AMATEUR HAM RADIO	Antennas or other devices used by a non-professional person located on the exterior of a building or structure devoted to the transmission or receipt of radio or other digital communication signals.
AMENDMENT	A significant change, revision, addition, or deletion to a legal statutory document such as a development approval, the text of this Ordinance, or the Official Zoning Map. Amendment to a development approval is also referred to as a "major modification".
ANIMAL BOARDING	A commercial establishment providing socialization, training, or housing, in the absence of the owner, for pets owned by the general public for which a fee is charged.
ANIMAL GROOMING	Any place or establishment, public or private, where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value and/or health and for which a fee is charged.

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
ANIMAL HUSBANDRY	The commercial and non-commercial propagation, rearing, exercising, feeding, milking, housing, controlling, handling, or general care of living animals and livestock. Examples include, but are not limited to, the raising and production of cattle (beef and dairy), pigs, mules, ducks, horses, goats, poultry, sheep, fish, and similar livestock or domesticated animals, and equestrian facilities. Concentrated animal feeding operations (CAFOs) are industrial uses. Breeding and rearing of animals typically thought of as household pets (e.g., dogs, cats, small rodents, etc.) is not animal husbandry.
ANIMAL SHELTER	A facility used to house and care for stray, homeless, abandoned, or neglected animals and that is owned, operated, or maintained by a public body, an established humane society, or other private or nonprofit organization.
ANSI STANDARDS	Standards published by the American National Standards Institute (ANSI), a private, non-profit organization [501(c)(3)] that administers and coordinates the U.S. voluntary standardization and conformity assessment system. More information is available at www.ansi.org .
ANTENNA	Any structure or device used to collect or radiate electromagnetic waves, including both directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whips, but not including satellite earth stations.
ANTENNA COLLOCATION, MAJOR	Uses involving the placement of antennas on building's roof or wall, placement of antennas on a vertical projection not constructed for communications purposes, or placement of antennas on a communications structure that requires "substantial modifications" as defined in Section 160D-931 of the North Carolina General Statutes.
ANTENNA COLLOCATION, MINOR	Uses involving the placement of antennas on a vertical projection (including a structure built for communications) that does not require substantial modifications and meets the definition of an "eligible facility" in Section 160D-931 of the North Carolina General Statutes.
ANTENNA SUPPORT STRUCTURE	The frame, bracket, or other mechanical device, including mounting hardware such as bolts, screws, or other fasteners used to affix an antenna to a wireless telecommunications tower, building, utility pole, or other vertical projection.
APPEAL	A request for review of an administrative official's or review authority's determination or decision made under this Ordinance.
APPLICANT	A person who has submitted a development application for review under applicable provisions of this Ordinance.
APPLICATION	The form or forms and all accompanying documents, exhibits, and fees required of an applicant by the appropriate County department or board as part of the development review processes.
APPLICATION, COMPLETE	See "Complete Application."
APPLICATION, FILED	See "Filed Application."
AQUACULTURE	The cultivation of saltwater or freshwater plants or animals on land in tanks under controlled conditions.

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
ARBOR	A structure with an open roof system providing partial shading and which may also have non-opaque fencing on the outside perimeter.
ARTICULATION	The presence or projections, recesses, or other architectural features along a building façade.
AS-BUILT PLANS	See "Plan, As-Built."
ASPHALT OR CONCRETE PLANT	An industrial establishment engaged in the production of asphalt, macadam, blacktop, concrete, or mortar for use in the construction and repair of buildings, roadways, and vehicular use areas. The use involves the stockpiling of sand, binder and filler, as well as a heater to mix the ingredients, and trucks to deliver products to the site of installation.
ASSESSED VALUE	The monetary value of land or land and a building assigned by the Edgecombe County Tax Appraiser for the purposes of computing the property's annual tax burden.
ASSISTED LIVING FACILITY OR CONGREGATE CARE	A residential facility with support and supervisory personnel for the elderly or infirm that provide rooms, meals, personal care, and supervision of self-administered medication. They may provide other services such as recreational and social activities, financial services, transportation, laundry, and other services appropriate for the residents and designed to provide a relatively independent lifestyle.
ATHLETIC FIELD OR COURT	An outdoor facility used for organized or unorganized sports or recreation.
AUDITORIUM, COLISEUM, OR CONVENTION CENTER	A building or structure designed or intended for use for spectator sports, entertainment events, expositions, conferences, seminars, product displays, recreation activities, and other public gatherings, all occurring inside a structure typically limited to a capacity of 500 or fewer seats, along with accessory functions including temporary outdoor displays, and food and beverage preparation and service for on-premise consumption.
AUTHORIZED AGENT	A person with express written consent to act upon another's behalf.
AUTOMATED TELLER MACHINE	An automated mechanized consumer banking device operated by a financial institution for the convenience of its customers, whether inside or outside of a financial institution, or located in a structure unrelated to the financial institution operating it. Such uses may not serve as the principal use of a parcel of land or site.
AWNING	A plastic, canvas, or metal covering supported by a frame that is attached solely to a building or structure's exterior wall and is placed over a storefront, doorway, or window.
AXIS (BUILDING)	An imaginary line between two points on a building that describes or explains how the building is organized. For example, the ridgeline of a roof gable depicts a building's axis.
B	
BAKERY	A commercial establishment engaged in the production of baked goods for on-or off-site consumption.
BALCONY	A platform on the outside of a building that is accessible from an upper-story door or window and bounded by a building wall on at least one side, with its open sides surrounded by a railing.

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
BANK OR CREDIT UNION	An establishment that provides retail banking services, mortgage lending, or similar financial services to individuals and businesses. Financial institutions include those establishments engaged in the on-site circulation of cash money and check-cashing facilities but shall not include bail bond brokers. Financial services may also provide automated teller machines (ATM) services, located within a fully enclosed space or building, or along an exterior building wall intended to serve walk-up customers only. Financial services may include drive-through facilities.
BAR OR COCKTAIL LOUNGE	An establishment having as its principal or predominant use the serving of beer, wine, or liquor for consumption on the premises, and which sets a minimum age requirement for entrance, consistent with state law. The primary source of revenue for such use is derived from alcohol sales, and the secondary source from the serving of food. Such uses may also provide on-site entertainment in the form of live performances, dancing, billiards, or other entertainment activities.
BARBER OR BEAUTY SHOP	A personal services establishment where one or more persons provides grooming services to members of the general public. Such uses may include accessory retail sale of personal products for patrons.
BAY WINDOW	A window, typically with two or more sides that is built to project outward from an outside wall.
BED AND BREAKFAST	A private residence, generally a single-family residence, engaged in renting one or more dwelling rooms on a daily basis to tourists, vacationers, and businesspeople, where provision of meals is limited to breakfast for guests only. A bed and breakfast with more than six rooms available for rent is considered a hotel or motel.
BELT COURSE	A projecting horizontal course of the same or a contrasting material (often masonry) on the exterior of a building used to direct water off the wall or denote an interior floor level.
BERM	An elongated earthen mound typically designed or constructed on a site to separate, screen, or buffer adjacent uses or site features.
BEST MANAGEMENT PRACTICES (BMP)	Best Management Practices (BMPs). A structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.
BIO-RETENTION CELL	A stormwater infiltration device consisting of an excavated area that is filled with a specialized soil media and plants, grass, or sod.
BLOCK	The land lying within an area bounded on all sides by streets.
BOARDING HOUSE	A residential dwelling that offers five or fewer sleeping rooms for rent by lodgers staying one or more nights. The dwelling contains a single common kitchen and may include other common areas for dining, laundry, and congregating. Boarding houses are not intended as group homes or halfway houses.

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
BOLE	For the purposes of this Ordinance, a specific location on the trunk or main stem of a tree where the adjacent soil touches the tree trunk or stem. Tree size is determined by measuring the tree's circumference at specified distances upwards from the bole (see Section 10.2.11: Landscaping Calculation). The portion of the tree below the established soil line around the base of the trunk is not considered to be the bole.
BONA FIDE FARM	Any tract or tracts of land used for farm purposes as defined in Section 160D-930 of the North Carolina General Statutes, including the production and activities relating or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture as defined in Section 106-581.1 of the North Carolina General Statutes. In addition, the production of a nonfarm product that the Department of Agriculture and Consumer Services recognizes as a "Goodness Grows in North Carolina" product that is produced on a farm subject to a conservation agreement under Section 106-743.2 of the North Carolina General Statutes is a bona fide farm purpose. Any of the following shall constitute sufficient evidence that the property is being used for bona fide farm purposes: <ol style="list-style-type: none">1. A farm sales tax exemption certificate issued by the Department of Revenue;2. A copy of the property tax listing showing that the property is eligible for participation in the present use value program pursuant to Section 105-277.3 of the North Carolina General Statutes;3. A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return; and4. A forest management plan.
BONA FIDE FARM PURPOSES	Includes the production and activities relating or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture as defined in NCGS 106-581.1.
BROADCAST STUDIO	Uses including buildings, studios, and transmission facilities for the production and distribution of radio and television signals.
BUFFER	A combination of physical space and vertical elements, such as plantings or fencing, used to separate and screen incompatible land uses from each other.
BUFFER, PERIMETER	Vegetative material and structures (i.e., walls, fences) that are used to separate uses from each other as required by this Ordinance, including the Type A Intermittent, Type B Semi-Opaque, and Type C, Opaque buffers.

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
BUFFER, RIPARIAN	The 50-foot-wide area directly adjacent to surface waters in the Tar-Pamlico River Basin (intermittent streams, perennial streams, lakes, ponds, and estuaries), excluding wetlands. For purposes of this definition, a surface water shall be present if the feature is approximately shown on either the most recent version of the soil survey prepared by the Natural Resources Conservation Service of the United States Department of Agriculture or the most recent version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS).
BUFFER, STREETSCAPE	Landscaping provided on individual lots abutting streets but located outside the street right-of-way.
BUFFERYARD	The area of a required buffer in which plantings or other screening elements are to be located.
BUILDING	Any structure used or intended for supporting or sheltering any use or occupancy.
BUILDING FAÇADE	The entire exterior wall of a building facing a lot line measured from the grade to the eave or highest point of a flat or mansard roof. Facades may be on the front, side, or rear elevation of the building.
BUILDING FLOOR AREA	The gross floor area of an individual structure built for support, shelter or enclosure for any occupancy or storage.
BUILDING FLOORPLATE	The area occupied by the outermost perimeter of a building or structure at the ground level only.
BUILDING FOOTPRINT	The area occupied by the outermost perimeter of a building or structure. The footprint may include upper-level stories or projections.
BUILDING PERMIT	Authorization granted by the County for an applicant to begin construction of a building or structure.
BUILDING PROJECTION	An extension of a building wall or building façade projecting outwards from the primary building façade plane typically used to conceal or screen a service element of site feature like a refuse collection container.
BUILDING RECESS	The portion of a building wall or building façade receding or directed inwards from the primary building façade plane typically used as an entryway or as an area for outdoor activity. A recess may or may not include an overhanging roof.
BUILDING SETBACK LINE (MINIMUM)	See "Setback (Minimum)."
BUILDING WING	A portion of a building that is subordinate to the main or central part of the structure. Building wings may share a wall with the main or central part of the building or be joined to it by another ancillary structure like a hallway or a colonnade.

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
BUILT-UPON AREA (BUA)	<p>That portion of a development project that is covered by impervious or partially impervious surface including, but not limited to, buildings; pavement and gravel areas such as roads, parking lots, and paths; and recreation facilities such as tennis courts. "Built-upon area" does not include a wooden slatted deck, the water area of a swimming pool, or pervious or partially pervious paving material to the extent that the paving material absorbs water or allows water to infiltrate through the paving material.</p> <p>As used in the Watershed Protection Overlay district, built-upon areas shall include that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel areas (e.g., roads, parking areas, paths), recreation facilities (e.g., tennis courts), etc. (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.)</p> <p>As used in the stormwater standards, that portion of a development project that is covered by impervious or partially impervious surface including, but not limited to, buildings; pavement and gravel areas such as roads, parking lots, and paths; and recreation facilities such as tennis courts. "Built-upon area" does not include a wooden slatted deck, the water area of a swimming pool, or pervious or partially pervious paving materials to the extent that the paving material absorbs water or allows water to infiltrate through the paving material.</p>
BULKY ITEMS SALES	<p>A retail establishment engaged in the retail sale of large or bulky items that are not commonly constructed or maintained indoors, such as truck camper tops, bed liners, prefabricated outdoor buildings, manufactured homes, modular homes, play equipment, portable storage containers, or hot tubs. Such uses may include on-site assembly or fabrication of such items for sale.</p>
BUMP-OUT	<p>See "Building Projection."</p>
BUS STATION	<p>A public or institutional use devoted to the provision of personal transportation or transit via bus, livery, or other shared vehicle other than a taxi or private ride-share vehicle.</p>
BUSINESS INCUBATOR	<p>A commercial establishment that provides support and encouragement to new business startups and ventures in the form of affordable floor area to rent, shared office space, shared marketing resources, and may also provide management training services and access to financing. Business incubators contain a wide array of use types, including retail, office, personal service, and light manufacturing uses.</p>
C	
CALIPER	<p>Measurement for determining the size of trees at time of planting. Caliper is the quantity in inches of the diameter of trees measured at six inches or 12 inches above the ground, depending upon the size of the tree.</p>

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
CAMPGROUND	A commercial establishment containing two or more campsites or cabins available for overnight camping use whether by rental fee or short-term lease. Campgrounds may include recreational facilities, a store for sale of food or camping supplies while on the premises, and facilities for the assembly of campers and guests. Campground does not include a summer camp, migrant labor camp, manufactured or mobile home park, or recreational vehicle park.
CANOPY, ATTACHED	A permanent structure other than an awning made of cloth, metal, or other material attached to a building but also including at least one vertical post or support extending upward from the grade for the purpose of providing shelter to patrons or automobiles, or as a decorative feature. A canopy is not a completely enclosed structure.
CANOPY, FREESTANDING	A freestanding or unconnected permanent structure other than an awning made of cloth, metal, or other material that includes one or more vertical posts or supports extending upward from the grade for the purpose of providing shelter to patrons or automobiles, or as a decorative feature. A canopy is not a completely enclosed structure.
CARPORT (ATTACHED OR DETACHED)	A permanent structure comprised of a roof and vertical supports typically used to house an automobile or other vehicle. A carport is open or lacks structural walls on two or more sides.
CARRIER OR WIRELESS CARRIER	An entity licensed by the FCC to provide radio frequency communications services to individuals.
CARETAKER DWELLING	A secondary dwelling unit on a non-residential, mixed-use, or multi-family development site that houses staff responsible for security or maintenance of the site. Accessory dwelling units are not considered as a caretaker dwelling.
CASUALTY DAMAGE	The damage to or loss of a structure or use that is sudden, unexpected, and unusual. Typically associated with fire, severe weather, or Act of God. Special rules apply to replacement of nonconformities after casualty damage (see Article 5. Nonconformities).
CATERING ESTABLISHMENT	A commercial establishment that prepares, delivers, and may or may not serve food and/or beverages to clients in a pre-arranged on-site or off-site location at a pre-arranged time. Catering operations associated with a restaurant are considered eating establishments, and catering associated with a hotel, motel, or conference venue is considered an accessory use.
CELLULAR REINFORCED PAVING SYSTEM	Plastic, metal, or polymers that are installed into a matrix of earth or crushed stone and used to reinforce or stabilize parking or vehicular use areas.
CEMETERY	A parcel of land used for internment of the dead in the ground or in mausoleums.
CERTIFIED ARBORIST	An individual who has successfully completed the International Society of Arboriculture (ISA) exam process.
CERTIORARI	A situation where an appellant may file an appeal of a decision directly to a higher court of law.

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
CHANGE OF USE	The change in the use of a building, structure, or land. "Change of use" includes a change from one use type to another use type as identified in the Table of Principal Uses.
CHANGEABLE COPY	Text or other depictions on the face of a sign that are capable of being revised on a regular or infrequent basis.
CHECK CASHING/PAYDAY LENDING ESTABLISHMENT	An establishment engaged in loaning money upon deposit of personal property or signature on a promise to repay. Such uses also store personal property on site and may sell goods at retail sale.
CHILD DAY CARE	A commercial or non-profit use licensed by the State where, at any one time, three or more unrelated children under the age of 13 receive child care from an unrelated person in a building other than a private residence on a regular basis of at least one occurrence per week for more than four hours per occurrence. Such uses may also involve the provision of educational services in preparation for elementary school. This definition does not include incidental child care, cooperative arrangements among parents, or drop-in or short-term child care provided while parents work part-time or participate in other activities on the premises (e.g., churches, shopping malls, hotels, health spas).
CHILDCARE, INCIDENTAL	A program or arrangement, licensed by the State and located in the provider's residence where, at any one time, three or more children under the age of 13, receive childcare on a regular basis of at least once per week for at least four (but less than 24) hours per day from persons other than their guardians, full-time custodians, or persons related to them by blood, marriage, or adoption. This definition does not include child day care centers, cooperative arrangements among parents, or other activities not defined as childcare by Section 110-86 of the North Carolina General Statutes. Provision of day care services for more than six children in a residential dwelling is subject to the standards for a child day care center.
CITATION	A formal notice to a person that he or she is charged with a violation of this Ordinance, and that penalty is due.
CIVIL ACTION	A legal action at law brought between a private party(ies) and the County to protect a civil right or to compel a civil remedy (as opposed to criminal prosecution).
CIVIL PENALTY	A fine or other financial penalty imposed by a court, the County, or another governmental entity as restitution for violation of this Ordinance or other wrongdoing.
CLEARING	The act of removing existing vegetation. Grading of the land includes clearing when grading is taking place while vegetation is still present.
CLIMATE CONTROL EQUIPMENT	Mechanical equipment, located on the exterior of a building or structure, used to control or regulate the temperature, humidity, or movement of air within the building or structure. Climate control equipment typically includes exhaust fans, air intakes, condensers, chillers, vents, and air exchangers.
CLUSTER DEVELOPMENT	See "Development, Cluster."

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
CLUSTER MAILBOX UNIT	A centralized grouping of individually locked and keyed mailboxes meeting the specifications of the United States Postal Service.
COFFEE SHOP	A commercial establishment engaged in the retail sale of coffee, tea, and related beverages for on-site and off-site consumption. Coffee shops may also offer a limited range of food available for on-site or off-site consumption as well as merchandise associated with home consumption of coffee or tea. A coffee shop may also include, as an accessory use, equipment and facilities to prepare coffee beans for consumption. Uses engaged solely in coffee bean processing for off-site consumption are manufacturing uses. Uses that derive the majority of their income from sales of food are restaurant uses.
COLD-HARDY	A plant's ability to withstand normal winter temperatures while remaining alive.
COLLEGE OR UNIVERSITY	A public or private, non-profit institution for post-secondary education offering courses in general or technical education which operates within buildings or premises on land owned or leased by the institution for administrative and faculty offices, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, athletic facilities, dormitories, fraternities and sororities, and other facilities which further the educational mission of the institution. In no event shall this definition prohibit a college or university from engaging in an activity historically conducted by such institutions.
COLLOCATION (CO-LOCATION)	The placement, installation, modification, or replacement of antenna and related wireless telecommunications equipment on, under, or within an existing or replacement telecommunications tower, utility pole, building, or other vertical projection.
COMMERCIAL DEVELOPMENT	See "Development, Commercial."
COMMERCIAL INDOOR RECREATION	A commercial establishment located entirely indoors that provides recreational, amusement, and entertainment opportunities for patrons, including activities such as billiards, bingo, bowling, video games, escape rooms, fortune tellers, skating rinks, laser tag, trampolines, and climbing walls.
COMMERCIAL OUTDOOR RECREATION	A commercial establishment located entirely primarily outdoors that provides recreational, amusement, and entertainment opportunities for patrons, including activities such as: water parks, miniature golf, go cart racing, obstacle or ropes courses, zip lines, paintball, mechanical rides, and similar attractions. Outdoor commercial recreation uses may include buildings or structures that also provide indoor recreational activities.
COMMON AREA	Land within a subdivision or development that is owned in common by two or more residents or property owners. Common area may or may not be open to use by members of the general public.

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
COMMON LAW VESTED RIGHT	Legal doctrine that recognizes where property owners have reasonably made a substantial expenditure of money, time, labor or energy in a good faith reliance on a permit from the government, that they acquire “vested rights” or a protected right to complete the development of their land as originally begun despite any changes in the zoning on the property.
COMMUNITY CENTER	A public building to be used as a place of meeting, recreation, or social activity and not operated for profit.
COMMUNITY RECREATION (PRIVATE)	A non-commercial establishment engaged in the provision of recreational opportunities, features, or facilities to the owners or residents of a specific development or subdivision and their guests. Such uses are not available for use by the general public. A community recreation facility may or may not include a habitable structure.
COMPLETE APPLICATION	<p>An application filed for development approval under this Ordinance that meets all the requirements in Section 2.4.3.F, Determination of Application Completeness, including:</p> <ol style="list-style-type: none">1. Contains all information and materials established by the Zoning Administrator as required for submittal of the particular type of application;2. Is in the form established by the Zoning Administrator as required for submittal of the particular type of application;3. Includes information in sufficient detail to evaluate the application to determine whether it complies with the appropriate review standards of this Ordinance; and4. Is accompanied by the fee established for the particular type of application. <p>An application will not be accepted for review until it is complete.</p>
COMPLETENESS DETERMINATION	The process of determining if an application for a development approval is or is not complete. An application for development is not considered as “submitted” until it is determined to be complete.
COMPLETION OF CONSTRUCTION OR DEVELOPMENT	No further land-disturbing activity is required on a phase of a project except that which is necessary for establishing a permanent ground cover.
COMPLIANCE GUARANTEE	A performance guarantee provided by a party responsible for correcting a violation of this Ordinance that the County may use to correct the violation in the event the responsible party fails to.
COMPREHENSIVE PLAN	A comprehensive plan that has been officially adopted by the Board of County Commissioners in accordance with Section 160D-501.
COMPUTER-RELATED SERVICES	A commercial establishment engaged in diagnosis and repair of personal computers and associated peripherals, including printers, network equipment, monitors, and related equipment. Such uses may also procure replacement parts and construct computer components or systems for clients. Limited sale of new or reconstructed computers and computer equipment is an accessory use. Manufacture or assembly of computer systems on an industrial scale or for resale to members of the general public is a light manufacturing use.
CONCEPT PLAN	See “Plan, Concept.”

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
CONDITION OF APPROVAL	A limitation or stipulation on the range of allowable uses, density, intensity, configuration, or operational parameters of new development or redevelopment. A condition may be proposed by an applicant, a staff member, or a review authority that must be accepted by an applicant in writing and the County to become binding.
CONDOMINIUM	A development containing individually owned dwelling units and jointly owned and shared areas and facilities that is subject to the North Carolina Unit Ownership Act (North Carolina General Statutes Section Ch. 47A) and/or the North Carolina Condominium Act (North Carolina General Statutes Section Ch. 47C).
CONE OF ILLUMINATION	The detectable spread of illumination from a source of exterior lighting.
CONGREGATE CARE	A residential facility with support and supervisory personnel for the elderly or infirm that provide rooms, meals, personal care, and supervision of self-administered medication. They may provide other services such as recreational and social activities, financial services, transportation, laundry, and other services appropriate for the residents and designed to provide a relatively independent lifestyle.
CONSERVATION AND DEVELOPMENT AREA	The two portions of a conservation subdivision. The conservation area is the portion of the land protected from development and the development area is the portion of the subdivision utilized for development purposes. Agricultural activities may take place in either or both portions.
CONSERVATION EASEMENT	An easement granting a right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open, or wooded condition.
CONSERVATION SUBDIVISION	The division of a tract of land into two or more lots, building sites, or other divisions along with additional land area set aside as open space for conservation and/or recreation purposes in accordance with Section 2.3.6, Conservation Subdivision .
CONSISTENT	Architectural design, site configuration, or building materials or colors that are compatible, accordant, or harmonious with one another or with similar features in other developments in the general vicinity.
CONSTRUCTION	Architectural design, site configuration, or building materials or colors that are compatible, accordant, or harmonious with one another or with similar features in other developments in the general vicinity.
CONSTRUCTION DRAWINGS	See "Plan, Construction."
CONTENT-BASED SIGNAGE STANDARDS	Regulations that apply to the content or message contained within a sign's text or copy.
CONTIGUOUS	Abutting directly or immediately adjacent to a boundary or separated only by a street, railroad or public utility right-of-way.
CONTINUANCE	The adjournment or postponement of review or decision on an application to specified future date.

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
CONTINUING CARE RETIREMENT COMMUNITY	A retirement community configured as a single unified campus that includes independent living dwellings, assisted living facilities, and skilled nursing facilities that are owned and operated by a private company that provides a continuum of care to residents of the community. It may include on-site dining, medical care, and recreation and social facilities in addition to guest lodging and employee housing.
CONTRACT PURCHASER	A person who has entered into a contract with another party to purchase real property, but who has not yet settled on the purchase.
CONTRACTOR SERVICES/YARD	Offices for building, heating, plumbing, or electrical contractors, and related storage facilities.
CONVENIENCE STORE	A retail establishment which offers for sale, primarily, the following types of articles: bread, milk, cheese, canned and bottled foods and drinks, tobacco products, beer, wine, candy, papers and magazines, and general hardware articles. Gasoline and/or fast food may also be offered for sale but only as a secondary activity of a convenience store and subject to the standards of this Ordinance. If vehicular maintenance and service are provided, the establishment is not classified as a convenience store.
CONVENTIONAL ZONING DISTRICT	See "Zoning District, Conventional."
CORNER LOT	See Section 8.3.3.C, Lot Types .
CORNICE	Any horizontal member, structural or nonstructural, of any building, projecting outward from the exterior walls at the roof line, including eaves and other roof overhang.
CORRECTIONAL FACILITY	Publicly or privately operated facilities housing persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense. Such uses may include cafeterias, housing for facility staff, outdoor storage and maintenance areas, recreational areas, agricultural facilities, and facilities for the production of goods or materials produced for sale.
COUNTY	Edgecombe County, North Carolina.
COURT-ORDERED SUBDIVISION	The division of land between two or more parties as ordered as part of a settlement imposed by the judicial system.
COVENANT	A binding written agreement between two or more private parties regarding the use, occupancy, or configuration of development that runs with the land.
CO-WORKING SPACE	A land use that serves as a shared workspace for employees of different organizations. Co-working spaces consist of private, self-contained offices as well as shared or common office workspaces available for rent by more than one individual. Co-working spaces may include shared administrative staff, document production, presentation equipment, storage, kitchens, or private meeting rooms.
CRIMINAL PENALTY	A fine, fee, imprisonment, or other activity ordered by a court or governmental agency as punishment for a violation of this Ordinance or other applicable law.
CRITICAL ROOT ZONE	The area around the stem or trunk of a tree located around the trunk, the radius of which is 12 inches in distance from the base of the trunk for every inch of tree diameter measured at 4.5 feet above grade.

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
CUPOLA	A domelike structure on top of a roof or dome, often used as a lookout or to admit light and air.
CURB	A constructed element used to stabilize paving, gutter, planting areas, or sidewalks.
CUT-OFF BULB	A device providing a source of visible illumination that is painted, shielded, or otherwise configured so that the direction of light is controlled and prevented from travelling upwards, downwards, or sideways from the bulb's relative location.
D	
DAY CARE FACILITIES	A commercial or non-profit use licensed by the State where, at any one time, three or more unrelated children under the age of 13 receive childcare from an unrelated person in a building other than a private residence on a regular basis of at least one occurrence per week for more than four hours per occurrence. Such uses may also involve the provision of educational services in preparation for elementary school. This definition does not include incidental childcare, cooperative arrangements among parents, or drop-in or short-term childcare provided while parents work part-time or participate in other activities on the premises (e.g., churches, shopping malls, hotels, health spas).
DAY SPA	A commercial or institutional use engaged in the provision of health, relaxation, exercise, diet, or lifestyle training or related services to members of the general public during regular business hours. Day spas do not offer overnight lodging or accommodations.
DECK (COVERED OR UNCOVERED)	An accessory structure, typically constructed of wood, that is attached or detached from the principal structure that provides ingress and egress to the structure, a gathering location, storage, dining, or other activity to users of the principal structure. A deck may be covered with a roof or uncovered but shall not be enclosed by permanent walls. A deck is typically elevated above the grade.
DEDICATION	A gift, by the owner, or a right to use land for a specified purpose or purposes. Because a transfer of property rights is entailed, dedication must be made by written instrument, and is completed with an acceptance.
DEED RESTRICTION	A written private agreement that restricts the use, occupancy, or configuration placed upon the title of real estate often by the developer.
DEPARTMENT	As used in the stormwater standards, the North Carolina Department of Environmental Quality.
DESIGN STORM	A hypothetical precipitation event, or a given frequency and duration, used in the analysis and design of a stormwater control measure.
DESIGNEE	A person selected or designated to carry out a duty or role.
DETENTION BASIN	Surface storage basins or facilities that provide flow control through attenuation of stormwater runoff. They also facilitate some settling of particulate pollutants. Detention basins are normally dry and in certain situations the land may also function as a recreational facility.

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
DETERMINATION	A written interpretation prepared by the Zoning Administrator or a designee that explains the meaning or intent of standard in this Ordinance, the location of a boundary on the Official Zoning Map, or the requirements of a development approval.
DEVELOPER	A person engaging in land, site, or building development.
DEVELOPMENT	Development means any of the following: <ul style="list-style-type: none">• The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure;• Excavation, grading, filling, clearing, or alteration of land;• The subdivision of land, as defined in Section 160D-802 of the North Carolina General Statutes; or• The initiation or substantial change in the use of land or the intensity of the use of land.
DEVELOPMENT, COMMERCIAL	Development undertaken or serving commercial purposes, such as retail or personal services.
DEVELOPMENT, MIXED-USE	A tract of land or structure developed for two or more different uses, such as, but not limited to, residential, office, retail, institutional, public, or entertainment. Such uses are functionally integrated and share vehicular use areas, ingress/egress, and pedestrian access.
DEVELOPMENT, MULTI-BUILDING	Development that includes two or more principal buildings or structures.
DEVELOPMENT, MULTI-PHASE	Development that is constructed in two or more distinct phases.
DEVELOPMENT, MULTIPLE-LOT	Development that includes two or more lots of record under common or separate ownership.
DEVELOPMENT, NEW	<p>Development that is proposed or constructed after the effective date of this Ordinance.</p> <p>As used in the stormwater regulations, any activity that disturbs greater than one acre of land in order to establish, expand, replace or modify a single-family or duplex residential development or recreational facility and any activity that disturbs greater than one-half acre of land to establish, expand, replace or modify a multi-family residential development or a commercial, industrial, or institutional facility. For individual single family residential lots of record that are not part of a larger common plan of development or sale, the activity must also result in greater than ten percent built-upon area. For purposes of this Section, new development shall not include mining, agricultural (including Swine Farm operations and other intensive livestock operations) or forestry activities. Projects meeting the above criteria that replace or expand existing structures or improvements and that do not result in a net increase in built-upon area shall not be required to meet the basin wide average non-urban loading levels.</p>

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
DEVELOPMENT, PLANNED	Development subject to a County-approved master plan and terms and conditions document configured in accordance with Section §3.5, Planned Development District .
DEVELOPMENT, UNIFIED	A multi-building or multi-lot development planned, developed, and managed as a single unit in accordance with Section §6.14, Unified Developments .
DIAMETER AT BREAST HEIGHT (DBH)	Measurement for determining the size of existing trees to be credited towards landscaping requirements or for violations of this Ordinance. DBH is the measurement of the diameter of an existing tree trunk taken at a height of 4 ½ feet above the ground.
DISCHARGE POINT	That point at which stormwater runoff leaves a tract of land.
DISCONTINUE (DISCONTINUANCE)	See "Abandonment."
DISH ANTENNA	A directional antenna consisting of a parabolic reflector used to send and receive microwave or radio frequency communication signals.
DISTURBED AREA	Any use of the land that results in a change in the natural cover or topography that may cause or contribute to sedimentation including but not limited to grubbing, stump removal, grading or removal of structures.
DIVIDE	A directional antenna consisting of a parabolic reflector used to send and receive microwave or radio frequency communication signals.
DIVISION	A subdivision of land from a tract or parent parcel into smaller individual lots.
DOME	A roof having a circular, polygonal, or elliptical base and a generally spherical shape.
DORMER WINDOW	A window that projects vertically from a sloping roof.
DORMITORY	A building used as group living quarters for a student body or religious order as an accessory use for a college, university, boarding school, convent, monastery or other similar public, semi-public use.
DOUBLE FRONTAGE LOT	See "Lot, Through."
DRAINAGE EASEMENT	A strip of land reserved for conveyance of stormwater typically located along rear or side lot lines but may cross lots at such points that will not pose a hazard to persons or property.
DRAINAGE SWALE	See "Drainageway."
DRAINAGEWAY	A natural or artificial stream or depression that conveys surface water.
DRAINFIELD	The portion of an on-site septic or wastewater treatment system designed to allow treated wastewater to percolate into the adjacent soil.
DRIPLINE	An area on the ground that corresponds to the outer extents of a tree's canopy where rainwater falls from leaves and branches downward to the ground.
DRIVE AISLE	A vehicular accessway within a surface parking lot or a parking structure.
DRIVE-THROUGH	A primary or accessory facility where goods or services may be obtained by motorists without leaving their vehicles. These facilities include drive-through bank teller windows, dry cleaners, fast-food restaurants, drive-through coffee, photo stores, pharmacies, etc., but not automated teller machines (ATMs), gas stations or other vehicle services.

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
DRIVEWAY	The portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not a part of the vehicle accommodation.
DUPLEX DWELLING	See “Two-Family Dwelling.”
DWELLING UNIT	Any building, structure, manufactured home, or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses or appurtenances belonging thereto or usually enjoyed therewith, except that it does not include any manufactured home, mobile home, or recreational vehicle if used solely for a seasonal vacation purpose.
	E
EASEMENT	The right to use or occupy the real property of another owner for a specifically identified purpose. An easement is a recognized interest in real property, but legal title to the underlying land is retained by the owner granting the easement.
EAVE	The projecting lower edges of a roof that overhangs the wall of a building.
EGRESS	An exit from a building or site.
ELECTRICAL VEHICLE CHARGING STATION	An off-street parking space that is served by an electrical component assembly or cluster of component assemblies (battery charging station) designed and intended to transfer electric energy, by conductive or inductive means, from the electric grid or other off-board electrical source to a battery or other energy storage device within an electric vehicle.
ELECTRICAL, HVAC, OR PLUMBING FABRICATION	An industrial establishment operated by a contractor, supplier, or distributor engaged in the fabrication and assembly of plumbing fixtures, electrical fixtures, HVAC ducting and equipment, fireplaces, or similar household or commercial features for off-site installation.
ELECTRONIC GAMING OPERATIONS	A commercial establishment providing patrons with the opportunity to compete against others for cash or other prizes in games where the outcome is based on skill, not chance.
ELIGIBLE FACILITY REQUEST	An application for the installation of new or replacement antennas and related wireless telecommunications equipment on an existing telecommunications tower. An eligible facilities request may include increasing the height and/or replacement of an existing telecommunications tower but shall not include any activities that constitute a “substantial modification” as defined in this Ordinance and Section 160D-931 of the North Carolina General Statutes. Eligible facility requests are reviewed and decided in accordance with the procedures for a minor collocation.
ENCROACHMENT	The location of a building, structure, or portion of a building or structure in an open space, setback, yard, required landscape area, buffer, or other area typically required to remain free of buildings or structures.
ENLARGEMENT	Increasing the floorplate, footprint, or square footage of a building, structure, outdoor use area, or activity.

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
EQUESTRIAN FACILITY	A commercial establishment engaged in the provision of boarding, training, and basic health care for horses and mules. Such uses may provide educational instruction. Accessory uses include showing areas, pastures, exercise facilities, and may also include facilities for conducting horse shows and hunts.
EQUITABLE REMEDY	A court-ordered non-monetary remedy that directs a party to take a particular action for violation of this Ordinance or other applicable law.
EROSION	The wearing away of land surface by the action of wind, water, gravity, or any combination thereof.
EROSION CONTROL MEASURE	A device which controls the soil material within the land area under responsible control of the person conducting a land-disturbing activity.
EVENT VENUE	A commercial establishment and associated grounds engaged in the hosting and production of pre-planned events like weddings, corporate parties, or reunions. Typical accessory uses include kitchens or meal preparation space, limited overnight accommodations, photography studios, facilities to accommodate live or recorded music, on- and off-site parking, and outdoor recreation facilities.
EX PARTE COMMUNICATION	Any communication between a member of a review authority and a person involved in a development application that is made without the presence or knowledge of the other members of the same review authority.
EXEMPTION	A use, site feature, or development condition that is exempted authorized to deviate from otherwise applicable requirements.
EXTENSION/ EXPANSION	See "Enlargement."
EXTERIOR LIGHTING	Illumination of a building, parking lot, or site feature.
EXTRACTIVE INDUSTRY	A use involving on-site extraction of surface or subsurface mineral products or natural resources. Typical uses are quarries, borrow pits, sand and gravel operations, mining, hydraulic fracturing, and similar activities. Specifically excluded from this use is grading and removal of dirt associated with an approved site plan or subdivision or excavations associated with, and for the improvement of, a bona fide agricultural use.
EXTRA-TERRITORIAL JURISDICTION	The land area located outside the corporate limits of a municipality, but still subject to the planning and zoning laws associated with the municipality.
EYEBROW WINDOW	A low dormer window with no sides located on the slope of a roof where the roofing material is carried over the top of the window without interruption.
F	
FAA	The Federal Aviation Administration, or its duly designated and authorized successor agency.
FAÇADE	See "Building Façade."

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
FAMILY CARE HOME	A home with support and supervisory personnel that provides room and board, personal care, and habilitation services in a family environment for not more than six resident persons with disabilities. A disabled person is a person with a temporary or permanent physical, emotional, or mental disability including but not limited to an intellectual disability, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons who are dangerous to others as defined in Section 122C-3(11)b of the North Carolina General Statutes.
FAMILY HEALTH CARE STRUCTURE	A transportable residential structure that is primarily assembled at a location other than its site of installation and provides an environment facilitating a caregiver's provision of care for a mentally or physically impaired person.
FARM EQUIPMENT SALES AND SERVICE	Commercial establishments engaged in the sales, repair, rental, and storage of tools, equipment, supplies, and machinery in support of farms, farming, agriculture, or horticulture. Uses also include sales of products grown on a farm, provision of farm-related experiences (e.g., immersion farming or pick-your-own establishments), wineries, and agritourism.
FARM SUPPLY SALES	Commercial establishments engaged in the sale, whether at retail or wholesale, of seeds, feed, tools, equipment, or services related to the operation of agricultural uses. Farm supply sales uses are not engaged in the sale of produce or agricultural products for end-user or non-farm consumption.
FASCIA	A fascia is a board or other exterior material provided at the edge of a building where the roof meets the exterior wall. When gutters are provided, they are typically mounted to the fascia.
FCC	The Federal Communications Commission, or its duly designated and authorized successor agency.
FEATHER FLAG	A sign made of flexible fabric or plastic material mounted to a vertical projection from the ground that includes a bow or bend at the top resulting in a flag with the appearance of a bird's feather.
FEE	An amount charged in accordance with the regularly adopted fee schedule of the County.
FENCE OR WALL	A physical barrier or enclosure consisting of wood, stone, brick, block, wire, metal, or similar material used as a boundary or means of protection, retention, or confinement, but not including a hedge or vegetation.
FENESTRATION	The arrangement of windows, doors, and false casements on a building's façade.
FILED APPLICATION	An application for development approval under this Ordinance that has not been delivered to the County but not yet determined to be complete.
FILL (MATERIAL)	The term "fill" also applies to the deposit soil, sand, stone, or other deposited material.
FILLING	The act of depositing soil, sand, stone, or other inert debris customarily used for supplementing or augmenting land.

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
FINAL PLAT	A plan or drawing recorded in the office of the register of deeds that identifies the metes and bounds as well as all applicable conditions applied to a lot or group of lots that have been subdivided.
FINANCIAL GUARANTEE	See "Performance Guarantee."
FINANCIAL OFFICE	An establishment that provides retail banking services, mortgage lending, or similar financial services to individuals and businesses. Financial institutions include those establishments engaged in the on-site circulation of cash money and check-cashing facilities but shall not include bail bond brokers. Financial services may also provide automated teller machines (ATM) services, located within a fully enclosed space or building, or along an exterior building wall intended to serve walk-up customers only. Financial services may include drive-through facilities.
FINE	A sum of money imposed on a violator as punishment for violation of law.
FINISHED GRADE	The grade after construction, exclusive of any filling, berming, mounding, or excavating.
FIRE ESCAPE	A structural mechanism affixed to the exterior of a building that allows occupants to gain egress from each floor of the building without use of the primary entrance in the event of fire or other dangerous situation.
FIRE LANE	A lane or designated area in a parking lot or on a street that is reserved for firefighting equipment or staging of people during a fire and is not intended for the parking of vehicles or storage.
FIRE/EMS/SHERIFF STATION	A facility that serves as the base of operations for a fire company, police precinct, sheriff's office, or emergency medical technician operation. Such facilities may also include living quarters for personnel, equipment storage, and vehicular maintenance areas.
FIREPLACE	A structure, located within or outside a building, used for the sole purpose of combustion of wood or gas for recreational, food preparation, or climate control purposes.
FITNESS CENTER	A facility where members or nonmembers use equipment or space for the purpose of physical exercise. Such uses may include indoor swimming pools, athletic courts, tracks, or other similar features. Retail sales of hand-held fitness equipment, clothing, or health foods may occur as an accessory use.
FLAG	See Section 6.10.7, Sign Standards by Sign Type.
FLAG LOT	See Section 8.3.3.C, Lot Types.
FLAGPOLE	A freestanding structure or structure attached to the wall or roof of a building that is used to display flags.
FLEA MARKET	A market held in an open area or structure where individual sellers offer goods for sale to the public. Such sellers may set up temporary stalls or tables for the sale of their products. Such sales may involve new and/or used items and may include the sale of fruits, vegetables, and other edible items. A farmer's market, where food items predominate, is different than a flea market. This also differs from a garage sale or yard sale that is conducted on a residentially developed lot by members of a household, or civic groups selling primarily donated items.

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
FLEX SPACE	Buildings designed to accommodate a combination of offices (e.g., service establishments and contractor's offices), wholesale establishments, warehousing/distribution, industrial services, and light manufacturing, with the exact proportions of each use being subject to user needs over time. Such uses are treated as principal uses and subject to the standards and limitations applicable to such uses—e.g., parking, and are included in the total gross floor area if located on the same lot.
FLUORESCENT	A method of providing illumination by a bulb coated in a material that releases photons when subject to an electrical current.
FOOD TRUCK	A motorized vehicle that is designed to be readily moved and operated for the purpose of preparing and or selling food and or non-alcoholic beverages to the general public on a recurring basis.
FLOOR	The top surface of an enclosed area in a building, including basement, such as, top of slab in concrete slab construction or top of wood flooring in frame construction.
FOOTCANDLE	A unit of measure of the intensity of light falling on a surface. It is often defined as the amount of illumination the inside surface of a one-foot-radius sphere would be receiving if there were a uniform point source of one candela in the exact center of the sphere. One footcandle is equal to one lumen per square foot.
FOOTPRINT	See "Building Footprint."
FORESTRY	The farming of trees.
FRATERNAL CLUB OR LODGE	A building and related facilities owned and operated by a corporation, association, or group of individuals established for fraternal, social, educational, recreational, or cultural enrichment of its members and primarily not for profit, and whose members meet certain prescribed qualifications for membership and pay dues.
FREIGHT TERMINAL	A use where trucks, trailers, and cargo are stored, where loading and unloading is carried on regularly, and where minor maintenance of these types of vehicles is performed.
FRONTAGE	A strip or extent of land abutting and extending along a street.
FUEL OIL/BOTTLED GAS DISTRIBUTOR	An establishment that stores and distributes fuel oil or bottled gases such as propane, oxygen, or liquid petroleum in bulk quantities for wholesale sale or distribution to retail outlets or end consumers at the point of use. A use engaged in sale of automobile fuel is a retail use.
FUNERAL-RELATED SERVICES	A commercial establishment engaged in the provision of services related to funeral services for humans or pets. Such uses may provide embalming, cremation, and memorial services. Chapels and storage areas are accessory uses. Uses for the internment of human or animal remains are park and open space uses.
FUTURE LAND USE MAP	A portion of the County's adopted policy guidance that identifies the desired long term uses of all land within the County's planning area. The future land use map is typically a part of the comprehensive plan.
G	
GABLE	A triangular area of an exterior wall formed by two sloping roofs.

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
GARAGE (ATTACHED OR DETACHED)	An accessory structure either integral, attached, or detached to the principal structure it serves used primarily for the storage of vehicles, equipment, or personal property.
GARAGE OR YARD SALE	A sale conducted by an occupant of a residence alone or in cooperation with neighbors conducted for the purpose of selling surplus household items for profit or for charitable purposes. Such sales are usually conducted from a garage associated with the residence or from the yard of the residence. Garage or yard sales may be distinguished from flea markets by the number of days of sale.
GARDEN (COMMUNITY AND PRIVATE)	An exterior area for the small-scale production of vegetables and flowering plants for personal or small commercial use. This definition includes community and private gardens. This definition does not include crop production and nurseries.
GASOLINE SALES	A commercial establishment engaged in the retail sale of gasoline for use by consumers in private vehicles. Gasoline sales uses may also offer minor vehicle repairs and similar services as well as the accessory sale of food or beverages for off-site consumption. Gasoline sales uses are not engaged in the sale of oil products unrelated to the operation of private vehicles.
GATHERING AREA	A formal or informal area intended for or used by the general public to gather or congregate together for interaction or recreation.
GAZEBO OR GARDEN STRUCTURE	An accessory structure located within a yard, garden, or required landscaping area that provides a gathering place and may or may not also provide seating. A garden structure may also serve a garden-related utilitarian purpose or be an object of art.
GENERAL STATUTES	A statute is a written law passed the General Assembly that sets forth general propositions of law that courts apply to specific situations.
GLARE	The effect produced within the visual field by a high intensity or insufficiently shielded light source that is significantly brighter than the level to which the eyes are adapted, causing annoyance, discomfort, or loss of visual performance or visibility of objects.
GOLF COURSE	A tract of land laid out with at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse (with or without eating facilities), shelters, a driving range, putting green, maintenance facilities, an irrigation system, and outdoor storage of materials and equipment.
GOOD CAUSE	Legally adequate or substantial grounds or reason to take a certain action based upon the circumstances of each individual case.
GOOD FAITH	A sincere belief or motive without any malice or the desire to defraud others or conceal the truth.
GOVERNMENT OFFICE	An office of a governmental agency that provides administrative and/or direct services to the public, such as, but not limited to, employment offices, public assistance offices, or motor vehicle licensing and registration services.
GOVERNMENT OPERATIONS	A facility housing government shops, maintenance and repair centers, equipment, and outdoor storage yards.

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
GRADING	Excavating, filling (including hydraulic fill) or stockpiling of earth material, or any combination thereof, including the land in its excavated or filled condition.
GREEN ROOF	The roof of a building that is partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems.
GREENHOUSE AND GARDEN CENTER	A commercial established in the propagation and sale of plants, seeds, flowers, and plant-related materials.
GREENWAY	Public open space under the control and maintenance of the County which has been designated on an officially adopted greenway or open space plan and developed in accordance with the adopted greenway or open space plan.
GROCERY STORE	An establishment engaged in retail and/or wholesale sale of food, foodstuffs, sundries, or other common household items to members of the public.
GROSS LEASABLE AREA	The gross building floor area occupied or used by a tenant.
GROUND BASED MECHANICAL EQUIPMENT	Utility or other equipment of a mechanical nature that is mounted on or below grade on the site it serves.
GROUND COVER	Any natural vegetative growth or other material that renders the soil surface stable against accelerated erosion.
GROUP HOME	A residential facility (such as an orphanage, shelter, crisis center) with support and supervisory personnel that provides temporary room and board, housekeeping, personal care, or rehabilitation services for more than six persons needing emergency or post-incarceration services (but not including those with mental illness who are dangerous to themselves or others).
GUARD HOUSE OR GATEHOUSE	An accessory structure typically located on the perimeter or at the entry of a development and used to screen visitors or maintain records of persons entering or leaving a development.
GUYED TOWER	A communication tower that is supported, in whole or in part, by guy wires and ground anchors.
H	
HABITABLE SPACE	A space in a building for living, sleeping, eating or cooking, or used as a home occupation.
HAIR, NAILS, AND SKIN-RELATED SERVICES	A commercial establishment engaged in the provision of services pertaining to hair care, hair styling, hair removal, nail care, makeup, facial treatments, tanning, massage therapy, and similar cosmetic treatments. Such uses may or may not include other spa or salon facilities such as showers, baths, and the incidental sales of food for on-site consumption and personal skin or hair care products.
HALF STREET	See "Street, Half."
HARDSHIP	Special or specified circumstances that place an unreasonable or disproportionate burden on one applicant or landowner over another.

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
HEAT ISLAND EFFECT	An effect, typically in more urban areas, where ambient heat builds up in localized areas due to increased absorption of solar radiation by constructed surfaces such as paving, building walls, and roofs.
HEAVY EQUIPMENT SALES, RENTAL, AND REPAIR	Premises on which new or used heavy equipment (tractors, loaders, excavators, backhoes, cranes, lifts, rollers and similar devices) are displayed for sale, lease, or rental. On-site repair and service to heavy equipment is also provided.
HEAVY MANUFACTURING	Uses that tend to require large amounts of bulk or unrefined materials which are typically processed and stored outdoors on the site. These uses require a significant amount of energy for the processing of raw materials, and are likely to generate significant noise, vibration, dust, glare, heat, odor, smoke, truck traffic, in the immediate vicinity of the use. Heavy manufacturing uses include, but are not limited to, manufacture or assembly of machinery, equipment, instruments, vehicles, appliances, communications equipment, computer or electronic equipment, precision items and other electrical items; the processing of food and related products; lumber mills, pulp and paper mills, and the manufacture of other wood products; and electric power generation plants.
HEDGE	A row of shrubs planted with close spacing that grow together to form a dense opaque screen.
HISTORIC MARKER	A sign, plaque, or other visual appurtenance used to identify a particular location, activity, or event of historic significance.
HOLIDAY	A holiday observed by the County.
HOLIDAY DISPLAY	Lights or other exterior display in recognition of a holiday, tradition, or event.
HOME OCCUPATION, LEVEL 1	A commercial or other non-residential secondary use of a portion of a principal dwelling that employs one or more of the dwelling's residents in activity that takes place entirely indoors and is of a low intensity nature that is unlikely to create disturbance of adjacent residential uses.
HOME OCCUPATION, LEVEL 2	A commercial or other non-residential secondary use of a portion of a principal dwelling that may employ the dwelling's residents as well as other non-residents. The activity is more intense in nature than the level 1 home occupation, including limited assembly and light manufacturing, in-person sales, and a slightly higher level of anticipated traffic to the site where located. However, the use incorporates aspects to help mitigate any potential negative impacts on adjacent residential uses.
HOMELESS SHELTER	A public or institutional use providing lodging and various social services to individuals without permanent domiciles on a short-term, temporary basis. Homeless shelters may also provide food, medical care, education, and rehabilitative services to clients.
HORSE OR PET SHOW	A temporary exhibition or display of horses or other domesticated pets that may or may not be judged. It involves a competitive display of the capabilities and qualities of horses, domestic pets, or their handlers. Such events may include sales of animals or animal supplies as a secondary activity.

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
HORTICULTURE OR PLANT NURSERY	The cultivation and production of orchard, garden, or nursery crops on a small or large scale, the production of field grown crops, specialty crops, flowers, fruit, market gardening, nuts, ornamental plants, sod, vegetables, and similar horticultural uses.
HOSPITAL	An institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons, that is licensed by State law to provide facilities and services in surgery, obstetrics, or general medical practice. Such institutions may include in-patient medical or surgical care for the sick or injured and related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities.
HOTEL OR MOTEL	A building or group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental for temporary occupancy by persons on an overnight basis. Hotels or motels may include an associated eating establishment, conference facilities, and on-site recreational amenities. Hotels or motels regularly offering extended duration stay facilities to patrons are extended stay facilities. Hotel, motel, resorts, lodges, and similar overnight lodging uses are to be considered synonymous uses.
HUMAN-SCALED DEVELOPMENT	See "Development, Human-Scaled."
I	
ILLEGAL CONNECTION	Either of the following: <ul style="list-style-type: none">• Any pipe, open channel, drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or• Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.
ILLICIT DISCHARGE	Any unlawful disposal, placement, emptying, dumping, spillage, leakage, pumping, pouring, emission, or other discharge of any substance other than stormwater into a stormwater conveyance, the waters of the State, or upon the land in such proximity to the same, such that the substance is likely to reach a stormwater conveyance or the waters of the State.
IMPERVIOUS COVER	See "Impervious Surface."
IMPERVIOUS SURFACE	Impervious surface area includes any material which reduces and/or prevents absorption of stormwater.

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
IMPROVEMENT	The construction of buildings and the establishment of basic services and amenities associated with development, including, but not limited to streets and sidewalks, parking areas, water and sewer systems, drainage system, property markers and monuments, recreation facilities (i.e., lakes, swimming pools, tennis courts, golf courses, club houses, cabanas, marinas, docks and the like) and other similar construction or establishment.
INCANDESCENT	A method of providing illumination by a bulb with a filament that is heated to incandescence by an electrical current.
INDOOR RECREATION, COMMERCIAL	A commercial establishment located entirely indoors that provides recreational, amusement, and entertainment opportunities for patrons, including activities such as billiards, bingo, bowling, video games, escape rooms, fortune tellers, skating rinks, laser tag, trampolines, and climbing walls.
INDOOR RECREATION, PUBLIC	An institutional or public use that provides generalized or specialized recreational services or opportunities to members of the general public for a free or for a fee. Recreation services could include swimming, court-based sports, fitness activities, or other forms of community-based recreation.
INJUNCTIVE RELIEF	A court-order act or inhibition of an act by a violator granted to the County or other governmental agency for a violation of this Ordinance or other applicable law.
IN-LIEU FEE	Monetary compensation offered by a landowner or applicant as an alternative to provision of some other required site or development feature.
INSTRUCTIONAL SERVICES	A commercial establishment that offers instruction in arts, sports, crafts, skilled trades, or recreational activities to members of the general public for a fee.
INTEGRAL PLANTER	A structure provided for the purpose of cultivating plants that is located within or connected to an exterior building wall.
INTERMITTENT	Lighting, movement, or other activity that alternately starts or stops at regular intervals.
INTERMITTENT STREAM	A well-defined channel that contains water for only part of the year, typically during winter and spring when the aquatic bed is below the water table. The flow may be heavily supplemented by stormwater runoff. An intermittent stream often lacks the biological and hydrological characteristics commonly associated with the conveyance of water.
INVASIVE SPECIES	A plant species identified as noxious or dangerous by the County or other governmental agency.
ITINERANT MERCHANT SALES	An individual or business offering goods or services for sale at retail to members of the general public either in their homes, their place of business, or from a vehicle on a lot with an established use or a vacant lot.
J	
K	
L	

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
LABORATORY	An institutional use type engaged in the analysis, testing, identification, or research of chemicals, compounds, tissue, animals, or equipment.
LAKE OR NATURAL WATERCOURSE	Any stream, river, brook, swamp, sound, bay, creek, run, branch, canal, waterway, estuary, and any reservoir, lake or pond, natural or impounded, in which sediment may be moved or carried in suspension, and which could be damaged by accumulation of sediment.
LAND APPLICATION OF WASTES	The dispersal of manure, wastewater, and similar waste products to the surface of vacant land via aerial, injection, or surface flow devices. Land utilized for application of wastes does not include habitable structures but may include agricultural production.
LAND-DISTURBING ACTIVITY	Any use of the land by any person in residential, industrial, educational, institutional, or commercial development, highway and road construction and maintenance, that results in a change in the natural cover or topography and that may cause or contribute to sedimentation.
LANDFILL	A disposal facility for hazardous or nonhazardous solid waste. These establishments also manage recycling and resource recovery facilities that operate in conjunction with landfills.
LANDFILL, LCID	Landfill establishments engaged in the long-term dumping and storage of land clearing debris such as yard waste and untreated or unpainted wood products underground. Such operations may include the manufacture and stockpile of mulch for re-sale or off-site use.
LANDFILL, SANITARY	A commercial or public institution that accepts for long-term storage and burial a wide variety of household and non-dangerous waste products, including household garbage, non-chemical waste products, and construction debris. Such uses may also include waste transfer and recycling centers where waste materials are processed for recycling or transport. Facilities that convert off-gases and other landfill-related products to energy are permitted as accessory uses.
LANDOWNER	As applied to the standards related to vested rights, an owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and personal representative of the owner.
LANDSCAPE FABRIC	A textile material applied to disturbed or denuded land to promote or discourage the growth of vegetation.
LANDSCAPE ISLAND	A structure within a parking lot or other vehicular use area provided to control traffic flow, provide a stormwater management function, provide a location for required vegetation, or for required utilities.
LANDSCAPE PLAN	See "Plan, Landscape."
LANDSCAPE STRIP	Linear landscape islands located between two parallel rows of off-street parking spaces.

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
LARGER COMMON PLAN OF DEVELOPMENT OR SALE	As used in the stormwater standards, anywhere multiple separate and distinct construction or land disturbing activities will occur under one plan. A plan is any announcement or piece of documentation (including but not limited to a sign, public notice or hearing, sales pitch, advertisement, loan application, drawing, permit application, zoning request, or computer design) or physical demarcation (including but not limited to boundary signs, lot stakes, or surveyor markings) indicating that construction activities may occur on a specific plot.
LATTICE TOWER	A guyed or self-supporting, open, steel frame structure, with three or more sides, that is used to support telecommunications equipment.
LAUNDRY AND CLEANING SERVICES	A commercial establishment engaged in the cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation, or by immersions only, in water or volatile solvents. Such uses may provide cleaning and laundering services on-site or in off-site locations.
LEGISLATIVE PUBLIC HEARING	A hearing held for the purpose of soliciting public comments on a proposed change in the zoning text or zoning map. Reasonable time limits on speakers may be imposed and responsible decorum maintained. However, unlike quasi-judicial hearings, there is no requirement for oaths, no limits on expression of personal opinions, and no limit on discussing the matter outside the context of the hearing.
LEVEL 1/ LEVEL 2/ LEVEL 3 SOLAR ENERGY CONVERSION (Amended 5-2-22 UDOTA 1-22)	See "Solar Energy Conversion, Level 1," "Solar Energy Conversion, Level 2," or "Solar Energy Conversion, Level 3," as appropriate.
LIBRARY	A public facility for the use, but not sale, of literary, historical, scientific, musical, artistic, or other reference materials.
LIGHT EQUIPMENT SALES, RENTAL, & REPAIR	A commercial established engaged in the retail sale, rental, or service of hand tools, small electrical or gasoline-powered tools, or similar devices typically used by home or business owners for non-professional purposes. Such uses may also provide for the rental of furniture, household goods, or appliances on a non-continuous short-term basis.
LIGHT MANUFACTURING	Uses that involve indoor processing or assembly of finished or partially finished goods and do not require large stockpiles of raw material. Processing and storage activities take place solely within enclosed buildings, which helps limit (but does not completely prevent) the creation of noise, vibration, dust, glare, heat, odor, and smoke. Examples include, but are not limited to: production or repair of small machines or electronic parts and equipment; woodworking and cabinet building; publishing and lithography; computer design and development; research, development, testing facilities and laboratories; apparel production; sign making; assembly of pre-fabricated parts, manufacture of electric, electronic, or optical instruments or devices; manufacture and assembly of artificial limbs, dentures, hearing aids, and surgical instruments; manufacture, processing, and packing of food products, cosmetics, and manufacturing of components, jewelry, clothing, trimming decorations, and any similar item.

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
LIGHT TRESPASS	Unwanted light that shines from one lot to another.
LOT	A parcel of land having frontage on a public street or other officially approved means of access.
LOT (STREET) FRONTAGE	See Section 8.3.3.A.5, Street Frontage.
LOT COVERAGE	See Section 8.3.6, Lot Coverage.
LOT OF RECORD	See Section 8.3.3.C, Lot Types.
LOT WIDTH	See Section 8.3.3.A.3, Lot Width.
LOT, DOUBLE FRONTAGE	See Section 8.3.3.C.5, Through Lot (Double Frontage Lot).
LOT, FLAG	See Section 8.3.3.C.2, Flag Lot.
LOT, REVERSE FRONTAGE	See 8.3.3.C, Lot Types.
LOT, THROUGH	See Section 8.3.3.C.5, Through Lot (Double Frontage Lot).
LOW IMPACT DEVELOPMENT	A method of site development and stormwater management that mimics the natural hydro-logic functions of infiltration, runoff, and evapotranspiration on a site before development occurs.
LUMEN	A quantitative unit measuring the amount of light emitted by a light source.
M	
MAINTENANCE, ROUTINE	Simple, small-scale activities (usually requiring only minimal skills or training) associated with regular (daily, weekly, monthly, etc.), recurring, and preventative upkeep of a building, equipment, or machine against normal wear and tear.
MAJOR INTERSECTION	An intersection between two or more local or higher-traffic streets.
MAJOR VARIANCE	As used in the Watershed Protection Overlay district, a variance from the minimum statewide watershed protection rules that results in any one or more of the following: <ul style="list-style-type: none">• The relaxation by a factor greater than ten percent of any management requirement under the low-density option;• The relaxation by a factor greater than five percent of any buffer, density, or built-upon area requirement under the high-density option; or• Any variation in the design, maintenance, or operation requirements of a wet detention pond or other approved stormwater management system.
MAKER SPACE	A collaborative workspace that includes shared tools, workspaces, technology, and knowledge in order to assist participants working alone or with collaborators to create and produce ideas, products, and services. Makerspaces can be formed for the purpose of instruction, creation of material for sale, or a combination of the two.

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
MANUFACTURED HOME	A factory-built structure, transportable in one or more sections, that is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. This includes any structure with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401 et seq.), as amended. This does not include recreation vehicles.
MANUFACTURED HOME CLASS A	A manufactured home that is commonly referred to as a “double-wide” home, or one that is brought to its site in two or more separate parts of at least 10 feet in width and assembled on a single foundation.
MANUFACTURED HOME CLASS B	A manufactured home that is commonly referred to as a “single-wide” home that is comprised of a single structure approximately 12 feet in width or less and placed on a single foundation.
MANUFACTURED HOME CLASS C	A manufactured home that does not meet the federal HUD standards.
MANUFACTURED HOME PARK	The location of two or more manufactured or mobile homes on a parcel of land shall constitute a manufactured home park.
MARINA	Any publicly or privately owned dock, basin or wet boat storage facility constructed to accommodate more than three boats and which provides any of the following services: permanent or transient docking spaces, dry storage, fueling facilities, haul out facilities and repair service. Excluded from this definition are boat ramp facilities allowing access only, temporary docking and none of the preceding services.
MARINE RELATED USE	Premises on which new or used boats and other marine vessels are displayed for sale, lease, or rental. On-site repair and service to boats is also provided.
MASTER PLAN	See “Plan, Master.”
MAXIMUM EXTENT PRACTICABLE	No feasible or practical alternative exists, as determined by the County, and all possible efforts to comply with the standards or regulation to minimize potential harmful or adverse impacts have been undertaken by an applicant. Economic considerations may be taken into account but shall not be the overriding factor determining “maximum extent practicable.”
MECHANICAL UTILITY	Any piece of machinery or equipment with moving parts, generates noise, or causes any kind of environmental disturbance or creates emission of any kind, including air movement. Said machinery or equipment is generally functional or utilitarian in nature.

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
MEDICAL CARE	An institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons, that is licensed by State law to provide facilities and services in surgery, obstetrics, or general medical practice. Such institutions may include in-patient medical or surgical care for the sick or injured and related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities.
METAL FABRICATION	A commercial establishment engaged in the alteration or modification of metal goods, building supplies, tools, or other products comprised primarily of metal. Such uses may include welding, folding, shaping, assembly, coating, or other activity associated with raw forms of metal, but metal fabrication uses are not involved in the creation of metal products from raw materials.
MICROBREWERY OR MICRODISTILLERY	An establishment engaged in the production and packaging of malt beverages, wine or spirits for distribution, retail, or wholesale both on and off-premises. A microbrewery is a facility that produces less than 15,000 barrels of beer per year and sells the majority of the beer it produces for off-site resale and consumption. A microwinery produces less than 100,000 gallons of wine per year. A micro-distillery produces less than 15,000 gallons of alcoholic spirits per year. Accessory uses may include a taproom, seating areas, ancillary sales of related merchandise, event space, and warehouse space for stored product.
MINIMUM LOT AREA	See Section 8.3.3.A.4, Minimum Lot Area.
MINOR VARIANCE	As used in the Watershed Protection Overlay district, a variance from the minimum statewide watershed protection rules that results in the relaxation by a factor of up to five percent of any buffer or the relaxation by a factor of up to 10 percent of any management requirement under the low-density option.
MIXED-USE DEVELOPMENT	See "Development, Mixed Use."
MOBILE HOME	A detached residential dwelling unit constructed prior to July 15, 1976, that does not bear a certification of compliance with National Manufactured Housing Construction and Safety Standards Act of 1974. A mobile home is designed for transportation after fabrication on streets or highways on its own wheels or a flatbed or other trailer and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and similar features. Mobile homes are typically 16-feet-wide or less.
MODIFICATION, MAJOR	See "Amendment."
MODIFICATION, MINOR	A change, revision, addition, or deletion to a development approval of a de minimum or small nature that does not impact the basic configuration or operation of development.

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
MONOPOLE TOWER	A communication tower consisting of a single pole, constructed without guy wires and ground anchors.
MONUMENT	A permanent marker, typically inserted into the ground, showing the location of a lot line, lot corner, or other demarcation associated with a lot or right-of-way.
MULTI-BUILDING DEVELOPMENT	See "Development, Multi-Building."
MULTI-FAMILY DWELLING	A structure containing three or more dwelling units that are not located on individual lots. Units may be located side by side in a horizontal configuration or stacked one above the other in a vertical configuration, sharing common vertical walls or horizontal floors and ceilings. Multi-family dwellings include what are commonly called apartments, or condominium units, but not single-family attached dwellings.
MULTI-PHASE DEVELOPMENT	See "Development, Multi-Phase."
MULTI-TENANT	A single building or a single development with two or more different non-residential uses or residential dwelling units.
MULTI-USE TRAIL	A recreational trail configured for use by persons on foot, on bicycle, or by other means of locomotion. Multi-use trails do not typically include use by motorized vehicles.
MUSEUM	A building serving as a repository for a collection of natural, scientific, historical, or literary curiosities or works of art, and arranged, intended, and designed to be used by members of the public for viewing, with or without an admission charge, and which may include as an accessory use the limited retail sale of goods, services, or products such as prepared food to the public.
N	
NATIVE VEGETATION	Plants that are endemic or naturally occurring within a specified area.
NEW DEVELOPMENT	See "Development, New."
NIGHTCLUB OR DANCE HALL	Any establishment, whether public or a private club, serving a predominantly adult clientele, and whose primary business is the sale of alcoholic beverages, including beer and wine, for consumption on the premises in conjunction with dancing or live performances, and which sets a minimum age requirement for entrance. An establishment is not a nightclub if the establishment: (1) has a Class A restaurant license from the State of North Carolina; (2) maintains a full-service restaurant on its premises at all times when it is open to the public for business; or (3) provides facilities for seating not less than 40 persons simultaneously at tables for the service of meals. The establishment is also not a nightclub if the establishment allows entrance at all times to any person regardless of age.
NON-COMMERCIAL AMATEUR COMMUNICATIONS EQUIPMENT	See "Amateur Communications Equipment."

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
NONCONFORMING	See "Nonconformity."
NONCONFORMING LOT OF RECORD	<p>A lot of record that that was lawful at the date on which it was established but does not conform to the current dimensional requirements of the zoning district in which it is located.</p> <p>As used in the Watershed Protection Overlay district, a lot described by a plat or a deed that was recorded prior to the effective date of local watershed protection regulations (or their amendments) that does not meet the minimum lot size or other development requirements of the statewide watershed protection rules.</p>
NONCONFORMING SIGN	Any sign that was lawfully established but does not meet the standards of this Ordinance.
NONCONFORMING SITE (SITE FEATURE)	Parking, landscaping, exterior lighting, screening, or fences or walls located on a development site that do not comply with the minimum requirements of this Ordinance.
NONCONFORMING STRUCTURE	A structure that was lawful on the date on which it was established, but does not conform to current dimensional, elevation, location, or other requirements of this Ordinance.
NONCONFORMING USE	A use type which was lawful on the date on which it was established but is now no longer a permitted use of that lot, building, or structure under this Ordinance. A use that when established did not require a special use permit, but now requires a special use permit shall be considered a nonconforming use until special use permit approval is obtained.
NONCONFORMITY	A use, building, site, sign, or site feature that does not comply with the minimum requirements of this Ordinance or other applicable County law.
NON-POINT SOURCE POLLUTION	Sediment, nutrients, and organic substances from diffuse sources that are carried by stormwater runoff.
NON-RESIDENTIAL DEVELOPMENT	See "Development, Non-Residential."
NORTH CAROLINA ADMINISTRATIVE CODE	A set of written rules prepared by the North Carolina Department of Health and Human Services that are used to help affected parties interpret the North Carolina General Statutes.
NOTICE OF PUBLIC HEARING	The formal legal notification of a public hearing on a proposed development application. A "published notice" is one required to be printed in a newspaper of general circulation. A "mailed notice" is one delivered to specified individuals by US Mail. A "posted notice" is a sign posted on or near the property subject to the application.
NOTICE OF VIOLATION	A notice indicating a violation of this Ordinance.
NURSING / REHABILITATION CENTER	An institution that is licensed or approved to provide health care under skilled medical supervision for 24 hours a day.
NUTRIENTS	Nitrogen and phosphorus, which if present in excessive amounts within a water body, can lead to large growths of algae, low dissolved oxygen concentrations, and other water quality problems.

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
O	
OATH	The term "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in like cases the terms "swear" and "sworn" shall be equivalent to the terms "affirm" and "affirmed."
OCCUPY OR OCCUPANCY	The act, state, or condition of holding, possessing, residing, or otherwise using a premise, lot, site, building, or dwelling.
OFFICE, HIGH INTENSITY	A use, typically involving two or more persons who are engaged in the provision of business, medical, professional, or other related services to customers or clients who come to the office to receive care or services. Such uses may include a shared kitchen, lobby area, meeting rooms, and document production areas.
OFFICE, LOW INTENSITY	A use where one or more persons are engaged in the operation of a business or the provision of professional, clerical, administrative, research, or sales activities. Low intensity offices provide services and information only to a limited number of customers on the premises and are engaged primarily in activities that do not require significant amounts of face-to-face interaction or significant amounts of in-person interactions with clients, suppliers, or the public. Such uses may include a shared kitchen, lobby area, meeting rooms, and document production areas.
OFFICIAL MAPS OR PLANS	Any maps or plans officially adopted by the Edgecombe County Board of County Commissioners as a guide to the development of the Official Zoning Map.
OFFICIAL ZONING MAP	The Official Zoning Map upon which the boundaries of various zoning districts are drawn, and which is an integral part of this Ordinance.
OFF-STREET LOADING SPACE	An area provided for the purpose of loading and unloading goods or materials for use.
OFF-STREET PARKING SPACE	An area designated for the temporary storage of one vehicle.
ON-CENTER SPACING	Placement of landscape material in a regularly spaced pattern of equal distance between plants.
ONE-YEAR, 24-HOUR STORM	<p>The surface runoff resulting from a 24-hour rainfall of an intensity expected to be equaled or exceeded, on average, once in 12 months and with a duration of 24 hours.</p> <p>As used in the stormwater standards, the surface runoff resulting from a 24-hour rainfall of intensity expected to be equaled or exceeded, on average, once in 12 months with duration of 24 hours.</p>
ON-SITE WASTEWATER TREATMENT	A wastewater treatment system serving an individual lot or site.
OPAQUE	A building, structure, building material, vegetation, or other site feature that forms a solid visual barrier.

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
OPEN AIR RETAIL	A retail sales establishment operated primarily in the open air including, but not limited to, farmers market, flea markets, sidewalk kiosks and the like. Uses not included are: car sales, equipment sales, boats sales, and home and garden supplies and equipment.
OPEN SPACE	Those areas set aside and protected from development which may be left in a generally unimproved state.
OPEN SPACE SET-ASIDE	Areas of land free from buildings, structures, or encumbrances, as well as lands with buildings or structures devoted to active or passive recreational purposes.
OPEN SPACE, ACTIVE	Land set aside for the residents or a development and under common ownership that is configured for active forms of recreation. Active open space typically includes playgrounds, athletic fields and courts, and similar features devoted to movement, activity, or sports pursuits.
OPEN SPACE, PASSIVE	Open space areas designated for passive recreation uses including walking trails, pathways, gazebos, picnic areas, fountains, and similar areas. Such areas may also include undisturbed natural vegetation.
OPEN-AIR USE	A use type that does not include any habitable buildings or structures.
ORDINANCE	A legislative enactment of Edgecombe County, North Carolina.
ORNAMENTAL POOL	An outdoor impoundment or container of water or other liquid for the purposes of aesthetics.
OUTDOOR ADVERTISING	Billboards or other forms of signage as defined in Section 160D-912 of the North Carolina General Statutes.
OUTDOOR DINING OR SEATING	Outdoor areas used for gathering, seating, dining, or entertainment.
OUTDOOR DISPLAY OR SALES	The keeping of any goods, merchandise, or vehicles, in an unroofed area for marketing or sales purposes.
OUTDOOR EQUIPMENT	Mechanical equipment serving a building or structure that is located outside the building or structure. Outdoor equipment may or may not be in an area with a roof or other covering.
OUTDOOR KITCHEN	An outdoor activity area used for the preparation of food for on-site consumption.
OUTDOOR RECREATION, COMMERCIAL	A commercial establishment located entirely primarily outdoors that provides recreational, amusement, and entertainment opportunities for patrons, including activities such as: water parks, miniature golf, go cart racing, obstacle or ropes courses, zip lines, paintball, mechanical rides, and similar attractions. Outdoor commercial recreation uses may include buildings or structures that also provide indoor recreational activities.
OUTDOOR RECREATION, PUBLIC	An institutional or public establishment located outdoors and engaged in the provision of land and facilities for the purposes of recreation and leisure for the members of the general public. Such uses may include accessory structures offering concessions, providing storage, restroom facilities, or other related purposes.

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
OUTDOOR SEASONAL SALES	The temporary and seasonal sale of produce, agricultural, and seasonal products such as pumpkins, Christmas trees, mums, fireworks, and temporary farmers' markets. Outdoor seasonal sales may take place on vacant or occupied land but may not render an existing development site nonconforming in terms of compliance with the standards in Article 6. Standards .
OUTDOOR SEATING AREA	An outdoor area used primarily for gathering that includes chairs or other forms of seating. The area may also be used for the consumption of food and beverages or for recreation or entertainment.
OUTDOOR STORAGE	<p>The keeping, in an unroofed area, of any goods or materials, particularly goods and materials that have a large size, mass, or volume and are either not easily moved or carried or require a mechanical lifting device (e.g., non-bagged mulch and lumber). This use does not include a junkyard or recycling facility, vehicle fleet storage, or the display and storage of vehicles as part of an automobile sales or rental use.</p> <p>Outdoor storage may be conducted as a principal or accessory use.</p>
OUTPATIENT FACILITY	A small-scale facility where patients are admitted for examination and treatment by one or more physicians, dentists, or psychologists on a short-term basis. Patients may or may not receive care or lodging overnight, but the facility is not intended for long-term overnight care. Such facilities may include sleeping rooms for care workers and members of patient's families.
OVERLAY ZONING DISTRICT	See "Zoning District, Overlay."

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
OWNER	<p>The legal or beneficial owner of land, including but not limited to a mortgagee or vendee in possession, receiver, executor, trustee, or long-term or commercial lessee, or any other person or entity holding proprietary rights in the property or having legal power of management and control of the property. "Owner" shall include long-term commercial tenants; management entities, such as those charged with or engaged in the management of properties for profit; and every person or entity having joint ownership of the property. A secured lender not in possession of the property does not constitute an owner, unless the secured lender is included within the meaning of "owner" under another description in this definition, such as a management entity.</p> <p>As used in the stormwater standards, the legal or beneficial owner of land, including but not limited to a mortgagee or vendee in possession, receiver, executor, trustee, long-term or commercial lessee, or any other person or entity holding proprietary rights in the property or having legal power of management and control of the property. "Owner" shall include long-term commercial tenants; management entities, such as those charged with or engaged in the management of properties for profit; and every person or entity having joint ownership of the property. A secured lender not in possession of the property does not constitute an owner, unless the secured lender is included within the meaning of "owner" under another description in this definition, such as management entity.</p>
OWNERS' ASSOCIATION	<p>An organization of homeowners or property owners of lots or land in a particular subdivision, condominium, or planned development. The owners' association is responsible for maintaining and enhancing the shared private infrastructure (e.g., stormwater, streets, and sidewalks) and common elements such as recreation areas.</p>
P	
PACKAGING AND SHIPPING	<p>A commercial establishment providing printing, faxing, copying, document binding, photographic processing, packing, mailbox, mailing, and related services. Printing, document production, and processing services may be provided either on- or off-site. Such uses may also provide computer terminals, copiers, and similar equipment for self-service use by customers.</p>
PARAPET	<p>A low wall along the edge of flat or low-pitched roof.</p>
PARENT ENTITY	<p>An affiliate that directly, or indirectly through one or more intermediaries, controls another person.</p>
PARENT PARCEL	<p>A tract of land further subdivided into one or more additional lots.</p>
PARK OR PLAYGROUND	<p>Land used for recreation, exercise, sports, education, rehabilitation, or similar activities, or a land area intended to enhance the enjoyment of natural features or natural beauty, specifically excluding commercially operated amusement parks.</p>
PARKING AREA	<p>See "Off-Street Parking Space."</p>
PARKING LOT LANDSCAPING	<p>Required landscaping material located within and surrounding a surface off-street parking area.</p>

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
PARKING, OFF-SITE	Off-street parking facilities located on a different lot or site than the use served.
PARKING, SHARED	Off-street parking spaces that are shared or used by two or more different use types with differing patterns of use through the day or the week.
PARKING-RELATED USE	A use of land devoted to the temporary off-street parking of vehicles, including vehicular ingress and egress, parking aisles, internal travel ways, fire lanes, and other areas dedicated to vehicular use, but not necessarily including vehicular storage areas.
PARKLAND	Land dedicated to the County for use as a public park.
PATIO (COVERED OR UNCOVERED)	A paved outdoor area used for the purposes of gathering, seating, dining, or recreation. A patio may be covered or uncovered but does not include permanent walls.
PENALTY	Punishment for violation of a law or rule.
PENNANT	A lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.
PERENNIAL STREAM	A well-defined channel that contains water year-round during a year with normal rainfall. Ground- water is the primary source of water, but they also carry stormwater. They exhibit the typical biological, hydrological, and physical characteristics commonly associated with the continuous conveyance of water. These features are regulated by NC DWR and typically regulated by the U.S. Army Corps of Engineers.
PERFORMANCE GUARANTEE	Cash or other guarantee provided by an applicant in-lieu of completion of public infrastructure or installation of required private site features prior to issuance of a building permit or other development approval.
PERIMETER BUFFER	See "Buffer, Perimeter."
PERIMETER SETBACK	See "Setback, Perimeter."
PERMIT	The approval document allowing land disturbing activities to be initiated. A project may be developed in phases with separate permits for each phase.
PERSON	Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, or other legal entity.
PERSON CONDUCTING LAND-DISTURBING ACTIVITY	Any person who may be held responsible for a violation unless expressly provided otherwise by the erosion and sedimentation control regulations of this Ordinance.
PERVIOUS SURFACE	Any land surface not effectively covered by impervious surface, in which rainfall and stormwater runoff can naturally infiltrate.
PETTING ZOO	A commercial establishment engaged in the keeping of farm animals, docile wild animals, or gentle exotic animals that are made available for persons to pet and feed while at the establishment.

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
PHARMACY	A commercial establishment engaged in the storage, preparation, and sale of drugs and other medications to customers at retail. Pharmacy uses may also offer a wide variety of food, household goods, or other personal products for sale. A pharmacy may also incorporate a medical technician who provides on-site medical assistance and counselling to patrons. Pharmacies that exceed the floor area thresholds for large format retail uses shall be considered as a large format retail use.
PHASE	The discrete portion of a proposed development.
PICK-YOUR-OWN ESTABLISHMENT	An agricultural establishment with row, tree, or field crops that allows members of the public to come on-site and select produce for off-site consumption.
PILASTER	A rectangular column with a capital and base that is attached or affixed to a wall as an ornamental design feature.
PLAN, ALTERNATIVE LANDSCAPE	A document prepared by an applicant's representative that proposes an alternative means of compliance with the standards in Section §6.5Landscaping and Screening .
PLAN, ALTERNATIVE PARKING	A document prepared by an applicant's representative that proposes an alternative means of compliance with the standards in Section §6.8, Parking and Loading .
PLAN, AS-BUILT	A set of engineering or site drawings that delineate the specific permitted development like forms of public infrastructure, as actually constructed.
PLAN, CONCEPT	A generalized or conceptual plan for development intended solely for illustrative purposes to assist a review authority in its consideration of a proposed development. A concept plan may, but does not necessarily need to include, the detailed elements typically found in a site plan (for example, detailed locations of buildings, location of off-street parking, location of landscaping, etc.).
PLAN, CONSTRUCTION	Drawing and specifications prepared by a qualified person showing buildings, structures, utilities, infrastructures, and site configuration aspects associated with development. Construction plans are most commonly associated with infrastructure such as streets, water, sewer, stormwater management, or drainage facilities.
PLAN, LANDSCAPE	A plan illustrating the design and specifications for the preservation of existing vegetation; the placement of any live plant materials such as trees, shrubs, grasses, ground covers, etc.; and the location and design of built features such as berms, fencing, walls, etc.
PLAN, LIGHTING	A graphic deposition of proposed exterior lighting fixture locations, height, anticipated luminance, and cones of illumination.
PLAN, MASTER	A conceptual plan associated with an application to establish a planned development district that sets out the general location, type, and configuration of proposed development within the district.

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
PLAN, PARKING	A plan or diagram prepared by an applicant for development that depicts the required and provided number of parking spaces (if different from the required number of parking spaces). The plan also shows points of vehicular ingress and egress, drive aisles, the locations of parking lot landscaping islands, pedestrian circulation features, and off-street loading facilities.
PLAN, PLOT	A simple plan or sketch that may or may not be prepared by a professional that denotes the proposed development of a site. A plot plan is prepared to scale.
PLAN, SITE	A scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include, but is not limited to, site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, and stormwater control facilities, that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review.
PLANNED DEVELOPMENT	See "Development, Planned."
PLANNING JURISDICTION	The land area subject to this Ordinance, excluding land area within corporate limits or extra-territorial jurisdictions, land subject to a pending application for voluntary annexation, or any land subject to an agreement between the County and other governmental entity that extends planning control to that governmental entity.
PLANTING BOXES/PLANTERS	An accessory structure used for the planting and propagation of vegetation used to meet the landscaping or design requirements of this Ordinance.
PLANTING STRIP	A linear area of pervious surface used for the planting of street trees. Planting strips are typically located within a street right-of-way.
PLAT	<p>A map or plan of a parcel of land which is to be or has been subdivided.</p> <p>As used in the Watershed Protection Overlay district, a map or plan of a parcel of land which is to be or has been subdivided.</p>
PLAY EQUIPMENT	Accessory structures devoted to recreation by children.
PLOT PLAN	See "Plan, Plot."
POCKET NEIGHBORHOOD	A cohesive development of at least four but no more than 12 single-family detached dwellings, each on their own lot, located around a common open space and served by either on-street, on-site, or shared off-street parking. Each home fronts the common open space and is configured with a front porch and windows on the front facade.
POINT SOURCE POLLUTION	A single identifiable source of sediment, nutrients, or organic substances that are carried by stormwater runoff.
PORCH	An exterior appendage to a building or structure that serves an entrance or exit. Porches may be covered or uncovered but shall not include permanent walls.

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
PORTABLE STORAGE CONTAINER	A moveable container intended for storage of personal property, waste, or debris, that is brought to a site on a temporary basis.
POST OFFICE	An office or station of a government postal system at which mail is received and sorted, from which it is dispatched and distributed, and at which stamps are sold or other services rendered.
PRE-APPLICATION CONFERENCE	A meeting or conference conducted by a potential applicant for a permit or development approval and County staff for the purposes of discussing a potential application or County rules regarding development.
PRIMARY BUILDING ENTRANCE	The place of ingress and egress to a building, parcel, or development used most frequently by the public.
PRIMARY BUILDING FAÇADE	The architectural front wall (façade) of the building that faces the street from which the building is addressed.
PRINCIPAL BUILDING	The building or structure housing the main or dominant use type or activity on the lot. A development may have more than one principal building.
PRINCIPAL USE	See "Use, Principal."
PRIVATE CLUB	A building and related facilities owned and operated by a corporation, association, or group of individuals established for fraternal, social, educational, recreational, or cultural enrichment of its members and primarily not for profit, and whose members meet certain prescribed qualifications for membership and pay dues.
PRIVATE COMMON INFRASTRUCTURE	Infrastructure or facilities such as streets, water, sewer, stormwater management, open space, streetlights, or street signs that are owned and maintained by a private owners' association.
PRIVATE STREET (ROAD)	See "Street, Private."
PRODUCE STAND	A building or structure used for the retail sales of fresh fruits, vegetables, flowers, herbs or plants grown on the same parcel of land where the stand is located. Such use may also involve the accessory sales of other unprocessed foodstuffs, home processed food products such as jams, jellies, pickles, sauces or baked goods, and homemade handicrafts. No commercially packaged handicrafts or commercially processed or packaged foodstuffs shall be sold. Such uses also include "pick your own" establishments where customers gather their own produce from the fields for purchase and off-site consumption.
PROFESSIONAL ARBORIST	See "Certified Arborist."
PROFESSIONAL ENGINEER	An expert knowledgeable in civil engineering, architecture, traffic management, stormwater management, or construction licensed by the State of North Carolina to provide design and construction services for development.
PROFESSIONAL LAND SURVEYOR	An expert knowledgeable in the delineation and demarcation of lot lines, land ownership, grading, and similar aspects licensed by the State of North Carolina to provide design and construction services for development.

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
PROFESSIONAL LANDSCAPE ARCHITECT	An expert knowledgeable in plants, planting techniques stormwater management, outdoor structural design, and similar aspects licensed by the State of North Carolina to provide design and construction services for development.
PUBLIC HEARING	A hearing conducted by a review authority for the purpose of allowing interested members of the public to provide testimony or evidence for the review authority to consider in deciding an application under this Ordinance. A public hearing is required to be publicly noticed prior to conducting the hearing.
PUBLIC INFRASTRUCTURE	Infrastructure (such as potable water lines, sanitary sewer lines, streets, storm drainage, sidewalks, trails, etc.) and related facilities or appurtenances that are owned by the public and intended for use by the public.
PUBLIC MEETING	A meeting conducted by a review authority for the consideration of a development application submitted under this Ordinance that is open to any member of the public to attend. A public meeting is not subject to public notification requirements.
PUBLIC OR COMMUNITY SEWAGE DISPOSAL SYSTEM	A sanitary sewage disposal system, regulated by the Division of Environmental Management, North Carolina Department of Natural and Economic Resources, with 3,000 gallons or more design capacity and/or whose effluent is discharged to surface water.
PUBLIC OR COMMUNITY WATER SUPPLY SYSTEM	A system serving more than one residences or businesses or combination of residences and businesses, including municipal and sanitary district water systems as well as water systems designed to serve particular subdivisions at full development constructed to specifications approved by the Division of Health Services, North Carolina Department of Human Resources.
PUBLIC PARK	Land used for recreation, exercise, sports, education, rehabilitation, or similar activities, or a land area intended to enhance the enjoyment of natural features or natural beauty, specifically excluding commercially operated amusement parks.
PUBLIC UTILITIES	Infrastructure services providing regional or community-wide service that normally entail the construction of new buildings or structures such as water towers, waste treatment plants, potable water treatment plants, natural gas citygates, and solid waste facilities.
PUBLIC UTILITIES, MAJOR	Infrastructure services providing regional or community-wide service that normally entail the construction of new buildings or structures such as water towers, waste treatment plants, potable water treatment plants, natural gas citygates, and solid waste facilities.
PUBLIC UTILITIES, MINOR	Infrastructure services that need to be located in or near the neighborhood or use type where the service is provided. Examples of minor utilities include water and sewage pump stations, storm water retention and detention facilities, telephone exchanges, distribution-level electrical substations, and surface transportation stops such as bus stops and park-and-ride facilities.
Q	

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
QUASI-JUDICIAL DECISION	A decision by an elected or appointed body that applies previously established policies. Examples include decisions on appeals and variances.
QUASI-JUDICIAL PUBLIC HEARING	A formal public hearing involving the legal rights of specific parties conducted by the Board of Commissioners or the Board of Adjustment based on evidence and sworn testimony presented during the public hearing. Decisions made during such hearings are based upon and supported by the record developed at the hearing, and typically involve findings of fact made by review authority.
QUORUM	The minimum number of review authority members that must be present in order to conduct official business or take official action.
R	
RAIL YARD	A commercial use engaged in the operation of rail transportation and associated uses.
REASONABLE ACCOMMODATION	Any change or adjustment to a provision of this Ordinance or condition of approval that would allow an individual with a disability to enjoy equal access to a dwelling, structure or site that is available to other individuals.
RECOMBINATION	The consolidation or shifting of lot lines between two or more parcels.
RECORDATION	Filing a plat or paperwork associated with a subdivision or other form of development at the Henderson County Register of Deeds to ensure the documents are available for public inspection in perpetuity.
RECREATIONAL VEHICLE (RV)	A vehicle, which is: <ul style="list-style-type: none">• Built on a single chassis;• 400 square feet or less when measured at the largest horizontal projection;• Designed to be self-propelled or permanently towable by a light duty truck; and• Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.
RECREATIONAL VEHICLE PARK	A commercial establishment offering individual spaces or “sites” for short term rental to owners or operators of recreational vehicles. Such uses typically have shared or common restroom, showering, and laundry facilities, and may also include recreational features and incidental sale of food, travel supplies, and recreational vehicle equipment. Rental of an individual site for a period of more than three continuous months or uses that allow vehicles to be modified in ways that result in permanent, non-mobile structures are considered mobile home parks.
RECYCLING CENTER	A facility engaged solely in the storage, processing, resale, or reuse of recyclable and recovered materials.
RECYCLING CONTAINER	A bin or container used solely for the temporary storage of recyclables prior to collection and transport off-site for processing.

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
REDEVELOPMENT	<p>Development activity associated with an existing building, structure, or use of land that includes:</p> <ul style="list-style-type: none">• Demolition of all or a portion of a principal or accessory building;• Reconstruction of an existing building or structure following demolition;• Expansion, enlargement, extension, or addition to or removal of existing floor area;• Addition or enlargement of outdoor use area or activities; or• Changes to site configuration involving the addition of impervious surface area. <p>As used in the stormwater standards, any rebuilding activity other than a rebuilding activity that results in no net increase in built-upon area and provides equal or greater stormwater control than the previous development.</p>
REFUSE COLLECTION CONTAINER	<p>A bin or container used solely for the temporary storage of waste products prior to collection and transport off-site for deposition or processing.</p>
RELIGIOUS INSTITUTION	<p>Any facility such as a church, temple, monastery, synagogues, or mosque used for worship by a non-profit organization and their customary related uses for education (pre-schools, religious education, etc.), recreation (gymnasiums, activity rooms, ball fields, etc.), housing (rectory, parsonage, elderly or disabled housing, etc.) and accessory uses such as cemeteries, mausoleums, offices, soup kitchens, and bookstores.</p>
REMEDIATION	<p>Actions necessary on land with geologic hazards or steep slopes that will enable the construction of a building or other development in a manner that is safe and that not result in further degradation of environmental conditions or public safety.</p>
REMEDY	<p>The manner in which a right or law is enforced or satisfied when a violation of this Ordinance or related law has occurred.</p>
REMEDY A VIOLATION	<p>An act to bring the structure or other development into compliance with State or community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impact may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this section or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.</p>

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
REMODELING	<p>Development activity associated with an existing building, structure, or use of land that includes:</p> <ul style="list-style-type: none">- Replacement or upgrade of existing fixtures, fittings, or surfacing materials;- Refurbishment of internal systems or equipment;- Installation of new features such as doorways, windows, or habitable space within the existing footprint and floorplate;- Cosmetic changes to existing buildings or structures without any changes to existing footprint or floorplate; or- Enhancement of existing site features without the addition of new impervious surface area. <p>For the purposes of this Ordinance, “renovation” or “expansion” includes the construction of new floor area (principal or accessory) that extends the building’s footprint or floorplate.</p>
REPAIR SHOP	<p>An establishment primarily engaged in the provision of repair services for electronics, bicycles, clocks, watches, shoes, guns, canvas products, appliances, and office equipment; including tailor; locksmith; and upholsterer. Repair establishments do not include outdoor storage of goods, materials, or equipment. Repair of cars, trucks, or similar heavy equipment is a vehicle-related establishment.</p>
REPLACEMENT COST/VALUE	<p>The actual cost, in current dollars, including labor and related charges, for the replacement of a building, structure, or other site feature.</p>
REQUIRED LANDSCAPING AREA	<p>The portion of a lot or site that must include new or existing vegetation as required by Section §6.5, Landscaping and Screening.</p>
REQUIRED YARD	<p>The land area located between a lot line and the boundary of a required setback.</p>
RESEARCH AND DEVELOPMENT	<p>A business that engages in research, or research and development, of innovative ideas in technology-intensive fields. Examples include research and development of prototypical devices as well as the creation and testing of drugs and compounds, vehicles, equipment, and industrial processes.</p>
RESERVATION	<p>An obligation, shown on a subdivision or site plan, to keep land free from development and available for public acquisition for a stated period of time.</p>
RESERVE AREA	<p>An area on a lot or site that is reserved or set aside for future use as part of an on-site wastewater treatment system in cases when the current on-site treatment system fails or needs to be upgraded.</p>
RESERVE FUND	<p>A bank account containing reserve funds for the purpose of maintaining commonly held land, infrastructure, or facilities.</p>
RESERVE STRIPS	<p>Strips of land that are not developed as a means of limiting or preventing vehicular access.</p>
RESIDENTIAL DEVELOPMENT	<p>See “Development, Residential.”</p>

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
RESIDENTIAL TREATMENT FACILITY	Inpatient facility which provides care for persons with drug and/or alcohol dependency problems and which may include outpatient follow-up care to the facility's patients.
RESTAURANT	An establishment where meals or prepared food, including beverages and confections, are served to customers for consumption on or off the premises. Seating for patrons consuming products on site are located either indoors or outdoors, and the use does not provide drive-through service. Such uses may include a bar or cocktail lounge as an accessory use.
RETAIL, HIGH INTENSITY	Commercial establishments engaged in the retail sale of goods and services at high volumes or in large buildings with significant amounts of traffic to and from the use during operating hours. High intensity retail includes home improvement stores, department stores, single tenant uses in buildings of 40,000 square feet in size or more or that generate 500 or more daily vehicle trips.
RETAIL, LOW INTENSITY	Commercial establishments engaged in the retail sale of goods and services at low or moderate volumes of customers generating fewer than 500 vehicle trips per day or in buildings less than 40,000 square feet in area.
RETAIL, MICRO	Small-scale commercial operations employing two or fewer people on a shift in an establishment of 1,000 square feet or less. A micro-retail use may share building floor area with other residential or non-residential uses.
RETAINING WALL	See "Wall, Retaining."
RETENTION POND	A stormwater control measure consisting of a depression in the land that is designed to capture runoff from a design storm and release it gradually over a specified period of time via a properly designed outlet structure.
REVERSE FRONTAGE LOT	See "Lot, Reverse Frontage."
REVIEW AUTHORITY	The Zoning Administrator, Planning Director, Planning Board, Board of Adjustment, or Board of County Commissioners, as appropriate.
RIGHT-OF-WAY	Property located within and adjoining the streets, roads and highways within the County, which rights-of-way are owned or otherwise maintained by the State.
RIP RAP	The random or specific placement of rock or fieldstone along drainage channels, stormwater inlets or outfalls, streams, or other areas subject to accelerated erosion where vegetation or geotextile measures are insufficient to prevent erosion and sedimentation.
RIPARIAN BUFFER	See "Buffer, Riparian."
ROOF EAVE OR OVERHANG	The edge of a roof or upper building story projecting outwards past the primary façade plane of a building.
ROUTINE MAINTENANCE	See "Maintenance, Routine."
S	

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
SALVAGE AND JUNKYARD	An establishment where junk, waste, discarded, salvaged, or similar materials such as old metals, wood, slush, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, and the like, are brought, sold, exchanged, baled, packed, disassembled, stored, or handled, including used lumber and building material yards, housewrecking yards, heavy equipment wrecking yards, and yards or places where salvaged house wrecking or structural steel materials are stored, handled, and sold. This definition includes automobile wrecking or automobile wrecking yards and establishments for the sale, purchase, or storage of second-hand cars, clothing, salvaged machinery, furniture, radios, stoves, refrigerators, or similar household goods and appliances, all of which shall be usable, nor shall it apply to the processing of used, discarded, or salvaged materials incident to manufacturing activity on the same site where such processing occurs.
SATELLITE DISH ANTENNA	See "Dish Antenna."
SCHOOL, ELEMENTARY, MIDDLE, OR HIGH	A public or private school offering general, technical, or alternative instruction at the elementary, middle, and/or high school levels that operates in buildings or structures or on premises on land leased or owned by the educational institution for administrative purposes. Such uses include classrooms, vocational training (including that of an industrial nature for instructional purposes only), laboratories, auditoriums, libraries, cafeterias, after school care, athletic facilities, dormitories, and other facilities that further the educational mission of the institution.
SCHOOL, VOCATIONAL	An educational institution providing secondary or post-secondary education designed to provide vocational education, or technical skills required to perform the tasks of a particular and specific job or trade.
SECONDARY BUILDING OR STRUCTURE	A use or structure that is clearly incidental to and customarily found in connection with a principal building or use, is located on the same parcel and serves a principal building or use, and is subordinate in area, extent and purpose to the principal building or principal use served.
SEDIMENT	The solids particulate matter both mineral and organic that has been or is being transported by water, air, gravity or ice from its site of origin.
SEDIMENT POLLUTION CONTROL ACT (SPCA ACT)	North Carolina Sediment Pollution Control Act of 1973 and all rules and orders adopted pursuant to it.
SEDIMENTATION	The process by which sediment resulting from accelerated erosion has been or is being transported off the site of the land-disturbing activity or into a lake or natural watercourse.
SEMI-OPAQUE	A building, structure, building material, vegetation, or other site feature partially obscures visibility from one location to another.
SETBACK	See Section 8.3.5, Setbacks.
SETBACK (MINIMUM)	A line parallel to a lot line in front of which no principal structure shall be erected.

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
SETBACK, PERIMETER	See Section 8.3.5, Setbacks.
SETBACK, REAR	See Section 8.3.5, Setbacks.
SETBACK, SIDE	See Section 8.3.5, Setbacks.
SETBACK, STREET	See Section 8.3.5, Setbacks.
SEVERE PRUNING	The pruning, cutting, or otherwise damaging of the natural form of a tree or shrub, whether existing or planted, such that a significant or noticeable portion of the crown system is removed (e.g., 25 percent of the crown removed from a tree, or the continued cutting/trimming of trees previously pruned illegally, or pruning of trees that must grow naturally to meet the landscaping requirements), and/or if more than 1/3 of the overall circumference of a tree is exposed by pruning cuts.
SEXUALLY-ORIENTED BUSINESS	<p>A business which offers its customers or patrons any device, activity, or demonstration depicting specified sexual activities, or which is intended to appeal to sexual interests, titillation, or arousal of the customer or patron. A sexually-oriented business shall include an adult establishment as defined in Section 14-202.10(2) of the North Carolina General Statutes and without limitation: an adult arcade; adult bookstore or video store; adult cabaret; adult massage parlor; adult motion picture theater; adult theater; nude model studio; sexual encounter studio; or any combination of the foregoing. Any business that is not explicitly listed and defined below is not to be considered for a special use permit. As used in this Ordinance, the following definitions shall apply.</p> <p>(1) ADULT ARCADE or PEEPSHOW. Any place to which the public is permitted or invited, wherein coin-operated or token-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to persons in booths or viewing rooms where the images so displayed depict or describe specified sexual activities and/or specified anatomical areas. Booths or viewing rooms shall not be completely enclosed to prevent management from viewing clientele.</p> <p>(2) ADULT BOOKSTORE or ADULT VIDEO STORE. A commercial establishment which receives the majority of its gross income during any calendar month from the sale or rental of any one or more of the following or has a preponderance of its inventory consisting of:</p> <p>(a) Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations that depict or describe specified sexual activities and/or specified anatomical areas;</p> <p>(b) Video games or computer programs that depict any sexual activity in a digital or other similar imaging media format; or</p> <p>(c) Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.</p>

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
SEXUALLY-ORIENTED BUSINESS (CONTINUED)	<p>3) ADULT CABARET. A nightclub, bar, restaurant, or other commercial establishment that regularly features, exhibits, or displays as one of its business purposes:</p> <ul style="list-style-type: none">(a) Persons who appear nude or semi-nude;(b) Live performances which are characterized by the exposure of specified anatomical areas and/or specified sexual activities;(c) Films, motion pictures, video cassettes, slides, or other photographic reproductions which depict or describe specified sexual activities and/or specified anatomical areas; or(d) Persons who engage in lewd, lascivious, or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers. <p>(4) ADULT MASSAGE PARLOR. A commercial establishment where, for any form of consideration, massage, alcohol rub, fomentation, electrical or magnetic treatment, or similar treatment or manipulation of the human body is administered. This definition does not include the practice of a North Carolina licensed professional nor an athletic club, physical fitness center, school, gymnasium, reducing salon, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.</p> <p>(5) ADULT MOTION PICTURE THEATER. Commercial establishments where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions that depict or describe specified sexual activities or specified anatomical areas are regularly shown as one of its principal business purposes.</p> <p>(6) ADULT THEATER. A theater, concert hall, auditorium, or similar commercial establishment which regularly features exhibits or displays as one of its principal business purposes, persons who appear in a state of nudity or semi-nude, or live performances that expose or depict specified anatomical areas and/or specified sexual activities.</p> <p>(7) NUDE or STATE OF NUDITY. The showing of human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.</p>

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
SEXUALLY- ORIENTED BUSINESS (CONTINUED)	(8) NUDE MODEL STUDIO. Any place that allows, permits, or makes available a person who appears nude, semi-nude, or who displays specified anatomical areas for the purpose of being observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any other form of consideration. Nude model studio shall not include a proprietary school licensed by the State of North Carolina or a college, junior college, or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:
	(a) That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing;
	(b) Where in order to participate in a class a student must enroll at least three days in advance of the class; and
	(c) Where no more than one nude or semi-nude model is on the premises at any one time.
	(9) SEMI-NUDE. The showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed in whole or in part.
	(10) SEXUAL ENCOUNTER CENTER. A business or commercial enterprise that, as one of its business purposes, offers for any form of consideration, physical contact in the form of wrestling or tumbling between persons of the opposite sex, or activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.
	(11) SPECIFIED ANATOMICAL AREAS. Includes any of the following. (a) Less than completely and opaquely covered:
	1. Human genitals, pubic region;
	2. Buttock; or
	3. Female breast below a point immediately above the top of the areola.
	(b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
SEXUALLY-ORIENTED BUSINESS (CONTINUED)	(12) SPECIFIED SEXUAL ACTIVITIES. Includes any of the following: (a) Human genitals in a state of sexual stimulation, arousal, or tumescence; (b) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; (c) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; (d) Masturbation, actual or simulated; (e) Masochism, erotic or sexually-oriented torture, beating, or the infliction of pain; (f) Erotic or lewd touching, fondling, or other contact with an animal by a human being; or (g) Human excretion, urination, menstruation, or vaginal or anal irrigation.
SHIELDING (SHIELDED)	A light fixture constructed and installed in such a manner that all light emitted by it, either directly from the lamp (bulb) or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal plane of the fixture.
SHOOTING RANGE, INDOOR	A commercial establishment providing a location for patrons to discharge firearms in an indoor setting. Such uses may also include limited facilities for the repair of firearms or ammunition sales for on-site consumption.
SHOOTING RANGE, OUTDOOR	A commercial establishment providing a location for patrons to discharge firearms in an outdoor setting in a safe manner that will not endanger nearby lands. Such uses may also include limited facilities for the repair of firearms or ammunition sales for on-site consumption.
SHOPPING CENTER	A development with more than one tenant on one or more lots where the majority of uses are engaged in the provision of retail sales or personal services.
SHRUB	A woody plant, smaller than a tree, consisting of several small stems emerging from the ground, or small branches near the ground. Shrubs may be deciduous or evergreen.
SHRUB, EVERGREEN	A shrub that retains the majority of its leaves or needles throughout the year.
SIDEWALK	A paved area public right-of-way running parallel to the street for the purposes of pedestrian travel and to facilitate pedestrian access to adjacent streets and land.
SIGHT DISTANCE TRIANGLE	The triangular area formed by a diagonal line connecting two points located at designated locations on intersecting right-of-way lines or a right-of-way line and the curb or a driveway.
SIGN	Any words, lettering, numerals, parts of letters or numerals, figures, phrases, sentences, emblems, devices, designs, trade names or trademarks by which any message is made known, including any surface, fabric or other material or structure designed to carry such devices that are used to designate or attract attention to an individual, a firm, an event, an association, a corporation, a profession, a business or a commodity or product that are exposed to public view.

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
SIGN CABINET	A metal enclosure housing sign face displays and methods of internal illumination, when provided.
SIGN FACE AREA	The portion of sign that contains the message being conveyed.
SIGN HEIGHT	The height to the tallest point of a sign structure.
SIGN SUPPORT STRUCTURE	The framework and structural support for a sign.
SIGN, AWNING	See Section 6.10.7, Sign Standards by Sign Type.
SIGN, BLINKING	A sign with copy that flashes, blinks, scrolls, or twirls.
SIGN, BOW	A feather flag sign with an elongated mounting post that curves at the top to form a circular shape within which the sign material is mounted.
SIGN, CANOPY	See Section 6.10.7, Sign Standards by Sign Type.
SIGN, CONSTRUCTION	A sign identifying the architects, engineers, contractors and other individuals or firms involved with the construction of a building. The name of the building, the purpose of the building, and the expected completion date may be specified.
SIGN, DEVELOPMENT	See Section 6.10.7, Sign Standards by Sign Type.
SIGN, DILAPIDATED	A sign that is old or that has been poorly maintained that poses a public safety hazard or is difficult to read.
SIGN, ELECTRONIC DISPLAY	A sign, or portion thereof that displays electronic, non-pictorial, or text information that may or may not change. Sign content is displayed by light emitting diodes (LED's), fiber optics, light bulbs, or other illumination devices arranged in a matrix within the display area.
SIGN, FENCE WRAP	A temporary sign affixed to fencing surrounding an active construction site.
SIGN, FREESTANDING	See "Sign, Pole."
SIGN, GOVERNMENTAL	Any temporary or permanent sign erected and maintained for any government purposes.
SIGN, GROUND	See Section 6.10.7, Sign Standards by Sign Type.
SIGN, INCIDENTAL	See Section 6.10.7, Sign Standards by Sign Type.
SIGN, POLE	See Section 6.10.7, Sign Standards by Sign Type.
SIGN, POLITICAL	See Section 6.10.7, Sign Standards by Sign Type.
SIGN, ROOF	A sign on the roof or above the parapet of a building.
SIGN, STREET	A sign displaying the official name of a street.
SIGN, TEMPORARY	See Section 6.10.7, Sign Standards by Sign Type.
SIGN, TRAFFIC	An official sign that conveys information or instructions to persons operating motor vehicles, bicycles, or walking.
SIGN, WALL	See Section 6.10.7, Sign Standards by Sign Type.
SIGN, WINDOW	See Section 6.10.7, Sign Standards by Sign Type.
SILVICULTURE	An agricultural use engaged in the production of trees, timber, and wood pulp.
SIMPLE MAJORITY	More than half of the voting members of a review authority deciding an application under this Ordinance.

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
SINGLE-FAMILY ATTACHED DWELLING	A dwelling unit that is physically attached to one or more other dwelling units, each on its own lot. Individual lots may or may not be surrounded by a larger tract that incorporates shared parking, recreation features, or access. The larger tract may or may not be owned in common by the landowners of individual lots.
SINGLE-FAMILY DETACHED DWELLING	A dwelling containing one principal dwelling unit meeting the minimum size requirements in the North Carolina Building Code that is occupied by one family and that is not physically attached to any other principal structure on an individual lot. For regulatory purposes, this term does not include manufactured dwellings, mobile homes, or recreational vehicles. An accessory dwelling unit may be within, attached to, or on the same lot as a single-family detached home.
SITE PLAN	See "Plan, Site."
SITE SKETCH	See "Plan, Plot."
SMALL WIRELESS FACILITY	See "Wireless Communications Facility, Small."
SOLAR ENERGY CONVERSION, LEVEL 1 (Amended 5-2-22 UDOTA 1-22)	A system consisting of solar panels, modules, and related equipment (e.g., heat exchanger, pipes, inverter, wiring, storage) that collects solar radiation and transfers it as heat to a carrier fluid for use in hot water heating or space heating and cooling, and/or that collects solar energy and converts it into electricity. Level 1 solar energy conversion uses are secondary uses serving a principal use on the same lot and is an energy system is designed to primarily meet on-site demands (but may include transfer of excess electricity to an electric utility grid) and components are typically mounted on the roof(s) of principal or secondary structures, but may also be mounted on the ground.
SOLAR ENERGY CONVERSION, LEVEL 2 (Amended 5-2-22 UDOTA 1-22)	A system consisting of solar panels, modules, and related equipment that collects solar radiation and converts it into electricity for use on site and in other sites. Level 2 solar energy conversion uses are industrial-scale principal uses devoted to collecting solar energy scale for conversion to electricity, and subsequent use in another location. Level 2 solar energy conversion uses are located on lots or sites of less than 10 acres in area.
SOLAR ENERGY CONVERSION, LEVEL 3 (Amended 5-2-22 UDOTA 1-22)	A system consisting of solar panels, modules, and related equipment that collects solar radiation and converts it into electricity for use on site and in other sites. Level 3 solar energy conversion uses are industrial-scale principal uses devoted to collecting solar energy scale for conversion to electricity, and subsequent use in another location. Level 3 solar energy conversion uses are located on lots or sites of 10 acres or more in area.
SPECIAL EVENT	Temporary activities or events conducted by civic, philanthropic, educational, or religious organizations, or activities of a business or organization that is not part of its daily activities and are open to the public. Such activities include, but are not limited to, closeout sales, grand openings, fundraising or membership drives, carnivals, fairs, circuses, and tent revivals.

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
SPECIAL USE PERMIT	A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with any applicable specific standards.
SPIRE	A tapering, conical, or pyramidal structure on the top of a building, typically a church tower.
STABILIZATION	The process of restoring a site with ground cover or armor to resist soil erosion from the forces of air, wind, or water.
STACKING SPACE	A portion of the vehicular use area on a site that is dedicated to the temporary storage or “standing” of vehicles engaged in drive-through use of the site or development.
STANDING	The legal right or authority to initiate or participate in legal proceedings based upon a sufficient level of connection or potential harm from a decision or activity.
STATE BUILDING CODE	A series of ordinances enacted by North Carolina that establish the minimum requirements that must be met in the construction and maintenance of buildings for the purpose of safety and sanitation.
STATEMENT OF CONSENT	A statement signed by the landowner of a single-family detached, attached, or duplex dwelling development that records the landowner’s willingness to voluntarily comply with the single-family and duplex design guidelines in this Ordinance.
STEEPLE	See “Spire.”
STOP WORK ORDER	An order issued by the County to a landowner or developer to cease and desist all land-disturbing or development activity on a site pending resolution of a problem or conflict.
STORAGE-RELATED USE	A commercial establishment that offers storage facilities, whether indoors or outdoors, for short or long-term rent.
STORM DRAINAGE FACILITIES	The system of inlets, conduits, channels, ditches, and appurtenances which serve to collect and convey stormwater through and from a given drainage area.
STORMWATER BEST MANAGEMENT PRACTICE MANUAL	The Stormwater Best Management Practice Manual approved for use in Phase II jurisdictions by the N.C. Division of Water Resources and certified by this jurisdiction is at least as stringent as the Stormwater Best Management Practice Manual approved for use in Phase II jurisdictions the proper implementation of the requirements of the federal Phase II stormwater program. All references herein to the Stormwater Best Management Practice Manual are to the latest published edition or revision.

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
STORMWATER COLLECTION SYSTEM	As used in the Watershed Protection Overlay district, any conduit, pipe, channel, curb, or gutter for the primary purpose of transporting (not treating) runoff. Such system does not include vegetated swales, swales stabilized with armoring, and/or alternative methods where natural topography prevents the use of vegetated swales, subject to case-by-case review, curb outlet systems, or pipes used to carry drainage underneath built-upon surfaces that are associated with development controlled by the provisions of 15A NCAC 2H .1003 c 1.
STORMWATER CONVEYANCE SYSTEM OR STRUCTURE	Any feature, natural or manmade, that collects and transports stormwater, including but not limited to roadways with collection systems, catch basins, manmade and natural channels, streams, pipes and culverts, and any other structure or system designed to transport runoff.
STORMWATER MANAGEMENT DEVICE/CONTROL MEASURE	A structure or facility intended to control stormwater runoff on an individual lot or development site.
STORMWATER RUNOFF	The surface flow of water resulting from precipitation in any form and occurring immediately after rainfall or melting.
STREAM	An intermittent or perennial surface water subject to US Army Corps of Engineers (Corps) and/or NC Division of Water Resources (DWR) 404/401 jurisdiction. To confirm jurisdictional status, a formal Corps and/or DWQ response is required (e.g., Jurisdictional Determination).
STREAM CLASSIFICATION	The existing or contemplated best usage of streams, pursuant to 15A NCAC 02B .0300, and/or subsequent clarifications, modifications, and addenda.
STREAMER	See "Pennant."
STREET (ROAD)	<p>A paved or unpaved vehicular accessway of more than 20 feet in width intended for the movement of vehicles and bicycles that is maintained as a street by NCDOT, or is indicated as a private street on a recorded final plat.</p> <p>As used in the Watershed Protection Overlay district, a right-of-way for vehicular traffic which affords the principal means of access to abutting properties.</p>
STREET CLASSIFICATION	The type or category of a street.
STREET RIGHT-OF-WAY	The area of land within which a street and all its associated appurtenances and utilities are located.
STREET SETBACK	See "Setback, Street."
STREET STUB	A nonpermanent dead-end street intended to be extended in conjunction with development on adjacent lots or sites.
STREET, CUL-DE-SAC	A street that terminates in a vehicular turnaround.
STREET, DEAD END	A street that terminates with a street stub or vehicular turn around.
STREET, FRONTAGE	See Section 8.3.3.A.5, Street Frontage .
STREET, HALF	A partial street that has a reduced pavement and right-of-way width.

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
STREET, INTERIOR SUBDIVISION	A street located interior to a subdivision of land that does not connect thoroughfares or serve major traffic generators, including: A. Dead End Roads of less than 2,500 feet in length, open at one end only without special provisions for turning around and have no collector characteristics; B. Short Connecting Roads that are normally one block long or extend on a block-by-block basis and have no collector characteristics; C. Loop Roads that has its beginning and ending points on the same route. It is less than one mile in length and has no collector characteristics; E. Cul-De-Sacs with a specific turning radii and a limited number of lots; or F. Residential Collector Subdivision Roads that serve as the connecting street between local residential roads and the thoroughfare system.
STREET, LOCAL	A street whose primary function is to provide access to abutting properties. It generally serves or is designed to serve less than 100 dwelling units and handles less than 800 trips per day.
STREET, MARGINAL ACCESS	A street that meets public street standards that provides access solely to lots inaccessible to abutting higher order streets like expressways, boulevards, or thoroughfares.
STREET, PRIVATE	A vehicular travel way not dedicated or offered for dedication as a public street but resembling a cul-de-sac or a local street by carrying traffic from a series of driveways to the public street system.
STREET, PUBLIC	A dedicated public right-of-way in which the roadway has been accepted or constructed to public standards for vehicular traffic, but not an alley.
STREETSCAPE BUFFER	See "Buffer, Streetscape."
STRUCTURAL BMP	As used in the stormwater standards, a physical device designed to trap, settle out, or filter pollutants from stormwater runoff; to alter or reduce stormwater runoff velocity, amount, timing, or other characteristics; to approximate the pre-development hydrology on a developed site; or to achieve any combination of these goals. Structural BMP includes physical practices such as constructed wetlands, vegetative practices, filter strips, grassed swales, and other methods installed or created on real property. "Structural BMP" is synonymous with "structural practice," "stormwater control facility," "stormwater control practice," "stormwater treatment practice," "stormwater management practice," "stormwater control measures," "structural stormwater treatment system," and similar terms used in this Ordinance.
STRUCTURAL SOIL	A planting medium that can be compacted to pavement design and installation requirements while permitting root growth.
STRUCTURE	A walled and roofed building that is principally above ground, a gas or liquid storage tank, or other man-made facilities or infrastructure. For floodplain management purposes "principally above ground" means that at least 51% of the actual cash value of the structure is above ground.

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
SUBDIVIDER	<p>A person, firm, or corporation having a proprietary interest in land and acting to subdivide that land under the applicable provisions of this Ordinance.</p> <p>As used in the Watershed Protection Overlay district, any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.</p>
SUBDIVISION	<p>As used in this Ordinance means all divisions of a tract or parcel of land into two or more lots, building sites or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets or the rearrangement of an existing lot or lots so as to front on another street or streets from that on which they originally fronted regardless of the number of lots so involved; but the following shall not be included within this definition provided:</p> <ol style="list-style-type: none">1. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the County as shown in this Ordinance;2. The division of land into parcels greater than ten acres where no street right-of-way dedication is involved;3. The public acquisition by purchase of strips of land for the widening or opening of streets;4. The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way or easement dedication is involved and where the resultant lots equal or exceed the standards set forth in this Ordinance;5. The trading or exchanging of portions of previously platted and recorded properties that are contiguous and that necessitate the creation of parcels not conforming to the requirements of this Ordinance provided that a statement is placed on the plat to be recorded to the effect that such parcels are not created as individual building lots and are not approved as such and that no building permit shall be issued for construction on such parcels; or6. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the North Carolina General Statutes.
SUBDIVISION, EXEMPT	<p>A division of land that is exempted from review and approval by the County in accordance with the North Carolina General Statutes.</p>
SUBDIVISION, EXPEDITED	<p>A subdivision of three or fewer lots comprised of more than five acres in accordance with Section 160D-802 of the North Carolina General Statutes.</p>
SUBSIDIARY	<p>An affiliate that is, directly or indirectly, through one or more intermediaries, controlled by another person.</p>
SUPER MAJORITY	<p>A situation where an affirmative vote on a development application requires more positive or supportive votes than a simple majority. Typically, a super majority requires an affirmative vote of at least four-fifths of the review authority members present and voting.</p>

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
SWIMMING POOL	An above- or below-ground structure that is filled with water and used for swimming, relaxing, exercise, or sports.
SWINE FARM	An agricultural establishment engaged in the production of the hogs.
T	
TANNING SALON	A commercial establishment where patrons expose themselves to ultraviolet light in order to increase the amount of pigment in their skin. Such uses may also include limited spa or exercise facilities.
TATTOO AND PIERCING ESTABLISHMENT	An establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following: 1. Placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin; or 2. Performance of body modification including puncturing or cutting a part of the human body so as to create an opening in which jewelry may be worn.
TELECOM-MUNICATIONS FACILITIES, COLLOCATION	The placement, installation, modification, or replacement of antenna and related wireless telecommunications equipment on, under, or within an existing or replacement telecommunications tower, utility pole, building, or other vertical projection.
TELECOM-MUNICATIONS FACILITIES, MAJOR	The construction or installation of a new telecommunications tower with a height of 30 feet or more above the adjacent pre-construction grade and associated equipment, including the equipment compound, access, electrical service, and other related facilities.
TELECOM-MUNICATIONS FACILITIES, MINOR	The construction or installation of a new telecommunications tower with a height of less than 30 feet above the adjacent pre-construction grade or that meets the definition of a concealed telecommunications tower.
TEMPORARY	Unless otherwise specified by this Ordinance, something intended to, or that does, exist for fewer than 90 days.
TEMPORARY DISASTER HOUSING	A residence (which may be a manufactured home) that is located on the same lot as a residence made uninhabitable by fire, flood, or other natural disaster and occupied by the persons displaced by such disaster., or (ii) located on the same lot as a residence that is under construction or undergoing substantial repairs or reconstruction and occupied by the persons intending to live in such permanent residence when the work is completed; or (iii) located.
TEMPORARY DWELLING	A structure established to serve as a temporary domicile while an existing principal residence is constructed, repaired, or established. A temporary dwelling may also be located on a non-residential construction site and occupied by persons having construction or security responsibilities over the construction.
TEMPORARY REAL ESTATE OFFICE	A temporary commercial establishment, typically associated with a residential subdivision or building that serves as a base of operations for persons selling real estate or for potential buyers to inspect model dwelling units.

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
TEMPORARY SHELTER	A facility which provides temporary lodging during times of life-threatening weather conditions for indigent individuals and/or families with no regular home or residential address. Such shelters are operated by governmental entities, include at least 50 square feet of floor are per resident, and shall be continuously supervised during the hours of operation.
TEMPORARY SIGN	See "Sign, Temporary."
TEMPORARY USE	See "Use, Temporary."
TEMPORARY WIRELESS COMMUNICATIONS FACILITY	A portable, self-contained wireless facility that provides wireless telecommunications services on a temporary or emergency basis. A temporary wireless facility may include a generator to provide power to the facility.
TEN-YEAR STORM	The storm water runoff resulting from precipitation of an intensity expected to be equaled or exceeded, on the average, once in ten years, and of a duration which will produce the maximum peak rate of runoff for the water- shed of interest under average antecedent wetness conditions.
TERMS AND CONDITIONS DOCUMENT	A document or statement provided by an applicant for the establishment of a planned development district that identifies a proposed condition of approval, range of allowable uses, and the justification for any deviations or departures from codified standards in this Ordinance.
TERRACE	A level, surfaced area or platform next to a building used as a gathering area.
THEATRE, INDOORS	A building, or part thereof, which contains an assembly hall with or without stage which may be equipped with curtains and permanent stage scenery or mechanical equipment adaptable to the showing of plays, operas, motion pictures, performances, spectacles, and similar forms of entertainment. Theatres that also serve meals at tables prior to or during a performance are specialty eating establishments.
THEATRE, OUTDOORS	An outdoor use consisting of a screen and projector along with facilities to accommodate private vehicles or outdoor seating for the viewing of films. Such uses may also include concessions and restroom facilities for patrons.
TOOL/STORAGE SHED	An accessory structure with or without electricity used for the keeping of tools and equipment or general storage purposes.
TOP OF BANK	The points in a cross-section where the stream channel makes a transition to flood plain. Top of bank can be identified by a change in the slope of the land, a transition from terrestrial to riparian vegetation, and/or changes in the composition of substrate materials.
TRACT	All contiguous land and bodies of water being disturbed or to be disturbed as a unit, regardless of ownership.
TRADITIONAL HOME OCCUPATION	Any activity carried out for gain by a resident and conducted within the resident's dwelling unit or an allowable accessory structure.
TRAFFIC CONTROL SIGNAL	A mechanical device used to regulate the flow of vehicles, bicycles, or pedestrians along streets, sidewalks, and intersections.

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
TRANSFER STATION	The waste-related services use category includes use types that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material or processing of scrap or waste material. This use category also includes use types that receive wastes from others.
TREE CANOPY	The layer of vegetation formed by the crowns of mature trees.
TREE PIT	A depression in or adjacent to a sidewalk intended for the placement of a street tree and associated ground cover.
TREE TOPPING	The removal of the central leader and primary upper branches of a tree.
TREE, CANOPY	A species of tree which normally grows to a mature height of 40 feet or more with a minimum mature crown width of 30 feet.
TREE, DISEASED	A tree that is unhealthy or dying due to insects, fungus, or other causes.
TREE, EVERGREEN	A woody plant with one or more stems that does not lose the majority of its leaves during winter or dormancy.
TREE, MATURE	A tree that has reached more than one-third of its expected maximum size.
TREE, REPLACEMENT	A tree or trees required to be planted by the County following the removal of exiting trees whether as part of an approved development or in violation of this Ordinance.
TREE, SHADE	A tree with a crown that provides shade to the surface area within a parking lot and associated parking spaces.
TREE, STREET	A canopy or understory tree planted or existing within or along either side of a street right-of-way. Understory trees are typically used in locations where there are overhead utilities, sidewalks, or underground utilities proximate to the tree planting area.
TREE, UNDERSTORY	A species of tree which normally grows to a mature height of 15 to 35 feet.
TURKEY SHOOT	A temporary contest or competition of marksmanship where one or more prepared turkeys are awarded to the winners as prizes.
TWENTY-FIVE YEAR STORM	The storm water runoff resulting from precipitation of an intensity expected to be equaled or exceeded on the average, once in 25 years, and of a duration which will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.
TWO-FAMILY DWELLING	A single detached dwelling on one lot that contains two dwelling units. The units may be located side by side in a horizontal configuration or stacked one above the other in a vertical configuration, sharing common vertical walls or horizontal floors and ceilings.
U	
UNCOVERED	The removal of ground cover from, on, or above the soil surface.
UNDERGROUND STORAGE TANK	A container used for the storage of gas, liquid, powder, or other substance that is all or partially below grade. Pipes, pumping equipment, and ventilation features are considered part of an underground storage tank.
UNDERGROUND STRUCTURE	A principal or accessory structure located below grade.
UNDERSTORY TREE	See "Tree, Understory."

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
UPPER-STORY RESIDENTIAL DWELLING	Multi-family residential dwelling units located on the second or higher floors of a building with some form of non-residential use on the first or ground floor. Dwelling units may be configured as apartments or condominiums.
URGENT CARE	A walk-in clinic or medical facility focused on the delivery of ambulatory care for injuries or illnesses requiring immediate care, but not serious enough to require a hospital emergency department.
USE	See "Use Type."
USE STANDARD	The requirements in this Ordinance applied to a particular use type regardless of the zoning district where it is located.
USE TYPE	The purpose for which land or structures thereon is designed, arranged or intended to be occupied or used, or for which it is occupied, maintained, rented, or leased.
USE, TEMPORARY	A land use on an individual parcel or site established for a limited and fixed period of time for a purpose which may not normally be permitted in a zoning district, or which does not meet all zoning requirements, but which is necessary in special situations.
UTILITIES	Publicly or privately owned facilities or systems for the distribution of gas, electricity, steam, or water, the collection, treatment and disposal of sewage or refuse; the transmission of communications; of similar functions necessary for the provision of public services. Radio transmission facilities less than 180 feet in height for use by ham radio operators or two-way radio facilities for business or governmental communications shall be deemed accessory uses and not utilities. Utilities are divided into 3 classes: Class 1: Transmission and collection lines (above and below ground) including electrical, natural, gas, wastewater collection/transmission, and water distribution lines; pumping stations, lift stations, and tele- phone switching facilities (up to 200 sq. ft). Class 2: Elevated water storage tanks; water and wastewater package treatment plants, telephone switching facilities (over 200 sq. ft), substations, or other similar facilities in connection with tele- phone, electric, steam, and water facilities. Class 3: Generation, production, or treatment facilities such as power plants, water and sewage plants (greater than 0.3 mgd), and landfills.
UTILITY EASEMENT	An easement which grants the right to install and maintain utilities including, but not limited to, water lines, sewer lines, storm sewer lines, electrical power lines, telephone lines, natural gas lines, and community antenna television systems.
V	

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
VARIANCE	<p>A grant of relief from the requirements of this Ordinance in response to a hardship.</p> <p>As used in the Watershed Protection Overlay district, a permission to develop or use property granted by the Watershed Review Board relaxing or waiving a water supply watershed management requirement adopted by the Environmental Management Commission that is incorporated into this Ordinance.</p>
VEGETATED CONVEYANCE	<p>A depression in the land that includes vegetation (typically in the form of ground cover) that collects stormwater runoff and conveys it to another location.</p>
VEHICLE PAINTING/ BODYWORK	<p>Repair of automobiles, vehicles, or trailers, including bodywork, framework, welding, and major painting service.</p>
VEHICLE PARTS AND ACCESSORY SALES	<p>The on-site sale and subsequent installation of various automobile parts and accessories, including but not limited to bed liners, toolboxes, truck tops, or audio systems. Such uses do not include the sale of gasoline or other fuels.</p>
VEHICLE REPAIR AND SERVICING	<p>General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, not including bodywork, framework, welding, and major painting service.</p>
VEHICLE SALES AND RENTALS	<p>Premises on which new or used passenger automobiles, trailers, recreational vehicles, or light trucks in operating condition are displayed for sale, lease, or rental.</p>
VEHICLE TOWING AND STORAGE LOT	<p>An establishment operated for the purpose of temporary storage on-site of operable or inoperable vehicles. If an establishment , stacks vehicles or portions of stored vehicles are dismantled or removed for sale, it shall be considered a salvage and junkyard.</p>
VEHICLE TRIP	<p>For the purposes of calculating transportation impacts, a vehicle trip is a one-way journey taken from an origin to a destination in an automobile or similar private vehicle.</p>
VEHICLE WASHING OR DETAILING	<p>An establishment providing the exterior washing of vehicles where vehicles are manually driven or pulled by a conveyor through a system of rollers and/or brushes. Interior cleaning and/or drying may be conducted manually by vehicle operator or on-site attendants. Incidental sales of automobile-related accessories may take place.</p>
VELOCITY	<p>The average velocity of flow through the cross section of the main channel at the peak flow of the storm of interest. The cross section of the main channel is defined by the geometry of the channel plus the area of flow below the flood height defined by vertical lines at the main channel banks. Overload flows are not to be included for the purpose of computing velocity of flow.</p>
VESTED RIGHT	<p>A right pursuant to North Carolina General Statutes Section 160D-102 to undertake and complete the development and use of property under the terms and conditions of an approved site-specific development plan.</p>

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
VETERINARY SERVICES	A facility for the care and treatment of animals, including household pets and larger domesticated animals. Such facilities may be entirely indoors or may have both indoor and outdoor components.
VIOLATION	A breach, infringement, or transgression of a law or requirement in this Ordinance or a permit or development approval.
VISUALLY TRANSPARENT	A condition where a building material, such as clear glass, allows an unobstructed or only moderately obstructed view through the material.
VITICULTURE	An agricultural facility engaged in the production and processing of grapes for wine.
W	
WALL	See "Fence or Wall."
WALL OFFSET	A projection or recess located in or along a building wall.
WALL PACK	An exterior lighting device that is flush mounted on a vertical wall surface.
WALL PLANE	The exterior surface of a building wall relative to the lot line it abuts.
WALL, PRIVACY	A freestanding or attached wall typically constructed along or near a lot line intended to obstruct views into a portion of a lot.
WALL, RETAINING	A structure, either masonry, metal, or treated wood, designed to prevent the lateral displacement of soil, rock, fill, or other similar material.
WAREHOUSE	A use engaged in storage of manufactured products, supplies, and equipment excluding bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive.
WASTE	Surplus soil or earth materials resulting from on-site construction and disposed of at other locations.
WATER SUPPLY WATERSHED	As used in the Watershed Protection Overlay district, the entire land area contributing surface drainage to a specific point (e.g., the water supply intake).
WATERS OF THE STATE	Surface waters within or flowing through the boundaries of the State including the following: any ephemeral, intermittent or perennial stream, river, creek, brook, swamp, lake, sound, tidal estuary, bay, reservoir, wetland, or any other surface water or any portion thereof.
WATERSHED ADMINISTRATOR	As used in the Watershed Protection Overlay district, an official or designated person of the County responsible for administration and enforcement of this ordinance. The official designated person of the County responsible for the administration and enforcement of this Ordinance is the Zoning Administrator.
WELL HOUSE	An accessory structure located above a water well. A well house may be functional or only for aesthetic purposes.
WETLANDS	Wetlands are areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. This definition of wetlands is used by the U.S. Army Corps of Engineers (Corps) and the U.S. Environmental Protection Agency (EPA) since the 1970s for regulatory purposes in Section 404 of the Clean Water Act.

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
WHEEL STOP	Small projections or barriers extending from grade level within a parking space or in a vehicular use area designed to prevent the front or rear of vehicles from encroaching into pedestrian walkways, landscaping areas, fire zones, or storage areas.
WHOLESALE SALES	Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; or to other wholesalers. Wholesale establishment does not include contractor's materials or office or retail sales uses.
WIND ENERGY CONVERSION	A power generating use that converts kinetic energy from the wind into mechanical energy through the use of a wind turbine. The mechanical energy can then be used to power on-site equipment or an electrical generator to create electricity for on-site or off-site use. Such uses may include batteries for the storage of electrical energy.
WIND ENERGY CONVERSION, SMALL	A power generating use that converts kinetic energy from the wind into mechanical energy through the use of a wind turbine. The mechanical energy can then be used to power on-site equipment or an electrical generator to create electricity for on-site or off-site use. Such uses may include batteries for the storage of electrical energy.
WINDOW SURROUND	An exterior material located around the perimeter of a window or opening that protects joints in exterior materials from the weather or provides architectural interest.
WIRELESS COMMUNICATIONS FACILITIES, SMALL	A wireless telecommunications facility consisting of an antenna and associated wireless telecommunications equipment installed on a utility pole, public utility pole, building, or other vertical projection not specifically intended for the accommodation of wireless telecommunications facilities (e.g., a traffic signal mast arm, a light standard, sign pole, etc.) that does not exceed the maximum size requirements for such facilities as listed in Section 160D-947 of the North Carolina General Statutes.
X	
Y	
YARD	An open space on the same lot with a building or group of buildings which open space lies between the building or group of buildings and the nearest lot line and is occupied and unobstructed from the ground upward by buildings or structures except by permitted accessory buildings or uses.
Z	
ZONING DISTRICT, CONVENTIONAL	A designation or classification applied to certain lots or tracts as shown on the Official Zoning Map. Conventional zoning districts specify the broad range of allowable land use types permitted on lots or tracts within the particular district. The conventional zoning district standards also specify the applicable dimensional requirements for lots and buildings as well as any unique provisions that apply to solely lands in the particular district.

ARTICLE 8. WORD USAGE

§8.4. Words Defined

WORDS DEFINED	
ZONING DISTRICT, OVERLAY	An indicator, found on the Official Zoning Map, of an additional set of applicable zoning-related provisions that apply to lands located within the overlay zoning district boundary. Overlay zoning district requirements are applied in addition to or instead of the underlying conventional zoning district requirements.
ZONING MAP	See "Official Zoning Map."
ZOO	A park or institutional use in which living animals and plants are maintained for the purpose of exhibition to the public. Such uses may also include retail sales, food sales, offices, and veterinary care as accessory uses.

ARTICLE 9. APPENDIX

§9.1. INFORMATION REQUIRED WITH APPLICATIONS

- A. Submission of all applications filed under this Ordinance shall contain the following information, as appropriate, before filing with the Zoning Administrator for review.
- B. Failure to include one or more required elements may result in the application being considered incomplete.
- C. An "X" in a cell in the table below indicates that the noted information is required on the particular type of plan or plat document.
- D. Information required on site plan sheets is indicated by the following codes:
 1. "A" means the required information is to be listed on all sheets;
 2. "S" means the required information is to be listed on the site plan sheet;
 3. "U" means the required information is to be listed on the utility sheet;
 4. "L" means the required information is to be listed on the landscaping sheet; and
 5. Depending on the scale or complexity of the development, any or all the sheets may be combined.
- E. Additional information may be required for approval of the site plan.
- F. The Zoning Administrator may waive items required if it is judged that they are not necessary to complete the review.

TABLE OF APPLICATION REQUIREMENTS

INFORMATION	SITE SKETCH / PLOT PLAN	EXEMPT SUBDIVISION	EXPEDITED SUBDIVISION & TRANSFER PLAT	PRELIMINARY PLAT	SUBDIVISION CONSTRUCTION PLAN	FINAL PLAT	PD MASTER PLAN	COND. ZONING CONCEPT PLAN	SITE PLAN
Application Materials									
Documentation confirming that the applicant has a legally sufficient interest in the property proposed for development to use it in the manner requested, or is the duly appointed agent of such a person				X	X				X
Certifications from the appropriate agencies that proposed utility systems are or will be adequate to handle the proposed development and that all necessary easements have been provided					X				X
Detailed descriptions of recreational facilities to be provided				X			X		X
Legal documentation establishing homeowners' associations or other legal entities responsible for control over required common areas and facilities						X			X
Bonds, letters of credit, or other surety devices						X			X

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A traffic impact study performed and prepared by a qualified transportation or traffic engineer or planner					X		X		X
Time schedules for the completion of phases in staged development					X		X		X
The environmental impact of a development, including its effect on historically significant or ecologically fragile or important areas and its impact on pedestrian or traffic safety or congestion				X		X	X	X	X
If any road is proposed to intersect with a state-maintained road, a copy of the application for driveway approval as required by the Department of Transportation, Division of Highways Manual on Driveway Regulations									X
Proposed deed restrictions or covenants to be imposed upon newly created lots				X		X	X		X
Number of Plan and Plat Copies Required									
Application Review Stage - # of Copies Required	1	1	1	2	2	3	2	2	5
Street & Utility Construction Plans and Profiles				As required by NCDOT or Utility Provider					
Filing (after approval stage) - # of Copies Required				2	3	2	2	2	2
Number of Mylars Required			1	1		1			
Number of Mylar As-Built Required					1				1*
* Site plan mylar as-built only required if public infrastructure is included or modified									
Plan or Plat Size									
Maps submitted shall not exceed a maximum size of 24" by 36"					X				A
Maps or plans may be drawn on more than one sheet with appropriate match lines		X	X	X	X	X	X	X	A
Standard 18" by 24" sheet for plats to be recorded, minimum 1-1/2" border on the left side and a minimum 1/2" border on all other sides; or as required by the Edgecombe County Register of Deeds			X			X			
Original drawn on material as required by the Edgecombe County Register of Deeds			X			X			

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Title Block									
Plan endorsement block					X				A
Name of development	X	X	X	X	X	X	X		A
Plat book and page number							X	X	A
Tax map number							X	X	A
Type of development (plat, plan, etc.)	X	X	X	X	X	X	X	X	A
Owner's name with address (Amended 5-2-22 UDOTA 1-22)	X	X	X	X	X	X	X	X	A
Location (including township, county, and state)	X	X	X	X	X	X	X	X	A
Street address (Amended 5-2-22 UDOTA 1-22)						X			
Date(s) map(s) prepared or revised	X	X	X	X	X	X	X	X	A
Scale of drawing in feet per inch. Drawing shall be at a scale of not less than 1" equal to 100'. If all lots are greater than 3 acres, 1" = 200' scale may be used		X	X	X	X	X			A
Scale of drawing in feet per inch. Drawing shall be at a scale of not less than 1" equal to 40'. If all lots are greater than 3 acres, only the building site needs to be shown	X						X	X	
Bar graph of scale		X	X	X	X	X			A
Name, address, and telephone # of preparer of map (licensed surveyor, engineer, or architect)		X	X	X	X	X	X		A
Registration number of plan/plat preparer			X	X	X	X			A
Developer's name, address, and daytime phone number (if different from owner's)				X	X	X	X	X	A
Building contractor's name, address, and telephone number									A
Vicinity Information									
Zoning district(s) within the property and adjacent properties	X	X	X	X	X	X	X	X	S, L
Existing land use within the property and on adjacent properties	X			X	X		X	X	S, L
Plat book or deed book reference	X	X	X	X	X	X	X	X	S
Names of adjoining property owners (or subdivisions or developments of record with plat book reference)				X	X	X	X		S
Tax map, block, and parcel(s) number	X	X	X	X	X	X	X	X	S, L
Vicinity map showing location of site relative to surrounding area (typically				X	X	X	X		S

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drawn in upper right hand corner), at a scale of 1" = 2,000'										
Corporate limits, county lines, and other jurisdiction lines, if any, on the tract		X	X	X	X	X	X	X	X	A
Registration and seal of land surveyor				X	X		X			S
North arrow and orientation (north arrow shall not be oriented towards bottom of map)		X	X	X	X	X	X	X	X	A
Site Features										
Source of property boundaries signed or sealed by registered land surveyor, architect, landscape architect, or engineer						X				S
Boundaries of the tract to be subdivided or developed:	Distinctly and accurately represented and showing all distances			X	X	X	X	X		A
	Tied to nearest street intersection (within 300') or USGS (within 2,000')			X	X	X	X	X		S
	Showing locations of intersecting boundary lines or adjoining properties			X	X	X	X	X		S
Location and descriptions of all monuments, markers, and control corners					X		X			S
Existing property lines on tract to be subdivided. If existing property lines are to be changed, label as 'old property lines' and show as dashed lines			X	X	X	X	X	X	X	S
Dimensions, location and use of all existing and proposed buildings; distances between buildings measured at the closest point; distance from buildings to the closest property lines; building setback lines. A dashed line should be shown on the plat outlining all known structures, ponds or lakes removed or filled		X			X	X		X	X	S
Proposed principal use(s)		X						X	X	X
The name and location of any property or building on the National Register of		X			X	X		X	X	S

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Historic Places or locally designated historic property										
Railroad lines and rights-of-way		X	X	X	X	X	X	X	X	A
Water courses, ponds, lakes or streams		X	X	X	X	X	X	X	X	A
Marshes, swamp and other wetlands		X	X	X	X	X	X	X	X	A
Vegetative cover		X					X	X		S
Areas to be dedicated or reserved for the public or a local jurisdiction					X	X	X	X	X	A
Areas designated as common area or open space under control of an Owners' Association					X	X	X	X		S, L
Proposed building locations for zero lot-line developments		X	X	X	X			X	X	S
Location of manufactured dwelling spaces and whether they are designated for single or double wide dwellings								X	X	S
Typical diagram of manufactured dwelling space										S
Location of designated recreation areas and facilities					X	X	X	X		S
Location of floodway and floodway fringe from Flood Hazard Boundary Maps and cross-section elevations		X	X	X	X	X	X	X	X	A
Existing and proposed topography of tract and 100' beyond property showing existing contour intervals of no greater than 5' (2' where available) and labeling at least two contours per map and all others at 10' intervals from sea level						X		X		A
Dimensional Aspects										
Proposed lot lines and dimensions		X	X	X	X	X	X	X	X	A
Square footage of all proposed lots under an acre in size and acreage for all lots over an acre in size			X	X	X		X	X		S
Site calculations, including:	Acreage in total tract	X	X	X	X	X	X	X	X	S
	Acreage in public open space				X	X	X	X		S
	Total number of lots proposed	X	X	X	X		X	X		S
	Linear feet in roads				X	X	X			S
	Area in newly dedicated right-of-way				X	X	X			S

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Lots sequenced or numbered consecutively				X	X	X	X			S
Streets and Roads										
Road address as assigned by Edgecombe County for each new lot			X	X	X		X			S
Existing and proposed rights-of-way lines within and adjacent to property (shown with a cross-hatch pattern)		X	X	X	X	X	X	X	X	S
Existing and proposed rights-of-way within and adjacent to property showing	Total right-of-way width dimension				X	X	X	X		S
	Right-of-way width dimension from centerline of existing public roads				X	X	X	X		S
Existing and proposed roads showing	Pavement or curb lines					X				S
	Pavement width dimension (face-to-face)					X				S
	Cul-de-sac pavement radius					X				S
	Existing and proposed road names				X	X	X	X		A
	Road profiles					X				
Utilities										
Location, dimension and type of all easements				X	X	X	X	X	X	A
Type of wastewater disposal (public sewer, septic, tank, etc.)			X	X			X	X	X	U
Type of potable water supply (public water system, private well, etc.)			X	X			X	X	X	U
Utility Layout Plan showing connections to existing systems, line sizes, material of lines, location of fire hydrants, blowoffs, valves, manholes, catch basins, force mains, etc. for the following types of utility lines:	Sanitary sewer	X				X				U
	Water distribution	X				X				U
	Natural gas, electric, cable TV, etc.	X				X				U

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Electrical power company		X				X		X	X	U
Edgecombe County Health Department information for subdivisions without public sewer available:	1) Each lot shall contain an Improvement Permit Number for an on-site subsurface sewage treatment and disposal system and the approved area identified with broken lines and including dimensions of the approved area as measured from property lines or crosshatched and labeled 'NO IMPROVEMENT PERMIT HAS BEEN ISSUED FOR THIS LOT,' whichever is appropriate	X				X				S
	2) Each lot that has been approved for an on-site subsurface sewage treatment and disposal system shall be shown. Denied lots or lots not evaluated shall be crosshatched and labeled, 'NO IMPROVEMENT PERMIT HAS BEEN ISSUED FOR THIS LOT. '	X					X			
Edgecombe County Health Department information for subdivisions without public sewer available – The following notes shall	1) 'There is no right to build upon or otherwise improve any of these lots until a valid written Improvement Permit has been obtained from the Health Department as required by State Law. CONTACT THE EDGECOMBE COUNTY ENVIRONMENTAL HEALTH DIVISION CONCERNING LOT SUITABILITY FOR ON-SITE SUBSURFACE SEWAGE TREATMENT AND DISPOSAL					X	X			

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be included:	SYSTEMS.'									
	2) 'The location shown for designated septic system areas are approximate. Approval and designed area information for subsurface sanitary sewage systems is reproduced from information supplied by the Edgecombe County Department of Public Health and the Surveyor/Engineer makes no representation or warranty as to the accuracy of such information.'					X				
Stormwater Management Plans										
Location of public water supply watershed boundaries		X	X	X	X	X	X	X	X	A
Area to be disturbed with number of graded acres and percentage noted					X	X	X	X		U
Maximum allowable built-upon area for each lot or tract (if applicable)		X	X	X	X	X	X	X	X	S
Total impervious surface area, including roads, roofs, patios, parking areas, sidewalks and driveways					X	X		X	X	U
Permanent watershed protection controls/ Stormwater Best Management Practices including wet detention ponds, maintenance and access easements and natural filtration and infiltration areas			X	X	X	X	X	X	X	U
Location and width of required buffer areas		X	X	X	X	X	X	X	X	U
Stormwater network, including swales, culverts, inlet and outlet structures with grades, elevations, dimensions and hydraulic calculations					X	X		X	X	U
Engineering certification statement, if required by this ordinance			X	X	X	X	X	X	X	U
Documentation of maintenance of diffuse flow to the buffer				X	X	X		X		U
Sedimentation and Erosion Control										

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Documentation of Submission of an Erosion Control Plan, if disturbing greater than one acre					X				X
Documentation of Approval of an Erosion Control Plan, if disturbing greater than one acre						X			
Evidence of Notification to U.S. Army Corps of Engineers of Earth-Disturbing Activities in Wetlands, if applicable				X	X				X
Off-Street Parking									
Show dimensions and location of all parking areas, total provided and minimum required number of parking spaces, driveways, service areas, off-street loading facilities and pedestrian walkways							X		S, L
Within parking areas, clearly indicate each parking space, angle of parking and typical size							X		S
Landscaping									
Location of any required planting yard and/or parking lot plantings					X		X		L
Location and screening of dumpsters/compactors							X		L
Location, species, size, number, spacing, height of trees and shrubs in required planting areas. (If existing vegetation is to be preserved, indicate approximate height and species mix)							X		L
Size of planting yard, walls, berms, and fences					X		X		L
Provisions for watering, soil stabilization, plant protection and maintenance access									L
Location and description of barriers to protect any vegetation from damage both during and after construction									L
Signage									
Type and total number of each sign							X		S
Dimensions of each sign face area							X		S
Sign height (each sign)							X		S
Electrical contractor if sign is illuminated							X		S
Uniform sign plan, if proposed							X		S
Building Design									

TABLE OF APPLICATION REQUIREMENTS

INFORMATION	SITE SKETCH /PLOT PLAN	EXEMPT SUBDIVISION	EXPEDITED SUBDIVISION & TRANSFER PLAT	PRELIMINARY PLAT	SUBDIVISION CONSTRUCTION PLAN	FINAL PLAT	PD MASTER PLAN	COND. ZONING CONCEPT PLAN	SITE PLAN
Location, dimensions and details of proposed clubhouses, pools, tennis courts, tot lots or other common area recreation facilities					X		X		S
Front, side, and rear elevations of proposed commercial, mixed-use, and multi-family buildings							X	X	S
Certificates and Endorsements (see Appendix 9.2)									
Certificate of Survey Accuracy signed by surveyor and attested by Notary Public			X	X		X			
Certificate of Ownership			X	X			X		
Certificate of Ownership and Dedication						X			
Certificate of Plat Approval by Planning Board (Amended 5-2-22 UDOTA 1-22)				X					
Certificate of Plat Approval (No Roads/Utilities) (Amended 5-2-22 UDOTA 1-22)			X						
Certificate of Construction Plan Approval (Amended 5-2-22 UDOTA 1-22)					X				
Certificate of Plat Approval (with Roads/Utilities) (Amended 5-2-22 UDOTA 1-22)				X		X			
Certificate of Approval by Division of Highways of the North Carolina Department of Transportation						X			
Certificate stating that no approval is required by Division of Highways of the NC Department of Transportation						X			
Certificate of Utilities Approval						X			
Certificate of Health Department Approval				X		X			
Certificate of Soil Evaluation					X				
Certificate of Purpose for Plat as required by NCGS 47-30			X	X		X			
Certificate of Exception		X							
Private Roads Disclosure Statement						X			
Public Water Supply Watershed Protection Statement				X		X			
Review Officer Certification		X	X	X		X			
Acknowledgment of Recordation of Non-evaluated/Non-buildable Lots (if applicable)				X		X			
Existing Septic Disposal System				X		X			

TABLE OF APPLICATION REQUIREMENTS									
INFORMATION	SITE SKETCH /PLOT PLAN	EXEMPT SUBDIVISION	EXPEDITED SUBDIVISION & TRANSFER PLAT	PRELIMINARY PLAT	SUBDIVISION CONSTRUCTION PLAN	FINAL PLAT	PD MASTER PLAN	COND. ZONING CONCEPT PLAN	SITE PLAN
Certification									

§9.2. SUBDIVISION PLAT CERTIFICATION LANGUAGE

This section includes the required language and format for subdivision plat certifications and endorsements required under this Ordinance. In cases where a subdivision application is required to include a particular certification or endorsement (See Section 9.1, Information Required with Applications), such certification or endorsement shall include the exact same language as is listed in this section. Failure to include a required certification or endorsement or use of language that differs from the language in this section shall be cause for declaring an application to be incomplete.

9.2.1. CERTIFICATE OF OWNERSHIP:

(Amended 5-2-22 UDOTA 1-22)

I (We) hereby certify that I am (we are) the owner(s) of the property described hereon, which property is within the subdivision regulation jurisdiction of Edgecombe County, and that I (we) freely adopt this plan of subdivision.

Owner

Date

9.2.2. CERTIFICATE OF OWNERSHIP AND DEDICATION:

I (We) hereby certify that I am (we are) the owner(s) of the property described hereon, which property is located within the subdivision regulation jurisdiction of Edgecombe County, that I (We) hereby freely adopt this plan of subdivision and dedicate to public use all areas shown on this plat as roads, alleys, walks, parks, open space, and easements, except those specifically indicated as private, and that I (we) will maintain all such areas until the offer of dedication is accepted by the appropriate public authority. All property shown on this plat as dedicated for a public use shall be deemed to be dedicated for any other public use authorized by law when such other use is approved by the Edgecombe County Board of Commissioners in the public interest.

Owner

Date

Owner

Date

(Notarized)

Date

9.2.3. CERTIFICATE OF PLAT APPROVAL BY PLANNING BOARD:

(Amended 5-2-22 UDOTA 1-22)

I hereby certify that the Edgecombe County Planning Board approved on the ____ day of ____, 20____ the preliminary plat as shown on this plat document. Preliminary plat approval is valid for a period of four years from the above date or as established under the vested rights procedures, if applicable.

Planning Director (or authorized representative)

Date

9.2.4. CERTIFICATE OF PLAT APPROVAL (NO ROADS/UTILITIES):

(Amended 5-2-22 UDOTA 1-22)

I hereby certify that the subdivision shown on this plat does not involve the creation of new public roads or any change in existing public roads, that the subdivision shown is in all respects in compliance with the Edgecombe County Unified Development Ordinance, and that therefore this plat has been approved by the Edgecombe County Planning Director, subject to its being recorded in the Edgecombe County Registry within sixty days of the date below.

Planning Director (or authorized representative)

Date

9.2.5. CERTIFICATE OF CONSTRUCTION PLAN APPROVAL:

(Amended 5-2-22 UDOTA 1-22)

I hereby certify that the construction plan of subdivision as shown on this plat has been approved in accordance with the standards of this Ordinance and all applicable State laws. Construction plan approval is valid for a period of four years from the above date or as established under the vested rights procedures, if applicable.

Planning Director (or authorized representative)

Date

9.2.6. CERTIFICATE OF PLAT APPROVAL (WITH ROADS/UTILITIES):

(Amended 5-2-22 UDOTA 1-22)

I hereby certify that the subdivision depicted hereon has been granted final approval pursuant to the Edgecombe County Unified Development Ordinance subject to its being recorded in the Office of Register of Deeds within sixty days of the date below. I further certify that streets, utilities and other improvements have been installed in an acceptable manner and according to County specifications in the subdivision depicted hereon or that a performance bond or other sufficient surety in the amount of \$_____ has been posted with Edgecombe County to assure completion of required improvements.

Planning Director (or authorized representative)

Date

9.2.7. CERTIFICATE OF SURVEY AND ACCURACY:

I, _____, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book _____, page _____, etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book _____, page _____; that the ratio of precision as calculated is 1:_____; that this plat was prepared in accordance with NCGS 47-30 as amended. Witness my original signature, registration number and seal this _____ day of _____, A.D., 20_____.

Seal or Stamp of Surveyor

Surveyor

Registration Number

9.2.8. DIVISION OF HIGHWAYS DISTRICT ENGINEER CERTIFICATE:

I hereby certify that the streets as depicted hereon are/are not consistent with the requirements of the North Carolina Department of Transportation.

District Engineer

Date

9.2.9. PRIVATE ROADS DISCLOSURE STATEMENT:

The following statement and certification shall be placed on all subdivision plats which include private roads:

"The maintenance of roads designated on this plat as "private" shall be the responsibility of property owners within this development having access to such roads. Private roads as shown hereon were not constructed to the minimum standards required to allow their inclusion, for maintenance purposes, on the North Carolina highway system. Neither Edgecombe County nor the North Carolina Department of Transportation will maintain a private road."

No approval is required by the North Carolina Department of Transportation.

Planning Director (or authorized representative)

Date

9.2.10. CERTIFICATION OF THE EDGECOMBE COUNTY HEALTH DEPARTMENT:

Land has been preliminarily determined as generally or provisionally suitable for septic tanks. Final approval of individual lots is subject to the lot size, a soils evaluation, and proper drainage and filling requirements.

Edgecombe County Health Director or Authorized Representative

Date

9.2.11. UTILITIES CERTIFICATE:

I hereby certify that the _____ improvements have been installed in an acceptable manner and in accordance with the requirements of the Edgecombe County Unified Development Ordinance.

Signature of Authorized Agent of Utility Provider

Date

9.2.12. PUBLIC WATER SUPPLY WATERSHED PROTECTION STATEMENT:

The following statement shall be placed on all subdivision plats which include property located within a watershed protection overlay district:

"All or portions of the property contained in this subdivision are located within a Public Water Supply Watershed. Additional development restrictions regarding such matters as residential density, maximum impervious surface area, and stormwater control measures may apply to

this property. Any engineered stormwater controls shown on this plat are to be operated and maintained by the property owners and/or a property owners' association pursuant to the Operation and Maintenance Agreement filed with the Edgecombe County Register of Deeds in Book _____ Page _____."

9.2.13. CERTIFICATE OF PURPOSE OF PLAT:

The final plat shall contain one of the following statements, signed and sealed by the plat preparer:

- A.** This survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land;
- B.** This survey is located in a portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land;
- C.** Any one of the following:
 - 1.** This survey is of an existing parcel or parcels of land and does not create a new road or change an existing road;
 - 2.** This survey is of an existing building or other structure, or natural feature, such as a water course;
 - 3.** This survey is a control survey;
- D.** This survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision; or
- E.** The information available to the surveyor is such that the surveyor is unable to make a determination to the best of the surveyor's professional ability as to provisions contained in (a) through (d) above.

Signed:

SEAL

Surveyor

Date:

9.2.14. CERTIFICATE OF EXCEPTION:

Plats deemed to be an exception to the provision of this ordinance shall contain the following statement prior to the owner's recording of such plats:

I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon, which was conveyed to me (us) by deed recorded in Book _____, Page _____, and that said property qualifies as an exception to the provisions of the Edgecombe County Unified Development Ordinance pursuant to subsection _____ of G.S. 160D-802.

Owner

Date

Planning Director (or authorized representative)

Date

9.2.15. ACKNOWLEDGMENT OF RECORDATION OF NON-EVALUATED/NON-BUILDABLE LOT(S):

The following statement may be utilized in those situations in which heir property is subdivided or whenever a property owner wishes to record property that is not to be sold, transferred, conveyed or represented as a buildable property:

I (We) the undersigned property owners do hereby acknowledge that the plat entitled _____ and dated _____ has _____ lot(s) that has (have) not been evaluated by the Edgecombe County Health Department and has (have) been determined to be NONBUILDABLE by the Edgecombe County Planning Department.

I (We) further understand that this plat can be recorded; however, no structure can be permitted without further review and approval of the Edgecombe County Health Department and the Edgecombe County Planning Department.

Signed by:

Owner

Date

Owner

Date

Owner

Date

Owner

Date

Witness

Date

Planning Director (or authorized representative)

Date

9.2.16. REVIEW OFFICER CERTIFICATION:

The following certificate shall be shown of all subdivision plats:
State of North Carolina

I, _____, Review Officer of Edgecombe County, certify that the map or plat which this certification is affixed meets all statutory requirements for recording.

Review Officer

Date

9.2.17. CERTIFICATION OF THE EDGECOMBE COUNTY HEALTH DEPARTMENT FOR LOTS WITH EXISTING SEPTIC DISPOSAL SYSTEMS:

The following certificate shall be shown on all subdivision plats that include lots with existing septic systems:

I hereby certify that lot(s) number(s)_____ shown on this plat was (were) inspected for sewage disposal (existing septic system) on _____ and, at the time of the on-site inspection, it appeared that no evidence of malfunction was shown.

County Sanitarian or Authorized Representative

Date

9.2.18. CERTIFICATION OF SOIL SCIENTIST EVALUATION:

The Edgecombe County Health Department has reviewed the plat and soils report for _____ subdivision and finds that the soils report has been prepared in accordance with the criteria established by the Edgecombe County Health Department and that the soils report indicates that the lots shown on the plat appear to be able to accommodate sewage disposal systems. Please note that the Edgecombe County Health Department has reviewed the soils report of _____ only and this does not represent or constitute the evaluation or approval for issuance of an improvement permit for any lot in the subdivision. Final site approval for issuance of improvement permits or authorization for wastewater system construction is based on regulations in force at the time of permitting and is dependent on satisfactory completion of individual site evaluations by the Edgecombe County Health Department following application for an improvement permit detailing a specific use and siting.

Edgecombe County Health Director or Authorized Representative

Date

9.2.19. STORMWATER EXEMPTION CERTIFICATE:

The following statement shall be placed on all subdivision plats which are exempt from the requirements of the Edgecombe County Stormwater Management Program for Nutrient Control.

I / We, hereby certify that the development shown hereupon is not subject to the requirements of the Edgecombe County Stormwater Management Program for Nutrient Control, because:

_____ This is a residential development that will not disturb 1 acre or more.

_____ This is a residential development on a single-family lot of record (not part of a larger common plan of development or sale), and does not result in greater than ten percent built-upon area.

_____ This is a multifamily residential development or commercial, industrial, or institutional facility that will not disturb 1/2 acre or more.

_____ This is a replacement or expansion of existing structures or improvements that does not result in a net increase in built-upon areas.

_____ This project is vested, because it was approved by the County before September 13, 2004.(Date of approval _____; approved by _____)(plat must be recorded within five years of development's approval)

Owner/Developer

Date

Surveyor/Engineer

Date

9.2.20. STORMWATER MANAGEMENT CERTIFICATE:

The following statement shall be placed on all subdivision plats which are subject to the requirements of the Edgecombe County Stormwater Management Program for Nutrient Control.

This development is approved subject to the requirements of the Edgecombe County Stormwater Management Program for Nutrient Control. Calculations have been submitted to show that this development meets the Nitrogen, Phosphorus, and Peak Flow Requirements.

_____ As per calculations submitted, no Best Management Controls are required.

_____ Stormwater Management Controls are on the property and shown on this plat. Stormwater Management Controls are to be operated and maintained by the property owners and/or a property owners' association pursuant to the Operation and Maintenance Agreement filed with the Edgecombe County Register of Deeds in Book _____ Page _____.

_____ This development has reduced some of the Nitrogen and Phosphorus loading through offsite treatment. A map showing the location and design of these offsite treatment areas is recorded in the Edgecombe County Register of Deeds in Plat Cabinet _____ Slide _____. An Operation and Maintenance Agreement for these areas is filed with the Edgecombe County Register of Deeds in Book _____ Page _____.

_____ No Riparian Buffers are on this property.

_____ Riparian Buffers are shown on this plat and shall be protected and maintained as specified in 15A NCAC 2B .0259.

Owner/Developer

Date

Surveyor/Engineer

Date

9.2.21. PRIVATE RIGHT-OF-WAY ACKNOWLEDGEMENT:

I (We) certify that I am (we are) the owner(s) of property shown on this map, over which a Private Right-of-Way accesses development off the road. I (We) certify that I (we) have agreed to allow this property to be used as a Private Right-of-Way. I (We) understand that this Right-of-Way will remain on this property, perpetually, through any and all changes in ownership of either property.

§9.3. EXAMPLE STATEMENTS OF CONSISTENCY

(Amended 5-2-22 UDOTA 1-22)

The following are examples of statements of consistency for use by the Planning Board or the Board of County Commissioners where considering amendments to the text of this Ordinance or the Official Zoning Map.

9.3.1. STATEMENTS FOR USE BY PLANNING BOARD

A. GENERALLY

In making its determination about an application, the Planning Board shall find that the application is or is not consistent with the County's adopted policy guidance. One of the following statements shall be included with the Planning Board's recommendation.

B. APPLICATION CONSISTENT WITH ADOPTED POLICY GUIDANCE

The Edgecombe County Planning Board concludes that the application, as presented, IS consistent with Edgecombe County's adopted policy guidance as expressed in the 2014 Comprehensive Plan based on the following reasons:

C. APPLICATION INCONSISTENT WITH ADOPTED POLICY GUIDANCE

The Edgecombe County Planning Board concludes that the application, as presented, is NOT consistent with Edgecombe County's adopted policy guidance as expressed in the 2014 Comprehensive Plan based on the following reasons:

9.3.2. STATEMENTS FOR USE BY THE BOARD OF COMMISSIONERS

A. GENERALLY

1. In making its determination about an application, the Board of Commissioners shall find that the application is or is not consistent with the County's adopted policy guidance and that the application is or is not reasonable and in the public interest. Findings of consistency and reasonableness may be consolidated as a single statement or as separate statements.
2. Statements shall be included with the Board of Commissioner's written decision.
3. There is no legal requirement for the Board of Commissioners to find that a proposed amendment to this Ordinance or the Official Zoning Map is consistent with the County's adopted policy guidance in order to approve the application.
4. In cases where an application that is inconsistent with the County's adopted policy guidance is approved the County's adopted policy guidance is automatically revised to be consistent with that application approval.

B. APPLICATION CONSISTENT WITH ADOPTED POLICY GUIDANCE

The Edgecombe County Board of County Commissioners concludes that the application, as presented, IS consistent with Edgecombe County's adopted policy guidance as expressed in the 2014 Comprehensive Plan based on the following reasons:

C. APPLICATION IS REASONABLE

The Edgecombe County Board of County Commissioners concludes that the application, as presented, IS reasonable and IS in the public interest based on the following reasons:

D. APPLICATION INCONSISTENT WITH ADOPTED POLICY GUIDANCE

The Edgecombe County Board of County Commissioners concludes that the application, as presented, is NOT consistent with Edgecombe County's adopted policy guidance as expressed in the 2014 Comprehensive Plan based on the following reasons:

E. APPLICATION IS UNREASONABLE OR NOT IN THE PUBLIC INTEREST

The Edgecombe County Board of County Commissioners concludes that the application, as presented, is NOT reasonable and is NOT in the public interest based on the following reasons:

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