

# Town of Tarboro Unified Development Ordinance

## Effective July 1, 2021

Amendments made to become compliant with North Carolina  
General Statutes Chapter 160D

Approved June 14, 2021

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**CHAPTER 1: Purpose and Applicability**

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## CHAPTER 1: Purpose and Applicability

### 1.1 TITLE

This ordinance shall be known and may be cited as the Unified Development Ordinance for the Town of Tarboro. This ordinance may also be known and may be referred to as the “UDO.”

### 1.2 AUTHORITY

The development regulations contained in this ordinance have been adopted pursuant to the authority conferred by the North Carolina General Statutes, hereafter referred to as NCGS. Specifically, principal authorization comes in the North Carolina General Statutes in Chapter 160D (Planning and Regulation of Development). The Unified Development Ordinance of the Town of Tarboro also uses powers granted in other sections of the North Carolina General Statutes relating to the particular types of development or particular development issues. **Any portion of this ordinance in conflict with, or in the absence of any regulation, shall defer to the North Carolina General Statutes.**

### 1.3 JURISDICTION

All provisions of this ordinance shall apply within the corporate limits of Town of Tarboro and within the extra-territorial jurisdiction (ETJ), as identified on the Zoning Map of Town of Tarboro, except for that property in the ETJ which is used for bona fide farm purposes is exempt from the requirements of this ordinance, pursuant to NCGS §160D-200. The Zoning Map is on file with the Clerk of Town of Tarboro and with the Administrator of this ordinance. The map and its boundaries shall be incorporated and made part of this ordinance. The ETJ population estimate must be updated at least with each decennial census.

### 1.4 PURPOSE AND INTENT

The regulations contained in this ordinance have been adopted in accordance with the adopted plans and policies of Town of Tarboro.

### 1.5 CONSISTENCY WITH ADOPTED PLANS AND POLICIES

In accordance with NCGS §160D-605 all development plans, subdivision master plans, and rezonings shall be in conformance with all adopted plans and policies (including comprehensive plans, transportation plans, small area plans, open space and greenway plans, or any other plans) adopted by the Town of Tarboro Town Council.

#### 1.5.1 AMENDMENTS TO THE UDO AND ADOPTED PLANS AND POLICIES

- A. The Unified Development Ordinance of the Town of Tarboro also uses powers granted in other sections of the NCGS relating to particular types of development or particular development issues. Any amendments to or actions pursuant to this ordinance shall be consistent with all adopted Town of Tarboro plans and policies.
- B. The adopted plans and policies of the Town of Tarboro may be amended, and this UDO and the incorporated Zoning Map shall reflect those changes through appropriate amendments in accordance with the applicable process outlined in Chapter 15 of this ordinance.

### **1.5.2 ADOPTED SMALL AREA PLANS**

All development plans shall be consistent with any adopted small area plans. Small area plans may contain any of the following elements:

- Multi-modal circulation network (pedestrian, bicycle, automobile, and public transit networks)
- Green infrastructure network (floodplains, wetlands, lakes, streams, parks, squares, and other public open spaces)
- Location of sites reserved for civic and institutional buildings and uses
- General massing and development intensity pattern
- Specific design guidelines (in addition to those contained in this ordinance)

### **1.5.3 VARIATIONS TO ADOPTED PLANS**

Specific alignments, locations, or areas of public facilities noted in any adopted plan may be varied on a site by site basis as requested by the developer or the Administrator, provided the integrity of the proposed network and connections, locations, or area shown in the plan are maintained.

### **1.5.4 CONFLICTS WITH ADOPTED PLANS**

In the event of a conflict or inconsistency between this ordinance and any adopted plans the requirements of this ordinance shall take precedence.

## **1.6 REQUIRED CONFORMANCE WITH THIS ORDINANCE**

### **1.6.1 REQUIRED CONFORMANCE**

No land or structure shall be used or occupied, and no structure or parts shall be constructed, altered, erected, or moved unless in conformity with all of the regulations herein specified for the zoning district in which it is located, subject to the provisions of Chapter 13 of this ordinance. Every building erected, moved, or structurally altered shall be located on a lot conforming to the requirements of the zoning district in which it is located.

### **1.6.2 CONFORMANCE TO SUBDIVISION STANDARDS AND REQUIRED IMPROVEMENTS UPON DEVELOPMENT**

All existing lots of record, platted prior to the adoption of this ordinance and upon which no buildings have been erected, shall be grandfathered upon the date of adoption of this ordinance and shall not be subject to the new lot standards herein. However, buildings upon such lots shall be subject to standards in this ordinance including all related site improvements.

## **1.7 TRANSITIONAL PROVISIONS**

The following transitional provisions shall apply to various activities, actions and other matters pending or occurring as of the effective date of this ordinance.

### **1.7.1 VIOLATIONS CONTINUE**

Any violation of any previous ordinance of the Town of Tarboro shall continue to be a violation under this ordinance and shall be subject to the penalties set forth at the time of the violation, unless the use, development, construction or other activity is clearly consistent with the terms of this ordinance.

### **1.7.2 COMPLETION OF CURRENT DEVELOPMENT PLANS UNDER PREVIOUS ORDINANCE**

**A. Permit Issued:** Any building or development for which a permit or plan approval was issued prior to the effective date of this ordinance or any amendment thereto, may be completed in conformance with the issued permit or plan approval and other applicable permits and conditions.

**B. Application Filed**

1. Any type of land development application which has been officially filed with the appropriate the Town of Tarboro official prior to the effective date of this ordinance, or any amendment thereto, may continue to be processed under the land use rules and regulations in effect prior to the said date.
2. The application approval process for such applications must be completed within one year of the filing date. Completion of the application approval process is considered to be the issuance of the appropriate Town of Tarboro permit, certificate, or other designation sought under the land use rules and regulations in effect prior to the effective date of this ordinance.
3. If the application approval process is not completed within the specified time, then the application process may be completed only in strict compliance with the requirements of this ordinance.
4. The specified time may be extended at the direction of the Administrator due to delays in approvals from agencies external to the Town of Tarboro.

## **1.8 CONFLICT RESOLUTION AND INTERPRETATION**

### **1.8.1 CONFLICT RESOLUTION AND INTERNAL CONSISTENCY**

**A.** This ordinance is not intended to abrogate any other law, ordinance, or regulation. However, whenever the requirements of this ordinance are at variance with the

requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive or that imposing the higher standards shall govern.

- B. Except as hereinafter provided, these regulations shall not be deemed to interfere with, abrogate, annul, or otherwise affect in any manner whatsoever any easement, covenants, or other agreements between parties.
- C. In any event, whenever the requirements of this ordinance are in conflict with other requirements of laws of the United States or State of North Carolina, or with lawfully adopted Town of Tarboro rules, regulations, ordinance, or policies, or with development-imposed deed restrictions or covenants, the most restrictive, or that imposing the higher standards, shall govern.
- D. In the event of a conflict or inconsistency between the text of this ordinance and any caption, figure, illustration, or map contained herein, the text shall control.
- E. This ordinance is not intended to abrogate any easement, covenant, or other private agreement. However, where the regulations of this ordinance are more restrictive or impose higher standards or requirements than such easement, covenant, or other private agreement, then the requirements of this ordinance shall govern. Unless deed restrictions, covenants, or other contracts directly involve the Town of Tarboro as a part of interest, the Town of Tarboro shall have no administrative responsibility for enforcing such deed restrictions or covenants.
- F. Should the courts declare any section or provisions of this ordinance invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

### **1.8.2 INTERPRETATION**

In interpreting and applying these regulations, the requirements contained herein are declared to be the minimum necessary to carry out the purpose of these regulations and are adopted for the promotion of the public health, safety, and general welfare of the citizens of the Town of Tarboro.

### **1.9 CONFLICTS OF INTEREST AND OATH OF OFFICE**

The conflict of interest statements in N.C.G.S §160D-109 are hereby adopted for all elected, appointed, and advisory boards as well as employees of the Town of Tarboro. Each member of all boards must take an oath of office before starting duties.

### **1.10 EFFECTIVE DATE**

All provisions of this ordinance shall become effective July 1st, 2021.

**CHAPTER 2: Zoning District and Provisions**

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## CHAPTER 2: Zoning District and Provisions

### 2.1 OFFICIAL ZONING MAP

#### 2.1.1 ZONING MAP

**A. Zoning Districts:** The boundaries of each zoning district are shown on a map entitled “Town of Tarboro North Carolina Official Zoning Map” which is hereby made a portion of this ordinance. The Official Zoning Map shall bear the adoption date of this ordinance and the signatures of the Mayor and Town Clerk.

**B. Overlay Districts:** Certain overlay districts such as the Flood Hazard Overlay District, Historic Overlay District, Watershed Critical Area Overlay District, etc., are hereby established and incorporated by reference. The spatial data for such overlay(s) shall be presented with the Official Zoning Map, as appropriate.

**C. Administration and Maintenance of Zoning Map:** The Official Zoning Map shall be maintained in the Town of Tarboro Planning Department and a copy shall be kept on file with the Town Clerk. The Administrator shall separately maintain the digital files that comprise the map and record all map amendments in a separate metadata file.

#### 2.1.2 INTERPRETATION OF BOUNDARIES

When uncertainty exists with respect to the boundaries or districts as shown on the Official Zoning Map, the following rules shall apply:

**A.** District boundary lines are generally intended to be along or parallel to property lines, lot lines, the center lines of streets, alleys, railroads, easements, or other rights-of-way, creeks, streams, or other water channels.

**B.** In the absence of specified distances on the map, dimensions or distances shall be determined by the scale on the Official Zoning Map.

**C.** Where the Official Zoning Map shows a district boundary dividing a lot, each part of the lot shall conform to the standards established by this ordinance for the zoning district or overlay zoning district in which that part is located.

**D.** When the street or property layout existing on the ground is at variance with that shown on the Official Zoning Map, the Planning Board shall interpret the district boundaries in accordance with Chapter 14 of this ordinance.

## 2.2 DISTRICT ESTABLISHED

### 2.2.1 GENERAL USE ZONING DISTRICTS

The general use zoning districts below are established and applied to property as set forth on the Official Zoning Map.

#### A. BASE ZONING DISTRICTS

In order to maintain existing auto-oriented commercial and industrial areas, and conventionally developed residential subdivisions, there are hereby established base zoning districts with the designations and general purposes listed under each and the specifically permitted uses, Special uses, and dimensional standards included. Each base district has a corresponding Conditional District designation which shall be administered in accordance with Section 2.7

BASE DISTRICT	DESCRIPTION
<b>1. RD, Rural Development</b> ( <i>Previous District AR-20</i> )	The RD district is established as a district in which the principal uses of land are restricted due to the lack of available utilities or unsuitable soil types.
<b>2. GR3, General Residential-3</b> ( <i>Previous Districts RA-20 and RA-12</i> )	The GR3 district is primarily intended to allow primarily low density single-family detached dwelling in areas that can be served by public utilities. The maximum density of residential development in the GR3 zoning district is 3 dwellings units per acre.
<b>3. GR5, General Residential-5</b> ( <i>Previous District RA-8</i> )	The GR5 district is intended to allow primarily moderate density single-family residential development and related recreational, religious, and educational facilities in areas that are served by public utilities. The maximum density permitted in the GR5 zoning district is 5 dwelling units per acre
<b>4. GR10, General Residential-10</b> ( <i>Previous District RA-6</i> )	The GR10 district is intended to allow moderate to high density residential development and related recreational, religious facilities, educational and civic uses in areas that are served by public utilities. The maximum density permitted in the GR10 zoning district is 10 dwelling units per acre.
<b>5. MHP, Manufactured Home Park</b>	The MHP district is established to allow primarily manufactured home parks in areas that have the necessary public utilities to support such developments.
<b>6. OI, Office Institutional</b>	The OI district is intended to allow primarily office and institutional land uses. In addition, single-family residential uses are permitted within the OI district. The major objectives of this district are to encourage land uses which serve as an adequate buffer between intensive nonresidential uses and residential uses and provide aesthetic controls and dimensional requirements to ensure compatible office and service development with surrounding residential uses.

<b>7. CBD, Central Business District</b> <i>(Previous District B-1)</i>	<p>The Central Business District is intended to accommodate a wide variety of commercial activities, particularly those that are pedestrian oriented, in an intensive development pattern in the Town's central business district. The regulations of this district are intended to preserve the general character and integrity of the current development in the central business district by encouraging land uses which provide for a multipurpose central business district including retail, office, services, entertainment, and living space. Land uses which do not require large amounts of outdoor use areas and off-street parking facilities are encouraged.</p>
<b>8. NB, Neighborhood Business District</b> <i>(Previous District B-2)</i>	<p>The NB district is established as a district in which the principle use of land is for retail trade and service purposes of a lower intensity than the Highway Business zoning district. Such districts are generally located near residential areas and cater to the everyday needs of nearby residential neighborhoods, stressing accessibility by automobiles, bicycles, and pedestrians.</p>
<b>9. HB, Highway Business District</b> <i>(Previous District B-3)</i>	<p>The HB district is established to accommodate highway-oriented retail and commercial service businesses which generally have as their market area the entire town and surrounding area. The major objectives of this district are to encourage planned commercial and office parks, discourage small lot development on major highways, encourage vehicular access from service drives and other local commercial streets rather than directly from arterial streets and to provide a location for major shopping facilities and land uses requiring large outdoor spaces.</p>
<b>10. LI, Light Industrial District</b> <i>(Previous District I-1)</i>	<p>The Light Industrial District is intended to allow light manufacturing, wholesale sales, limited retail sales, and accessory land uses incidental to and in support of industrial uses.</p>
<b>11. HI, Heavy Industrial</b> <i>(Previous District I-2)</i>	<p>The Heavy Industrial District is to allow general manufacturing, wholesale sales, and accessory land uses incidental to and in support of industrial uses.</p>

## 2.3 DISTRICT STANDARDS

### 2.3.1 TABLE OF RURAL AND SUBURBAN RESIDENTIAL DEVELOPMENT STANDARDS

	RD, RURAL DEVELOPMENT	GENERAL RESIDENTIAL (GR3, GR5, GR10)	OI, OFFICE INSTITUTIONAL <sup>2</sup>	MHP, MANUFACTURED HOME PARK
<b>A. DEVELOPMENT STANDARDS</b>				
1. Density (max) <sup>1</sup>	2 du / acre	GR3: 3 du / acre GR5: 5 du / acre GR10: 10 du / acre	7 du / acre	7 du / acre
2. Open Space minimum (per Chapter 7)	2.5% of gross site area	7.5% of gross site area	7.5% of gross site area	5% of gross site area
3. Park Space minimum (Per Chapter 7)	2.5% of gross site area	5% of gross site area	5% of gross site area	5% of gross site area
<b>B. LOT STANDARDS</b>				
1. Lot Area (min) <sup>3</sup>	20,000 sf	GR3: 10,000 sf GR5: 8,000 sf GR10: 5,000 sf	6,000 sf	5 acres (overall development site)
2. Lot Width at Street Setback	100 ft	GR3: 80 ft GR5: 70 ft GR10: 60 ft	60 ft	N/A
<b>C. PRINCIPAL BUILDING STANDARDS</b>				
1. Street Setback (min) <sup>4</sup>	30 ft	20 ft	15 ft	20 ft
2. Side Setback (min)	12 ft	GR3: 12 ft GR5: 10 ft GR10: 8 ft	10 ft	20 ft
3. Rear Setback (min)	40 ft	25 ft	15 ft	20 ft
4. Building Height (max)	35 ft	35 ft	35 ft	25 ft
<b>D. ACCESSORY STRUCTURES<sup>5</sup></b>				
1. Side Setbacks (min)	10 ft	5 ft	10 ft	10 ft
2. Rear Setback (min)	10 ft	5 ft	10 ft	10 ft
3. Building Height (max) <sup>6</sup>	25 ft	25 ft	25 ft	20 ft

<sup>1</sup> Maximum density permitted is subject to standards of applicable Zoning Overlays.

<sup>2</sup> Dimensional and other requirements in this table for the O&I district are applicable to residential developments only.

<sup>3</sup> For Townhome developments, this standard applies to the entire development, not individual Townhome lots.

<sup>4</sup> On lots with multiple street frontages, the Street Setback applies to all property lines adjoining a public right-of-way or private street easement.

<sup>5</sup> Accessory structures are not permitted within a required Street Setback.

<sup>6</sup> Accessory structure are not permitted to exceed the height of a principal structure located on the same lot.

**2.3.2 TABLE OF NON-RESIDENTIAL DEVELOPMENT STANDARDS**

	OI, OFFICE INSTITUTIONAL	CBD, CENTRAL BUSINESS DISTRICT	NB, NEIGHBORHOOD BUSINESS DISTRICT	HB, HIGHWAY BUSINESS DISTRICT	LI, LIGHT INDUSTRIAL	HI, HEAVY INDUSTRIAL
<b>A. DEVELOPMENT STANDARDS</b>						
1. Minimum Lot Size	5,000 sf	N/A	1 acre	N/A	10,000 sf	N/A
2. Development Exterior Setback	N/A	N/A	N/A	50 ft	50 ft	100 ft
<b>B. PRINCIPAL BUILDING STANDARDS</b>						
1. Minimum Lot Width	60 ft	N/A	N/A	N/A	75 ft	N/A
2. Street Setback (min) <sup>2</sup>	15 ft	0 ft	0 ft	0 ft	20 ft	0 ft
3. Side Setback(min) <sup>3</sup>	10 ft	0 ft	15 ft	50 ft	50 ft	0 ft
4. Rear Setback (min)	15 ft	0 ft	0 ft	0 ft	25 ft	0 ft
5. Building Height (max)	35 ft	N/A	35 ft	35 ft	N/A <sup>4</sup>	N/A <sup>4</sup>
<b>C. ACCESSORY BUILDING STANDARDS<sup>5</sup></b>						
1. Side Setback (min)	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
2. Rear Setback (min)	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
3. Building Height (max) <sup>6</sup>	25 ft	25 ft	25 ft	N/A	N/A	N/A

<sup>1</sup>Maximum Building Floor Area permitted in the O&I District applies only to those uses classified as "Commercial" in the Permitted Use Table. The is no maximum floor area for other uses permitted in the O&I District

<sup>2</sup>On lots with multiple street frontages, the Street Setback applies to all property lines adjoining a public right-of-way or private street easement. Development is required to meet site triangle requirements.

<sup>3</sup>In situations where required perimeter buffer widths are greater than required Side Setback, minimum Side Setback is increased the minimum required perimeter buffer width (See Chapter 8).

<sup>4</sup>Maximum building height is 40 feet when a structure is located within 100 feet of a residential district.

<sup>5</sup>Accessory structures are not permitted within a required Street Setback.

<sup>6</sup>Accessory structure are not permitted to exceed the height of a principal structure located on the same lot.

**2.4 PERMITTED USES****2.4.1 USE CATEGORIES**

All uses permitted in the UDO have been divided in to 10 categories, defined as follows:

**A. Residential:** These uses are intended for long-term human habitation by means of ownership or rental. This category of uses excludes the short-term leasing or rental of property for less than 1 month.

**B. Lodging:** These uses are intended for short-term human habitation including daily and weekly rental.

**C. Office / Service:** These uses include the transaction of general business and the provision of services. This category of uses excludes retail sales and manufacturing, except as a minority component of the primary use.

**D. Commercial / Entertainment:** These uses include the transaction of commercial sales of merchandise, prepared foods, and food and drink consumption. This category of uses excludes the manufacturing of goods and products.

**E. Civic:** These uses include organizations dedicated to religion, government, arts and culture, recreation and sports, and other similar areas of public assembly.

**F. Educational and Institutional:** Uses and premises dedicated to education, social service, health care, and other similar functions.

**G. Automotive:** These uses are accessed predominantly by or dedicated to the sale, maintenance, servicing and/or storage of automobiles or similar vehicles.

**H. Industrial:** Uses dedicated to the creation, assemblage, storage, and repair of items including their wholesale or retail sale.

**I. Agricultural:** Uses dedicated to growing crops, raising animals, harvesting timber, and harvesting fish or other animals from a farm, ranch, or their natural habitat and all related functions.

**J. Infrastructure:** Uses dedicated to transportation, communication, information, and utilities.

#### 2.4.2 INTERPRETATION OF THE PERMITTED USE TABLE

**A. Permitted / Prohibited Uses:** Uses not listed as permitted (P), permitted with additional standards (PS), or requiring a special use permit (SUP) are presumed to be prohibited (-) from the applicable zoning district.

**B. Uses Not Listed:** In the event that a particular use is not listed in the Permitted Use Table, and such use is not listed as a prohibited use and is not otherwise prohibited by local, state, or federal law, the Administrator shall determine whether a materially similar use exists in the UDO. Should the Administrator determine that a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed and the Administrator's decision shall be recorded in writing. Should the Administrator determine that a materially similar use does not exist, the Administrator's determination may be appealed to the Board of Adjustment, as described in Chapter 15 of this ordinance. Alternatively, the UDO may be amended, as described in Chapter 15, to establish a specific listing for the use in question.

**C. Materially Similar Uses:** The Administrator may determine that a use is materially similar if a permitted use is similarly classified by one or more of the following use classification systems:

1. American Planning Association Land-Based Classification Standards (LBCS)
2. North American Industrial Classification System (NAICS)

3. Institute of Traffic Engineers Trip Generation Guide (ITS)

2.4.3 PERMITTED USE TABLE

**A. (P)** – This notation indicates that the listed use is permitted by-right in the corresponding zoning district.

**B. (PS)** – This notation indicates that the listed use is permitted by-right in the corresponding zoning district, with supplemental use standards as defined in Chapter 3 of this ordinance.

**C. (SUP)** – This notation indicates that the listed use is permitted with approval of a Special Use Permit by the Town of Tarboro Town Council

**D. (-)** – This notation indicates that the listed use is not permitted in the corresponding zoning district.

A. RESIDENTIAL	RD	GR3	GR5	GR10	MHP	OI	CBD	NB	HB	LI	HI
Class A Manufactured Housing	-	-	-	-	P	-	-	-	-	-	-
Class B Manufactured Housing	-	-	-	-	P	-	-	-	-	-	-
Class C Manufactured Housing	-	-	-	-	-	-	-	-	-	-	-
Dormitory	-	-	-	-	-	P	-	-	-	-	P
Dwelling, Accessory	P	P	P	P	P	P	-	-	-	-	-
Dwelling, Duplex	-	-	P	P	-	P	-	-	-	-	-
Dwelling, Multi-Family	-	-	-	SUP	-	SUP	SUP	-	-	-	-
Dwelling, Single-Family	P	P	P	P	-	P	P	-	-	-	-
Dwelling, Townhome	-	-	P	P	-	P	SUP	-	-	-	-
Family Care Home	PS	PS	PS	PS	PS	PS	-	-	-	-	-
Manufactured Home Park	-	-	-	-	SUP	-	-	-	-	-	-
Nursing / Rest Home	-	-	-	SUP	-	PS	PS	-	P	-	-
Planned Density Development	SUP	SUP	SUP	SUP	-	SUP	-	-	-	-	-
Residential Care Facilities (more than 6 persons)	-	PS	PS	PS	PS	PS	-	-	-	-	-
Upper-Story Residential	-	-	-	-	-	-	P	P	P	-	-

"P" = Permitted; "PS" = Permitted with Standards; "SUP" = Special Use Permit; "-" = Not Permitted

## CHAPTER 2: Zoning District and Provisions

### 2.4 PERMITTED USES

<b>B. LODGING</b>	<b>RD</b>	<b>GR3</b>	<b>GR5</b>	<b>GR10</b>	<b>MHP</b>	<b>OI</b>	<b>CBD</b>	<b>NB</b>	<b>HB</b>	<b>LI</b>	<b>HI</b>
Bed and Breakfast Homes	SUP	SUP	SUP	SUP	-	SUP	PS	-	-	-	-
Boarding or Rooming House (12 or less persons)	-	-	-	SUP	-	SUP	-	-	-	-	-
Hotel / Inn (less than 20 rooms)	-	-	-	-	-	P	P	P	P	-	-
Hotel / Inn (no room limit)	-	-	-	-	-	-	SUP	-	P	-	-
Short-Term Vacation Rental	SUP	SUP	SUP	SUP	-	SUP	PS	PS	-	-	-

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<b>C. OFFICE / SERVICE</b>	<b>RD</b>	<b>GR3</b>	<b>GR5</b>	<b>GR10</b>	<b>MHP</b>	<b>OI</b>	<b>CBD</b>	<b>NB</b>	<b>HB</b>	<b>LI</b>	<b>HI</b>
ATM	-	-	-	-	-	P	P	P	P	P	P
Business Support Services	-	-	-	-	-	P	P	P	P	-	-
Crematorium	-	-	-	-	-	-	-	-	P	P	P
Dry Cleaning & Laundry Services	-	-	-	-	-	-	P	P	P	-	-
Financial Services	-	-	-	-	-	P	P	P	P	-	-
Funeral Homes	-	-	-	-	-	P	P	P	P	-	-
Home Occupation	PS	PS	PS	PS	PS	PS	-	-	-	-	-
Medical Clinic	-	-	-	-	-	P	P	P	P	-	-
Personal Services	-	-	-	-	-	P	P	P	P	-	-
Personal Services, Restricted	-	-	-	-	-	-	PS	-	PS	-	-
Post Office	-	-	-	-	-	P	P	P	P	-	-
Professional Services	-	-	-	-	-	P	P	P	P	-	-
Small Equipment Rental / Repair	-	-	-	-	-	-	-	P	P	P	P
Veterinary Services	-	-	-	-	-	PS	PS	PS	PS	PS	P

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## CHAPTER 2: Zoning District and Provisions

### 2.4 PERMITTED USES

<b>D. COMMERCIAL / ENTERTAINMENT</b>	<b>RD</b>	<b>GR3</b>	<b>GR5</b>	<b>GR10</b>	<b>MHP</b>	<b>OI</b>	<b>CBD</b>	<b>NB</b>	<b>HB</b>	<b>LI</b>	<b>HI</b>
ABC Store	-	-	-	-	-	P	P	P	P	-	-
Adult Establishment	-	-	-	-	-	-	-	-	-	SUP	SUP
Bar/ Tavern	-	-	-	-	-	-	P	P	P	-	-
Campground	SUP	-	-	-	SUP	-	-	-	-	SUP	SUP
General Commercial	-	-	-	-	-	P	P	P	P	-	-
General Commercial – Development Area Greater than 125,00 sf	-	-	-	-	-	-	-	-	SUP	-	-
Indoor Amusement	-	-	-	-	-	-	P	P	P	-	-
Indoor Theater	-	-	-	-	-	-	P	P	P	-	-
Internet Sweepstakes Facilities	-	-	-	-	-	-	-	-	-	-	-
Night Club	-	-	-	-	-	-	PS	PS	PS	-	-
Open Air Retail	-	-	-	-	-	-	PS	-	PS	-	-
Outdoor Theater	-	-	-	-	-	-	PS	PS	P	-	-
Outside Sales and Display	-	-	-	-	-	PS	PS	PS	PS	-	-
Pawnshops	-	-	-	-	-	-	-	-	SUP	-	-
Racetrack	SUP	-	-	-	-	-	-	-	-	-	SUP
Restaurant	-	-	-	-	-	P	P	P	P	-	-
Riding Stables	P	-	-	-	-	-	-	-	-	-	-
Shooting Range, Indoor	-	-	-	-	-	-	-	-	-	SUP	SUP
Shooting Range, Outdoor	SUP	-	-	-	-	-	-	-	-	-	SUP
Special Event Facility	SUP	SUP	SUP	SUP	SUP	PS	PS	PS	PS	-	-
Temporary Uses	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS

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<b>E. CIVIC</b>	<b>RD</b>	<b>GR3</b>	<b>GR5</b>	<b>GR10</b>	<b>MHP</b>	<b>OI</b>	<b>CBD</b>	<b>NB</b>	<b>HB</b>	<b>LI</b>	<b>HI</b>
Cemetery	PS	PS	PS	PS	-	PS	-	-	-	-	-
Civic Meeting Facilities	-	-	-	-	-	P	P	P	P	-	-
Community or Cultural Facility	-	-	-	-	-	P	PS	P	P	-	-
Conference/Convention Center	-	-	-	-	-	-	P	-	P	-	-
Indoor Recreation Facility	-	-	-	-	-	-	P	P	P	-	P
Outdoor Recreation Facility	PS	-	-	-	-	-	-	-	PS	PS	PS
Public Safety Station	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS
Religious Institution	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS
Sports Arena / Stadium	-	-	-	-	-	SUP	-	-	-	-	SUP

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## CHAPTER 2: Zoning District and Provisions

### 2.4 PERMITTED USES

<b>F. EDUCATIONAL / INSTITUTIONAL</b>	<b>RD</b>	<b>GR3</b>	<b>GR5</b>	<b>GR10</b>	<b>MHP</b>	<b>OI</b>	<b>CBD</b>	<b>NB</b>	<b>HB</b>	<b>LI</b>	<b>HI</b>
Adult / Child Day Care Home (8 persons or less)*	PS	PS	PS	PS	PS	-	-	-	-	-	-
College/University	-	-	-	-	-	-	-	-	P	P	-
Community Support Facility	-	-	-	-	-	P	P	P	P	-	-
Correctional Institution	-	-	-	-	-	-	-	-	-	-	SUP
Day Care Facility (more than 8 persons)	-	-	-	-	-	P	P	P	P	-	-
Halfway Homes	-	-	-	-	-	SUP	-	-	-	-	-
Hospital	-	-	-	-	-	PS	PS	PS	PS	-	-
Schools – Elementary & Secondary	PS	PS	PS	PS	PS	PS	PS	PS	PS	-	-
Schools – Vocational/Technical	-	-	-	-	-	P	P	P	P	-	-
Studio – Art, Dance, Martial Arts, etc	-	-	-	-	-	P	P	P	P	-	-

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<b>G. AUTOMOTIVE</b>	<b>RD</b>	<b>GR3</b>	<b>GR5</b>	<b>GR10</b>	<b>MHP</b>	<b>OI</b>	<b>CBD</b>	<b>NB</b>	<b>HB</b>	<b>LI</b>	<b>HI</b>
Drive-in Theater	PS	-	-	-	-	-	-	-	PS	PS	PS
Drive-Thru/Drive-In Facility	-	-	-	-	-	PS	-	P	P	-	-
Gas/Fueling Station	-	-	-	-	-	PS	PS	PS	P	-	-
Heavy Equipment Rental/Sales	-	-	-	-	-	-	-	-	P	P	P
Major Vehicle Maintenance/Repair	-	-	-	-	-	-	-	-	PS	PS	PS
Manufactured Home Sales	-	-	-	-	-	-	-	-	P	P	P
Minor Vehicle Maintenance/Repair	-	-	-	-	-	-	PS	-	PS	PS	PS
Moving Truck Rental	-	-	-	-	-	-	-	-	P	P	P
Parking Lot/Parking Structure as a Principal Use	-	-	-	-	-	P	-	-	P	P	P
Vehicle Renting/Leasing/Sales	-	-	-	-	-	P	-	P	P	-	-

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## CHAPTER 2: Zoning District and Provisions

### 2.4 PERMITTED USES

H. INDUSTRIAL	RD	GR3	GR5	GR10	MHP	OI	CBD	NB	HB	LI	HI
Breweries and Distilleries	-	-	-	-	-	-	P	P	P	P	P
Dry Cleaning Plant	-	-	-	-	-	-	-	-	-	P	P
Excavation / Mining	-	-	-	-	-	-	-	-	-	-	SUP
Heavy Industry	-	-	-	-	-	-	-	-	-	-	SUP
Junkyard	-	-	-	-	-	-	-	-	-	-	SUP
Landfill	-	-	-	-	-	-	-	-	-	-	SUP
Light Industry	-	-	-	-	-	-	-	-	-	P	P
Light Manufacturing Workshop	-	-	-	-	-	P	P	P	P	P	P
Materials Recovery and Waste Transfer Stations	-	-	-	-	-	-	-	-	-	-	P
Outdoor Storage Yard	-	-	-	-	-	-	-	-	-	P	P
Recycling Collection Stations	-	-	-	-	-	-	-	-	-	-	P
Self Service / Mini-Storage	-	-	-	-	-	-	-	-	PS	P	P
Warehouse / Indoor Storage	-	-	-	-	-	-	-	-	P	P	P
Wholesaling and Distribution	-	-	-	-	-	-	-	-	-	P	P

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I. AGRICULTURAL	RD	GR3	GR5	GR10	MHP	OI	CBD	NB	HB	LI	HI
Animal / Crop Production	P	-	-	-	-	-	-	-	-	-	-
Backyard Chicken Pens/Coops	P	PS	PS	PS	PS	PS	-	-	-	-	-
Community and Private Garden	P	P	P	P	P	P	P	P	P	P	P
Nurseries/Garden Centers	-	-	-	-	-	-	-	P	P	P	P
Outdoor Kennels	SUP	-	-	-	-	-	-	-	-	SUP	SUP
Produce Stands	PS	PS	PS	PS	PS	PS	PS	PS	P	-	-
Swine Farms	SUP	-	-	-	-	-	-	-	-	-	SUP

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J. INFRASTRUCTURE	RD	GR3	GR5	GR10	MHP	OI	CBD	NB	HB	LI	HI
Airports / Airstrips	SUP	-	-	-	-	-	-	-	-	SUP	SUP
Class 1 Utility	P	P	P	P	P	P	P	P	P	P	P
Class 2 Utility	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS
Class 3 Utility	-	-	-	-	-	-	-	-	SUP	SUP	SUP
Wireless Telecommunications Facility (non-tower)	P	P	P	P	P	P	P	P	P	P	P
Wireless Telecommunications Tower	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP

“P” = Permitted; “PS” = Permitted with Standards; “SUP” = Special Use Permit; “-” = Not Permitted

## 2.5 OVERLAY ZONING DISTRICTS

For the purposes of managing certain environmentally sensitive, historic neighborhoods, or visually important geographic areas, certain zoning overlay districts are hereby established to impose design, use, or other standards in addition to the requirements of the underlying base zoning district. Location of overlay zoning districts is shown on the official Town of Tarboro Zoning Map

### 2.5.1 OVERLAY ZONING DISTRICT DESCRIPTIONS

OVERLAY DISTRICT	DESCRIPTION
<b>1. Flood Hazard Overlay (FHO)</b>	The FHO district is established as an overlay district of all general zoning districts for the purposes of protecting people and property from the hazards of flooding.
<b>2. Airport Hazard Overlay District (AHO)</b>	The AHO district is established as an overlay of all general zoning districts in the vicinity of the Tarboro-Edgecombe Airport. The purpose of the AHO is to protect the airport environs from encroachment of incompatible land uses which present hazards to users of the airport as well as to persons residing or working in the airport vicinity.
<b>3. Historic District Overlay (HDO)</b>	The HDO is established as an overlay district for all general zoning districts that contain structures or other facilities of historic significance. The purpose of the HDO district is to protect and conserve the heritage and character of the Tarboro community by providing for the preservation of designated historical areas within the planning jurisdiction.
<b>4. Watershed Critical Area Overlay (WCA)</b>	The WCA district is established as an overlay district for all general zoning districts for the purposes of protecting portions of the designated Tar River public water supply watershed from activities which could degrade water quality. The WCA is located within the portion of the Tarboro jurisdiction that is ½ mile upstream from, and draining to, the Town's Tar River intake, or the ridge line of the watershed.
<b>5. Watershed Protected Area Overlay (WPA)</b>	The WPA district is established as an overlay district for all general zoning districts for the purposes of protecting portions of the designated Tar River public water supply watershed from activities which could degrade water quality. The WPA consists of that part of the Tar River public water supply located within the Town of Tarboro that is 10 miles upstream from, and draining to, the Town's Tar River intake, or the ridge line of the watershed.

### 2.5.2 FLOOD HAZARD OVERLAY (FHO) DISTRICT

**A. Purpose:** The Flood Hazard Overlay district is a zoning overlay district intended to protect people and property from the hazards of flooding.

**B. Regulations:** The regulations for development within the FHO district are further described in Chapter 12 of this Ordinance.

### 2.5.3 AIRPORT HAZARD OVERLAY DISTRICT (AHO)

**A. Applicability:** It is the intent of the AHO district to restrain influences which are averse to the property and safe conduct of aircraft in the vicinity of the Tarboro-Edgecombe Airport. The regulations of this overlay district are intended to prevent conditions hazardous to aircraft operation, prevent conflict with land development which may result in loss of life and property, and to encourage development which is compatible with airport use characteristics.

**B. Regulations:** Except as otherwise provided, no structure shall be erected, altered, or maintained and no trees shall be allowed to grow in any zone created by this Section to a height in excess of the applicable height limitations herein established for each zone in question as follows:

**1. Approach Zone (AHO-A):** Slopes 20 feet outward for each foot of 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 (AHO-T):** Slopes 7 feet outward for each foot of upward beginning at the side 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 7 feet outward for each foot upward beginning at the sides and at the same elevation as the approach surface, and extending to where they intersect the horizontal surface.

**3. Horizontal Zone (AHO-H):** Established 150 feet above the airport or at an elevation of 202 feet above mean sea level.

**4. Conical Zone (AHO-C):** Slopes 20 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.

**C. No Interference With Airport Operations:** No use of may be made of land or water within any zone established in this section in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

**D. Nonconformities:** The regulations prescribed by this section shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this section, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein 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 this section and is diligently prosecuted.

**A.** Notwithstanding the above, 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 deemed necessary by the Tar-Edgecombe 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 Tar-Edgecombe Airport Authority.

**E. Permitting:** The Administrator shall not issue a zoning permit within an AHO-A, AHO-H, or AHO-T area until it has been determined that the request is in compliance with the terms of these regulations.

**1.** Except as specifically provided in this Subsection, 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 therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined 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. No permit for a use inconsistent with the provisions of this section shall be granted unless a variance has been granted in accordance with Chapter 15 of this Ordinance.

**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 limit prescribed for such transition zones.

iii. In 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.

2. Nothing contained in any of the foregoing exceptions shall be construed as permitted or intending to permit any construction or alteration of any structure or growth of any tree in excess of the height limits established by this Section except where authorized.

**F. Hazards:** No permit shall be granted that would allow the establishment or creation of an obstruction or permit of 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.

**G. Discontinuance of Nonconformities:** Whenever the Administrator determines that a nonconforming tree or structure has been abandoned or more than 60% 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 zoning regulations.

**F. Variances:** 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 Planning Board for a variance in accordance with the provisions of Chapter 15. The application for variance shall be accompanied by a determination from the Federal Aviation Administration (FAA) as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable air space. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief, if granted, will not be contrary to the public interest, not create a hazard to air navigation, will do substantial justice and will be in accordance with the spirit of this Section. Additionally, no application for variance to the requirements of this Section may be considered by the Planning Board unless a copy of this application has been furnished to the airport manager and/or the airport authority for advice as to the aeronautical effects of the variance. If the airport manager and/or airport authority does not respond to the application within 15 days after receipt, the Planning Board may act on its own to grant or deny said application.

**G. Conditions of Approval:** Any permit or variance granted, if such action is deemed advisable to effectuate the purpose of this section and be reasonable in the circumstances, may be so conditioned as to require the owner of the structure or tree in question to install, operate or maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Planning Board, this condition may be modified to require the owner to permit the Tarboro-Edgecombe Airport Authority, at its own expense, to install, operate, and maintain the necessary markings and lights.

#### 2.5.4 HISTORIC DISTRICT OVERLAY (HDO)

**A. Applicability:** The use and development of any land or structure within the HDO shall comply with the use regulations and intensity regulations applicable to the underlying zoning district. No exterior portion of any building or other structure (including masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features) or any above-ground utility structure, or any type of outdoor advertising sign shall be erected, altered, restored, moved, or demolished within the Historic District until after an application for a Certificate of Appropriateness as to exterior architectural features has been submitted to an approved by the Historic District Commission (HDC)

1. For the purpose of this Subsection, “exterior architectural features” shall include the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures. In the case of outdoor advertising signs, “exterior architectural features” shall be construed to mean the style, material, size, and location of all such signs.

**B. Certificate of Appropriateness (COA) Required:** Certificates of Appropriateness shall be issued by the HDC prior to the issuance of a building permit or any other permit granted for purposes of constructing, altering, or demolishing buildings or structures. A COA shall be required whether or not a building permit is required. Any building permit or other permit not issued in conformity with this section shall be invalid.

**C. Certificate of Appropriateness Not Required:** Nothing in this Subsection shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in the Historic District that does not involve a change in design, material, or outer appearance thereof, or to prevent the construction, reconstruction, alteration, restoration, moving, or demolition of any such feature that the Building Inspector or similar official shall certify is required by the public safety because of unsafe or dangerous condition. Ordinary maintenance or repair shall include, but is not limited to, the following:

1. Painting of structures, when said painting is not connected with alteration or new construction.
2. Interior work which does not result in any exterior changes.
3. Planting of yard vegetables, shrubbery, trees, etc.
4. Replacement of window glass with a pane of equal dimensions and transparency.



5. Caulking and weather-stripping.

6. Installation on the rear or side of the house, window air conditioner(s), television antennas, and other temporary mechanical equipment.

7. Repairs to walks, patios, fences, and driveways as long as the replacement materials match the original.

8. Replacement of small amounts of missing or deteriorated siding, roof shingles, porch flooring, steps or railing, so long as the replacement materials are identical to the original.

i. For siding, roofing, and porch flooring, 20 square feet or less shall be considered normal maintenance.

On the basis of the preliminary sketches or drawings and other supporting data, the Administrator may exempt from requirements for a COA those projects involving the ordinary maintenance or repair of any exterior architectural feature that does not involve a change in design, material, or outer appearance thereof. The Administrator shall notify the HDC of all such exemptions.

**D. Procedures for Approval of COA's:** The following are required for the submittal of an application for a COA:

1. Applications for COA shall be filed with the Administrator. The Administrator shall prescribe the forms on which the application is made, as well as any other material which may be reasonably be required to determine the nature of the application. No application shall be accepted by the Administrator unless it complies with such requirements. Applications which are not complete shall be returned forthwith to the applicant, with notation of the deficiencies in the application. The HDC may specify criteria for situations in which the Administrator may waive any of the application material requirements.

2. The HDC approval process will follow quasi-judicial procedure.

**DI. Notification of Affected Property Owners:** Prior to approval or denial of an application for a COA, the HDC shall take such action as may be required to inform the owners of any property likely to be materially affected by the application and shall give the applicant and such owners an opportunity to be heard.

**DII. Public Hearing:** In cases where the HDC deems it necessary, it may hold a public hearing concerning the application.

**DIII. Commission Action:** Within 60 days of the acceptance of the application, or within such further time consented to by written notice from the applicant, the Commission

shall take action on the application. Such action shall be based upon the review criteria in this Subsection and shall be one of the following:

1. Approval
2. Approval subject to conditions
3. Denial

The HDC may impose such reasonable condition on its approval of an application as will ensure that the spirit and intent of this article achieved.

**H. Delay of Demolition:** As application for a COA authorizing the relocation, demolition, or destruction of a building or structure within the Historic District may not be denied. However, the effective date of such a COA may be delayed for a period of up to 365 days from the date of approval. The maximum period of delay authorized by this section shall be reduced by the HDC where it finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use of or return from such property by virtue of the delay. During such period, the HDC may negotiate with the owner and with any other parties in an effort to find a means of preserving the building. If the HDC finds that a particular building has not particular significance or value toward maintain the character of the Historic District, it shall waive all or part of such period and authorize earlier demolition or removal. In every case, the record of the HDC shall include the reasons for its actions.

**I. Actions Subsequent to Decision:** The Administrator shall notify the applicant of the HDC's decision in writing and shall file a copy of it with the Town's Planning Department. If the application is denied, the notice shall include the reasons for such action.

**H. Appeal of Decision:** A decision by the HDC on an application for a COA may be appealed to the Board of Adjustment in accordance with the provisions of Chapter 15.

**J. Submission of a New Application:** If the HDC denies an application for a COA, a new application affecting the same property may be submitted only if substantive change is made in plans for the proposed construction, reconstruction, alteration, restoration, or moving.

**K. Modifications to Applications:** An approved or pending application for a COA may be modified by a written request from the applicant to the HDC. Such a request shall include a description of the proposed change and shall be accompanied by elevations, plans or sketches, where necessary. If the HDC finds that the modification constitutes a substantial change which might affect surrounding property owners, it shall request the applicant to notify affected property owners following the procedures in 2.5.4.E before

taking action on the modification. The HDC shall thereupon treat the request in the same manner as any other application as outlined in 2.5.4.D.

**L. Review Criteria:** In considering an application for a COA, the HDC shall take into account the historical and/or architectural significance of the structure under consideration and the exterior form and appearance of any proposed additions or modifications to that structure that are visible from the public right-of-way. The HDC may not consider interior arrangement or use. The HDC, using the criteria below, shall make findings of fact indicating the extent to which the application is or is not congruous with the historic aspects of the Historic District. The criteria below shall be considered, when relevant, by the HDC when reviewing applications for a COA:

1. The height of the building in relation to the average height of the nearest adjacent and opposite buildings.
2. The setback and placement on lot of the building in relation to the average setback and placement of the nearest adjacent and opposite buildings.
3. Exterior construction materials, including texture and pattern.
4. Architectural detailing, such as lintels, cornices, brick bond, and foundation materials.
5. Roof shapes, forms, and materials.
6. Proportion, shape, positioning and location, pattern, and size of any elements of fenestration.
7. General form and proportions of buildings and structures.
8. Appurtenant fixtures and other features such as lighting.
9. Structural conditions and soundness.
10. Architectural scale.

**M. Parking:** Where the HDC, in considering an application for a COA, finds that the number of off-street parking spaces required by this Ordinance for a building or structure for which a building permit is requested would render the building and/or parking area incongruous with the historic aspects of the district, it shall recommend to the Planning Board a waiver, in part or in whole, of the off-street parking requirements. The Planning Board may authorize a lesser number of off-street parking spaces, provided:

1. The Planning Board finds that the lesser number of off-street parking spaces will not create problems due to increasing on-street parking; and

**2. Will not constitute a threat to public safety.**

**N. Restoration:** Where it is found by the HDC that an application for a building permit covers activity constituting an authentic restoration or reconstruction in the same location as the original location and in the original configuration of a structure of historic and/or architectural significance to the Historic District, such activity may be approved by the Planning Board, following approval by the HDC. This allows the waiver of zoning requirements which would otherwise prevent the authentic restoration or reconstruction of a structure so long as said improvement shall meet the requirements of the HDC.

**O. Improvements in the Public Right-of-Way:** The Planning Board shall not be authorized, in action taken according to this subsection, to approve use of property which is not permitted by right or as a Special Use within the district in which the property is located. In addition to any other conditions the Planning Board may make regarding such authorization, any items restored, reconstructed, or maintained on, over, or within a public sidewalk, public alley or other such public way shall be the responsibility of the owner, their heirs or assigns. The owner's restoration reconstruction, or maintenance of any such item within such area shall constitute the owner's agreement to protect and hold the Town of Tarboro harmless against any and all liability, cost, damage, or expense suffered by the Town of Tarboro as a result of growing out of the restoration, reconstruction, or maintenance thereof. Such items, so approved, may be lawfully restored, reconstructed, or maintained. Any such item projecting over the right-of-way of a street or alley shall be, at its lowest point, 12 feet above the travel way.

**P: Minor Works:** The Administrator is authorized to approve minor works with a COA with prior categorical consent of the HDC. For any work not approved as a minor work, an application for a COA must be reviewed by the HDC. The Administrator shall use the following criteria to determine whether a proposed action is a minor work:

- 1.** Renewal of expired COA where no change or circumstances under which the COA was originally approved.
- 2.** Street, sidewalk, and underground utility work which does not substantially change the appearance of the streetscape, such replacement water and sewer lines, street resurfacing and installation or replacement of sidewalk and curbing.
- 3.** Replacement of missing or deteriorated siding, porch floors or roof shingles in excess of 20 square feet; trim, ceiling, columns, and balustrades or architectural details with new materials that are identical to the original.
- 4.** Removal of asbestos, asphalt, or other artificial siding when the original siding is to be repaired and repainted.

5. Installation of metal foundation vents on side and rear only, soffit and roof vents, gable end vents and replacement of wood access doors. Installation of foundation access doors which cannot be easily seen from the street.
6. Installation of mechanical equipment such as satellite receiving dishes, heating and air conditioning units, etc., which cannot be easily seen from the street or are screened from view with shrubbery or appropriate fencing.
7. Minor work where there is no change in materials or appearance of the structure and where the visual character of the structure is not changed, i.e., replacement of deteriorated front porch floor when new material matches the original.
8. Repair or replacement of masonry foundation where the original foundation material is retained or where new material matches the original.
9. Small identification signs or historic markers previously approved by the HDC.
10. Repainting and other masonry repairs where the color and composition of the mortar matches the original and new brick and/or stone matches the original.
11. Installation of storm windows so long as they are of on-over-one construction and the sash and trim are not covered and a baked enamel finish which compliments or matches the structure is used.
12. Installation of storm doors so long as they are “full view” type and highlight the features of the main door and frame and a baked enamel finish which compliments or matches the structure is used.

### 2.5.5 WATERSHED CRITICAL AREA OVERLAY DISTRICT (WCA)

**A. Applicability:** The WCA district consists of that part of the Tar River public water supply watershed designated by the North Carolina Environmental Management Commission and is located within the Town of Tarboro Planning jurisdiction that is ½ mile upstream from and draining to the Town’s Tar River water intake or the ridge line of the watershed (whichever comes first). The boundaries of the WCA district are delineated on the official zoning map as defined in Chapter 1 of this Ordinance. Land uses within the watershed districts must comply with all of the requirements of both the underlying general zoning district and the applicable watershed overlay district. The development standards and requirements within the WCA district can be found in Chapter 12 of this Ordinance; these standards are only applicable to new development activities which require an erosion and sedimentation control plan.

### 2.5.6 WATERSHED PROTECTED AREA OVERLAY DISTRICT (WPA)

**A. Applicability:** The WPA district consists of that part of the Tar River public water supply designated by the North Carolina Environmental Management Commission and is located within the Town of Tarboro planning jurisdiction that is 10 miles upstream from and draining to the Town's Tar River water intake or to the ridge line of the watershed (whichever comes first). The boundaries of the WPA district are delineated on the official zoning map as defined in Chapter 1 of this Ordinance. Land uses within the watershed districts must comply with all of the requirements of both the underlying general zoning district and the applicable watershed overlay district. The development standards and requirements within the WPA district can be found in Chapter 12 of this Ordinance; these standards are only applicable to new development activities which require an erosion and sedimentation control plan.

## 2.6 ALTERNATIVE DEVELOPMENT STANDARDS

Floating overlay districts are tools for development regulation that encourage creative designs in new development. The intent of floating districts is to allow more flexibility in the design of new development without requiring a standard legislative rezoning process.

### 2.6.1 CLUSTER SUBDIVISIONS

**A. Purpose and Intent:** The intent of the cluster subdivision regulations is to authorize a developer to decrease lot sizes in exchange for increased useable open space, thereby lowering development costs and increasing the amenity of the project without decreasing the density beyond what would be permissible if the land were subdivided with the standards of zoning district in which it is located.

**B. Lot Sizes:** In any single-family residential subdivision in the RD, GR3, GR5, or GR10 zoning districts, a developer may create lots smaller than required in the zoning district in which it is located as long as the development complies with the provisions of this Subsection. The proposed development must comply with the maximum density permitted in the underlying general zoning district.

**C. Useable Open Space:** The amount of useable open space that must be set aside shall be determined by subtracting the lot sizes proposed for each lot from the minimum lot size required in the underlying general zoning district and adding together the results for each lot.

*2.6.1 Commentary: For example, if 100 acres of land is located in the RD zoning district, the maximum number of lots permitted is 200. If a developer proposed 200 lots, each at 10,000 square feet, the amount of useable open space required within the cluster subdivision would be approximately 46 acres.*

**D. Minimum Open Space:** The provisions of this section may only be used if the useable open space set aside in a subdivision comprises at least 10,000 square feet of space that satisfies the definition of useable open space as set forth in Chapter 7 of this Ordinance.

**E. Other Dimensional Requirements:** The setback requirements of the underlying general zoning district are applicable to structures in a cluster subdivision.

### 2.6.2 PLANNED DENSITY DEVELOPMENT (PDD)

**A. Purpose and Intent:** The purpose of this section is to provide flexibility consistent with the public health and safety without increasing overall density to a developer who subdivides property and construct buildings on lots created in accordance with a unified and coherent plan for development.

**B. Applicability:** Planned Density Developments are permissible only as a Special Use on tracts of at least 5 contiguous acres located within the RD, GR3, GR5, or GR10 zoning districts.

**C. Density:** The overall density for a PRD may not exceed the density permitted in the underlying general zoning district.

**D. Permitted Uses:**

**1. Residential:** The permitted types of residential uses within a PRD include single-family detached dwellings, duplexes, townhomes and multi-family dwellings. The minimum lot area, lot width, and setbacks in §2.3.1 may be varied in the PRD plan. The lot area, lot width and setbacks shall conform to the standards set forth in the master plan approved by the Town.

**2. Non-Residential:** A maximum of 25% of the overall acreage of the area proposed as a Planned Density Development may be comprised of non-residential uses. Site plans for non-residential uses shall not be approved until 70% of the Certificates of Occupancy for residential uses within the development have been issued.

**E. Location of Uses:** To the extent practicable, duplex, townhome, and multi-family portions of the PRD shall be developed more toward the interior, rather than the periphery, of the tract so that the single-family detached dwelling units border adjacent properties.

**F. Screening:** In a PRD, the screening requirements that would normally apply where duplex, townhome or multi-family development adjoins a single-family development shall not apply within the tract as developed as a PRD, but all screening requirements shall apply between the tract so developed and adjacent lots.

**G. Recreation and Open Space:** Recreation and open space in a PRD shall be provided in accordance with the standards set forth in Chapter 7 of this Ordinance.

## 2.7 CONDITIONAL DISTRICTS (CD)

Conditional Districts are districts with conditions that have been voluntarily added by the applicant and approved in a legislative procedure by the Town Council in accordance with G.S. §160D-605. Conditional Districts provide for orderly and flexible development under the general policies of this ordinance without the constraints of some of the prescribed standards guiding by-right development. Because Conditional District developments are constructed in a comprehensive manner, they establish their own building, street, block, and lot pattern which may be unique from surrounding blocks or neighborhoods. Conditional Districts may be used in any district but is not intended to relieve hardships that would otherwise be handled through the variance procedure.

### 2.7.1 STANDARDS FOR CONDITIONAL DISTRICTS

Within a Conditional District (CD), petitioners may place additional requirements or standards onto themselves and their property or ask that certain uses identified in the specific zoning category or ask that certain provisions in this ordinance be decreased. It shall be the final decision of the Town Council to grant or deny a CD zoning request in light of the revised development standards presented in accordance with the procedures contained in Chapter 15 of this ordinance. If no specific request is made by the petitioner to change the development standards, or if the petition is silent on the point, it shall be understood that the underlying zoning district guidelines and standards shall apply.

In addition to the modification of specific district standards except use, the various provisions detailed in Chapters 2 through 12 of this Ordinance may be varied if specifically requested by the petitioner as part of the Conditional District application, with the exceptions outlined below:

CHAPTER	TITLE	EXCEPTIONS TO MODIFICATIONS
2	Zoning Districts and Provisions	<ul style="list-style-type: none"><li>- Uses not permitted in the base zoning district may not be added unless the proposed use is not currently defined in this ordinance.</li><li>- Uses permitted in the base zoning district may be removed as part of the CD application.</li></ul>
3	Supplemental Use Standards	None
4	General Development Provisions	None
5	Subdivision and Infrastructure Standards	None
6	Tree Protection, Buffering, and Landscaping	No modifications permitted
7	Recreation and Open Space	Amount of open space required as part of new development cannot be reduced.
8	Parking and Driveways	None
9	Lighting	None
10	Signs	No modifications permitted
11	Erosion Control and Stormwater Management	No modifications permitted
12	Flood Damage Prevention and Watershed Management	No modifications permitted





## CHAPTER 3: Supplemental Use Standards

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<b>3.7 SUPPLEMENTAL USE STANDARDS FOR EDUCATIONAL / INSTITUTIONAL USES</b>	<b>61</b>
<b>3.8 SUPPLEMENTAL USE STANDARDS FOR AUTOMOTIVE USES</b>	<b>63</b>
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<b>3.10 SUPPLEMENTAL USE STANDARDS FOR AGRICULTURAL USES</b>	<b>69</b>
<b>3.11 SUPPLEMENTAL USE STANDARDS FOR INFRASTRUCTURE USES</b>	<b>71</b>

## CHAPTER 3: Supplemental Use Standards

### 3.1 APPLICABILITY

There are certain uses that exist which may be constructed, continued, and/or expanded provided they meet certain mitigating conditions specific to their design and/or operation. Such conditions ensure compatibility so that different uses may be located in proximity to one another without adverse effects to either. When uses are listed in the Permitted Use Table in Chapter 2 as Permitted with Standards (PS) or uses requiring a Special Use Permit (SUP) they shall comply with the additional criteria set forth in this Chapter for that use in addition to the other applicable criteria contained in this Ordinance.

#### 3.1.1 USES PERMITTED WITH STANDARDS (PS)

- A. Permitted uses with additional standards are permitted by-right, provided that the specific standards set forth in this Chapter are met.
- B. The specified standards are to ensure that these uses fit the vision of the zoning district in which they are permitted, and that these uses are compatible with other development permitted within the districts.

#### 3.1.2 SPECIAL USE PERMIT APPLICATIONS (SUP)

- A. Special Uses are uses which are generally compatible with other land uses permitted in a zoning district but which, because of their unique characteristics or potential impacts on the surrounding neighborhoods and/or the Town as a whole, require individual consideration in their location, design, configuration, and/or operation at the particular location proposed.
- B. All Special Uses shall, at a minimum, meet the standards for the zoning district in which they are located, and the specific standards set forth in this Chapter for that specific use. In addition to determining that the application meets all other requirements of this Ordinance (no variances are permitted), the Town Council must find that the development in its proposed location:
  - 1. Will not endanger the public health and safety; and
  - 2. Will not injure the value of adjoining or abutting property; and
  - 3. Will be in harmony with the area in which it is located; and
  - 4. Will be in conformity with the land use plan, thoroughfare plan, or any other plan officially adopted by the Council.

- C. Individual consideration of the use may also call for the imposition of individualized conditions in order to ensure that the use is appropriate at a particular location and to ensure protection of the public health, safety, and welfare. All conditions must be agreed to by the applicant.
- D. Review and approval procedures for Special Use Permits are found in Chapter 15 of this Ordinance.

### 3.1.3 CONFLICT WITH OTHER REGULATIONS

- A. If there is a conflict between the standards in this Chapter and any other requirements of this Ordinance, the standards of this Ordinance shall control except as set forth in 3.1.3.B.
- B. The zoning district in which a particular use is permitted is controlled by the use listings found in the Permitted Use Table in Chapter 2 of this Ordinance. In the event of any inconsistency between this Chapter and the permitted uses listed for a particular district, the Permitted Use Table in Chapter 2 of this Ordinance shall control.

## 3.2 SUPPLEMENTAL USE STANDARDS FOR RESIDENTIAL USES

USE	SECTION	PAGE
Dwelling, Multi-Family	3.2.1	34-35
Dwelling, Townhome	3.2.2	35
Family Care Home	3.2.3	35
Manufactured Home Park	3.2.4	35-36
Nursing / Rest Home	3.2.5	36-37
Planned Density Development	3.2.6	37
Residential Care Facilities (more than 6 persons)	3.2.7	37

### 3.2.1 DWELLING, MULTI-FAMILY (GR10, OI, CBD)

- A. In the GR10, OI, and CBD zoning districts, Dwelling, Multi-Family uses require the approval of a Special Use Permit.
- B. **CBD District:** Multi-family uses shall be limited to the second and higher floors in vertical mixed-use buildings only.
- C. **GR10 & OI Districts:** Multi-family uses in these districts must comply with the following requirements:
  - 1. **Setbacks:** The minimum streetyard setback shall be 30'. The minimum side and rear yard setback shall be 30' when adjacent properties are used or zoned for single-family residential uses.

2. **Buffers:** A buffer meeting the standards of a Type A Buffer per Chapter 8 of this Ordinance shall be required along all property boundaries.
3. **Lot Coverage:** No more than 60% of the gross site area shall be occupied by buildings and structures.
4. **Building Form:** Structures shall not have a continuous horizontal distance exceeding 150'.

### 3.2.2 DWELLING, TOWNHOME (CBD)

- A. In the CBD zoning district, Dwellings, Townhome uses require the approval of a Special Use Permit.
- B. **Consecutive Number of Units:** No more than 5 consecutively attached units shall be permitted.
- C. **Driveway Width:** The maximum allowable driveway width is 12' per dwelling unit. Adjacent garages shall share one driveway when individual driveways would be separated by less than 20'.
- D. **Common Areas:** Common areas (landscaping, shared driveways, lawns, play areas, and similar uses) shall be maintained by a homeowner's association or other legal entity. A copy of the applicable covenants, restrictions, and conditions shall be recorded and provided to the Town prior to building permit approval.

### 3.2.3 FAMILY CARE HOME (ALL DISTRICTS)

- A. Family Care Homes shall be certified by the International Building Code, as amended by the NC Building Code.
- B. No Family Care Home may be located closer than ½ mile to another Family Care Home.

### 3.2.4 MANUFACTURED HOME PARK (MHP)

- A. In the MHP zoning district, Manufactured Home Parks shall only be allowed with an approved Special Use Permit.
- B. **Lot Size:** The minimum lot size for a manufactured home park is 6 acres. Individual lots for rent within the park shall be a minimum of 6,000 square feet and 50 feet wide.

- C. **Street Frontage:** Each lot for rent shall but an interior street within the manufactured home park.
- D. **Street Surface:** Interior streets shall be paved according to the Tarboro Manual for Design Specifications and shall be a minimum of 20 feet in width.
- E. **Parking Spaces:** Parking spaces within the manufactured home park shall be surfaced with at least 4 inches of asphalt or concrete.
- F. **Recreational Space:** At minimum of 200 square feet of recreation space is required for each lot for rent within the manufactured home park as common recreation space for residents of the park.
- G. **Access to Common Facilities:** All common facilities, such as required recreation space, shall be made accessible to each lot for rent by means of a walkway at last 3 feet wide. The required walkway shall be surfaced with asphalt or concrete.
- H. **Minimum Separation of Homes:** All principal structures within the manufactured home park shall be separated by at least 30 feet. Accessory structures must be located so as not to interfere with the removal of a manufactured home in the event of fire or other disaster.
- I. **Public Utilities Required:** Manufactured home parks must provide connections to public water and sewer if available.
- J. **Streetyards and Buffers:** A streetyard or perimeter buffer, a minimum of 30 feet in width, shall be required adjacent to public rights-of-way and adjacent properties. No manufactured home or accessory structure may be located within the required streetyard or perimeter buffer.

### 3.2.5 NURSING / REST HOME (GR10, OI, CBD)

- A. In the GR10 zoning district, Nursing / Rest Home uses shall only be allowed with an approved Special Use Permit.
- B. **Density:** The maximum number of units rooming units permitted shall be two times the density of the applicable zoning district.
- C. **Residents Per Room:** Each rooming or dwelling unit may be occupied by no more than two persons not related by blood, marriage, or adoption.
- D. **Administration:** Facilities for resident managers or custodians providing administrative services or medical services shall be located on site, open and staffed for at least four hours one day per week.

- E. Food Service and Recreation:** The facility must contain indoor shared food preparation service, common dining halls, and common recreation rooms for the exclusive use of all residents and their guests. These facilities shall total a minimum of 30 square feet per rooming unit. Common indoor social and related service facilities may also be part of the facility.

### **3.2.6 PLANNED DENSITY DEVELOPMENT (RD, GR3, GR5, GR10, OI)**

- A.** In the RD, GR3, GR5, GR10, and OI zoning districts, Planned Residential Developments shall only be allowed with an approved Special Use Permit.
- B.** Planned Residential Developments must comply with the standards set forth in §2.6.2 of this Ordinance.

### **3.2.7 RESIDENTIAL CARE FACILITY (MORE THAN 6 PERSONS) (GR3, GR5, GR10, MHP, OI)**

- A. Buffering:** Residential Care Facilities must be buffered from adjacent residentially zoned property with a Type C buffer in accordance with Chapter 8 of this Ordinance.
- B. Licensing:** Prior to the submission of an application for a site plan, an owner/operator of the facility shall have received a license from the State of North Carolina for such a facility. After approval of a site-specific site plan, the owner/operator must provide the Administrator with a copy of the license from the State of North Carolina for the Facility. Owner/operator must provide a copy of the license annually to the Administrator by March 1<sup>st</sup> of every calendar year.
- C. Number of Units:** Unless located and having access on a Collector Street or higher order street, as defined in Chapter 6 of this Ordinance, no residential care facility shall have more than 16 units.
- D. Development Standards:** To the extent practicable, the community shall provide access connectivity (vehicular and pedestrian) to adjacent neighborhoods.
- E. Accessory Uses:** The following accessory uses are permitted: congregate dining facilities, recreational and social facilities, health care facilities, gift shops, snack shops, banks, barber/beauty shops, and similar services for use by the residents of the facility. These accessory uses shall not be open for use by the general public.

### 3.3 SUPPLEMENTAL USE STANDARDS FOR LODGING USES

USE	SECTION	PAGE
Bed and Breakfast Homes	3.3.1	38
Boarding or Rooming House (up to 12 persons)	3.3.2	38-39
Hotel / Inn (no room limit)	3.3.3	39
Short-Term Vacation Rental	3.3.4	39-40

#### 3.3.1 BED AND BREAKFAST HOMES (RD, GR3, GR5, GR10, OI, CBD)

- A. As indicated in the Permitted Use Table, Bed and Breakfast Homes with a maximum of 8 rooms are permitted with a Special Use Permit in the RD, GR3, GR5, OI, and CBD zoning districts.
- B. **Structure:** Bed and Breakfast Homes are only permitted in a structure originally constructed as a single-family dwelling, and the structure must be listed in the National Register of Historic Places or be a structure of historical features or significance. No enlargement of the structure to accommodate the Bed and Breakfast use is permitted.
- C. **Owner-Occupied:** The owner of the Bed and Breakfast Home must also - live in the home.
- D. **Interior Modifications:** Any interior modifications shall be described in the Special Use Permit application and shall not be injurious to the historic character of the structure, woodwork, stairways, fireplaces, windows and doors, cornices, festoons, chair rails, or light fixtures.
- E. **Periodic Inspection:** The Bed and Breakfast Home shall be kept in a permanent registry and subject to periodic inspection by the Administrator.

#### 3.3.2 BOARDING OR ROOMING HOUSES (UP TO 12 PERSONS) (GR10, OI)

- A. As indicated in the Permitted Use Table, Boarding or Rooming Houses for up to 12 persons are permitted with a Special Use Permit in the GR10 and OI zoning districts.
- B. **Parking:** Parking shall not be permitted in the required street yard and shall be screened from adjacent properties with a Type B buffer, as defined in Chapter 8 of this Ordinance.
- C. **Owner:** The owner shall serve as a full-time manager or otherwise designate a full-time manager, either of which shall permanently reside on the premises.



**D. Building and Lot Standards**

1. The minimum size of any sleeping room shall be 200 square feet per resident.
2. A minimum of one full bath consisting of a tub or shower, toilet, and sink shall be provided for each 4 residents.
3. Full kitchen facilities, consisting of a stove, oven, sink, refrigerator, food preparation area, and storage areas shall be provided and accessible by all tenants.
4. Signs, other than address/tenant identification signs which meet the requirements of Chapter 11 of this Ordinance, shall not be permitted.
5. All of the lot area which is not used for parking, sidewalks, buildings, utility structures, or site access must be landscaped and maintained.

**3.3.3 HOTEL / INN (NO ROOM LIMIT) (CBD)**

- A. As indicated in the Permitted Use Table, Hotel / Inn (no room limit) are permitted with a Special Use Permit in the CBD zoning district.
- B. **Parking:** No surface parking shall be permitted between the front façade of any structure on the parcel and adjoining public rights-of-way, private streets, or public or private cross-access easements.

**3.3.4 SHORT-TERM VACATION RENTALS (RD, GR3, GR5, GR10, OI, CBD, NB)**

- A. As indicated in the Permitted Use Table, Short-Term Vacation Rentals are permitted with a Special Use Permit in the RD, GR3, GR5, GR10, CBD, OI, and NB zoning districts.
- B. **Maximum Occupancy:** The maximum occupancy of the rental shall be based on International Building Code standards, as amended by the NC Building Code. Responsibility for ensuring that the dwelling is in conformance with its maximum occupancy shall rest with the owner of the property.
- C. **Restrictions on Use:** A renter may not use a short-term rental for a purpose not incidental to its use for lodging and sleeping purposes. This restriction includes using the rental for weddings, receptions, concerts, fundraisers, or any similar group activity.

- D. Parking:** There will be no demand for parking beyond that which is normal to a residential area.
- E. Signs:** Signs, other than address/tenant identification signs which meet the requirements of Chapter 11 of this Ordinance, shall not be permitted.
- F. Informational Packet:** A packet of information shall be provided to renters and posted conspicuously in the common area of the rental summarizing the guidelines and restrictions applicable to the rental use, including:
1. Maximum occupancy of the rental;
  2. Applicable noise and use restrictions;
  3. Location of off-street parking;
  4. Directions that trash shall not be stored within public view, except within containers approved for the purpose of collection; information providing the trash collection schedule for the Town shall also be provided.
  5. Contact information for the local property representative;
  6. Evacuation routes;
  7. Notification that the renter is responsible for complying with the regulations of this subsection and that the renter may be cited or fined for violating any provisions of this Ordinance.
- G. Insurance:** The property owner shall maintain on file with the Town an up-to-date certificate of insurance documenting that the dwelling is insured as a short-term or vacation rental.

### 3.4 SUPPLEMENTAL USE STANDARDS FOR OFFICE / SERVICE USES

USE	SECTION	PAGE
Home Occupation	3.4.1	41-42
Personal Services, Restricted	3.4.2	42
Veterinary Services	3.4.3	42

### **3.4.1 HOME OCCUPATIONS (RD, GR3, GR5, GR10, MHP, OI)**

#### **A. General Standards**

1. The home occupation shall be clearly incidental and secondary to the residential occupancy.
2. The use shall be carried on entirely within an enclosed structure on the premises.
3. The home occupation shall be operated by a resident of the residential dwelling.
4. A maximum of 25% of the gross floor area of the dwelling unit may be used for the home occupation.
5. A maximum of two full-time employees, that are not residents of the dwelling unit, may be employed by the home occupation.
6. Only one home occupation is permitted per dwelling unit.
7. No on-premises sales of goods not produced on-site are permitted.

#### **B. Exterior Appearance**

1. The use shall not change the residential character of the dwelling.
2. Storage of goods and materials associated with the home occupation must be within an enclosed structure. No outdoor storage of materials associated with the home occupation is permitted.
3. Parking must be provided so as not to create hazards or street congestions. All parking associated with the dwelling and home occupation shall be accommodated off the street. If the dwelling is served by a vehicle accommodation area, parking for the home occupation shall be provided within the programmed vehicle accommodation area.
4. No display of goods, products, or services shall be visible outside the dwelling. Signage in compliance with the requirements of Chapter 11 of this Ordinance is permitted.

5. No generation of dust, odors, noise, vibration, or electrical interference or fluctuation shall be perceptible beyond the property line.

#### **3.4.2 PERSONAL SERVICES, RESTRICTED (CBD, HB)**

**A. Location:**

1. Such use shall not be located within 600 feet of a public or private school, as measured from any point of the outside walls of the building containing the business to the nearest property line of the school.
2. Such use shall not be located within 100 feet of any residential dwelling or property zoned for residential uses, as measured from any point of the outside walls of the building containing the business to the nearest property line of the property containing, or zoned for, residential uses.
3. Such use shall be located a minimum of 1,000 feet from any existing Personal Services, Restricted, as measured from the outside walls containing the business to the nearest property line of the existing use.

#### **3.4.3 VETERINARY SERVICES (OI, CBD, NB, HB, LI)**

- A. General Standard:** Only animals in veterinary care may stay overnight. No kennels or storage of animals shall be permitted outside unless otherwise permitted in the district in which the property is located.

### 3.5 SUPPLEMENTAL USE STANDARDS FOR COMMERCIAL / ENTERTAINMENT USES

USE	SECTION	PAGE
Adult Establishment	3.5.1	43-44
Bar / Tavern	3.5.2	44
Campground	3.5.3	44-45
General Commercial – Development Area Greater than 125,000 sf	3.5.4	45
Night Club	3.5.5	45
Open Air Retail	3.5.6	45
Outdoor Theater	3.5.7	45-46
Outside Sales and Display	3.5.8	46
Pawnshops	3.5.9	46-47
Racetrack	3.5.10	47
Shooting Range, Indoor	3.5.11	47-48
Shooting Range, Outdoor	3.5.12	48-49
Special Event Facility	3.5.13	49-50
Temporary Uses	3.5.14	50-58

#### 3.5.1 ADULT ESTABLISHMENT (LI, HI)

- A. As indicated in the Permitted Use Table, Adult Establishments are permitted with a Special Use Permit in the LI and HI zoning districts.
- B. **Advertisements and Sound:** No printed material, slide, video, photograph, written text, live show, or other visual presentation format shall be visible from outside the walls of any Adult Establishment, nor shall any live or recorded voices, music, or sound be heard from outside the walls of the Adult Establishment.
- C. **Concentration:** No more than one Adult Establishment shall be located within any 2,000-foot radius. This radius shall be determined by a straight line and not street distance to any portion of the structure or vehicle accommodation area containing or serving the Adult Establishment.
- D. **Separation:** No Adult Establishment shall be located within a 250-foot radius of any residential zoning district, residential dwelling, religious institution, school, day care, playground, or public park. This radius shall be determined by a straight line and not street distance to any portion of the structure or vehicle accommodation area containing or serving the Adult Establishment.
- E. **Single-Use:** There shall be no more than one Adult Establishment on the same property or in the same building, structure, or portion thereof. There shall be no sleeping quarters or private rooms within an Adult Establishment.

- F. Maximum Square Footage:** There maximum floor area allowed for any Adult Establishment shall be 1,000 square feet.
- G. Buffering:** Screening and buffering is required in the following circumstances. The standards and suggested planting patterns for these buffers can be found in Chapter 8 of this Ordinance.
1. When a use located in the LI or HI zoning district abuts a lot in a residential district, a Type A buffer is required.
  2. When a lot in a residential district abuts a lot which contains a multi-family development, a Type B buffer is required.
  3. When a lot abuts a public street, a Type C buffer is required along the public right-of-way, with exclusion of driveway entrances. Such screening shall not interfere with motorist visibility in the sight distance triangle.
  4. Additional buffering may be required by the Town Council as part of the approval of a Special Use Permit.

### 3.5.2 CAMPGROUND (RD, MHP, LI, HI)

- A.** As indicated in the Permitted Use Table, Campgrounds / RV Parks are permitted with a Special Use Permit in the RD, MHP, LI, and HI zoning districts.
- B. Minimum Spacing:** The minimum spacing provided between RV parking spaces meet the requirements below:
- Side-to-side: 10 feet
  - Side-to-rear: 8 feet
  - Rear-to-rear: 6 feet
  - Front-to-rear: 6 feet
  - Front-to-front: 5 feet
- C. Facilities:** No restroom shall be located closer than 25 feet to, nor further than 400 feet from, any RV parking or designated camping space. Other permanent structures shall be located at least 10 feet from any designated camping space or RV parking space.
- D. Recreation Facilities:** Recreation facilities, such as indoor recreation facilities, pools, clubhouses, common areas, etc., shall be provided at a minimum of 100 square feet per designated camping site or RV parking space.

### **3.5.3 GENERAL COMMERCIAL, DEVELOPMENT GREATER THAN 125,000 SQUARE FEET (HB)**

- A.** As indicated in the Permitted Use Table, General Commercial, Development Greater than 125,000 square feet are permitted with a Special Use Permit in the HB Zoning district.

### **3.5.6 NIGHT CLUB (CBD, NB, HB)**

- A. Memberships:** Night Clubs may only allow entrance to those patrons who are registered members of the facility.
- B. Separation:** All new Night Clubs shall be located no closer than 500 feet to any residential district or use, religious institution, school, park, playground, or existing Night Club.

### **3.5.7 OPEN AIR RETAIL (HB)**

- A. Location:** The use shall be conducted behind the required setbacks of the zoning district in which it is located.
- B. Sidewalk Kiosks, Vendor Carts, Concession Stands, etc.:** Such uses shall be permitted to operate within the right-of-way provided that adequate pedestrian clearance on the sidewalk is maintained. A minimum 5-foot clear zone shall be provided to allow for the free flow of pedestrian traffic. No such use shall be permitted in automobile and bicycle travel ways.
- C. Parking:** No permanent parking is required but the use must accommodate reasonable vehicular circulation and parking to preclude off-site impacts as determined by the Administrator.

### **3.5.8 OUTDOOR THEATER (CBD, NB)**

- A. Buffering and Location**
  - 1.** Outdoor Theaters shall be screened from adjacent residential dwellings, or residentially zoned property, by a Type A Buffer as defined in Chapter 8 of this Ordinance.

2. The performance and audience areas for any Outdoor Theater shall be located a minimum of 200 feet from any adjacent property occupied by a residential dwelling or within a residential zoning district.

**B. Access:** Primary access to all Outdoor Theaters shall be to a collector or higher order street as defined in Chapter 6 of this Ordinance.

**C. Operation Standards**

1. Lights and loudspeaker systems shall be operated according to the Town of Tarboro's noise ordinance.
2. Operation of the Outdoor Theater is limited to the hours of 7:00 AM and 10:00 PM unless Special permission is received from the Administrator.

**3.5.9 OUTSIDE SALES AND DISPLAY (OI, CBD, NB, HB)**

**A. Applicability:** These standards are intended to regulate outside sales which are conducted on an everyday basis, either within a permanent open-air structure, an uncovered outdoor sales area, or on private pedestrian walkways. Outside sales which are temporary or seasonal in nature, or which are intended to be located in parking areas, shall be permitted pursuant to the standards in §3.5.11 of this Ordinance.

**B. Permitted Location and Size**

1. Outside sales shall not occupy required parking areas.
2. Outside sales shall not occupy more than 25% of the total building area of the primary use with the associated permanent structure.
3. Outside sales must be clearly subordinate to the primary use within the associated permanent structure and shall generally be located to the side or rear of the principal structure.

**C. Required Setbacks:** Display of merchandise for outside sales in the front yard shall may be located a maximum of 12 feet from the front face of the primary structure. Such displays may be located on a private sidewalk provided that a clear pedestrian passage of at least 5 feet is maintained.

**3.5.10 PAWN SHOPS (HB)**



- A. As indicated in the Permitted Use Table, Pawn Shops are permitted with a Special Use Permit in the HB zoning district.
- B. **Separation:** All new Pawnshops shall be located no closer than 1,000 feet to any existing Pawnshop.

#### 3.5.11 RACETRACK (RD, HI)

- A. As indicated in the Permitted Use Table, Racetracks are permitted with a Special Use Permit in the RD and HI zoning districts.
- B. **Buffering and Location**
  - 4. No portion of the Racetrack shall be permitted to be closer than 500 feet to any exterior lot line.
  - 5. A 100-foot buffer meeting the standards of a Type A buffer as defined in Chapter 8 of this Ordinance shall be required along all property lines.

#### 3.5.12 SHOOTING RANGE, INDOOR (LI, HI)

- C. As indicated in the Permitted Use Table, Shooting Ranges, Indoor are permitted with a Special Use Permit in the LI and HI zoning districts.
- D. **Applicability:** This use includes the shooting of firearms, bows, crossbows, and the like at, or in conjunction with, both for-profit and non-profit facilities. It does not include incidental target practice by individuals on private property in compliance with Town, State, and Federal requirements.
- E. **Noise Mitigation:** The facility shall be designed such that sound generated at the facility shall not be detectable to the normal senses of any person not located on the property of the Shooting Range, Indoor.
- F. **Shot Containment:** The range shall be designed to provide a totally controlled shooting environment that includes impenetrable walls, floor, and ceiling, adequate ventilation, lighting systems and acoustical treatment for sound attenuation suitable for the range's approved use.
- G. **Design:** The design of the facility shall be guided by the design standards recommended by the National Rifle Association (NRA) for the appropriate caliber firearm(s) or weapon(s) being used on the site as described in "The NRA Range Source Book," published by the NRA, insofar as they do not conflict with any of the specific requirements contained within this Ordinance.

- H. Lead Recovery:** Firing range wastes are regulated under the Resource Conservation and Recovery Act (RCRA) and 40 Code of Federal Regulations (CFR) 260-266. All Shooting Ranges, Indoor shall comply with the regulations.
- I. Range Supervision:** A competent adult supervisor, approved by the owner/manager, shall be present at all times when the range is open to the public.

### 3.5.13 SHOOTING RANGE, OUTDOOR (RD, HI)

- A.** As indicated in the Permitted Use Table, Shooting Ranges, Outdoor are permitted with a Special Use Permit in the RD and HI zoning districts.
- B. Applicability:** This use includes the shooting of firearms, bows, crossbows, and the like at, or in conjunction with, both for-profit and non-profit facilities. It does not include incidental target practice by individuals on private property in compliance with Town, State, and Federal requirements.
- C. Separation:** Shooting Ranges, Outdoor shall be located no closer than 1,000 feet from any religious institution, school, public park, playground, day care center, or residential dwelling as measured from the security fence described below to the property line(s) of the aforementioned uses. In addition, the range itself shall not cross or penetrate any public utility easement.
- D. Noise Mitigation:** The facility shall be designed such that sound generated at the facility shall not exceed the following levels (in decibels) measured at any off-site location:

USE	DECIBEL LEVEL
Residential Use	55 db
Institutional Use	55 db
Industrial Use	75 db
All Other Uses	65 db
Public Right-of-Way or Private Street	65 db

- E. Shot Containment:** The range shall be designed to contain the bullets, shot, arrows, or other projectiles on the range facility.
- F. Hours of Operation:** The Town Council may regulate the hours of operation as a condition of the Special Use Permit.

- G. Design:** The design of the facility shall be guided by the design standards recommended by the National Rifle Association (NRA) for the appropriate caliber firearm(s) or weapon(s) being used on the site as described in “The NRA Range Source Book,” published by the NRA, insofar as they do not conflict with any of the specific requirements contained within this Ordinance.
- H. Security:** The facility shall be enclosed with a minimum 6-foot high security fence with locking gates. A sign, at least 2 square feet but not greater than 6 square feet in size, warning that a firing range is inside the fence shall be posted every 50 feet along the fence. These signs shall not count against permitted signage provided in Chapter 11 of this Ordinance as long as no advertising or logos are on the signs.
- I. Range Supervision:** A competent adult supervisor, approved by the owner/manager, shall be present at all times when the range is open to the public.

#### 3.5.14 SPECIAL EVENTS FACILITY (RD, GR3, GR5, GR10, OI, CBD, NB, HB)

- A.** As indicated in the Permitted Use Table, Special Event Facility uses are permitted with a Special Use Permit in the RD, GR3, GR5, and GR10 zoning districts.
- B. Noise Mitigation:** The facility shall be designed such that sound generated at the facility shall not exceed the following levels (in decibels) measured at any off-site location:

USE	DECIBEL LEVEL
Residential Use	55 db
Institutional Use	55 db
Industrial Use	75 db
All Other Uses	65 db
Public Right-of-Way or Private Street	65 db

- C. Traffic Circulation:** The required Special Use Permit, site plan, or zoning permit shall include a traffic management plan. The traffic management plan shall include the following:
  - 1. Approved access conforming to the Town of Tarboro and/or NCDOT standards.
  - 2. Adequate ingress and egress shall be provided for emergency vehicles.

3. A traffic control plan to ensure an orderly and safe arrival, parking, and departure of all vehicles. The traffic control plan shall illustrate measures to ensure that vehicles entering and exiting the site will not block private easements, public rights-of-way, intersections, or private driveways.
  4. At least one parking attendant shall be located on-site to direct traffic into the facility and towards available parking, and to direct traffic leaving the facility at the conclusion of the event.
  5. The location of all temporary directional signage at entrances and within parking lots to ensure the orderly flow of traffic. Temporary directional signage shall be placed prior to events and removed at the conclusion of events.
- D. Operational Limitations:** The following limitations shall apply to the operation of a Special Event Facility:
1. No Special Event Facility shall be allowed to exceed an attendance of more than 500 persons or last longer than 2 days.
  2. No event shall last longer than 12 hours per day and is limited to between the hours of 8:00 am and 10:00 pm.
- E. Water and Sewage Disposal:** Special Event Facilities shall provide potable water supplies and on-site sewage disposal (or connect to public sewer) necessary to accommodate all special events.
- F. Setbacks:** Temporary or permanent event structures, or outdoor areas intended to serve as the event location shall meet the setback requirements for accessory structures in Chapter 2 of this Ordinance.
- G. Lighting:** All outdoor lighting associated with a special event shall be turned off by 11:00 pm. Parking lot lighting may remain on later if approved by the Administrator.

### 3.5.15 TEMPORARY USES (ALL DISTRICTS)

All permitted Temporary Uses listed in this subsection shall require the approval of a Temporary Use Permit by the Administrator, subject to the standards below.

- A. Separation Requirement:** Except for yard sales, Christmas tree sales, and produce stands, no temporary use shall be located closer than 100 feet to a residential dwelling unless the owners of the residential dwelling provide written consent of the temporary use to the Administrator.

- B. Waste and Trash:** The sponsor, owner, or manager of any temporary use shall be responsible for ensuring that the site remains free of waste and debris upon the conclusion of each day's sale or use.
- C. Number Per Lot:** No more than one temporary use shall be permitted per lot at any given time.
- D. Exemption for Annual Fairs on County, Town, or School Property:** Fairs or other special recreation or entertainment events which usually occur on an annual basis and are held in the following locations shall be allowed at these locations and are hereby exempt from the provisions of this subsection:
  - 1. Public Parks, if authorized by the Administrator;
  - 2. School or college grounds, if authorized by the School Superintendent or College President / Chancellor.
- E. Property Owner Permission:** The applicant must provide written permission to use the property for the proposed temporary use from the property owner, as listed in the Edgecombe County tax records.

CHAPTER 3: Supplemental Use Standards

3.5 SUPPLEMENTAL USE STANDARDS FOR COMMERCIAL / ENTERTAINMENT USES

**F. Permitted Temporary Uses Allowed in All Districts**

USE	MAXIMUM DURATION (PER SITE)	PERMITTED LOCATION / DISTRICT(S)
Yard or Garage Sales	2 days – 6 days per calendar year maximum	Any lot occupied by a residential dwelling – no temporary use permit is required
Civic/Cultural Events (sponsored by a government agency, non-profit group, or religious institution)	30 days per calendar year maximum – no renewal for 3 months of the previous use	All districts
Christmas Tree and Ornament Sales	45 consecutive calendar days – no renewal within 1 year of commencement of previous use	All districts
Farmers Markets and Produce Stands	No maximum duration – annual renewal required	All districts
Temporary uses associated with construction (contractor's office, equipment/storage sheds, security watchman temporary office/residence, and mobile office space for displaced worker during construction)	During construction period, permit valid for 1 year – annual renewal required (if warranted)	All districts, subject to the requirements of §3.5.14.H.1
Temporary Real Estate Office	See 3.5.14.G.2	All district, subject to the requirements of §3.5.14.H.2
Temporary Relocation Mobile Homes for Displaced Residents	1 year – permit extension approved by the Town Council	All districts, subject to the requirements of §3.5.14.H.3
Temporary Use Recreational Vehicle or Travel Trailer	6 months – 1 year extension permitted when approved by the Administrator	All districts, subject to the requirements of §3.5.14.H.4
Temporary Dependent Care Residences	6 months – successive 6-month extensions permitted until hardship ceases to exist	All residential districts HB District, subject to the requirements of §3.5.14.H.5

**G. Temporary Uses Allowed in Form-Based and Non-Residential Districts**

USE	MAXIMUM DURATION (PER SITE)	PERMITTED DISTRICT(S)
Circuses or Carnivals	14 days per year	All Non-Residential Districts
Religious Services	30 calendar days – no renewal within 3 months of the commencement of the previous use	All Non-Residential Districts
Annual Fairs, Festivals, etc.	14 days – no renewal within 1 year of commencement of the previous use	All Non-Residential Districts
Special Recreational or Entertainment Events	1 day – no renewal within 1 month of the commencement of the previous use	All Non-Residential Districts
Outdoor Bazaars or Tent Sales	3 days – no renewal within 6 months of the commencement of the previous use	All Non-Residential Districts
Special Fundraising Sales for Non-Profit Organizations	3 days – no renewal within 1 month of the commencement of the previous use	All Non-Residential Districts

CHAPTER 3: Supplemental Use Standards

3.5 SUPPLEMENTAL USE STANDARDS FOR COMMERCIAL / ENTERTAINMENT USES

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Temporary Food Vendors on Private Property	90 days – no renewal within 1 month of the commencement of the previous use	All Non-Residential District
Temporary Food Vendors on Public Property <sup>1</sup>	No maximum - duration established as part of the approval of the Temporary Use Permit	All Non-Residential Districts
Special Sales or Seasonal Flea Markets <sup>2</sup>	5 days – no renewal within 6 months of the commencement of the previous use	All Non-Residential Districts
Weekend Flea Markets <sup>3</sup>	Fridays, Saturdays, and Sunday only – annual renewal required	HB, LI, HI Districts only

<sup>1</sup>See additional standards in §3.2.14.H.6

<sup>2</sup>When conducted exclusively as part of the permanent business or industrial use on the same lot, a Temporary Use Permit is not required. See additional standards in §3.5.14.H.7

<sup>3</sup>See additional standards in §3.5.14.H.8

## H. Temporary Uses with Specific Requirements

### 1. Temporary Uses Associated with Construction

- a. The contractor's office, equipment/storage shed, security watchman's office/residence, and/or mobile office space for workers may be placed in any district temporarily on the site of construction for a development, or location approved by the Administrator, for which Zoning Permit has been issued.
- b. Temporary offices for office workers shall be allowed only on the construction site and for the specific purpose of providing temporary relocation office space required during construction activities involving the renovation, expansion, or reconstruction of an existing facility.
- c. Such uses shall be located at least 5 feet from other structures and 15 feet from adjacent property lines.
- d. Placement of such temporary uses is limited to a period of time determined by an estimated project completion date with an option of extension of up to 1 year of approved by the Administrator. All temporary construction buildings and trailers shall be placed on the site no earlier than 90 days prior to construction and shall be completely removed from the site with 30 days of the issuance of a Certificate of Occupancy or completion of the project, whichever comes first.

**2. Temporary Real Estate Office**

- a. A construction trailer, temporary modular unit, or model dwelling unit may be used as a real estate sales office in a new residential development of 20 or more units or lots.
- b. Temporary real estate offices in a construction trailer, temporary modular unit, or model dwelling unit shall be allowed in any new construction project in any district, provided that such structure shall be used for the sale of units within that project only.
- c. Only 1 such temporary structure per builder or developer shall be allowed for use as a real estate sales office.
- d. Temporary real estate offices in construction trailers or modular units may remain on the site for no more than 1 year or until 80% of the units within the project are completed, whichever comes first.

**3. Temporary Relocation Mobile Homes for Displaced Residents:**

Residents displaced as a result of a natural or manmade disaster, or a publicly-sponsored redevelopment project in a neighborhood or area, shall be allowed provided they meet the following requirements:

- a. Temporary mobile homes may occupy designated disaster areas or redevelopment project areas only. Mobile homes shall only be allowed to occupy redevelopment areas, as designated by the Town Council, following an advertised public hearing.
- b. The mobile homes shall be permitted for not more than 2 years, except by an extension of time by the Town Council.
- c. The mobile homes shall be properly installed according to state requirements and connected to public utilities.
- d. The mobile homes shall be located at least 10 feet from one another and from other structures.
- e. Each mobile unit shall be accessible to public service and emergency vehicles as determined and approved by the Administrator.



- f. Adequate provision shall be made for parking and waste management in compliance with this Ordinance and other applicable Town policies.

#### **4. Temporary Recreational Vehicle or Travel Trailer**

- a. This use is for a single temporary recreation vehicle or travel trailer (RV) located on a residential site during the construction / rehabilitation of the principal building when occupied by the owners of the principal building. Such temporary use requires the approval of a Temporary Use Permit by the Administrator.
- b. An active building permit for the principal building on the property is a prerequisite for a permit to conduct this temporary use. Progress towards the completion of the project is essential in order to continue to hold this permit, and lack thereof over a period of 3 consecutive months or more shall be sufficient grounds for revocation of this Temporary Use Permit.
- c. The RV may be used for dwelling purposes including, but not limited to, sleeping and major cooking activities.
- d. The initial permit shall be valid for one calendar year, unless revoked for the reasons stated in §3.5.18.G.4.b. A one-year extension may be authorized by the Administrator when it is determined circumstances warrant such extension.
- e. The RV shall be completely located on private property and shall not impede access by emergency vehicles to the property or adjoining property.
- f. The RV shall be occupied by the owner of record of the property on which it is located.
- g. Connection to public utilities shall be in accordance with this Ordinance and all other Town regulations and policies.

#### **5. Temporary Dependent Care Residences**

- a. In all residential districts and the HB district, not more than one Class B manufactured home may be permitted in a rear yard on a temporary basis, provided the Town Board issues a Special Use Permit after finding that a personal hardship justifying such a permit exists. Such hardship shall involve the

need to care for elderly parents or other dependents of the family occupying the principal building. Reasons justifying separate quarters shall be incompatibility, contagious disease, illness, or lack of adequate space within the principal building. A monetary hardship does not qualify as a personal hardship.

- b.** Special Use permits authorizing the use may be issued in such cases for six months but may be renewed for successive six-month periods for so long as the hardship continues. Application for renewal of the permit shall be made at least 30 days prior to the expiration date.
- c.** All such manufactured home must have access to approved water and sewer systems and such manufactured homes must be maintained so as not to create nuisance conditions.
- d.** Temporary residences authorized under this section shall not be subject to the density limitations set forth in Chapter 2 of this Ordinance but shall be subject to the applicable setback requirements.

## **6. Temporary Food Vendors on Public Property**

- a. Location:** Temporary food vendors may only be parked within permitted parking spaces, locations approved by the Administrator, or in a space provided by the sponsoring business. The vendor must be located to allow for at least five feet of unobstructed clearance for pedestrians on sidewalks, pedestrian paths, or any other facility intended primarily for pedestrian travel. The vendor must be located at least five feet from any driveway and fifteen feet from any fire hydrant.
- b. Separation:** No mobile food vendor may be located within 100 feet of the main entrance of any restaurant, outdoor seating area, or other temporary food vendor. This requirement shall not apply when temporary food vendors are part of a publicly sponsored event, such as a festival or fair.

## **7. Special Sales or Seasonal Flea Markets**

- a. Exemption:** When such uses are conducted exclusively as part of a business or industrial use on their lot, parking area, or private sidewalk, a permit for the temporary use is not

required. Such uses shall not be limited in length of time that they may be conducted except that they shall only be conducted on an occasional or seasonal basis. The following standards shall still apply:

- i. Such uses shall be conducted or authorized by an existing permanent business or industrial use which is in a permanent structure.
- ii. Such uses shall only be allowed on the lot with the permanent business or industrial use, except as provided in 3.5.18.G.5.a.iii below.
- iii. Such uses may be allowed in vehicle accommodation areas on the same lot as the permanent business or industrial use, or on abutting property within parking areas that serve the permanent business or industrial use.
- iv. Such uses may be conducted within the front yard and may include the occasional use of temporary tents, other similar structures, or vehicles used for purposes of displaying and selling merchandise.

#### **8. Weekend Flea Markets**

- a. All such uses shall be located at least 250 feet from any property located within a residential or form-based zoning district.
- b. Other uses to be housed within the confines of the flea market (such as restaurants, amusements, storage, etc.) must comply with the requirements of this Ordinance for that use.
- c. Such uses may include the use of temporary tents, or other similar temporary structures, and/or vehicles for the purpose of displaying and selling merchandise. Temporary tents, tables, etc. shall be removed from the site after the close of business for the weekend.
- d. Permanent accessory structures shall be limited to office and bathroom facilities.
- e. No structures of any type shall be located within the required yards for the zoning district in which the flea market is located.

- f. No vehicle shall be parked closer than 5 feet to any property line.
  - e. There is no minimum parking requirement, but at a minimum, adequate grass turf or other surfaced parking (gravel, concrete, or pavement) must be provided on-site. An un-stabilized surface is not permitted for parking.
  - f. Outdoor trash and recycling facilities shall be provided.
  - g. The site shall be maintained in a clean and orderly fashion at all times. Dumpsters or other waste containers must be emptied when full and at least once a week.
  - h. No overnight camping shall be permitted on-site.
  - i. A permit must be approved annually for the flea market. Conditions of the approval of the flea market temporary use permit may be added to renewed permits to address known issues with the flea market operation.
9. **Temporary Uses Not Listed:** If a permit is sought for a temporary use other than the specific uses listed in this subsection, the Administrator shall have the authority to determine which of the use categories above most closely resembles the use or activity in question. In the event that a particular use is not listed, and such is not listed as a prohibited use and is not otherwise prohibited by law, the Administrator shall determine whether a materially similar use exists in this Ordinance. Should the Administrator determine that a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed and the Administrator's decision shall be recorded in writing. Should the Administrator determine that a materially similar use does not exist, this Ordinance may be amended to establish a specific listing for the use in question through the text amendment process specified in Chapter 15 of this Ordinance.

### 3.6 SUPPLEMENTAL USE STANDARDS FOR CIVIC USES

USE	SECTION	PAGE
Cemetery	3.6.1	59
Community or Cultural Facility	3.6.2	59
Outdoor Recreation Facility	3.6.3	59-60
Public Safety Station	3.6.4	60
Religious Institution	3.6.5	60
Sports Arena / Stadium	3.6.6	60-61

#### 3.6.1 CEMETERY (RD, GR3, GR5, GR10, OI)

**A. Minimum Lot Size:** A minimum of 3 contiguous acres shall be required to establish a cemetery, columbarium, or mausoleum not located on the same tract of land as, or a parcel owned by, a religious institution.

**B. Minimum Yard Requirements**

1. The minimum yard required for all burial plots, columbariums, mausoleums, and any other structures is 30 feet from any exterior property line, or the required yard in the zoning district in which the property is located, whichever is greater. Gatehouses shall be exempted from the minimum yard requirements as long as their placement meets the sight triangle requirement in Chapter 4 of this Ordinance.
2. Where graves or burial plots are closer than 50 feet to any adjacent public or private street, a hedge row that will reach a minimum of 8 feet in height within 3 years is required between the street and cemetery.

#### 3.6.2 COMMUNITY OR CULTURAL FACILITY (CBD)

**A. Prohibited Except as an Accessory Use:** A community or cultural facility is prohibited from operating in a commercial or mixed-use building except as an accessory use (less than 50% of the total first floor area) to an otherwise permitted use. All such operations shall be located to the rear of the structure away from the public frontage or in upper stories. The use of upper stories by a community or cultural facility is not limited.

#### 3.6.3 OUTDOOR RECREATION FACILITY, OUTDOOR (RD, HB, LI, HI)

**A. Applicability:** Golf courses that are part of a residential development shall be exempt from these requirements.

- B. Permitted Accessory Uses:** Outdoor recreation facilities may provide recreational vehicle hook-up stations, including potable water, gray water, black water, and electrical. These stations must meet all applicable local, state, and federal requirements.
- C. Connectivity to Surrounding Neighborhoods:** Such facilities shall be connected to adjacent developed properties to the extent practical via street connections, driveways, and/or bicycle/pedestrian paths.
- D. Operational Standards:** Such facilities shall conform to the following operational standards except for athletic tournaments, festivals, or other special instances as determined by the Administrator.
  - 1. Lights and outdoor speaker systems shall not be operated during the hours of 10:00pm and 6:00am.
  - 2. Facility usage is limited to indoor activities between the hours of 10:00pm and 6:00am.
  - 3. No equipment, machinery, or mechanical device of any kind may be operated within 200 feet of any residentially zoned property except as needed for the routine maintenance of the grounds or facility.

#### 3.6.4 PUBLIC SAFETY STATION (ALL DISTRICTS)

- A. Buffers:** A buffer measuring 30 feet in width shall be provided adjacent to any residential zoning district or use. The buffer shall be planted according to the standards for a Type A buffer in Chapter 8 of this Ordinance.
- B. Driveway Width:** Public safety stations shall be exempt from the maximum driveway widths in Chapter 9 of this Ordinance.

#### 3.6.5 RELIGIOUS INSTITUTION (ALL DISTRICTS)

- A. Buffers:** Religious Institutions shall be buffered from adjoining residential uses with a Type A Buffer as defined in Chapter 8 of this Ordinance.

#### 3.6.6 SPORTS ARENA/STADIUM (OI, HI)

- A.** As indicated in the Permitted Use Table, Sports Arenas are permitted with a Special Use Permit in the OI and HI zoning district.

- B. Access:** Primary access to all Sports Arenas/Stadiums shall be to a collector or higher order street, as defined in Chapter 6 of this Ordinance.
- C. Buffering:** Sports Arena/Stadium uses shall be screened from adjacent residential dwellings, or residentially zoned property, by a 100' buffer meeting the standards of a Type A buffer as defined in Chapter 8 of this Ordinance.
- D. Operational Standards**
1. Lighting and loudspeaker systems shall not be operated between the hours of 10:00pm and 6:00am unless special permission is received from the Administrator.
  2. Facility usage is limited to indoor activities between the hours of 10:00am and 6:00am unless special permission is received from the Administrator.
  3. No equipment, machinery, or mechanical device of any kind may be operated within 200 feet of any residentially zoned property except as needed for the routine maintenance of the grounds or facility.

### 3.7 SUPPLEMENTAL USE STANDARDS FOR EDUCATIONAL / INSTITUTIONAL USES

USE	SECTION	PAGE
Adult / Day Care Home (8 persons or less)	3.7.1	61-62
Correctional Institution	3.7.2	62
Halfway Homes	3.7.3	62
Hospital	3.7.4	62
School – Elementary & Secondary	3.7.5	62

#### 3.7.1 ADULT / CHILD DAY CARE HOME (8 PERSONS OR LESS) (RD, GR3, GR5, GR10, MHP)

- A. Compliance with State Requirements:** Adult / Child Day Care Homes shall meet the certification requirements of the North Carolina Department of Health and Human Services “Adult Day Care and Day Health Services Standards Certification” and/or the “Family Child Care Home Regulations.” Such uses shall provide an organized program of services during the day in a community group setting.
- B. Location:** Adult / Child Day Care Homes shall be permitted only in a private residence occupied by the authorized operator.

- C. Separation Requirement:** All Adult / Child Day Care Homes shall be located at least 500 feet from another Adult / Child Care Home.

### 3.7.2 CORRECTIONAL INSTITUTION (HI)

- A.** As indicated in the Permitted Use Table, Correctional Institutions are permitted with a Special Use Permit in the HI zoning district.
- B. Buffering:** Correctional Institutions shall be buffered from adjoining properties with a 100' buffer meeting the standards of a Type A Buffer as defined in Chapter 8 of this Ordinance.

### 3.7.3 HALFWAY HOUSES (OI)

- A.** As indicated in the Permitted Use Table, Halfway Houses are permitted with a Special Use Permit in the OI Zoning district.
- B. Separation:** No such use shall be located within ½ mile (2,640 feet) of a Family Care Home, Residential Care Facility, or other such use measured as a straight line on a map.

### 3.7.4 HOSPITAL (OI, CBD, NB, HB)

- A. Access:** Primary access to Hospitals shall be to a collector or higher order street, as defined in Chapter 6 of this Ordinance.

### 3.7.5 SCHOOLS – ELEMENTARY & SECONDARY (RD, GR3, GR5, GR10, MHP, OI, CBD, NB, HB)

- A. Athletic Fields:** Athletic fields and vehicle accommodation areas must be buffered from adjacent residentially-zoned property with a Type B buffer as defined in Chapter 8 of this Ordinance.
- B. Connectivity:** Connectivity (vehicular and pedestrian) to surrounding residential areas is required. Where a full vehicular connection is impractical, a multi-use trail connection shall be provided.
- C. Traffic Impact Analysis:** Any School – Elementary & Secondary, designed to serve more than 50 students, shall be required to conduct a Traffic Impact Analysis as set forth in Chapter 6 of this Ordinance.



### 3.8 SUPPLEMENTAL USE STANDARDS FOR AUTOMOTIVE USES

USE	SECTION	PAGE
Drive-in Theater	3.8.1	63
Drive Thru / Drive-In Facility	3.8.2	63
Gas / Fueling Station	3.8.3	63-64
Major Vehicle Maintenance / Repair	3.8.4	64
Minor Vehicle Maintenance / Repair	3.8.5	64-65

#### 3.8.1 DRIVE-IN THEATER (RD, HB, LI, HI)

##### A. Buffering / Location

1. Drive-in theaters shall be buffered from adjoining residential uses with a Type A buffer as set from in Chapter 8 of this Ordinance.
2. The performance / screen and audience areas shall be located a minimum of 50 feet from any adjacent residentially zoned property.

**B. Operational Standards:** Lights and loud speaker systems shall not be operated between the hours of midnight and 8:00 am.

#### 3.8.2 DRIVE-THRU / DRIVE-IN FACILITY (OI)

- A. Location:** Such facilities shall be located behind any façade of a building facing a public street.
- B. Circulation:** Vehicle stacking/storage areas for drive-thru uses shall be located outside of and physically separated from the right-of-way of any street and shall not cause interruption of any public sidewalk or bicycle facility.

#### 3.8.3 GAS / FUELING STATION (OI, NB, CBD)

##### A. Canopies / Pumps

1. Must be located to the side or rear of the principal building. In no circumstances may these facilities be located between the principal building and a public street, unless if the lot has frontage on two or more public streets.

2. Pump canopies must be located at least 50 feet from any interior side or rear property line that adjoins a property zoned or used for residential purposes. Pump canopies must be at least 25 feet from any public rights-of-way.
3. Must be buffered from adjoining property zoned or used for residential purposes with a Type B Buffer as defined in Chapter 8 of this Ordinance.
4. The maximum number of pumps permitted at a single gas/fueling station shall be 12.

- B. Principal Buildings:** A conforming principal building is required and shall be a minimum of 1,500 square feet.

#### **3.8.4 MAJOR VEHICLE MAINTENANCE / REPAIR (HB, LI, HI)**

- A. Outdoor Vehicle Storage:** No outdoor storage of junk vehicles or parts shall be permitted unless outdoor storage is permitted in the zoning district in which the property is located. If permitted, a permit for the outdoor storage is required.
- B. Vehicle Bays:** Vehicle bays which are not perpendicular to the street must be screened from direct view with a hedge row or other landscaping. Bays facing the street must also incorporate awnings, windows, and other articulations sufficient to reduce the impact of the repair bays on the street.
- C. Repair Work:** All repair work shall be conducted entirely within an enclosed structure.
- D. Screening:** Vehicle Services – Major Repair Body Works uses shall be screened from adjacent residential dwellings, or residentially zoned property, by a 20-foot buffer meeting the standards of a Type A buffer as defined in Chapter 8 of this Ordinance

#### **3.8.5 MINOR VEHICLE MAINTENANCE / REPAIR (CBD, HB, LI, HI)**

- A. Outdoor Vehicle Storage:** No outdoor storage of junk vehicles or parts shall be permitted unless outdoor storage is permitted in the zoning district in which the property is located. If permitted, a permit for the outdoor storage is required.
- B. Car Wash Facilities:** Car Wash facilities are considered a Minor Vehicle Maintenance and Repair Use and are permitted in the CBD district. No

other Minor Vehicle Maintenance or Repair use is permitted in the CBD district.

- C. **Vehicle Bays:** Vehicle bays which are not perpendicular to the street must be screened from direct view with a hedge row or other landscaping. Bays facing the street must also incorporate awnings, windows, and other articulations sufficient to reduce the impact of the repair bays on the street.
- D. **Repair Work:** All repair work shall be conducted entirely within an enclosed structure.
- E. **Screening:** Vehicle Services – Minor Maintenance/Repair uses shall be screened from adjacent residential dwellings, or residentially zoned property, by a 20-foot buffer meeting the standards of a Type A buffer as defined in Chapter 8 of this Ordinance.

### 3.9 SUPPLEMENTAL USE STANDARDS FOR INDUSTRIAL USES

USE	SECTION	PAGE
Excavation / Mining	3.9.1	65-66
Heavy Industry	3.9.2	67
Junkyard	3.9.3	67
Landfill	3.9.4	68
Self-Service / Mini-Storage	3.9.5	69

#### 3.9.1 EXCAVATION / MINING (HI)

- A. As indicated in the Permitted Use Table, Excavation / Mining uses are permitted with a Special Use Permit in the HI zoning district.
- B. **Area:** The area for which the state or federal permit is granted must be greater than 10 acres.
- C. **Purpose:** Mining shall be on an industrial extraction basis only and shall not be permitted by hobbyists or others not engaged in the mineral extraction business.
- D. **Setback:** The edges of the extraction/mining operation shall be at least 100 feet from all property lines and at least 150 feet from any residence.
- E. **Blasting:** All blasting operations shall be conducted between the hours of 8:00 am and 5:00 pm.

- F. Stream Pollution:** The extractive or processing operations shall not be permitted to produce effluent or discharge which discolors, muddies up, or otherwise pollutes any stream or watercourse.
- G. Stream Flow:** No extractive use or processing shall impede the normal flow of any stream or watercourse.
- H. Fencing:** If determined necessary by the Administrator, all areas being excavated shall be enclosed with a cyclone-type fence no less than 6 feet in height. When required, this fence shall be located no less than 10 feet from the perimeter of the excavation site.
- I. Rehabilitation Plan:** A rehabilitation plan for each extractive use site shall be approved by the Board of Adjustment prior to the issuance of a Special Use Permit. The rehabilitation plan shall include, but not be limited to, the following elements:

  - 1. Plans for the continual transformation of extractive areas to gently rolling surface topography as each portion of the extractive site is discontinued and operations are moved to new portions of the site. Slope in such areas of discontinued operations shall not exceed 15% grade except in areas where rock or other conditions would cause the creation of slopes that would be an extreme burden or hardship. In no case shall any surface slope have a grade in excess of 50% where operations have terminated.
  - 2. All buildings, structures, equipment, and stockpiles shall be removed from areas of discontinued extractive operations.
  - 3. All areas of discontinued extractive operations shall be covered with a soil of a type which will support the growth of vegetation, and shall be planted with grasses, legumes, trees, and other planting in such a way as to minimize wind and water erosion in such areas where the Board of Adjustment shall determine such covering to be practical.
  - 4. The rehabilitation plan shall include estimates of any and all costs necessary to carry it out. Said cost estimates including those covering modifications of the rehabilitation plan which the Board of Adjustment may require, shall be certified by a civil engineer licensed to practice in the State of North Carolina or author authority acceptable to the Board of Adjustment.

- 5. A performance bond in the amount of the estimated costs of the rehabilitation plan shall be posted with the Administrator to insure the improvements in the plan. Portions of the performance bond may be released by the Administrator upon satisfactory evidence that portions of the work called for in the plan have been completed.
- J. **Permitting:** If at any time the state and/or federal agencies revoke any of the required permits issued for the mining operation, said revocation shall cause any existing Town permits or approvals to become null and void.

### 3.9.2 HEAVY INDUSTRY (HI)

- K. As indicated in the Permitted Use Table, Heavy Industry uses are permitted with a Special Use Permit in the HI zoning district.
- A. **Location:** All such uses must be located a minimum of 500 feet from the GR3, GR5, and GR10 zoning districts and any parallel Special district.
- B. **Environmental Hazards:** All establishments shall be maintained so as to not create environmental hazards (such as oil or gas leaks and spills) that pose a threat to ground or surface water quality, air quality, wildlife, or humans.
- C. **Vehicular Access:** Vehicular access to the site shall be provided on a thoroughfare of suitable capacity as determined by the Administrator and / or any required Traffic Impact Analysis.

### 3.9.3 JUNKYARD (HI)

- A. As indicated in the Permitted Use Table, Junkyards are permitted with a Special Use Permit in the HI zoning district.
- B. **Parcel Size:** The minimum site area for junkyards shall be 2 acres.
- C. **Separation Requirements:** All junkyard uses must be located a minimum distance of 1,000 feet from any property located in a residential zoning district or property used for residential purposes.
- D. **Location:** No such facilities shall be located in a designated water supply watershed, special flood hazard area, wetland area, or block a natural drainage way so that water is impounded.
- E. **Screening:** A Type A buffer shall be required along all property lines and public rights-of-way. Existing vegetation may be included in the

computation of required plantings with approval of the Administrator.  
A chain link security fence, a minimum of 6 feet in height, must be placed within the required Type A buffer

- F. Reclamation Plan:** Applicant shall file in the office of the Register of Deeds, prior to the issuance of a Certificate of Occupancy, a reclamation plan for the reuse of the site. Such plan shall indicate that the applicant, or other entity approved by the Town Council, shall remain the owner and be liable for the site in perpetuity or until Council approval is given to release this requirement.

#### 3.9.4 LANDFILL (HI)

- A.** As indicated in the Permitted Use Table, Landfills are permitted with a Special Use Permit in the HI zoning district.
- B. Exemptions:** These requirements shall not apply to the following uses or activities:
1. Landfills classified as Land Clearing and Inert Debris (LCID) facilities operated in association with an active building permit on the same or adjacent parcel.
  2. Beneficial fill activities as defined in 15A NCAC 13B.0562.
- C. Minimum Size:** The minimum site size for solid waste landfills shall be 50 acres. The minimum site size for sites used only for the storage of scrap metals, junk vehicles, and other salvage materials shall be 2 acres.
- D. Separation Requirements:** All landfill uses must be located a minimum of 1,000 feet from residentially or form-based zoned properties.
- E. Location:** No such facilities shall be located in a designated water supply watershed, Conditional flood hazard area, wetland area, or block a natural drainageway so that water is impounded.
- F. Screening**
1. Landfills shall be screened from all adjacent properties with a 100-foot buffer meeting the standards of a Type A Buffer as defined in Chapter 8 of this Ordinance.
  2. A security fence, a minimum of 6 feet in height, shall enclose the entire site. This fence must be placed within the Type A Buffer area.

- G. Vehicular Access:** Vehicular access to the site shall be provided on a major or minor thoroughfare.
- H. Reclamation Plan:** Applicant shall file in the office of the Register of Deeds, prior to the issuance of a Certificate of Occupancy, a reclamation plan for the reuse of the site. Such plans shall indicate that the applicant, or other entity, shall remain the owner and be liable for the site forever, or until Town Council approval is given to release this requirement.
- I. Burning Prohibited:** No waste, junk, scrap materials, or vehicles shall be burned on the premises.

#### 3.9.5 SELF SERVICE / MINI-STORAGE (HB)

- A. Unit Entrances:** Separate entrances to individual storage units from outside the building are not permitted.
- B. Buffering:** Such facilities must be buffered from adjacent properties with a Type A buffer in accordance with the standards in Chapter 8 of this Ordinance.

### 3.10 SUPPLEMENTAL USE STANDARDS FOR AGRICULTURAL USES

USE	SECTION	PAGE
Backyard Chicken Pens/Coops	3.10.1	69
Outdoor Kennels	3.10.2	70
Produce Stands	3.10.3	70
Swine Farms	3.10.4	70-71

#### 3.10.1 BACKYARD CHICKEN PENS/COOPS (GR3, GR5, GR10, MHP, OI)

- A. Hens Only:** Unless the subject property is also occupied by a use classified as Animal Production, no person may keep roosters on residential property.
- B. Number of Hens:** No more than 8 hens are allowed per lot regardless of the number of dwelling units.
- C. Coop and Run Standards:**
  - 1.** A coop is a roofed housing structure where hens are kept. The coop must have an indoor area where chickens sleep, perch, nest, and lay eggs. The coop should also provide protection from weather and predators.

2. Runs shall also be provided. Runs must be part of the enclosed coop structure in the GR5, GR10, O&I, CBD, RMU, NMU, and CMU zoning districts.
3. The coop and run must include a minimum of 10 square feet per chicken to be housed.
4. The coop and run must meet the accessory structure setback standards of the district in which the property is located.

### 3.10.2 OUTDOOR KENNELS (RD, LI, HI)

- A. As indicated in the Permitted Use Table, Outdoor Kennels are permitted with a Special Use Permit in the RD, LI, and HI zoning district.
- B. **General Standards**
  1. Any building or pen housing animals shall be located a minimum of 150 feet from any residential use or residentially zoned property.
  2. Areas used for exercising or training of animals shall be securely fenced to prevent animals from straying off property.
- C. **Disposal of Waste**
  1. All animal refuse and food shall be kept in airtight containers and disposed of on a regular basis.
  2. Animal waste shall not be stored within 150 feet of any property line or surface waters unless located indoors.
- D. **Buffering:** A Type A Buffer, as defined in Chapter 8 of this Ordinance, is required along property lines shared with residential uses or residentially zoned property.

### 3.10.3 PRODUCE STANDS (RD, GR3, GR5, GR10, MHP, OI, CBD, NB)

- A. **Duration:** Produce stands shall be permitted by the Administrator to operate on an individual period of time not to exceed 90 consecutive days and no more than 2 events per calendar year. Approval of a site plan for the development of a parcel for the use as a produce stand will allow for the permanent location of the use.
- B. **Hours of Operation:** Hours of operation shall be limited to 6:00 AM – 10:00 PM.



### 3.10.4 SWINE FARMS (RD, HI)

- A. As indicated in the Permitted Use Table, Swine Farms are permitted with a Special Use Permit in the RD and HI zoning districts.
- B. **Size:** A minimum of 10,000 square feet per animal raised is required.
- C. **Minimum Setbacks:** Minimum setbacks for waste lagoons or any other area where animal waste is collected shall be as follows:
  - 1. 2,500 feet from schools, hospitals, or churches
  - 2. 1,500 feet from the nearest residential dwelling unit
  - 3. 100 feet from perennial streams
  - 4. 100 feet from property boundaries
  - 5. 100 feet from wells for drinking water or irrigation and septic tanks
- D. **Floodplains:** Waste lagoons shall not be permitted within areas shown as Special Flood Hazard Areas on the most recently adopted Federal Emergency Management Agency Flood Insurance Rate Map.

## 3.11 SUPPLEMENTAL USE STANDARDS FOR INFRASTRUCTURE USES

USE	SECTION	PAGE
Airport / Airstrip	3.11.1	71
Class 2 Utility	3.11.2	71-72
Class 3 Utility	3.11.3	72-73
Wireless Telecommunications Facility	3.11.4	73-81

### 3.11.1 AIRPORT / AIRSTRIP (RD, LI, HI)

- A. As indicated in the Permitted Use Table, Airport/Airstrips are permitted with a Special Use Permit in the RD, LI, and HI zoning districts.
- B. **Screening:** Hangars or open storage shall be screened with a Type B Buffer, as defined in Chapter 8 of this Ordinance, from all property lines, except those properties within the LI and HI zoning districts.
- C. **Noise:** No outdoor public address system shall be permitted which can be heard beyond the boundaries of the property.

- D. Hours of Operation:** Hours of operation shall be limited to 6:00am – 10:00pm.

### 3.11.2 CLASS 2 UTILITY (ALL DISTRICTS)

- A. Screening:** A 40-foot buffer meeting the standards of a Type A Buffer, as defined in Chapter 8 of this Ordinance, shall be provided along all property boundaries.
- B. Ground-Mounted Solar Systems:** Ground-mounted solar systems are considered a Class 2 Utility and, as such, are permitted with a Special Use Permit in all zoning districts, subject to the following standards:
- 1. Location:** All ground-mounted solar panels in residential districts shall be installed in the side or rear yard.
  - 2. Setbacks:** Ground-mounted solar panels are subject to the setback requirements in the underlying zoning district.
  - 3. Height:** Ground-mounted solar panels are restricted to the following heights, based on their setback from the nearest adjacent property line:

GROUND MOUNTED SOLAR PANELS HEIGHT AND SETBACK REQUIREMENTS	
SETBACK FROM NEAREST PROPERTY LINE	MAXIMUM PERMITTED HEIGHT
6-10 feet	6'
11-15 feet	12'
15 feet or more	15'

### 3.11.3 CLASS 3 UTILITY (HB, LI, HI)

- A.** As indicated in the Permitted Use Table, Class 3 Utilities are permitted with a Special Use Permit in the HB, LI, and HI zoning districts.
- A. Parcel Size:** Class 3 Utilities shall be located on parcels of land that are 5 acres or greater in size.
- B. Minimum Setbacks:** Minimum setbacks for Class 3 Utilities shall be as follows:
- 1.** 1,500 feet from the nearest residential dwelling unit
  - 2.** 100 feet from perennial streams
  - 3.** 100 feet from property boundaries

4. 100 feet from wells for drinking water or irrigation and septic tank.
- C. **Large-Scale Solar Systems (Solar Farms):** Large-scale solar systems, also referred to as solar farms, are considered a Class 3 Utility and, as such, are permitted with a Special Use Permit in the HB, LI, and HI zoning districts, subject to the following standards:
1. **Height / Setback:** Large-scale solar systems shall adhere to the height and setback requirements of the underlying zoning district in which the property is located. Additional restrictions may be imposed as part of the approval of a Special Use Permit
  2. **Lot Size:** Large-scale solar systems shall be located on parcels of land that are 25 acres or greater in size.
  3. **Fencing:** All large-scale solar systems shall be enclosed by fencing to prevent unauthorized access. Warning signs with the owner's contact information shall be placed on the entrance and perimeter of the fencing. The height and type of fencing shall be determined as part of the Special Use Permit review process.
  4. **Electrical Lines Underground:** On-site electrical interconnection and distribution lines shall be placed underground, unless otherwise required by the utility provider and approved by the Administrator.
  5. **Removal of Vegetation:** The removal of existing vegetation is limited to the extent necessary for the construction and maintenance of the solar farm installation.

#### 3.11.5 WIRELESS TELECOMMUNICATIONS FACILITY (NON-TOWER) AND WIRELESS TELECOMMUNICATIONS FACILITY (ALL DISTRICTS)

- A. **Purpose and Legislative Intent:** The Town of Tarboro finds that Wireless Telecommunications Facilities (WTF) may pose significant concerns to the health, safety, public welfare, character and environment of the Town and its inhabitants. The Town also recognizes that facilitating the development of wireless service technology can be an economic development asset to the Town and significant benefit to the Town and its residents. In order to ensure that the placement, construction, or modification of WTFs is consistent with the Town's Land Use Policies, the Town is adopting a single, comprehensive, WTF application and permit process. The intent of this section is to minimize the impact of

WTFs, establish a fair and efficient process for review and approval of applications, assure an integrated, comprehensive review of environmental impacts of such facilities, and protect the health, safety, and welfare of the Town. The Town hereby adopts the following policies and related procedures with respect to the submittal, review, approval, and issuance of permits or administratively granted authority for WTFs for the express purpose of achieving the policies and goals set forth herein.

**B. Permit Required**

1. If it is determined that telecommunications providers cannot 1) provide an adequate service level from co-locating on an existing telecommunications tower, 2) locate on an existing electrical transmission tower or similar structure, or 3) locate camouflaged stealth antennae equipment on, within, or attached to an existing structure, then new telecommunications towers and equipment facilities will be allowed with the approval of a Special Use Permit in all zoning districts.
2. For providers that co-locate their antennae and equipment facilities on Town-owned property (such as water tanks/towers), on electrical transmission facilities, or on existing towers, the use shall be permitted by-right in all zoning districts, subject to the standards within this Section.
3. Distributed Antenna Systems (DAS) or Small Cell facilities are permitted by-right in all zoning district subject to the standards within this Section.

**C. Exemptions:** This section shall regulate all communications broadcasting, towers, support structures, antennas, broadcast receiving facilities and equipment, and any combination thereof, except for the following:

1. Television sets
2. AM and FM radio receivers
3. Amateur (HAM) radio receivers and transmitters
4. Citizen Band (CB) radio receivers and transmitters, cellular telephones, pagers, and similar personal communication devices.

**D. Design**

1. Within all zoning districts, WTFs shall be of a monopole design and construction.
2. It is the intent of the Town to encourage co-locate facilities in an effort to reduce the number of telecommunications towers. New communications towers shall be capable of supporting up to three additional communications antennas, in addition to the first communications antenna array. Providers shall negotiate in good faith with other providers to lease space at a reasonable cost and for reasonable terms, and to publicize that space is available on a lease basis as part of the permit process.
3. The maximum allowable height of a new tower is the minimum height necessary to provide the intended service, including lighting, lightning rods, or any appendage in RA-40, RA-20, R-20, R-8, R-6, R-4, MHP, RMU, HB, LI, and HI. The height of the tower or structure shall be the vertical distance measured from the mean elevation of the finished grade at the front of the structure to the highest point of the structure.
4. Any planned increase in tower height to an existing approved telecommunication tower located within RA-40, RA-20, R-20, R-8, R-6, R-4, MHP, RMU, HB, LI, and HI can occur with approval of a Special Use Permit, up to 20 feet, of each occurrence. Similarly, normal maintenance and repair of the structure can be completed without the issuance of a new permit. Planned height increases for towers which were constructed prior to the adoption of these regulations, and located RA-40, RA-20, R-20, R-8, R-6, R-4, MHP, RMU, HB, LI, and HI, shall be required to apply for the permits required by this Ordinance.
5. Where a telecommunication tower is located on a lot with an existing principal use, the tower shall be located in the rear yard only. In addition, a recorded easement for an access road and utilities at least 20 feet wide shall be maintained by the property owner and/or the applicant from a public street to the tower for use by service and emergency vehicles. Minimum access road shall be at least 12 wide with a gravel surface.
6. Telecommunications antennae which can be placed in or on an existing structure or telecommunications towers which can be camouflaged to resemble a tree or to otherwise blend in with the surrounding area are encouraged. Towers located in stands of trees are encouraged over those located in open fields.

7. In non-residential districts (B-1, B-2, B-3, B-6, TC, and UMU), only stealth towers are permitted on roofs or walls with an approved permit after submittal of a report by a qualified and licensed professional engineer indicating the existing structure's suitability to accept the antenna, and the proposed method of affixing the antennae to the support structure. Complete details of all fixtures and couplings, and the precise point of attachment, shall be indicated. Stealth towers on roofs may be allowed given the tower height 1) does not exceed more than 30% of the height of the buildings, or 2) is no more than 50 feet above the building/structure, whichever is less. Stealth towers on roofs or walls shall be screened, constructed, and/or colored to match the structure to which they are attached.
  8. All accessory structures on the ground which contain switching equipment or other related equipment shall be architecturally compatible with other buildings and land uses in the zoning district, or otherwise integrated, through location and design, to blend in with the existing characteristics of the site to the extent practical. The means structures with pitched roofs, made of local construction materials, such as brick, wood, stone, or vinyl lapped siding.
  9. Freestanding telecommunications towers should be located to avoid a dominant silhouette on ridges or in open fields.
  10. Towers shall not restrict or interfere with air traffic or air travel to and from any existing or proposed public or private airport. All proposed towers shall comply with FAA standards.
- E. **Radio Frequency:** The Town recognizes that a telecommunications facility cannot be prohibited, nor can a Special Use Permit be denied, on the basis of environmental or health concerns relating to the radio emissions if the telecommunications equipment and facility complies with the Federal Radio Frequency Emission Standards (FRFES). The Town requires that each applicant for a permit must provide documentation proving that their telecommunications equipment complies with the FRFES.
- F. **Security:** A minimum 8-foot high chain link fence is required around the telecommunications tower and any equipment buildings. Barbed wire shall be placed along the top of the fence and access to the tower area and equipment shall be through a locked gate. The Administrator may waive fencing requirements for stealth towers and other types of structures if the fencing serves no useful purpose.

**G. Screening**

1. Landscape screening shall be required along the outside area of the perimeter fenced area to mitigate the visual impacts of the tower and equipment buildings from nearby viewers. Landscape screen shall meet the standards of a Type A Buffer, as defined in Chapter 8 of this Ordinance.
2. Where no equipment shelters, cabinets, or other structures will be located on the property, landscaping shall still be provided around the base of the tower. The landscape screen shall meet the standards of a Type A Buffer, as defined in Chapter 8 of this Ordinance.
3. Screening requirements shall not apply to telecommunications providers who use a camouflage tower or antennas within another structure, or providers who co-locate on an existing tower. Similarly, no screening requirements will apply when an antenna is located on a water tower/tank or similar structure.
4. The Administrator may waive any or all of the screening requirements upon determining that the existing topography or existing natural materials on site will screen the property as effectively as the required screening, provided that the spirit and intent of this subsection are met. The Administrator may also waive screening on those sides of the proposed tower that are located adjacent to undevelopable property. Such a waiver may not be sought to relieve the screening requirement for towers to be located adjacent to vacant properties or along any public right-of-way.

**H. Setbacks**

1. Minimum setbacks for free-standing towers shall be based on the zoning district in which the property is located.
2. For the purposes of establishing setbacks, the measurements shall be from the edge of the concrete base on which the tower is located to the property line unless the tower is located in a leased area. Setbacks for towers located on leased parcels shall be measured from the edge of the concrete base on which the tower is located to the edge of the parcel in which the lease area is located. Minimum setback requirements may be reduced by the Town Council to allow the integration of a tower into an existing or proposed structure such as a steeple, lighting poles, power line support device, or similar structure.

3. All towers shall be a minimum of 300 feet from the nearest residential dwelling unit, with the exception of any existing residential structure located on the same lot as the tower, at the time of application.
4. Telecommunications providers who are leasing a portion of a lot for the proposed telecommunications tower shall obtain a signed certification from the property owner that no future development of subdivision or leased portions will be made within the established setbacks of the telecommunication tower until such tower is removed from the site. This does not apply to telecommunication providers seeking to co-locate on an existing tower.

#### **H. Operation and Removal**

1. Towers and related facilities must be removed by the applicant and/or property owner upon abandonment of the tower for a period of 90 consecutive days. A tower is considered abandoned when it is no longer used for its original intent. Such removal shall take place within six months of the first day the tower was abandoned and be completed within the same six-month period.
  2. The owner of each telecommunications tower must certify to the Administrator the operational status of each antenna located on an approved tower.
  3. Speculative telecommunications towers, that do not have a committed wireless carrier or carriers to locate on the towers, are not permitted.
- I. Lighting:** Towers having a height of 199.9 feet or less shall not contain lights or fixtures at a height exceeding 15 feet unless so directed by the Federal Aviation Administration (FAA). Furthermore, lighting of all towers in any district shall be directed toward the tower and/or accessory uses to reduce glare on adjacent properties. It is recognized that towers over 200 feet in height require night lighting per FAA regulations.



**J. Co-Location**

1. Placement of additional antenna by a co-locator onto an existing telecommunications tower shall be permitted by-right provided that the tower height is not increased. If the co-locator or owner of the tower proposed to increase the height in RA-40, RA-20, R-20, R-8, R-6, R-4, MHP, RMU, HB, LI, and HI, the co-locator or owner shall submit an application for a new Special Use Permit.
2. Co-location applicants also must comply with any applicable requirements of an approved Special Use Permit.
3. Placement of antenna and equipment buildings on Town-owned water tanks/towers, or electrical transmission lines, or on any tower which has not received a permit from the Town requires the provider to apply for a zoning permit. Authorization from the owner of the supporting device is required documentation.

**K. Signage:** Freestanding signs are prohibited. Wall signs shall be limited to 1) identification signage allowed on equipment structures or fences surrounding the telecommunications tower/structure provided it does not exceed 9 square feet in size and 2) "No Trespassing" signs, "Danger – High Voltage" signs, and other similar warning signs shall be installed to discourage trespassing by unauthorized persons. Signs shall be installed on the perimeter fence or on the tower at its base.

**L. Outdoor Storage:** Outdoor storage of equipment or related items is prohibited, which the exception of equipment enclosed within sheds, cabinets, or other such structures.

**M. Staffing:** Associated telecommunications equipment buildings shall be unmanned. This provision does not prohibit the periodic maintenance or periodic monitoring of equipment and instruments.

**N. Application Requirements:** All applications for telecommunications towers must include the following information, in addition to any other applicable information required by this Ordinance:

1. Identification of the intended provider(s)
2. Documentation of a registered engineer that the tower has sufficient structural integrity to accommodate up to four wireless carriers.

3. A statement about the general capacity of the tower in terms of the number of additional providers, or co-locaters, it is designed to accommodate.
4. A statement from the provider indicating intent to allow shared use of the tower and how others will be accommodated, if applicable.
5. Documentation that all property owners of residentially zoned property within 300 feet of the edge of all sides of the property, as well as adjacent property owners, have been notified by the applicant of the proposed tower height and design.
6. Documentation that the telecommunications equipment complies with the FRFES.
7. A site plan, drawn to scale, identifying the site boundaries, tower, existing and proposed structures, including equipment buildings, access, fencing, fall radius, and landscape screening. A site plan is not needed for providers who are seeking to co-locate on an existing tower when the equipment building is to be located within and existing fenced areas and the tower height is not increased.
8. Documentation of monopole tower collapse area, if applicable.
9. Documentation that a monopole tower is not available for the proposed height and that a lattice-type tower is required.
10. Expert testimony that demonstrates to the satisfaction of the Administrator that the provider has explored all co-location opportunities and stealth tower locations. Evidence may consist of the following:
  - a. Existing or approved telecommunications towers with available co-location space are not located within the search area.
  - b. Existing or approved towers or structures are not of sufficient height to meet the provider's specifications.
  - c. Existing or approved towers or structures do not have sufficient structural strength to support the applicant's propose antenna, and documentation that the existing tower cannot be structurally strengthened to accommodate an additional user.

- d.** The provider's proposed antenna would cause objectionable radio frequency interference with existing or planned antenna on an existing or planned tower.
- e.** Existing or approved towers lack co-location space.

## **CHAPTER 4: General Development Provisions**

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## CHAPTER 4: General Development Provisions

### 4.1 APPLICABILITY

The provisions of this chapter shall apply generally to all development regardless of the underlying zoning.

### 4.2 INTERPRETATION OF NUMERICAL STANDARDS

When any requirement of this Ordinance results in a fraction of a unit, a fraction of one-half or more shall be considered a whole unit and a fraction of less than one-half shall be disregarded. 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.

### 4.3 BASIC LOT AND USE STANDARDS

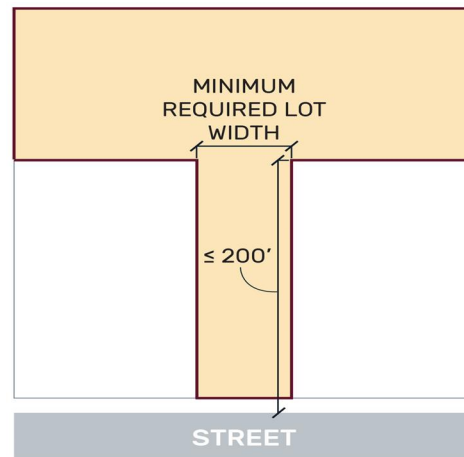
All provisions of this Ordinance shall apply within the corporate limits of Town of Tarboro and within the extra-territorial jurisdiction, as identified on the Zoning Map of Town of Tarboro, except for that property in the extra-territorial jurisdiction which is used for bona fide farm purposes is exempt from the requirements of this Ordinance, pursuant to NCGS §160D-903. The Zoning Map is on file with the Clerk of the Town of Tarboro and with the Administrator of this Ordinance. The map and its boundaries shall be incorporated and made part of this Ordinance.

#### 4.3.1 ALL LOTS AND BUILDINGS SHALL FRONT ON A PUBLIC STREET

##### A. Lot Requirements

1. All lots shall front on a public or private street. In no case shall a lot have less than 35 feet of frontage on a public or private street. Flag lots shall be permissible only under the following circumstances:
  - a. Flag lots may be created only to avoid providing direct access onto arterial or collector streets; or
  - b. When a property owner demonstrates that, because of issues with the shape or topography of a tract, the creation of a flag lot is reasonably necessary to avoid extreme hardship to the property owner and can be accomplished without creating substantially adverse impacts on neighboring properties or the public health and safety.
  - c. Under no circumstances may a flag lot be created if the effect is to increase the number of access points onto a major arterial street.
  - d. That portion of a flag lot between the street onto which it has access and the point where a lot dimension parallel to

the street first equals or exceeds the minimum lot width set forth in Chapter 2 of this Ordinance may be no longer than 200 feet.



2. Lots may front on park space, as described in Chapter 7, provided that the park space fronts on a public or private street. The entrance to the structure on the privately-owned parcel may be no more than 50' from the public or private street.

#### **B. Building Requirements**

1. No building shall be erected on a lot that does not front on an improved public or on park space as described in §4.3.1.A.2 of this Ordinance.

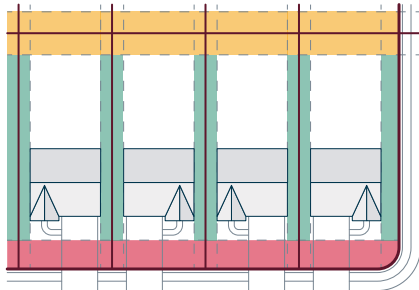
#### **4.3.2 NUMBER OF PRINCIPAL BUILDINGS PER LOT**

In any zoning district, more than one building containing a permitted principal use may be erected on a single lot, provided that:

- A. All non-residential principal buildings meet the dimensional requirements set forth in Chapter 2.3 of this Ordinance.
- B. The lot was not approved or recorded as a single-family residential lot.

#### **4.3.3 DIMENSIONAL STANDARDS**

##### **A. Yard and Setback Requirements**



**LEGEND**

- STREET SETBACK
- SIDE SETBACK
- REAR SETBACK

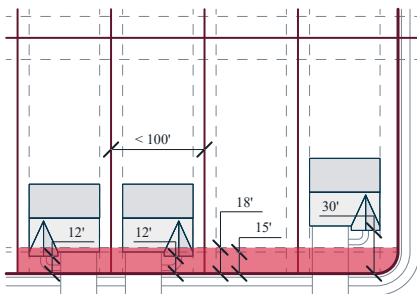
1. **General:** A building, structure, or lot shall not be developed, used, or occupied unless it meets the minimum yard requirements for the zoning district or overlay district in which it is located.

2. **Calculating Street Setbacks:** If the street right-of-way line is readily determinable by reference to a recorded map, set irons, or other means, the street setback shall be measured from such right-of-way line. If the right-of-way line is not readily determinable, the street setback shall be measured from the street centerline and the street setback distance shall be increased by fifteen feet plus one-half the width of the paved or travelled portion of the roadway.

3. **Calculating Side and Rear Setbacks:** The minimum setback is the space defined by measuring perpendicularly from and along the entire boundary of the lot to the building as shown in the diagram to the left.

4. **Orientation:** Side lot lines shall normally be perpendicular to street right-of-way lines.

5. **Infill Lot Standards:** The street setback requirements of this Ordinance for residential dwellings shall not apply to any lot where the average setback of existing buildings (located wholly or partially within one-hundred feet on either side of the proposed dwelling and on the same side of the street in the same block and zoning district) is less than the minimum required street setback. In such case, the street setback on such lots may be less than required in the subject zoning district, but not less than the average of the existing setbacks on the aforementioned lots or a distance of fifteen feet from the right-of-way, whichever is greater.



**LEGEND**

- STREET SETBACK

#### 4.3.4 ENCROACHMENTS

The features listed below may encroach into a required setback.

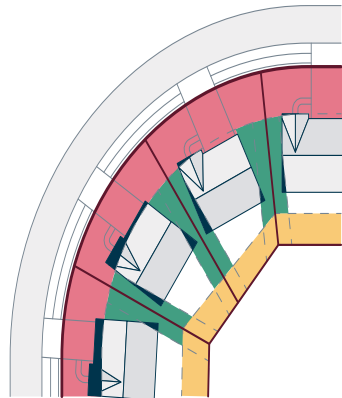
- A. **Mechanical Units:** Air conditioning or HVAC units may encroach into any required setback. In no case should a mechanical unit be located closer than 2 feet to an adjacent property line, public right-of-way, or private access easement.

- B. Awnings and Canopies:** All awning and canopies, if provided, shall be supported by means of a frame attached directly to the building receiving beneficial use of the awning. In no case shall awning be supported by a frame attached to a sidewalk or other public right-of-way. Awnings may encroach up to 6 feet into any required street setback but shall not encroach into the street planting area or across the edge of a public sidewalk.
- C. Bay Windows and Balconies:** Bay windows, balconies, and similar features projecting from the primary façade may encroach up to 3 feet into any required yard.
- D. Cornices and Gutters:** Cornices, eaves, overhands, and similar projections (including gutters) may encroach up to 2 feet into any required yard.
- E. Fences and Garden Walls:** Fences and garden / yard walls may encroach into required yards, but, if higher than 3.5 feet, may not be placed within the site distance triangle of a public street, private street, or driveway contained either on the property or on an adjoining property.
- F. Handicapped Ramps:** Ramps for handicap accessibility and fire escapes that are required by the North Carolina Building Code may encroach into any required yard but may not be closer than 3 feet to any property line.
- G. Porches, Decks, and Patios:** Uncovered and unenclosed porches, decks, patios, and other similar features not exceeding an average finished height above grade of 36 inches may encroach into the side and rear setback. In no case shall a porch, deck, or patio be closer than 5 feet to any property line.
- H. Steps and Stairs:** Uncovered and unenclosed steps and stairs may encroach up to 6 feet into any required street yard setback but may not be closer than 5 feet to any property line.

#### 4.4 IRREGULAR LOT SETBACKS

The location of required front, side, and rear setbacks on irregularly shaped lots shall be determined by the Administrator. The determination will be based on the intent and purpose of this Ordinance to achieve the appropriate spacing and location of buildings. Where questions arise as to the appropriateness, the applicant may be requested to provide additional design information.





### LEGEND

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<span style="display:inline-block; width:15px; height:15px; background-color: #ffb74d; border:1px solid black;"></span>	REAR SETBACK
<span style="display:inline-block; width:15px; height:15px; background-color: #002d62; border:1px solid black;"></span>	ENCROACHMENT

## 4.5 MEASUREMENT OF BUILDING HEIGHT

**4.5.1 CALCULATION OF BUILDING HEIGHT:** The height of a building shall be the vertical distance from the mean elevation of the finished grade at the front of the building to the highest point of the building.

**4.5.2 ITEMS NOT INCLUDED IN BUILDING HEIGHT CALCULATIONS:** The building height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy, monuments, water towers, mechanical penthouses (provided they are set back 20 feet from the front elevation), observation towers, transmission towers, chimneys, smokestacks, conveyors, flagpoles, masts, and antennas.

- A.** The features listed in §4.5.2 are exempt from the height limitations in Chapter 2 of this Ordinance provided they meet the following requirements:
1. No more than 1/3 (one-third) of the total roof area may be consumed by such features.
  2. The features must be setback from the edge of the roof a minimum of distance of one foot for every foot by which the feature extend above the roof surface of the principal building to which they are attached.

3. The permit-issuing authority may authorize or require that parapet walls be constructed to shield the features from view.
- B. Notwithstanding §4.5.2.A, in any zoning district of any non-residential or multi-family residential building containing 4 or more dwelling units may not exceed 35 feet unless the Administrator determines certifies that such building is designed to provide adequate access for fire-fighting personnel, or certifies that the building is otherwise designed or equipped to provide adequate protection against the dangers of fire.



## 4.6 ACCESSORY USES AND STRUCTURES

The purpose of this section is to establish standards for accessory uses and structures in the Town of Tarboro's jurisdiction. Except as provided elsewhere in this Ordinance, it shall be unlawful for any person to erect, construct, enlarge, move, or replace any accessory use or structure without first obtaining a zoning permit from the Administrator.

### 4.6.1 GENERAL

- A. Accessory uses and structures may only be used for purposes permitted in the district in which they are located.
- B. **Not for Dwelling Purposes:** Accessory structures shall not be used for dwelling purposes except as approved Accessory Dwelling Units in accordance with Chapter 3 of this Ordinance.
- C. **Building Permits May Be Required:** Depending on the size of the structure and the incorporation of various improvements (e.g., electrical, plumbing) a building permit may also be required.

#### 4.6.2 MAXIMUM NUMBER AND AREA

STANDARDS	SINGLE-FAMILY / TWO-FAMILY LOTS – LESS THAN 1 ACRE	SINGLE-FAMILY / TWO-FAMILY LOTS – 1-3 ACRES	ALL OTHER USES AND LOTS LARGER THAN 3 ACRES
1. Maximum Accessory Structures Permitted	2	2	No Maximum
2. Maximum Area (Accessory Dwelling Unit Area is Exempt)	600 sq ft Per Structure 1,000 sq ft in Aggregate	1,000 sq ft Per Structure 1,400 sq ft in Aggregate	No Maximum

#### 4.6.3 EXEMPT ACCESSORY STRUCTURES

**A. Buffering:** The following facilities are allowed as accessory structures provided they are “related to” and “customarily incidental” to the principal use or structure:

1. Television satellite dishes,
2. Television antennas and their support structures (including combinations of the two) 60 feet in height or less.

#### 4.7 TEMPORARY USES

As indicated in the Permitted Use Table, non-recurring uses that may involve the construction of a temporary or permanent structure not used for residential purposes are permitted in all zoning districts, subject to the supplemental standards in Chapter 3 of this Ordinance.

## **CHAPTER 5: Subdivision and Infrastructure Standards 91**

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## CHAPTER 5: Subdivision and Infrastructure Standards

### 5.1 PURPOSE AND INTENT

The purpose of this Chapter is to establish criteria for the site development and subdivision of real property within the jurisdiction of the Town of Tarboro. The standards set forth are intended to:

- Provide for the orderly growth and development of the Town of Tarboro; and
- Coordinate proposed development with existing development and with officially adopted plans for the future development of the Town; and
- Provide for sustainable residential and non-residential development with adequate streets, utilities, and appropriate building sites; and
- Ensure the proper legal description, monumentation, and recordation of subdivided land; and
- Create conditions essential to the public health, safety, and general welfare.

### 5.2 APPLICABILITY

#### 5.2.1 AUTHORITY AND APPLICABILITY

- A. **Authority:** According to the provisions of NCGS §160D-1122, the Town of Tarboro has the authority to regulate the subdivision of land within its territorial jurisdiction.
- B. **Subdivision Defined:** For the purposes of this Ordinance, “subdivision” shall mean 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 new streets or change in existing streets.
- C. **Statutory Exemptions:** The following are not included within the definition for subdivision and are exempt from the regulations of this Ordinance. All such exempt documents or plats shall bear the notation “Exempt pursuant to the Town of Tarboro Unified Development Ordinance,” and the signature of the Administrator shall be required before being presented for recordation.

1. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots meet or exceed the standards of this Ordinance; or
2. The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved; or
3. The public acquisition of strips of land for the widening or opening of streets or for public transportation corridors; or
4. The division of a tract in single ownership whose entire area is no greater than two acres into not more than 3 lots where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the minimum standards set forth in this Ordinance.

**D. Site Plan / Major Subdivision Final Plan Defined:** Site Plans and major subdivision plans are architectural and/or engineering drawings of proposed improvements for a specific location that depicts such elements as building footprints, driveways, parking areas, drainage, utilities, lighting, and landscaping. The specific elements required for site plans, major subdivision plans, and zoning permits are outlined in Chapter 15 of this Ordinance.

**E. Conformity Required:** From and after the adoption of this Ordinance, no real property within the jurisdiction of the Town of Tarboro shall be developed or subdivided except in conformance with all applicable provisions of this Ordinance.

### 5.2.3 PROVISION OF SERVICES AND ACCEPTANCE BY TOWN

- A.** No street shall be maintained by the Town, nor shall any water or sewer service be extended to or connected with any subdivision of land, nor shall any permit be issued by an administrative agent of the Town of Tarboro for the construction of any building or other improvement requiring a permit, upon any land for which a plat is required to be approved, unless and until the requirements set forth in this Ordinance and all other applicable municipal, county, State, and Federal requirements have been complied with and the plat has been approved and recorded with the Edgecombe County Register of Deeds.
- B. Utility Ownership and Easement Rights:** In any case in which a developer installs or causes the installation of water, sewer, electrical power, telecommunication, or cable television facilities and intends that such facilities shall be owned, operated, or maintained by an entity

other than the developer, the developer shall transfer to such utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain such facilities.

- C. The developer shall provide a minimum 15' cleared utility easement or width that would be sufficient as determined by the Administrator to accommodate such facilities immediately adjacent and parallel to the street right-of-way.

### 5.3 PROVISION OF WATER AND SEWER SERVICES

All lots within the Town of Tarboro corporate limits shall be served by a public water and sewer system. Water and sewer system improvements shall be constructed in accordance with the Town's *Manual of Standard Design, Details, and Specifications*.

#### 5.3.1 SEWAGE DISPOSAL FACILITIES REQUIRED

- A. Every principal use and every lot within a subdivision shall be served by a sewage disposal system that is adequate to accommodate the reasonable needs of such use or subdivision lot and that complies with all applicable health regulations.
- B. Primary responsibility for determining whether a proposed development will comply with §5.3.1.A may lie with an agency outside of the Town of Tarboro, and the developer must comply with the detailed standards and specifications of such other agency. The relevant agencies are listed in §5.3.2.C of this Ordinance. Whenever any such agency requires detailed construction or design drawings before giving its official approval to the proposed sewage disposal system, the authority issuing a permit under this Ordinance may rely upon a preliminary review by such agency of the basic design elements of the proposed sewage disposal system to determine compliance. However, construction of such system may not be commenced until the detailed plans and specifications have been reviewed and any appropriate permits issued by such agency.
- C. In the following table, the column on the left describes the type of development and the column on the right indicates the agency that must certify to the Town whether the proposed sewage disposal system complies with the standards of this Ordinance.

## CHAPTER 5: Subdivision and Infrastructure Standards

### 5.3 PROVISION OF WATER AND SEWER SERVICES

IF	THEN
The use is located on a lot that is served by the Town sewer system or a previously approved, privately owned package treatment plant, and the use can be served by a simple connection (as in the case of single-family dwelling) rather than the construction of an internal collection system (as in the case of a shopping center or multi-family complex).	No further certification necessary.
The use (other than a subdivision) is located on a lot that is served by the Town sewer system but the service to the use necessitates construction of an internal collection system (as in the case of a shopping center or apartment complex) and the internal collection system is to be transferred to and maintained by the Town	The Division of Environmental Management must certify to the Town that the proposed internal collection system meets the Town's specifications and will be accepted by the Town. (A "Permit to Construct" must be obtained from the Division of Environmental Management)
The use (other than a subdivision) is located on a lot that is served by a public sewer system but service to the use necessitates construction of an internal collection system (as in the case of a shopping center or multi-family complex) and the internal collection system is to be privately maintained	The Public Works Director must certify that the proposed collection system is adequate
The use (other than a subdivision) is not served by the Town system but is to be served by a privately operated sewage treatment system (that has not been previously approved) with 3,000 gallons or less design capacity, the effluent from which does not discharge to surface waters.	The County Health Department must certify to the Town that the proposed system complies with all applicable state and local health regulations. If the proposed use is a single-family dwelling unit (not a manufactured home), the developer must obtain an improvements permit from the County Health Department. If the proposed use is a manufactured home, the developer must present to the Town a certificate of completion from the County Health Department.
The use (other than a subdivision) is to be served by a privately operated sewage treatment system (not previously approved) that has a design capacity of more than 3,000 gallons or that discharges effluent into surface waters	The Division of Environmental Management must certify to the Town that the proposed system complies with all applicable state regulations (A "Permit to Construct" and a "Permit to Discharge" must be obtained from the Division of Environmental Management).
The proposed use is a subdivision and lots within the subdivision are to be served by simple connection to existing public lines or lines of a previously approved private system.	No further certification necessary.
The proposed use is a subdivision and lots within the subdivision are to be	The Public Works Director must certify to the Town that the proposed system



served by a public system but the developer will be responsible for installing the necessary additions to the public system.	meets the Town’s specifications and will be accepted by the Town. (A “Permit to Construct” must be obtained from the Division of Environmental Management)
The proposed use is a subdivision and lots within the subdivision are to be served by a sewage treatment system that has not be approved, that has a design capacity of 3,000 gallons or less, and that does not discharge into surface waters.	The County Health Department must certify that the proposed system complies with all applicable state and local health regulations. If each lot within the subdivision is to be served by a separate on-site disposal system, the County Health Department must certify that each lot shown on a major subdivision, preliminary, and final plat can probably be served by any on-site disposal system.
The proposed use is a subdivision and lots within the subdivision are to be served by a privately operated sewage treatment system (not previously approved) that has a design capacity in excess of 3,000 gallons or that discharges effluent into surface waters.	The Division of Environmental Management must certify to the Town that the proposed system complies with all applicable state regulations (A “Permit to Construct” and a “Permit to Discharge” must be obtained from the Division of Environmental Management.

### 5.3.3 WATER SUPPLY SYSTEM REQUIRED

- A. Every principal use and every lot within a subdivision shall be served by a water supply system that is adequate to accommodate the reasonable needs of such use or subdivision lot and that complies with all applicable health regulations.
- B. Primary responsibility for determining whether a proposed development will comply with the standard set forth in §5.3.3.A often lies with an agency other than the Town, and the developer must comply with the detailed standards and specifications of such other agency. Whenever such agency requires detailed construction or design drawings before giving its official approval to the proposed water supply system, the authority issuing a permit under this Ordinance may rely upon preliminary review by such agency of the basic design elements of the proposed water supply system to determine compliance. However, construction of such system may not be commenced until the detailed plans and specifications have been reviewed and any appropriate permits issued by such agency.
- C. In the following table, the column on the left describes the type of development and the column on the right indicates the agency that must certify to the Town whether the proposed water supply system complies with the standards of §5.3.3.A

## CHAPTER 5: Subdivision and Infrastructure Standards

### 5.3 PROVISION OF WATER AND SEWER SERVICES

IF	THEN
The use is located on a lot served by a public water system or a previously approved, privately owned public water system and the use can be served by a simple connection to the system (as in the case of a single-family dwelling) rather than the construction of an internal distribution system (as in the case of a shopping center or multi-family complex).	No further certification necessary
The use (other than a subdivision) is located on a lot that is not served by a public water system or previously approved privately owned public water supply system, but the developer proposes to extend lines to make such a connection.	The appropriate public water system agency must certify to the Town that the proposed extension meets the local government's specifications and will (if connection to the local government's system is proposed) be accepted by the local government (A "Permit to Construct" must be obtained from the Division of Health Services).
The use (other than a subdivision) is located on a lot that is served by the Town water system but service to the use necessitates the construction of an internal distribution system (as in the case of a shopping center or apartment complex) and the internal distribution system is to be transferred to and maintained by the Town.	The Division of Health Services must certify to the Town that the proposed internal distribution system meets Town specifications and will be accepted by the Town (A "Permit to Construct" must be obtained from the Division of Health Services).
The use (other than a subdivision) is located on a lot that is served by the Town water system but service to the use necessitates the construction of an internal distribution system (as in the case of a shopping center or apartment complex) and the internal distribution system is to be privately maintained.	The Public Works Director must certify that the proposed collection system is adequate.
The use (other than a subdivision) is located on a lot not served by a public water system or a previously approved, privately owned public water system and the use is to be served by a privately-owned public water supply system that has not been previously approved.	The Division of Health Services must certify that the proposed system complies with all applicable state and federal regulations. (A "Permit to Construct" must be obtained from the Division of Health Services). The Division of Environmental Management must also approve the plans if the water source is a well and the system has a design capacity of 100,000 gallons per day or is located in certain areas designated by the Division of Environmental Management. The Public Works Director must also approve the distribution lines for possible future addition to the public water system.
The use (other than a subdivision) is located on a lot not served by a public water system or a previously approved,	The County Health Department must certify that the proposed system meets

privately owned public water system and the use is to be served by some other source (such as an individual well).	the all applicable state and local regulations.
The proposed use is a subdivision and lots within the subdivision are to be served by simple connection to existing public water line or lines of a previously approved public water supply system.	No further certification necessary
The proposed use is a subdivision and lots within the subdivision are to be served by a public water system but the developer will be responsible for installing the necessary additions to such system.	The Public Works Director must certify to the Town that the proposed system meets the local government's specifications and will be accepted by the local government (A "Permit to Construct" must be obtained from the Division of Health Services).
The proposed use is a subdivision and lots within the subdivision are to be served by a privately owned public water supply system that has not been previously approved.	The Division of Health Services must certify that the proposed system complies with all applicable state and federal regulations. (A "Permit to Construct" must be obtained from the Division of Health Services). The Division of Environmental Management must also approve the plans if the water source is a well and the system has a design capacity of 100,000 gallons per day or is located in certain areas designated by the Division of Environmental Management. The Public Works Director must also approve the distribution lines for possible future addition to the public water system.
The proposed use is a subdivision and lots within the subdivision are to be served by individual wells.	The County Health Department must certify to the Town that each lot intended to be served by a well can probably be served in accordance with applicable health regulations.

#### 5.3.4 AS-BUILT DRAWINGS REQUIRED

Whenever a developer installs or causes to be installed any utility line in any public right-of-way, the developer shall, as soon as practicable after installation is complete, and before the acceptance of any water or sewer line, furnish the county with a copy of a drawing that shows the exact location of such utility lines. Such drawings must be verified as accurate by the utility service provider. Compliance with the requirement shall be a condition of the continued validity of the permit authorizing such development.

#### 5.3.5 FIRE HYDRANTS

- A. Every development (subdivided or unsubdivided) that is served by a public water system shall include a system of fire hydrants sufficient to provide adequate fire protection for the buildings located or intended to be located within such development. Fire hydrants shall comply with the standards and specification of the *Town of Tarboro Manual of Standard Design, Detail, and Specifications*.

## 5.4 STORM DRAINAGE

- A. Natural Drainage System Utilized:** 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.
- C.** 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 stormwater 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.
- D.** No surface water may be channeled or directed into a sanitary sewer.
- E.** Whenever possible, the drainage system of a development shall coordinate with and connect to the drainage system or drainageways on surrounding properties or streets.
- F.** Privates streets and access ways within unsubdivided developments shall utilize curb and gutter and storm drains to provide adequate drainage if the grade of such streets or access ways is too steep to provide drainage in another manner or if other sufficient reasons exist to require such construction.

## 5.5 STORMWATER MANAGEMENT

All developments shall be constructed and maintained so that adjacent properties are not unreasonably burdened with surface waters as a result of such developments.

- A.** No development may be constructed or maintained so that such development impedes the natural flow of water from higher adjacent properties across such development, thereby causing damage to such higher adjacent properties; and

- B. No development may be constructed or maintained so that surface waters from such development are collected and channeled onto lower adjacent properties at such locations or at such volumes as to cause damage to lower adjacent properties.

## 5.6 SEDIMENTATION AND EROSION CONTROL

- A. No zoning, Special use, or site plan may be issued with respect to any development that would cause land disturbing activity requiring prior submission of an erosion control plan to the NC Sedimentation Control Commission under NCGS §113A-57(4) unless the commission has certified to the Town, either that:
  - 1. An erosion control plan has been submitted and approved by the commission; or
  - 2. The commission has examined the preliminary plans for the development and it reasonably appears that an erosion control plan can be approved upon the submission by the developer of more detailed construction or design drawings. However, in this case, construction of the development may not begin, no building permits may be issued, and final plat approval for subdivisions may not be given until the commission approves the erosion control plan.
- B. For the 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 street 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 NCGS §113A-52.01. Sedimentation occurs whenever solid particulate matter, mineral or organic, is transported by water, air, gravity, or ice from the site of its origin.

## 5.7 FLOOD DAMAGE PREVENTION

All development proposals shall be consistent with the need to minimize flood damage according to the provisions of Chapter 12 of this Ordinance. All development proposals shall have public facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage. All subdivisions and developments shall have adequate drainage to reduce exposure to flood hazards.

## 5.8 STREET NAME SIGNS

Appropriate street names signs which meet the standard Town of Tarboro specifications shall be placed at all street intersections. The developer shall bear the expense for required street signs.

## 5.9 WASTE MANAGEMENT

The developer shall provide adequate waste collection and disposal as outlined in the Town of Tarboro Code of Ordinances.

### 5.10 SUBDIVISION SURVEYS

Prior to the approval of a final plat, the following survey reference markers shall be installed:

- A. Permanent Concrete Markers:** Permanent concrete markers 4 inches in diameter or square, 3 feet long, shall be placed at not less than 2 corners of the subdivision and at all corners of all intersections, provided that additional monuments shall be placed as necessary so that no point within the subdivision lies more than 500 feet from a monument. Two or more of the required monuments shall be designated as control corners. The top of each monument shall have an indented cross, metal pin, or metal plate to identify properly the location of the point. All monuments shall be shown on the final plat.
- B. Markers:** All lot corners, all points where street lines intersect the exterior of the boundaries of the subdivision, and all angle points and points of curve in each street shall be marked with iron pipe either  $\frac{3}{4}$  inches or one inch in diameter and 18-24 inches long, driven so as to be within one inch of the finished grade.
- C. Property Corner Tie:** One or more corners of the subdivision shall, by a system of azimuths or courses and distances, be accurately tied to a monument of some United States or State Agency Survey System, such as the United States Coast and Geodetic Survey Systems, where such monument is within 2,000 feet of said corner. Where the North Carolina Grid System coordinates of said monument have been published by the North Carolina Department of Environment and Economic Resources, the coordinates of the referenced corner shall be computed and shown X and Y ordinates on the map. Where such a monument is not available, the tie shall be made to some pertinent and permanent recognizable landmark or identifiable point.
- D. Accuracy:** The angular error of closure shall not exceed 25 seconds times the square root of the number of angles turned. The linear error of closure shall not exceed one foot per 10,000 feet of perimeter of the lot or tract of land. The accuracy of the survey shall be designated on the final plat.

### 5.11 TIME LIMIT FOR COMPLETION OF IMPROVEMENTS

- A. Time Limit:** Improvements must be completed by the developer for each phase of a development before any of the following occur:

1. 80% of the building construction work is complete in the recorded phase.
2. 2 years have passed since the final plat or site plan, or phase thereof, has been recorded.
3. 1 year has passed since the approval of the performance guarantee, as outlined in §5.17.

## **5.12 STREET NETWORK AND CONNECTIVITY**

All public streets shall be constructed with the standards established for the particular type of street in question by the North Carolina Department of Transportation, Division of Highways (NCDOT) 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. The term “constructed”, as used in this Section, in reference to NCDOT standards, refers to all standards of design and construction, including right-of-way widths. See §5.12.5 for additional details on required street sections.

### **5.12.1 ACCESS TO LOTS**

- A. Every lot shall have access that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles as well as for all those likely to need or desire access to the property for its intended use.
- B. The creation of new flag lots shall be permissible only under the following circumstances:
  1. Flag lots may be created only:
    - i. To avoid providing direct access onto a collector street, minor thoroughfare, or major thoroughfare; or
    - ii. When a property owner demonstrates that, because of the irregular shape of a tract, its difficult topography, or for some other substantial reason, the creation of a flag lot is reasonably necessary to avoid extreme hardship to the property owner and can be accomplished without creating substantially adverse effects on neighboring properties or the public health and safety.
- C. Under no circumstances may a flag lot be created if the effect is to increase the number of access points onto a major or minor thoroughfare.
- D. That portion of a flag lot between the street onto which it has access and the point where the lot dimension parallel to the street first equals or exceeds the presumptive lot width set forth in Chapter 2 of this

Ordinance (or the widest part of the lot if the maximum width is less than the presumptive minimum) may not be longer than 200 feet.

### 5.12.2 ACCESS TO MAJOR OR MINOR THOROUGHFARES

- A.** Whenever a tract proposed for subdivision borders on or contains an existing or proposed major or minor thoroughfare, then all lots created out of such tract must have sufficient frontage on another street, either pre-existing or created as part of the subdivision, so that direct access to such lot need not be provided by the major or minor thoroughfare, unless compliance with this requirement is not reasonable due to the size and shape of the tract to be divided. The final plat creating the subdivision shall indicate a limitation of driveway access to the major or minor thoroughfare for those lots which have alternate access.
- B.** Traffic service and land access are necessary but conflicting functions of a highway system. Although major and minor thoroughfares must provide both traffic service and land access, access is a secondary function that should be controlled to avoid jeopardizing the primary traffic service function. The following provisions are an attempt to protect the public interest and safety of highway users by achieving access control when that objective is not achieved under §5.12.2.A either because a proposed development is not a subdivision or because compliance with that Section is not reasonably practicable.
1. The term “access control” refers to all techniques intended to minimize the traffic interference associated with driveway access, whether the use is commercial, industrial, or residential.
  2. To separate basic conflict areas and gain some semblance of access control, techniques which allow the reduction of driveway numbers or directly increase the spacing between driveways or between driveways and intersections will be required to the extent reasonably practicable to achieve the following limitations for driveway access in relation to highway frontage:

NUMBER OF DRIVEWAYS	LINEAR FEET OF FRONTAGE
1	Less than 500 feet
2	Between 500 and 999 feet
3	1,000 feet or more

- C.** Where highway speed is 55 mph, driveway spacing shall be at 300-foot intervals or greater. Where highway speed is 45 mph, spacing shall be at 230-foot intervals or greater.



- D. Adjacent or adjoining lots with highway frontages that do not meet the minimums described in this Section are encouraged to combine access to one driveway.
- E. Where separate or single parcels are assembled under one purpose, plan, entity, or usage, consolidation of existing direct access shall be required to the extent feasible. Approval depends on the developers plans to use existing driveway(s), close other existing driveway(s), and/or redesign and rebuild some existing driveway(s). However, the number of access points should not exceed the limits set forth in §5.12.2.B.2.
- F. **Deviations:** Deviations from the forgoing standards may be authorized. The Administrator may allow some modifications where the technical feasibility (the geometric design and operational requirements for implementation) does not compromise the “access control” and where it is shown that the lot(s) in question could not be developed without such deviations. Deviations from these standards shall require a complete set of design and operational requirements available, and the NCDOT shall advise that a particular development design or technique can still achieve a satisfactory level of “access control” consistent with the objectives of this Section.

### 5.12.3 ENTRANCES TO STREETS

- A. All driveway entrances and other openings onto streets shall be constructed so that:
  - 1. Vehicles can enter and exit from the lot in question without posing any substantial danger to themselves, pedestrians, or vehicles traveling on the same and/or surrounding streets; and
  - 2. Interference with the free and convenient flow of traffic on the same and/or surrounding streets is minimized.
- B. All driveway entrances and other openings onto public streets shall, at a minimum, conform to the requirements set forth in the current edition of the NCDOT Manual on Driveway Entrance Regulations.

### 5.12.4 COORDINATION WITH SURROUNDING STREETS

The street system of a development shall be coordinated with existing, proposed, and anticipated streets outside the development or outside the portion of a single tract that is being divided into lots as provided in this section.

- A. Collector streets, major thoroughfares, and minor thoroughfares shall intersect with surrounding collector streets, major thoroughfares, and

minor thoroughfares at safe and convenient locations.

- B. Local streets shall connect with surrounding streets where necessary to permit the convenient movement of traffic between residential neighborhoods or to facilitate access to neighborhoods by emergency service vehicles or for other sufficient reasons, but connections shall not be permitted where the effect would be to encourage the use of such streets by substantial through traffic.
- C. Whenever connections to anticipated or proposed surrounding streets are required by this section, the street right-of-way shall be extended, and the street developed, to the property line of the property being developed (or to the edge of the remaining undeveloped portion of a single tract) at the point where the connection to the anticipated or proposed street is expected. In addition, the Administrator may require temporary turnarounds to be constructed at the end of such streets pending their extension when such turnarounds appear necessary to facilitate the flow of traffic or accommodate emergency vehicles.
  - 1. Where the construction of the street to the point described in §5.12.4.C is impracticable due to topography, environmental constraints such as floodways, floodplains, or stream crossing (and the street to be connected has not yet been constructed), a performance guarantee, as described in §5.17, may be provided in-lieu of the construction of the street to the property line.
- D. Streets shall be related appropriately to the topography. In particular, streets shall be designed to facilitate the drainage and stormwater objectives set forth in Chapter 12 of this Ordinance and street grades shall conform as closely as possible to the original topography.
- E. The maximum grade at any point on a street constructed without curb and gutter shall be 8%. Except as set forth herein, street grades shall be governed by NCDOT requirements.

#### **5.12.5 STREET WIDTH, SIDEWALK, AND DRAINAGE REQUIREMENTS FOR PUBLIC STREETS**

Street rights-of-way are designed and developed to serve several functions:

- To carry motor vehicle traffic, and in some cases, to allow on street parking;
- To provide a safe and convenient passageway for pedestrian traffic; and
- To serve as important links in the Town of Tarboro and County's drainage systems.

In order to fulfill these objectives, all public streets shall be constructed to meet the standards set forth in this section. The following standards are intended to provide clarity for most

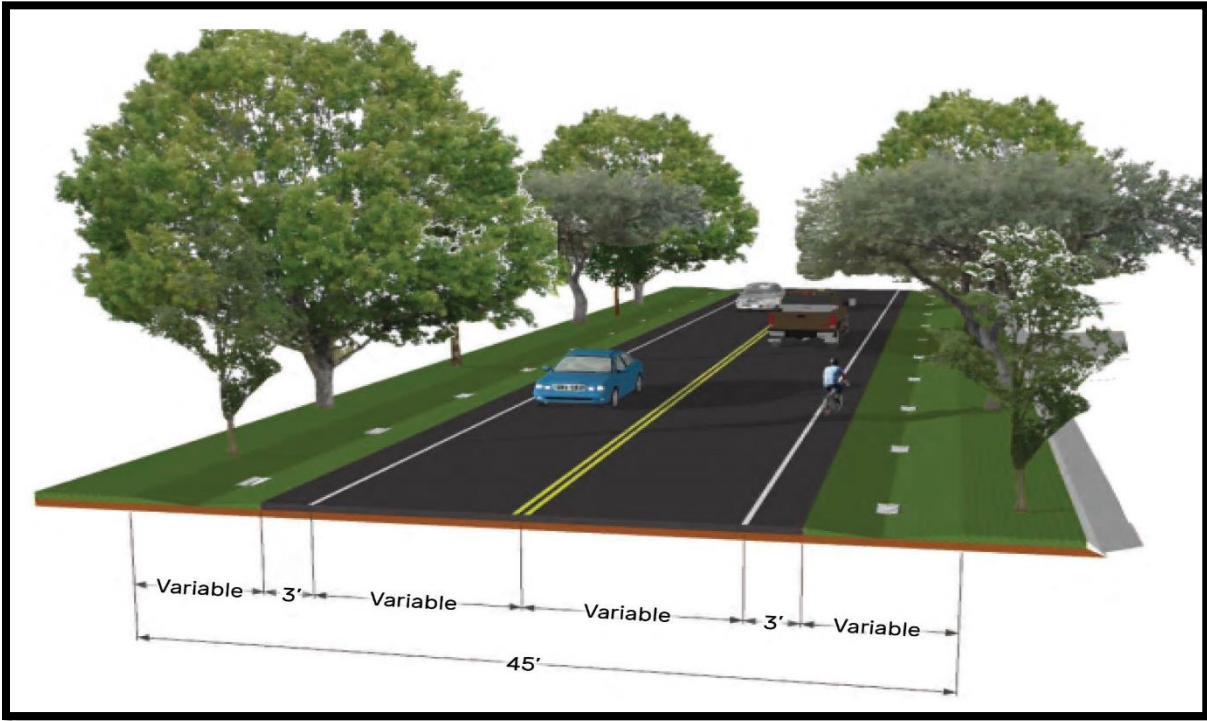
conditions in the Town of Tarboro. Deviations to these standards may be granted by the Administrator subject to generally accepted safety and engineering practices.

- A. Rights-of-way:** The right-of-way should be the minimum required to accommodate the street, median, planting strips, sidewalk, utilities, and maintenance consideration.
- B. Dimension Ranges:** Where ranges are given, the project designer should consult with the Administrator as to the appropriate detail.

## 5.12.6 TOWN OF TARBORO STREET CLASSIFICATIONS

### A. Streets in Rural and Suburban Districts

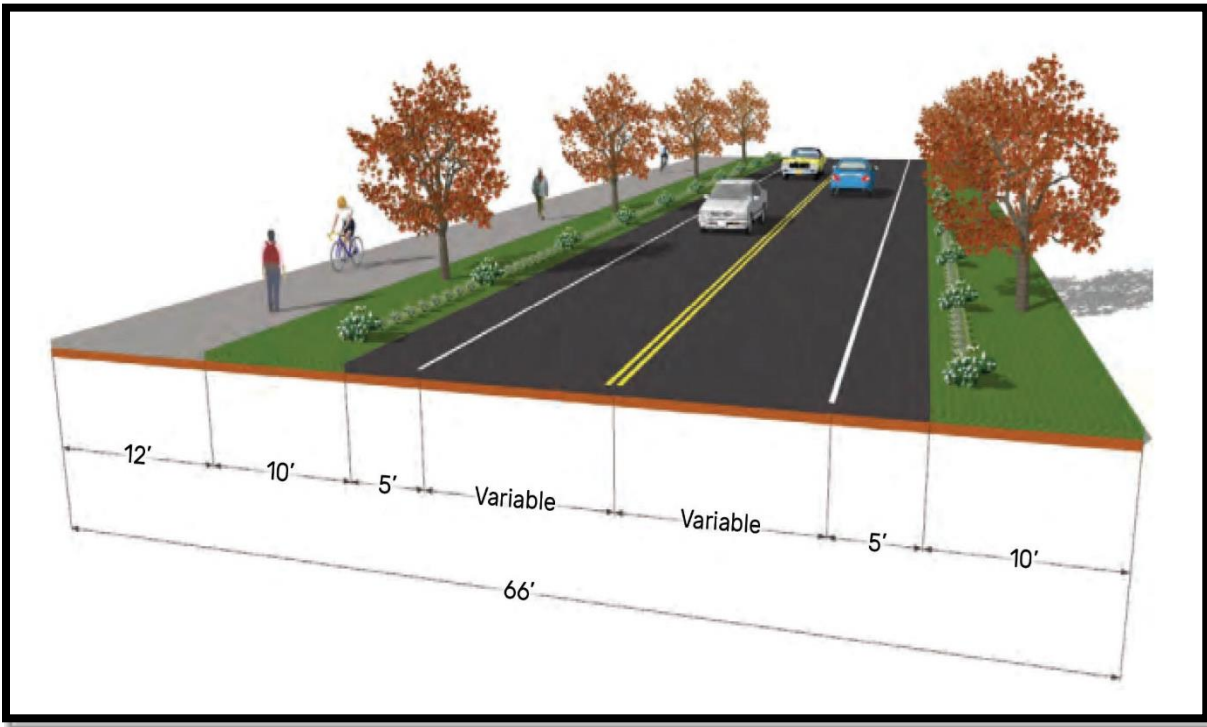
#### 1. Rural 2-Lane Street (Rural Residential Street)



Rural 2-Lane Street Type Specifications	
Right-of-Way Width	45 feet
Lane Widths	Variable
Design Speed	35-45 mph
Traffic Lanes	2 lanes
Parking Lanes	N/A
Sidewalks	N/A
Planter Type	N/A
Curb Type	Swale or vertical curb <sup>1</sup>
Landscaping	N/A
Bicycle Facilities	Striped 3' bike lane
Anticipated Average Daily Traffic	2,500 to 15,000 trips

<sup>1</sup>Streets shall be constructed with curb and gutter in all zoning districts unless, a) the street is located within a residential district, and b) all lots within the residential subdivision are equal to or greater than 20,000 square feet.

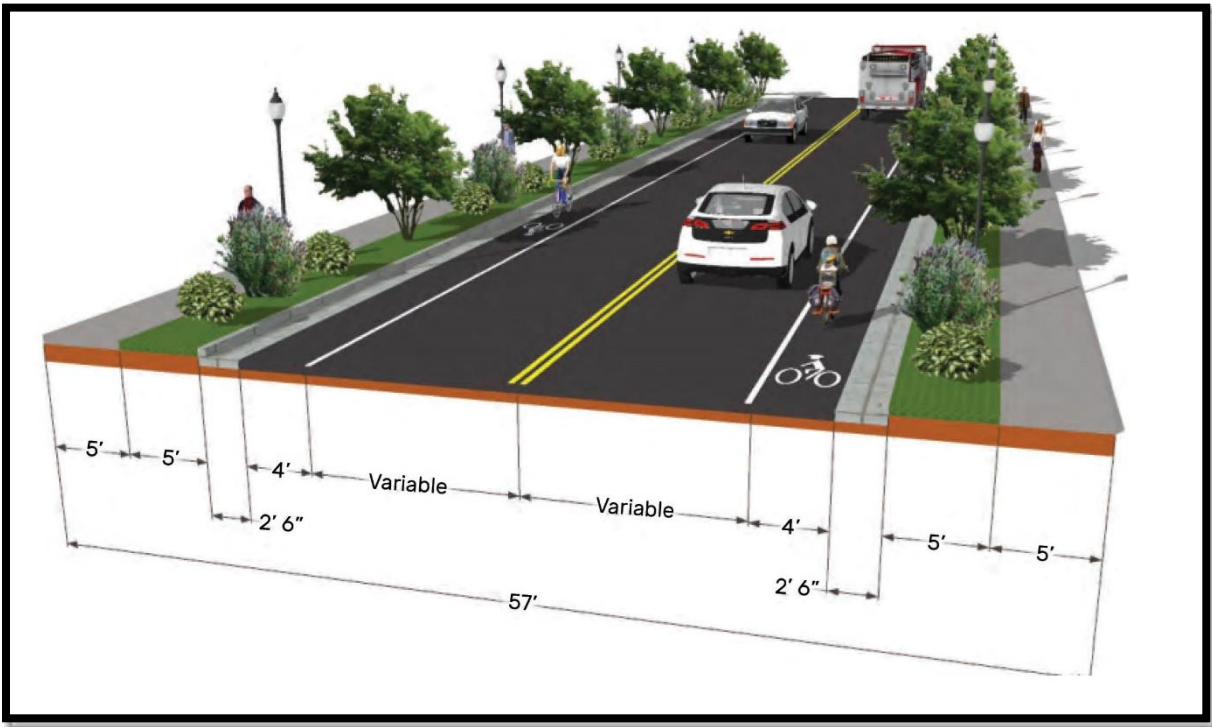
## 2. Suburban 2-Lane Street (Suburban Residential Street)



Suburban 2-Lane Street Type Specifications	
Right-of-Way Width	66 feet
Lane Widths	10-12 feet
Design Speed	25-35 mph
Traffic Lanes	2 lanes
Parking Lanes	N/A
Sidewalks	12' multi-use path on one side, or 5' sidewalk on both sides
Planter Type	10' continuous planting strip with multi-use path, or 6' planting strip with sidewalks on both sides
Curb Type	Swale or vertical curb <sup>1</sup>
Landscaping	N/A
Anticipated Average Daily Traffic	2,500 to 15,000 trips

<sup>1</sup>Streets shall be constructed with curb and gutter in all zoning districts unless, a) the street is located within a residential district, and b) all lots within the residential subdivision are equal to or greater than 20,000 square feet.

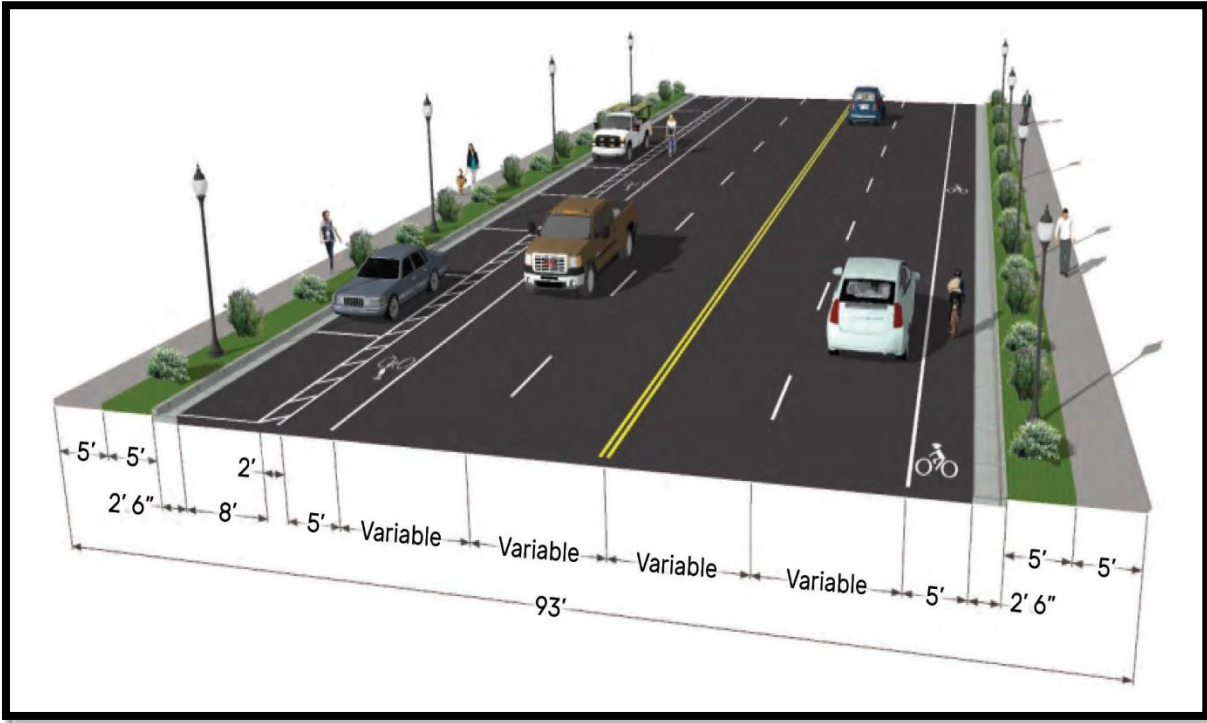
### 3. Urban 2-Lane Street (Local Residential Collector)



Urban 2-Lane Street Type Specifications	
Right-of-Way Width	57 feet
Lane Widths	10-12 feet
Design Speed	25 mph
Traffic Lanes	2 lanes
Parking Lanes	N/A
Sidewalks	5' sidewalk on both sides of street
Planter Type	5' continuous planting strip
Curb Type	Vertical curb
Landscaping	Type C Buffer (See Chapter 8)
Anticipated Average Daily Traffic	Up to 1,000 trips

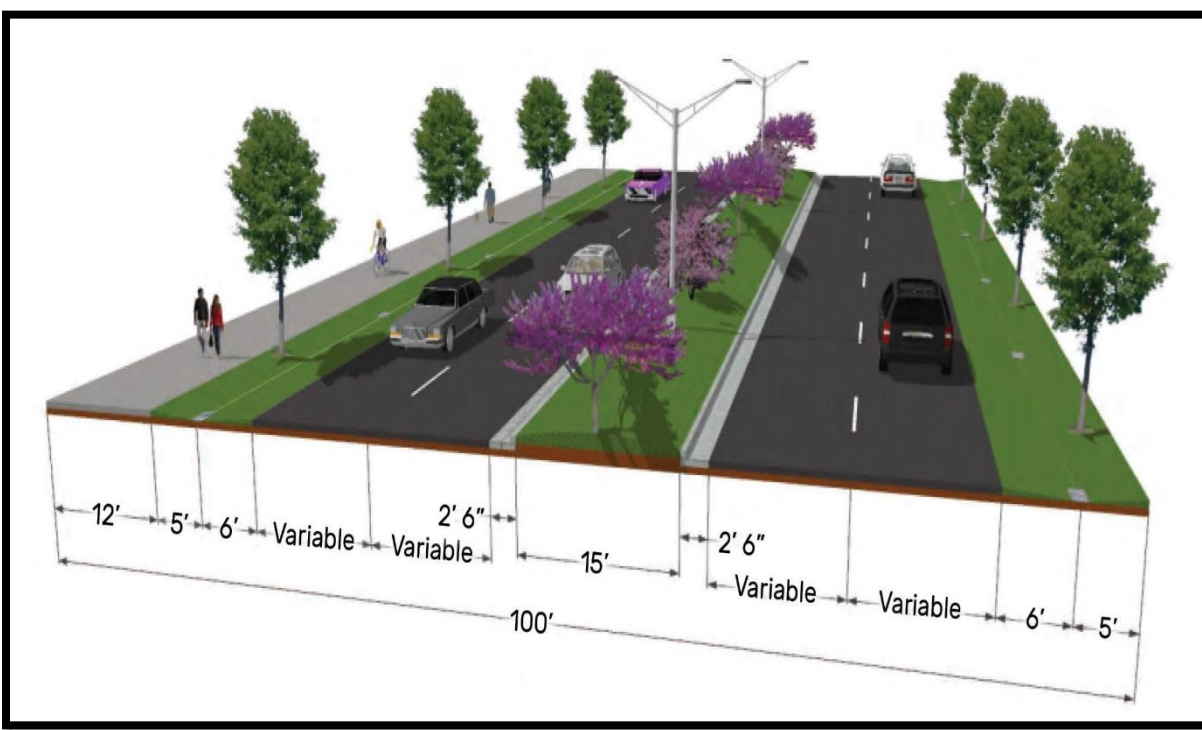
## B. Minor Thoroughfares

### 1. 4-Lane Suburban Thoroughfare (Minor Thoroughfare)



4-Lane Suburban Thoroughfare Street Type Specifications	
Right-of-Way Width	93 feet
Lane Widths	12 feet
Design Speed	35-45 mph
Traffic Lanes	4 lanes
Sidewalks	5' sidewalk on both sides of street
Planter Type	5' continuous planting strip
Curb Type	Vertical curb
Landscaping	1 canopy tree per 50 feet of street frontage (See Chapter 8)
Anticipated Average Daily Traffic	15,000 to 30,000 trips

## 2. 4-Lane Thoroughfare, Divided (Minor Thoroughfare)

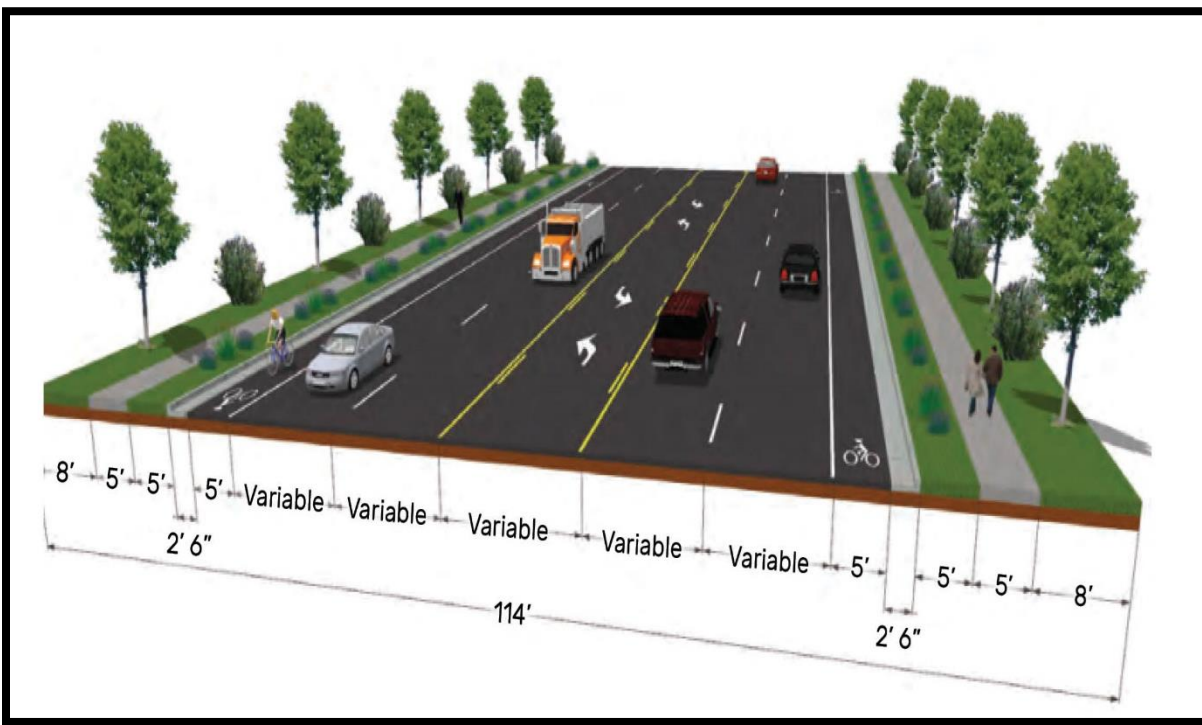


4-Lane Suburban Thoroughfare, Divided Street Type Specifications	
Right-of-Way Width	100 feet
Lane Widths	10-12 feet
Design Speed	35-45 mph
Traffic Lanes	4 lanes
Parking Lanes	N/A
Sidewalks	12' multi-use path on one side
Planter Type	5' continuous planting strip
Curb Type	Vertical curb
Landscaping	1 canopy tree per 50 feet of street frontage (See Chapter 8)
Median	15 feet
Anticipated Average Daily Traffic	15,000 to 30,000 trips



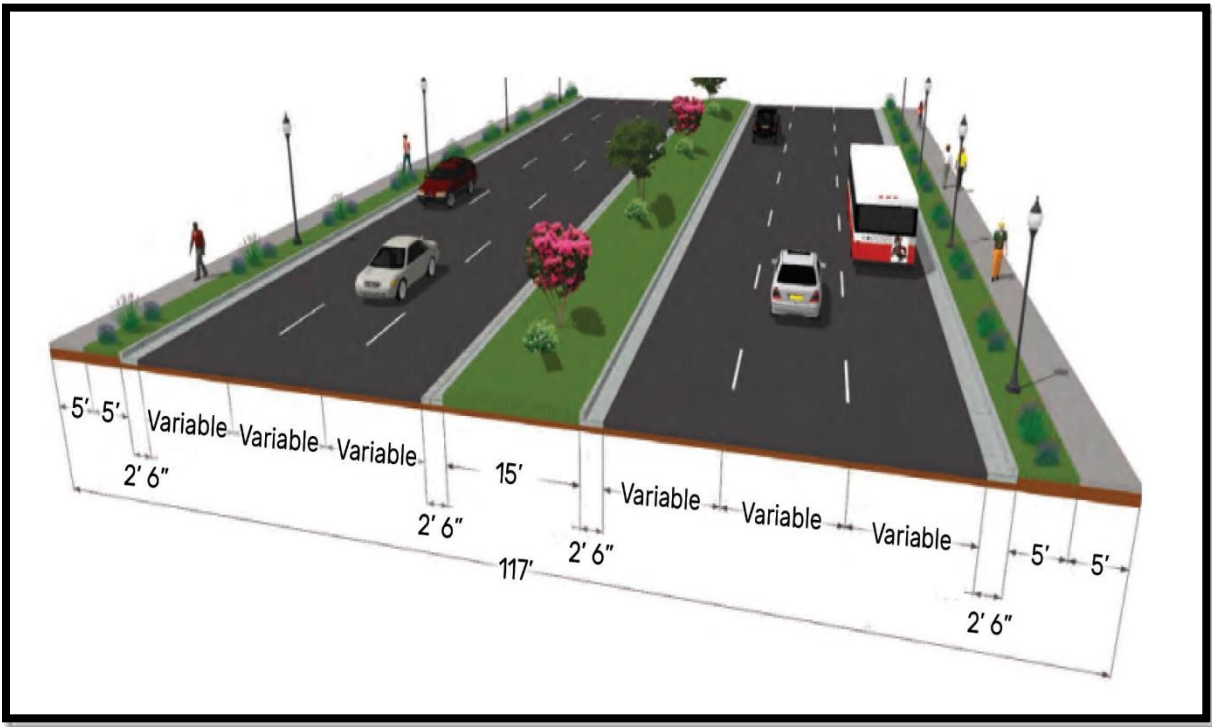
## C. Major Thoroughfares

### 1. 5-Lane Thoroughfare (Major Thoroughfare)



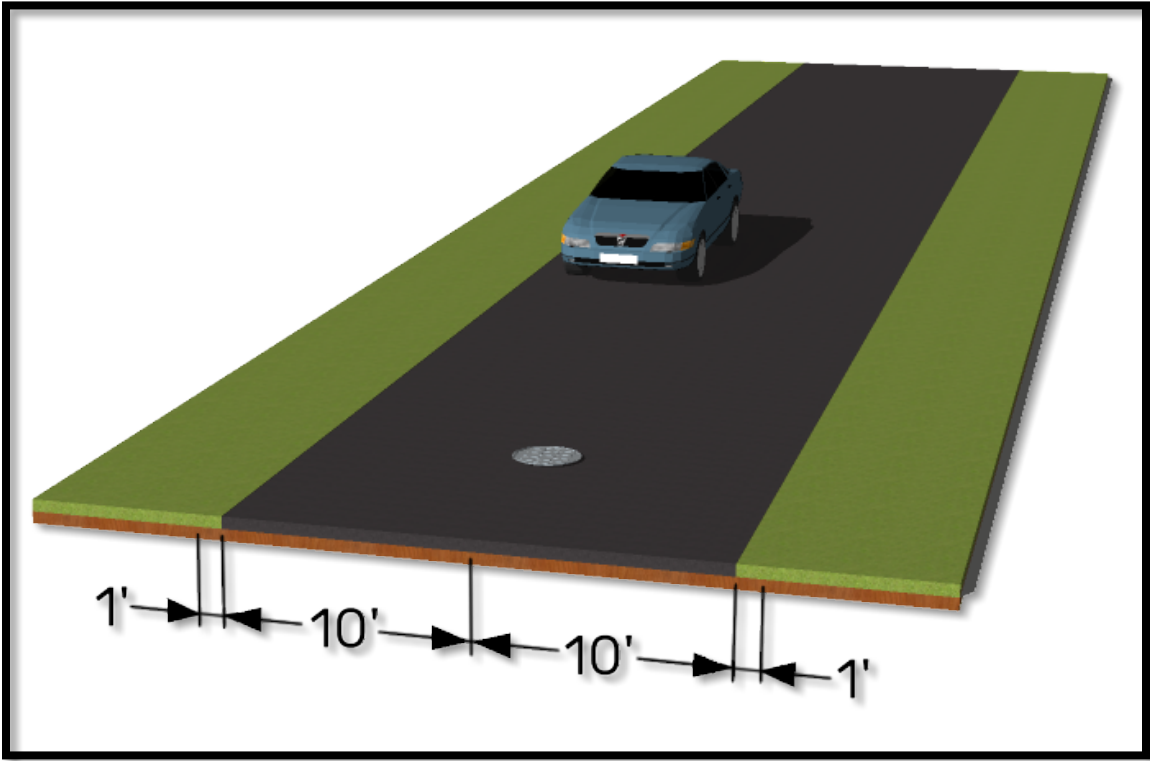
5-Lane Thoroughfare Street Type Specifications	
Right-of-Way Width	114 feet
Lane Widths	12-14 feet
Design Speed	35-45 mph
Traffic Lanes	4 travel lanes with a center-turn lane
Parking Lanes	N/A
Sidewalks	5' sidewalk on both sides of street
Planter Type	8' continuous planting strip
Curb Type	Vertical curb
Landscaping	1 canopy tree per 50 feet of street frontage (See Chapter 8)
Anticipated Average Daily Traffic	15,000 to 30,000 trips

## 2. 6-Lane Thoroughfare, Divided (Major Thoroughfare)



6-Lane Thoroughfare, Divided Street Type Specifications	
Right-of-Way Width	117 feet
Lane Widths	12 feet
Design Speed	45 mph
Traffic Lanes	6 lanes
Parking Lanes	N/A
Sidewalks	5' sidewalk on both sides of street
Planter Type	5' continuous planting strip
Curb Type	Vertical curb
Landscaping	1 canopy tree per 50 feet of street frontage (See Chapter 8)
Median	15 feet
Anticipated Average Daily Traffic	25,000 to 55,000 trips

D. Alleys



Alley Street Type Specifications	
Right-of-Way or Easement Width	22 feet
Lane Widths	10 feet – inverted crown
Parking Lanes	None permitted
Sidewalks	N/A
Curb Type	None
Landscaping	None
Bicycle Facilities	None
Maximum Length	400 feet unless approved by the Administrator

### 5.12.7 GENERAL LAYOUT OF STREETS

- A. Local streets shall be curved whenever practicable to the extent necessary to avoid uniformity of lot appearance.
- B. Driveway access to collector streets, minor thoroughfares, and major thoroughfares shall be minimized to facilitate the free flow of traffic and avoid traffic hazards.
- C. All permanent dead-end streets (as opposed to temporary dead-end streets) shall terminate in cul-de-sacs. Except where no other practicable alternative is available, as determined by Administrator, such streets shall be designed so as to extend no more than 800' as measured to the center of the turnaround.
- D. The right-of-way of a cul-de-sac turnaround shall have a radius of 50'. The radius of the paved portion of the turnaround (measured to the outer edge of the pavement) shall be 35'. The pavement width shall be 22' without curb and gutter or 28' with curb and gutter. Any unpaved center of the turnaround area shall be landscaped.
- E. Half streets (i.e., streets of less than the full required right-of-way and pavement width) shall not be permitted except where such streets, when combined with a similar street (developed previously or simultaneously) on the property adjacent to the subdivision, creates or comprises a street that meets the right-of-way and pavement width requirements of this Ordinance.

### 5.12.8 STREET INTERSECTIONS

- A. Streets shall intersect as nearly as possible at right angles, and no two streets may intersect at less than 60 degrees. Not more than two streets shall intersect at any one point, unless NCDOT certifies to the Administrator that such intersection can be constructed with no extraordinary danger to public safety.
- B. Whenever possible, proposed intersections along one side of a street shall coincide with existing or proposed intersections on the opposite side of such street. In any event, where a center line offset occurs at an intersection, the distance between centerlines of the intersecting streets shall not be less than 150 feet.
- C. Except where 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 400 feet measured from centerline to centerline of the intersecting street. When the intersected street is a collector, minor

thoroughfare, or major thoroughfare, the distance between intersecting street shall be at least 1,000 feet unless no other alternative is practicable.

#### **5.12.9 PUBLIC STREETS AND PRIVATE STREETS IN SUBDIVISIONS**

- A.** Except as otherwise provided in this Ordinance, all lots created after the effective date of this Ordinance shall abut a public street at least to the extent necessary to comply with the access requirements set forth in §5.12.1. For the purposes of this Section, the term “public street” includes a pre-existing public street as well as a street created by the subdivider that meets the public street standards of this Ordinance and is dedicated for public use. Unless the recorded plat for a subdivision clearly shows a street to be private, the recording of such plat shall constitute an offer of dedication of such street.
- B.** Subdivisions may be developed with private roads so long as:
  - 1.** The private roads are built to the same street construction standards and specifications as public streets;
  - 2.** The proposed development will have direct access onto a public street or, if the tract has access to a public street only via a private road, such private road is improved to public street standards;
  - 3.** No road intended to be private is planned to be extended to serve property outside of that development;
  - 4.** The subdivider demonstrates to the reasonable satisfaction of the council that private roads will be properly maintained by a property owner’s association or similar maintenance procedure; and
  - 5.** The standards applicable to unsubdivided developments set forth in §5.12.10 are complied with.
- C.** No final plat that shows lots served by private roads may be recorded unless the final plat contains the following notations as well as the disclosure statement required in Chapter 15 of this Ordinance:
  - 1.** “Further subdivision of any lot shown on this plat as served by a private road may be prohibited by the Town of Tarboro Unified Development Ordinance.

2. “The policy of the Town of Tarboro is that, if the Town improves streets a) that were never constructed to the standards required in the Tarboro Unified Development Ordinance for dedicated streets, and b) on which 75% of the dwelling units were constructed after the effective date of this Ordinance, then 100% of the costs of such improvements shall be assessed to abutting landowners.”
3. “The maintenance of all private streets and roads shown on this plat shall be the responsibility of the property owners within this subdivision. The Town of Tarboro will not maintain any private street or road.”

#### **5.12.10 STREET AND SIDEWALK REQUIREMENTS IN UNSUBDIVIDED DEVELOPMENTS**

- A. Within unsubdivided developments, all private streets and access ways shall be designed and constructed to facilitate the safe and convenient movement of motor vehicle and pedestrian traffic. Width of streets, use of curb and gutter, and paving specifications shall be determined by the provisions of this Ordinance dealing with parking (Chapter 9) and drainage (Chapter 12). To the extent not otherwise covered in the foregoing Chapters, and to the extent that the requirements set forth in this Section for subdivision streets may be relevant to the streets in unsubdivided developments, the requirements of this Chapter may be applied to satisfy the standard set forth in the first sentence of this subsection.
- B. Whenever a street in an unsubdivided development connects two or more collector streets, minor thoroughfares, or major thoroughfares, in such a manner that any substantial volume of traffic is likely to make use of the street, such street shall be constructed in accordance with the standards applicable to subdivision streets and shall be publicly dedicated.
- C. In all unsubdivided residential development, sidewalks shall be provided linking the dwelling units with other dwelling units, the public street, and on-site activity centers such as parking areas, laundry facilities, recreational areas and facilities, and recreation and open spaces. Notwithstanding the foregoing, sidewalks shall not be required where pedestrians have access to a street that serves not more than 9 dwelling units. The sidewalk requirement may be waived where, in the opinion of the Administrator, an adequate system of hiking and/or bicycling trails are provided which would offer acceptable pedestrian facilities or access.

- D. Whenever the Administrator finds that a means of pedestrian access is necessary from an unsubdivided development to schools, parks, playgrounds, or other streets or facilities and that such access is not conveniently provided by sidewalks adjacent to the streets, the developer may be required to reserve an unobstructed easement of at least 10 feet to provide such access.
- E. The sidewalks required by this Section shall be at least 4 feet wide and constructed in accordance with the design and construction standards promulgated by the NCDOT, Division of Highways, unless a more restrictive standard is established herein, in which case the more restrictive standard shall apply. The Administrator may permit the installation of walkways constructed with other suitable materials when it concludes that:
  - 1. Such walkways would serve the residents of the development as adequately as concrete sidewalks; and
  - 2. Such walkways could be more environmentally desirable or more in keeping with the overall design of the development.

#### **5.12.11 ATTENTION TO ACCESSIBILITY IN STREET AND SIDEWALK CONSTRUCTION**

- A. As provided in NCGS §136-44.14, whenever curb and gutter construction is used on public streets, wheelchair ramps for the handicapped shall be provided at intersections and other major points of pedestrian flow. Wheelchair ramps and depressed curbs shall be constructed in accordance with NCDOT standards.
- B. In unsubdivided developments, sidewalk construction for the handicapped shall conform with the North Carolina State Building Code.

#### **5.12.12 PUBLIC AND PRIVATE STREET NAMES AND HOUSE NUMBERS**

- A. Public and private street names shall be assigned by the developer subject to the approval of the Administrator. Proposed streets that are obviously in alignment with existing streets shall be given the same name. Newly created streets shall be given names that are neither duplicate nor are phonetically similar to existing streets within the county, regardless of the use of different suffixes.
- B. Public and private street names shall include a suffix such as the following:
  - 1. Circle: A short street that returns to itself

2. Court or Place: A cul-de-sac or dead-end street
3. Loop: A street that begins at the intersection with one street and circles back to end at another intersection with the same street.
4. Street, Lane, or Road: All public or private streets not designated by another suffix.

C. Building numbers shall be assigned by the Town.

### 5.13 SIDEWALKS, GREENWAYS, AND OTHER PEDESTRIAN FACILITIES

Sidewalks, greenways, pedestrian paths, and other required pedestrian amenities shall be required infrastructure for all new development, where applicable.

#### 5.13.1 SIDEWALKS

- A. **General Standards / Location:** Sidewalks are required in accordance with the Town of Tarboro Pedestrian Plan and the Town of Tarboro Street Classifications in §5.12.6. Alternative facilities or a payment in lieu may be considered in accordance with this section.
- B. The cost of installing street and sidewalk improvements required by the Ordinance shall be borne entirely by the developer. In no case shall the Town of Tarboro be responsible for the cost of street and sidewalk improvements in this Ordinance.
- C. **Design Standards**
  1. Whenever the Administrator finds that a means of pedestrian access is necessary from a subdivided development to schools, parks, playgrounds, or other streets or facilities and that such access is not conveniently provided by sidewalks adjacent to the streets, the developer may be required to reserve an unobstructed easement of at least 10 feet in width to provide such access.
  2. Where existing sidewalks abut an area where new sidewalk is to be developed, the new sidewalk shall be the same width as the existing sidewalk, or meet the standards of §5.12.6, whichever standard is greater.



3. Where the existing sidewalk is substandard, the fronting property owner shall be required to dedicate the appropriate amount of right-of-way (as measured from the centerline of the existing street) as well as install all noted sidewalk improvements including expanded sidewalks and street trees.
  4. Where a sidewalk is required on only one side of the street in accordance with §5.12.6 , the Administrator shall determine which side of the street the sidewalk will be constructed.
  5. Within commercial areas and places with high pedestrian volumes, sidewalks should be designed to meet the anticipated pedestrian traffic volume as well as accommodate outdoor seating areas.
  6. Sidewalks shall be constructed of concrete or other approved materials and built in accordance with applicable ADA provisions.
  7. Where a sidewalk abuts a curb because of right-of-way, topographic or existing building limitation, or by Administrator discretion, the minimum width of the sidewalk shall be 6 feet. Where a sidewalk abuts a wall, the minimum width shall increase by 1 foot.
- D. Alternative Compliance:** Alternative provisions for pedestrian movement meeting the intent of this section may be used where unreasonable or impractical situations would result from the strict application of these requirements. Such situations may result from significant street trees, impending street widening, topography, utility easements, lot configuration, or other unusual site conditions. In such instances, the Administrator may approve an alternate plan that proposes different pedestrian amenities provided that the intent of this section is met.
- E. Payments in Lieu:** In lieu of compliance with §5.13.1.C above, the Administrator may approve a payment in lieu where any one or a combination of factors render compliance impractical:
1. Steep slopes
  2. Absence of existing sidewalks along the corridor and in the general neighborhood

3. Where sidewalks are not shown on the Town of Tarboro Pedestrian Plan.

### 5.13.2 GREENWAYS

When required by the Town of Tarboro, greenways and multi-use paths shall be provided as part of development according to the provisions below.

- A. **Standards for Greenway Types:** Greenway widths and surface treatment shall comply with the standards of the Town of Tarboro Pedestrian Plan.
- B. **Connections to Sidewalks:** Trail stubs at property lines should be placed in areas that are easily accessible for the future connectivity through adjacent parcels.

### 5.13.3 PEDESTRIAN CROSSWALKS

Mid-block crossings, bulb-outs, raised crosswalks, and similar crossing techniques should be used to accommodate pedestrians where appropriate for traffic conditions and site-specific situations as determined by the Administrator. All designs shall be consistent with the Town's *Manual of Standard Design, Details, and Specifications*.

### 5.13.4 CLUSTER MAILBOX UNITS

Cluster mailboxes shall be provided in accordance with the United States Postal Service Regulations. Units may not encroach into the public right-of-way and shall be placed in an easement on private property.

## 5.15 EASEMENTS AND DEDICATIONS

### 5.15.1 EASEMENT WIDTH

Easements shall be conveyed to the Town or other appropriate agency for underground and overhead utility installation, stormwater drainage, pedestrian/bicycle access, and other purposes as required by the Town. Easements shall be centered along the side or rear of lot lines. The minimum width of easements is set out in the table below. The Administrator may vary easement widths if the topography along the proposed right-of-way is such that maintenance equipment or other necessary access cannot be reasonably achieved with the minimum width specified in the table.

EASEMENT TYPE	MINIMUM WIDTH
Greenway	30 feet
Pedestrian / Bicycle Accessway	20 feet
Underground Storm Drainage	20 feet
All Other Easements	20 feet
Public Utility Access Easement	5 feet (envelope on all lots)
Utility (Water and Sewer)	Per Public Works Department

### 5.15.2 DEDICATION OF STORMWATER INFRASTRUCTURE

- A. Limits on Public Ownership and Maintenance Responsibilities:** The following components of the drainage infrastructure will not be maintained by the Town of Tarboro:
1. All drainage easements shall be public to the end of any storm drainage pipe system device. All drainage beyond that point shall be carried in drainage easements which are private and will be owned and maintained by the individual property owner. The Town of Tarboro assumes no responsibility or liability for adjudicating disputes between property owners regarding non-publicly generated stormwater.
  2. Drainage systems on private property that do not have dedicated easements.
  3. Drainage systems maintained by NCDOT as part of its State Highway System.
- B. Private Detention / Retention / Water Quality Pond Areas:** The Town will not accept these areas for maintenance; however, the Town reserves the right to enter these areas and remove any debris or blockage that is adversely affecting the Town's drainage system. This will be done in an emergency situation without notice. Under normal conditions, the Town will contact the owner/developer to have said blockages removed. If unable to do so within a reasonable time, the Town reserves the right to charge the owner/developer for any expense incurred by the Town.
- C. Natural Water Courses:** Natural ditches, streams, creeks, and rivers shall not be maintained by the Town of Tarboro except to remove debris or blockages that are adversely affecting the Town's drainage system.
- D. Limitations of Consequential Damage to Private Facilities Located on Public Easements:** All public easements, including storm sewers, are to remain clear of obstructions. No buildings, fences, trees, shrubs, or other obstructions shall be placed in any easements; however, the Town reserves the right to remove such asphalt, concrete, base course, and sod as necessary to access its facility in the case of emergency. Pavement or concrete will be replaced with a patch. Sod will be replaced with Fescue or Rye seeding. The Town will not be responsible for replacing a property owners sod after repairing a drainage line.

## 5.16 TRAFFIC IMPACT ANALYSIS

The Traffic Impact Analysis (TIA) is a specialized study that evaluates the effects of a development's traffic on the surrounding transportation infrastructure. The TIA helps identify where the development may have a significant impact on safety, traffic and transportation operations, and provides a means for the developer and government agencies to mitigate these impacts. Ultimately, the TIA can be used to evaluate whether the scale of development is appropriate for a particular site and what improvements may be necessary, on and off the site, to provide safe and efficient access and traffic flow.

### 5.16.1 WHEN REQUIRED

A TIA shall be required for any development that contains more than 100 residential lots or units, for any development that generates 100 or more peak hour trips, or for any development that generates 1,000 or more daily trips. The trip generation shall be based on the latest edition of the Institute of Transportation Engineers Trip Generation Manual.

### 5.16.2 TIA REQUIREMENTS

A TIA shall include the following elements:

- A. Abstract or Summary:** Summarize description of proposed development, location, traffic generation, existing and future conditions (level of service), and recommended improvements.
- B. Description of Development:** Describe acreage included in the development, existing and proposed land use, existing and proposed zoning, and proposed density of the development (number of lots/units, square feet of development, etc.).
- C. Study Area:**  $\frac{1}{4}$  to  $\frac{1}{2}$  mile from each proposed site access along streets accessed by the site. This area may, in a few cases, be greater if the site is on a street with no intersection within that distance or in the case of larger developments, as determined by the Administrator.
- D. Site Location:** Include location map showing site in relation to major streets and at least one-mile radius from the site.
- E. Traffic Generation:** Indicate the number of trips generated by site daily, AM peak hour, PM peak hour (AM peak hour may be omitted for retail uses which are not expected to generate trips during this period). Indicate internal or pass-by traffic generation if appropriate. For rezoning, indicate traffic generation under existing zoning as well as proposed zoning. Indicate source of trip generation rate, land use code, and units used to derive generation.
- F. Trip Distribution:** Indicate percentage distribution of trips, by direction, within study area and method used to obtain.

- G. Access Location(s):** Show Location of planned streets or driveways and access to existing streets. Indicate other streets or driveways within the study area, including those across the street. Indicate coordination with NCDOT where appropriate.
- H. Existing Street and Traffic Conditions:** Show Street lanes and classification, traffic control devices, and existing daily traffic volumes within study area. Show traffic volumes and level of service of signalized intersections and propose site access points within the study area during AM and PM peak hour (AM peak hour may be omitted for retail uses which are not expected to generate trips during this period). Include worksheets or computer printouts showing counted traffic volumes and level of service. Illustrate in figures showing peak hour volumes, lanes, and level-of-service. For unsignalized intersections, show level-of-service for individual movements. Discuss transit if applicable. Discuss accident history, if applicable. Levels of service shall be based on the NCDOT definitions, as outlined in the table below:

LEVEL OF SERVICE (LOS)	DEFINITION
LOS A	Describes primarily free flow conditions. The motorist experiences a high level of physical and psychological comfort. The effects of minor incidents or breakdowns are easily absorbed. Even at maximum density, the average spacing between vehicles is about 528 feet, or 26 car lengths.
LOS B	Represents reasonably free flow conditions. The ability to maneuver within the traffic stream is only slightly restricted. The lowest average spacing between vehicles is about 330 ft, or 18 car lengths.
LOS C	Provides for stable operations, but flows approach the range in which small increases will cause substantial deterioration in service. Freedom to maneuver is noticeably restricted. Minor incidents may still be absorbed, but the local decline in service will be great. Queues may be expected to form behind any significant blockage. Minimum average spacing is in the range of 220 ft, or 11 car lengths.
LOS D	Borders on unstable flow. Density begins to deteriorate somewhat more quickly with increasing flow. Small increases in flow can cause substantial deterioration in service. Freedom to maneuver is severely limited, and the driver experiences drastically reduced comfort levels. Minor incidents can be expected to create substantial queuing. At the limit, vehicles are spaced at about 165 ft, or 9 car lengths.
LOS E	Describes operation at capacity. Operations at this level are extremely unstable, because there are virtually no usable gaps in the traffic stream. Any disruption to the traffic stream, such as a vehicle entering from a ramp, or changing lanes, requires the following vehicles to give way to admit the vehicle. This can establish a disruption wave that propagates through the upstream traffic flow. At capacity, the traffic stream has no ability to dissipate any disruption. Any incident can be expected to produce a serious breakdown with extensive queuing. Vehicles are spaced at approximately 6 car lengths, leaving little room to maneuver.

LOS F	Describes forced or breakdown flow. Such conditions generally exist within queues forming behind breakdown points.
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- I. **Planned Improvements:** Discuss and describe any planned street improvements in the study area which could affect future traffic. Note whether project is shown on the NCDOT TIP.
- J. **Future Conditions:** Same as for existing conditions, plus site traffic as assigned to driveways or access points, for condition with full build-out of project at build-out year. Include growth and background traffic due to other approved developments or to general growth in area. May show more than one phase if the project is to be phased. Discuss any conflicts with other driveways or street, queuing problems, and potential safety problems.
- K. **Pedestrian Facilities:** Indicate the location of existing and proposed sidewalks, crosswalks, and internal pedestrian paths.
- L. **Recommended Improvements:** Indicate improvements required for access points and signalized intersections within study area to operate at and acceptable level-of-service (D or better). These may include site access, internal site circulation, signalization, signal modifications (retiming, additional phases), lane modifications or additions, or street widening. A signal warrant study is not required but may be included as supporting documentation where a traffic signal is requested. Showing recommended improvements does not necessarily indicate responsibility for improvement. Report may indicate which improvements are due to development and which are due to existing problems or other growth in traffic and may suggest responsibility of developer and other parties for improvements. Proposed improvements should be shown schematically.
- M. **Engineer's Seal:** All TIAs are to be prepared and sealed by an engineer registered in the State of North Carolina and specializing in traffic or transportation.
- N. **Internal Circulation:** Review internal circulation patterns and note recommended changes.
- O. **Trip Distribution:** Use of a computer model for trip distribution may be requested by the Administrator for larger projects.

### 5.16.3 IMPROVEMENTS MAY BE REQUIRED

Based on the findings of the TIA, if the proposed development does not meet the applicable level-of-service standards, the applicant shall be required to upgrade the facilities in accordance

with the adopted level-of-service program. Mitigation measures may involve strategies other than street construction or other physical improvements such as changes to traffic signal timing or phasing, and transportation management strategies.

#### 5.16.4 THRESHOLDS FOR MITIGATION

The Town requires consideration of streets and/or operational improvements when the proposed development increases the intersection Volume-to-Capacity Ratio (V/C) beyond the thresholds indicated in the table below. The Town evaluates the impacts of proposed developments at intersections (primarily under existing year conditions) based on the increase in V/C ratio as a result of projected site traffic. The increase is determined by comparing the V/C ratio under existing development conditions and proposed development conditions. For the purposes of this comparison, all unsignalized intersection are analyzed as signalized intersections.

EXISTING V/C	ALLOWABLE INCREASE IN V/C BY DEVELOPMENT
0.00 – 0.60	.10
0.61 – 0.70	.07
0.71 – 0.80	.05
0.81-0.90	.03
0.91 – 1.00+	.02

#### 5.16.5 PAYMENT-IN-LIEU OF IMPROVEMENTS

The Town may, at its discretion, accept either mitigation measures to be completed by the developer or a fee paid to the Town in lieu of mitigation. The fee shall be equal to the cost of the required mitigation measures, as determined by the Administrator. A combination of mitigation measures and payments-in-lieu of improvements may be permitted.

### 5.17 IMPROVEMENT GUARANTEES AND PERFORMANCE SECURITIES

#### 5.17.1 IMPROVEMENT GUARANTEES

- A. Applicability:** In lieu of construction of permanent improvements required by this Ordinance, the developer shall guarantee that such improvements will be carried out according to the Town of Tarboro's specifications at the developer's expense. At a minimum, improvements such as public utilities and initial surface of street right-of-way shall be installed and inspected by the Administrator for compliance. The remaining improvements shall be built or bonded prior to the recording of the final plat.
- B. Amount of Guarantees:** Such guarantees shall be in an amount of not less than 125% of the estimated cost of the construction of the required improvements. The amount of the guarantee shall be approved by the Administrator based on a Professional Engineers certified cost estimate and shall be provided in the manner outlined in §5.17.3.

**C. Release of Improvement Guarantees:** The Administrator shall authorize the release of all or a portion of any guarantee posted as the improvements are completed. Such funds shall be released within 32 days after submittal of an improvement completion certification from a Professional Engineer and approval of applicable improvements by the Administrator.

**D. Warranty Against Defects**

1. Upon completion of new streets, stormwater controls, or other required utilities, the developer shall request a warranty inspection. Once all the improvements are deemed acceptable by the Administrator and pass the warranty inspection, the developer shall submit the following to the Administrator:
  - 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 financial guarantee payable to the Town equal to at least 25% the cost of the installation of such improvements as determined by the Administrator. Such financial guarantee shall be in a form as provided for in §5.17.3.
2. Upon approval of these materials and acceptance of the improvements by the Town, a one-year warranty period shall commence. During the 1-year warranty period, the developer shall repair any latent defects that occur. For the purposes of this Section, the term “defect” refers to any condition in publicly dedicated facilities, utilities, or streets that requires the Town to make repairs to such improvements over and above the normal amount of maintenance that they would require. If such defects appear, the warranty period may be enforced regardless of whether the facilities, utilities, or streets were constructed in accordance with the requirements of this Ordinance. At the end of the one-year warranty period, the developer shall request a final inspection. Upon successful completion of all warranty items, the developer shall be released from maintenance responsibility for the warranted construction.



3. Warranty repairs shall be corrected in accordance with the recommendations of the Administrator.
4. If a developer fails to complete warranty items, future projects of the developer may not be reviewed by the Town. In addition, the Town may take appropriate legal action against the developer.

### 5.17.2 PERFORMANCE SECURITIES

**A. Applicability:** Performance guarantees shall be required as follows:

1. **Temporary Erosion, Sedimentation, and Stormwater Controls:** Performance securities must be provided to the Town for all projects of ½ acre or more in surface area.

**B. Amount of Performance Security**

1. **Stormwater Structures:** The amount of a performance security for the maintenance of stormwater control measures, as required in Chapter 12 of this Ordinance, shall be the present value of the annuity in perpetual duration based on a reasonable estimate of the annual cost of inspection, operation and maintenance of the stormwater control measure approved under the permit, at a discounted rate that reflects the jurisdiction's cost of borrowing minus a reasonable estimate of long-term inflation. Such security shall be provided in the manner outlined in §5.17.3.
2. **Temporary Erosion, Sedimentation, and Stormwater Controls:** The amount of a performance security for temporary erosion, sedimentation, and stormwater controls shall be 125% of the cost to remove, maintain, or repair all such facilities. Such security shall be provided in the manner outlined in §5.17.3.

**C. Cost in Excess of Established Amounts:** If the Town of Tarboro takes action upon failure by the owner or applicant, the Town shall collect from the applicant or owner any difference should the amount of the reasonable cost of action exceed the amount of the performance security held.

**D. Release of Performance Securities**

1. **Stormwater Control Structures:** Not applicable.

**2. Temporary Erosion, Sedimentation, and Stormwater Controls:**

Securities will be released upon issuance of a Certificate of Compliance and final Land Disturbance Permit closeout.

**5.17.3 TYPES OF GUARANTEES AND SECURITIES**

Improvement guarantees and performance securities shall be made in one or more of the following forms:

- A.** A surety bond made by a surety company licensed to do business in North Carolina, or letter of credit by financial institution licensed to do business in the State.
- B.** A certified check drawn in favor of the Town of Tarboro, or cash deposited with the Town of Tarboro.
- C.** Other form of guarantee that provides equivalent security to a surety bond or letter of credit.

**5.17.4 FORFEITURE AND DEFAULT**

- A.** All improvement guarantees and performance securities shall contain a forfeiture provision for failure, after proper notice, to complete work within the specified time, or to initiate or maintain any actions which may be required by the applicant or owner in accordance with this Ordinance, or an operation and maintenance agreement established pursuant to this Ordinance.
- B. Default by Developer**
  - 1.** Upon default, meaning failure on the part of the developer or surety to make timely completion of the required improvements, or to maintain privately owned improvements in accordance with the approved operations and maintenance agreement, the Town may require the developer, the surety, or the financial institution holding the escrow account to pay all or any portion of the bond or escrow account fund to the Town.
  - 2.** Upon payment, the Town, at its discretion, may expend such portion of the funds as it deems necessary to complete all or any portion of the required improvements.
  - 3.** Such expenditure of funds shall only be made after requesting the owner to comply with the permit or maintenance agreement.

### **5.18 PROVISION OF SERVICES AND ACCEPTANCE BY TOWN**

The following shall not occur upon any land for which a plat is required to be approved, unless and until the requirements set forth in this Ordinance have been complied with and the final plat has been approved and recorded with the Edgecombe County Register of Deeds:

- No street shall be maintained or accepted by the Town, and
- No water or sewer shall be extended or connected with any subdivision of land, and
- No permit shall be issued by an administrative agent or department of the Town of Tarboro for construction of any building or other improvement requiring a permit.

### **5.19 OWNERSHIP AND MAINTENANCE OF COMMON AREAS**

All developments containing land, amenities, or other facilities under private common ownership shall provide for the ownership and maintenance of such areas. Multi-family developments that are subject to fee-simple lot and/or unit ownership shall convey all such common areas to a non-profit corporate homeowners' association with membership of 100% of the lots/units within the development. At the time of final plat recordation, the developer shall file with the Edgecombe County Register of Deeds a "dedication of covenants" and must meet the following criteria:

- The homeowners' association must be established before the sale of the first unit;
- The homeowners' association is established as the responsible entity for the liability insurance, pertinent local taxes, and maintenance of all recreation and other facilities;
- Sums levied by the homeowners' association that remain unpaid shall become a lien on the delinquent property;
- For condominium development, documents must meet the requirements of NCGS §47A Unit Ownership; and
- All easement over common areas for access, ingress, egress, and parking shall be shown and recorded on a final plat with the Edgecombe County Register of Deeds.

### **5.20 COMPLIANCE WITH NCGS**

Should any portion of this section conflict with NCGS 160D-804, the statute shall be followed.

## **CHAPTER 6: Site and Street Lighting**

<b>6.1 PURPOSE AND APPLICABILITY</b>	<b>132</b>
<b>6.2 PROHIBITIONS AND EXEMPTIONS</b>	<b>132</b>
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## CHAPTER 6: Site and Street Lighting

### 6.1 PURPOSE AND APPLICABILITY

#### 6.1.1 PURPOSE

The standards set forth in this section are designed to focus on the actual physical effects of lighting, as well as the effect that lighting may have on the surrounding neighborhood. It is the intent of this section to:

- A. Minimize light pollution, such as glare and light trespass.
- B. Conserve energy and resources.
- C. Maintain night-time safety and utility.
- D. Improve the night-time visual environment

#### 6.1.2 APPLICABILITY

Unless otherwise specified, this section shall apply to all development in the Town of Tarboro which required an application or approval as specified in this Ordinance. This includes, but is not limited to, changes of use, building expansions / reconstruction, and parking area expansions for existing development according to the provisions of Chapter 13.

#### 6.1.3 NONCONFORMING LIGHTING

Any nonconforming lighting fixture lawfully in place and approved by the town prior to the adoption of this Ordinance shall be exempt from these requirements. Routine maintenance, including changing the lamp, ballast, starter, photo control, lens, and other required components, is permitted for all existing fixtures. At the time that a nonconforming fixture, which was installed prior to the adoption of this Ordinance, is replaced, moved, upgraded, or otherwise changed, the fixture must be replaced by a fixture that is in compliance with this Ordinance and the NC Energy Code.

### 6.2 PROHIBITIONS AND EXEMPTIONS

#### 6.2.1 PROHIBITIONS

The following lighting types shall be prohibited within the jurisdiction of the Town of Tarboro:

- A. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment.
- B. The operation of searchlights for advertising purposes.
- C. Sight lighting that may be confused with warning, emergency, or traffic signals.

- D. Lights that flash, move, revolve, rotate, scintillate, blink, flicker, vary in intensity or color, or use intermittent electrical pulsation.
- E. Awnings and canopies used for building accents over doors, windows, etc., shall not be internally lit (i.e. from underneath or behind) so as to visually turn a translucent material into an internally illuminated material. Lighting may be installed under canopies to light the sidewalk, or downlights onto the architectural features of a building.

### 6.2.2 EXEMPTIONS

The following exemption shall be granted from the requirements of this section:

- A. Luminaries installed for public roadway illumination may be installed at a maximum height of 37 feet and may be positioned at that height up to the edge of any bordering property.
- B. All emergency lighting needed by the Police or Fire Departments, or other emergency services, as well as all vehicle luminaries, shall be exempt from the requirements of this Ordinance.
- C. All hazard warning luminaries required by federal regulatory agencies are exempt from the requirements of this Ordinance, except that all luminaries used must be red and must be shown to be as close as possible to the federally required minimum lumen output requirement for the specific task.
- D. Individual residential lighting that is not part of a site plan or subdivision plan for street or other common or public area outdoor lighting.
- E. Lighting associated with holiday, festival, or other temporary uses permitted in Chapter 3 of this Ordinance.
- F. Lighting of public art that has been permitted or otherwise approved by the town.
- G. Other municipal or state lighting installed for the benefit of the public health, safety, and general welfare.
- H. All fixtures installed or temporarily used by public agencies, their agents, or contractors for the purpose of illuminating public streets.
- I. Lighting of US and North Carolina flags provided that the flag standard does not exceed the maximum permitted building height in the zoning district in which it is located.

## 6.3 DESIGN STANDARDS

### 6.3.1 GENERAL DESIGN STANDARDS

- A. Background spaces such as parking lots and driveways shall be illuminated as unobtrusively as possible to meet the functional needs of safe circulation and of protecting people and property.
- B. Foreground spaces, such as building entrances and plaza seating areas, shall utilize lighting that defines, highlights, or enhances the space without glare.
- C. The style of light standards and fixtures shall be consistent with the style and character of the architecture proposed on the site.
- D. Light poles and fixtures shall be of a matte or low-gloss gray, black, dark earthen, or bronze finish, unless permission is granted by the Administrator for a special color or theme.
- E. No outdoor pole lighting fixture shall be located within any required landscape buffer or street yard.
- F. Light sources must be compatible with the light produced from surrounding areas and must produce an unobtrusive degree of brightness in both illumination levels and color temperature.
- G. Natural areas and natural features shall be protected from light spillage from off-site sources.
- H. All exterior lighting, on or off a building, shall be either amber or white in color, with the exception of low-light output (800 lumens or lower) landscaping or other decorative lighting, signage lighting, or customer entrance or service area lights aiming down and installed under a canopy or similar roof structure.

### 6.3.2 DISTRICT LIGHTING STANDARDS IN FOOT-CANDLES (FC)

- A. Maximum lighting levels shall adhere to the standards of the chart below. All numerical values in the chart below represent measurements in foot-candles.

	RD	GR3, GR5, GR10, MHP	OI, NB, HB, CBD	LI, HI
MAXIMUM FC AT PROPERTY LINE	.1	.3	.8	1
DISPLAY / CANOPY AREAS	8	12	20	20
PARKING AREAS	4	4	6	6
ALL OTHER ON-SITE LIGHTING	4	6	10	10

1. The values in the preceding chart for “Parking Areas” shall represent the average point of horizontal illuminance measured in foot-candles, provided that in all districts the maximum uniformity ratio shall be 4:1 minimum to average.

### 6.3.3 CONTROL OF GLARE – LUMINAIRE DESIGN FACTORS

- A. Pole light fixtures shall have a flat lens oriented horizontally or have shields installed on each side of the fixture to hide the lens.
- B. Any luminaire shall be a full-cutoff type fixture.
- C. Any luminaire shall be mounted at a height equal to or less than 30 feet above the finished grade.
- D. The maximum mounting height of all outdoor lighting with a 90° or less degree cutoff fixture shall be 30 feet. The maximum mounting height of all outdoor lighting without a full 90° or less cut-off fixture shall be 16 feet. Poles may be mounted on a concrete pier no more than 3 feet in height.
- E. Other than floodlights, flood lamps, and spotlights, all outdoor fixtures of more than 2,000 lumens shall be full-cutoff fixtures. Any fixture that is not full-cutoff shall be a directional fixture (such as flood lights) and may be used provided they are aimed and full shielded to prevent light spillage.

### 6.3.4 SECURITY LIGHTING

- A. Unshielded flood lights and spotlights, installed for security and activated by motion sensors, are permitted. These unshielded lights must be mounted and aimed in a manner that minimizes up-lighting and light trespass.
- B. All floodlights shall be installed such that the fixture shall aimed down at least 45° from vertical. All flood or spot lamps emitting 1000 or more lumens shall be aimed at least 60° down from vertical or shielded such



that the main beam from the light source is not visible from adjacent properties or the public street right-of-way.

- C. Flood lights and display lights shall be positioned such that any fixture located within 50 feet of a public street right-of-way is mounted and aimed perpendicular to the right-of-way, with a side-to-side horizontal aiming tolerance not to exceed 15° from perpendicular from the right-of-way.

### **6.3.5 LANDSCAPE LIGHTING**

Landscape and decorative lighting using incandescent lighting with an output of 800 lumens or less is permitted, provided that the light is installed and aimed to prevent lighting build up and light trespass and shielded to prevent view from the public right-of-way.

### **6.3.6 OUTDOOR RECREATIONAL LIGHTING**

Because of their unique requirements for nighttime visibility and their limited hours of operation, athletic fields, athletic courts, outdoor performance areas, and similar recreational uses are exempt from the exterior lighting standards elsewhere in this Chapter. These uses must comply with the following regulations:

- A. Lighting shall not exceed a maximum post height of 80 feet. The Administrator may set a shorter maximum pole height if it is determined that the specific recreational use does not require a taller pole.
- B. Lights shall be shielded and positioned so as not to shine onto adjacent roadways or properties.
- C. All fixtures shall be fully shielded or designed or provided with the manufacturers glare control package so as to minimize up-light, spill-light, and glare.
- D. Fixtures shall be designed and aimed so that their beams fall within the primary playing area and the intermediate surroundings, so that off-site direct illumination is restricted. The maximum permitted illumination at the property or right-of-way line shall not exceed 2 foot-candles and all lights, except for any amber color (a temperature rating equal to or less than 2,700 Kelvin) security lights, shall be cut off after use.

### **6.3.7 STREET LIGHTING**

Street lighting shall be placed on all streets to allow for the safe use of streets by both cars and pedestrians. All street lighting shall be placed in accordance with the following design standards:

- A. **Streetlight Spacing:** Minimum average streetlight spacing shall be adequate to protect the public safety in the district in which the

development is located. Streetlights shall be spaced so lights are no less than 90 feet apart, and no more than 150 feet apart.

- B. Roadway Illumination Requirements:** The roadway illumination requirements shall be enforced to according to the Town Street Classifications in Chapter 5 of this Ordinance as outlined in the table below.

	MAJOR / MINOR THOROUGHFARE	COMMERICAL STREET	RESIDENTIAL STREET
MINIMUM AVERAGE MAINTAINED ILLUMINANCE	.8 foot-candles	.6 foot-candles	.3 foot-candles
UNIFORMITY RATIO*	3 to 1	3.5 to 1	6 to 1

*\*Uniformity Ratio is the average maintained illuminance in foot-candles of the roadway design area divided by the lowest value for illuminance in foot-candles at any point in the area.*

- C.** Lighting shall be placed at all street intersections.
- D.** Pedestrian-scaled street lighting (no taller than 18 feet) shall be required in the CBD district.
- E.** Pedestrian-scaled lighting (no taller than 18 feet) shall be preferred over automobile-scaled lighting in all districts.
- F.** Lighting shall be placed in a manner to limit the casting of shadows over sidewalks.
- G.** All streetlights shall utilize a cutoff fixture. Where buildings are close to the street (less than 15 feet from the right-of-way), full-cutoff fixtures are required to limit glare and light spillage on upper-levels.

#### 6.3.8 LIGHTING FOR VEHICULAR CANOPIES

Lighting under vehicular canopies shall be designed so as not to create glare off-site. Acceptable methods include one or more of the following:

1. Recessed fixture incorporating a lens cover that is either recessed or flush with the bottom surface of the vehicular canopy.
2. Surface mounted fixture incorporating a flat lens that provide a cutoff or shielded light distribution.
3. Other methods approved by the Administrator.

## 6.4 ADMINISTRATION

### 6.4.1 COMPLIANCE

- A.** Lighting plans are required as part of site, subdivision, or construction plans and shall include at least the following information:
  - 1.** Point-by-point foot-candle arrays in a printout format indicating the location and aiming of illuminating devices. The printout shall indicate compliance with the maximum maintained foot-candles required by the Ordinance.
  - 2.** Description of the illuminating devices, fixtures, lands, supports, reflectors, poles, raised foundations and other devices.
- B.** Subsequent phases of an entire development shall have a uniform design plan for lighting and fixtures. New phases must meet all requirements in effect at the time of obtaining a permit, but lighting plans must consider preexisting lighting in earlier phases, but in design and intensity of light.

**CHAPTER 7: Open Space**

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## CHAPTER 7: Open Space

### 7.1 PURPOSE AND INTENT

It is the intent of this Chapter to require that each new development contribute to the parks and open space critical to the quality of life for each resident and visitor. It is expected that all new residential development provides centrally located, unencumbered land as neighborhood park space for human use and/or unimproved open space. Open space serves numerous purposes, including preservation and protection of natural areas and sensitive environmental features, as well as opportunities for passive and active recreation.

### 7.2 APPLICABILITY

Any person developing and/or subdividing property for purposes subject to this Ordinance shall be subject to the standards contained in this Chapter.

### 7.3 NEIGHBORHOOD PARK AND OPEN SPACE DEDICATION REQUIREMENTS

All new development shall dedicate neighborhood parks and undisturbed open space, as applicable. The intent is to ensure that each new home or dwelling unit has a range of parks and open spaces within a typical walking or biking distance of ¼ to ½ mile.

#### 7.3.1 REQUIRED OPEN SPACE CONSERVATION / RECREATION SPACE DEDICATION TABLE\*

Zoning District	Required Park Space - Improved (See Standards in Section 7.4)	Required Open Space (See Standards in Section 7.5)	Total Dedicated Space
RD	2.5%	2.5%	5%
GR3, GR5, GR10, OI	7.5%	5%	12.5%
MHP	5%	5%	10%

*\*Dedication of Park and Open Space is only required for those developments containing residential uses.*

#### 7.3.2 CREDIT FOR PROXIMITY TO EXISTING PARK SPACE

Developments that are proximate to an existing Town-owned, publicly-accessible park space may count all such lands in their park space dedication requirement up to 25% of the required total, subject to the provisions below:

- A. The existing park or parks must be within ½ mile of the development, as measured along a road or pedestrian path, to be considered proximate.
- B. Adequate pedestrian access from the development to the existing park space must be provided as determined by the Administrator.

#### 7.3.3 CREDIT FOR CONSTRUCTED NEIGHBORHOOD AMENITIES

Developments that provide neighborhood amenity facilities will receive a credit of 25% of the required Recreation and Open Space dedication, subject to the provisions below:

- A. The facilities are open to all residents of the neighborhood and are not subject to a private membership separate from any related HOA dues.
- B. Such facilities shall, at a minimum, include a clubhouse or other conditioned structure a minimum of 1,000 square feet and either athletic courts (basketball, pickleball, tennis, etc.; minimum 2 courts) or a pool / waterpark / sprayground (minimum of 2,500 square feet in water surface area)

#### 7.3.4 EXEMPTIONS

- A. **Very Low-Density Developments:** Recreation and Open Space dedication is not required for any residential development with an overall density of 1 unit / acre or less.
- B. **Small Developments:** Developments with 25 units or less in all phases combined shall not be subject to the requirements of this Chapter.
- C. **Non-Residential & Mixed-Use Developments:** Neighborhood parks are required only for those areas that are exclusively residential. Commercial and vertically mixed-use buildings are exempt from the requirements of this Chapter.

### 7.4 REQUIRED TYPES OF OPEN SPACE

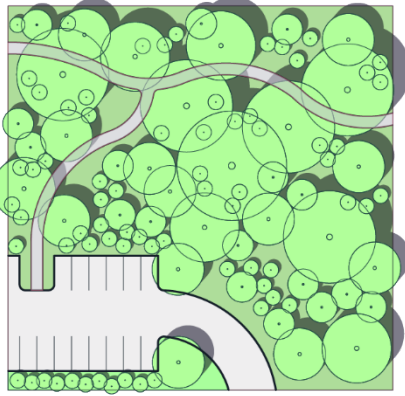
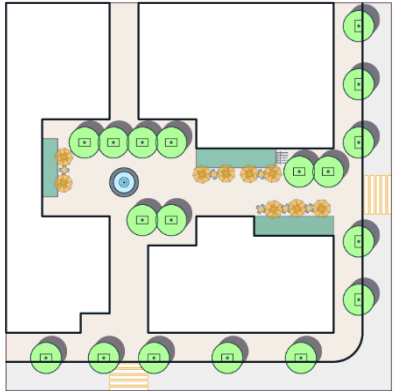
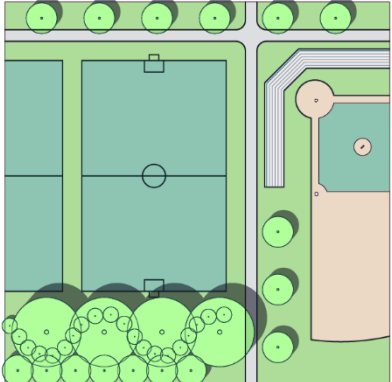
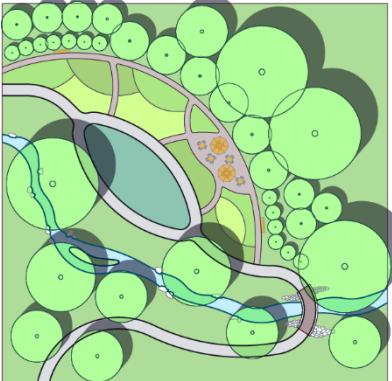
#### 7.4.1 UNIMPROVED OPEN SPACE

Pursuant to §7.3.1, unimproved open space is required in conjunction with improved park spaces in new development. Public accessibility to unimproved open space is not required but is permitted. When practical, the following priority list shall be used for the identification and dedication of unimproved open spaces:

- Primary Conservation Areas – includes riparian buffer corridors, special flood hazard areas, unique geological formations, rock outcroppings, rare plants, rare plant communities, rare habitats, wetlands, and prime agricultural areas and farmland.
- Secondary Conservation Areas – includes unbuildable areas, such as those with highly erodible soils or slopes in excess of 60%.
- Other Conservation Areas – includes any portions of a development to remain undeveloped. These areas may be graded during development but no use of the property is intended or permitted.

**7.4.2 REQUIRED NEIGHBORHOOD PARK TYPES**

Neighborhood parks, as required by the district provisions, shall conform to one or more of the typologies defined on the following page. Neighborhood parks shall not be located on any area of a parcel elaborated in §7.3.2 of this Ordinance.

<p><b>A. Park / Greenway / Natural Preserve:</b> A nature preserve for unstructured recreation. Its landscape shall consist of paths and trails, meadows, waterbodies, woodland and open shelters, all naturalistically disposed. These types of open space may be linear, following the trajectories of natural corridor. The minimum size shall be 2 acres (except Greenways for which there is no minimum.)</p>	
<p><b>B. Urban Open Space:</b> An open space available for unstructured recreation. This category of open space includes pocket parks, plazas, squares, and greenbelts. These areas may be spatially defined by landscaping or building frontages. Landscaping shall consist of lawn and trees, naturalistically disposed. The minimum size for an urban open space shall be ¼ acre and the maximum size shall be 2 acres.</p>	
<p><b>C. Outdoor Recreation Centers / Facilities:</b> An open space designed and equipped for structured uses. These open spaces may include playgrounds, sports courts, athletics fields, and other programmed outdoor activities. These open spaces may be interspersed within residential areas and may be placed within a block. There shall be no minimum or maximum size for these types of open spaces.</p>	
<p><b>D. Gardens:</b> This type of open space includes community gardens, butterfly gardens, rock gardens, and similar types of uses. These open spaces may be designed to attract wildlife while encouraging passive recreation. Accommodation for storage sheds for gardening equipment should be made when designing this type of open space. There shall be no minimum or maximum size for these types of open spaces.</p>	



### 7.4.3 LOCATION

- A. Land for neighborhood park spaces shall be centrally and internally located to as to serve the needs of the residents of the neighborhood.
- B. Required neighborhood parks shall provide focal points for the development.
- C. Areas described in Town of Tarboro adopted plans or policies, such as greenways, or publicly maintained parks and open space, shall be preserved and dedicated. All such dedication shall also be in conformance with all applicable federal and state rules and/or interlocal agreements. For developments that abut or include areas designated as future greenways on an adopted plan, the administrator shall require a dedicated 20-foot minimum public pedestrian and non-motorized vehicle easement to be dedicated along all such areas. Construction of greenways shown on an adopted plan shall be considered required infrastructure for all new development and shall be constructed by the developer.

### 7.4.4 ACCESSIBILITY / VISIBILITY

- A. All recreation spaces shall be conveniently accessible to all residents of the development and shall have at least 20 feet of frontage on at least one public street within the development.
- B. No residential unit within a development shall be further than ¼ mile (1,320 feet), as measured along a road or pedestrian path, from a recreation space as defined above or other publicly-accessible park facility.
- C. All recreation spaces shall be visible from dwelling units that are adjacent to the neighborhood park. This includes dwelling units on properties that share a property boundary with the neighborhood park or front the neighborhood park from directly across a street.

### 7.4.5 USABILITY

- A. At least one-quarter of the total land dedicated shall be located outside of special hazard areas, watercourses, and required stream buffers. All land dedicated shall be outside of wetlands and waters subject to State or Federal regulatory jurisdiction. Within the area proposed for dedication, sufficient engineering data and / or detail shall be indicated to ensure compliance with this section.

- B. Areas including ponds, lakes, wetlands, or easements for public utility transmission lines shall not exceed more than 50% of the required neighborhood recreation space.

#### 7.4.6 MINIMUM AMENITIES

Required recreation space shall be planned, improved, and useable by persons living nearby. Improved shall mean cleared of underbrush and debris and shall contain 2 or more of the following amenities: landscaping, walls or fences, walks or pathways, lighting and electricity fountains, ball fields, and / or playground equipment.

##### A. Minimum Amenities (All Neighborhood Park Types)

1. **Public Seating:** Provide seating areas appropriate to the intended use of the space (e.g. park benches and durable theft / vandalism-resistant chairs in formal active spaces and garden wall seats in informal passive spaces).
2. **Supplement Tree Planting / Significant Species Preservation:** A minimum of 1 tree (2-inch caliper minimum) to be planted in at least 350 square feet of soil or 1 preserved existing canopy tree, a minimum of 12-inches in caliper, for every 2,500 square feet of required park space.
3. **Trash Receptacle:** Garbage and recycling receptacles shall be required for each park space.
4. **Bicycle Parking:** At least one bicycle rack shall be required for every ¼ acre of neighborhood park space and every ½ mile of greenway. Bicycle parking shall meet the requirements in Chapter 9 of this Ordinance.

#### 7.5 OWNERSHIP AND MAINTENANCE

Dedicated recreation or open space land shall be separately deeded to either a homeowner's association, a non-profit land trust, the Town of Tarboro, Edgecombe County, or may be held in private ownership with conservation easements recorded in the Edgecombe County Register of Deeds in a form approved by the Town. A metes and bounds description of the space to be preserved and limits on its use shall be recorded on the development plan, in homeowner covenants, and on individual deeds when open space lands are not held entirely in common. Alternative means of permanent open space preservation may include acceptance by a land conservation trust or a unit of government. Private management alternatives will also be permitted. Non-public ownership strategies must be accompanied by a long-term maintenance plan.

## CHAPTER 8: Landscaping, Screening, and Buffering

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## CHAPTER 8: Landscaping, Screening, and Buffering

### 8.1 PURPOSE AND INTENT

It is the intent of this Chapter to protect, refurbish, and improve the aesthetic appeal, scenic beauty, and economic value of properties within the Town of Tarboro. The regulations in this chapter seek to maintain an overall coverage of trees and landscaping for the community in order to:

- Maximize the economic vitality and positive community image associated with the Town's vegetation;
- Protect and enhance property values;
- Maintain the aesthetic quality of the community as a whole;
- Mitigate the negative impacts of noise, glare, air and water pollution, and soil erosion on the environment of the Town and its inhabitants.

### 8.2 APPLICABILITY

#### 8.2.1 GENERAL PROVISIONS

The requirements of this Chapter shall apply to all land, public and private, in the Tarboro zoning jurisdiction. Certificates of Occupancy for uses authorized by this Ordinance shall not be issued until such requirements are installed, unless provided otherwise in this Chapter.

#### 8.2.2 EXEMPTIONS

The following conditions are exempt from the provisions of this Chapter:

- A. Improvements or repairs to interior and exterior features of existing structures or buildings which does not result in expansions or changes in the type of occupancy set forth in the North Carolina Building Code.
- B. A single-family detached dwelling on an individual lot of record.
- C. Property covered in an active forestry management plan written by a North Carolina Registered Forester, provided such documentation has been furnished to the Town.

#### 8.2.3 PRE-EXISTING DEVELOPMENT

- A. Non-conforming pre-existing development is subject to these standards as follows:
  - 1. A change in the type of occupancy, as set forth in the North Carolina Building Code;

2. A change in land use which required an increase in the number of off-street parking spaces or the provision of a buffer yard;
  3. Additions or expansions which singularly or collectively exceed 25% of the land or gross building area existing at the effective date of this Ordinance.
- B.** The Town of Tarboro recognizes that designing pre-existing development to meet new regulations is more difficult and more expensive than applying these standards to undeveloped properties. Therefore, greater flexibility will be afforded pre-existing development in meeting the requirements of this Chapter in that:
1. A waiver of up to 25% may be granted by the Administrator for planting area and dimension requirements where compliance presents a hardship due to building locations, lot size, or vehicular area configuration.
  2. A credit for reducing required off-street parking by one space shall be given for the construction of each landscape island.

#### **8.2.4 PROCEDURES**

- A.** When an application is made for a development approval on any land to which the requirements of this Chapter apply, a landscape plan shall be prepared as part of site plans, zoning permits, and Special use permits as outlined in Chapter 15 of this Ordinance.
- B.** All planting materials specified by the approved landscape plan shall be installed prior to the issuance of a Certificate of Occupancy. An exception may be granted for a period not to exceed 180 days for the following circumstances, as determined by the Administrator:
1. The unavailability of specified plant material;
  2. Weather conditions that prohibit the completion of the project or jeopardize the health of the plant material;
  3. Actions or directives issued by any governing body with jurisdictional authority.

#### **8.3 ALTERNATE METHODS OF COMPLIANCE**

- A.** Alternate landscape plans, plant materials, planting methods, or reforestation may be used where unreasonable or impractical situations would result from application of landscaping or tree preservation

requirements. Such situations may result from streams, natural rock formations, topography, or other physical conditions; or from lot configuration, utility easements, unified development design, or unusual site conditions.

- B. The Administrator may approve an alternate plan, which proposes different plant materials or methods provided that quality, effectiveness, durability, and performance are equivalent to the standards of this section.
- C. Decisions of the Administrator regarding alternate methods of compliance for landscaping and tree preservation may be appealed to the Board of Adjustment according to the provisions of §15.7.2.

#### 8.4 PROTECTION OF TREES DURING CONSTRUCTION

- A. The permit recipient shall be responsible for ensuring that all existing trees shown on approved plans as being retained are protected during the construction process from removal, destruction, or injury. Without limiting the foregoing, the permit recipient shall ensure that, before any excavation takes place on the site, a barrier is erected around the drip line of all such trees sufficient to put on notice all construction personnel that the area within the dripline of such trees shall not be disturbed.
- B. If a violation of this Section occurs and as a result a tree is removed or dies within 2 years after a Certificate of Occupancy is granted for that portion of a development where such tree is or was located, then the permit recipient, or successor, shall be required to replace the tree with one that is a minimum of 8' tall and has a minimum caliper of 3 inches measured at six inches above the ground. Such replacement must take place within one year after the death or removal of that tree occurs and this obligation shall be a continuing condition of the validity of the permit.

#### 8.5 MINIMUM TREE CANOPY COVERAGE REQUIREMENTS

All parcels, regardless of use, shall maintain a minimum tree canopy coverage according to their zoning district classification. This minimum tree canopy coverage can be met through the retention and preservation of existing vegetations, the planting of new plant materials, or a combination thereof.

ZONING DISTRICT	TREE CANOPY COVERAGE REQUIREMENT
All Districts (Except CBD)	2 canopy trees per 10,000 square feet of parcel area -or- 1 canopy tree and 1 understory per 8,000 square feet of parcel area
CBD	No minimum requirement

## 8.6 SHADE TREES IN PARKING AREAS

- A. Vehicle accommodation areas that are required to be paved, as described in Chapter 9 of this Ordinance, must be shaded by canopy trees (either retained or planted by the developer) that have or will have, when fully mature, a trunk at least 12 inches in diameter.
- B. There shall be a minimum of 10 canopy trees per one acre of parking area. In calculating the number of trees required, any fraction of a tree shall count as requiring a full tree. No portion of any parking space may be located more than 60 feet from the trunk of any canopy tree.
- C. No paving may be placed within 12 ½ feet (measured from the center of the trunk) of any tree retained to comply with this Chapter shall be located so that they are surrounded by at least 100 square feet of pervious surfaces. No tree shall be placed closer than 3 ½ feet from the end of head-in parking spaces in order to prevent damage from car overhangs.
- D. **Size of Landscape Islands:** If required shade trees in parking areas are planted in a landscape island, the landscape island shall meet the minimum planting area requirements:

NUMBER OF TREES IN LANDSCAPE ISLAND	MINIMUM SIZE OF LANDSCAPE ISLAND
1	300 square feet
2	600 square feet
3 or more	300 square feet per tree

- E. **Width of Landscape Islands:** A minimum horizontal distance of 8 feet measured from back of curb, sidewalk, or other separating structure is required for all landscape islands.
- F. **Barriers:** Barriers, such as wheel stops or standard 6-inch curb, must be provided between vehicular accommodation areas and landscaped areas.

## 8.7 STREET TREES

- A. **Location:** Street trees should be planted in the location specified for the corresponding street classification in Chapter 6 of this Ordinance. Where not practical due to the location of utilities or other site constraints, street trees may be planted on private property upon dedication of a public street tree easement. Public street tree easements shall have a minimum width of 8'.

- B. Minimum Number of Street Trees:** Street trees shall be installed according to the following minimum standards. Linear feet of planting area shall exclude permitted or approved driveways.
1. At least one canopy tree for every 50 linear feet of planting area, or fraction thereof equal to or greater than 25 feet; or
  2. Only when planting canopy trees is not practical due to the location of utilities, one understory for every 35 linear feet of planting area, or fraction thereof equal to or greater than 18 feet.
- C. Minimum Spacing:** Arrangement of and distance between trees is at the owner's option, except that the minimum spacing between trees should correspond to the expected mature spread of the adjacent trees and in no instance shall be less than:
1. 30 feet between canopy trees,
  2. 20 feet between canopy trees and understory trees,
  3. 15 feet between understory trees.

## 8.8 BUFFERING AND SCREENING

### 8.8.1 GENERAL SCREENING STANDARD

- A.** Every development shall provide sufficient screening so that:
1. Neighboring properties are shielded from any adverse external effect of that development;
  2. The development is shielded from the negative impacts of adjacent uses such as streets or railroads.
- B.** If a proposed use is to develop next to an undeveloped or vacant property, the proposed use will be required to designate one-half of the required buffer yard, but not less than 10 feet in width, based on the previous use or potential use of the adjacent property. The potential use of the adjacent property will be determined by the Administrator according to the existing zoning of the undeveloped property.
- C.** If a proposed use is to develop next to an existing land use which was not previously required to create a buffer yard, the proposed use will be required to plant the entire required buffer yard.



- D. Perpendicular encroachments by driveways, pedestrian ways, and utilities are permitted, but should be minimized to the extent feasible.
- E. **Credit for Existing Vegetation:** Existing vegetation in buffer yard areas shall qualify for the screening requirements. Where existing vegetation is insufficient to meet the minimum buffer yard standards, either width or quantity of material, new plantings shall be used to supplement any existing vegetation in order to meet the minimum screening requirements.
- F. **Ownership of Buffer Yards**
  - 1. Any required buffer yard, including those required as a zoning condition, for a single-family or two-family residential development shall not be credited towards meeting the minimum lot size standards.
  - 2. Any disturbance, modification, removal, or damage to the buffer yard by an adjacent homeowner or resident is prohibited.
  - 3. Buffer yards may be included within residential lots only when all of the following conditions are met:
    - a. The subdivision is limited in size and has no homeowner's association; and
    - b. There is no reason for the formation of a homeowner's association other than to retain ownership and maintenance responsibilities for the buffer yard; and
    - c. The buffer is placed within a permanent conservation easement or other legal instrument dedicated to the Town of Tarboro.

### 8.8.2 BUFFER YARD REQUIREMENTS

The following table illustrates the required buffer yard types between zoning districts unless a different buffer is required for the specific use in Chapter 3 of this Ordinance:

ZONING OF SUBJECT PROPERTY		ZONING OF ADJACENT PROPERTY				
		RD	GR3, GR5, GR10	MHP	OI, CBD, NB, HB	LI, HI
	RD	X	C	C	B	A
	GR3, GR5, GR10	B	X	B	A	A
	MHP	A	A	C	A	A
	OI, CBD, NB, HB	A	A	A	X	A
	LI, HI	A	A	A	B	C

A = Type A Buffer

B = Type B Buffer

C = Type C Buffer

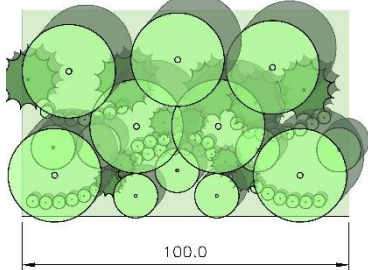
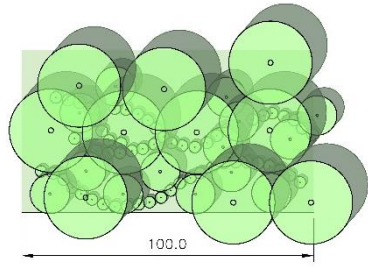
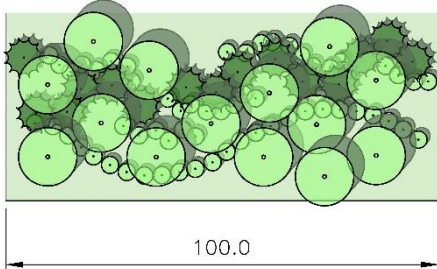
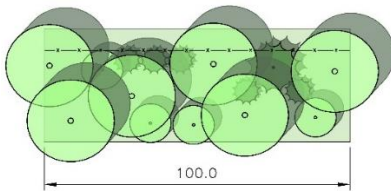
X = No buffer required

*A Type B Buffer a minimum of 30' in width shall be required along the all streets classified as a thoroughfare.*

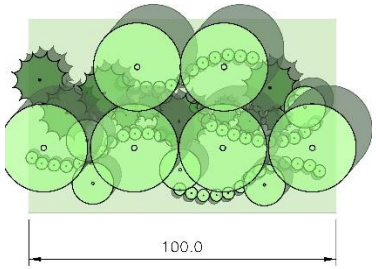
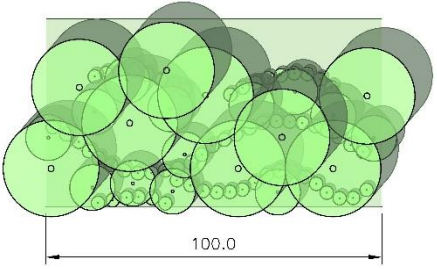
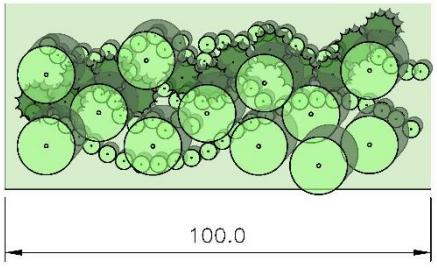
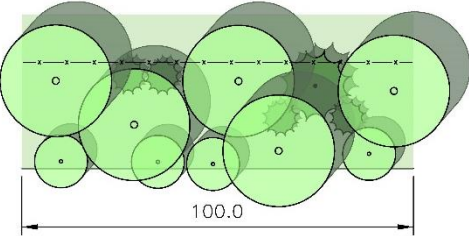
### 8.8.3 DESCRIPTION OF BUFFER TYPES

The following buffer types are hereby established and shall be used for screening between zoning districts as described in §8.9.2.A.

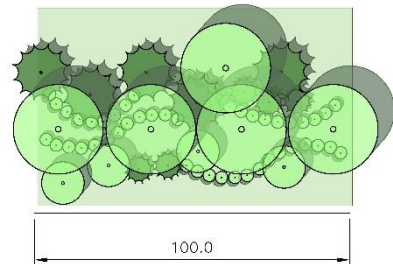
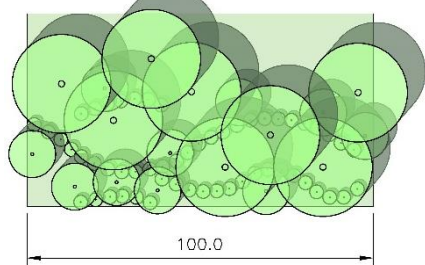
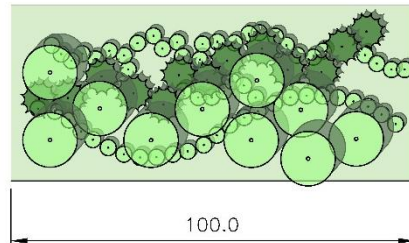
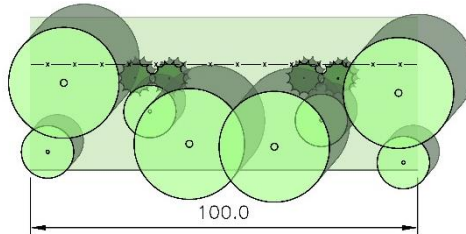
- A. Opaque Screen, Type A:** The intent of the Type A Buffer is to create a completely opaque buffer, having no horizontal openings from the ground to a height of 8 feet within 2 years of planting. A Type A Buffer can be achieved in four ways as specified below:

OPAQUE SCREEN – TYPE A BUFFER		
BUFFER OPTIONS	MATERIAL PER 100 LINEAR FEET	BUFFER EXAMPLE
<b>Option 1 – Mixed Evergreen</b>  <b>Minimum Buffer Width:</b> <b>50 feet</b>	<ul style="list-style-type: none"> <li>7 deciduous canopy trees</li> <li>5 evergreen canopy trees</li> <li>7 deciduous understory trees</li> <li>6 evergreen understory trees</li> <li>40 shrubs</li> </ul>	
<b>Option 2 – Deciduous</b>  <b>Minimum Buffer Width:</b> <b>50 feet</b>	<ul style="list-style-type: none"> <li>10 deciduous canopy trees</li> <li>0 evergreen canopy trees</li> <li>14 deciduous understory trees</li> <li>0 evergreen understory trees</li> <li>60 shrubs</li> </ul>	
<b>Option 3 – Overhead Utility</b>  <b>Minimum Buffer Width:</b> <b>50 feet</b>	<ul style="list-style-type: none"> <li>0 deciduous canopy trees</li> <li>0 evergreen canopy trees</li> <li>14 deciduous understory trees</li> <li>15 evergreen understory trees</li> <li>60 shrubs</li> </ul>	
<b>Option 4 – Constructed</b>  <b>Minimum Buffer Width:</b> <b>25 feet</b>	<ul style="list-style-type: none"> <li>6 deciduous canopy trees</li> <li>1 evergreen canopy tree</li> <li>4 deciduous understory trees</li> <li>5 evergreen understory trees</li> <li>6' solid fence / wall / berm</li> </ul>	

- B. Semi-Opaque Screen, Type B:** The intent of the Type B Buffer is to create a semi-opaque screen, having only seasonal horizontal openings, not to exceed 10% of the total width, from the ground to a height of 8 feet within 2 years of planting. A Type B Buffer can be achieved in four ways as specified below:

SEMI-OPAQUE SCREEN – TYPE B BUFFER		
BUFFER OPTIONS	MATERIAL PER 100 LINEAR FEET	BUFFER EXAMPLE
<b>Option 1 – Mixed Evergreen</b>  <b>Minimum Buffer Width: 30 feet</b>	<ul style="list-style-type: none"> <li>• 6 deciduous canopy trees</li> <li>• 5 evergreen canopy trees</li> <li>• 5 deciduous understory trees</li> <li>• 6 evergreen understory trees</li> <li>• 50 shrubs</li> </ul>	
<b>Option 2 – Deciduous</b>  <b>Minimum Buffer Width: 30 feet</b>	<ul style="list-style-type: none"> <li>• 9 deciduous canopy trees</li> <li>• 0 evergreen canopy trees</li> <li>• 13 deciduous understory trees</li> <li>• 0 evergreen understory trees</li> <li>• 70 shrubs</li> </ul>	
<b>Option 3 – Overhead Utility</b>  <b>Minimum Buffer Width: 40 feet</b>	<ul style="list-style-type: none"> <li>• 0 deciduous canopy trees</li> <li>• 0 evergreen canopy trees</li> <li>• 12 deciduous understory trees</li> <li>• 10 evergreen understory trees</li> <li>• 70 shrubs</li> </ul>	
<b>Option 4 – Constructed</b>  <b>Minimum Buffer Width: 15 feet</b>	<ul style="list-style-type: none"> <li>• 5 deciduous canopy trees</li> <li>• 1 evergreen canopy tree</li> <li>• 4 deciduous understory trees</li> <li>• 4 evergreen understory trees</li> <li>• 6' solid fence / wall / berm</li> </ul>	

- C. Broken Screen, Type C:** The intent of the Type C Buffer is to create a semi-opaque buffer, having only seasonal horizontal openings, not to exceed 25% of the total width, from the ground to a height of 6 feet within 2 years of planting. A Type C Buffer can be achieved in four ways as specified below:

BROKEN SCREEN – TYPE C BUFFER		
BUFFER OPTIONS	MATERIAL PER 100 LINEAR FEET	BUFFER EXAMPLE
<b>Option 1 – Mixed Evergreen</b>  <b>Minimum Buffer Width: 20 feet</b>	<ul style="list-style-type: none"> <li>• 5 deciduous canopy trees</li> <li>• 5 evergreen canopy trees</li> <li>• 4 deciduous understory trees</li> </ul>	
<b>Option 2 – Deciduous</b>  <b>Minimum Buffer Width: 20 feet</b>	<ul style="list-style-type: none"> <li>• 8 deciduous canopy trees</li> <li>• 0 evergreen canopy trees</li> <li>• 10 deciduous understory trees</li> </ul>	
<b>Option 3 – Overhead Utility</b>  <b>Minimum Buffer Width: 30 feet</b>	<ul style="list-style-type: none"> <li>• 0 deciduous canopy trees</li> <li>• 0 evergreen canopy trees</li> <li>• 10 deciduous understory trees</li> </ul>	
<b>Option 4 – Constructed</b>  <b>Minimum Buffer Width: 10 feet</b>	<ul style="list-style-type: none"> <li>• 4 deciduous canopy trees</li> <li>• 0 evergreen canopy tree</li> <li>• 4 deciduous understory trees</li> <li>• 6' solid fence / wall / berm</li> </ul>	

#### 8.8.4 ADDITIONS TO BUFFERING AND SCREENING

When it is determined that the conflict of land use is so great that public safety is not adequately served by the minimum buffer requirements in this Chapter, or where there is a need to prevent a high degree of visual, audio, or physical disorder, the Administrator may require the installation of fencing, walls, or earthen berms in addition to the minimum required buffers and screening.

- A. Fencing or Walls:** Where required as part of a buffer yard, fencing or walls must adhere to the provisions below. Nothing in this section shall prohibit the owner of a single-family dwelling from constructing a separate fence along the borders of such property, provided that required buffer plantings are maintained.
  - 1. In all cases, the finished side of the fence must face the use with the lower intensity. Double sided or shadowboxed fencing is the preferred alternative for fencing installed as part of a buffer.
  - 2. Permitted fence or wall materials include: masonry, stone, architectural block, wood, or other material of solid appearance
  - 3. The height of the fence shall be determined by the Administrator based on the site conditions, topography, use, and/or building height. The minimum height of a fence or wall installed as part of a buffer shall be 6 feet.
- B. Berms:** Earthen berms may be required in combination with plant material and fencing for the purposes of screening. Berms shall be tapered appropriately to allow for practical maintenance.
  - 1. The slope of berms shall not exceed 3:1 and the bottom edge of the berm shall be a minimum of 10 feet from any adjacent property line.
  - 2. All berms, regardless of size, shall be stabilized.
  - 3. Berms shall be constructed to provide adequate sight distances at intersections and along all roads.
  - 4. Berms installed as part of a required buffer shall be vegetated as required based on the required buffer type. Berms may not be substituted for existing healthy vegetation except where no other practical alternative exists to create screening and buffering between dissimilar uses.

### 8.8.5 RIPARIAN BUFFER AREAS

All protected drainageways and surface waters shall maintain buffers directly adjacent to such surface waters in accordance with the standards outlined in Chapter 12.

## 8.9 DUMPSTERS AND MECHANICAL UTILITIES SCREENING

### 8.9.1 REQUIRED SCREENING

- A. All dumpsters, loading docks, outdoor storage areas, and utility structures which are visible from the public street or adjacent properties shall be screened unless already screened by an intervening buffer yard.
- B. Screening shall consist of evergreen shrubs, fencing, walls, or berms, and shall comply with all other standards of this Ordinance.
- C. The screening of utilities shall comply with the requirements of the utility provider.
- D. Enclosures for dumpsters shall be constructed with materials that are compatible with the design and materials of the principal building. Screening may be created through the use of:
  - 1. Solid-wood fence, or fabricated metal fence, with shrubs planted around the enclosure that, at maturity, will reach a height comparable as the fence, or
  - 2. Brick, split face block, or decorative block may be used to construct the enclosure. Plantings are not required with this type of constructed enclosure.

## 8.10 INSTALLATION AND MAINTENANCE STANDARDS

It is the intent of this Section to ensure that the planting and preservation areas used to meet the requirements of this Section are maintained.

### 8.10.1 INSTALLATION STANDARDS FOR NEW TREES

- A. **Timing of Plantings:** Any landscaping planted to satisfy the requirements of this Chapter must be planted at a time that's appropriate for the health of the specific species to be planted. Any landscaping planted outside of the appropriate planting period will not count toward the landscape requirements of this Chapter. If the project timing is such that trees to be counted toward the requirements of this Chapter cannot be planted during the required timeframe before the applicant requests a Certificate of Occupancy, the Administrator may grant the applicant one additional year, from the date of the application



for a Certificate of Occupancy, in which to plant such trees. In order to ensure that all such trees are planted within the one-year period, the applicant shall provide the Town with an improvement guarantee in accordance with the provisions of §6.17 of this Ordinance.

- B. Depth of Planting:** The tree pit shall be at least one foot wider than the root ball and at least 6 inches deeper than the root ball's vertical dimension.
- C.** The bottom of the tree pit should be scarified or loosened, especially in areas where construction activity has compacted the soil.
- D.** Where poor drainage exists, the tree pit shall be at least 12 inches deeper and the bottom of the pit shall be filled with coarse gravel.
- E. Backfill:** Backfill should include a proper mix of soil, peat moss, and nutrients. All roots must be completely covered and the backfill shall be thoroughly watered as it is placed around the roots.
- F. Staking:** Newly planted trees should be supported with stakes and guy wires to hold the tree firmly in place as the root system develops. Guy wires used to support the tree shall be a soft, at least one inch wide, and shall be made of a polymer material to prevent damaging the tree as it grows. Stakes and guy wires shall be removed one year after the planting of the tree.
- G. Mulch:** At least 3 inches of mulch shall be spread over the entire excavation area. An additional three-inch saucer of mulch should be provided to form a basin around the trunk of the tree to catch and retain moisture. Mulch shall not touch the tree root flare.
- H. Wrapping:** The lower trunks of newly planted trees should be wrapped with burlap or paper to prevent evaporation and sun scald. The wrapping will remain on the tree as recommended by a certified professional.
- I. Size of Trees at Installation:** At the time of planting, all trees shall be a minimum of 8 feet in height and shall have a minimum caliper of 3 inches in diameter measured 6 inches above the ground.
- J. Size of Shrubs at Installation:** At the time of planting, all shrubs shall be a minimum of 18 inches in height and spread and reach a minimum height of 36 inches and a minimum spread of 30 inches at maturity.



### **8.10.2 INSTALLATION STANDARDS FOR NEW SHRUBS**

Shrubs should be given proper soil culture and sufficient room to allow growth. Shrubs should be planted in accordance with the specific needs of the species planted. For detailed planting information for individual species, applicants should contact the Administrator for resource information.

### **8.10.3 LANDSCAPING MAINTENANCE STANDARDS**

It shall be the responsibility of the property owner(s) or assigned caretakers to ensure that all regulated landscape areas, buffers, fencing, and preserved existing vegetation are installed, preserved, and maintained in good growing conditions, appearance, and usefulness. Damage and disturbances to these areas shall result in the requirement to replace damaged vegetation and/or fines and other penalties. Preservation and maintenance shall include:

- A.** Any dead, unhealthy, or missing vegetation shall be replaced with vegetation that conforms to the standards of this Section and the approved development plans.
- B.** All required buffers, streetyards, vehicular accommodation areas, preserved vegetation, and other landscaped areas shall be free of refuse and debris, shall be treated for pests and diseases, and shall be maintained as to prevent mulch, straw, dirt, or other materials from washing onto streets and sidewalks.
- C.** Owners shall take actions to protect all plant material from damage during normal facility and site maintenance operations. All plant material must be maintained in a way to prevent obstruction of sight distance triangles, obstruction of traffic signs and signals, and interference with sidewalks and pedestrian trails. Plant material shall not be removed, damaged, cut, or severely pruned so that their intended form is impaired. Shrubs within vehicular accommodation areas, streetyards, and street fronts may be pruned but a minimum height of 3 feet must be maintained.
- D.** In the event that existing vegetation presents an immediate threat to improved structures on private property or public property, excessive pruning may be permitted if authorized by the Administrator. Replacement vegetation may be required as part of this authorization.
- E.** In the event that vegetation functioning to meet the requirements of this Section is severely damaged due to a weather event or natural occurrence, the owner shall be required to replant if the requirements of this Chapter are not being met. Replacement vegetation shall conform to the standards of this Chapter and the approved development plans.



## CHAPTER 9: Parking and Driveways

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## CHAPTER 9: Parking and Driveways

### 9.1 PURPOSE AND INTENT

Parking lots and similar features are necessary elements of the urban environment; however, the provision of parking facilities must be regulated to avoid negative impacts such as:

- Increased stormwater volume and velocity,
- Increased surface pollutants,
- Increased surface level heat and glare,
- Reduction in the efficiency of the surrounding street system, and
- Reduction in the operations of the surrounding pedestrian and bicycle network.

The purpose of this chapter is to ensure the adequate provision of parking in Tarboro without degrading the urban or natural environment.

### 9.2 APPLICABILITY

The provisions of this chapter shall apply to all new and expanded development, as well as any changes in use.

### 9.3 PARKING REQUIREMENTS

Permanent off-street parking (including on-street parking in accordance with the requirements below) is required subject to the table below. If required, parking shall be provided at the time of erection, alteration, enlargement, establishment, or change of use of any building or open use of land which requires addition off-street parking. The minimum parking requirements have been set intentionally well below the general market expectations as a means to mitigate against the negative aspects of paved surfaces on the environment such as excessive runoff, water pollution, and urban heat island effect.

### 9.3.1 MINIMUM REQUIRED PARKING TABLE

Use Category / Use		Minimum Required Auto Spaces
<b>A. RESIDENTIAL</b>		
1. Accessory Dwelling		1 per unit
2. Cluster Mailbox Unit		2 spaces per location, one space must meet ADA accessibility requirements
3. Dwelling – Single-Family & Duplex		2 per unit (enclosed garage counts as two parking spaces)
4. Dwelling – Townhome & Multi-Family; Upper-Story Residential		1.5 per unit
5. All Other Residential Uses		No Minimum Requirement
<b>B. LODGING</b>		
1. All Lodging Uses		1 per room
<b>C. OFFICE / SERVICE</b>		
1. Medical Clinic		1 per examination room
2. All other Office / Service Uses		1 per 600 sf
<b>D. COMMERCIAL / ENTERTAINMENT</b>		
1. All Commercial / Entertainment Uses		1 per 400 sf
<b>E. CIVIC</b>		
1. Civic Meeting Facilities		1 space per 8 seats in the largest assembly room
2. Conference / Convention Center		1 space per 8 seats in meeting spaces / assembly rooms (cumulative)
3. Religious Institution		1 space per 8 seats in the largest assembly room
4. All Other Civic Uses		No Minimum Requirement
<b>F. EDUCATIONAL / INSTITUTIONAL</b>		
1. Child / Adult Day Care Center (more than 8 person)		1 space per classroom
2. Schools – Elementary & Secondary		1 per 8 seats in the largest assembly room (including gymnasium)
3. Studio – Art, Dance, Martial Arts, etc		1 per 400 sf
4. All Other Educational / Institutional Uses		No Minimum Requirement
<b>G. AUTOMOTIVE</b>		
1. All Automotive Uses		1 space per 400 sf
<b>H. INDUSTRIAL</b>		
1. All Industrial Uses		No Minimum Requirement
<b>I. AGRICULTURAL</b>		
1. All Agricultural Uses		No Minimum Requirement
<b>J. INFRASTRUCTURE</b>		
1. All Infrastructure Uses		No Minimum Requirement

### 9.3.2 EXEMPTIONS AND ADJUSTMENTS

- A. Uses in the CBD, Central Business District, are exempt from the minimum parking requirements in this section.
- B. The Administrator may allow deviations from the minimum parking requirements above for a particular use on a particular lot whenever they find that such deviation is more likely to satisfy the parking requirements for that instance. A deviation for a particular use on a

particular lot does not automatically alter the minimum parking required for a similar use on a different lot.

1. Approved deviations shall be based on parking studies provided by a certified professional, or on previously approved developments that are similar in nature to the subject development.
2. Whenever the Administrator allows a deviation from the minimum parking requirements in Section 9.4.1, the permit approving the development shall include the parking shall include a note that indicates the approved parking requirement and the reason for permitting the deviation.
3. Without limiting the generality of the foregoing, the Administrator may allow deviations from the parking requirements of this section when it is found that:
  - a. A residential development is irrevocably oriented toward the elderly; or
  - b. A business is primarily oriented towards walk-in trade.

### 9.3.3 JOINT PARKING

- A. One parking area may contain required spaces for several different uses, but except as provided in this section, the required space assigned to one use may not be credited to another.
- B. To the extent that development wish to make joint use of the same parking spaces operate at different times, the same spaces may be credited to both uses. For example, if a parking lot is used in connection with an office use Monday-Friday but is generally 90% vacant on weekends, another development that operates only on weekends could be credited with 90% of the spaces in that lot.
- C. If the joint use of the same parking spaces by two or more principal uses involves satellite parking spaces, then the provisions of 9.4.4 are also applicable.
- D. Any plans for joint use of parking spaces used to satisfy the minimum off-street parking requirements of this Ordinance shall be provided to the Administrator for review. The Administrator and the owners of the lots involved shall each sign an approved agreement which has been deemed by the Administrator to satisfy these requirements. A copy of such agreement shall be recorded in the Register of Deeds Office.

Evidence of the recording of the agreement shall be presented to the Administrator prior to the issuance of permits or certificates of occupancy for the lot and/or use benefiting from the agreement.

#### **9.3.4 SATELLITE PARKING**

- A.** If the number of off-street parking spaces required cannot be reasonably provided on the same lot where the principal use is located, spaces may be provided on adjacent or nearby lots in accordance with this section.
- B.** All such satellite parking spaces must be located within a reasonable distance to the primary public entrance of the principal building, or the lot on which the associated use is located if there is no principal building.
- C.** The applicant must provide written evidence that they have permission of the property owner, or owner's agent, to use the satellite parking spaces. Such agreement shall be signed by both the applicant and the property owner, or owner's agent, containing the satellite parking. The applicant must also acknowledge that the permit approving the subject development is only valid on the continued provision of the parking meeting the minimum requirements of this Ordinance.
- D.** The applicant will not be held responsible by the Town of Tarboro for the maintenance of satellite parking areas or for ensuring that said parking areas meets the design requirements in this Chapter.

#### **9.3.5 CHANGE OF USE**

If there exists a lot with one or more structures on it which were constructed before the effective date of this Ordinance, and there is a subsequent change of use, the required amount of off-street parking shall be provided for that use either on-premises, as joint parking provided per §9.3.3, or as satellite parking provided per §9.3.4.

### **9.4 VEHICLE PARKING DESIGN STANDARDS**

#### **9.4.1 PARKING AREA GENERAL DESIGN STANDARDS**

- A.** Unless no other practical alternative is available, vehicle accommodation areas shall be designed so that, without resorting to extraordinary movements, vehicles may exit such areas without backing onto a public street. This requirement does not apply to parking areas consisting of driveways that serve single-family, duplex, or townhome dwelling units. Under no circumstance may a parking area be designed to require vehicles to back onto streets classified as arterial or higher.

- B.** Vehicle accommodation areas of all developments shall be designed that that emergency, sanitation, and other public service vehicles can serve such developments without the necessity of backing unreasonable distances or making other dangerous or hazardous movements.
- C.** Every vehicular accommodation area shall be designed so that vehicles cannot extend beyond the perimeter of such area onto adjacent properties or public rights-of-way. Such areas shall also be designed so that vehicles do not extend over public and private sidewalks.
- D.** All vehicular parking spaces shall be no closer than 10 feet to any structure.
- E.** Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles.

#### **9.4.2 SURFACING**

Off-street parking areas shall be properly graded, marked and located on improved lots or within parking structures. The material for surface parking spaces and corresponding access drives required by this section, except for single-family and duplex dwelling units, shall consist of suitable material as set forth below.

- A.** Vehicle accommodation areas that are required to have 5 or more parking spaces and are used regularly (at least 5 days per week) shall be graded and surfaced with asphalt or concrete to protect against potholes, erosion, and dust.
- B.** Vehicle accommodation areas that are required to have 5 or more parking spaces and are used at least 5 days a week shall be constructed with perimeter curb and gutter.
- C.** Vehicular accommodation areas that do not meet the requirements of §9.4.2.A and §9.4.2.B shall be graded and surfaced with crushed stone, gravel, or other suitable material to provide a surface that is stable and will help to reduce dust and erosion. The perimeter of such parking areas shall be defined by bricks, stones, railroad ties, or other similar devices. In addition, whenever such a vehicle accommodation area abuts a paved street, the driveway leading from such area to such street shall be paved as provided in §9.4.2.A for a distance of not less than 15 feet from the edge of the street pavement. This section shall not apply to single-family and duplex dwelling units or any other use required to have two or less parking spaces.
- D.** Parking spaces improved per the standards of §9.4.2.A shall be appropriately demarcated with painted lines or other markings. Parking



spaces surfaces in accordance with §9.4.2.B shall be demarcated when practical.

- E. Vehicle accommodation areas shall be properly maintained in all respects. In particular, and without limiting the forgoing, vehicle accommodation area surfaces shall be kept in good condition and parking space lines shall be kept clearly visible and distinct. Maintenance of vehicle accommodation areas is considered a condition of the approval of all new development. Failure to properly maintain vehicle accommodation areas is considered a violation of the approved development permit and may be subject to the standards of Chapter 16 of this Ordinance.
- F. Temporary parking lots may be constructed out of crushed stone, gravel, or other suitable material. A temporary parking lot is defined as one that will not be used for a period exceeding 365 days from the date the parking lot is first put into service. The Administrator may grant up to two extensions, each for a period of up to 6 months if the applicant can show that provisions are being made to either construct a permanent parking lot or discontinue use of the temporary parking lot. Once the temporary parking lot is discontinued, all above ground appurtenances related to the parking lot, such as lights, curb stops, etc., shall be removed within 30 days of such discontinuation of use.
- G. All accessible spaces and corresponding access paths shall be constructed of concrete or asphalt.
- H. Porous paving blocks and pervious paving materials are permitted and encouraged as material for parking lots. The use of reinforced grass as a parking lot surface is permitted for use in approved satellite parking areas.

#### 9.4.3 PARKING SPACE DIMENSIONS

- A. Each parking space shall contain a rectangular area at least 19 feet wide and 9 feet long. Lines demarcating parking spaces may be drawn at various angles in relating to curbs and aisles, so long as the parking spaces so created contain within them the rectangular area required by this section.
- B. In parking areas containing 10 or more parking spaces, up to 25% of the parking spaces may contain a rectangular area of 7 ½ feet wide by 15 feet long. If such spaces are provided, they shall be conspicuously designated as reserved for small or compact cars only.

- C. Whenever parking areas consist of spaces set aside for parallel parking, the dimensions of such parking spaces shall be not less than 22 feet by 9 feet. The width of parallel parking spaces is measured from the face-of-curb.

#### 9.4.4 REQUIRED WIDTHS OF PARKING AREA AISLES AND DRIVEWAYS

- A. Parking area aisle widths shall conform to the following table, which varies the width requirement according to the angle of parking:

		Parking Angle				
Aisle Width		0°	30°	45°	60°	90°
	One-Way Traffic	13 ft	11 ft	13 ft	18 ft	24 ft
	Two-Way Traffic	20 ft	20 ft	21 ft	23 ft	24 ft

- B. Driveways shall not be less than 10 feet in width for one-way traffic and 18 feet in width for two-way traffic, except that 10 feet wide driveways are permissible for two-way traffic when:
1. The driveway is no longer than 50 feet; and
  2. The driveway provides access to not more than 6 spaces; and
  3. Sufficient turning space is provided so that vehicles need not back into a public or private street.

#### 9.4.5 CONNECTIVITY

- A. Adjoining vehicle accommodation areas serving, or potentially serving, non-residential or multi-family dwelling uses shall be interconnected as follows:
1. The vehicle accommodation area under development has a minimum of 24 parking spaces or equivalent parking area.
  2. At least one connection is provided at all lot lines that are coincident for at least 60 feet with another lot zoned for non-residential or multi-family dwelling uses.
  3. The connection point is at least 20 feet in width.
  4. If applicable, the connection shall align with a connection that has been previously constructed on an adjacent property.
  5. The connection point shall not have a slope of greater than 15%.

6. The connection shall not be placed where a building on an adjacent property is within 15 feet of the lot line which would hamper traffic movements within the parking lot.
  7. The connection is placed in an area what will not require the removal of significant natural features such as wetlands, stream buffers, and floodplains, or removal of a canopy tree with a caliper of 6 inches or more.
  8. In the event that these conditions cannot be met, or if such connection would create and undesirable flow of vehicular traffic, the Administrator may waive the connection requirement.
- B. Where a parking lot connection is required, a permanent easement for ingress and egress to adjacent lots shall be recorded with the County Register of Deeds in the form of an easement plat.

## 9.5 DRIVEWAY ACCESS

### 9.5.1 DRIVEWAY STANDARDS

Any use which required lowered or cutaway curbs, for the purposes of ingress or egress, shall be subject to the provisions below.

- A. **Maximum Number of Driveways:** The maximum number of combined driveway entrances and exits allowed on any parcel shall correspond to the frontage of that parcel on any one street as indicated in the following table:

Frontage Width	Maximum Number of Driveways Permitted
Less than 500 feet	1
500 – 1,000 feet	2
More than 1,000 feet	3

- B. Where the posted speed limit is 55 mph or more, driveway spacing shall be at 300-foot intervals or more. Where the posted speed limit is less than 55 mph, driveway spacing shall be 230 feet or more.
- C. Adjacent or adjoining lots with street frontages of less than 100 feet are encouraged to combine driveways accesses.
- D. Whenever separate or single parcels are assembled under one purpose, plan, entity, or usage, consolidation of existing driveways shall be required to the extent feasible. Approval depends on the property owner or developers plan to use existing driveways. However, the number of driveways permitted shall not exceed the standards in §9.5.1.A.

- E. The Planning Board may allow modifications to these standards where the technical feasibility (geometric design and operational requirements for implementation) does not compromise the “access control” and where it is shown that the lot(s) in question could not be developed without such modifications. With a complete set of design and operational requirements available, when the North Carolina Department of Transportation advises that a particular development design or technique can still achieve a satisfactory level of “access control” consistent with the objectives of this section.
- F. All driveways shall be constructed so that:
  - 1. Vehicles can enter or exit the lot in question without posing a danger to themselves, pedestrians, or vehicles travelling on adjacent streets.
  - 2. Interference with the free and convenient flow of traffic on abutting or surrounding streets is minimized.
- G. **Driveway Widths:** Required driveway width is measured at the lot boundary shared with a recorded public right-of-way. Where no record exists of the location of the public right-of-way, driveway width shall be measured at the edge of pavement, back of curb, or edge of sidewalk, as applicable.
  - 1. **Single-Family Residential Dwellings:** Driveways for detached single-family residential dwelling units shall have a maximum width of 18 feet.
  - 2. **All Other Driveways:** The width, in feet, of a driveway shall be within the minimum and maximum limits below.
    - a. One -way drives shall have a minimum width of 12 feet and a maximum width of 24 feet.
    - b. Two-way drives shall have a minimum width of 18 feet and a maximum width of 30 feet.
  - 3. **Public Service Driveways Exempt:** Driveways for parcels housing public services such as fire protection, law enforcement, emergency response, or other public services shall be exempt from the driveway width requirements in this section.

- H. Utility Driveways:** A 10-foot wide curb depression shall be provided at all locations where utilities cross curb and gutter to run unto off-site easements. The purpose of the depression is to provide access to utility equipment without requiring vehicles to drive over the curb.

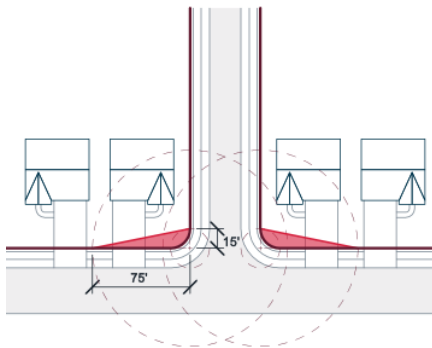
**I. Compliance with Local and State Requirements**

1. Any person or corporation desiring to construct a driveway or other connection within right-of-way of the town or state shall, before beginning any construction, secure the appropriate permits from the authorizing agency allowing such construction. Driveway connections to residences are normally excluded from this requirement but may be included at the discretion of the authorizing agency.
2. Failure to secure a permit prior to construction may result in the removal of the driveways and denial of access at the requested location.

**J. Driveway Sight Triangles**

1. At all driveway approaches, a sight area shall be maintained. Within the sight area no fence, wall, sign, graded slope or embankment, parked vehicle, hedge, foliage, tree or other planting, and no other object shall be placed, erected, or maintained which will obstruct visibility at a height greater than 2 ½ feet.

2. The Town follows AASHTO's recommendations for sight distance along major roadways. Access to major roadways shall provide adequate sight distance to avoid striking an unexpected in the travel way. This length will vary based on design speed on the intersecting roadway. All sight distance triangles shall be computed from the decisions point of the vehicle entering the major roadway.



**LEGEND**

SIGHT TRIANGLE

**CHAPTER 10: Signs**

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## CHAPTER 10: Signs

### 10.1 PURPOSE AND INTENT

It is the purpose of this Chapter to authorize the use of signs whose size, type, and location are compatible with their surroundings; to ensure signs do not become a public hazard, nuisance, or traffic hazard; to preserve the characteristics of each district; and to protect and enhance the overall appearance of the community. It is not the intent of this Chapter to prohibit any sign, display, or device containing any lawful non-commercial message.

### 10.2 APPLICABILITY

All signs within the Town of Tarboro's jurisdiction shall comply with these regulations and be erected, constructed, and maintained in accordance with the provisions of this Chapter.

#### 10.2.1 PERMITS REQUIRED

- A. Except as provided in §10.6 or elsewhere in this Chapter, it shall be unlawful for any person to erect, construct, enlarge, move, or replace any sign without first obtaining a permit from the Town of Tarboro. Sign permits shall be submitted and reviewed in accordance with the procedure outlined in Chapter 15 of this Ordinance.
- B. Additional permits may be necessary pursuant to the regulations in the state building code or other sections of this Ordinance.

#### 10.2.2 ALTERATION OF SIGN FACE

Cleaning, electrical repair, resurfacing, and other maintenance of a sign shall not require a sign permit. The changing of tenant name panels on multiple-tenant development signs and the change of copy on other signs specifically designated for changeable copy shall not require a permit.

### 10.3 COMPUTATION OF SIGNAGE MEASUREMENTS

#### 10.3.1 COMPUTATION OF SIGN AREA

- A. The area of a sign face shall be the entire area within the smallest polygon that will encompass the extreme limits of the writing, representation, emblem, or other display on the sign that can reasonably be calculated.
- B. The area shall also include any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed.

- C. Frames or structural members not bearing informational or representational matter shall not be included in the area of the sign face.
- D. All sides of a multi-sided sign shall be included in the computation of the area of the sign face except that the total area of a two-sided, back-to-back sign shall only be calculated as the area of one of the sides.

### 10.3.2 COMPUTATION OF SIGN HEIGHT

- A. **Attached Signs:** The sign height for attached signs shall be computed as the distance from the finished grade at the base of the building to which the sign is attached to the top of the highest component of the sign.
- B. **Freestanding Signs:** The sign height for ground signs shall be computed as the lesser of:
  - 1. The distance from the base of the sign at the finished grade to the top of the highest component of the sign; or
  - 2. The distance from the nearest adjacent street grade to which the sign is oriented, and on which the lot has frontage, to the top of the highest component of the sign.

## 10.4 GENERAL PROVISIONS

### 10.4.1 LOCATION

- A. Except where specifically permitted in this Chapter, all signs, including the supports, frames, and embellishments thereto, shall not be located within any public right-of-way, sidewalk clear zone, or sight triangle.
- B. Except where specifically permitted by this Chapter, the subject matter of any sign shall be related to the premises on which the sign is located. When the use or establishment to which a sign is related ceases or is vacated, the sign, including all of its attendant supports, frames, and hardware shall be removed within 180 days of the cessation or vacating of the use or establishment unless such sign is used by a new use or establishment on the premises in conformance with the requirements of this Chapter.

### 10.4.2 DESIGN AND MATERIALS

- A. All attached signs and sign support frames shall be mounted and attached to a building or the ground in a secure manner, shall not



include any wire or turnbuckle guy, and shall be maintained in good repair for safety and appearance.

- B. 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 current edition of the North Carolina version of the International Building Code.
- C. The Administrator reserves the right to require sign load calculations and attachment design from a state licensed structural engineer, and to require same engineer to certify the sign installation in writing.

### **10.5 NONCONFORMING SIGNS**

Signs erected after the passage of this Ordinance shall conform to the standards set forth herein. All legal nonconforming signs in existence as of the effective date of this Ordinance may be continued and shall be maintained in good condition. Nothing in this Ordinance shall prevent the normal maintenance of an existing, nonconforming sign. However, a nonconforming sign shall not be:

- A. Changed to another type or shape of nonconforming sign; provided, however, the copy, content, or message of the sign may be changed as long as the shape and/or size of the sign is not altered.
- B. Structurally altered, except for normal maintenance.
- C. Physically expanded, enlarged, or extended in any manner.
- D. Reestablished after discontinuance for 120 days.
- E. Reestablished after the sign is removed, except for normal maintenance.
- F. Reestablished after damage or destruction where the estimated expense of reconstruction exceeds 50% of the appraised replacement cost of the sign in its entirety.

### **10.6 EXEMPT SIGNS**

The following signs are exempt from permit requirements of this Chapter provided that such signs comply with the provisions below.

- A. Signs bearing only property identification numbers and names, post office box numbers, or other identification of premises not of a commercial nature, provided that such signs are not illuminated and do not exceed two signs per parcel and do not exceed two square feet in area per display surface.

- B.** Flags and insignia of a government when not displayed in connection with a commercial promotion.
- C.** Legal notices, identification and informational signs, and traffic directional or regulatory signs erected by, or on behalf of, a governmental body.
- D.** Memorial signs or tablets, and names and construction dates of buildings when cut into a masonry surface.
- E.** Signs directing and guiding traffic and parking on private property on which the signs are located, provided that such signs are not illuminated, or are indirectly illuminated, bear no advertising matter, and do not exceed four square feet in area per display surface.
- F.** Political signs not located on any tree, utility pole, publicly-owned property or within a public street right-of-way, except within NCDOT right-of-way according to the standards of NCGS §136-32.
- G.** Official signs of a noncommercial nature erected by public utilities.
- H.** Where one or more nonresidential uses are located on a dead-end street, but the street was once an open through street at the time the nonresidential uses were opened for business, then:
  - 1.** Subject to the provisions of this Subsection, a sign advertising the business on the dead-end street may be erected on private property that is commercially zoned and that abuts the right-of-way lines of the dead-end street and the nearest intersecting through street.
  - 2.** Only one such sign shall be authorized for each such dead-end street.

3. A sign permit for a sign authorized by this Subsection shall be issued in the name of owner of the property where such sign is to be located. At least 10 days prior to submitting an application for such sign permit, the owner of the property where the sign is to be located shall mail or deliver written notice to each business owner on such dead-end street informing such business owner that the applicant intends to apply for such sign, that only one such sign is permitted, and inviting each such business owner to contact the applicant if he or she wished to advertise their business on such sign. The applicant shall submit with the application a written certification that such notification has been provided.
4. A sign authorized by this Subsection shall not exceed 64 square feet in surface area and is subject to the remaining requirements of this Chapter.

## 10.7 TEMPORARY SIGNS

Temporary signs may be located on private property with an approved zoning permit issued in accordance with the standards of Chapter 15 of this Ordinance. Temporary signs shall comply with the requirements below.

### 10.7.1 TYPES OF TEMPORARY SIGNS

- A. **Window Signs:** Temporary signs which are affixed to the inside of a window.
- B. **Special Event Signs:** Signs erected by public or non-profit organizations for promoting special events, such as fundraisers, fairs, festivals, sporting events, etc. Special event signs also include temporary signs announcing the grand opening of new businesses, sales, promotions at commercial establishments, etc.
- C. **Other Temporary Signs:** Signs erected in conjunction with an active construction project, yard sale, real estate sale, etc.

### 10.7.2 TEMPORARY SIGN ALLOWANCE

Temporary signs shall comply with the standards in the table below:

SIGN TYPE	MAXIMUM SQUARE FOOTAGE	DURATION (per calendar year)
Window Sign	4 sf (may not exceed 50% of the area of the window)	30 days (maximum)
Special Event Sign	16 sf	30 days (maximum)
Other Temporary Signs	8 sf	30 days (maximum)

## 10.8 PROHIBITED SIGNS

The sign types below are not permitted within the Town of Tarboro planning jurisdiction.

- A. Off-Premise Signs:** All off-premise signs unless specifically allowed elsewhere in this Ordinance are prohibited.
- B. Animated / Flashing Signs:** Except as otherwise approved for time and temperature signs, signs displaying blinking, flashing, or intermittent lights, animation, and moving parts or signs giving the illusion of movement are prohibited. Time and temperature signs that rotate or move are not permitted.
- C. Signs Resembling Governmental Signs:** Any sign that imitates an official governmental sign or violates the laws of the State of North Carolina relating to outdoor advertising are prohibited.
- D. Signs Resembling Traffic Signals:** The following signs are prohibited:
  - 1. Any sign which by color, location, or nature may be confused with official highway signs, warning signs, traffic signals, or other regulatory devices.
  - 2. Any sign that uses the words “STOP”, “SLOW”, “CAUTION”, “DANGER”, or any word which is likely to be confused with traffic directional and regulatory signs.
  - 3. Any sign located in a manner which might constitute a traffic hazard.
- E. Signs on Roadside Appurtenances:** Signs attached to or painted on utility poles, telephone poles, trees, parking meters, bridges, overpasses, rocks, other signs, benches, refuse containers, etc. unless specifically allowed elsewhere in this Ordinance.
- F. Pennants, Streamers, Balloons:** Signs containing or consisting of pennants, balloons, ribbons, streamers, or spinners.
- G. Signs Obstructing Access:** Any sign that obstructs free ingress or egress from a driveway or required window, door, fire escape, stairway, ladder, or other required opening.
- H. Signs Installed on Public Property:** Any sign installed or placed on public property or within a public right-of-way, including any sign held or otherwise displayed upon a person. Such sign shall be forfeited to the public and is subject to confiscation and disposal. In addition to other remedies, the Administrator shall have the right to recover from the

owner or person placing such sign the full costs of removal and disposal of the sign.

## 10.9 ILLUMINATION OF SIGNS

Internal or external illumination of signage is permitted subject to the standards below.

- A. Prohibited Lighting:** No flashing or intermittent illumination shall be permitted on any sign or associated structure. No sign within 150 feet of a residential zone may be illuminated between the hours of 12:00AM and 6:00AM.
- B. Shielding Required:** Any indirect lighting or spot lighting shall require complete shielding of all light sources as to illuminate only the face of the sign and prevent glare off-site or into vehicular travel ways.
- C. Compliance with Chapter 10:** All sign illumination shall be in conformance with Chapter 9 of this Ordinance.

## 10.10 STANDARDS FOR PERMANENT SIGNS



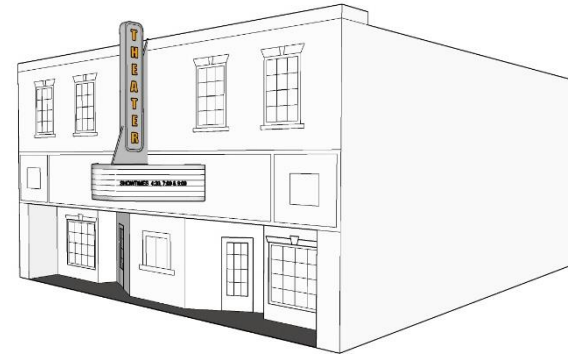

### 10.10.1 RESIDENTIAL DEVELOPMENT IDENTIFICATION SIGNAGE

No sign shall be erected or displayed in the RD, GR3, GR5, GR10, or MHP zoning districts, or for residential developments in the OI zoning districts, except as provided below.

- A. Development Identification Signs:** Signs containing the name and/or logo of a subdivision, multifamily development, or other residential development are limited to one free-standing sign at each principal point of access to the development. Such sign shall be a maximum of 16 square feet in display surface area and a maximum height of 6 feet. Alternatively, two signs mounted on wooden, brick, or stone entry walls are permitted, and such signs shall be a maximum of 8 square feet in display surface area and a maximum height of 6 feet.
- B. Other Signage in Residential Districts:** The maximum surface area permitted on any lot in a residential zoning district is 4 square feet.

10.10.2 ATTACHED SIGNS

The following types of attached signs are permitted with a zoning permit approved in accordance with the standards set forth in Chapter 15 of this Ordinance.

<p><b>Wall Signs:</b> A wall sign is a sign attached to or painted on a wall or building, with the exposed display surface of the sign in a plane parallel to the plane of the wall to which it is attached or painted, and including signs affixed to or otherwise displayed on or through a façade window</p>	
<p><b>Projecting Signs:</b> A projecting sign is attached to and supported by a building and extending beyond the building to which it is attached.</p>	
<p><b>Marquee Signs:</b> Three dimensional signs projecting from a building which may extend above the roof line and/or incorporate changeable type or lettering.</p>	
<p><b>Awning / Canopy Signs:</b> Signs integrated into traditional storefront awnings that project over a sidewalk from the building façade</p>	

### 10.10.3 ATTACHED SIGNAGE STANDARDS

	Permitted Location	Maximum Area	Maximum Height	Encroachments	Other Requirements	Maximum Number
<b>Wall Signs</b>	OI, CBD, NB, HB, LI, HI	30% of the total surface area of the wall on which the sign is located	No sign may extend above the building roofline	No encroachments permitted	See §10.10.3.A	N/A
<b>Projecting Signs</b>	OI, CBD, NB, HB, LI, HI	6 sf	See 10.10.3.B	May encroach over sidewalk to within 4 feet of curb and shall have a minimum of 8 feet of clearance	See §10.10.3.B	1
<b>Marquee Signs</b>	Theater uses only	5% of façade may be occupied by signage	12 feet, sign may extend a maximum of 2 feet above the roofline	May encroach over sidewalk to within 4 feet of curb and shall have a minimum of 9 feet of clearance	See §10.10.3.C	1
<b>Awning / Canopy Signs</b>	OI, CBD, NB, HB, LI, HI	50% of the awning area	N/A	May encroach over sidewalk to within 4 feet of curb and shall have a minimum of 8 feet of clearance	See §10.10.3.D	1

**A. Wall Signs:** Wall signs shall comply with design standards below:

1. Wall signs shall not cover up or interrupt major architectural features.
2. The message of wall signs shall be limited to the names, trademarks, and servicemarks of the establishments located on the parcel or the multi-use development located thereon. Additionally, the message of wall signs may include information necessary to direct patrons to the business where the business may not have a direct entrance from the street or pedestrian way.
3. Wall signs may protrude a maximum of 12 inches from the building wall to which it is affixed.

**B. Projecting Signs:** Projecting signs shall comply with the design standards below:

1. No projecting sign shall extend above the soffit, parapet, or eave line of the building to which it is attached.
2. The message of wall signs shall be limited to the names, trademarks, and servicemarks of the establishments located on the parcel or the multi-use development located thereon. Additionally, the message of wall signs may include information necessary to direct patrons to the business where the business may not have a direct entrance from the street or pedestrian way.

**C. Marquee Signs:** Marquee signs shall comply with design standard below:

1. A marquee sign shall not extend more than 10 feet from the building.
2. A marquee sign may extend no more than two feet above the roofline of the building to which it is affixed.

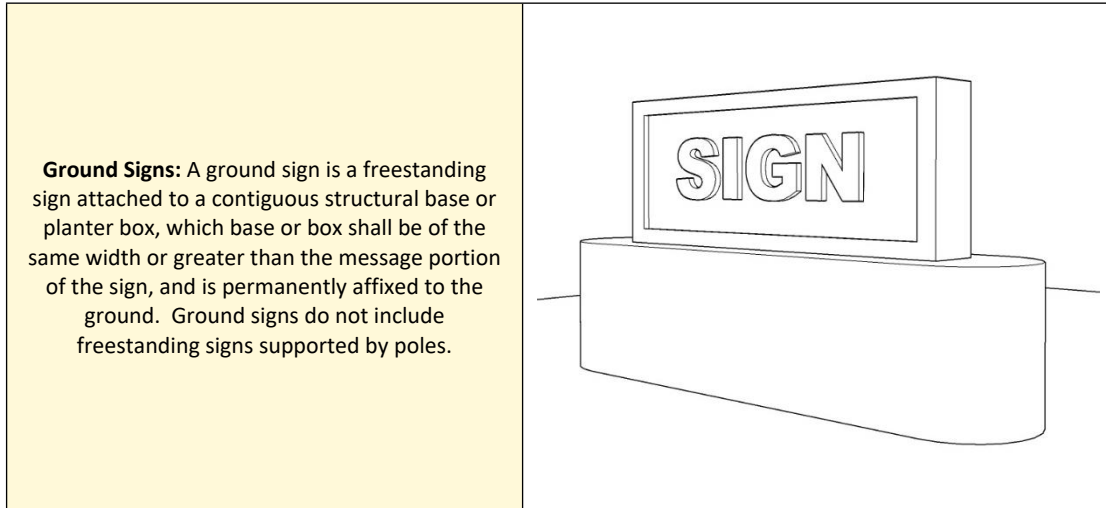
**D. Awning / Canopy Signs:** Awning and canopy signs shall comply with the design standards below:

1. No metal bar, support, or other frame structure shall be less than 8 feet above the ground or the sidewalk.
2. A flexible cloth, canvas, or similar skirt may hang a maximum 12 inches below the horizontal bar supporting the awning.



#### 10.10.4 FREESTANDING SIGNS

The following types of freestanding signs are permitted with a zoning permit approved in accordance with the standards set forth in Chapter 15 of this Ordinance.



#### 10.10.5 FREESTANDING SIGNAGE STANDARDS

GROUND SIGNS				
ZONING DISTRICT	MAXIMUM AREA	MAXIMUM HEIGHT	OTHER REQUIREMENTS	MAXIMUM NUMBER
OI	.75 sf per linear feet of street frontage (200 sf max)	10 feet	See §10.10.5.A	1
CBD	2 sf per linear feet of street frontage (300 sf max)	20 feet	See §10.10.5.A	1
NB, HB, LI, HI	1 sf per linear feet of street frontage (250 sf max)	35 feet	See §10.10.5.A	1

**A. Ground Signs:** Ground signs shall comply with the design standards below.

1. The parcel on which the ground sign is located shall be accessible by automobile and contain off-street parking for the principal uses.

2. If a development is located on a corner lot that has at least 100 feet of frontage on each of the two intersecting streets, then the development may not have more than one freestanding sign along each fronting street.
3. If a development is located on a lot bordered by 2 public streets that do not intersect at the lot's boundaries, then the development may not have more than one freestanding sign on each side of the development bordered by such streets.
4. If a development is located on a lot that has at least 250 feet of street frontage, then that development may have two freestanding signs that are a maximum of 150 feet apart. Developments meeting this requirement shall not have more than 500 feet of total freestanding signage surface area.
5. The message of ground signs shall be limited to the names, trademarks, and servicemarks of the establishments located on the parcel and/or of a multi-use development located thereon.
  - a. Ground signs identifying theaters or service stations may also identify the current presentations or fuel prices, as appropriate.
  - b. Ground signs identifying places of assembly, such as places of worship, schools, community centers, etc., may provide information related to the activities on the parcel.

#### **10.10.6 OTHER SIGNAGE REQUIRING PERMITS**

The types of signs listed below shall require the approval of a zoning permit in accordance with the standards of §15.5.2 of this Ordinance.

##### **A. Time and Temperature Signs**

1. **Permitted Districts:** CBD, NB, HB
2. **Surface Area:** 12 square feet maximum
3. **Height:** 8 feet maximum
4. **Number:** Time and temperature signs may be incorporated into a permitted wall or freestanding sign only and shall not comprise more than 50% of the primary sign area.

5. **Message Change:** The electronic message shall not change in increments of less than 2 minutes and shall not scroll. New messages shall be timed to fade in and out slowly, with no less than 5 seconds between each change of message.

**B. Electronic Message Board Signs**

1. **Permitted Districts:** CBD, HB
2. **Surface Area:** Electronic message boards may be incorporated into a permitted wall or freestanding sign only and shall not comprise more than 50% of the primary sign area.
3. **Message Variation:** The electronic message shall not change in increments of less than 2 minutes and shall not scroll. New messages shall be timed to fade in and out slowly, with no less than 5 seconds between each change of message.

**C. Drive-Thru Menu Boards**

1. **Permitted Locations:** Drive-thru menu boards are permitted only as an accessory use to a restaurant having a drive-through order window.
2. **Square Footage:** 32 square feet
3. **Height:** 8 feet.

**10.10.7 SHOPPING CENTER SIGNS**

Shopping center developments, regardless of the zoning district in which located, shall conform to the following regulations.

- A. Wall signs for individual businesses in shopping center developments shall be calculated as provided in §10.10.3. The intent of the provisions is to allow each separate tenant to have a reasonable means of identification. Because shopping centers include multiple individual tenant spaces, the cumulative total wall sign area permitted by this Subsection may exceed the total sign area authorized in §10.10.3.
- B. One wall sign per separate business establishment per street frontage is permitted. Allowable sign area is determined as follows:
  1. Establishments with a building frontage of 100 linear feet or less shall have no sign greater than 50 square feet.

2. Establishments with a building frontage of 100 linear feet or greater shall have a maximum wall sign area of .5 square feet of signage per linear foot of building frontage or 250 square feet, whichever is less.

## **CHAPTER 11: Stormwater Management and Erosion Control**

### **11.1 GENERAL PURPOSE AND INTENT 188**

### **11.2 STORMWATER MANAGEMENT AND EROSION CONTROL 189**

## CHAPTER 11: Stormwater Management and Erosion Control

### 11.1 GENERAL PURPOSE AND INTENT

#### 11.1.1 FINDINGS OF FACT

- A. Stormwater Management:** It has been determined that development and redevelopment can alter the hydrologic response of local watersheds and increases stormwater runoff rates and volumes, flooding, soil erosion, stream channel erosion, nonpoint and point source pollution, and sediment transport and deposition, as well as reducing groundwater recharge. These changes in stormwater runoff contribute to increased quantities of water-borne pollutants and alterations in hydrology which are harmful to the public health and safety as well as to the natural environment. These effects can be managed and minimized by applying proper design and well-planned controls to manage stormwater runoff from development sites. Further, the Federal Water Pollution Control Act of 1972 ("Clean Water Act") and federal Phase II requirements, compel certain urbanized areas, including the Town of Tarboro, to adopt stormwater controls such as those included in this Chapter.
- B. Erosion and Sedimentation Control:** The erosion of soil from unstabilized development sites has adverse impacts on the condition of public and private property, impairs the Town of Tarboro stormwater system, and causes pollution and accelerated siltation of lakes, streams, and other watercourses. Pursuant to the North Carolina Sedimentation Pollution Control Act of 1973, as amended, the Town of Tarboro has been directed to implement an erosion and sedimentation control program as outlined in this Chapter.

#### 11.1.2 PURPOSE

- A. Stormwater Management:** The purpose of this section is to protect, maintain, and enhance the public health, safety, environment, and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff and nonpoint and point pollution associated with new development and redevelopment. This Ordinance seeks to meet its general purpose through the following specific objectives and means:
1. Establishing decision-making processes for development that protects the integrity of watersheds and preserves the health of water resources;

2. Requiring that new development and redevelopment maintain the pre-development hydrologic response in their post-development state as is practicable in order to reduce flooding, stream bank erosion, nonpoint and point source pollution, and to maintain the integrity of stream channels and aquatic habitats;
3. Establishing minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quality and quantity;
4. Establishing design review criteria for the construction, function, and use of structural stormwater control measures (SCM) to ensure that they continue to function as designed, are maintained properly, and pose no threat to public safety;
5. Establishing administrative procedures for the submission, review, approval, and disapproval of stormwater management plans, for the inspection of approved projects, and to assure appropriate long-term maintenance.

**B. Erosion and Sedimentation Control:** The erosion and sedimentation control regulations of this Chapter are adopted for the purposes of regulating certain land-disturbing activities to control accelerated erosion and sedimentation of lakes and watercourses and prevent damage to public and private property by erosion and sedimentation.

## 11.2 STORMWATER MANAGEMENT AND EROSION CONTROL

### 11.2.1 NATURAL DRAINAGE SYSTEM TO BE UTILIZED

- A. To the extent practicable, all development shall conform to the natural contours of the land and natural and pre-existing man-made drainageways shall remain undisturbed.
- B. To the extent practicable, lot boundaries shall be made to coincide with natural and pre-existing man-made drainageways within subdivisions to avoid the creation of lots that can be built upon only by altering such drainageways.

### 11.2.2 DEVELOPMENTS MUST DRAIN PROPERLY

- A. All development shall be provided with a drainage system that is adequate to prevent 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 stormwater 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 and connect to the drainage systems or drainageways on surrounding properties or streets.
- D. Unless authorized by the Administrator, or elsewhere in this Ordinance, streets within the Town of Tarboro shall utilize curb and gutter and storm drains to provide adequate drainage.
- E. Drainage swales, curb and gutter, and storm drains shall be constructed in accordance with the design and construction standards of the Town of Tarboro.

### 11.2.3 STORMWATER MANAGEMENT

- A. The general standards contained in this Chapter shall apply throughout the planning jurisdiction of the Town of Tarboro. Developments located within Watershed Overlay Districts shall comply with the applicable requirements in §2.5 of this Ordinance.
- B. 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 higher adjacent properties; and



2. No development may be constructed or maintained so that surface waters from such development are unreasonable collected and channeled onto lower adjacent properties at such locations or at such volumes as to cause substantial damage to such lower adjacent properties.
- C. All developments shall contain an adequate drainage system for the proper drainage of all surface water. No new construction and no substantial improvements of a structure may take place unless the design of a drainage system is reviewed by the Administrator to assure that:
1. No surface water shall be channeled or directed into a sanitary sewer.
  2. Where feasible, the subdivider shall connect to an existing storm drainage system.
  3. Where an existing storm drainage system cannot feasibly be extended to the subdivision, a surface drainage system shall be designed to protect the proposed development from water damage.
  4. Surface drainage courses shall have side slopes of not less than the natural angle of repose for the soil but not less than a three 3:1 slope in which the course is constructed and courses shall be of sufficient size to accommodate the drainage area without flooding the adjacent properties.
  5. The proposed storm drainage system is consistent with the Town of Tarboro Manual of Standard Design, Details, and Specifications.
- D. A drainage plan shall be required for any development or land use except for land developed or used for agricultural purposes which involves or would create more than one-half acre of impervious ground cover. No building permit will be issued for any such development until the drainage plan is approved by the Administrator.
- E. A drainage plan submitted for approval under these provisions must include, but is not limited to, the following information: a site plan showing existing and proposed buildings; storm drainage facilities, easements, and ground cover; site construction plans, grading plans, and drainage system; drainage facility design data including a drainage area map, engineering calculations, area of impervious cover, and total land area.

- F.** A drainage plan submitted for approval under these provisions will be proposed and approved using the standards of the Administrator.
- G.** Impervious cover, for the purposes of this Chapter, means any ground cover including asphalt, concrete, stone, brick terrazzo, roofing, clay tile, or any other natural or manmade material that resists the absorption of surface water.
- H.** These standards of this Section do not apply to structures or impervious ground cover in existence prior to the adoption of these provisions and these previously existing areas will not be used in calculating the 20,000 square feet in §11.2.3.D
- I.** The Administrator will not approve a drainage plan if the impervious cover which would result would increase the storm water rate of runoff from the site unless measures are taken to control and limit the rate of runoff to the level which existed prior to the installation of the impervious cover. This determination will be based on the expected ten-year storm (a flood which could be expected to occur once in ten (10) years). The Administrator will waive the requirement for a drainage plan if the land being developed is part of a larger project which has received prior approval for and has implemented an overall drainage plan so long as the rate of runoff from the property presently under consideration does not exceed that which was previously approved. The Administrator may also waive any requirements for the detention of water when it would drain directly into land subject to the floodway regulations of the Town Code.

#### **11.2.4 SEDIMENTATION AND EROSION CONTROL**

- A.** No zoning or Special Use Permit, or major development permit may be issued with respect to any development that would cause land disturbing activity prior to submission of an erosion and sedimentation control plan to the NC Department of Land Management under NCGS §113A-57(4) unless the Commission has certified to the Town either that:

  - 1.** An erosion control plan has been submitted to and approved by the Commission; or

2. 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. However, in this case, construction of the development may not begin, no building permits may be issued, and final plat approval for subdivisions may not be given until the Commission approves the erosion control plan.
- B. For the 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 topography or cover, and that may cause or contribute to sedimentation except activities that are exempt under NCGS §113A-52(6). Sedimentation occurs whenever solid particulate matter, mineral or organic, is transported by water, air, gravity, or ice from the site of its origin.
- C. Except where a larger buffer area is required for developments located in Watershed Overlay Districts, all developments shall maintain a twenty-five-foot vegetated buffer along each side of a stream or natural drainageway. The twenty-five-foot distance shall be measured from the top edge of the streambank or drainageway. If no drainageway bank exists, the centerline of the drainageway swale shall be used for measurement purposes. The vegetated buffer shall remain undisturbed except as may be necessary to accommodate roads (provided they cross at a horizontal angle of at least 60 degrees, utilities and their easements, pedestrian paths and their easements and approved water-dependent uses such as marinas, docks, piers, boat ramps and bridges. In cases in which a twenty-five-foot buffer may not be practical nor desirable, the Planning board may consider a special exception if it finds that an acceptable alternative means of handling stormwater can be achieved without maintaining a twenty-five-foot vegetated buffer.

#### 11.2.5 STORMWATER CONTROL STRUCTURES

- A. All stormwater control structures shall be designed by either a North Carolina registered professional engineer or landscape architect, to the extent that the General Statutes, Chapter 89A, allow. Other stormwater systems shall be designed by a North Carolina registered professional with qualifications appropriate for the type of system required; these registered professionals are defined as professional engineers, landscape architects, to the extent that the General Statutes, Chapter 89A allow and land surveyors, to the extent that the design represents

incidental drainage within a subdivision, as provided in General Statutes 89(C)-3(7).

- B.** Any device permitted in the North Carolina Best Management Practices Manual is permitted within the Town of Tarboro as long as the proposed device meets all required standards and specifications.
- C.** In addition to the vegetative filters required in subsection §11.2.5.C.6, 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 §11.2.6 of this Ordinance.
- D.** A description of the area containing the stormwater control structure shall be prepared and filed, consistent with §11.2.7, 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 detention pond, vegetative filters, all pipes and water control structures, berms, dikes, etc., and sufficient area to perform inspections, maintenance, repairs and reconstruction.
- E.** 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.

#### **11.2.6 FINANCIAL SECURITY FOR STORMWATER CONTROL STRUCTURES**

- A.** All new stormwater control structures authorized in Chapter 12 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.
- B.** Financial assurance shall be in the form of the following:

- 1. Surety performance bond or other security:** The permit applicant shall obtain either a performance bond from a surety bonding company authorized to do business in North Carolina, an irrevocable letter of credit or other instrument readily convertible into cash at face value payable to the Town of Tarboro or placed in escrow with a financial institution designated as an official depository of the Town of Tarboro. The bond or other instrument shall be in an amount equal to 125% of the total cost of the stormwater control structure, as estimated by the Administrator and approved by the Town Council. The total cost of the stormwater control structure shall include the value of all materials such as piping and other structures; seeding and soil stabilization; design and engineering; and, grading, excavation, fill, etc. The costs shall not be prorated as part of a larger project, but rather under the assumption of an independent mobilization.
- 2. Cash or equivalent security deposited after the release of the performance bond.** Consistent with §11.2.8., the permit applicant shall deposit with the Town of Tarboro either cash or other instrument approved by the Town Council that is readily convertible into cash at face value. The cash or security shall be in an amount equal to 15% 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. 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 §11.2.8. The amount shall be computed by estimating the maintenance cost for 25 years and multiplying this amount by two-fifths (2/5) or four-tenths (0.4).
- C.** Consistent with Chapter 12 of this Ordinance, the permit applicant shall enter into a binding operation and maintenance agreement between the Town of Tarboro and all interests in the development. Said agreement shall require the owning entity to maintain, repair and, if necessary, reconstruct the stormwater control structure in accordance with the operation and management plan or manual provided by the developer. The operation and maintenance agreement shall be filed with the Edgecombe County Register of Deeds by the Administrator.
- D.** 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 council may obtain and use all or any portion of the funds necessary to complete the improvements based on an engineering

estimate. The council shall return any funds not spent in completing the improvements to the owning entity.

- E. 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 council 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 council shall not return any of the deposited cash funds.

#### **11.2.7 MAINTENANCE AND INSPECTION OF STORMWATER CONTROL STRUCTURES**

- A. An operation and maintenance plan or manual shall be provided by the developer for each stormwater control structure authorized in Chapter 12, 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.
- B. 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.
- C. Except for general landscaping and grounds management, the owning entity shall notify the 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, a qualified professional employed by the Town of Tarboro 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 Administrator may consult with an engineer or landscape architect (to the extent that the General Statutes, Chapter 89A allow) designated by the Town Council.
- D. 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 Town Council. Proposed changes shall be prepared by a North Carolina registered professional engineer or landscape

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architect (to the extent that the General Statutes, Chapter 89A allow) and submitted to and reviewed by the Administrator prior to consideration by the Town Council.

1. If the Town Council approves the proposed changes, the owning entity of the stormwater control structure shall file sealed copies of the revisions with the office of the Administrator.
  2. If the Town Council disapproves the changes, the proposal may be revised and resubmitted to the Town Council as a new proposal. If the proposal has not been revised and is essentially the same as that already reviewed, it shall be returned to the applicant.
- E. If the Town Council finds that the operation and maintenance plan or manual is inadequate for any reason, the council 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 Administrator and the owning entity.
- F. Processing and inspection fees shall be submitted in the form of a check or money order made payable to the town. Applications shall be returned if not accompanied by the required fee.
- G. A permit and inspection fee schedule, as approved by the Tarboro Town Council shall be posted in the office of the Administrator.
- H. 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 Subsection 11.2.7.C, except in the case when a similar fee has been within the last 60 days.
- I. The stormwater control structure shall be inspected by the Administrator, after the owning entity notifies the Administrator that all work has been completed. At this inspection, the owning entity shall provide:
  1. The signed deed, related easements and survey plat for the stormwater control structure ready for filing with the Edgecombe County Register of Deeds;
  2. A certification sealed by an engineer or landscape architect (to the extent that the General Statutes, Chapter 89A, allow) stating that the stormwater control structure is complete and consistent with the approved plans and specifications.

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- J.** The Administrator shall present the materials submitted by the developer and the inspection report and recommendations to the Town Council at its next regularly scheduled meeting.

  - 1.** If the council approves the inspection report and accepts the certification, deed and easements, the council shall file the deed and easements with the Edgecombe County Register of Deeds, release up to 75% percent of the value of the performance bond or other security and issue an occupancy permit for the stormwater control structure, consistent with Chapter 15 of this Ordinance.
  - 2.** If deficiencies are found, the council shall direct that improvements and inspections be made and/or documents corrected and resubmitted to the council.
- K.** No sooner than 1 year after the filing date of the deed, easements and maintenance agreement, the developer may petition the Town Council to release the remaining value of the performance bond or other security. Upon receipt of said petition, the Administrator shall inspect the stormwater control structure to determine whether the controls are performing as designed and intended. The Administrator shall present the petition, inspection report and recommendations to the Town Council.

  - 1.** If the council approves the report and accepts the petition, the developer shall deposit with the Town Council a cash amount equal to that described in §11.2.6.C after which, the council shall release the performance bond or other security.
  - 2.** If the council does not accept the report and rejects the petition, the council shall provide the developer with instructions to correct any deficiencies and all steps necessary for the release the performance bond or other security.
- L.** All stormwater control structures shall be inspected on an annual basis and submitted to the Administrator by October 1<sup>st</sup> every year to determine whether the controls are performing as designed and intended. Records of inspection shall be maintained on forms approved or supplied by the North Carolina Division of Environmental Management. Annual inspections shall begin within one year of filing date of the deed for the stormwater control structure.
- M.** In the event the Administrator discovers the need for corrective action or improvements, the Administrator shall notify the owning entity of the needed improvements and the date by which the corrective action is to be completed. All improvements shall be made consistent with the



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plans and specifications of the stormwater control structure and the operation and maintenance plan or manual. After notification by the owning entity, the Administrator shall inspect and approve the completed improvements. The Administrator may consult with an engineer or landscape architect (to the extent that the General Statutes, Chapter 89A, allow) designated by the Town Council.

## CHAPTER 12: Flood Damage Prevention

### 12.1 GENERAL PURPOSE AND INTENT

#### 12.1.1 FINDINGS OF FACT

- A. Flood Damage Prevention:** The flood prone areas within the jurisdiction of the Town of Tarboro are subject to periodic inundation which can result 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. These flood losses can be caused by the cumulative effect of obstructions in Special Flood Hazard Areas causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to flood and other hazards.

#### 12.1.2 PURPOSE

- A. Flood Damage Prevention:**
1. It is the purpose of this section to promote the public health, safety, and general welfare and to minimize the public and private losses due to flood conditions within the flood prone areas by provisions designed to:
    - a. Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards that result in damaging increases in erosion, flood heights, or velocities;
    - b. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
    - c. Control the alteration of natural Special Flood Hazard Areas, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
    - d. Control filling, grading, dredging, and all other developments that may increase erosion or flood damage, and;

- e. Prevent or regulate the construction of flood barriers that will unnaturally divert floodwaters or which may increase flood hazards to other lands.
2. Specific objectives to the flood damage prevention provisions are as follows:
- a. To protect human life and health;
  - b. To minimize the expenditure of public money for costly flood control projects;
  - c. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
  - d. To minimize prolonged business losses and interruptions;
  - e. To minimize damage to public facilities and utilities;
  - f. To help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
  - e. To ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

## 12.2 FLOOD DAMAGE PREVENTION

### 12.2.1 ARTIFICIAL OBSTRUCTION WITHIN FLOODWAYS PROHIBITED

- A. No artificial obstruction may be located within any floodway, except as provided in §12.2.2 below.
- B. The following standards shall apply to any permissible uses as delineated in §12.2.2 or any use allowed by variance:
  - 1. No encroachments, including fill, new construction, substantial improvements, and other developments shall be permitted 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 a base flood discharge.

2. If §12.2.1.B.1 is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions in §12.2.3 of this Ordinance.
3. No manufactured homes shall be permitted nor relocated in a floodway.

### **12.2.2 PERMISSIBLE USES WITHIN FLOODWAYS**

- A. Notwithstanding the Permitted Use Table in §2.4.3 of this Ordinance, no permit to make use of land within a floodway may be issued unless the proposed use is listed as allowed both in the Permitted Use Table and is one of the below:
  1. General farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm, and other similar agricultural, wildlife, and related uses.
  2. Ground level streets, roads, loading areas, parking areas, rotary aircraft ports, and other similar ground level uses.
  3. Lawns, gardens, play areas, and other similar uses.
  4. Golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, parks, hiking or horseback riding trails, open space, and similar private and public recreational uses.
- B. The uses listed in §12.2.2.A are permissible only if and to the extent that they do not cause any increase in base flood levels, as demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice.
- C. Notwithstanding the other provisions of this Chapter, the uses listed in §12.2.A shall be permissible only if and to the extent that any obstructions within the floodway are necessary to accommodate such uses are consistent with the regulations and standards of the Federal Emergency Management Agency.
- D. No building may be constructed, and no substantial improvement of any existing building may take place within any floodway.
- E. Any accessory structure allowed in §12.2.2.A shall not be used for human habitation.

**12.2.3 CONSTRUCTION WITHIN FLOODWAYS AND SPECIAL FLOOD HAZARD AREAS  
RESTRICTED**

- A.** The use of fill in all special flood hazard areas (100-year floodplains) and 500-year floodplains shall not be used for the purpose of elevating any building located in such areas or for any other purpose except for access to the property.
- B.** New solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities are prohibited in the 100-year floodplain except by variance.
- C.** No new residential building may be constructed and no substantial improvement of a residential building may take place wholly or partially within any area of special flood hazard unless and to the extent that, in the absence of such authorization, the property owner would be deprived of all reasonable use of the property on which such construction is proposed. If new construction within an area of special flood hazard is allowed pursuant to this subsection, then all such construction shall be in conformity with the remaining provisions of this section.
- D.** No new nonresidential building may be constructed and no substantial improvements of a nonresidential building (with the exception of public utility structures) may take place wholly or partially within any area of special flood hazard unless and to the extent that, in the absence of such authorization, the property owner would be deprived of all reasonable use of the property on which such construction is proposed. If new construction within an area of special flood hazard is allowed pursuant to this subsection, then all such construction shall be in conformity with the remaining provisions of this section.
- E.** The following general standards shall apply to any permissible use, any public utility structure and any use allowed by variance in an area of special flood hazard, also known as the 100-year floodplain:
  - 1.** All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;

2. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
3. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damages. Flood damage includes injury to persons and damage to property caused by an artificial obstruction or substantial improvement, water backed up or diverted by an artificial obstruction or substantial improvement, and by materials or objects being swept downstream during a flood;
4. 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;
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
7. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
8. Any alteration, repair, reconstruction or improvements to a structure which is in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this article; and

9. Nonconforming buildings or uses may not be enlarged, replaced, or rebuilt unless such enlargement or reconstruction is accomplished in conformance with the provisions of this ordinance. Provided, however, nothing in this article shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this article and located totally or partially within the Floodway Zone, provided that the bulk of the building or structure below base flood elevation in the Floodway Zone is not increased and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.
  10. Adequate drainage on the property shall be provided to reduce exposure to floods.
- F. In all areas of special flood hazard (100-year floodplain) where base flood elevation data has been provided, the following specific standards shall apply to any building authorized pursuant to §12.2.3.B or 12.2.3.C, any public utility structure and any use allowed by variance:
1. **Residential construction.** New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated no lower than three (3) feet above the base flood elevation. This requirement also includes machinery and equipment whose use is directly related to that structure. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided.
  2. **Nonresidential construction.** New construction or substantial improvement of any commercial, industrial, or nonresidential structure shall have the lowest floor, including basement, elevated no lower than three (3) feet above the level of the base flood elevation. This requirement also includes machinery and equipment whose use is directly related to that structure. Structures located in A-zones may be floodproofed in lieu of elevation provided that all areas of the structure, including attendant utility and sanitary facilities, below the required elevation are water tight 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. A registered professional engineer or architect shall develop and/or review structural design

**3. Manufactured homes.**

- a.** Manufactured homes that are placed or substantially improved on sites (i) outside a manufactured home park or subdivision; (ii) in a new manufactured home park or subdivision; (iii) in an expansion to an existing manufactured home park or subdivision; or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, must be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated three (3) feet above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement also includes machinery and equipment whose use is directly related to that structure.
- b.** Manufactured homes that are to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the provisions of subsection (a) above of this ordinance must be elevated so that the lowest floor of the manufactured home is elevated three (3) feet above the base flood elevation, and be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement. This requirement also includes machinery and equipment whose use is directly related to that structure.
- c.** Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. For the purpose of this requirement, manufactured homes must be anchored to resist flotation, collapse, or lateral movement in accordance with the Regulations for Mobile Homes and Modular Housing 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 at least thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or other foundation elements of at least equivalent strength. When the elevation of the chassis is above thirty-six (36) inches in height, the manufactured home chassis shall be supported by reinforced piers or other foundation elements of at least equivalent strength and an engineering certification is required.
- 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 zoning administrator and the local emergency management coordinator.

- G. Recreational vehicles.** A recreational vehicle is ready for highway use if it is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions. Recreation vehicles placed on sites shall either:
1. Be on site for fewer than 180 consecutive days;
  2. Be fully licensed and ready for highway use; or
  3. Meet the requirements of §12.2.3.D and §12.2.3.E.3 and §12.2.6.
- H. Elevated buildings.** New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.
1. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
    - a. Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
    - b. The bottom of all openings shall be no higher than one (1) foot above grade; and
    - c. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
  2. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be located a minimum of three (3) feet above base flood elevation. This requirement also includes machinery and equipment whose use is directly related to the structure.

3. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).
  4. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas.
- I. **Temporary structures.** Prior to the issuance of a building zoning permit, for a temporary structure, the following requirements must be met:
1. All applicants must submit to the zoning administrator a plan for the removal of such structure(s) in the event of a hurricane or flash flood notification. The plan must include the following information:
    - a. The name, address and phone number of the individual responsible for the removal of the temporary structure;
    - b. The time frame prior to the event at which a structure will be removed;
    - c. A copy of the contract or other suitable instrument with a trucking company to insure the availability of removal equipment when needed; and
    - d. Designation, accompanied by documentation, of a location outside the floodplain to which the temporary structure will be moved.
  2. The above information shall be submitted in writing to the zoning administrator for review and written approval.
- J. **Accessory structure.** When accessory structures (sheds, detached garages, etc.) with a value of three thousand dollars (\$3,000.00) or less, are to be placed in the floodplain the following criteria shall be met:
1. Accessory structures shall not be used for human habitation;
  2. Accessory structures shall be designed to have low flood damage potential;

3. Accessory structures shall be firmly anchored in accordance with §12.2.3.D.1; and
  4. Service facilities such as electrical and heating equipment shall be elevated in accordance with §12.2.3.D.5.
- K. Structure or tank for chemical or fuel storage.** A structure or tank for chemical or fuel storage incidental to a use that is allowed under §12.2.3.F or to the operation of a water treatment plant or wastewater treatment facility may be located in a 100-year floodplain only if the structure or tank is either elevated above base flood elevation or designed to be watertight with walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
- L. Floodways.** Located within areas of special flood hazard are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris and potential projectiles and has erosion potential. The following provisions shall apply within such areas:
1. No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood. Such certification and technical data shall be presented to the administrator.
  2. If the requirements of subsection (a) are satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section.
  3. No manufactured homes shall be permitted, except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and the elevation standards of §12.2.3.E.3 are met and the encroachment standards of subsection (a) above.
- M.** The following general standards shall apply to any permissible use, any public utility structure and any use allowed by variance (in accordance with §12.2.8 in the 500-year floodplain:

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
  2. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
  3. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damages. Flood damage includes injury to persons and damage to property caused by an artificial obstruction or substantial improvement, water backed up or diverted by an artificial obstruction or substantial improvement, and by materials or objects being swept downstream during a flood;
  4. 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;
  5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
  6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
  7. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
  8. Adequate drainage on the property shall be provided to reduce exposure to floods.
- N. In the 500-year floodplain where base flood elevation data has been provided, the following specific standards shall apply to any permissible use, public utility structure and any use allowed by variance (in accordance with §12.2.8:

- 1. Residential construction.** New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated no lower than two (2) feet above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided.
- 2. Nonresidential construction.** New construction or substantial improvement of any commercial, industrial, or nonresidential structure shall have the lowest floor, including basement, elevated no lower than two (2) feet above the level of the base flood elevation. Structures located in X-zones may be floodproofed in lieu of elevation provided that all areas of the structure below the required elevation are water tight 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. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in §12.2.6.A.7.
- 3. *Elevated buildings.*** New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exist of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.
  - a.** Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
    - i.** Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
    - ii.** The bottom of all openings shall be no higher than one (1) foot above grade; and
    - iii.** Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

- b.** Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be located a minimum of two (2) feet above base flood elevation except for duct work that shall be located above the base flood elevation.
  - c.** Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).
  - d.** The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas.
- O.** Located within the areas of special flood hazard and the 500-year floodplain are small streams where no base flood data has been provided or where no floodways have been identified. The following provisions apply within such areas to any permissible use or any use allowed by variance (in accordance with §12.2.8:
  - 1.** No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of the stream bank equal to five (5) times the width of the stream at the top of bank or twenty (20) feet each side from top of bank, 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.** If §12.2.3.E.1 is satisfied and base flood elevation data is available from other sources, all new construction and substantial improvements within such areas shall comply with all applicable flood hazard ordinance provisions of §12.2.3 and shall be elevated or floodproofed in accordance with elevations established in accordance with §12.2.6.A.7. When base flood elevation data is not available from a federal, state, or other source, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade.
  - 3.** No manufactured home shall be permitted.

- P. Whenever any portion of an area of special flood hazard outside of the floodway is filled in with fill dirt, slopes shall be adequately stabilized to withstand the erosive force of the base flood.

#### **12.2.4 SPECIAL PROVISIONS FOR SUBDIVISIONS**

- A. An applicant for a Special Use Permit authorizing a major subdivision and an applicant for minor subdivision plat approval shall be informed by the Administrator of the use and construction restrictions contained within this Chapter if any portion of the land to be subdivided lies within a floodway or Special Flood Hazard Area.
- B. Final plat approval for any subdivision containing land that lies within a floodway or Special Flood Hazard Area may not be given unless the plat shows the boundary of the floodway or Special Flood Hazard Area and contains, in clearly discernible print, the following statement:  
“Use of land within a floodway or Special Flood Hazard Area is substantially restricted by Chapter 12 of the Town of Tarboro Unified Development Ordinance.”
- C. A Special Use Permit for a major subdivision and final plat approval for any subdivision may not be granted if any portion of one or more lots lies within an area of special flood hazard unless it reasonably appear that, with respect to each lot that lies wholly or partly within an area of special flood hazard:
  - 1. A building of the type that is consistent with the zoning of the property can practically be located in accordance with applicable regulations on the portion of such lot that is located outside the area of special flood hazard; or
  - 2. Such lot has already been developed; or
  - 3. Such lot is formed as the result of an adjustment of lot lines between lots in existence on the effective date of this section, and such readjustment does not result in a previously developable lot being rendered undevelopable; or
  - 4. It plainly appears that such lot is intended to be devoted to a permissible use that does not involve the construction of any building (e.g., a recreational area or open space).
- D. All subdivision proposals shall be consistent with the need to minimize flood damage.

- E. All subdivision proposals shall have public utilities and facilities such as water, sewer, gas, and electrical systems located and constructed so as to minimize flood damage.
- F. All subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
- G. Base flood elevation data shall be provided for subdivision proposals which contain fifty (50) lots or five (5) acres, whichever is less.

#### **12.2.5 WATER SUPPLY AND SANITARY SEWER SYSTEMS IN FLOODWAYS AND SPECIAL FLOOD HAZARD AREAS**

Whenever any portion of a proposed development is located within a floodway or Special Flood Hazard Area, the agency or agencies responsible for certifying to the Town the adequacy of the water supply and disposal systems for the development, as described in Chapter 6 of this Ordinance, shall be informed by the developer that a specified area within the development lies within a floodway or Special Flood Hazard Area. Thereafter, approval of the proposed system by that agency shall constitute a certification that:

- A. Such water supply system is designed to minimize or eliminate infiltration of flood waters into it.
- B. Such sanitary sewer system is designed to eliminate infiltration of flood waters and discharges from it into flood waters.
- C. Any on-site sewage disposal system is located to avoid impairment to it or contamination from it during flooding.

#### **12.2.6 PERMIT REQUIREMENTS, CERTIFICATIONS, DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR**

- A. Applications for a zoning, or Special Use Permit shall be made to the administrator on forms furnished by the administrator prior to any development activities. The application permit may include, but not be limited to, plans in duplicate drawn to scale showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures; land the location of fill materials, storage areas, and drainage facilities. Specifically, the following information is required:



1. Applications for zoning, special use, or Special use permits shall include a plot plan that shows the 100-year floodplain contour or shall contain a statement that the entire lot is within the floodplain when the lot is within or appears to be within the floodplain as mapped by the Federal Emergency Management Agency or the floodplain identified pursuant to either §12.2.6.B.2, §12.2.3.G, or §12.2.4. The plot plan must be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same.
2. The plot plan required in subsection (1) must show the floodway, if any, as identified by the Federal Emergency Management Agency or the floodway identified pursuant to either §12.2.6.B.2, §12.2.3.G, or §12.2.4.
3. Where base flood elevation data are provided in accordance with a Flood Insurance Rate Map, a Flood Hazard Boundary Map, or §12.2.6.B.2, the application for a permit within the Zone A on the flood insurance rate map shall show:
  - a. The elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures, and
  - b. If the structure has been floodproofed in accordance with §12.2.3.E.2, the elevation (in relation to mean sea level) to which the structure was floodproofed.
4. Where the base flood elevation data are not provided, the application for a permit must show construction of the lowest floor at least two (2) feet above the highest adjacent grade.
5. Where any watercourse will be altered or relocated as a result of proposed development, the application for a permit shall include: a description of the extent of watercourse alteration or relocation; 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 showing the location of the proposed watercourse alteration or relocation.
6. When a structure is floodproofed, the applicant shall provide a certificate from a registered professional engineer or architect that the nonresidential floodproofed structure meets the floodproofing criteria in §12.2.3.E.2.

- 7.** A floor elevation or floodproofing certification is required after the lowest floor is completed. Within twenty-one (21) calendar days of establishment of the lowest floor elevation, or floodproofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the administrator a certification of the elevation of the lowest floor, or floodproofed elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work done within the twenty-one-day calendar period and prior to submission of the certification shall be at the permit holder's risk. The administrator shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.
- B.** The administrator shall review all zoning, or special use permits to assure that any development within an area of special flood hazard is reasonably safe from the hazards of flooding and shall:

  - 1.** Where base flood elevation data or floodway data are available:

    - a.** Obtain the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures;
    - b.** Obtain, for all structures that have been floodproofed (whether or not such structures contain a basement), the actual elevation (in relation to mean sea level) to which the structure was floodproofed; and
    - c.** Maintain a record of all such information.
  - 2.** Where base flood elevation data or floodway data have not been provided:

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- K. Notify the North Carolina Secretary of Crime Control and Public Safety of its intention to grant a variance under §12.2.8.B.4 at least thirty (30) days prior to the granting of the variance.

### **12.2.7 LOCATION OF BOUNDARIES OF SPECIAL FLOOD HAZARD AREAS AND FLOODWAYS**

As used in this article, the terms Special Flood Hazard Areas and floodway refer in the first instance to certain areas whose boundaries are determined and can be located on the ground by reference to the specific fluvial characteristics set forth in the definitions of these terms. These terms also refer to overlay zoning districts whose boundaries are the boundaries of the floodways and Special Flood Hazard Areas shown on the most recently adopted Flood Insurance Rate Maps, which boundaries are intended to correspond to the actual, physical location of floodways and Special Flood Hazard Areas. (These overlay districts thus differ from other zoning districts whose boundaries are established solely according to planning or policy, rather than physical, criteria.) Therefore, the Administrator is authorized to make necessary interpretations as to the exact location of the boundaries of floodways or Special Flood Hazard Areas if there appears to be a conflict between a mapped boundary and actual field conditions. Such interpretations, like other decisions of the Administrator, may be appealed to the Board of Adjustment in accordance with the applicable provisions in Chapter 15 of this Ordinance.

### **12.2.8 AMENDMENTS TO THE OFFICIAL FLOOD HAZARD ZONING, FLOOD HAZARD BOUNDARY MAP, VARIANCE PROCEDURES**

- A. Amendments to the official flood hazard zoning and flood hazard 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 hereinabove defined may be amended in cases where:
    - a. A flood control project of the federal, state, county or town government has substantially altered the flood hazard;
    - b. 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
    - c. A private individual, corporation, firm or town agency has submitted plans for a channel improvement or relocation requiring an amendment to the official flood hazard boundary map.

**B. Variance procedures.**

- 1.** In passing upon an application for a variance, the board of adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
  - a.** The danger that materials may be swept onto other lands to the injury of others;
  - b.** The danger of life and property due to flooding or erosion damage;
  - c.** The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - d.** The importance of the services provided by the proposed facility to the community;
  - e.** The necessity of the facility of a waterfront location, where applicable.
  - f.** The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  - g.** The compatibility of the proposed use with existing and anticipated development.
  - h.** The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - i.** The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - j.** The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and;
  - h.** 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. Upon consideration of the factors listed above and the purposes of this ordinance, the planning board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this

ordinance. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

**2. Conditions for variances.**

- a.** Variances may not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.
  - b.** Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - c.** Variances shall only be issued upon (i) a showing of good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship; and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local law or ordinances.
  - d.** Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. Such notification shall be maintained with a record of all variance actions.
  - e.** The local administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.
- 3.** Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in subsections §12.2.8.B.1 and §12.2.8.B.2.

4. In addition to the factors to be considered under §12.2.8.B.1 and the conditions required by §12.2.8.B.2, the board of adjustment may grant a variance to allow new solid waste disposal facilities, hazardous waste management facilities, salvage yards, or chemical storage facilities only if the board finds that *all* four of the following have been satisfied:
  - a. The use serves a critical need in the community;
  - b. No feasible location exists for the location of the use outside the 100-year floodplain;
  - c. The lowest floor of any structure is elevated above the base flood elevation or is designed to be watertight with walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
  - d. The use complies with all other applicable laws and regulations.

#### **12.2.9 REGULATIONS DO NOT GUARANTEE FLOOD PROTECTION**

The degree of flood protection required by this Ordinance is considered reasonable for regulating purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increase by manmade or natural causes.

#### **12.2.10 SETBACKS FROM STREAMS OUTSIDE OF DESIGNATED FLOODPLAINS**

In any area that is located outside of a designated Special Flood Hazard Area but where a stream is located, no building or fill may be located within a distance of the stream bank equal to 20 feet on each side.

#### **12.2.11 ACQUISITION OF EXISTING STRUCTURES**

The Town may acquire, by purchase or exchange, or condemnation, an existing structure located in the 100-year floodplain or 500-year floodplain if the Town Council determines that acquisition is necessary to prevent damage from flooding. The procedure in all condemnation proceeding pursuant to this Section shall conform as nearly as possible to the procedure provided in N.C.G.S §4, Article 3.

## **CHAPTER 13: Nonconformities**

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## CHAPTER 13: Nonconformities

### 13.1 PURPOSE AND APPLICABILITY

If, within the districts established by this Ordinance, or by amendments that may later be adopted, there exist lots, structures, and uses of land and structures which were lawful before this Ordinance was passed or amended, but which would be prohibited under the terms of this Ordinance or amendments to it, it is the intent of this Ordinance to permit these nonconformances to continue until they are removed, but not to encourage their continuance. Such nonconformances are declared by this Ordinance to be incompatible with permitted uses in the districts in which they are located.

It is further the intent of this Ordinance that nonconformances shall not be enlarged upon, expanded or extended, or used as ground for adding other structures, or uses prohibited elsewhere in the same district.

### 13.2 CONTINUATION OF NONCONFORMING SITUATIONS AND COMPLETION OF NONCONFORMING PROJECTS

- A. Unless otherwise specifically provided in this Chapter and subject to the restrictions and qualifications set forth in this Chapter, nonconforming situations that were otherwise lawful on the effective date of this Chapter may be continued.
- B. Nonconforming projects may be completed only in accordance with the provisions of §13.8.

### 13.3 NONCONFORMING LOTS OF RECORD

- A. When a nonconforming lot can be used in conformity with all of the regulations applicable to the intended use, except that the lot is smaller than the required minimums set forth in Chapter 2 of this Ordinance, then the lot may be used as proposed just as if it were conforming. However, no use (e.g., a two-family residence) that requires a greater lot size than the established minimum lot size for a particular zone is permissible on a nonconforming lot.
- B. When the use proposed for a nonconforming lot is one that is conforming in all other respects, but the applicable setback requirements cannot reasonably be complied with, then the Administrator may allow deviations from the applicable setback requirements if it finds that:
  - 1. The property cannot reasonably be developed for the use proposed without such deviations;
  - 2. These deviations are necessitated by the size or shape of the nonconforming lot; and

**13.4 EXTENSION OR ENLARGEMENT OF NONCONFORMING SITUATIONS**

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3. The property can be developed as proposed without any significantly adverse impact on surrounding properties or the public health or safety.
- C. For purposes of §13.3.B compliance with applicable building setback requirements is not reasonably possible if a building that serves the minimal needs of the use proposed for the nonconforming lot cannot practicably be constructed and located on the lot in conformity with such setback requirements. However, mere financial hardship does not constitute grounds for finding that compliance is not reasonably possible.
  - D. This section applies only to undeveloped nonconforming lots. A lot is undeveloped if it has no substantial structures upon it. A change in use of a developed nonconforming lot may be accomplished in accordance with §13.6.
  - E. Subject to the following sentence, if, on the date this section becomes effective, an undeveloped nonconforming lot adjoins and has continuous frontage with one or more other undeveloped lots under the same ownership, then neither the owner of the nonconforming lot nor his successors in interest may take advantage of the provisions of this section. This subsection shall not apply to a nonconforming lot if 50% or more of the developed lots located on either side of the street where such lot is located and within 500 feet of such lot are also nonconforming. The intent of this subsection is to require nonconforming lots to be combined with other undeveloped lots to create conforming lots under the circumstances specified herein, but not to require such combination when that would be out of character with the way the neighborhood has previously been developed.

**13.4 EXTENSION OR ENLARGEMENT OF NONCONFORMING SITUATIONS**

- A. Except as specifically provided in this section, no person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation. In particular, physical alteration of structures or the placement of new structures on open land is unlawful if such activity results in:
  1. An increase in the total amount of space devoted to a nonconforming use; or
  2. Greater nonconformity with respect to dimensional restrictions such as setback requirements, height limitations or density requirements or other requirements such as parking requirements.
- B. Subject to §13.4.D, a nonconforming use may be extended throughout any portion of a completed building that, when the use was made nonconforming by this Chapter , was manifestly designed or arranged to accommodate such use. However, subject to §13.8, a nonconforming use may not be extended to additional buildings or to land outside the original building.

- C. Subject to §13.8.5, a nonconforming use of open land may not be extended to cover more land than was occupied by that use when it became nonconforming, except that a use that involves the removal of natural materials from the lot (e.g., a sand pit) may be expanded to the boundaries of the lot where the use was established at the time it became nonconforming if 10% or more of the earth products had already been removed on the effective date of this Chapter .
- D. The volume, intensity, or frequency of use of property where a nonconforming situation exists may be increased and the equipment or processes used at a location where a nonconforming situation exists may be changed if these or similar changes amount only to changes in the degree of activity rather than changes in kind, and no violations of other paragraphs of this section occur.
- E. Notwithstanding §13.4.A, any structure used for single-family residential purposes and maintained as a nonconforming use may be enlarged or replaced with a similar structure of a larger size, so long as the enlargement or replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to such matters as setback and parking requirements. This paragraph is subject to the limitations stated in §13.7.
- F. Notwithstanding §13.4.A, whenever there exists a lot with one or more structures on it; and a change in use that does not involve any enlargement of a structure is proposed for such lot; and the parking or loading requirements of Chapter 9 of this Ordinance that would be applicable as a result of the proposed change cannot be satisfied on such lot because there is not sufficient area available on the lot that can practicably be used for parking or loading, then the proposed use shall not be regarded as resulting in an impermissible extension or enlargement of a nonconforming situation. However, the applicant shall be required to comply with all applicable parking and loading requirements that can be satisfied without acquiring additional land, and shall also be required to obtain satellite parking in accordance with Chapter 9 of this Ordinance if parking requirements cannot be satisfied on the lot with respect to which the permit is required, and such satellite parking is reasonably available. If such satellite parking is not reasonably available at the time the zoning or Special Use Permit is granted, then the permit recipient shall be required to obtain it if and when it does become reasonably available. This requirement shall be a continuing condition of the permit.

## **13.5 REPAIR, MAINTENANCE, AND RECONSTRUCTION**

- A. Minor repairs to and routine maintenance of property where nonconforming situations exist are permitted and encouraged. Major renovation, i.e., work estimated to cost more than 60% of the appraised valuation of the structure to be renovated may be done only in accordance with a special use permit issued pursuant to this section.
- B. If a structure located on a lot where a nonconforming situation exists is damaged to an extent that the costs of repair or replacement would exceed 25% of the

**13.6 CHANGE IN USE OF PROPERTY WHERE A NONCONFORMING SITUATION EXISTS**

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appraised valuation of the damaged structure, then the damaged structure may be repaired or replaced only in accordance with a special use permit issued pursuant to this section. This subsection does not apply to structures used for single-family residential purposes, which structures may be reconstructed pursuant to a zoning permit just as they may be enlarged or replaced as provided in §13.4.E.

**C.** For purposes of §13.5.A and 13.5.B:

- 1.** The "cost" of renovation or repair or replacement shall mean the fair market value of the materials and services necessary to accomplish such renovation, repair, or replacement.
- 2.** The "cost" of renovation or repair or replacement shall mean the total cost of all such intended work, and no person may seek to avoid the intent of §13.5.A or §13.5.B by doing such work incrementally.
- 3.** The "appraised valuation" shall mean either the appraised valuation for property tax purposes, updated as necessary by the increase in the consumer price index since the date of the last valuation, or the valuation determined by a professionally recognized property appraiser.

**CI.** The Board of Adjustment shall issue a special use permit authorized by this section if it finds that, in completing the renovation, repair or replacement work:

- 1.** There is no increase in the total amount of lot area devoted to the nonconforming use;
- 2.** There is no greater nonconformity with respect to dimensional restrictions such as setback requirements, height limitations, or density requirements or other requirements such as parking, loading and landscaping requirements; and
- 3.** There is no significant adverse impact on surrounding properties or the public health or safety. In issuing a special use permit, the board may affix other reasonable and appropriate conditions such as, but not limited to, landscaping and buffering to separate dissimilar uses or to screen parking and loading areas.

**13.6 CHANGE IN USE OF PROPERTY WHERE A NONCONFORMING SITUATION EXISTS**

- A.** A change in use of property that is sufficiently substantial to require a new zoning, special use, or Special Use Permit may not be made except in accordance with of this Section. However, this requirement shall not apply if only a sign permit is needed.

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13.6 CHANGE IN USE OF PROPERTY WHERE A NONCONFORMING SITUATION EXISTS

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- B.** If the intended change in use is to a principal use that is permissible in the district where the property is located, and all of the other requirements of this Chapter applicable to that use can be complied with, permission to make the change must be obtained in the same manner as permission to make the initial use of a vacant lot. Once conformity with this Chapter is achieved, the property may not revert to its nonconforming status.
- C.** If the intended change in use is to a principal use that is permissible in the district where the property is located, but all of the requirements of this Chapter applicable to that use cannot reasonably be complied with, then the change is permissible if the planning board issues a special use permit authorizing the change. This special use permit may be issued if the planning board finds, in addition to any other findings that may be required by this Chapter, that:

  - 1.** The intended change will not result in a violation of §13.4; and
  - 2.** All of the applicable requirements of this Chapter that can reasonably be complied with will be complied with. Compliance with a requirement of this Chapter is not reasonably possible if compliance cannot be achieved without adding additional land to the lot where the nonconforming situation is maintained or moving a substantial structure that is on a permanent foundation. Mere financial hardship caused by the cost of meeting such requirements as paved parking does not constitute grounds for finding that compliance is not reasonably possible. And in no case may an applicant be given permission pursuant to this subsection to construct a building or add to an existing building if additional nonconformities would thereby be created.
- D.** If the intended change in use is to another principal use that is also nonconforming, then the change is permissible if the BOA issues a special use permit authorizing the change. The BOA may issue the permit if it finds, in addition to other findings that may be required by this Chapter, that:

  - 1.** The use requested is one that is permissible in some zoning district with either a zoning, special use, or Special Use Permit; and
  - 2.** All of the conditions applicable to the special use permit authorized in §13.6.C of this section are satisfied; and

**13.7 ABANDONMENT AND DISCONTINUANCE OF NONCONFORMING SITUATIONS**

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3. The proposed development will have less of an adverse impact on those most affected by it and will be more compatible with the surrounding neighborhood than the use in operation at the time the special use permit is applied for.

**13.7 ABANDONMENT AND DISCONTINUANCE OF NONCONFORMING SITUATIONS**

- A. When a nonconforming use is discontinued for a consecutive period of one hundred 180 days or discontinued for any period of time without a present intention to reinstate the nonconforming use, the property involved may thereafter be used only for conforming purposes.
- B. If the principal activity on property where a nonconforming situation other than a nonconforming use exists is discontinued for a consecutive period of one hundred 180 days, or discontinued for any period of time without a present intention of resuming that activity, then that property may thereafter be used only in conformity with all of the regulations applicable to the preexisting use unless the BOA issues a special use permit to allow the property to be used for this purpose without correcting the nonconforming situations. This special use permit may be issued if the BOA finds that eliminating a particular nonconformity is not reasonably possible (i.e., cannot be accomplished without adding additional land to the lot where the nonconforming situation is maintained, or moving a substantial structure that is on a permanent foundation). The special use permit shall specify which nonconformities need not be corrected.
- C. For purposes of determining whether a right to continue a nonconforming situation is lost pursuant to this section, all of the buildings, activities, and operations maintained on a lot are generally to be considered as a whole. For example, the failure to rent one apartment in a nonconforming apartment building for 180 days shall not result in a loss of the right to rent that apartment or space thereafter, so long as the apartment building as a whole is continuously maintained. But if a nonconforming use is maintained in conjunction with a conforming use, discontinuance of a nonconforming use for the required period shall terminate the right to maintain it thereafter.
- D. When a structure or operation made nonconforming by this Chapter is vacant or discontinued at the effective date of this Chapter, the one hundred eighty-day period, for purposes of this section, begins to run on the effective date of this Chapter

**13.8 COMPLETION OF NONCONFORMING PROJECTS**

- A. All nonconforming projects on which construction was begun at least one hundred 180 days before the effective date of this Chapter as well as all nonconforming projects that are at least 10% completed in terms of the total expected cost of the project on the effective date of this Chapter, may be completed in accordance with the terms of their permits, so long as these permits were validly issued and remain

unrevoked and unexpired. If a development is designed to be completed in stages, this subsection shall apply only to the particular phase under construction. In addition, as provided in G.S. Section 160D-108, neither this ordinance nor any amendment to it shall, without the consent of the property owner, affect any lot with respect to which a building permit has been issued pursuant to G.S. Section 160D-403 prior to the enactment of the ordinance making the change, so long as the building permit remains valid, unexpired, and unrevoked.

- B.** Except as provided in §13.8.A, all work on any nonconforming project shall cease on the effective date of this Chapter , and all permits previously issued for work on nonconforming projects may begin or may be continued only pursuant to a zoning, Special use, or sign permit issued in accordance with this section by the individual or board authorized by this Chapter to issue permits for the type of development proposed. The permit-issuing authority shall issue such a permit if it finds that the applicant has in good faith made substantial expenditures or incurred substantial binding obligations or otherwise changed his position in some substantial way in reasonable reliance on the land use law as it existed before the effective date of this Chapter , and thereby would be unreasonably prejudiced if not allowed to complete his project as proposed. In considering whether these findings may be made, the permit-issuing authority shall be guided by the following, as well as other relevant considerations:
- 1.** All expenditures made to obtain or pursuant to a validly issued and unrevoked building, zoning, sign, or special or Special Use Permit shall be considered as evidence of reasonable reliance on the land use law that existed before this Chapter became effective.
  - 2.** Except as provided in subdivision §13.8.B.1, no expenditures made more than 180 days before the effective date of this Chapter may be considered as evidence of reasonable reliance on the land use law that existed before this Chapter became effective. An expenditure is made at the time a party incurs a binding obligation to make that expenditure.
  - 3.** To the extent that expenditures are recoverable with a reasonable effort, a party shall not be considered prejudiced by having made those expenditures. For example, a party shall not be considered prejudiced by having made some expenditure to acquire a potential development site if the property obtained is approximately as valuable under the new classification as it was under the old, for the expenditure can be recovered by a resale of the property.

4. To the extent that a nonconforming project can be made conforming and that expenditures made, or obligations incurred, can be effectively utilized in the completion of a conforming project, a party shall not be considered prejudiced by having made such expenditures.
  5. An expenditure shall be considered substantial if it is significant both in dollar amount and in terms of the total estimated cost of the proposed project, and the ordinary business practices of the developer.
  6. A person shall be considered to have acted in good faith if actual knowledge of a proposed change in the land use law affecting the proposed development site could not be attributed to him.
  7. Even though a person had actual knowledge of a proposed change in the land use law affecting a development site, the permit-issuing authority may still find that he acted in good faith if he did not proceed with his plans in a deliberate attempt to circumvent the effects of the proposed ordinance. The permit-issuing authority may find that the developer did not proceed in an attempt to undermine the proposed ordinance if it determines that at the time the expenditures were made, either there was considerable doubt about whether any ordinance would ultimately be passed, or it was not clear that the proposed ordinance would prohibit the intended development; and the developer had legitimate business reasons for making expenditures.
  8. In deciding whether a permit should be issued under this section, the permit-issuing authority shall not be limited to either denying a permit altogether or issuing a permit to complete the project (or phases, sections, or stages thereof) as originally proposed or approved. Upon proper submission of plans by the applicant, the permit-issuing authority may also issue a permit authorizing a development that is less nonconforming than the project as originally proposed or approved but that still does not comply with all the provisions of the ordinance making the project nonconforming.
- C. When it appears from the developer's plans, or otherwise, that a project was intended to be or reasonably could be completed in phases, stages, segments, or other discrete units, the developer shall be allowed to complete only those phases or segments with respect to which the developer can make the showing required under §13.8.B. In addition to the matters and subject to the guidelines set forth in subdivisions §13.8.B.1-6, the permit-issuing authority shall, in determining whether



a developer would be unreasonably prejudiced if not allowed to complete phases or segments of a nonconforming project, consider the following in addition to other relevant factors:

1. Whether any plans prepared or approved regarding uncompleted phases constitute conceptual plans only or construction drawings based upon detailed surveying, architectural, or engineering work.
  2. Whether any improvements, such as streets or utilities, have been installed in phases not yet completed.
  3. Whether utilities and other facilities installed in completed phases have been constructed in such a manner or location or such a scale, in anticipation of connection to or interrelationship with approved but uncompleted phases, that the investment in such utilities or other facilities cannot be recouped if such approved but uncompleted phases are constructed in conformity with existing regulations.
- D. The permit-issuing authority shall not consider any application for the permit authorized by §13.8.B that is submitted more than 60 days after the effective date of this Chapter . The permit-issuing authority may waive this requirement for good cause shown, but in no case may it extend the application deadline beyond one year.
- E. The administrator shall send copies of this section to the persons listed as owners for tax purposes (and developers, if different from the owners) of all properties in regard to which permits have been issued for nonconforming projects or in regard to which a nonconforming project is otherwise known to be in some stage of development. This notice shall be sent by certified mail not less than 15 days before the effective date of this Chapter.
- F. The permit-issuing authority shall establish expedited procedures for hearing applications for permits under this section. These applications shall be heard, whenever possible, before the effective date of this Chapter, so that construction work is not needlessly interrupted.

### 13.9 NONCONFORMING SIGNS

Signs in existence on the effective date of this ordinance which do not conform to the provisions of this ordinance, but which were constructed, erected, affixed or maintained in compliance with all previous regulations, shall be regarded as nonconforming signs. Although it is not the intent of the ordinance to encourage the continued use of nonconforming signs, nonconforming signs shall be allowed to continue and a decision as to the continued existence and use or removal of such signs shall be controlled as follows:

- A. No nonconforming sign shall be changed to another nonconforming sign.

- B.** No nonconforming sign shall have any changes made in the words or symbols used or the message displayed on the sign unless the sign is specifically designed for periodic change of message.
- C.** No nonconforming sign shall be structurally altered so as to change the shape, size, type or design of the sign.
- D.** No nonconforming sign shall be re-established after the activity, business or use to which it relates has been discontinued and such sign shall be removed.
- E.** No nonconforming sign shall be re-established and all remains of the sign must be removed after damage or destruction, if the estimated expense of repairs exceeds 50% of the estimated total value of the sign at the time of destruction. If damaged by less than 50%, but repairs are not made within 3 months of the time such damage occurred, the nonconforming sign shall not be allowed to continue and must be removed.
- F.** No nonconforming sign shall be relocated.
- G.** Normal maintenance and repair of a nonconforming sign is permitted providing the shape, size, type or design of the sign is not altered.
  - 1.** Signs located on premises which come within the zoning jurisdiction of the Town of Tarboro after the effective date of this ordinance and which signs do not comply with the provisions of this ordinance shall be subject to the requirements listed above.
  - 2.** Any nonconforming sign which is structurally altered, relocated or replaced shall immediately be brought into compliance with all the provisions of this ordinance.
  - 3.** Signs in existence on the effective date of this ordinance which do not comply with provisions regulating use of strobe lights, zip lights, flashing lights or rotating beacons; flags, streamers or strings of lights; or permanently installed or situated merchandise, shall be made to conform within 90 days form the effective date of this ordinance.

4. The administrator shall order the removal of any sign maintained in violation of the provisions of this section for which removal procedures are herein prescribed, accordingly: the administrator shall give 90 days' written notice to the owner or lessee to remove the sign or to bring it into compliance with this ordinance. If the owner or lessee fails to remove the sign within 90 days after the ninety-day written notice has been given, the administrator or his duly authorized representative may institute removal proceedings according to the procedures specified in G.S. Section 160D-912.

**CHAPTER 14: Administrative Agencies**

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## CHAPTER 14: Administrative Agencies

### 14.1 PLANNING BOARD

#### 14.1.1 APPOINTMENT AND TERMS OF PLANNING BOARD MEMBERS

- A.** There shall be a Planning Board consisting of 10 members. 8 members shall be appointed by the Tarboro Town Council with one member from each of the 8 wards of the Town and one member shall be appointed by the mayor at-large from all citizens of the Town. All nine members shall be residents of the Town. One member, appointed by the County Board of Commissions, shall reside within the Town's extraterritorial planning area. If, despite all good faith efforts, a resident of the extraterritorial planning area cannot be found to fill the seat reserved for residents of such area, then the County Town Council may appoint other residents of the County (including residents of the Town) to fill this seat. If the County Town Council fails to make this appointment within 90 days after receiving a resolution from the Tarboro Town Council requesting that it be made, the Tarboro Town Council may fill this seat.
- B.** Planning Board members and alternates shall be appointed for four-year staggered terms, but members and alternates may continue to serve until their successors have been appointed. Vacancies may be filled by appointment of the respective appointing authority for unexpired terms only.
- C.** Planning Board members may be appointed to successive terms without limitation.
- D.** Planning Board members may be removed by the Town Council at any time for failure to attend three consecutive meetings, failure to attend thirty percent or more of the meetings within any 12-month period, or for any other good cause related to performance of duties.
- E.** If an in-town member moves outside the ward (or the Town in the case if the at-large member), or if an extraterritorial area member moves outside of the planning jurisdiction, that shall constitute a resignation from the Planning Board effective upon the date a replacement is appointed.
- F.** An alternate member may sit in-lieu of any regular member. When so seated, alternates shall have the same powers and duties as the regular member they replace.

### **14.1.2 MEETINGS OF THE PLANNING BOARD**

- A.** The Planning Board shall establish a regular meeting schedule and shall meet according to the established schedule unless there are no applications or other business for the Board to consider.
- B.** Since the Planning Board has only advisory authority, it need not conduct its meetings strictly in accordance with the quasi-judicial procedures set forth in Chapter 15 of this Ordinance. However, all meetings shall be conducted so as to obtain necessary information and to promote the full and free exchange of ideas.
- C.** Written minutes shall be kept of all Planning Board proceedings.
- D.** All Planning Board meetings shall be open to the public, and whenever feasible the agenda for each Planning Board meeting shall be made publicly available in advance of the meeting.
- E.** Whenever the Planning Board is called upon to make recommendations concerning a zoning amendment proposal, or major proposal, the Administrator shall post on or near the property one or more notices that are sufficiently conspicuous in terms of size, location, and content to provide reasonable adequate notice to potentially interested persons of the matter that will appear on the Planning Board's agenda at a specified time and date. The Administrator shall also send written notice to adjoining property owners in accordance with Chapter 15 of this Ordinance.

### **14.1.3 QUORUM AND VOTING**

- A.** A quorum of the Planning Board shall consist of a majority of the board membership, excluding vacant seats. A quorum is necessary for the Planning Board to take official actions.
- B.** All actions of the Planning Board shall be taken by majority vote, a quorum being present.
- C.** A roll call vote shall be taken upon the request of any member.
- D.** The extraterritorial planning area member may vote on all matters considered by the Board regardless of whether the property lines within the Town limits or extraterritorial jurisdiction.

**14.1.4 PLANNING BOARD OFFICERS**

- A.** At its first regular meeting in December of each year, the Planning Board shall, by majority vote of its membership (excluding vacant seats), elect one of its members to serve as Chairman and one member to serve as Vice Chairman. The persons so designated shall serve in these capacities for terms of one year. Vacancies in these offices may be filled for the unexpired terms only by majority vote of the board membership (excluding vacant seats).
- B.** The Chairman shall preside over all meetings of the board and shall decide all points of order and procedure, subject to the board's by-laws and rules of procedure. The Chairman shall appoint any committees found necessary to investigate any matters before the board. The Chairman may call special meetings of the Board in accordance with the Board's bylaws.
- C.** The Vice Chairman shall serve as acting Chairman in the absence or disqualification of the Chairman, and at such times, shall have the same power and duties as the Chairman.
- D.** A secretary shall be elected by the board, either from within or from outside its membership, to hold office for a one-year term or until a successor secretary shall have been elected. The secretary, subject to the direction of the Chairman and the board, shall keep all records, shall conduct all correspondence of the board, and shall generally supervise the clerical work of the board. The secretary shall keep the minutes of every meeting of the board and perform other duties in accordance with the board's bylaws.
- E.** An assistant secretary may be elected by the board either from within or from outside of the board's membership. The assistant secretary shall assist the secretary and shall perform the duties of the secretary in the absence or inability of the secretary to do so.
- F.** All officers who are elected from within the membership of the board may take part in all deliberations and may vote on all issues. Officers elected from outside the board membership may not take part in deliberations nor vote.

#### **14.1.5 POWERS AND DUTIES OF THE PLANNING BOARD**

- A.** The Planning Board may:
  - 1.** Make studies and recommend to the Town Council plans, goals, and objective relating to the growth, development, and redevelopment of the Town.
  - 2.** Develop and recommend to the Town Council policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.
  - 3.** Make recommendations to the Town Council concerning proposed Special use permits and zoning map changes.
  - 4.** Perform any other duties assigned by the Town Council.
- B.** The Planning Board may adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of this Ordinance.

#### **14.1.6 ADVISORY COMMITTEES**

- A.** The Planning Board may seek the establishment of an unofficial advisory council and may cooperate with the Town Council to the end that its investigations and plans may receive fullest considerations. The Planning Board shall not delegate to an advisory committee any of its official prerogatives.
- B.** The Planning Board may set up special committees to assist in in the study of specific questions and problems.
- C.** Nothing in this section shall prevent the Town Council from establishing independent advisory groups, committees, or commissions to make recommendations on any issue directly to the Town Council.

### **14.2 BOARD OF ADJUSTMENT**

#### **14.2.1 PLANNING BOARD DESIGNATED TO PERFORM THE DUTIES OF A BOARD OF ADJUSTMENT**

- A.** A portion of the members of the Planning Board are hereby authorized to perform all of the duties of a Board of Adjustment as provided in this Ordinance. The term "Board" or "Board of Adjustment" shall mean a portion of the members Planning Board described below, sitting as the



Board of Adjustment.

- B.** The membership of the Planning Board shall comprise the Board of Adjustment in the following manner:
  - 1.** On an annual rotation, there shall be four members comprised of Wards 1, 3, 5 and 7 and the At-Large representative. The following year shall be comprised of Wards 2, 4, 6 and 8 and the At-Large representative. Members who are not primary shall serve as Alternate Members, with the extraterritorial jurisdiction representative acting as alternate to the at-large. Members shall serve to represent the whole Town of Tarboro and not represent only the interests of their Ward.

#### **14.2.2 MEETINGS OF THE BOARD OF ADJUSTMENT**

- A.** The Board of Adjustment shall establish a regular meeting schedule and shall meet according to the established schedule unless there are no applications or other business for the Board to consider.
- B.** The Board of Adjustment shall conduct its meetings in accordance with the quasi-judicial procedures set forth in Chapter 15 of this Ordinance.
- C.** All meetings of the Board of Adjustment shall be open to the public, and whenever feasible the agenda for each Board of Adjustment meeting shall be made available in advance of the meeting.

#### **14.2.3 QUORUM**

- A.** A quorum for the Board of Adjustment shall consist of four members (including alternates sitting in-lieu of regular members). A quorum is necessary for the Board of Adjustment to take official action.
- B.** A member who has withdrawn from the meeting without being excused as provided in §14.2.4 shall be counted as present for purposes of determining whether a quorum is present.

#### **14.2.4 VOTING**

- A.** The concurring vote of 4 members of the Board of Adjustment shall be necessary to grant a variance. All other actions of the Board shall be taken by majority vote, a quorum being present.
- B.** 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 the member has been excused in accordance with §14.2.4.C, or has been allowed to withdraw in accordance with §14.2.4.D.

- C. A member may be excused from voting on a particular issue by majority vote of the remaining members present under the following circumstances:
  - 1. If the member has direct financial interest in the outcome of the matter at issue; or
  - 2. If the matter involves the member's own official conduct; or
  - 3. If participation in the matter might violate the letter or spirit of a member's code of professional responsibility; or,
  - 4. If a member has such close personal ties to the applicant that the member cannot reasonably be expected to exercise sound judgement in the public interest.
- D. A member may be allowed to withdraw from the entire remainder of a meeting by majority vote of the remaining members present for any good and sufficient reason other than the member's desire to avoid voting on matters to be considered at the meeting.
- E. A motion to allow a member to be excused from voting or excused from the remainder of the meeting is in order only if made by or at the initiative of the member directly affected.
- F. A roll call vote shall be taken upon the request of any member.

#### **14.2.5 BOARD OF ADJUSTMENT OFFICERS**

- A. The Chairman and vice-Chairman of the planning board, selected as provided in §14.1.4 of this Ordinance, may also serve as the Chairman and Vice Chairman, respectively, of the Board of Adjustment, unless other officers are elected by the Board of Adjustment.
- B. The Chairman or any member temporarily acting as Chairman may administer oaths to witnesses coming before the board.
- C. The Chairman and vice-Chairman may take part in all the deliberations and may vote on all issues.
- D. The Town Clerk or other person appointed by the Town Manager shall serve as secretary to the board.

#### **14.2.6 POWERS AND DUTIES OF THE BOARD OF ADJUSTMENT**

- A.** The Board of Adjustment shall hear and decide:
  - 1.** Appeals from any order, decision, requirement, or interpretation made by the Administrator.
  - 2.** Applications for Special Use Permits as provided in Chapter 15.
  - 3.** Applications for variances as provided in Chapter 15.
  - 4.** Questions involving interpretations of the Zoning Map, including disputed boundary lines and lot lines, as provided in Chapter 15.
  - 5.** Any other matter the Board of Adjustment is required to act upon by any other Town Ordinance.
- B.** The Board of Adjustment may adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of this Ordinance.

### **14.3 LAND USE ADMINISTRATOR, PLANNING DIRECTOR, AND DEVELOPMENT REVIEW COMMITTEE**

#### **14.3.1 LAND USE ADMINISTRATOR AND DUTIES**

- A.** Except as otherwise specifically provided, primary responsibility for administering and enforcing this Ordinance may be assigned to one or more individuals by the Town Manager. The person or person to whom these functions are assigned shall be referred to in this Ordinance as the "Administrator."

#### **14.3.2 PLANNING DIRECTOR**

The Planning Director is the administrative head of the Planning Department. The Planning Director is authorized to approval minor subdivision plats as outlined in Chapter 15 of this Ordinance.

#### **14.3.3 DEVELOPMENT REVIEW COMMITTEE**

- A.** There shall be a Development Review Committee consisting of the Town Manager, the Planning Director, the Chairman of the Planning Board, the Director of the Electric Department, the Director of Public Works, the Building Inspector, the Police Chief, the Fire Chief, the Recreation Director, North Carolina Department of Transportation Representative as needed, or designated representatives of any of the above-

named members, and any other representatives deemed necessary by the Administrator.

- B. The purpose of the development review committee shall be to approve major subdivision plats, review Special Use Permit requests and make recommendations as provided in Chapter 15 of this Ordinance.
- C. The development review committee shall establish a regular meeting schedule, as determined by the town manager, and shall meet frequently enough so that it can take timely action on development applications.

#### **14.4 TOWN COUNCIL**

- A. The Town Council, in considering Special Use Permit applications, acts in a quasi-judicial capacity and, accordingly, is required to observe the procedural requirements set forth in Chapter 15 of this Ordinance.
- B. In considering proposed changes in the text of this Ordinance or in the zoning map, the Council acts in its legislative capacity and must proceed in accordance with the requirements of Chapter 15.
- C. Unless otherwise specifically provided in this Ordinance, in acting upon Special Use Permit requests or in considering amendments to this Ordinance or the zoning map, the Council shall follow the regular, voting, and other requirements as set forth in other provisions of the Town Code, the Town Charter, or general law.
- D. The Town Council, in considering the approval of a site-specific development plan as outlined in Chapter 15, shall follow the procedural requirements set forth in Chapter 15 for the issuance of a Special Use Permit.

#### **14.5 HISTORIC DISTRICT COMMISSION**

##### **14.5.1 APPOINTMENT AND TERMS OF HISTORIC DISTRICT COMMISSION**

- A. There shall be a historic district commission consisting of seven (7) members. The members shall be appointed by the Town Council for overlapping four-year terms.
- B. Members shall be eligible for reappointment.
- C. A majority of the members shall have demonstrated special interest, experience, or education in history or architecture and all members shall be residents of the Town of Tarboro.

- D. Faithful and prompt attendance at all meetings of the Commission and conscientious performance of the duties required of members shall be a prerequisite to continuing membership on the Commission. Should a member fail to attend three (3) consecutive regular meetings of the Commission, and should there be no adequate excuse for such absences, the chairman, with the concurrence of a majority of the entire Commission, shall recommend to the Town Council that a vacancy be declared and that the vacated position be filled. Vacancies occurring in the Historic District Commission for reasons other than expiration of terms shall be filled by the Town Council to the end of the unexpired term.

#### **14.5.2 MEETINGS OF THE HISTORIC DISTRICT COMMISSION**

- A. The Commission shall establish a meeting time and shall meet at least quarterly and more often as it shall determine and require.
- B. Special meetings of the Commission may be called at any time by the Chairman. At least 48 hours' notice of the time and place of special meetings shall be given, by the Secretary or by the Chairman, to each member of the Commission; provided that this requirement may be waived by action of a majority of all the members.
- C. All meetings shall be open to the public.

#### **14.5.3 QUORUM AND VOTING**

- A. A quorum for the historic district commission shall consist of 4 members of the Commission membership (excluding vacant seats). A quorum is necessary for the Commission to take official action.
- B. All actions of the Commission shall be taken by majority vote, a quorum being present.
- C. A roll call vote shall be taken upon the request of any member.

#### **14.5.4 HISTORIC DISTRICT COMMISSION OFFICERS**

- A. At its first regular meeting in March of each year, the Historic District Commission shall, by majority vote of its membership (excluding vacant seats), elect one of its members to serve as Chairman and one member to serve as Vice Chairman. The persons so designated shall serve in these capacities for a term of one year. Vacancies in the office of Chairman and Vice Chairman may be filled for the unexpired terms only by majority vote of the Commission membership.

- B.** The Chairman shall preside over all meetings of the Commission and shall decide all points of order and procedure, subject to the Commission's bylaws and rules of procedure.
- C.** The Vice Chairman shall serve as acting Chairman in the absence of the Chairman, and at such times, shall have the same powers and duties as the Chairman.
- D.** A Secretary shall be elected by the Commission, either from within or from outside its membership, to hold office for a one-year term or until a successor Secretary shall have been elected. The Secretary shall generally supervise the clerical work of the Commission, keep minutes of each meeting, and perform other duties as specified in the Commission's bylaws.
- E.** An Assistant Secretary may be elected by the Commission, either from within or from outside its membership. The Assistant Secretary shall assist the Secretary and shall perform the duties of the Secretary in the absence or inability of the Secretary to do so.
- F.** All officers who are elected from within the membership of the Commission may take part in all deliberations and may vote on all issues. Officers elected from outside of the Commission membership may not take part in deliberations, nor vote.

#### **14.5.5 POWERS AND DUTIES OF THE HISTORIC DISTRICT COMMISSION**

- A.** The Historic District Commission shall:
  - 1.** Review applications for Certificates of Appropriateness for constructing, altering, or demolishing buildings or structures within the designated historic district.
  - 2.** Issue Certificates of Appropriateness in accordance with the procedures delineated in Chapter 2 of this Ordinance.
  - 3.** Perform any other duties assigned by the Town Council.
- B.** The Commission may request the North Carolina Department of Cultural Resources or the North Carolina Historic Commission to review, comment on, and make recommendations upon all applications for a Certificate of Appropriateness.
- C.** The Commission may adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of this ordinance and G.S. Sections 160D-940 through 160D-950.

#### **14.5.6 DESIGNATION OF HISTORIC DISTRICT**

- A.** It is the intent of this section to make provisions within this Ordinance:
  - 1.** To safeguard the heritage of the Town of Tarboro by preserving any area which reflects elements of its cultural, social, economic, political, or architectural history;
  - 2.** To stabilize and improve property values in such areas;
  - 3.** To foster civic beauty;
  - 4.** To strengthen the local economy; and
  - 5.** To promote the use and preservation of such areas for the education, welfare, and pleasure of residents of Tarboro and the state as a whole.
- B.** The Town Council may designate from time to time one (1) or more historic districts within the jurisdictional boundaries of the town. No historic district(s) shall be designated until:
  - 1.** The Tarboro Planning Board shall have made an investigation and report on the historic significance of the buildings, structures, features, sites or surroundings included in any such proposed district, and shall have prepared a description of boundaries of such district.
  - 2.** The Tarboro Planning Board shall have requested an analysis and recommendations based on the report required in §14.5.5 of this Ordinance from the North Carolina Department of Cultural Resources, including the proposed boundaries of the district. If the department shall have not provided the requested analysis and recommendations within 30 days after a written request for such analysis and recommendations have been mailed to it, the Town Council is relieved of any responsibility for securing such analysis and recommendations, and may at any time thereafter take any necessary action to adopt or amend this Ordinance.

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## CHAPTER 15: Administration and Development Review Processes

### 15.1 PURPOSE AND INTENT

In order to establish an orderly process to develop land within the jurisdiction of the Town of Tarboro consistent with standard development practices and terminology, it is the purpose of this chapter to provide a clear and comprehensible development process that is fair and equitable to all interests including the petitioners, affected neighbors, Town staff and related agencies, and the Town Council.

### 15.2 GENERAL PROVISIONS AND APPLICABILITY

The provisions of this chapter shall be applicable to all development activity under the jurisdiction of the Town of Tarboro.

#### 15.2.1 PERMITS REQUIRED

- A. The use made of property may not be substantially changed, nor may substantial clearing, grading, or excavation commence if such activity is undertaken for the purposes of preparing a lot for development other than a single-family detached residence, and buildings or other substantial structures may not be constructed, erect, moved, or substantially altered except in accordance with and pursuant to one of the following permits:
  - 1. A zoning permit issued by the Administrator; or
  - 2. A special use permit issued by the Board of Adjustment or Town Council or
  - 3. A building permit as required to meet NC State Building Code; or
  - 4. Any other State or local permits as required.
- B. Zoning permits, special use permits, and sign permits are issued under this Ordinance only when a review of the application submitted, including the plans contained therein, indicates that the development will comply with the provisions of this Ordinance if completed as proposed. Such plans and applications as are finally approved are incorporated into any permit issued and all development shall occur strictly in accordance with such approved plans and application.
- C. Physical improvements to land to be subdivided may not be commenced except in accordance with a special use permit for major subdivisions or after final plat approval by the Administrator for minor subdivisions.

- D. A zoning permit, special use permit, or sign permit shall be issued in the name of the applicant (except that applications submitted by an agent shall be issued in the name of the principal), shall identify the property involved and the proposed use, shall incorporate by reference the plans submitted, and shall contain any special conditions or requirements lawfully imposed by the permit-issuing authority. All special use permits (except permits issued for single-family, duplex, and townhome dwellings) shall be recorded by the permit recipient in the Edgecombe County Registry after execution by the record owner.

#### **15.2.2 NO OCCUPANCY, USE, OR SALE OF LOTS UNTIL REQUIREMENTS FULFILLED**

Issuance of a special use, or zoning permit authorizes the recipient to commence the activity resulting in a change in use of the land, or, subject to obtaining a building permit, to commence work designed to construct, erect, move, or substantially alter buildings or other substantial structures or to make necessary improvements to a subdivision. However, the intended use may not be commenced, no building may be occupied, and in the case of subdivisions, no lots may be sold until all of the requirements of this Ordinance and all additional requirements imposed pursuant to the issuance of a Special Use Permit have been complied with.

#### **15.2.3 WHO MAY SUBMIT APPLICATIONS**

- A. Applications for zoning, special use, sign permits, subdivision final plat, or variances will be accepted only from persons having the legal authority to take action in accordance with the permit or the plat approval. By way of illustrations, in general terms this means that applications should be made by the owners or lessees of property, or their agents, or persons who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this Ordinance, or the agents of such person who may make application in the name of such owners, lessees, and contract vendees.
- B. The Administrator may require an applicant to submit evidence of their authority to submit the application in accordance with §15.2.3.A whenever there appears to be a reasonable basis for questioning this authority.
- C. All applications for permits requiring Planning Board review shall be submitted to the Administrator 15 calendar days prior to the date of the Planning Board meeting at which the permit is reviewed. If the submission date falls on a Saturday, the application must be received by the preceding Friday. If the submission deadline falls on a Sunday, the application must be received on the following Monday.

#### **15.2.4 APPLICATIONS TO BE COMPLETE**

- A.** All applications for zoning permits, special use permits, sign permits, or variances must be complete before the permit issuing authority is required to consider the application.
- B.** An application is complete when it contains all of the information that is necessary for the permit issuing authority to decide whether or not the development, if completed as proposed, will comply with all of the requirements of this Ordinance.
- C.** The presumption established by this Ordinance is that all of the information set forth within is necessary to satisfy the requirements. However, it is recognized that each development is unique, and therefore the permit issuing authority may allow less information or require more information to be submitted according to the needs of the particular case. For applications submitted to the Town Council or Planning Board, the applicant may rely in the first instance on the recommendations of the Administrator as to whether more or less information than set forth herein should be submitted.
- D.** The administrator shall make every effort to develop application forms, instructional sheets, checklists, or other techniques or devices to assist applicants in understanding the application requirements and the form and type of information that must be submitted. In classes of cases where a minimal amount of information is necessary to enable the administrator to determine compliance with this ordinance, such as applications for zoning permits to construct single-family or two-family houses, or applications for sign permits, the administrator shall develop standard forms that will expedite the submission of the necessary plans and other required information.

#### **15.2.5 PRESUBMITTAL MEETINGS**

- A.** To minimize development planning costs, avoid misunderstandings or misinterpretation, and to ensure compliance with the requirements of this Ordinance, a presubmittal meeting between the developer and/or their agent or authorized representative and Town staff is encouraged or required as provided in this Section.
- B.** Before submitting an application for a Special Use Permit authorizing a development that consists of or contains a major subdivision, the developer shall submit to the administrator a sketch plan of such subdivision, drawn approximately to scale (1 inch = 100 feet). The sketch plan shall contain:

1. The name and address of the developer;
  2. The proposed name and location of the subdivision;
  3. The boundaries of the tract and the portion of the tract to be subdivided;
  4. The approximate total acreage of the proposed subdivision;
  5. The tentative street and lot arrangement;
  6. Topographic lines;
  7. A sketch vicinity map showing the location of the subdivision in relation to the neighboring tracts, subdivisions, roads and waterways;
  8. The existing and proposed uses of the land within the subdivision and adjoining it, including the streets and lots of adjacent developed or platted tracts;
  9. The zoning classification(s) of the tract and of adjacent tracts;
  10. Any impact the proposed development will have on endangered habitat;
  11. Any impact the proposed development will have on any public water supply watershed or other environmentally sensitive areas;
  12. Any other information the developer believes necessary to obtain the informal opinion of the planning staff as to the proposed subdivision's compliance with the requirements of this Chapter.
  13. The administrator shall meet with the developer as soon as conveniently possible to review the sketch plan.
- C. Before submitting an application for any other permit, developers are strongly encouraged to consult with the planning staff concerning the application of this Chapter to the proposed development.

#### **15.2.6 FEES AND INSPECTIONS**

- A. The Town of Tarboro Town Council is authorized to establish fees to be charged by the Town for the administration of the regulations in this Ordinance. The Town shall adopt as part of their annual budgeting

process a schedule of fees for applications and processing for permits as specified in this Ordinance.

- B. Agents and officials of the Town are authorized to inspect land-disturbing activities to ensure compliance with this Ordinance, or rules or orders adopted or issued pursuant to this Ordinance, and to determine whether the measures required in approved development plans are being appropriately followed. Notice of the right to inspect shall be included in the approval for each approved permit.
- C. No person shall willfully resist, delay, or obstruct any authorized representative, employee, or agent of the Town while that person is inspecting or attempting to inspect a land-disturbing activity.
- D. The Town shall also have the power to require written statements or filing reports under oath, with respect to pertinent questions relating to land-disturbing activity.

#### **15.2.7 STAFF CONSULTATION AFTER APPLICATION SUBMITTAL**

- A. Upon receipt of a formal application for a zoning permit, conditional zoning, special use permit, minor subdivision plat approval, or variance, the Administrator shall review the application and confer with the applicant to ensure their understanding of the Administrator's interpretation of the applicable requirements of this Ordinance, that all information has been submitted, and that the application represents precisely and completely what is proposed.
- B. If the application is for a Special Use Permit, conditional zoning, or variance, the Administrator shall place the application on the agenda of the appropriate Board when the applicant indicates that the application is as complete as they intend to make it. If the Administrator rules that the application is incomplete, they shall recommend to the appropriate Board that the application be denied.

#### **15.2.8 APPLICATIONS TO BE PROCESSED EXPEDITIOUSLY**

Recognizing that inordinate delays in acting upon appeals or applications may impose unnecessary costs on the appellant or applicant, the Town shall make every reasonable effort to process appeals and permit applications as expeditiously as possible, consistent with the need to ensure that all development conforms to the requirements of this Ordinance.

### **15.3 APPLICATION CONTENTS**

An application for any permit described in this section may be required to contain one, all, or any combination of the elements below. A presubmittal meeting with the Administrator is encouraged to determine which items are considered to be required as part of a development application.

### **15.3.1 EXISTING CONDITIONS MAP**

An existing conditions map is intended to identify existing developed conditions and natural features including, but not limited to, the following:

#### **A. Existing Developed Conditions of Property**

1. Rights-of-way;
2. Existing structures & any historical significance;
3. Cemeteries;
4. Bridges or culverts;
5. Utilities (water & sewer, drainage, storm water, electrical, cable, fiber optics, etc.);
6. Driveways & curb cuts;
7. Sidewalks, surface parking, & loading areas;
8. Public and private streets with pavement width;
9. Any known contaminated soils or hazardous materials;
10. Existing and proposed easements including but not limited to electric, water, sewer, storm, drainage, private streets, gas, or other service-related easements including location, width, and purpose.

#### **B. Existing Natural Features of Property**

1. Forest stands or trees of a uniform size and species;
2. Previously documented rare or protected species' habitats;
3. Riparian & watershed boundaries / buffers, wetlands, watercourses with name and direction of flow;
4. State and federal reports regarding wetlands and stream buffer delineations;
5. Any special flood hazard areas;
6. Existing contour lines at a minimum of 2-foot contour intervals.

- C. Identification of the above features on a site prior to the advanced preparation of development plans enables the reasonable and practical planned preservation of existing and environmentally sensitive areas. This requirement provides the Town and the applicant the ability to evaluate the proposed development in order to preserve vegetation, to improve the appearance of the development proposed and to encourage the use of the existing forest and tree canopy and significant vegetation to satisfy the requirements of this Ordinance.

### **15.3.2 SKETCH PLAN**

The sketch plan shall show in simple sketch form the shape and dimensions of the lot on which the proposed building or use is to be constructed or conducted, proposed layout of existing and proposed streets, existing or proposed lot(s) layout, building(s) location and size, nature of land use, parking areas and means of ingress/egress, environmental conditions, civic spaces and other features in relation to existing conditions based upon the size of the tract proposed for development. Sketch plans shall be reviewed as non-binding documents.

### **15.3.3 SPECIAL USE PLAN**

The special use permit is intended to provide a detailed two-dimensional drawing that illustrates all of the required site features including buildings, parking areas, street locations, street sections, right-of-way, property lines and setbacks, required or proposed watercourse buffers, site landscaping and lighting (in conceptual form), and all related development calculations (e.g., density, proposed building areas, number of parking space, estimated impervious surface) in sufficient detail to show compliance with this Ordinance.

### **15.3.4 FINAL PLAT**

A final plat shall be prepared by a professional land surveyor, licensed to practice in the State of North Carolina and shall be drawn to a scale no less than 1 inch = 200 feet, and shall meet the requirements of NCGS 47-30. The final plat shall constitute an accurate survey of the entire phase as shown on the approved plan and shall include all the relevant notes and certifications.

## **15.4 PUBLIC NOTIFICATION**

The following procedures have been established for development applications/petitions that require notification of the public prior to consideration and/or approval.

### **15.4.1 LEVEL 1 – SUNSHINE LIST**

A notice of pending application/meeting shall be posted in a prominent location in Town Hall and on the Town's website and a notice of such meeting shall be mailed, emailed, or delivered to each person and media provider that has filed a written request for notice with the Town Clerk. This notice shall be posted and mailed, emailed, or delivered at least 48 hours before the time of the meeting. Non-media members of this list may be charged an annual fee if so listed in the Town's fee schedule to receive all notices by mail. Members of this distribution list must renew their participation in this distribution on an annual basis.

#### **15.4.2 LEVEL 2 – GENERAL NOTICE IN NEWSPAPER**

A notice shall be published in a newspaper of general circulation in the Town once a week for two successive weeks. The first publication shall appear no less than 10 days or more than 25 days prior to the date fixed for the public hearing. The notice shall include the time, place, and date of the hearing/meeting and include a description of the property and the nature of the proposal.

#### **15.4.3 LEVEL 3 – NOTIFICATION TO AFFECTED PROPERTY OWNERS**

- A. Mailed Notice:** The owners of all property affected by pending action shall be notified of the hearing/meeting by first class mail. Such notification shall be postmarked at least 10 days but no more than 25 days prior to the date of the meeting at which the matter is to be heard.
- B. Published Notice – Full Community Notification:** As an alternative to the mailed notice requirements §15.4.3.A, the Town may elect to serve notice through a full community notification for pending actions that affect at least 50 properties with 50 different property owners. The Town shall publish notice of the hearing/meeting in a newspaper of general circulation in the Town. Two advertisements shall be published in separate calendar weeks. Each advertisement shall not be less than one-half of a newspaper page in size. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper which publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified by first-class mail.
- C. Posted Notice:** In addition to the mailed or published notice, as required in the paragraphs above, a sign shall be placed in a prominent location on the subject property(s) or on any adjacent public street or highway right-of-way with a notice of the pending action and a phone number and email address to contact for additional information.
- D. Additional Information for Third Party Re-Zonings:** Except for a Town-initiated rezoning map amendment, when an application is filed to request a Zoning Map amendment and that application is not made by the owner of the parcel of land to which the amendment would apply, the applicant shall certify to the Town Council that the owner of the parcel of land, as shown on the county tax listings, has received actual notice of the proposed amendment and a copy of the notice of public hearing. The applicant shall certify that proper notice has been provided in fact, and such certificate shall be deemed conclusive in the absence of fraud. If notice cannot with due diligence be achieved by personal delivery, registered or certified mail, or by a designated delivery service, notice may be given by publication consistent with



## CHAPTER 15: Administration and Development Review Processes

### 15.5 ADMINISTRATIVE REVIEWS

NCGS 1A-1, Rule 4(j1). This applies only to an application to request a Zoning Map amendment where the application is not made by the owner of the parcel of land to which the amendment would apply. Third party down-zonings are prohibited.

#### 15.4.4 LEVEL 4 – NOTIFICATION TO ADJACENT PROPERTY OWNERS

The owners of property within 100 feet on all sides of the subject property (not including street right-of-way that are less than 100 feet in width) shall be notified of the hearing/meeting by first class mail. Such notification shall be postmarked at least 10 but not more than 25 days prior to the date of the meeting at which the matter is to be heard. In addition, a sign shall be prominently posted on the subject property(s) or on an adjacent public street or highway right-of-way with a notice of the pending action and a phone number and email address to contact for additional information.

#### 15.4.6 PERMIT/PROCESS TYPE TABLE - As authorized GS 160D if conflicting

Permit / Process Type	Section	Permit/Process Type	Reviewing Agency	Public Notice	Approving Agency	Appeal Process	Permit Validity Period	Permit Extension
Sketch Plan	§15.5.1	Administrative	Administrator	N/A	Administrator	N/A	N/A	N/A
Zoning Permits	§15.5.2	Administrative	Administrator	N/A	Administrator	BOA	1 year	6 months (maximum of 2)
Minor Subdivisions	§15.5.3	Administrative	Administrator	N/A	Administrator	Planning Board	N/A	N/A
Major Subdivisions	§15.5.4	Administrative	Administrator	N/A	Town Council	Board of Adjustment	N/A	N/A
Interpretation	§15.5.5	Administrative	Administrator	N/A	Administrator	BOA	N/A	N/A
Text Amendments and Zoning Map Amendments	§15.6.1	Legislative	Planning Board	1, 2, 3, 4	Town Council	Superior Court	N/A	N/A
Conditional Districts	§15.6.2	Legislative	Planning Board	1, 2, 3, 4	Town Council	Superior Court	§15.6.2.I	§15.6.2.I
Certificate of Appropriateness		Quasi-Judicial	Historic District Commission	1, 2 & 4	HDC	BOA	6 months	6 months
Appeal of Administrative Decisions	§15.7.2	Quasi-Judicial	BOA	1 & 2	BOA	Superior Court	N/A	N/A
Variance	§15.7.3	Quasi-Judicial	Administrator	1, 2 & 4	BOA	Superior Court	N/A	N/A
Special Use Permits	§15.7.4	Quasi-Judicial	Administrator	1, 2, 3 & 4	BOA/Town Council	Superior Court	2 years	1 year
Vested Rights	§15.8	Legislative	Administrator	1 & 4	Town Council	None	2 years, up to 5 years	N/A
Development Agreements	§15.9	Legislative	Administrator	N/A	Town Council	None	N/A	N/A

## 15.5 ADMINISTRATIVE REVIEWS

The administrator must provide written notice of determination by personal delivery, electronic mail, or first-class mail to the property owner and party seeking determination.

### 15.5.1 SKETCH PLAN REVIEW

- A. Required:** Before submitting an application for a special use permit authorizing a development that consists of or contains a major subdivision or an application for conditional zoning or a Special Use Permit, the developer shall submit to the Administrator a sketch plan for such development drawn to scale. The developer shall submit the

number of sketch plans that the Administrator deems reasonably necessary to facilitate the sketch plan review process.

**B. Sketch Plan Contents:** At a minimum, a sketch plan submitted for review by the Administrator must display the following information:

1. A sketch vicinity map showing the location of the property in relation to neighboring tracts, subdivisions, roads, and waterways.
2. The boundaries of the tract and the portion of the tract to be developed.
3. The total acreage of land to be developed.
4. The existing and proposed uses of the land, and the existing use of adjoining properties.
5. The proposed street and lot layout for residential developments, or the location of buildings, parking, etc. for non-residential development.
6. The name, address, and telephone number of the property owner.
7. The zoning classification of the tract and adjacent properties.
8. Property Identification Number as provided by the Edgecombe County Tax Office.
9. Demarcation of the any designated floodplain as derived from the most recently adopted FEMA FIRM.
10. Any other information the developer believes to be necessary to obtain the informal opinion of the Town of Tarboro as to the proposed development's compliance with the requirements of this Ordinance.

**C. Review:** Following a review of the sketch plan and other materials by the Administrator and other applicable Town and County departments, the Administrator shall advise the developer of the results of this review. Written comments related to the submitted sketch plan will be returned to the developer identifying any areas in which the sketch plan may not meet this Ordinance or other adopted Town of Tarboro plans and policies. An application for a special use permit, conditional zoning, may not be submitted until after the Administrator

has provided the developer with comments and recommendations based on a review of the sketch plan.

### 15.5.2 ZONING PERMITS

- A. Applicability:** The zoning permit process shall apply to all development applications for uses listed in the Permitted Use Table as “P” or “PS.” The zoning permit process is not applicable to major or minor subdivisions, or special use permits.
- B. Process Type:** Administrative
- C. Presubmittal Meeting:** No presubmittal meeting is required, but applicants are encouraged to call or visit the Administrator prior to submitting application for a zoning permit to determine what information is required for the application.
- D. Application:** A completed application form for a zoning permit shall be filed with the Administrator.
- E. Public Notification:** N/A
- F. Approval:** The Administrator shall issue the zoning permit unless it is found, after reviewing the application, that:
  - 1. The requested permit is for a use not permitted in the underlying zoning district as shown in the Table of Permitted Uses in Chapter 2 of this Ordinance; or
  - 2. The application is incomplete; or
  - 3. If completed as proposed in the application, the development will not comply with one or more of the requirements of this Ordinance, not including those requirements from which a variance has been granted or those the applicant is not required to comply with under the circumstances specific in Chapter 13 of this Ordinance.
- G. Appeals:** Appeals of the decision of the Administrator shall be heard by the Board of Adjustment in accordance with §15.7.2.
- H. Permit Validity:** Upon approval of the zoning permit, the applicant shall have one year to obtain a building permit or otherwise begin the permitted use. Failure to secure building permits for the permitted work within this time shall render the approval void. Upon issuance of a building permit, the zoning permit shall remain valid as long as a valid

building permit exists for the project. Any change of the approved plans that has not been authorized by the Administrator shall invalidate the zoning permit and any subsequent building permits.

- I. **Permit Extension:** The Administrator may grant 2 extensions of the approved permit of up to 6 months each upon submittal by the applicant of sufficient justification for the extension. Sufficient justification may include, but is not limited to, delays in other outside agency permits, financing institution delays, or other similar reasons beyond the control of the applicant.
- J. **Supplemental Use Standards:** All applications for zoning permit shall be in compliance with the applicable supplemental use standards found in Chapter 3 of this Ordinance. The Administrator shall have no discretion to modify any requirements found in Chapter 3.
- K. **Authorizing Use or Occupancy Before Completion of Development Under Zoning Permit:** In cases when, because of weather conditions or other factors beyond the control of the zoning permit recipient (exclusive of financial hardship), it would be unreasonable to require the zoning permit recipient to comply with all of the requirements of this ordinance prior to commencing the intended use of the property or occupying any buildings, the Administrator may authorize the commencement of the intended use or the occupancy of buildings (insofar as the requirements of this ordinance are concerned) if the permit recipient provides an adequately secured completion bond or other security satisfactory to the administrator in the amount of 110% of the cost of the improvement to ensure that all of the requirements of this ordinance will be fulfilled within a reasonable period (not to exceed 12 months) determined by the Administrator. The bond and security shall be reviewed and approved by the Town Attorney, however, prior to the Administrator authorizing the intended use or occupancy.
- L. **Modifications to Approved Zoning Permit:** Development must occur as approved with the zoning permit. No modifications are permitted. If modifications to the development are required, the applicant shall submit a new zoning permit application for review and approval by the Administrator.

### 15.5.3 MINOR SUBDIVISIONS

- A. **Applicability:** The minor subdivision review process is required for those divisions of land into less than 5 lots. No more than 2 minor subdivisions of the same parent tract may be accepted for processing or approval as a minor subdivision within any 5-year period. Lots created as a result of a minor subdivision approval shall not be subdivided again

through a minor subdivision process for a period of 5 years from the date of approval. Any re-subdivision of a lot created as part of a minor subdivision within 5 years of the original approval must go through the major subdivision process as outlined in §15.6.

**B. Process Type:** Administrative

- C. Application:** The applicant for a minor subdivision may submit a sketch plan to the Administrator for a determination of whether the approval process authorized in this section can and should be utilized. The Administrator may require the applicant to submit whatever information is necessary to make this determination including, but not limited to, a copy of the tax map showing the land being subdivided and all lots previously subdivided from the tract of land since February 14, 1978.

**D. Public Notification:** N/A

- E. Review:** Before approval of a minor subdivision, the Administrator shall refer the application to the Public Works Director for recommendation as to the proposed water supply and sewage treatment systems as well as the other appropriate Town departments and agencies for their review. All such agencies shall return their recommendations to the Administrator.

- F. Required Application Materials:** Before an application is reviewed by the Administrator, the applicant shall submit a copy of a final plat, drawn to scale and otherwise acceptable to the Edgecombe County Register of Deed's Office for recording purposes. When more than one sheet is required to include the entire subdivision, all sheets shall be the same size and shall appropriate match marks on each sheet and appropriate references to the other sheets of the subdivision. The applicant shall submit three copies of the plat. All minor subdivision plats shall also be provided in digital PDF format. The following is required to be displayed on the plat submitted for review:

**1. Certificate of Approval:**

I hereby certify that the minor subdivision shown on this plat does not involve the creation of new public streets or any change in existing public streets, that the subdivision shown is in all respects in compliance with Appendix B of the Tarboro Town Code, and that therefore this plat has been approved by the Tarboro Planning Director, subject to its being recorded in the Edgecombe County Registry within sixty days of the date below.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Administrator

**2. Certificate of Ownership:**

I hereby certify that I am the owner of the property described hereon, which property is within the subdivision regulation jurisdiction of the Town of Tarboro, and that I freely adopt this plan of subdivision.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner

*All current owners must sign. Please include signature and date lines for all owners*

**3. County Mapper Certification**

I, \_\_\_\_\_, Review Officer of Edgecombe County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner

**4. 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 calculation is 1: \_\_\_\_\_; that this plat was prepared in accordance with G.S. § 47-30 as amended. Witness my original signature, registration number and seal, this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 19 \_\_\_\_\_.

SEAL OR STAMP

\_\_\_\_\_  
Registered Land Surveyor

**5. Public Water Supply Watershed Statement (if applicable)**

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 \_\_\_\_\_ .

**6. Certificate of Subdivision Type**

It is the duty of the surveyor, by a certificate, to certify one of the following on the face of the plat:

- a. That the survey creates a subdivision of land within the area of Tarboro that is regulated by the Tarboro Land Use Ordinance which regulates the subdivision of parcels of land;
- b. That the survey is of an existing parcel or parcels of land;
- c. That the survey is of another category, such as recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision;
- d. That the information available to the surveyor is such that the surveyor is unable to make a determination to the best of his/her professional ability as to the provisions contained in (1) through (3) above.

**G. Exceptions:** The minor subdivision process may not be used if the subdivision involves the installation or improvements or if the subdivision results in the creation of more than a total of five lots out of one tract since February 14, 1978, regardless of whether the lots were created at one time or over an extended period of time.

**H. Approval:** The Administrator shall approve the proposed subdivision unless the subdivision is not a minor subdivision as defined in this Ordinance; or the application or plat fails to comply with any applicable regulations of this Ordinance. If the subdivision is denied, the Administrator shall promptly furnish the applicant with a written statement of the reasons for denial. Approval of any plat is contingent upon the plat being recorded within 90 days after the date the Certificate of Approval is signed by the Administrator.

- I. **Appeals:** Appeals of the decision of the Administrator shall be heard by the Planning Board. An appeal must be made by the applicant within 30 days of the receipt of the Administrator's decision. The appeal of the denial of a minor subdivision shall follow the same process as that for a major subdivision as described in §15.8 of this Ordinance.

#### 15.5.4 MAJOR SUBDIVISION

- A. **Applicability:** The major subdivision final plan approval process shall apply to any new subdivision plat which creates more than 5 new lots or requires the dedication of public utilities and/or public streets.
- B. **Process Type:** Legislative. All Major Subdivisions shall also require the approval of a Special Use Permit as outlined in §15.7.2
- C. **Public Notification:** Levels 1, 2, 3, and 4.
- D. **Application:** When more than one sheet is required to include the entire subdivision, all sheets shall be made of the same size and shall show appropriate match marks on each sheet and appropriate references to other sheets of the subdivision. The scale of the plat shall be at 1-inch equals not more than 100 feet. Initially, the applicant shall also submit 3 prints of the plats and a digital PDF of the major subdivision final plat shall also be submitted to the Administrator. Following the review of the plat by the Development Review Committee, the developer shall make any required revisions to the plat and shall submit 15 copies, at a size determined by the Administrator, to the Administrator prior to the date of the Planning Board meeting.
- E. **Required Information:** In addition to the endorsements listed in §15.7.F, the final plat shall contain the following information:
  - 1. A vicinity map;
  - 2. The name of the subdivision, which name shall not duplicate the name of any existing subdivision as recorded in the Edgecombe County Registry;
  - 3. The name of the subdivision owner or owners;
  - 4. The township, county, and state where the subdivision is located;
  - 5. The name of the surveyor and their registration number and the date of the survey;



6. The scale according to which the plat is drawn in feet per inch or scale ratio in words or figures and bar graph;
7. The date of the survey and plat preparation;
8. The location of all rights-of-way, easements, and areas to be dedicated to public;
9. The sections numbered consecutively throughout the entire subdivision and the lots numbered consecutively throughout each section;
10. The number of square feet or acreage of each lot shown on the plat;
11. All of the additional information required by NCGS 47-30(f);
12. Delineation of any on-site waste disposal areas;
13. The location of all existing buildings on the tract to be subdivided;
14. The property identification number (PIN), as provided by the Edgecombe County Tax Office.
15. In addition to the certifications found in §15.7.F, the following certification shall be required on a major subdivision final plat if applicable:

**a. Certificate of Approval for Recording**

I hereby certify that all streets shown on this plat are within the Town of Tarboro's planning jurisdiction, all streets and other improvements shown on this plat have been installed or completed or that their installation or completion (within twelve (12) months after the date below) has been assured by the posting of a performance bond or other sufficient surety, and that the subdivision shown on this plat is in all respects in compliance with Appendix B of the Tarboro Town Code, and therefore this plat has been approved by the Tarboro Development Review Committee, subject to its being recorded in the Edgecombe County Registry.

Recommended by: \_\_\_\_\_

Planning Board Chairman

Recommended by: \_\_\_\_\_

Town Manager

Approved by Town Council: \_\_\_\_\_

Mayor

**b. Certificate of Ownership and Dedication**

I hereby certify that I am the owner of the property described hereon, which property is located within the subdivision regulation jurisdiction of the Town of Tarboro, that I hereby freely adopt this plan of subdivision and dedicate to public use all areas shown on this plat as streets, alleys, walks, parks, open space, and easements, except those specifically indicated as private, and that I 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 Tarboro Town Council in the public interest.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner

Notary Seal and Signature

**c. 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 calculation is 1: \_\_\_\_\_; that this plat was prepared in accordance with G.S. § 47-30 as amended. Witness my original signature, registration number and seal, this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 19 \_\_\_\_\_.

SEAL OR STAMP

\_\_\_\_\_  
Registered Land Surveyor

\_\_\_\_\_  
Registration Number

**d. Notary Certificate**

I, a Notary Public of the County and State aforesaid, certify that \_\_\_\_\_, a registered land surveyor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

Notary Seal or Stamp

My commission expires \_\_\_\_\_

**e. Certificate of Approval of Required Improvements**

I hereby certify that a surety bond, in the amount of one hundred ten (10) percent of the town engineer's estimate of the cost of the required improvements, has been posted with the town clerk by the developer guaranteeing that the construction of all improvements shown on the approved plat will be completed as thereon provided within \_\_\_\_\_ days from date hereof, the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

**f. Division of Highways District Engineer Certificate**

I hereby certify that the public streets shown on this plat have been designed in accordance with at least the minimum standards and specifications of the North Carolina Department of Transportation.

\_\_\_\_\_  
Date

\_\_\_\_\_  
District Engineer

**e. Private Streets Disclosure Statement**

The maintenance of streets designated on this plat as "private" shall be the responsibility of property owners abutting such streets. Private streets as shown hereon were not constructed to the minimum standards required to allow their inclusion, for maintenance purposes, on the North Carolina highway system nor on the Town of Tarboro street system. The Town of Tarboro will not maintain any private street.

**f. Public Water Supply Watershed Statement**

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 \_\_\_\_\_ .

**g. County Mapper Certification**

I, \_\_\_\_\_, Review Officer of Edgecombe County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Review Officer

- F. Review and Approval:** The Planning Board shall approve the proposed plat unless it finds that the plat or proposed subdivision fails to comply with one or more of the requirements of this Ordinance or that the final plat differs substantially from the plans and specifications approved in conjunction with the compliance permit that authorized the subdivision. If the final plat is denied by the Planning Board, the applicant shall be furnished a written statement of the reasons for the denial. Approval of the final plat is contingent upon the plat being recorded within 30 days after the approval certificate is signed by the Administrator.

- G. Appeals:** An appeal from the decision of the Planning Board shall be made to the Board of Adjustment, in accordance with §15.6.2.

#### 15.5.5 INTERPRETATIONS

- A. Applicability:** The Administrator is authorized to interpret the Zoning Map and to pass judgement upon disputed questions of lot lines or district boundary lines and similar questions. If such questions arise in the context of an appeal from a decision of the Administrator, they shall be handled as an appeal as described in §15.7.2
- B. Application:** An application for a map interpretation shall be submitted to the Administrator. The application shall contain sufficient information to allow the Administrator to make the necessary interpretation.
- C. Process:** Administrative
- D. Public Notice:** N/A
- E. Zoning District Boundary Interpretation:** Where uncertainty exists as to the boundaries of districts as shown on the official Zoning Map, the following rules shall apply:
1. Boundaries indicated as approximately following the centerlines of alleys, highways, streams, or railroads shall be construed to follow such centerlines;
  2. Boundaries indicated as approximately following lot lines, Town limits or ETJ boundary lines shall be construed as following such lines, limits, or boundaries.
  3. Boundaries indicated as approximately parallel to the centerlines of streets or other rights-of-way shall be construed as being parallel thereto and at such distance therefrom or indicated on the Zoning Map.
  4. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as following such shorelines.

- 5. Where a district boundary divides a lot or where distances are not specifically indicated on the official Zoning Map, the boundary shall be determined by measurement, using the scale of the official Zoning Map.
- 6. Where any street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.
- F. **Process:** Upon receiving a completed application for a lot or district boundary interpretation, the Administrator shall issue a written determination to the applicant of their findings.
- G. **Appeal:** An appeal of an interpretation by the Administrator shall follow the procedure set forth in §15.7.2.

## 15.6 LEGISLATIVE REVIEW

### 15.6.1 TEXT AMENDMENTS AND ZONING MAP AMENDMENTS

- A. **Applicability:** An amendment to the text of this Ordinance or the official Town Zoning Map may be initiated by the Town Council, Planning Board, Planning staff, or any other interested person.
- B. **Applications:** Any petition for rezoning property must be signed by the petitioner, who shall indicate the capacity in which they filed the petition. In the event the party filing the petition is someone filing the same on behalf of the owner, such party shall attach his authority to execute said petition on behalf of the owner of the petition. If the application is seeking to have rezoned less than the entire lot or tract, the application for the rezoning shall be accompanied by a survey map and description. If the applicant is seeking to have rezoned an entire lot or tract for which a tax PIN is assigned, said tax PIN shall be sufficient for public notice of the area requested for rezoning.
- C. **Process:** Legislative
- D. **Public Notice:** Level 1, 2, 3, and 4.
  - 1. Level 3 notification is only required for text amendments that involve a specific parcel of land, or when the applicant for a Zoning Map amendment is not the owner of the property subject to the application.

**E. Delay in Subsequent Applications:** Unless the Town Council finds that there have been substantial changes in conditions or circumstances to the application for a text amendment or Zoning Map amendment, the Town shall not accept for consideration a petition if:

1. Within one year prior to the date a petition is denied by the Town Council; or
2. Within one year prior to the date the petition is withdrawn by the applicant after Planning Board consideration; or
3. The Town Council approved a rezoning on the subject property on the same parcel to a more restrictive classification than requested; or
4. Within one year prior to the date the petition is submitted, the Town Council has denied a substantially similar request for a text amendment.

**F. Planning Board Consideration**

1. Every Zoning Map amendment or text amendment shall be referred to the Planning Board for its consideration.
2. The Planning Board shall endeavor to review the proposed amendment in such a timely fashion that any recommendations it may have can be presented to the Town Council at the public hearing on the amendment. If the Planning Board is not prepared to make recommendations at the public hearing, it may request the Town Council to delay final action on the amendment until such time as the Planning Board can present its recommendations.
3. The Town Council may not take final action approving a proposed amendment until it has received the recommendation of the Planning Board, or until 45-days from the date of referral to the Planning Board, whichever occurs first. The Town Council is not bound by the recommendations of the Planning Board.
4. A Planning Board member shall not vote on any Zoning Map or text amendment where the outcome of the matter being considered is likely to have a direct, substantial, and readily identifiable impact on the member.

5. Upon making a recommendation, the Planning Board shall advise and comment on whether the proposed amendment is consistent with any adopted Town plans and policies. The Planning Board shall provide a written recommendation to the Town Board that addresses plan consistency or other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with any adopted plan or policy shall not preclude consideration or approval of the proposed amendment by the governing board.

#### **G. Town Council Action on Amendments**

1. At the conclusion of the public hearing on a proposed amendment, the Town Council may proceed to vote on the proposed amendment, refer it to Planning Board for further study, or take any action consistent with its usual rules of procedure.
2. The Town Council is not required to take final action on a proposed amendment within any specific period of time, but it should proceed as expeditiously as practicable on petitions for amendments since inordinate delays can result in the petitioner incurring unnecessary costs.
3. Prior to adopting or rejecting any zoning amendment, the Town Council shall adopt a statement describing whether its action is consistent with an adopted plan and explaining why the Town Board considers the action taken to be reasonable and in the public interest. Zoning map amendments require a statement of reasonableness. A statement of reasonableness may be adopted for text amendments. Future land use maps must reflect an amendment if a zoning map is amended.
4. A member of the Town Council shall not vote on any Zoning Map amendment or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

- H. Town Council Consideration:** In deciding whether to adopt a proposed amendment to this Ordinance, the central issue before the Town Council is whether the proposed amendment advances the public health, safety or welfare. All other issues are irrelevant, and all information related to other issues at the public hearing may be declared irrelevant by the Chairman of the Town Council and excluded. In particular, when considering proposed map amendments:



1. For all rezoning amendments with the exception of requests for conditional zoning, the Board shall not rely upon any representations made by the petitioner that, if the change is granted, the rezoned property will be used for only one of the possible uses permitted in the requested classification. Rather, the Town Council shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses on the existing zoning district.
2. For amendments requesting a parallel conditional zoning district, the Board can consider a specific use for the parcel or parcels and review a site-specific development plan as part of the amendment process. The use(s) specified by the applicant will be noted on the Special Use Permit or conditional zoning if the rezoning of the property or properties is approved by the Town Council. No other uses will be permitted on the subject parcel or parcels once approved by the Town Council.

**I. Citizen Comments**

1. If any resident or property owner in the Town submits a written statement regarding a proposed amendment, modification, or repeal to this Ordinance to the Town Clerk at least two business days prior to the proposed vote on such change, the Town Clerk shall deliver such written statement to the Town Council. If the proposed change is the subject of a quasi-judicial hearing under NCGS 160D-302, the Town Clerk shall provide only the names and addresses of the individuals providing written comment, and the provisions of such names and addresses to all members of the Town Council shall not disqualify any member of the Town Council from voting.
2. Any resident or property owner who submits a written statement of citizen concern may withdraw their written statement any time prior to the meeting at which the item will be considered.

- II. Appeals:** Any action challenging an Ordinance that changes the zoning classification of any property must be commenced within 60 days after the effective date of such Ordinance as provided in S.L. 1987 Chapter 604.

**15.6.2 CONDITIONAL DISTRICT REZONINGS (CD)**

Conditional Districts (CD) (see §2.7) are districts with conditions voluntarily added and/or agreed to by the applicant and approved in a legislative procedure by the Town Council in accordance

with NCGS 160D-109. Conditional Districts provide for orderly and flexible development under the general policies of this Ordinance without the constraints of some of the prescribed standards guiding by-right development. This Conditional District may be used in any district but is not intended to relieve hardships that would otherwise be handled using a variance procedure.

- A. Process:** Legislative
- B. Applicant and Property:** Conditional District classification shall only be considered upon the request of the owners and/or their representatives of all the property to be included in the specific Conditional District request. A Conditional District request shall consist of land under unified control which may be planned and developed as a single development or as an approved programmed series of development phases by multiple developers. "Unified control" means that all land to be included within a Conditional District shall be owned or otherwise in the legal control of the applicant for a Condition District. The applicant shall be legally capable of providing a commitment to the Town that the Conditional District development will comply with all documents, plans, standards, and conditions ultimately approved by the Town.
- C. Fair and Reasonable Conditions:** Within an approved Conditional District, no uses shall be permitted except pursuant to the conditions imposed by the applicant on the Conditional District in the approval of the rezoning. The Town Council and the applicant may mutually agree to additional reasonable and appropriate conditions or safeguards to serve the purpose and intent of this section, and to preserve public welfare and justice. The provisions of the Conditional District Master Plan shall replace all conflicting development regulations set forth in this Ordinance which would otherwise apply to the development site. The Planning Board may recommend and the Town Council with mutual approval of the applicant: may attach reasonable and appropriate conditions including, but not limited to, the location, nature, hours of operation, and extent of the proposed uses(s). Conditions and site-specific standards shall be limited to those that address conformance of the development and use of the site to this Ordinance and officially adopted plans and those standards and conditions that address the impacts reasonably expected to be generated by the development and use of the site. The applicant will have a reasonable opportunity to consider and respond to any conditions and site-specific standards proposed by either the Planning Board or Town Council prior to final action. Conditions for approval require written consent of applicant/landowner.
- D. Application Contents:** A Conditional District rezoning application shall consist of the existing conditions map, special use plan, and any other plans, drawings, renderings, elevations, maps and documents

specifically included as development documents for approval by the Town Council. The Conditional District Special use Plan is a site-specific development plan that becomes a condition of the Conditional District zoning. In addition to those items required for Special use Plans, the following shall also be shown:

1. A full list of the uses to be permitted on the parcel(s) subject to the application. Uses may be selected from any of the uses permitted in the underlying zoning district, whether permitted by-right, permitted with supplemental standards, or permitted with a Special Use Permit. Should the requested Conditional District rezoning be approved by the Town Council, any use that would have required a Special Use Permit in the underlying zoning district is considered a permitted use in the approved Conditional District. Uses not permitted in the underlying zoning district shall not be permitted within the Conditional District.
  2. General traffic routes (external and internal) to and from the development with major access points identified;
  3. Tabular data, including the range and scope of proposed land uses, proposed densities, impervious surface ratios as applicable to the development type, and the land area devoted to each type of general land use and phase of development.
  4. A proposed development schedule if the project is to be phased.
- E. Exception for Conditional Districts with Use Limitations Only:** If an applicant proposed a Conditional District which meets the following criteria, no Conditional District Special use Plan is required as part of the application:
1. The only proposed deviation in use from the underlying zoning district is to impose additional limitations on the uses that will be allowed in the Conditional District.
  2. No other deviations from the standards of the underlying zoning district are proposed in the Conditional District.
- F. Procedure:** The procedure for approval of a Conditional District shall follow the procedure for review of Text Amendment and Zoning Map Amendments as outlined in §15.6.3 of this Ordinance.

**G. Effect of Approval / Changes:** The applicant may proceed with development only after approval of the Conditional District Special Use Plan by the Town Council, followed by the approval of any necessary zoning permits and/or subdivision plats by the Administrator. The development and use of all land within the Conditional District shall be in keeping with the approved Special use Plan and all applicable provisions therein.

1. If so reflected on the Special use Plan, the Town Council may allow the phasing of development. Each phase of the development shall adhere to all applicable provisions and standards of this section and the applicable Conditional District Special use Plan.

**H. Substantial Changes:** Any substantial change to an approved Conditional District zoning shall be reviewed by the Planning Board and approved or denied by the Town Council as an amended Conditional District. The following changes to a Conditional District Special use Plan shall require approval by the Town Council:

1. Land area being added or removed from the Conditional District.
2. Modification to special performance criteria, design standards, or other requirements specified by the enacting Ordinance.
3. A change in land use or development type beyond that permitted by the approved Conditional District Special use Plan.
4. When there is introduction of a new vehicular access point to an existing street, road, or thoroughfare not previously designated for access.
5. When there is an increase in the total number of residential dwelling units originally authorized by the approved Conditional District Special use Plan.
6. When the total floor area of a commercial or industrial classification is increased more than 10% beyond the total floor area last approved by the Town Council. Changes of less than 10% may be approved by the Administrator.
7. Any change which alters the basic development concept of the Conditional District Special use Plan.

**8. Other Changes:** All other changes to a Conditional District Special use Plan shall be approved by the Administrator.

- I. Rescission of Conditional District:** The applicant shall a secure valid building or construction permit within 2 years from the date of approval of the Conditional District unless otherwise specified. If such project is not complete or a valid building or construction permit is not in place at the end of the 2-year period, the Administrator shall notify the applicant of either such finding. Within 60 calendar days of notification, the Administrator shall make a recommendation concerning the rescission of the Conditional District to the Town Council. The Town Council may rescind the Conditional District or extend the life of the Conditional District for a specified period of time. The rescission of a Conditional District shall follow the same procedure as was needed for approval.

## 15.7 QUASI-JUDICIAL REVIEW

All quasi-judicial decisions must follow the procedures outlined in GS 160D-102(28) and 160D-406. The Town must hold an evidentiary hearing to gather competent, material, and substantial evidence to establish the facts of the case; the evidentiary hearing must have testimony under oath; must establish written findings of fact and conclusions of law. The Board chair must rule at the hearing on objections to inclusion or exclusion of administrative material and such ruling may be appealed to the full board. Parties with standing must be allowed to participate fully; non-parties may be allowed. SUPs related to non-conforming uses shall be reviewed by the Board of Adjustment.

### 15.7.1 Special Use Permit

- A. SPECIAL USE PERMIT** is a permit used to authorize development or land uses in a particular zoning district upon approval following quasi-judicial review. Includes permits previously referred to as conditional use permits. Includes permits necessary for repair or replacement of non-conforming uses.
- B. Applicability:** Any development requiring a SUP or designated as a "SUP" in the Permitted Use Table shall be required to receive a Special Use Permit approved by the Tarboro Town Council.
- C. Process Type:** Quasi-Judicial
- D. Public Notification:** 1, 2, 3, and 4.
- E. Presubmittal Meeting:** It is required that every applicant for a Special Use Permit meet with the Administrator prior to the submittal of an application. The purpose of this meeting is to provide clarification and assistance in the preparation and submission of plats for approval.
- F. Public Hearing Required:** Applications for Special Use Permit shall be submitted to the Tarboro Town Council by filing an application with the Administrator. The Town Council shall conduct a public hearing to review the Special Use Permit application. The Town Council shall not approve a Special Use Permit application if it is found that:

1. The application is for a use that is not permitted in the zoning district in which the subject property is located per the Table of Permitted Use in Chapter 2 of this Ordinance; or
2. The application is incomplete; or
3. If completed as proposed in the application, the development will not comply with one or more of the requirements of this Ordinance.

**G. Findings of Fact:** In order to approve a Special Use Permit, the Town Council must conclude that, based on the information submitted at the public hearing, that if completed as proposed, the application complies with the following findings of fact:

1. The application is consistent with the adopted plans and policies of the Town;
2. The application complies with all applicable requirements of this Ordinance;
3. There exists adequate infrastructure to support the application as proposed; and
4. The application will not be detrimental to the use or development of adjacent properties or other neighborhood uses;
5. The application will not endanger the public health or safety;
6. The application will not injure the value of adjoining or abutting property; and
7. The application will be in harmony with the area in which it is located.

If substantial, material, and competent evidence is submitted to the Town Council that the application as proposed is not in compliance with the findings of fact above, the Town Council shall not approve the requested Special Use Permit.

**H. Completed Application:** The burden of presenting a complete application shall be on the applicant. However, unless the Town Council informs the applicant at the hearing in what way the application is incomplete and offers the applicant the opportunity to complete the application, the application shall be deemed complete.

- I. Burden of Proof:** The burden of presenting competent, material, and substantial evidence to lead the Town Council conclude that the application should be denied shall be on the parties advocating that position. Likewise, the burden of presenting competent, material, and substantial evidence that the application, as presented, meets the requirements of this Ordinance and should be approved by the Town Council is on the applicant.
- J. Staff Recommendation:** When a complete application for a Special Use Permit is submitted, it shall be accompanied by a report setting forth the Administrator's findings elaborating the applications compliance with this Ordinance, as well as any staff recommendations for additional requirements to be imposed by the Town Council.
- K. Conditions of Approval:** The Town Council may not attach additional conditions to the approval of a Special Use Permit that modify or alter the specific requirements of this Ordinance unless the development in question presents extraordinary circumstances that justify the variation from the specified requirements. The Town Council may attach to a permit a condition limiting the permit to a specific duration. All conditions or requirements shall be made a part of the approved Special Use Permit and those conditions shall be enforceable in the same manner and extent as any other applicable requirement of this Ordinance; these shall be consented to in writing by the applicant/landowner.
- L. Appeals:** An appeal from the decision of the Town Council regarding a Special Use Permit may be made by an aggrieved party and shall be made to the Superior Court of Edgecombe County in the nature of certiorari. Any such petition shall be filed with the clerk of the Superior Court within 30 days after the decision of the Board is filed with the Town Clerk, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the secretary or chairman of the Town Council at the time of its hearing of the case, whichever is later. The decision of the Board may be delivered to the aggrieved party either by personal service, registered mail, or certified mail return receipt requested. Presume if sent by mail, received on the third business day.
- M. Permit Validity:** Approval of a Special Use Permit shall be valid for 2 years from the date of approval.
- N. Permit Extension:** The Town Council may grant a single extension of the time period in §15.9.M of up to one year upon the submittal by the applicant of sufficient justification for the extension. Sufficient justification may include, but is not limited to, delays in other outside agency permits, financing institution delays, or other similar reasons beyond control of the applicant.

- O. Substantial Changes:** Any substantial changes to a Special Use Permit as noted below shall be reviewed by the Town Council. The following changes are considered a substantial change:
1. Modifications to special performance criteria, design standards, and other similar requirements.
  2. A change in land use or development type beyond what was permitted by the approved Special Use Permit.
  3. Where there is introduction of a new vehicular access point to an existing street, road, or thoroughfare not previously designated for access.
  4. When there is an increase in the total number of residential dwelling units originally authorized in the special use permit.
  5. Any change which alters the basic development concept of the Special Use Permit.

#### 15.7.2 APPEALS OF ADMINISTRATIVE DECISIONS

- A. Applicability:** This process is hereby established to provide an appeal process for parties aggrieved by any order, requirement, decision, or determination made by any administrative officer or Board charged with enforcing the provisions of this Ordinance.
- B. Process Type:** Quasi-Judicial
- C. Filing Procedure:** An appeal of an administrative decision may be taken by any person aggrieved (or their authorized agent), or by any officer, department, or Board of the Town, to the Board of Adjustment. Such an appeal shall be made within 30 days of the receipt by such aggrieved party of the written notice of the decision from the Administrator, or in the case of an office, department, or Board of the Town, within 30 days of the filing of the written notice with the Town Clerk.
- D. Stay of Proceedings:** The filing of an appeal shall stay all proceedings in the furtherance of the contested action unless the Administrator certifies that, in his/her opinion, by reason of facts stated in the certification, such stay would cause imminent peril to life and property. In such case, proceedings shall not be stayed except by restraining order or preliminary injunction granted by the Superior Court of Edgecombe County in accordance with Rule 65 of the North Carolina Rules of Civil Procedure.



- E. Required Appeal Application Information:** Such relevant information as may reasonably allow the Board of Adjustment to understand the basis for the applicant's appeal. The Administrator shall similarly prepare a report detailing the regulations and interpretation behind the matter being appealed and their reason for the decision.
- F. Public Notification:** Level 1 & 2.
- G. Formal Review:** Formal review of an appeal of an administrative decision shall follow the procedure below:
1. Upon receiving the application, the Board of Adjustment shall conduct a public hearing on the appeal. Any party may appear in person or be represented by an agent at the hearing. The official who made the decision, or their successor, must appear as a witness.
  2. After conduction of the public hearing, the Board of Adjustment shall adopt an order reversing or affirming, wholly or in part, or modifying the order requirements, decision or determination in question. It shall take a 4/5ths majority vote of the Board of Adjustment to reverse or modify the contested action.
  3. The Board of Adjustment, in making its ruling, shall have all the powers of the Administrator from whom the appeal is taken, and may issue or direct the issuance of a permit.
  4. The decision of the Board of Adjustment must be in writing and permanently filed in the minutes of that reviewing body as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the Board of Adjustment, which must be delivered to parties of interest by certified mail.
- H. Appeals:** Any appeal from a decision of the Board of Adjustment may be made by an aggrieved party and shall be made to the Superior Court of Edgecombe County in the nature of certiorari. Any such petition shall be filed with the clerk of the Superior Court within 30 days after the decision of the Board is filed with the Town Clerk, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the secretary or chairman of the Board at the time of its hearing of the case, whichever is later. The decision of the Board may be delivered to the aggrieved party either by personal service, registered mail, or certified mail return receipt request.

1. Any appeal from a decision relating to sedimentation and erosion control shall be made to the North Carolina Sedimentation Control Commission.

### 15.7.3 VARIANCES

- A. **Applicability:** The variance process administered by the Board of Adjustment is intended to provide limited relief from the requirements of this Ordinance in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the use of the land in a manner that is otherwise allowed under this Ordinance.
- B. **Sufficient Grounds for a Variance:** It is not intended that variances be granted solely to remove inconveniences or financial burdens that the requirements of this Ordinance may impose on property owners in general or to increase the profitability of a proposed development, although such factors may be taken into consideration.
- C. **Use Variance Not Permitted:** In no event shall the Board of Adjustment grant a variance which would allow the establishment of a use which is not otherwise allowed in the zoning district in which the parcel of land is located, or which would change the zoning district classification or the district boundary of the property in question.
- D. **Authority Limited to This Ordinance / Conflicts With Other Laws Prohibited:** In no event shall the Board of Adjustment grant a variance which would conflict with any state code unless so authorized by laws and regulations.
- E. **Process Type:** Quasi-Judicial
- F. **Presubmittal Meeting:** Every applicant for a variance is strongly encouraged to meet with the Planning Department in a presubmittal conference prior to the submittal of a request for a variance. The purpose of this conference is to provide additional information regarding the review process and assistance in the preparation of the application.
- G. **Filing Procedure:** An application for a variance may be filed by the owner of the property or by an agent specifically authorized by the owner to file such application.
- H. **Required Application Information:** All information relevant to describing the applicant's request to the Board of Adjustment shall be submitted to the Administrator as part of the variance application.

- I. Public Notification:** Level 1, 2, and 4.
- J. Determination of Compliance:** Staff shall review an application for a variance to determine if it is complete. If an applicant is complete, the Administrator shall schedule the matter for consideration at a meeting of the Board of Adjustment. The Administrator shall prepare a staff report regarding the submitted variance application.
- K. Formal Review:** Formal review of a variance application shall follow the procedure below:
  - 1. Action by the Board of Adjustment**
    - i.** Upon receipt of the request for a variance from the Administrator, the Board of Adjustment shall hold a quasi-judicial hearing on the request.
    - ii.** After conduction the hearing, the Board of Adjustment may: deny the application, conduct an additional public hearing on the application, approve the application, or approve the application with additional conditions. A concurring vote of 4/5ths of the members of the Board of Adjustment shall be necessary to grant a variance.
    - iii.** A decision by the Board of Adjustment shall be made within 45 days of the date of the opening of the public hearing.
    - iv.** Any approval or denial of the request shall be accompanied by written findings of fact supporting the conclusion that the variances meets or does not meet each of the standards in §15.7.3.K.2.
  - 2. Findings of Fact:** The Board of Adjustment shall not grant a variance until it makes an affirmative finding of the following facts:
    - i.** Carrying out the strict letter of the Ordinance would result in an unnecessary hardship. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
    - ii.** The hardship results from conditions that are peculiar to the property, such as size, location, and 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.

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

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

**L. Additional Standards for Floodplain Development Variance Requests:**

Variances from the standards set forth in this Ordinance for flood damage prevention, as described in Chapter 12, may be granted subject to the following additional provisions:

1. Any applicant to whom a variance from the flood damage prevention regulations in Chapter 12 of this Ordinance shall be given written notice specifying the difference between the base flood elevation and the elevation to which any structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased flooding risk resulting from the reduced lowest floor elevation. Such notification shall be maintained with a record of all variance actions.
2. The Administrator shall maintain record of all approved variances from the flood damage prevention Ordinance and report them to FEMA upon request.
3. In addition to the required findings of fact required for the approval of a variance in §15.7.3.K.2, the Board of Adjustment must find in the affirmative that a variance from the flood damage prevention Ordinance:
  - i. The danger that materials may be swept onto other lands to the injury of others;
  - ii. The danger of 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 of the facility of a waterfront location, 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 flood waters and the effects of wave action, if applicable, expected at the site; and;
- 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.

Upon consideration of the factors listed above and the purposes of this ordinance, the planning board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

- M. Additional Conditions:** In granting any variance, the Board of Adjustment may attach such conditions to the approval as it deems necessary and appropriate to satisfy the purposes and objectives of this Ordinance. The Board of Adjustment may also attach conditions in order to reduce or minimize any injurious effect of such variance upon other property in the neighborhood and to ensure compliance with other terms of this Ordinance. Such conditions and safeguards must be reasonably related to the condition or circumstance that gives rise to the need for a variance.
- N. Appeal:** Any appeal from a decision of the Board of Adjustment may be made by an aggrieved party and shall be made to the Superior Court of Edgecombe County in the nature of certiorari. Any such petition shall

be filed with the clerk of the Superior Court within 30 days after the decision of the Board is filed with the Town Clerk, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the secretary or chairman of the Board at the time of its hearing of the case, whichever is later. The decision of the Board may be delivered to the aggrieved party either by personal service, registered mail, or certified mail return receipt request.

**15.7.4 Redacted**

Section 15.7.4 redacted.

Section 15.7.4 redacted.

## 15.8 VESTED RIGHTS

### 15.8.1 PURPOSE AND APPLICABILITY

The zoning vested right is a right which must be requested by the applicant at the time of submittal and is established pursuant to NCGS 160D-502 to undertake and complete the development and use of property under the terms and conditions of an approved site-specific development plan. Obtaining a zoning permit approval through the vested rights procedure gives the applicant the right to start construction of the development as approved and an additional 2 years, or up to 5 years to begin and/or complete the work as appropriate.

### 15.8.2 VESTED RIGHTS PROCEDURES

- A. Process Type:** Legislative
- B. Presubmittal Meeting:** The applicant shall meet with the Administrator prior to submitting an application to inquire about specific zoning requirements and obtain the proper application forms. The applicant shall be advised of all necessary information and requirements of the vested right procedure.



- C. Determination of Compliance:** The Administrator shall review the application and accompanying site plan for compliance with the requirements of this Ordinance and all other applicable regulations and schedule the matter for a public hearing before the Town Council.
- D. Public Notification:** Level 1 & 4.
- E. Public Hearing:** The Town Council shall hold a public hearing on the proposal. The applicant and other property owners likely to be materially affected by the application shall be given an opportunity to be heard.
- F. Town Council Decision:** Following a public hearing, the Town Council shall take one of the following actions:
1. Approve the vested rights request. The Administrator is then directed to issue a vested rights zoning permit.
  2. Approve the vested rights request subject to conditions which are necessary to protect the public health, safety, and welfare. The Administrator is then directed to issue the vested rights zoning permit subject to changes in the plan for development to be made by the developer.
  3. Table the vested rights request pending the submittal of additional information.
  4. Deny the vested rights request.
- G. Appeals:** None

### 15.8.3 VESTED RIGHTS DURATION – EFFECT OF APPROVAL

- A. Maximum Term:** A zoning right that has been vested as provided in this section shall remain vested for a period of 2 years, or up to 5 years as approved by the Town Council.
- B. Building Permit / Preliminary Plan Required:** Upon issuance of a building permit / preliminary plan approval, the expiration provisions for those permits shall apply, except that they shall not expire or be revoked because of the running time while a zoning vested right under this Section is outstanding. A zoning vested right shall terminate at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed.

- C. Town May Terminate Vested Rights Early:** The Town may terminate the zoning vested rights upon payment to the affected landowner of compensation for all costs, expenses, and other losses incurred by the landowner, including, but not limited to, all fees paid in consideration of all financing and all architectural, legal and other fees incurred after approval by the Town.
- D. State or Federal Regulations Not Bound by Vested Right:** The zoning vested right may be terminated upon the enactment or promulgation of a state or federal law or regulation that precludes development and contemplated in the site-specific development plan. In such case the Town Council, by ordinance, after notice and hearing, modify the affected provisions upon finding that the change in state or federal law has a fundamental effect on the plan.
- E. Shall Run with the Property:** A zoning vested right is not a personal right but shall attach to and run with the applicable property. After approval of a site-specific development plan, all successor to the original landowner shall be entitled to exercise such right while applicable.
- F. Vested Right Not Exclusive:** Nothing in this section shall prohibit the revocation of the original approval or other remedies for failure to comply with the applicable terms and conditions of this approval or this Ordinance.

## 15.9 DEVELOPMENT AGREEMENTS

### 15.9.1 PURPOSE

- A.** Development Agreements are intended to implement and be consistent with the with the goals and objectives of the Town of Tarboro.
- B.** The objective of this Section is accomplished by authorizing Development Agreements in which a developer and the Town of Tarboro may ensure the adequacy of public facilities and encourage sound capital improvements planning while providing certainty in the process of obtaining development approval and reducing the economic costs of development by providing greater regulatory certainty.
- C.** The purpose of this Section is to establish standards and procedures for entering into Development Agreements for long-term, large-scale scale developments with the following statements of intent:

1. Large-scale development projects often occur in multiple phases extending over a period of years, requiring long-term commitment of both public and private resources.
2. Such large-scale developments often create potential community impacts that are difficult to accommodate within the traditional zoning process.
3. Because of their scale and duration, such large-scale projects often require careful integration between public capital facilities planning, financing, and construction schedules and the phasing of the private development.
4. Because of their scale and duration, such large-scale projects involve substantial commitments of private capital by private developers, which private developers are unwilling to risk without sufficient assurances that development standards will remain stable through the extended period of the development.
5. Because of their size and duration, such developments often permit communities and developers to experiment with different or nontraditional types of development concepts and standards, while still managing the impacts on surrounding areas.
6. To better structure and manage development approvals for large-scale developments and ensure their proper integration into local capital facilities programs, local governments need the flexibility of negotiating such improvements.
7. In negotiating for these developments, it is in the intent of the Town to remain consistent with the adopted plans, policies, and goals of the Town as they relate to land use and capital improvements.

#### **15.9.2 APPLICABILITY**

- A. The Town of Tarboro may enter into a development agreement with a developer, subject to the requirements and procedures set forth in this section. In entering into such an agreement, the Town may not exercise any authority or make any commitment not authorized by general or local act and may not impose any tax or fee not authorized by otherwise applicable law. If more than one local government is made party to an agreement, the agreement must specify which local government is responsible for the overall administration of the development agreement.

- B. The Town may consider requests to participate in development agreements for any development within the land use jurisdiction of the Town or adjoining jurisdictions in which the development impacts the communities or natural resources of the Town.
- C. For consideration of the Town to participate in development agreements, the following standards shall be met:
  - 1. The property in question must be developable property of any size.
  - 2. The duration of the development agreement shall not exceed a reasonable term as specified in the agreement.
  - 3. The estimated appraised value of the development (including all real property) at build-out shall equal or exceed \$20,000,000.00, or will demonstrate that the proposed development will significantly enhance opportunities for very-low income or special populations, protect natural resources, or preserve critical watersheds within the Town.
  - 4. The development shall demonstrate the impact on existing and future public facilities.

### 15.9.3 DEVELOPMENT AGREEMENTS PROCEDURE

- A. **Pre-Application Conference:** See §15.2.5, except that it shall be the responsibility of the Administrator to coordinate this pre-application conference. Additionally, the Town shall notify Edgecombe County and the Edgecombe County Board of Education of the proposed Development Agreement and invite participation.
- B. **Application Submittal:** In addition to the information required in this Chapter for the applicable process for the proposed development, the following information shall be a part of the Development Agreement application:
  - 1. A survey and legal description of the property and the tax parcel number(s) of the property;
  - 2. A signed affidavit by the property owner of record or other person having proprietary interest in the property authorizing the Development Agreement application;

3. A written description of the proposed development and statement of objectives and reasons for the request;
4. A copy of the proposed preliminary subdivision plan, site plan, phasing plan, or conceptual plan;
5. An application for rezoning (if applicable);
6. A draft development agreement that meets the requirements of this Section;
7. Any other information required to provide a complete understanding of the proposed Development Agreement.

**C. Public Notification:** Level 1 & 4.

**D. Public Hearing:** The Town Council shall hold a public hearing on the proposal. The applicant and other property owners likely to be materially affected by the application shall be given an opportunity to be heard.

**E. Post Action Actions and Limitations:**

1. Within 14 days after approving and entering into a development agreement, the Town shall record the agreement with the Edgecombe County Register of Deeds. The burdens of the development agreement are binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement.

**F. Relationship of Agreement to Other Regulations**

1. This section does not preclude or supersede rights and obligations established in accordance with other laws regarding building permits site-specific development plans, phased development plans or other provisions of law. A development agreement shall not exempt the property owner or developer from compliance with the State Building Code or State or local housing codes that are not part of the Town's planning, zoning, or subdivision regulations.

2. Unless the development agreement specifically provides for the application of subsequently enacted laws, the laws applicable to development of the property subject to a development agreement are those in force at the time of execution of the agreement.
3. Except for grounds specified in N.C.G.S. 160D, Article 10 the Town may not apply subsequently adopted ordinances or development policies to a development that is subject to a development agreement. In the event that state or federal law is changed after a development agreement has been entered into and the change prevents or precludes compliance with one or more provisions of the development agreement, the local government may modify the affected provisions, upon a finding that the change in state or federal law has a fundamental effect on the development agreement, by ordinance after notice and a hearing.
4. This section does not abrogate any rights preserved by N.C.G.S. 160D-102 or that may vest in accordance with common law or otherwise in the absence of a development agreement.

**G. Approval of Debt:** In the event that any of the obligations of the Town in the development agreement constitute debt, the Town shall comply, at the time of the obligation to incur the debt and before the debt becomes enforceable against the Town, with any applicable constitutional and statutory procedures for the approval of this debt. The agreement shall be signed by the Town Attorney, Finance Director, and Town Manager.

**H. Periodic Review:** During any period of time in which a development permit is active, the Town shall review the development at least once every 12 months for compliance with the agreement. The Town shall notify the developer in writing of its findings if, in the discretion of the Town Manager, or designee, a breach of the agreement has occurred. The developer must be required to demonstrate good faith compliance with the terms of the development agreement. If the Town finds and determines that the developer has committed a material breach of the terms or conditions of the agreement, the Town shall serve notice in writing, within a reasonable time after the periodic review, upon the developer setting forth with reasonable particularity the nature of the breach and the evidence supporting the finding and determination, and providing the developer a reasonable time in which to cure the material breach. If the developer fails to cure the material breach within the time given, then the Town unilaterally may terminate or modify the development agreement. The notice of termination or modification may

be appealed to the Board of Adjustment in the manner provided by N.C.G.S. 160D-406 within 30 days of such notice. An appeal stays all proceedings in furtherance of the action appealed from, unless the Planning Director, Town Manager, or designee certifies to the Board of Adjustment, after notice of appeal has been filed, that the situation would cause imminent peril, to life or property.

- I. Expiration, Termination, or Modification of Agreement:** A development agreement may be amended or canceled only by mutual consent of the parties to the agreement or by their successors in interest. Major modification of the agreement shall follow the same procedures as required for initial approval of a Development Agreement. With the mutual consent of the other parties to the agreement, the Planning Director may approve minor modifications of the Development Agreement, without following the same procedures as required for initial approval of the agreement. Before doing so, the Planning Director shall make written findings that the proposed minor modifications would not significantly change the use, intensity, or design of the development, would be consistent with the purposes and goals of the agreement, would comply with this Ordinance, and would not adversely affect the public health, safety, or general welfare. Except as otherwise provided, any development agreement entered into and approved by the Town or other local government jurisdiction before the effective date of a change of jurisdiction shall be valid for the duration of the agreement, or eight (8) years from the effective date of the change in jurisdiction, whichever is earlier. The parties to the development agreement and the local government assuming jurisdiction have the same rights and obligations with respect to each other regarding matters addressed in the development agreement as if the property had remained in the previous jurisdiction. The Town may modify or suspend the provisions of the development agreement if the Town determines that the failure to do so would place the residents of the territory subject to the development agreement, or the residents of the local government, or both, in a condition dangerous to their health or safety, or both.

#### 15.9.4 DEVELOPMENT AGREEMENT REVIEW STANDARDS

- A.** A development agreement shall meet and be subject to all requirements and provisions in Chapter 160D, Article 10 of the N.C.G.S. and must be in written form.
- B.** A development agreement shall at a minimum include all of the following:
- 1.** A legal description of the property subject to the agreement and the names of its legal and equitable property owners.
  - 2.** The duration of the agreement. However, the parties are not precluded from entering into subsequent development agreements that may extend the original duration period.

3. The development uses permitted on the property, including population densities and building types, intensities, placement on the site, and design.
  4. A description of public facilities that will service the development, including who provides the facilities, the date any new public facilities, if needed, will be constructed, and a schedule to assure public facilities are available concurrent with the impacts of the development.
  5. A description, where appropriate, of any reservation or dedication of land for public purposes and any provisions to protect environmentally sensitive land.
  6. A description of all local development approvals or permits approved or needed to be approved for the development of the property together with a statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction does not relieve the developer of the necessity of complying with the law governing their permitting requirements, conditions, terms, or restrictions.
  7. A description of any conditions, terms, restrictions, or other requirements determined to be necessary by the local government for the public health, safety, or welfare of its citizens.
  8. A description, where appropriate, of any provisions for the preservation and restoration of historic structures.
  9. An indemnification and “hold harmless” clause whereby the developer/property owner holds the Town and its agents harmless from liability for damages, injury or death, which may arise from the direct or indirect operations of the owner, developers, contractors and subcontractors, which related to the project.
- C. A development agreement may provide that the entire development or any phase of it be commenced or completed within a specified period of time. The development agreement must provide a development schedule, including commencement dates and interim completion dates at no greater than five-year intervals; provided, however, the failure to meet a commencement or completion date shall not, in and of itself, constitute a material breach of the development agreement but must be judged based upon the totality of the circumstances. The developer



may request a subsequent modification in the dates as set forth in the agreement.

In the event that the development agreement provides that the Town shall provide certain public facilities, the development agreement shall provide that the delivery date of such public facilities will be tied to successful performance by the developer in implementing the proposed development (such as meeting defined completion percentages or other performance standards). The development agreement may include other defined performance standards to be met by the developer. The development agreement may contain other matters not inconsistent with law.

The development agreement shall run with the land as according to NCGS 160D-104.

Revocation of the approval must follow the same process as was used for the approval as outlined in NCGS 160D-403(f).

## CHAPTER 16: Violations and Code Enforcement

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## CHAPTER 16: Violations and Code Enforcement

### 16.1 DISCOVERY OF VIOLATIONS AND COMPLAINTS

Inspections may be made for general code compliance and enforcement, unrelated to a development approval. Whenever the Administrator receives a written, signed complaint alleging a violation of this Ordinance, they shall investigate the complaint, take whatever action is warranted, and inform the complainant what actions have been, or will be, taken.

### 16.2 PERSONS LIABLE

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

### 16.3 PROCEDURES UPON DISCOVERY OF VIOLATIONS

- A. If the Administrator finds that any provision of this Ordinance is being violated, a written notice of violation shall be sent in conformance with NCGS §160-D-404(a), indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the Administrator's discretion. Stop-work orders for illegal or dangerous work or activity may be issued whether related to a permit or not.
- B. The final written notice, which may also be the initial written notice, shall state what action the Administrator intends to take if the violation is not corrected and shall advise that the Administrator's decision or order may be appealed to the Board of Adjustment. Appeals to the Administrator's determination shall follow the procedure described in Chapter 15 of this Ordinance.
- C. Notwithstanding the forgoing, in cases where a delay in corrective measures would seriously threaten the effective enforcement of this Ordinance, or pose a danger to the public health, safety, and welfare, the Administrator may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in Section 16.4 of this Ordinance.

### 16.4 PENALTIES AND REMEDIES FOR VIOLATIONS

- A. Violations of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the grants of variances or Special use permits, shall constitute a misdemeanor punishable by a fine of up to \$500 or a maximum of 30 days imprisonment as provided in NCGS §14-4.

- B.** Any act constituting a violation of the provisions of this Ordinance or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the grants of variances or Special use permits, shall be subject to penalties. The following penalties are hereby established:

- 1.** Warning Citation – Correct violation within 10 calendar days
- 2.** First Citation - \$50 fine
- 3.** Second Citation - \$100 fine
- 4.** Third and subsequent citations for the same offense - \$250 each day the violation continues.

If the offender fails to pay this penalty within 10 days after being cited for a violation, the penalty may be recovered by the Town in a civil action in the nature of debt. A civil penalty may not be appealed to the Board of Adjustment if the offender was sent a final notice of violation in accordance with Section 16.3 and did not make an appeal to the Board of Adjustment within the prescribed timeframe.

- C.** This Ordinance may also be enforced by any appropriate equitable action.
- D.** Each day that a violation continues after notification by the Administrator that such violation exists shall be treated as a separate offense for the purposes of the penalties and remedies specified in this Chapter.
- E.** In addition, pursuant to NCGS §160D-106, the Town may seek a mandatory or prohibitory injunction and an order of abatement commanding the offender to correct the unlawful condition upon, or cease the unlawful use of, the subject premises.
- F.** Any one, all, or any combination of the foregoing penalties may be used to enforce this Ordinance.

## **16.5 PERMIT REVOCATION**

- A.** Any zoning, sign, Special use, or site plan permit may be revoked by the Administrator if the permit recipient fails to develop or maintain the property in accordance with the plans submitted, the requirements of this Ordinance, or any additional requirements lawfully imposed by the Administrator.

- B.** Before a Special Use Permit may be revoked, all of the notice and hearing requirements of Chapter 14 of this Ordinance must be complied with. The notice shall inform the permit recipient of the alleged grounds for the permit revocation.

  - 1.** The burden of presenting evidence sufficient to authorize the permit-issuing authority to conclude that a permit should be revoked for any reasons set forth in Section 16.5.A of this Ordinance shall be upon the party advocating that position. The burden of persuasion shall also be upon that party.
  - 2.** A motion to revoke the permit shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the motion.
  - 3.** The process for the revocation of an approved permit shall follow the process outlined in Chapter 15 of this Ordinance.
- C.** Before a zoning, sign, Special use, or site plan permit may be revoked, the permit recipient shall be given 10 days written notice of the intent to revoke the permit. The notice shall inform the recipient of the alleged reasons for the revocation and his right to obtain an informal hearing on the allegations before the Administrator, Planning Board, Board of Adjustment, or Town Council. If the permit is revoked, the Administrator shall provide to the permittee a written statement of the decision and reasons therefore.
- D.** No person may continue to make use of land or buildings in the manner authorized by any zoning, sign, Special use, or site plan permit after such permit has been revoked in accordance with this section.

## 16.6 JUDICIAL REVIEW

- A.** Every final decision of the Board of Adjustment or Planning Board regarding an application for a site plan, or the Town Council regarding a Special Use Permit shall be subject to review by the Superior Court by proceedings in the nature of certiorari.
- B.** The petition for a writ of certiorari must be filed with the Tarboro Town Clerk within 30 days after the later of the following occurrences:

  - 1.** A written copy of the board's decision has been filed with the Administrator for decisions made by the Board of Adjustment, Planning Board, or Town Council, or

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## CHAPTER 17: Definitions

### 17.1 INTENT

For the purposes of interpreting this Ordinance, certain words, concepts, and ideas are defined herein. Except as defined herein, all other words in this Ordinance shall have their everyday meaning as determined by the dictionary definition. Any definition absent or in conflict with definitions in a statute or in a rule adopted by a state agency, such as NC Building Code Council, shall defer to those.

### 17.2 MEANING OF WORDS AND PHRASES

The words and phrases in this chapter shall have their customary meanings or shall be as defined in a standard dictionary, except for the specific words and phrases defined in this chapter.

- Tense: Words used in the present tense include the future tense.
- Number: The singular number includes the plural number and the plural number includes the singular number.
- Person: The word person includes a firm, association, partnership, trust, company, corporation, or any other entity usually defined in legal usage as a person.
- Shall and May: The words “shall”, “must”, and “will” are mandatory in nature. The word “may” is permissive in nature.
- Used or Occupied: The words “used” and “occupied” include the words “intended, designed, or arranged to be used or occupied.”
- Lot: The word “lot” includes the words “plot” and/or “parcel.”
- Structure: The word “structure” includes the word “building.”
- On the Premises Of: The phrase “on the premises of,” as applied to accessory uses or structures, shall be interpreted to mean “on the same lot.”
- Adjacent and Adjoining: The words “adjacent” and “adjoining” shall be considered to have the same meaning. For determining when a landscape buffer is required, “adjacent” and “adjoining” shall not include properties located across a public or private street from a proposed use. For the purposes of determining if a subject property is entitled to receive notification of neighborhood meetings or public hearings, properties located across a public or private street shall be considered “adjoining” or “adjacent.”
- The parenthetical notation “(*Floodplain Development*)” shall indicate defined terms that apply only to the application or administration of the Flood Damage Prevention provisions of this Ordinance.

- The parenthetical notation “(WTF)” shall indicate defined terms that apply only to the application and administration of the Wireless Telecommunications Facility provisions of this Ordinance.

### 17.3 DEFINITIONS OF PARTICULAR USES

**ACCESSORY USE 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.

**ACCESSORY DWELLING** A dwelling unit either detached or attached, such as a garage apartment or cottage, located on a lot with an existing single-family dwelling.

**ADULT ESTABLISHMENT** Any establishment having a substantial portion of materials or entertainment characterized by an emphasis on sexual activities, anatomical genital areas, or the female breast as listed and defined in NCGS, Section 14.202.10 (or any successor thereto).

**AIRSTRIPE** A paved or other surface used for take-off and landing of aircraft.

**ALCOHOLIC BEVERAGE SALES (ABC) STORE** The retail sales of beer, wine, and/or other alcoholic beverages for off-premise consumption as a primary use.

**ALLEY** A public way which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

**ANIMAL PRODUCTION** Industries in the Animal Production subsector raise or fatten animals for the sale of animals or animal products. The subsector comprises establishments, such as ranches, farms, and feedlots primarily engaged in keeping, grazing, breeding, or feeding animals. These animals are kept for the products they produce or for eventual sale. The animals are generally raised in various environments, from total confinement or captivity to feeding on an open range pasture. Establishments primarily engaged in the farm raising and production of aquatic animals or plants in controlled or selected aquatic environments are included in this subsector.

**ATM** Computerized, self-service machines used by banking customers for financial institutions, including deposits, withdrawals and fund transfers, without face-to-face contact with financial institution personnel. These machines may be located at or within banks, or in other locations.

**ATM** Computerized, self-service machines used by banking customers for financial institutions, including deposits, withdrawals, and fund transfers without face-to-face contact with financial institution personnel. These machines may be located at or within banks or in any other location, where permitted.

**BACKYARD PENS/COOPS** The long-term keeping of fowl, rabbits, and other similar small creatures in backyards as accessory uses to existing residential structures.

**BAIL BONDS OPERATIONS** Establishments providing documents that ensure to the court system that a person facing charges will appear in future court appointments, if necessary, as defined in NCGS §58-71.



**BANKS, CREDIT UNIONS, FINANCIAL SERVICES** Establishments that engage in financial transactions that create, liquidate, or change ownership of financial services. Banks, credit unions, and savings institutions may perform central banking functions, accept deposits, and lend funds from these deposits. In addition to banks and credit unions, financial services institutions may include: credit agencies, trust companies, holding companies, savings and loan institutions, check cashing services, securities/commodity contract brokers and dealers, security and commodity exchanges, vehicle finance (equity) leasing agencies, and investment companies.

**BAR/TAVERN** A business where alcoholic beverages are sold for on-site consumption, which are not part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May also include beer brewing as part of a microbrewery and other beverage tasting facilities.

**BED AND BREAKFAST HOMES (UP TO 5 ROOMS)** A private home containing not more than 8 guest rooms that offers bed and breakfast accommodations to guests.

**BOARDING OR ROOMING HOUSE (12 OR LESS PERSONS)** A detached residential structure that has been converted for use as group living quarters for no more than 12 people.

**BREWERIES** An establishment that is primarily used for the production of beer and may include retail or food service as an accessory use. The brewing operation processes water, malt, hops, and yeast into beer or ale by mashing, cooking, and fermenting. A brewery does not produce any alcoholic beverage other than beer. A brewery may produce up to 15,000 barrels of beer per year.

**BUSINESS SUPPORT SERVICES** These establishments provide any of the following: document preparation, telephone answering, telemarketing, mailing (except direct mail advertising), court reporting, and steno typing. They may operate copy centers, which provide photocopying, duplicating, blueprinting, or other copying services besides printing. They may provide a range of support activities, including mailing services, document copying, facsimiles, word processing, on-site computer rental, and office product sales.

**CEMETERY** A parcel of land used for internment of the dead in the ground or in mausoleums.

**CHILD/ADULT DAY CARE CENTER (MORE THAN 8 PERSONS)** An individual, agency, or organization providing supervision or care on a regular basis for children or adults who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adults; and who are not residents in the center; designed and approved to accommodate more than 8 children or adults at a time based on State regulations; not an accessory to residential use.

**CHILD DAY CARE HOME (8 OR LESS PERSONS)** Supervision or care provided on a regular basis as an accessory use within a principal residential dwelling unit, by a resident of the dwelling, for no more than 8 children (no more than 5 of which may be of pre-school age).

**CIVIC MEETING FACILITIES** Not-for-profit membership organizations such as alumni associations, booster clubs, scouting organizations, ethnic associations, social clubs, fraternal lodges, and veterans'

membership organizations primarily engaged in promoting the civic and social interests of their members. The uses often include meeting and storage facilities.

**CLASS A MANUFACTURED HOUSING** A manufactured home constructed after July 1, 1998 that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development authorized under the National Manufactured Housing Construction and Safety Standards Act of 1974 that were in effect at the time of construction and has a HUD label attached.

**CLASS B MANUFACTURED HOUSING** A double-wide manufactured home constructed to meet or exceed the construction standards promulgated by the US Department of Housing and Urban Development authorized under the National Manufactured Housing Construction and Safety Standards Act of 1974 that were in effect at the time of construction and has a HUD label attached, but does not meet the criteria of a Class A Manufactured Home.

**CLASS C MANUFACTURED HOUSING** A single-wide manufactured home constructed to meet or exceed the construction standards promulgated by the US Department of Housing and Urban Development authorized under the National Manufactured Housing Construction and Safety Standards Act of 1974 that were in effect at the time of construction and has a HUD label attached

**COLLEGE/UNIVERSITY** Junior colleges, colleges, universities, and professional schools with physical structures (excluding online and remote programs). These establishments furnish academic or technical courses and grant degrees, certificates, or diplomas at the associate, baccalaureate, or graduate levels in a campus setting in more than one building.

**COMMUNITY/CULTURAL CENTER** Facilities designed to promote cultural advancement and serve the community such as occasional live theater, dance, or music establishments; art galleries, studios and museums; non-profit civic or fraternal organizations; museums, exhibition, or similar facility; and libraries.

**COMMUNITY SUPPORT FACILITY** A permanent, stand-alone support facility providing personal assistance to individuals in need; such assistance to individuals may include temporary shelter, food services provisions, counseling, instruction, medical services, and other incidental services. This definition does not include emergency/hazard Shelters or clothing/food collection centers as accessory uses.

**CONFERENCE/CONVENTION FACILITY** A commercial facility for public assembly including, but not limited to auditoriums, conference facilities, convention centers, exhibition halls, and the like.

**CORRECTIONAL INSTITUTION** Government establishments generally designed for the confinement, correction, and rehabilitation of offenders sentenced by a court.

**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, or semi-public use.

**DRIVE-THRU/DRIVE-IN FACILITY** 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. Does not include: Automated Teller Machines (ATMs), gas stations or other vehicle services, which are separately defined.

**DRIVE-IN THEATER** An establishment that presents movies or other forms of video entertainment to patrons on a large outdoor screen. The video and sound are provided to customers who remain in their vehicles. Concession stands, playgrounds, and bathroom facilities are considered accessory uses to a drive-in theater.

**DRY CLEANING & LAUNDRY SERVICES** Coin-operated laundries, dry cleaning pick-up stores without dry cleaning equipment, or dry-cleaning stores that do not provide cleaning services to other collection stations or stores.

**DWELLING, DUPLEX** A two-unit building that is divided horizontally or vertically, and each unit has a separate entrance from the outside or through a common vestibule.

**DWELLING, MULTI-FAMILY** A building or portion thereof containing 3 or more dwelling units on a single lot where each unit has a separate entrance from the outside or through a common vestibule. A multifamily structure where dwelling units are available for lease or rent for less than one month shall be considered lodging. A dormitory is not considered a multi-family dwelling.

**DWELLING, SINGLE-FAMILY** A free standing building designed for and/or occupied by one household. These residences may be individually owned as residences or residences owned by rental or management companies. Also includes factory-built, modular housing units that comply with NC State Building Code.

**DWELLING, TOWNHOME** Residential buildings with 3 or more dwelling units that share a common wall. Each unit has its own entrance and is typically aligned close to a public sidewalk. Townhome and townhouse may be used interchangeably for the purposes of this Ordinance.

**EXCAVATION / MINING** The removal from any land of earth, sand, gravel, clay, quarry stone, or other natural earth products. This use category does not include surplus materials resulting from construction, landscaping, or agricultural operations.

**FAMILY CARE HOME (6 OR FEWER RESIDENTS)** A home with support and supervisory personnel that provides room and board, personal care, and rehabilitation services in a family environment for not more than 6 resident handicapped persons and is certified by the State of North Carolina. (NCGS §168-21)

**FINANCIAL SERVICES:** An establishment intended engaged in deposit banking. Typical uses include commercial banks, savings institutions, and credit unions.

**FLEA MARKET** A retail market located indoors and/or outside where new or used items are sold from individual locations (commonly referred to as stalls or bays) being operated independently from other locations. Flea Markets are considered a temporary use.

**FUNERAL HOMES/CREMATORIUMS** Establishments for preparing the dead for burial or internment and conducting funerals (i.e. providing facilities for wakes, arranging transportation for the dead, and selling caskets and related merchandise).

**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.

**GAS / FUELING STATION** Establishment that primarily retails automotive fuels. These establishments may further provide services such as automotive repair, automotive oils, and/or replacement parts and accessories. Gas stations include structures that are specialized for selling gasoline with storage tanks, often underground or hidden. The sale of food and other items as well as car washes shall be incidental to the gas station.

**GENERAL COMMERCIAL – USE GREATER THAN 100,000 SF** A use category allowing general commercial premises greater than 100,000 square feet in gross leasable area to be available for the commercial sale of merchandise and prepared food but excluding manufacturing.

**GENERAL COMMERCIAL** A place of business providing the sale and display of goods or sale of services directly to the consumer, with goods available for immediate purchase and removal from the premises by the purchaser.

**HALFWAY HOUSES** A place where not more than seven persons are aided in readjusting to society following a period of imprisonment, hospitalization, or institutionalized treatment related to a criminal offense. A halfway house may have no more than 2 supervisors on staff at any time.

**HEAVY EQUIPMENT/MANUFACTURED HOME RENTAL/SALES** Establishments which may have showrooms or open lots for selling, renting, or leasing heavy equipment such as buses, trucks, manufactured homes, construction equipment, or boats or marine craft.

**HOME OCCUPATION** An occupation or profession conducted within a dwelling unit or accessory building by a residing family member that is incidental to the primary use of the dwelling as a residence. Home Occupations are small and quiet non-retail businesses generally invisible from the frontage, seldom visited by clients, requiring little parking, little or no signage, and having only one or two employees and provide services such as professional services, music instruction, and hair styling.

**HOSPITAL** A health care facility and related facilities intended to provide care, treatment, and testing for physical, emotional, or mental injury, illness, or disability and overnight boarding of patients. May either be a for-profit or not-for-profit operation. This use does not include Group Homes.

**HOTEL/INN (NO ROOM LIMIT)** Establishments providing lodging and short-term accommodations for travelers. They may offer a wide range of services including, overnight sleeping space, food services, convention hosting services, and/or laundry services. Entertainment and recreation activities may also be included. Extended-stay hotels are included in this category. This definition includes “motels.”

**HOTEL/INN (LESS THAN 20 ROOMS)** Any building or group of buildings in which there are fewer than 20 guest rooms used for the purposes of offering public lodging on a day-to-day basis.

**INDOOR AMUSEMENTS** Establishments that provide commercial recreation activities completely within an enclosed structure such as video arcades, skating rinks, roller rinks, shooting ranges, bowling alleys, and billiards/pool halls.

**INDOOR THEATER** A specialized theater for showing movies or motion pictures on a projection screen or a stage for live performances. This category also includes cineplexes and megaplexes, complex structures with multiple movie theaters, each theater capable of an independent performance.

**INDUSTRY, HEAVY** A non-residential use that requires a National Pollutant Discharge Elimination System (NPDES) permit for an industrial or stormwater discharge; or that involves the use or storage of any hazardous materials or substances; or that is used for the purpose of manufacturing, assembling, finishing, cleaning, or developing any product or commodity; or that involves the mining or extraction of any minerals, ore, fossil fuels, or other materials from beneath the surface of the earth. Typically the largest facilities in a community, these structures house complex operations, some of which might be continuous (operated 24 hours a day, 7 days a week).

**INDUSTRY, LIGHT** A non-residential use that involves the manufacturing, assembling, finishing, cleaning, or developing any product or commodity. Facilities are typically designed to look and generate impacts like a typical office building, but rely on special power, water, or waste disposal systems for operation. Noise, odor, dust, and glare of each operation are completely confined within an enclosed building, insofar as practical. This includes medical and testing laboratories. This definition also includes facilities for scientific research, and the design, development, and testing of electrical, electronic, magnetic, optical, computer and telecommunications components in advance of product manufacturing, and the assembly of related products from parts produced off-site, where the manufacturing activity is secondary to the research and development activities. Also included are laundry/dry cleaning plants as principal uses engaged primarily in high volume laundry and garment services, including: carpet and upholstery cleaners; diaper services; dry-cleaning and garment pressing; and commercial laundries.

**INTERNET SWEEPSTAKES FACILITIES** Any business enterprise where persons utilize computers, gaming terminals, or other electronic machines to conduct games of chance, including sweepstakes, and where cash, merchandise, or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. This does not include any lottery approved by the State of North Carolina.

**KENNELS, OUTDOOR** A use or structure intended and used for the breeding or accommodation of small domestic animals for sale or for the training or overnight boarding of animals for persons other than the owner of the lot, but not including a veterinary clinic in which the overnight boarding of animals is necessary for or accessory to the testing and medical treatment of the physical disorders of animals.

**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.

**LIGHT MANUFACTURING WORKSHOPS** The assembly, fabrication, production or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building and are visually undifferentiated from an office building or a residentially-scaled garage. These typically involve the work of artisans or craftsman. May also include beer brewing or other similar facilities as part of a microbrewery and other beverage tasting facilities.

**MANUFACTURED HOME PARK** The location of 2 or more manufactured or mobile homes on a parcel of land shall constitute a manufactured home park.

**MANUFACTURED HOUSING** A structure that: (a) consists of a single unit completely assembled at the factory or of multiple principal components totally assembled at the factory and joined together at the site; (b) is designed so that the total structure (or in the case of a double-wide or triple-wide, each component thereof) can be transported on its own chassis; (c) is over 40 feet long and over 10 feet wide; and, (d) is originally designed for human occupancy and provides complete, independent living facilities for one family when connected to required utilities.

**MATERIALS RECOVERY & WASTE TRANSFER FACILITIES** This industry comprises establishments primarily engaged in a) operating facilities for separating and sorting recyclable materials from nonhazardous waste streams (i.e., garbage) and/or b) operating facilities where commingled recyclable materials, such as paper, plastics, used beverage cans, and metals, are sorted into distinct categories.

**MEDICAL CLINIC** Medical service facilities that provide outpatient ambulatory or outpatient health care such as emergency medical clinics; ambulatory surgical centers; dialysis centers; outpatient family planning services; community health centers and clinics; blood and organ banks; and medical services such as physician's and dentist's offices.

**MONOPOLE WIRELESS COMMUNICATIONS TOWER** A wireless communication support structure that consists of a freestanding support structure erected to support wireless communication antennas and connecting appurtenances. This term shall not include any antenna that is under 35 feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only antennas.

**NIGHT CLUB** A business that operates primarily in the evening hours that principally provides entertainment such as staged entertainment, live music, and/or dancing, comedy, etc.

**NURSERIES & GARDEN CENTERS** Industries in the nursery and garden center subsector grow crops mainly for commercial food. The subsector comprises establishments, such as farms, orchards, groves, greenhouses, and nurseries, which are primarily engaged in the commercial production of crops, plants, vines, or trees and their seeds.

**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.

**OUTDOOR AMUSEMENTS** Establishments that provide commercial recreation activities primarily outdoors such as miniature golf establishments; go-cart facilities; theme parks, carnivals, fairgrounds, and midways; paintball parks; and water rides.

**OUTDOOR THEATER** An establishment for the performing arts with open-air seating for audiences.

**OUTSIDE OR DISPLAY SALES** The sale of goods and products outside of a permanent structure that are clearly related to the function contained in that structure. This includes, but is not limited to, landscape materials, lawn and garden supplies, and produce.

**OUTSIDE STORAGE** The storage of any material for a period greater than 48 hours, including items for sale, lease, processing and repair (excluding vehicles for sale) outside the principal or accessory buildings on a property.

**PARKING LOT/STRUCTURE – PRINCIPAL USE** A stand-alone parking lot or structure (deck/garage) that is available for public or private use, but that is not accessory to another use.

**PAWNSHOPS** Premises operated by a pawnbroker who is engaged in the business of lending money on the security of pledged goods and who may also purchase merchandise for resale from dealers and traders. (Subject to NCGS, §91A)

**PERSONAL SERVICES** Cosmetic services such as hair and nail salons, barber shops, clothing alterations, shoe repair, weight loss centers, and non-permanent makeup services. This land use category does not include Adult Establishments.

**PERSONAL SERVICES, RESTRICTED** A personal service establishment that may tend to have a blighting and/or deteriorating effect upon surrounding areas and that may need to be dispersed from other similar uses to minimize its adverse impacts, including check-cashing services, bail bonds, tattooing, piercing, and similar services. These uses may also include accessory retail sales of products related to the services provided. This land use category does not include Adult Establishments.

**PERSONAL WIRELESS FACILITY** See “Wireless Telecommunications Facility.”

**POST OFFICE** Establishments conducting operations of the United States Postal Service including permanent, contract, and lease stations.

**PRODUCE STANDS** A temporary open air stand or place for the seasonal selling of agricultural produce by an individual (excludes Open Air Retail).

**PROFESSIONAL SERVICES** Services provided that make available the knowledge and skills of their employees to sell expertise and perform professional, scientific, and technical services to others such as legal services; accounting, tax, bookkeeping, and payroll services; architectural, engineering, and related services; graphic, industrial, and interior design services; consulting services; research and development services; advertising, media, and photography services; real estate services; investment banking, securities, and brokerages; and insurance-related services.



**PUBLIC SAFETY STATION** Facilities for federal, state, and local law enforcement and fire protection agencies, and their accessory uses including office space, temporary holding cells, equipment and evidence storage facilities, and vehicle garages. This definition is not intended to be inclusive of vehicle impoundment lots or state prison facilities.

**RACETRACK** An outdoor course prepared for horse, dog, automobile, vehicle, or other motorized racing.

**RECREATION FACILITY, INDOOR** Uses or structures for active recreation including gymnasiums, natatoriums, fitness center, athletic equipment, indoor running tracks, climbing facilities, court facilities and their customary accessory uses. This definition is inclusive of both non-profit and for-profit operations.

**RECREATION FACILITY, OUTDOOR** Parks and other open space used for active or passive recreation such as ball fields, batting cages, skateboard parks, playgrounds, greenway trails, driving ranges, tennis courts, riding stables, campgrounds, golf courses, and their customary accessory uses including, but not limited to, maintenance sheds, clubhouses (with or without food service), pools, restrooms, and picnic shelters. This definition is inclusive of both non-profit and for-profit operations.

**RECYCLING COLLECTION STATIONS** A center for the acceptance by donation, redemption, or purchase of recyclable materials from the public.

**RELIGIOUS INSTITUTION** 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.

**RESIDENTIAL CARE FACILITIES** A staffed premises (not a single-family dwelling) with paid or volunteer staff that provides full-time care to more than 6 individuals. Residential care facilities include group homes (NCGS §131D), nursing homes (NCGS § 131E-101), residential child-care facilities (NCGS § 131D-10.2), assisted living residences (NCGS § 131D-2.1), adult care homes (NCGS §131D-2.1), retirement housing, congregate living services, assisted living services, continuing care retirement centers, skilled nursing services, orphanages, and similar uses. This term excludes family care homes and halfway houses.

**RESTAURANT** A retail business selling ready-to-eat food and/or beverages for on or off-premise consumption. Customers may be served from an ordering counter (i.e. cafeteria or limited service restaurant); at their tables (full-service restaurant); and, at exclusively pedestrian-oriented facilities that serve from a walk-up ordering counter (snack and/or nonalcoholic bars). To qualify as a restaurant, an establishment's gross receipts from food and nonalcoholic beverages shall be not less than 30% of the total gross receipts from food, nonalcoholic beverages, and alcoholic beverages.

**RIDING STABLES** An establishment where horses are boarded and cared for, and where instruction in riding, jumping, and showing and/or the hiring of horses for riding is offered.



**SCHOOLS – ELEMENTARY & SECONDARY** A public or private institution for education or learning including athletic or recreational facilities, which does not include lodging. This institution includes any school licensed by the state and that meets the state requirements for elementary and secondary education.

**SCHOOLS – VOCATIONAL/TECHNICAL** A public or private institution for education or learning including athletic or recreational facilities, which does not include lodging. These schools offer vocational and technical training in a variety of technical subjects and trades. Training may lead to job-specific certification.

**SHOOTING RANGE, INDOOR** An indoor commercial establishment designated or operated primarily designed for the purpose of providing a place for the discharge of various firearms or the practice of archery. Does not include incidental target practice areas on private property not intended for commercial use.

**SHOOTING RANGE, OUTDOOR** A permanently located and improved area that is designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting in an outdoor environment. Shooting range exclude any area for the exclusive use of archery or air guns or enclosed indoor facility that is designed to offer a totally controlled shooting environment and that includes impenetrable walls, floor and ceiling, adequate ventilation, lighting systems, and acoustical treatment for sound attenuation suitable for the range's approved use.

**SHORT-TERM VACATION RENTAL** A dwelling unit (single-family, multi-family, duplex, or townhome) that is used and/or advertised through an online platform or other media for transient occupancy for a period of less than one month.

**SMALL EQUIPMENT REPAIR/RENTAL** The repair and/or rental of small equipment as a primary use including televisions, computers, cleaning equipment, vacuum cleaners, and other equipment that can be transported by automobile, small truck, or van.

**SPORTS ARENA/STADIUM** A structure that is open or enclosed and used for games, concerts, and major events and is partly or completely surrounded by tiers of seats for spectators.

**STORAGE-OUTDOOR STORAGE YARD** The storage of various materials outside of a structure, as a principal use. This includes salvage yards used for the storage and/or collection of any type of equipment.

**STORAGE – SELF-SERVICE** A building containing separate enclosed storage spaces of varying sizes leased or rented on an individual basis.

**WAREHOUSE / INDOOR STORAGE** Facilities for the storage of furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include warehouse, storage, or mini-storage facilities offered for rent or lease to the general public; warehouse facilities primarily used for wholesaling and distribution; or terminal facilities for handling freight.

**STUDIO – ART, DANCE, MARTIAL ARTS, MUSIC** Small facilities for individual and group instruction and training in the arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; martial arts training studios; gymnastics, yoga, and similar instruction; and aerobics and gymnastics studios with no other fitness facilities or equipment.

**SWINE FARMS** A tract of land devoted to raising 250 or more animals of the porcine species.

**TEMPORARY DEPENDENT CARE RESIDENCES** A manufactured home located in the rear yard of a permanent residential structure that is used as a residence for dependents or the elderly in need of medical care and supervision.

**TEMPORARY REAL ESTATE OFFICE** A construction trailer, temporary modular unit, or model dwelling unit used as a real estate sales office in a new residential development.

**TEMPORARY RECREATIONAL VEHICLE** A recreational vehicle that is temporarily located on a residential lot, and used as a residence, while the primary residential structure on the same lot is being constructed or repaired.

**TEMPORARY RELOCATION MOBILE HOMES** Temporary mobile homes used to house residents who have been displaced due to a natural or manmade disaster.

**TEMPORARY USE** 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.

**UPPER-STORY RESIDENTIAL** A dwelling unit for sale, rent, or lease located above a non-residential use.

**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; or 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 telephone 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 telephone, 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.

**VEHICLE RENTAL/LEASING/SALES** Establishments which may have showrooms or open lots for selling, renting, or leasing automobiles, light trucks, motorcycles, and ATVs.

**VEHICLE RENTAL/LEASING – MOVING TRUCKS** Establishments exclusively for renting or leasing trucks, vans, and trailers for moving furniture and other goods.

**VEHICLE SERVICES – MAJOR REPAIR/BODY WORK** The repair, servicing, alteration, restoration, towing, painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats, large appliances, commercial and industrial equipment, and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This includes major repair and body work which encompasses towing, collision repair, other body work and painting services, and tire recapping.

**VEHICLE SERVICES – MINOR MAINTENANCE/REPAIR** The repair, servicing, alteration, restoration, towing, painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats, and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. Minor facilities providing limited repair and maintenance services. Examples include: car washes (attended and self-service); car stereo and alarm system installers; detailing services; muffler and radiator shops; quick-lube services; tire and battery sales and installation (not including recapping).

**VETERINARY SERVICES** Establishments that include services by licensed practitioners of veterinary medicine, dentistry, or surgery for animals; boarding services for pets; and grooming.

**WHOLESALE AND DISTRIBUTION** Establishments engaged in selling merchandise to retailers; to contractors, industrial, commercial, institutional, farm or professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for, or selling merchandise to, such persons or companies. This does not include selling to the public. Examples of these establishments include:

- Agents, merchandise or commodity brokers, and commission merchants;
- Assemblers, buyers and associations engaged in the cooperative marketing of farm products;
- Merchant wholesalers;
- Stores primarily selling electrical, plumbing, heating, and air conditioning supplies and equipment.

**WIRELESS TELECOMMUNICATIONS FACILITY (WTF)** A structure, facility, or location designed, or intended to be used as, or used to support antennas or other transmitting or receiving devices. This includes without limit, towers of all types, kinds, and structures, including, but not limited to buildings, church steeples, silos, water towers, signs, or other structures that can be used as a support structure for antennas or the functional equivalent of such. It further includes all related facilities and equipment, including but not limited to cabling, equipment shelters, and other structures associated with the site. It is a structure and facility intended for transmitting and/or receiving any form or type of wireless communications or service, including but not limited to commercial radio, television, cellular, SMR, paging, 911, Personal Communications Services (PCS), commercial satellite services, microwave services, and any commercial wireless telecommunication service not licensed by the FCC.

**WIRELESS TELECOMMUNICATIONS FACILITY (NON-TOWER)** A Wireless Telecommunication Facility not located on a structure designed primarily to support an antenna for receiving and/or transmitting a wireless signal.

## 17.4 GENERAL DEFINITIONS

**Any definitions which are not included or are in conflict with the North Carolina General Statutes or North Carolina Building Code shall default to those standards.**

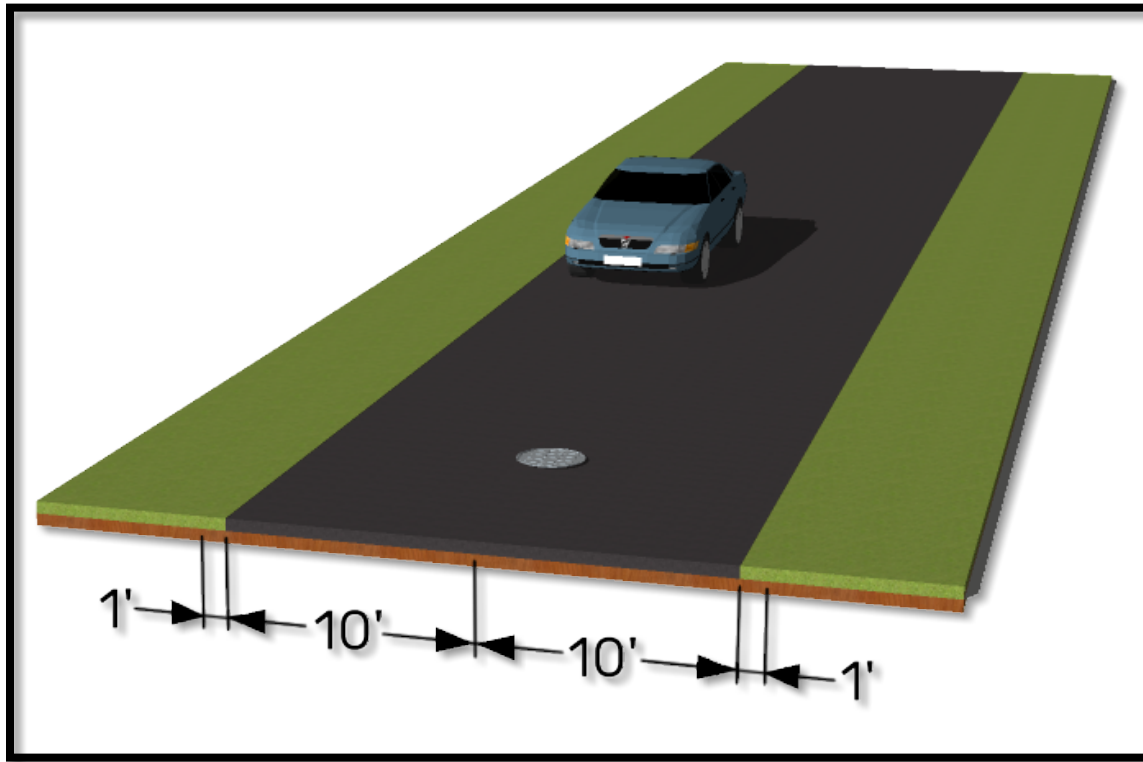
**ACCESSORY DWELLING UNIT** A dwelling that exists on the same lot with the principal use or structure as the principal dwelling and is subordinate to the principal building or use.

**ACCESSORY STRUCTURE OR USE** A use or structure that exists as part of a principal dwelling or on the same lot as the principal dwelling and is subordinate to the principal dwelling.

**ACTIVE CONSTRUCTION** Activities that contribute directly to the building of facilities, including land-disturbing activities for roads, parking lots, building footings, etc.

**ADMINISTRATOR** For the purposes of this Ordinance, the Planning Director, Public Works Director, Engineering Director, Town Manager, and their subordinate staffs are collectively referred to as the Administrator.

**ALLEY** A minor right-of-way privately or publicly owned, primarily intended to provide access to service areas or garages.



Alley Street Type Specifications	
Right-of-Way or Easement Width	22 feet
Lane Widths	10 feet – inverted crown
Parking Lanes	None permitted
Sidewalks	N/A
Curb Type	None
Landscaping	None
Bicycle Facilities	None
Maximum Length	400 feet unless approved by the Administrator

**AMENITY** Open space within a development that has been improved with recreation areas and / or other facilities such as athletic fields or courts, swimming pools, greenways or pedestrian trails, clubhouses, etc.

**ANTENNA** A system of electrical conductors that transmit or receive electromagnetic waves, radio frequency, or other wireless signals.

**AWNING** A structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted from a building to a flat position against the building. This definition does not include any appurtenance meeting the definition of a “canopy.”

**AWNING / CANOPY SIGN** A sign integrated into a traditional storefront awning that projects over a sidewalk from the building façade.

**BASE FLOOD** The flood having a 1% chance of being equaled or exceeded in any given year based on current hydrologic conditions.

**BASE FLOOD ELEVATION (BFE)** A determination of the water surface elevations of the base flood based on current conditions as published in the Flood Insurance Study. When a BFE is not 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.

**BASEMENT** Any area of a building having its floor subgrade (below ground level) on all sides.

**BERM** An earthen mound designed to provide visual interest, screen undesirable views, and / or decrease noise.

**BEST MANAGEMENT PRACTICES (BMP)** Structural facilities designed to reduce the quantities of pollutants washed by rain and snow melt into nearby waters.

**BONA FIDE FARM** Includes the production and activities relating to or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture as defined by NCGS.



**BUFFER** A combination of physical space and vertical elements, such as plantings and / or fencing, used to separate and screen incompatible land uses.

**BUFFERYARD** The area of required buffer in which plantings and other screening elements are required.

**BUILDING** A temporary or permanent structure having a roof supported by exterior walls or constructed columns and which can be used as a residence, business, industry, or other public or private purposes or accessory hereto. The term “building” shall be construed as if followed by the words “or parts thereof.”

**BUILDING HEIGHT:** The vertical distance from the mean elevation of the finished grade along the front of the building, or from the established grade where the building is within 10 feet of the street line, to the highest point of a flat roof, the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.

**CANOPY** A permanent structure other than an awning made of cloth, metal, or other material attached or unattached to a building for the purposes of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure.

**CANTILEVERED GROUND SIGN** A sign supported by an upright post.

**CARRIER OR WIRELESS CARRIER** An entity licensed by the FCC to provide personal wireless service.

**CHANGE OF USE** Any alteration in the use of a lot or structure which, in the determination of the Administrator, changes the primary use on such lot or property from one use in the Permitted Use Table to another use type.

**CO-LOCATION** The use of an approved telecommunications structure to support antenna for the provision of wireless services.

**COMPLEX** With regards to a wireless telecommunications facility, the entire permitted site or facility, including all structures and equipment located on the site.

**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.

**CORNER LOT** A lot which abuts the right-of-way of two streets at their intersection.

**DEDICATION** A gift or a right to use land for a specified purpose or purposes. Because a transfer of property rights is involved, dedication must be made by written instrument and is completed with an acceptance.

**DENSITY** The gross acreage of a parcel divided by the number of residential dwelling units to be developed thereon.

**DEVELOPMENT** With regards to the flood damage prevention ordinance, 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.

**DIAMETER AT BREAST HEIGHT (DBH)** Standard measure of a tree trunk size, measure at 4 ½ feet above ground level. If a tree splits into multiple trunks below 4 ½ feet, then the trunk is measure at its most narrow point before the split.

**DIRECTIONAL OR IDENTIFICATION SIGNS** Public purpose signs designed to identify parking areas, control traffic, and provide guidance to special areas and to announce one's arrival into a community. These signs are solely for the purpose of navigation and shall not contain commercial messages.

**DISCHARGE POINT** The point at which stormwater runoff leaves a tract of land.

**DISPOSAL** For the purpose of the flood damage prevention ordinance, As defined in NCGS 130A-290(a)(6), 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.

**DISTRIBUTIVE ANTENNA SYSTEM** A technology using antenna combining technology allowing for multiple carriers or wireless service providers to use the same set of antennas, cabling, or fiber optics.

**DRAINAGE EASEMENT** A 20' wide minimum strip of land reserved for conveyance of stormwater required when the total drainage area exceeds 4 lots or 4 acres, whichever is less, generally located along rear or side lot lines, but may cross lots at such points that will not pose a hazard to persons or property.

**DRAINAGEWAY** A natural or artificial stream or depression that conveys surface water.

**DRIVEWAY** The portion of a vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.

**DWELLING** Any building, structure, manufactured home, or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith, unless used solely for a seasonal vacation purpose.

**EASEMENT** A grant of one or more of the property rights by the property owner for limited use of private land for a public or quasi-public purpose and within which the owner of the property shall not erect any permanent structures except when authorized by the town.

**ELECTRONIC MESSAGE BOARD** An electronically generated changeable copy message within a sign frame which does not incorporate any mechanical movement of the sign itself.

**ELEVATED BUILDING** For the purposes of the flood damage prevention ordinance, A non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns

**ELIGIBLE FACILITY** An existing wireless tower or base station that involves collocation of new transmission equipment or the replacement of transmission equipment that does not constitute a Substantial Modification.

**ENCROACHMENT** For the purposes of the flood damage prevention ordinance, the advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

**EROSION** The wearing away of land surface by the action of the wind, water, gravity, or any combination thereof.

**EXISTING DEVELOPMENT** Projects that are built or have a vested right in accordance with the provisions of this Ordinance.

**FACILITY** A set of wireless transmitting and/or receiving equipment, including any associated electronics and electronics shelter or cabinet and generator.

**FINISHED GRADE** The grade after construction, exclusive of any filling, berming, mounting, or excavating.

**FINISHED (HABITABLE) AREA** For the purposes of the flood damage prevention ordinance, an enclosed area having more than 20 linear feet of finished interior walls (paneling, etc.) or used for any purpose other than solely for parking of vehicles, building access, or storage.



**FLAG LOT** An irregularly shaped lot where the buildable portion of the lot is connected to its street frontage by an arm of the lot that is less than 50% of the presumptive minimum required lot width.

**FLOOD / FLOODING** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; and/or the unusual and rapid accumulation of runoff of surface waters from any source.

**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 the Special Flood Hazard Areas, the Future Conditions Flood Hazard Areas, and the risk premium zones applicable to the community are delineated.

**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.

**FLOODPLAIN / FLOOD PRONE AREA** Any land area susceptible to being inundated by water from any source.

**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** Any ordinances, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This 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.

**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.

**FREEBOARD** The height added to the Base Flood Elevation (BFE) or the Future Conditions Flood Elevation 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, bridge openings, and the hydrological effect of urbanization on the watershed. The Base Flood Elevation plus the freeboard establishes the “Regulatory Flood Protection Elevation”.

**FRONTAGE** The dimension of a property or portion of a property that is adjacent to a public or private street or required park space.

**FRONTAGE BUILDOUT** The percentage of the lot frontage that is occupied by a structure.

**GREENWAY** A linear natural preserve available for free and unstructured recreation to the general public. This term is not meant to be inclusive of required pedestrian/bicycle connections from adjacent development to greenways.

**GROUND COVER** Any natural vegetative growth or other material that renders the soil surface stable against accelerated erosion.

**GROUND SIGN** A freestanding sign attached to a contiguous structural base or planter box, which base or box shall be of the same width or greater than the message portion of the sign, and is permanently affixed to the ground. Ground signs do not include freestanding signs supported by poles.

**HAZARDOUS WASTE FACILITY** As defined in NCGS Article 9 of Chapter 130A, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

**HIGHEST ADJACENT GRADE** The highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

**INFILL LOT** New development that is sited on a vacant or undeveloped lot within an existing community and that is surrounded by existing development.

**JOINT PARKING** The joint use of required parking spaces between multiple uses whose parking demands occur at different times and / or days.

**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-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.

**LANDSCAPE PLAN** 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.

**LARGE SHADE TREE** Large-growing, shade producing trees with an expected mature height of 40 feet or greater and an expected mature crown spread of 30 feet or greater.

**LOT** A parcel of land having frontage on a public street or other officially approved means of access.

**LOT FRONTAGE** The lot width measured at the street right-of-way line from which the lot obtains access.

**LOWEST ADJACENT GRADE** 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 this ordinance.

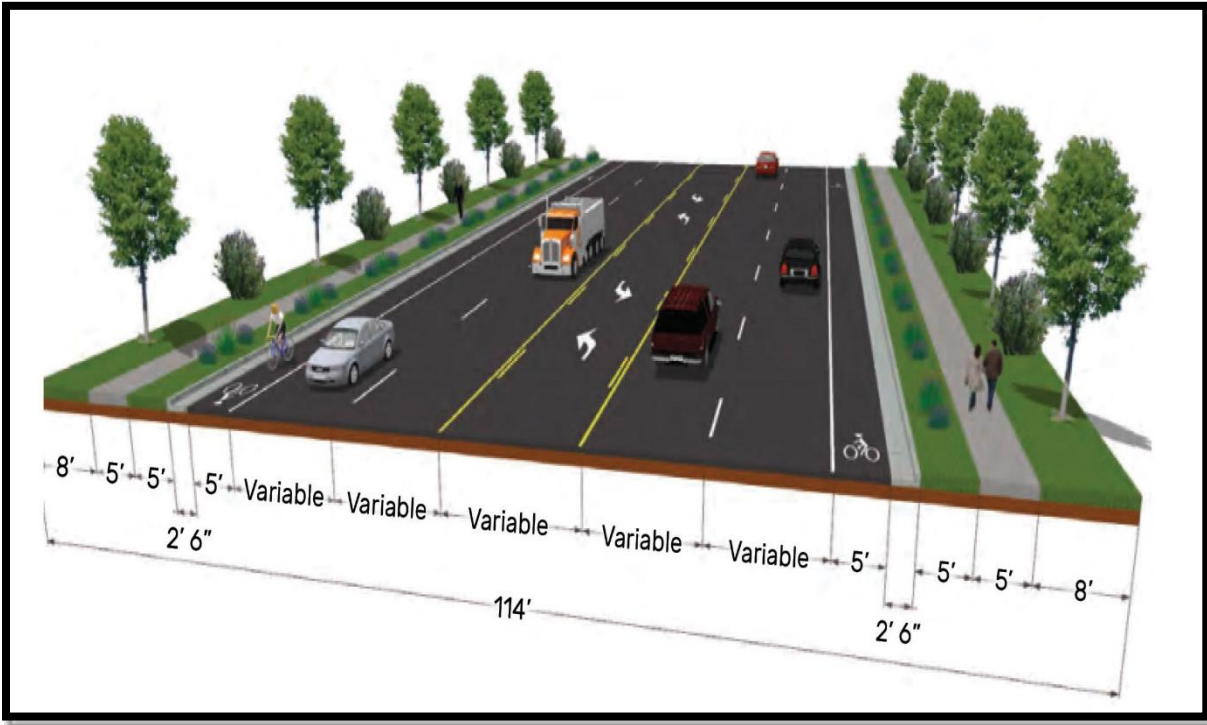
**LOT WIDTH** The width of a lot along a public or private street measured as the street setback.

**MAJOR SUBDIVISION** Any subdivision of land into more than 5 lots, or which requires the dedication of public utilities and/or public streets.

**MARQUEE SIGNS** A three dimensional sign projecting from a building which may extend above the roof line and/or incorporate changeable type or lettering.

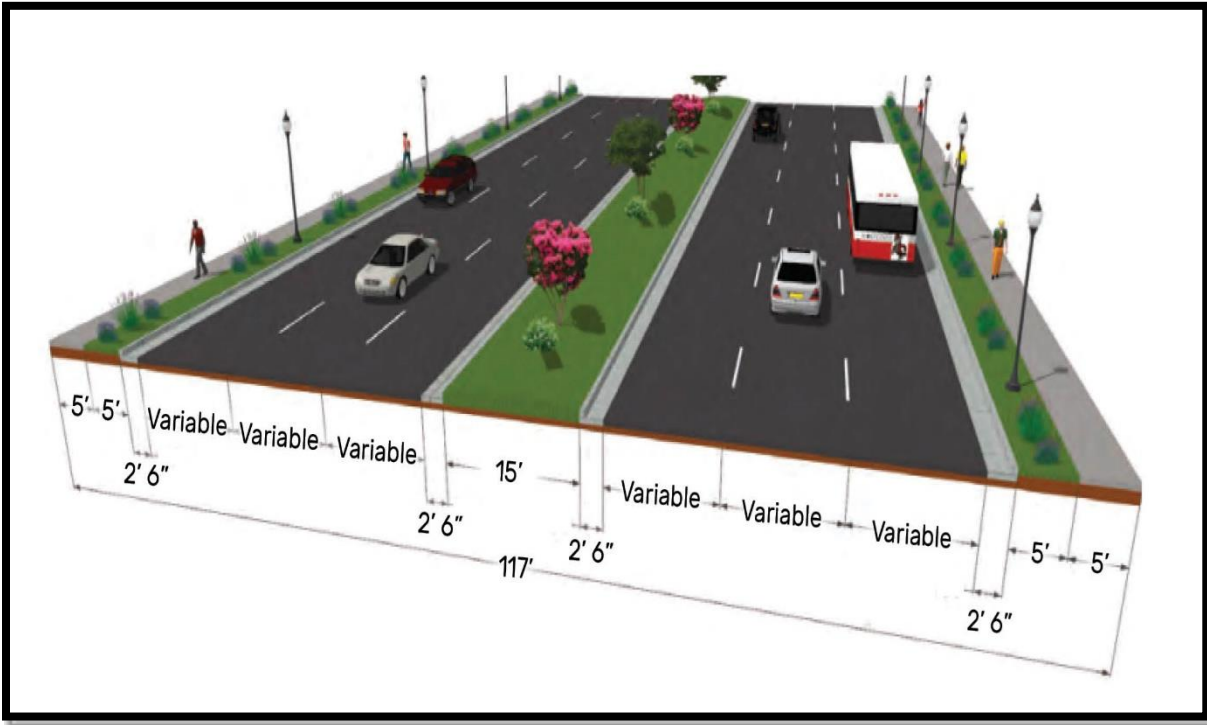
**MECHANICAL UTILITY** Any piece of machinery or equipment with moving parts, generates noise, or causes any kind of environmental disturbance or creates emission of any kind, including air movement. Said machinery or equipment is generally functional or utilitarian in nature.

## MAJOR 5-LANE THOROUGHFARE



5-Lane Thoroughfare Street Type Specifications	
Right-of-Way Width	114 feet
Lane Widths	12-14 feet
Design Speed	35-45 mph
Traffic Lanes	4 travel lanes with a center-turn lane
Parking Lanes	N/A
Sidewalks	5' sidewalk on both sides of street
Planter Type	8' continuous planting strip
Curb Type	Vertical curb
Landscaping	1 canopy tree per 50 feet of street frontage (See Chapter 8)
Bicycle Facilities	Striped 5' bike lane
Anticipated Average Daily Traffic	15,000 to 30,000 trips

### MAJOR THOROUGHFARE (DIVIDED)

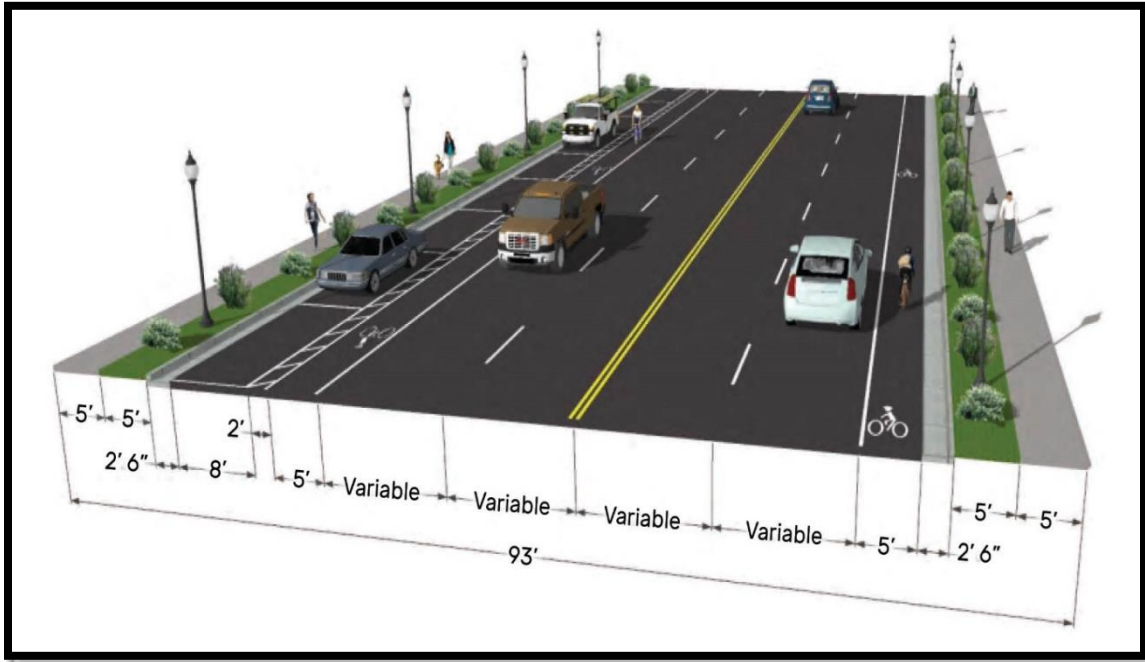


6-Lane Thoroughfare, Divided Street Type Specifications	
Right-of-Way Width	117 feet
Lane Widths	12 feet
Design Speed	45 mph
Traffic Lanes	6 lanes
Parking Lanes	N/A
Sidewalks	5' sidewalk on both sides of street
Planter Type	5' continuous planting strip
Curb Type	Vertical curb
Landscaping	1 canopy tree per 50 feet of street frontage (See Chapter 8)
Bicycle Facilities	N/A
Median	15 feet
Anticipated Average Daily Traffic	25,000 to 55,000 trips

**MINOR MODIFICATIONS** Administrator can make minor modifications to approved projects, such as lot configuration, parking design, building location, and similar but must not include use or density. Modifications would not significantly change the use, intensity, or design of the development, would be consistent with the purposes and goals of the agreement, would comply with this Ordinance, and would not adversely affect the public health, safety, or general welfare

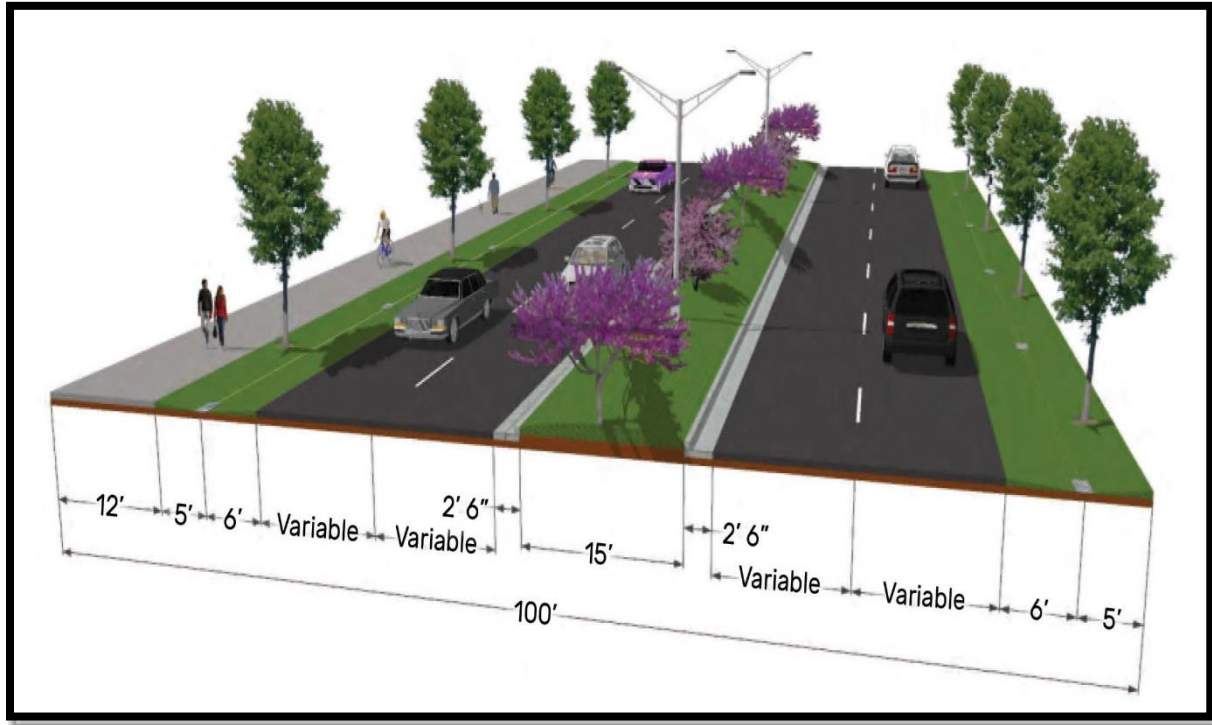
**MINOR SUBDIVISION** Any subdivision of land into 5 or fewer lots which does not require the dedication of public utilities and/or public streets.

#### 4-LANE SUBURBAN THOROUGHFARE



4-Lane Suburban Thoroughfare Street Type Specifications	
Right-of-Way Width	93 feet
Lane Widths	12 feet
Design Speed	35-45 mph
Traffic Lanes	4 lanes
Parking Lanes	One side, 8' wide – marked
Sidewalks	5' sidewalk on both sides of street
Planter Type	5' continuous planting strip
Curb Type	Vertical curb
Landscaping	1 canopy tree per 50 feet of street frontage (See Chapter 8)
Bicycle Facilities	Striped 5' bike lane
Anticipated Average Daily Traffic	15,000 to 30,000 trips

#### 4-LANE THOROUGHFARE, DIVIDED



4-Lane Suburban Thoroughfare, Divided Street Type Specifications	
Right-of-Way Width	100 feet
Lane Widths	10-12 feet
Design Speed	35-45 mph
Traffic Lanes	4 lanes
Parking Lanes	N/A
Sidewalks	12' multi-use path on one side
Planter Type	5' continuous planting strip
Curb Type	Vertical curb
Landscaping	1 canopy tree per 50 feet of street frontage (See Chapter 8)
Median	15 feet
Anticipated Average Daily Traffic	15,000 to 30,000 trips

**NCGS** The North Carolina General Statutes and all rules and orders adopted pursuant to them.

**NONCONFORMING SIGN** A sign legally established prior to the effective date of this ordinance or subsequent amendment thereto, that does not conform to the sign regulations found herein.

**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.

**OFFICIAL MAPS OR PLANS** Any maps or plans officially adopted by the Wingate Board of Commissioners as a guide to the development of the Town of Wingate.



**OPEN SPACE** Those areas set aside and protected from development which may be left in a generally unimproved state. Includes, but is not limited to, sensitive environmental areas such as wetlands, floodplains, and stream buffers. No lands occupied by streets, street rights-of-way, or off-street parking shall be included in areas designated as open space.

**OWNER** 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.

**PARALLEL CONDITIONAL ZONING** Conditional Zoning District in which the potential permitted use or uses are, except as limited by the conditions imposed on the district, of the same character or type as the use or uses permitted in a general district having a parallel designation or name.

**PARK SPACE** Open space that is developed and/or designed for active recreation uses. Park space may include amenity facilities, playgrounds, tot lots, and similar uses.

**PARKING AREA AISLES** The portion of a vehicle accommodation area consisting of travel lanes to provide access to parking spaces.

**PARKING BAY** A parking module consisting of one or more sets of one or two rows of parking spaces and the aisle from which motor vehicles enter and leave.

**PARKING SPACE** A portion of the vehicle accommodation area set for the parking of one vehicle.

**PE** Professional Engineer License.

**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 article, the SPCA Act, or any order adopted pursuant to these regulations or the SPCA Act.

**PLAT** A map or plan of a parcel of land which is to be or has been subdivided.

**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 for the area.



**PRE-FIRM** Construction or other development for which the “start of construction” occurred before the effective date of the initial Flood Insurance Rate Map for the area.

**PRINCIPAL BUILDING OR USE** The building, structure, or land that contains the primary function or activity on a lot.

**PRIVATE DRIVEWAY** A roadway serving 2 or fewer lots, building sites or other divisions of land and not intended to be used for public ingress or egress.

**PROJECTING SIGNS** A projecting sign is a sign attached to and supported by a building and extending beyond the building to which it is attached.

**PROTECTIVE COVER** Natural or artificial ground cover of grass, trees, shrubs, or mulch sufficient to reduce erosion potential.

**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.

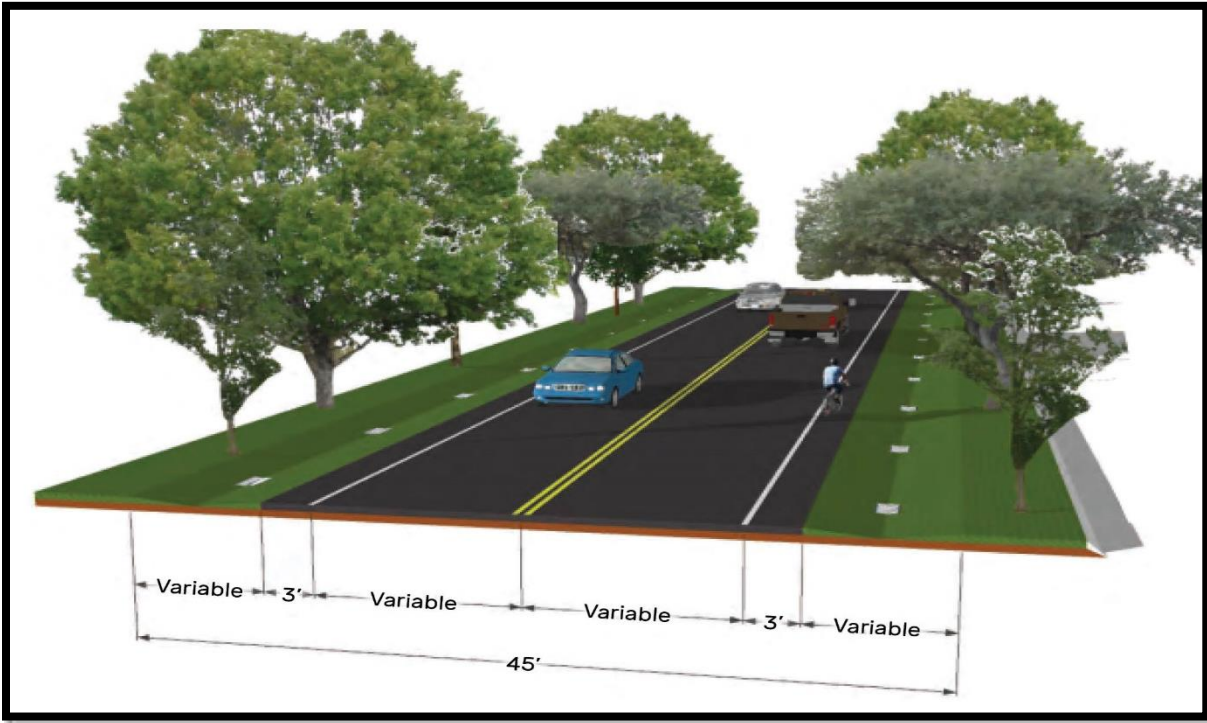
**PUBLIC OR COMMUNITY WATER SUPPLY SYSTEM** A system serving 10 or more residences or businesses or combination of residences and businesses, including municipal and sanitary district water systems as well as water systems designed to serve particular subdivisions at full development constructed to specifications approved by the Division of Health Services, North Carolina Department of Human Resources.

**REAR SETBACK** The rear setback is measured from the point on the rear property line of the parcel nearest a principal or accessory structure, establishing a setback line parallel to the rear property line that extends between the side property lines.

**RECREATION / PARK SPACE** Those areas within a development that are programmed for use by groups or individuals. Structures or facilities are not required to qualify as park space, but the land must be improved so as useable by humans. Sensitive environmental areas do not qualify as park space.

**REDEVELOPMENT** 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.

## RURAL 2-LANE STREET



Rural 2-Lane Street Type Specifications	
Right-of-Way Width	46 feet
Lane Widths	Variable
Design Speed	35-45 mph
Traffic Lanes	2 lanes
Parking Lanes	N/A
Sidewalks	N/A
Planter Type	N/A
Curb Type	Swale or vertical curb <sup>1</sup>
Landscaping	N/A
Bicycle Facilities	Striped 3' bike lane
Anticipated Average Daily Traffic	2,500 to 15,000 trips

**SATELLITE PARKING** A parking facility located on a separate lot from the principal use it is intended to serve.

**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.

**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.

**SEEDING** Seed, straw and tack, hydroseed, sod, or other approved seeding method.

**SEDIMENT POLLUTION CONTROL ACT (SPCA ACT)** North Carolina Sediment Pollution Control Act of 1973 and all rules and orders adopted pursuant to it.

**SETBACK (MINIMUM)** A line parallel to the front property line in front of which no structure shall be erected. Setbacks shall be figured from the right-of-way line.

**SIDE SETBACK** The side setback is an open, unoccupied space on same lot with a main building situated between the side line of the building and adjacent side line of the lot and extending from the rear line of the front yard to the rear yard. Any yard that is not a rear or front yard shall be deemed a side yard.

**SIGHT TRIANGLE / SIGHT DISTANCE TRIANGLE** The triangular area formed by a diagonal line connecting two points on intersecting property lines (or a property line and the curb or a driveway), each point being 15 feet and 75 feet from the point of intersection.

**SIGN** Any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

**SILTATION** Sediment resulting from accelerated erosion which can be settled or removed by properly designed, constructed, and maintained control measures; and which has been transported from its point of origin within the site of a land-disturbing activity; and which has been deposited, or is in suspension in water.

**SMALL TREE** Small-growing trees with an expected mature height of 20-40 feet.

**SPECIAL USE PERMIT** Permit used to authorize development or land uses in a particular zoning district upon approval following quasi-judicial review. Includes permits previously referred to as conditional use permits.

**SOLID WASTE DISPOSAL FACILITY** As defined in NCGS §130A-290(a) (35), any facility involved in the disposal of solid waste.

**SOLID WASTE DISPOSAL SITE** As defined in §NCGS 130A-290(a) (36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

**SPECIAL FLOOD HAZARD AREA (SFHA)** The land in the floodplain subject to a 0.2% or greater chance of being flooded in any given year based on current conditions hydrology.

**START OF CONSTRUCTION** Includes substantial improvement, and means 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.

**STEALTH OR STEALTH DESIGN** A design or treatment such as a Distributed Antenna System or its equivalent that minimizes adverse aesthetic and visual impacts on the land, property and buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such Wireless Telecommunications Facilities, which shall mean using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances.

**STABILIZATION** The process of restoring a site with ground cover or armor to resist soil erosion from the forces of air, wind, or water.

**STEALTH OR STEALTH TECHNOLOGY** A design or treatment that minimizes adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such Wireless Telecommunications Facilities, which shall mean building the least visually and physically intrusive facility and Complex that is not technologically or commercially impracticable under the facts and circumstances. Stealth technology includes such techniques as DAS or its functional equivalent or camouflage where the Tower is disguised to make it less visually obtrusive and not recognizable to the average person as a Wireless Facility or Complex.

**STOP WORK ORDER** A written order to stop work, issued by the Administrator, upon determining that work is being conducted in violation of this ordinance.

**STOREFRONT WINDOW SYSTEM** An architectural wall assembly of large glass panes formed in relatively thin metal members and typically used at the ground floor of commercial buildings.

**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.

**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.

**STREET** A dedicated and accepted public right-of-way, or privately-maintained access, for vehicular traffic that conforms to any of the street classifications contained within this Ordinance or other adopted plans and policies of the Town of Wingate.

**STREET SETBACK** A setback measured across the full width of the lot, extending from the front line of the nearest building on the lot to the front line of the lot.

**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.

**STRUCTURED PARKING** A covered structure or portion of a covered structure that provides parking areas for motor vehicles. Parking on top of a structure, where there is gross building area below the parking, is also considered structured parking.

**STRUCTURAL CAPABILITY OR “STRUCTURAL CAPACITY”** With regards to wireless telecommunications facilities, anything to the contrary in any other standard, code, regulation or law, up to and not exceeding a literal 100% of the designed loading and stress capability of the support structure.

**STRUCTURAL BMP** 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 systems,” and similar terms used in this ordinance.

**SUBDIVIDER** Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

**SUBDIVISION** All divisions of a tract or parcel of land into 2 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 dedications of a new street or a change in existing streets.

**SUBSIDIARY** An affiliate that is, directly or indirectly, through one or more intermediaries, controlled by another person.

**SUBSTANTIAL DAMAGE** As used in the flood damage prevention ordinance, damage of any origin sustained by a structure during any 1-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred. See definition of “substantial improvement”. Substantial damage also means flood-related damage sustained by a structure on 2 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% of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT** As used in the flood damage prevention ordinance, any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any 1-year period for which the cost equals or exceeds 50% 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:

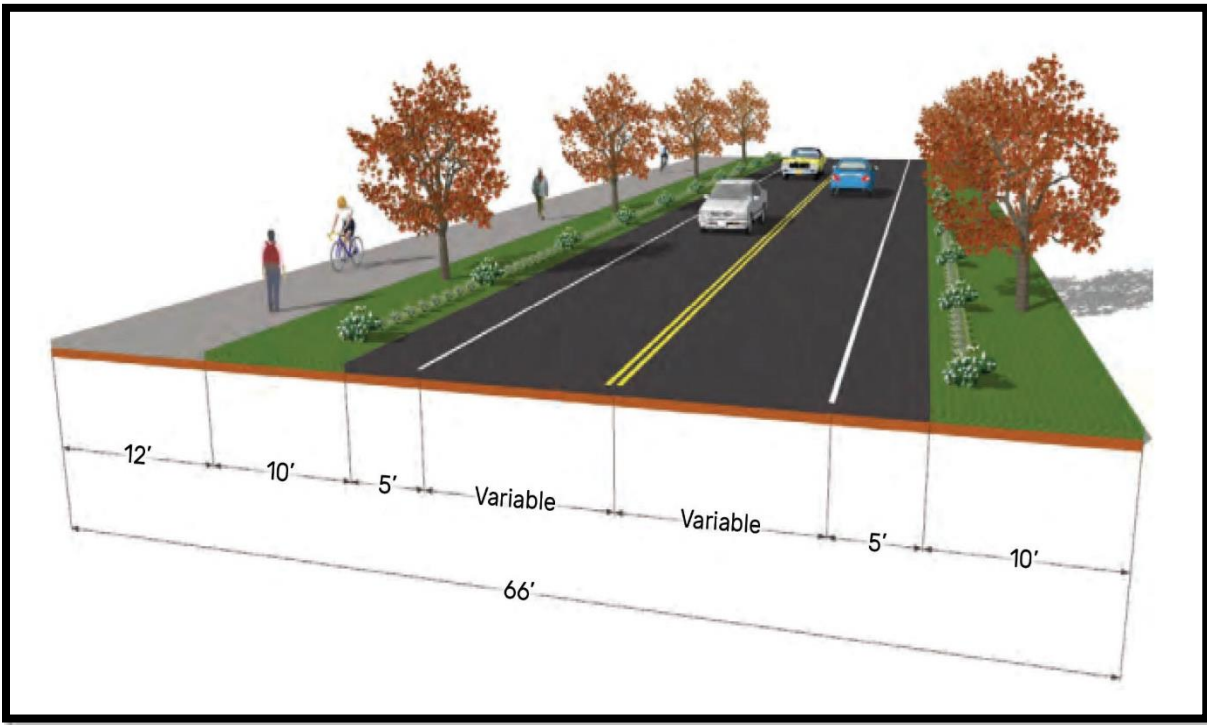
- Any correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or,
- Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

**SUBSTANTIAL MODIFICATION** As it relates to wireless telecommunications facilities, a change or Modification that increases the existing vertical height of the structure by the greater of (a) more than ten percent (10%) or (b) the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet; or (a) except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable, adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure the greater of (i) more than 20 feet or (ii) more than the width of the wireless support structure at the level of the appurtenance; or (b) increases the square footage of the existing equipment compound by more than 2,500 square feet.

**SUBSTANTIAL PROGRESS** For the purposes of determining whether sufficient progress has been made on an approved plan, one or more of the following construction activities toward the completion of a site or subdivision plan shall occur: obtaining a grading permit and conducting grading activity on a continuous basis and not discontinued for more than 30 days; or installation and approval of on-site infrastructure; or obtaining a building permit for the construction and approval of a building foundation. “Substantial progress” for purposes of determining whether an approved plan is null and void is not necessarily the same as “substantial expenditures” used for determining vested rights pursuant to applicable law.



### SUBURBAN 2-LANE STREET



Suburban 2-Lane Street Type Specifications	
Right-of-Way Width	66 feet
Lane Widths	10-12 feet
Design Speed	25-35 mph
Traffic Lanes	2 lanes
Parking Lanes	N/A
Sidewalks	12' multi-use path on one side
Planter Type	10' continuous planting strip
Curb Type	Swale or vertical curb <sup>1</sup>
Landscaping	N/A
Bicycle Facilities	Striped 5' bike lane
Anticipated Average Daily Traffic	2,500 to 15,000 trips

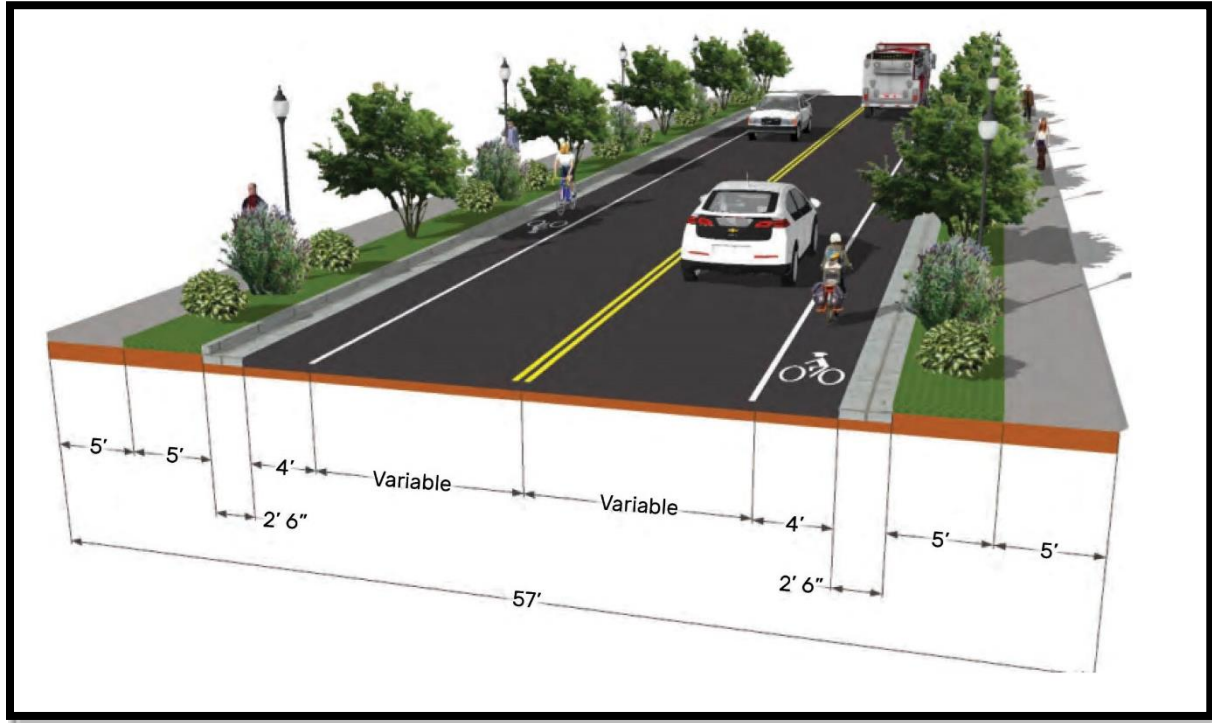
**TELECOMMUNICATIONS** The transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.

**TELECOMMUNICATIONS STRUCTURE OR SUPPORT STRUCTURE** A structure used in the provision of services described in the definition of Wireless Telecommunications Facilities to physically support antennas and other equipment necessary for the provision of wireless service.

**TEMPORARY SIGNS** Portable signs used to announce or advertise specific events which have a definite beginning and end date/time.

**TOWER** Any structure designed primarily to support an antenna for receiving and/or transmitting a wireless signal.

#### URBAN 2-LANE STREET



Urban 2-Lane Street Type Specifications	
Right-of-Way Width	57 feet
Lane Widths	10-12 feet
Design Speed	25 mph
Traffic Lanes	2 lanes
Parking Lanes	N/A
Sidewalks	5' sidewalk on both sides of street
Planter Type	5' continuous planting strip
Curb Type	Vertical curb
Landscaping	Type C Buffer (See Chapter 8)
Anticipated Average Daily Traffic	Up to 1,000 trips

**TRACT** All contiguous land and bodies of water being disturbed or to be disturbed as a unit, regardless of ownership.

**VEHICLE ACCOMODATION AREA** The portion of a lot that is used by vehicles for access, circulation, parking, loading, and unloading. It comprises the total of circulation areas, loading and unloading areas, and parking spaces and aisles. In the vernacular, this area is typically referred to as a “parking lot.”

**WALL SIGNS** A sign attached to or painted on a wall or building, with the exposed display surface of the sign in a plane parallel to the plane of the wall to which it is attached or painted, and including signs affixed to or otherwise displayed on or through a façade window.



**WATER SURFACE ELEVATION (WSE)** The height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

**WATERCOURSE** A lake, river, creek, stream 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.

**WATERCOURSE BUFFER ZONE** The strip of land adjacent to a lake, river, creek, stream.

**WETLANDS** 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.